

National Accommodation Strategy for Sex Offenders in Scotland

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1. ABOUT THIS STRATEGY

1.1 Who the strategy is for

This strategy is aimed at Responsible Authorities, local authorities, Registered Social Landlords (as duty to co-operate agencies in managing housing for sex offenders), Police Scotland, the Scottish Prison Service, Health Boards as Responsible Authorities, and housing professionals in the social rented sector involved in allocating and managing tenancies. It provides practical guidance for those involved in the housing of registered sex offenders.

1.2 Background

The National Accommodation Strategy for Sex Offenders (NASSO) forms part of the Multi Agency Public Protection Arrangements (MAPPA) and sets out how housing contributes to those arrangements.

The strategy was first published in 2007, reviewed in 2012 and reviewed in 2018/19 in conjunction with practitioners involved in housing and managing sex offenders. This review focused on the working arrangements for housing sex offenders and was not a review of the key principles underpinning the strategy which remain unchanged (see section 1.5).

We would like to thank everyone who helped with reviewing the strategy; local authorities, Sex Offender Liaison Officers, Registered Social Landlords, Link Officers, Police Scotland, Scottish Prison Service and the MAPPA Development Group.

1.3 Multi Agency Public Protection Arrangements

The Multi Agency Public Protection Arrangements (MAPPA) minimise the potential risk each sex offender may pose by requiring Police Scotland, the Scottish Prison Service and local authorities (including their housing services) to work together to assess and manage such risks. Registered Social Landlords also have a

duty to cooperate with these organisations in the management of sex offenders.

The NASSO is part of, and should be read in conjunction with the arrangements set out in full in the MAPPA guidance available on the Scottish Government's website:

<https://www.gov.scot/publications/multi-agency-public-protection-arrangements-mappa-national-guidance-2016/>

1.4 The National Accommodation Strategy for Sex Offenders

The strategy sets out the arrangements and roles of local authorities and Registered Social Landlords (RSLs) when offenders, subject to the sex offender notification requirements (also known as registered sex offenders), seek housing in the social rented sector.

It focuses on assessing and managing the risks that sex offenders under MAPPA may pose by living in a particular community, location and property. Arrangements for individual offenders will depend on their offence and the level of risk they may pose.

It covers the housing of sex offenders managed under MAPPA and should operate in conjunction with the:

National Strategy for Community Justice

which provides a shared vision to help partners and communities work together effectively to improve community justice outcomes including access to suitable housing. It is available on the Scottish Government's website at: <https://www.gov.scot/publications/national-strategy-community-justice/>

Sustainable Housing on Release for Everyone standards (SHORE)

These standards provide an important resource to support offender reintegration by improving how their housing needs are met. The standards can be found on the Scottish Prison Service's website at: <http://www.sps.gov.uk/Corporate/Publications/Publication-5363.aspx>

1.5 The key principles underpinning the Strategy

The Strategy is founded on the following key principles, which are based on those endorsed in the Report of the Expert Panel on Sex Offending (Cosgrove Report 2001)

- Anyone aged 16 or over has a legal right to be admitted to a housing list (or register), and should have fair and open access to a landlord's housing list. Sex offenders under MAPPA cannot be excluded from a housing list and blanket exclusions are illegal. However being admitted to the list is not a right to be housed.
- Where a landlord is considering suspending a sex offender from receiving offers of housing they need to consider whether this will undermine risk management arrangements.
- Social housing landlords should not give sex offenders under MAPPA priority for housing solely on the basis of being an offender. Sex offenders may be allocated housing where they have been assessed as being in housing need and are eligible for housing under a local authority or RSLs Allocation policy, and where the Responsible Authorities have assessed them as being a risk to the community and providing housing would minimise that risk. Any decision to provide housing for a sex offender is in the context of managing risk and improving public safety.
- Sex offenders under MAPPA should normally be housed in mainstream housing within the local authority area from which they originate, although exceptional circumstances may occasionally mean that

arrangements are required to house an offender in another local authority area.

1.6 Sex Offender Register and who is covered by NASSO

ViSOR is the agreed system used by MAPPA to facilitate the secure exchange and storage of information. ViSOR is a Home Office system used across the UK and records the details and ongoing management of RSOs and other MAPPA offenders. Additionally, ViSOR provides what is publicly referred to as the Sex Offenders Register. ViSOR is used by all Responsible Authorities in Scotland as well as the Police, National Probation Service and Prison Service in England and Wales.

The following are covered by this strategy:

- The housing element of sex offenders managed under MAPPA.

The following are not covered by this strategy:

- Sex offenders who are not registered, because they committed an offence and had been released and completed any period of supervision before the register came into force where the time period for which a Sex offender was ordered to register as a sex offender has passed, housing arrangements for young people who display sexually harmful behaviour dealt with through the Children's Hearings system.
- Risk of serious harm offenders brought under MAPPA in 2016.

While the NASSO does not cover "other risk of serious harm offenders" and Mentally Disordered Restricted Patients who were brought under MAPPA in 2016, in practice the Responsible Authorities are

using the same principles and arrangements for the housing of these offenders and should agree their approach locally.

The MAPPA guidance sets out what happens when a sex offender whose period of registration has ended exits from MAPPA.

1.7 Why housing is important in the management of sex offenders

Housing arrangements and effective monitoring make a key contribution to minimising the risks sex offenders under MAPPA may pose. In addition the absence of suitable housing can prevent an individual from accessing services, undermine any support they are receiving and increase their likelihood of reoffending.

Research in this area has found that:

- support, coupled with stable accommodation, can help to address the risk factors associated with further offending, and allows individuals to benefit from supervision and other forms of treatment; and
- placements in stable accommodation can support ongoing risk management by all of the agencies involved, with formal protocol arrangements in place to allow the exchange of sensitive information about individuals.

Stable accommodation means accommodation that is not likely to change or fail in the medium or longer term.

More broadly the importance of stable accommodation to support desistance from reoffending was highlighted in 'What Works to Reduce Reoffending: A Summary of the Evidence', 2012, updated in 2015.

<https://www.gov.scot/Publications/2015/05/2480/0>

The National Strategy for Community Justice also highlights that the Scottish Government believes that people who

have committed offences and their families should have equal access to the services that will help them desist from offending. It states that access to suitable housing is a fundamental aspect of any individual's effort to desist from offending, fulfil requirements on community sentences or reintegrate back into the community after a custodial sentence or release from remand.

This is supported by Shelter Scotland's 2015 report, [Preventing Homelessness and Reducing Reoffending - Insights from service users of the Supporting Prisoners; Advice Network](https://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/preventing_homelessness_and_reducing_reoffending_-_insights_from_service_users_of_the_supporting_prisoners_advice_network_scotland), "Prisoners who have problems securing accommodation on their release are significantly more likely to reoffend than those individuals who do not face these challenges." https://scotland.shelter.org.uk/professional_resources/policy_library/policy_library_folder/preventing_homelessness_and_reducing_reoffending_-_insights_from_service_users_of_the_supporting_prisoners_advice_network_scotland

1.8 Roles and Responsibilities for assessing risks

Responsible Authorities

The Management of Offenders etc. (Scotland) Act 2005 ('the 2005 Act') places legal duties on local authorities, the police, the Scottish Ministers (in relation to functions exercised by the Scottish Prison Service) and health boards or Special Health Boards - collectively known as Responsible Authorities - to jointly set up arrangements for assessing and managing the risks certain offenders pose. The 2005 Act is available on the Scottish Government's website:

http://www.opsi.gov.uk/legislation/scotland/acts2005/asp_20050014_en_1

The Responsible Authorities have responsibility for assessing and managing the risks sex offenders under MAPPA may pose.

This is achieved by working together to assess the risk posed by each registered sex offender and implementation of tailored Risk Management Plans with appropriate measures to manage those risks. This may include measures of support which provide a level of stability, which in turn reduces risk.

Local authorities

Local authority responsibility for carrying out these joint arrangements lies primarily with the Chief Social Work Officer within each local authority. Other local authority services, such as housing, also have a responsibility to contribute to carrying out the corporate responsibility by virtue of section 10(7) of the 2005 Act.

The key housing contacts in each local authority are the Sex Offender Liaison Officer (SOLO). Staff undertaking this role may have a wide variety of other duties and may also have a different job title such as MAPPA Housing Liaison Officer.

Under the 2005 Act the Responsible Authorities have to co-operate with each other and with other key agencies placed under a duty to co-operate ('duty to cooperate agencies') by the Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007. The key agencies under a duty to co-operate include Registered Social Landlords (RSLs).

http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070092_en_1

The 2005 Act defines 'to co-operate' at section 1(2)(a): " 'to co-operate' may, without prejudice to the generality of that expression, including to exchange information ('co-operation' being construed accordingly)." More information on co-operation can be found in the MAPPA guidance.

Registered social landlords

RSLs are expected, as part of their duty to co-operate, to work with the Responsible Authorities, including providing accommodation where appropriate. RSLs are not responsible for assessing and managing the risks that a sex offender under MAPPA may pose but they do have to co-operate with those who do. Co-operation includes, but is not restricted to, the exchange of information.

RSLs do not have a legal obligation under the 2005 Act to provide housing for sex offenders under MAPPA. However they do have obligations, under housing legislation towards homeless persons (see section 2). They have a key role to play in the housing of sex offenders, and the information they hold about housing and the local community, supports both the assessment and management of risk.

Where an RSL has identified suitable housing for an individual, and the Responsible Authorities have agreed that it is manageable, there is an expectation that they will make an offer of housing. This expectation is consistent with the generality of the expression 'co-operate' in the 2005 Act. The duty to co-operate is reciprocal and the Responsible Authorities and RSLs must work together to make sure that they are each able to satisfy this duty.

In exchanging information, the Responsible Authorities provide RSLs with information on sex offenders under MAPPA and RSLs provide the Responsible Authorities with information on available housing, the location and nearby households. Information sharing protocols should be agreed between the Responsible Authorities and RSLs setting out how and what information will be shared (see section 4).

Individual RSL's should have in place a Link Officer (or identify staff who will undertake the duties of a Link Officer). Link officers are the key housing contacts in RSLs who work closely with SOLOs to identify appropriate accommodation and take part in risk management arrangements, sharing information to minimise risk. They have overall responsibility for delivering their organisation's duties in respect of the Management of Offenders (Scotland) Act 2005. They are key to delivering the RSL's contribution to NASSO and are the person to whom the Police disclose information.

2. HOUSING CONTEXT

2.1 Housing in Scotland

Sex offenders under MAPPA live in a range of housing tenures including the private rented sector; the owner-occupied sector; the social housing sector; specialist housing; and care homes. The Sexual Offences Act 2003 requires Sex offenders under MAPPA to tell the police of a change of home address within three days.

There is no presumption that offenders will be housed in the social housing sector.

All social landlords should be able to offer basic housing options advice. Effective housing options advice gives people a full picture of the housing options available to them and helps them to identify the best solution to meet their individual housing needs. This includes private sector renting, mid-market renting, shared equity, home ownership and help to buy schemes.

Private rented sector

The PRS sector has increased rapidly to around 15% of households in Scotland in 2017 and around 360,000 properties. Some sex offenders under MAPPA may choose to rent housing from a private landlord. To improve standards across the private rented sector the Scottish Government introduced greater security for tenants, balanced with appropriate safeguards for landlords, through the private residential tenancy <https://www.gov.scot/policies/private-renting/private-tenancy-reform/> and by requiring letting agents and landlords to register, and houses in multiple occupation to be licensed <https://www.gov.scot/policies/private-renting/regulation/>.

The provision of information on registered sex offenders to private sector landlords is a matter for the police, who have discretion on disclosure on a case-by-case basis. Each case needs to be risk assessed and agreed by the Responsible Authorities. Where sex offenders live in the private rented sector the Responsible Authorities have to

make sure that supervision, support and monitoring arrangements will be robust enough to minimise risk.

Owner-occupied sector

The majority of homes in Scotland are owner occupied and account for around 62% of all households in Scotland in 2017 (around 1.49 million properties). Some sex offenders will return to housing they own on release from prison or may wish to buy a property. In these cases the Responsible Authorities will assess and manage the risks to public safety. The MAPPA guidance provides more information on supervision strategies available to the Responsible Authorities.

Specialist housing and support

In general registered sex offenders are managed in mainstream housing, with access to local support programmes provided by organisations such as Turning Point and Apex. In some circumstances, temporary housing available through specialist support providers such as Safeguarding Communities Reducing Offending (SACRO) may be more suitable for offenders who have been institutionalised for long periods of time. Requests for this type of accommodation need to be made at an early stage to give adequate time for the sharing of relevant information with the providers involved and identification of a suitable placement.

Where a local authority or RSL leases a property to a specialist provider such as SACRO for the housing of sex offenders under MAPPA, the local authority or RSL should have protocols in place with the specialist provider covering information sharing and any special or particular arrangements for managing the tenancy.

Sheltered Housing and Care homes

Sheltered Housing gives older people the independence of having their own home along with the security of help from a warden, scheme manager or support

staff, 24 hour emergency help via an alarm system, communal areas and social activities for residents. Sheltered Housing is provided in both the private sector and social rented sector.

Care homes provide accommodation and personal care for people who need extra support in their daily lives. They are registered by the Care Inspectorate who inspect services and evaluate the quality of care they deliver.

As with the general population of Scotland, the sex offender population is ageing, with those over 60 years of age making up an increasing percentage of all sex offenders under MAPPA.

Social housing

Social housing is housing owned and managed by local authorities and Registered Social Landlords and accounts for 23% of household in Scotland around 600,000 properties). There are 26 local authorities and around 160 RSLs who provide social housing in Scotland. In most areas there are a number of different RSLs providing housing and some RSLs operate nationally and provide housing in different areas across the country.

The majority of RSLs are relatively small locally-based landlords and this brings particular challenges when identifying housing for sex offenders due to the closeness and familiarity of small communities.

Only a small proportion of social housing properties become available for re-letting each year with the majority being allocated to homeless applicants and those with the greatest housing need.

2.2 Social Housing Allocations

Given the limited supply and high demand for available housing social landlords set out how they will allocate housing in their Allocations policy, including how priority for housing is assessed. All social

landlords must ensure that their allocation policy complies with legislation and with relevant equality and human rights duties. Anyone aged 16 or over has the right to be admitted to a housing list however this is not a right to be allocated a house.

The Housing (Scotland) Act 2014 amended section 20 of the 1987 Act and sets out three categories of applicants who should be given reasonable preference in an allocation policy from 1st May 2019.

These are:

- homeless persons and persons threatened with homelessness and who have unmet housing needs;
- people who are living under unsatisfactory housing conditions and who have unmet housing needs; and
- tenants of houses which are held by a social landlord, which the social landlord selecting its tenants considers to be under-occupied.

Reasonable preference means that applicants in the above groups are given preference for available housing over and above other applicants.

The relative priority given to each of the reasonable preference groups will depend on the level of housing need in each area. Landlord's will need to decide how much priority it wishes to give to those in each of the reasonable preference groups. While there is no requirement to give equivalent priority to each group, landlords may choose to do so.

Landlords can also take the needs of other groups into account in allocating houses and can create other needs groups, such as giving priority to ex-service personnel. However, any other groups being prioritised for allocations must not dominate an allocation policy at the expense of the three reasonable preference groups in the 2014 Act.

While social landlords must allocate their housing in line with their allocation policy, there will always be occasions when a landlord will need to use its discretion and make an allocation out-with their core policy. This should be set out in their allocations policy. An example of this could be allowing for a discretionary allocation where immediate housing is required or cannot otherwise be dealt with under the policy.

There are also particular obligations on local authorities to provide housing for those who are homeless and also for children where they require it or where it would safeguard or promote their welfare. In addition local authorities have a legal duty under section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003 to provide, or secure the provision of, care and support services for persons who have, or who have had a mental disorder and are not in hospital. Care and support services include residential accommodation. This duty includes sex offenders with a mental disorder who have been convicted and those who are found not guilty by reason of insanity.

Guidance on the legal framework for allocations can be found on the Scottish Governments website at [Legal Framework](#).

The role of Councillors and governing body members is to set and review the allocations policy and monitor progress against policy aims. Councillors and RSL management committee members generally approve the allocation policy and have overall responsibility for ensuring the policy is delivered.

Section 20(3) of the 1987 Act (as inserted by section 154 of the Leasehold Reform, Housing and Urban Development Act 1993) excludes councillors from decisions on allocations under certain circumstances. It excludes local councillors from being involved in a decision on allocating a council house (or a house where the local authority has nomination rights) where the house in question is situated, or the

applicant for the house in question lives, in the electoral division or ward for which those members are elected.

This does not prevent councillors from making factual information known to the local authority or from making representations to the local authority on behalf of a constituent.

Management committees must have no involvement in discussions or decisions about individual allocations, which should stay the responsibility of officers of the RSL. This also applies to the housing of sex offenders under MAPPA.

2.3 Approaches to allocating housing

There are two primary approaches landlords use to allocate houses, needs based or choice - based lettings (CBLs).

The needs based approach remains the most frequently used system in Scotland, where applicants have their housing needs assessed based on the priority given under the landlords allocation policy. Priority is usually based on varying numbers of points being awarded for each housing need with the level of points being dependant on the severity of the housing need.

Landlords who use a choice based letting approach tend to do so because they believe it offers greater choice for applicants and can help support tenancy sustainment. Under a CBL it is the applicant themselves who takes the initiative in securing a property by bidding for advertised properties. Landlords who operate a CBL system will need to have arrangements in place to support applicants to make bids where they find it difficult to do so.

Whilst CBLs gives more choice, given the need to restrict the choice of housing that would potentially be suitable for a sex offender RSLs should discuss with the local authority SOLO any potential bid from a sex offender under a choice-based letting scheme. This should also include

arrangements for bidding on behalf of sex offenders. Where the Responsible Authorities determines that a potential property is unsuitable it is reasonable to restrict the offer in the interests of public safety.

Further detailed guidance on allocations can be found in “Social Housing Allocations in Scotland – a practice guide 2019” <https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/>

2.4 Managing an application for social housing from a registered sex offender

Like all other applicants, Sex offenders under MAPPA can apply for housing directly to a social landlord by completing and submitting an application for housing. They will then be put on the landlords housing list.

Some social landlords operate their own housing list and others operate a joint housing register covering a number of landlords within a particular area. These are known as “Common Housing Registers”.

An applicant may voluntarily declare on an application form or in discussions with housing officers that he or she is a sex offender. Where this becomes known, Landlords should, as soon as possible, tell the Responsible Authorities about the application. The Responsible Authorities should also tell the SOLO of any known sex offenders who have moved into the area and may be seeking social housing so that they can liaise with RSL Link Officers or SOLOs within another local authority area on any restrictions on where the sex offender can live and to identify potential housing that may be manageable.

2.5 Nomination agreements and Section 5 referrals

Many local authorities and RSLs have a nomination agreement in place where local authorities nominate applicants from their own lists for an agreed percentage

of an RSL’s annual vacancies. Nomination agreements acknowledge that more people are likely to join the local authority’s housing list than that of an RSL.

The Housing (Scotland) Act 1987 as amended ensures that homeless persons have rights to temporary and settled accommodation, and these rights apply to homeless offenders, including homeless sex offenders. This includes section 5 referrals, under which RSLs have an obligation to give reasonable preference to homeless households and to provide accommodation for those households assessed as being unintentionally homeless.

In addition, local agreements may exist between some local authorities and RSLs which may negate the use of Section 5 in some areas.

Whatever the referral arrangements, social landlords should not give sex offenders under MAPPA priority for housing merely because they are sex offenders. They should, however, ensure that systems are in place to deal speedily with applications from sex offenders.

2.6 Temporary Accommodation

The Homelessness and Rough Sleeping Action Group (HARSAG) report: Transforming the use of Temporary Accommodation in Scotland, June 2018, <https://www.gov.scot/publications/homelessness-and-rough-sleeping-action-group-final-report/> recommended that there should be a clear national direction of travel to transition to a model of ‘rapid rehousing’ by default across Scotland.

Rapid re-housing by default means that:

- someone who is rough sleeping or at risk of rough sleeping should be housed in settled mainstream accommodation as quickly as possible;
- someone who has complex needs and is rough sleeping or at risk of rough sleeping should be housed in

settled mainstream accommodation with the necessary wraparound support as quickly as possible; and

- someone who is rough sleeping or at risk of rough sleeping for whom rapid rehousing or Housing First approach (home is the best foundation from which to address any other challenges people face) would not yet be suitable should be provided with accommodation that deals with their particular needs with the specialist support that is required.

In some cases it may not be possible to secure permanent housing immediately on release from prison and a period of accommodation in temporary housing may be necessary. Some individual offenders may also benefit from living in temporary accommodation initially where support can be provided to help them transition to permanent housing which is sustainable in the longer term.

If permanent housing is not immediately available then the Responsible Authorities may consider temporary accommodation for the offender. This may also be considered if any permanent housing options identified are deemed unsuitable or where the offender has rejected housing offers. Social landlords must discuss the potential and suitability of temporary housing with the Responsible Authorities and the following should be taken into account when considering the use of temporary accommodation.

- Hostels

Hostel-style accommodation within the mainstream of the social rented sector (as distinct from hostels which are specifically intended for offenders and funded for delivery of Criminal Justice Social Work services), poses the risk of bringing together a group of sex offenders in one location. In particular, hostels are not suitable housing for high-risk offenders as there are often vulnerable people, including children,

in such accommodation who may be placed at risk.

- Bed and Breakfast

Bed and Breakfast (B&B) accommodation has been used in some areas where there is no other housing option available, after the risks have been assessed by the Responsible Authorities. Landlords should however avoid this wherever possible because of the problems of managing risk in a B&B establishment. Where landlords can remove such risks by booking the entire establishment for an individual offender then B&B accommodation may be manageable. This must only be considered as a last resort and the Responsible Authorities should examine all alternatives before reaching a decision to place an offender in a B&B.

- Temporary accommodation unsuitable for children

The Scottish Government has put in place regulations that prevent the routine use of “unsuitable” temporary housing for homeless households with children and pregnant women (Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014). As part of the assessment of whether temporary housing is suitable for use, local authorities must assess whether it is “suitable for occupation by children”. The statutory guidance requires that the local authority is satisfied that overall, the housing does not pose significant risk to children. If a local authority places a sex offender under MAPPAs in temporary housing where there are households with children, this could pose a significant risk to them, or other vulnerable groups, who may also be housed in that accommodation. The main purpose of the 2014 Order is to prevent children being placed in housing that is not safe for them or conducive to their development. Such placements of sex offenders might mean that the housing would not meet the standards

of the Order and the local authority will not be able to use it to fulfil its duties under the Housing (Scotland) Act 1987 as amended.

- Houses in Multiple Occupation

Houses in Multiple Occupation (HMOs) are also generally not manageable for sex offenders under MAPPA because of the close contact with other residents.

2.7 Permanent housing

A focus on permanent housing helps the Responsible Authorities in their support, supervision and management of the offender. Social housing tenancies are normally allocated as a Scottish Secure Tenancy. This gives tenants certain rights including security of tenure and rights to sublet their tenancy, exchange their house, take on a joint tenant, take in a lodger or assign (sign over) their tenancy. Following the death of the tenant a spouse, civil partner or cohabitee; or family member or carer living in the property can also succeed to the tenancy if certain conditions are met. These include landlord notification and residency requirements.

Tenants must apply to their landlord for permission to do so and where an RSL or local authority receives a request from a sex offender under MAPPA to transfer their tenancy, take on a joint tenant, exchange or assign their home or to take in a lodger they should discuss this with their local authority SOLO before they give consent. Following consultation with the Responsible Authorities if it is determined that there are any risks that cannot be managed landlords should withhold consent where it is reasonable to do so in the interests of public safety.

2.8 Identifying suitable housing that is manageable

When identifying and considering the manageability of a potential property for a particular offender it is important for the Responsible Authorities to recognise that there is a limited supply of social housing including the size, location and type of

properties that may become available.

It is also important to recognise that some property types such as deck access and multi-storey flats may have particular challenges due to their design, layout or the number of households living in close proximity within a block, and these must be fully considered when undertaking an environmental risk assessment and assessing the manageability of a potential property.

SOLOs should also identify any issues relating to the over concentration of offenders in particular areas.

Assessing the manageability of a potential property is undertaken by carrying out an environmental risk assessment and by the Responsible Authorities working together to assess the risk posed by the individual registered sex offender in the potential property. This is supported by implementation of tailored Risk Management Plans with appropriate measures to manage those risks (see section 3 Environmental Risk Assessments).

Environmental risk assessments need to be undertaken as quickly as possible to minimise any delay in allocating properties and minimise rent loss. Holding empty properties for any length of time incurs rent loss and it may not be possible or feasible for landlords to do so. When costs are likely to be incurred, where those costs should be met from should be agreed locally or agreement reached that the property cannot be held vacant.

2.9 Retaining an existing tenancy following conviction with a custodial sentence

Where an existing tenant receives a custodial sentence, the social landlord in discussion with the Responsible Authorities will need to consider how best to manage the tenancy during custody. This includes whether the tenancy can be retained, and if so whether it will be suitable and manageable for the offender on release.

The Scottish Prison Service SHORE standards outcome on imprisonment is that

“Individuals are supported to sustain existing accommodation and possessions or end tenancies appropriately, securing furniture and belongings where this is the best option. Their housing needs are identified and support plans put in place, for the duration of the sentence, for those that require suitable housing on release.”

<http://www.sps.gov.uk/Corporate/Publications/Publication-5363.aspx>

In some circumstances a tenant who is convicted of an offence may be able to keep their tenancy when they are in prison where:

- they can meet their tenancy obligations including ensuring that the rent is paid; and
- where the Responsible Authorities consider that it would be manageable on release.

If, however, they are in receipt of Housing Benefit, this would stop 13 weeks after the start of their prison sentence, and they would then need to consider whether or not they can pay the full rent themselves to retain the tenancy.

Universal Credit can be paid to individuals in custody, provided: they were entitled to the benefit before entering custody; they received an award for accommodation costs; and their sentence does not exceed six months.

More information on Scottish Choices in relation to Universal Credit can be found at <https://www.gov.scot/policies/social-security/universal-credit/>

If they are unable to retain the tenancy for the duration of their sentence their housing options should be discussed with them fully to ensure that they are managed in a planned way. This could include terminating the tenancy voluntarily to ensure rent arrears do not accrue or that action does not need to be taken against them to end the tenancy.

In some cases landlords have enabled the tenancy to be retained for the duration of the custodial sentence by reaching an agreement with the offender on rent payment.

2.10 Evictions

Eviction of sex offenders under MAPPAs, where they subsequently don't secure suitable alternative stable accommodation, can risk them being lost from the system, lead to increased risk, and loss of support and failure to complete rehabilitation programmes.

It is therefore very important that where eviction action is being considered the Responsible Authorities discuss all options with the landlord and agreement reached on an outcome that is manageable.

Circumstances may however arise when a social landlord does consider raising court action to evict an existing tenant who is a sex offender under MAPPAs due to a serious breach of tenancy unrelated to the sexual offence. Examples of this could include serious antisocial behaviour or rent arrears.

Where this is being considered by an RSL, the Link officer should advise the SOLO as early in the process as possible so that discussions can take place with the Responsible Authorities on the implications of the action and the future management of the offender.

Where this is being considered by a local authority, the SOLO should advise the Responsible Authorities as early as possible so that discussions can take place on the implications of the action and the future management of the offender.

Where the Responsible Authorities assess that public safety is likely to be compromised and cannot be managed safely if an eviction is carried out, discussions should take place about what other options are available, including discussions with the offender about a voluntary move of housing to alternative housing that is manageable.

Eviction of a tenant who has been convicted of a registered sex offence should not be initiated as a matter of course and should be discussed fully with the Responsible Authorities prior to any action being started. Discussions should include the individual's circumstances, wider community safety considerations and the housing options available for the offender if an eviction takes place.

3. ASSESSING AND MANAGING HOUSING-RELATED RISK UNDER MAPPA

3.1 Responsibility for assessing and managing risk under MAPPA

The Responsible Authorities have the legal and operational responsibility for assessing, managing and monitoring risk. Further information on how the Responsible Authorities assess and manage the risks that sex offenders under MAPPA may pose can be found in the MAPPA guidance <https://www.gov.scot/publications/multi-agency-public-protection-arrangements-mappa-national-guidance-2016/>

3.2 Environmental risk assessments

An “environmental risk assessment” (ERA) is carried out by the Responsible Authorities to identify whether there are any housing-related risks associated with a particular offender. This stringent assessment ensures every reasonable precaution has been taken to safeguard both the local community and the offender. The assessment brings together information on the offender, on any properties being considered for housing the offender the location and nearby households. This assessment informs the Responsible Authorities’ decision on housing the offender in a way that minimises risks to the community.

Environmental risk assessments must be undertaken collaboratively between individual agencies providing any relevant information that they hold.

The Responsible Authority is the lead agency in all cases. In the majority of initial cases the lead agency will be Police Scotland given that the process will start when an individual is convicted and their address registered. Criminal Justice Social Work will be the lead agency in all cases where the registered sex offender is subject to any Criminal Justice Licence or Order.

3.3 ERA Minimum standards

Where required and dependent on the offender and the risks they pose, the Responsible Authorities will need to consider on a case-by-case basis what level of checks are made when carrying out an ERA. However, individual agencies must ensure compliance with the minimum standards contained in this strategy which:

- ensures national consistency of the data and information which is considered when carrying out an ERA across all Responsible Authorities; and
- sets out the information that must be checked when assessing the manageability of accommodation when housing registered sex offenders in local communities.

A model ERA template that is Violent and Sex Offender Register (ViSOR) compatible is provided at Annex 1. While Responsible Authorities are encouraged to use this template for consistency they can have their own arrangements and forms as long as these cover these principles and the minimum practice standards. *The full ERA should not be recorded on ViSOR; Police Scotland Offender Management Units will record only Parts C (approval) and where relevant, Part D (decision where partners cannot agree) of the completed ERA form to an Activity Log on ViSOR. They will also include details of where the full ERA document is held.

* See Annex 2.

An ERA must be carried out in the following circumstances:

- for every new registered sex offender on initial registration and any subsequent change of address.
- Thereafter, an annual review will be carried out for the following offenders unless the Responsible Authorities record justifiable and defensible decisions for not completing one:
 - all offenders managed at MAPPA levels 2 and 3;
 - all MAPPA level 1 high/very high risk offenders;
 - those offenders who are subject of a Sexual Offences Prevention Order or a Risk of Sexual Harm Order;
 - those offenders who have committed contact offences against¹ children or adults at risk of harm²; and
 - any other offender who is subject to notification and it is deemed necessary to do an ERA. For example home leave addresses and additional registered addresses.

Where the Responsible Authority considers that an annual review does not need to be carried out they must fully consider the rationale for not doing so and must record their reasons for taking this decision.

3.4 MAPPA Review Meetings

An ERA is accurate at the time it is undertaken, and due to the continual changing nature of communities, Responsible Authorities must keep them under review.

MAPPA review meetings are held to review an individual offenders risk management plan. At these meetings members will verify if the actions have been implemented and assess their effectiveness. This includes consideration of any new information that changes the existing risk assessment and the level at which the offender is managed.

Housing circumstances must be discussed and considered at these meetings. All agencies involved with the management of the offender should be involved in review meetings, including local authority SOLO's and RSL Link Officers.

Responsible Authorities must routinely discuss with registered sex offenders their current housing situation, including contact with neighbours and other visitors. When it becomes known that the circumstances of the registered sex offender or the environment in which they live has changed, Responsible Authorities on a case-by-case basis should consider whether the ERA should be reviewed. The frequency of reviews should reflect the risks posed. ViSOR and any relevant internal management systems should be updated to note any changes.

3.5 Timescales for carrying out an ERA

Whilst it is recognised that some cases may be complex and require more in depth research the recommended minimum timescales are:

¹ A contact offence is:

any physical sexual contact perpetrated by an offender or performed on an offender; inducing a third party/parties to engage in physical sexual contact and grooming where an offender arranges to meet or meets with the victim with the intention of having physical sexual contact, whether sexual contact occurred or not.

² An adult at risk of harm is:

a person who is 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age, or otherwise (as defined for "vulnerable adult" in section 36 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016).

Type	Timescale	Agencies
Initial where new accommodation is being sought or change of address	After notification, 7 clear working days	SOLO - 2 working days Other - 5 working days
Initial where an offender is already resident in a property and new accommodation is not being sought	After notification, 12 clear working days	SOLO - 2 working days, other - 10 working days
Annual review	Within 21 clear working days of the date of renewal	By all

Agency	Contact (Recommended)
Local Authority Housing Service	Sex Offender Liaison Officer (SOLO)
Registered Social Landlord	Link Officer
National Health Service	Liaison Officers/ Designated Area MAPPA Lead
Police	Detective Sergeant - Offender Management Unit
Scottish Prison Service	MAPPA Integrated Case Management Coordinator
Safeguarding Communities - Reducing Offending (or other organisations providing support where an offender has an intensive support package being provided)	Support Worker

3.6 Partner Agency Involvement

The following agencies, may be involved in providing information for an environmental risk assessment.

Agency	Contact (Recommended)
Local Authority: <ul style="list-style-type: none"> • Criminal Justice Social Work • Children and Families Social Work • Vulnerable Adults • Education 	Team Manager (CJSW)

3.7 Database Checks

The following checks are recommended. Not all these databases will need to be checked in every case and this will be dependent on the offender and the property being considered. Which agency carries out the checks will depend on access to systems and local agreement for doing so. Checks on health information would usually only be provided in relation to the offender and in instances where this information was required to manage the case.

Agency	Database Checks
Local Authority Criminal Justice Social Work	<ul style="list-style-type: none"> • Internal Case Management Systems (including children and Families Social work checks) • Adult Protection
Local Authority Housing (SOLO)	<ul style="list-style-type: none"> • Council Tax • Housing Benefit Data • Electoral Register • Housing Management /Homeless systems • Private Landlord Registration • Care Inspectorate Website • Accommodation Information including; type, size, tenure type, entrance/door entry, room location and floor plans if available, any general location information considered relevant • Map
Local Authority Education	<ul style="list-style-type: none"> • School Management Information System (SEEMIS)
NHS	<ul style="list-style-type: none"> • Internal Case Management Systems
Scottish Prison Service	<ul style="list-style-type: none"> • Prisoner Records Database • Prison Based Social Work File

Agency	Database Checks
Police	<ul style="list-style-type: none"> • Violent and Sex Offender Register (ViSOR) • STORM CALL Management System or equivalent • Criminal History System (CHS) • Police National Computer (PNC) • Scottish Intelligence Database (SID) • Vulnerable Persons Database (VPD) • Mapping • Community Officer Local Knowledge • Crime Recording Systems

3.8 Physical Checks

Once a potential property has been identified for an offender, a physical check of the property and surrounding area must be carried out to identify any potential risk to the community and to the offender. Any concerns must be documented in ViSOR and any other relevant internal management systems. The checks undertaken should take account of any risks that are identified and the specific victim profile.

Checks should include looking for children's toys/equipment within gardens, children's curtains or accessories at windows and any other significant evidence of a person fitting the victim profile. Checks should include the following:

- Play Parks
- Community Centres
- Churches
- Shops

- Schools/Nurseries
- Sheltered housing developments
- CCTV Location
- Licensed Premises

In the majority of cases checks will be completed by the Police Offender Management Unit in collaboration with Local Community Policing. These checks should be carried out by the best placed agency depending on the offender.

All staff carrying out home visits to registered sex offenders must be vigilant to any changes in surrounding areas/ environment/residents. Where concerns are identified, the Responsible Authorities must review the risk assessment.

3.9 Minimum Parameters

When completing an Environmental Risk Assessment (ERA), the minimum requirement of the properties that should be included as part of the assessment are as follows:

Property type	Minimum Checks
Multi-storey properties	All the properties on the same floor as the address being reviewed.
Tenement properties	All properties within the same tenement close as the address being reviewed.
Shared accommodation	All occupants must be checked.
Cottage flats, semi-detached and detached properties;	This will be determined on a case-by-case basis but should include all adjacent properties and may include properties where the garden boundaries border each other.

Depending on the risk the offender poses and taking account of the physical checks undertaken the Responsible Authorities will need to consider on a case by case basis whether the parameters need to be extended beyond the minimum requirement.

3.10 Victims

As highlighted in the MAPPA guidance the Responsible Authorities must ensure they have thoroughly considered the potential risks to any victim of the offender and put in place appropriate plans to minimise the likelihood of the offender causing further serious harm. By adhering to these practice guidelines when completing an ERA the Responsible Authorities will minimise the likelihood of an offender being accommodated within the same neighbourhood as a victim.

3.11 Completing an ERA and making a decision on housing

Before proceeding with an allocation of a property or the annual review process, individual agencies are required to record their agreement of the ERA. The lead agency in each case must fully consider the views and comments provided by all agencies throughout the ERA process, including any concerns raised, and fully record their conclusion and reasons for the decisions they have made. The Responsible Authorities should agree locally who retains the completed ERA and have a weeding and retention policy to ensure accurate and current retention of data. The full ERA with housing complement and housing agency data should not be recorded on ViSOR.

On occasions where there is disagreement, a meeting/case conference or tele-conference should be held by the Responsible Authorities to discuss all the issues and considerations and reach a decision. This should include SOLOs and RSL Link Officers where appropriate.

The Responsible Authorities will consider the risk assessment and reach an agreement on whether a property is manageable for the offender. The lead agency will sign off the final decision on whether the house is to be offered to the offender.

Factors to consider when identifying housing include:

- The risk the offender poses and to whom this risk applies may limit the type of housing that will be manageable.
- The location of housing to schools, parks, community centres etc. that may increase the offender's likelihood of re-offending must be considered.
- Ensuring that an offender is not housed in accommodation which puts them unintentionally in conflict with a prohibition or an obligation within a Sexual Offences Prevention Order (SOPO). Any conditions of a SOPO should be taken into account when considering the manageability of a property.
- The location of victims.

Decisions on where to house a sex offender under MAPPA will always be based on the most manageable housing available that minimises the risk an offender may pose to the community. If the housing on offer from a housing provider is not ideal, it is a requirement on the Responsible Authorities to adjust the monitoring and supervision arrangements to minimise and manage any risk.

3.12 Future Allocations

Once an offender has accepted a social housing tenancy it is likely that at some point in the future surrounding households will change when properties become empty, and this may have implications for future allocations in the neighbourhood.

Whether there are implications, and what they may be, will depend on the particular offender and the ongoing risks they may pose. The Responsible Authorities should identify any implications for future allocations as part of the Environmental Risk Assessment process.

Landlords have to meet legal requirements when allocating social housing and therefore Responsible Authorities should make sure that any restrictions they identify for future allocations are necessary to minimise risk to the community.

Where there are implications for future allocations, the Responsible Authorities should disclose sufficient information to the social landlord providing the tenancy to allow them to make appropriate allocations in future when properties become available. Social housing landlords therefore need to have processes available in place to identify any subsequent vacancies and use a sensitive allocations approach when allocating these properties. They should also keep records of the decisions that are taken.

Information on sensitive allocations can be found in the "Social Housing Allocations in Scotland- a practice guide" 2019 <https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/>

Where landlords have any concerns about allocations in the neighbourhood they should be raised with the Responsible Authorities, via the SOLO. The Responsible Authorities may then consider the ongoing need for restrictions on future allocations and/or the need for an update to the environmental risk assessment.

Where there has been a review of the environmental risk assessment and the risk has increased, the Responsible Authorities need to consider what options are available to manage the risk. Increases in risk can occur for many reasons and this does not automatically mean that a change in housing is required, however arrangements

need to be put in place to manage any risks identified.

The Responsible Authorities could consider:

- the need for a Sexual Offences Prevention Order (see MAPPA guidance);
- the offender moving to more manageable housing; or
- disclosure of the offender (see MAPPA guidance).

3.13 Out-of-area placements

In exceptional or unusual cases a local authority may need to consider housing a sex offender in another local authority's area under MAPPA. The responsibility for making the necessary arrangements for this lies with the placing local authority.

Out of area placements may be appropriate for a sex offender where, for example:

- this would provide manageable housing which is not available in the placing local authority's area; or
- the offender or others might be at risk if the sex offender under MAPPA was to be housed in the placing local authority's area.

Under no circumstances should a sex offender be placed in another local authority's area under MAPPA without the knowledge and consent of that authority and without a plan in place to manage any associated risk.

Local authorities should ensure monitoring arrangements are in place to record the number of out-of-area placements. These arrangements will need to show that where a local authority has placed a sex offender in another local authority area under MAPPA, that proper discussion between the relevant local authorities has taken place and agreement has been reached.

A number of areas in Scotland have protocols for out of area placements which

facilitate the transfer of offenders and make a positive contribution to providing manageable housing. Where these are in place they allow quick decisions to be taken. These are based on a number of principles including:

- Each local authority is responsible for accommodating its own offenders and only in exceptional circumstances – when local options have been exhausted – will an out of area transfer be considered.
- No sex offender should be placed by one authority into another area without due process being followed.

Guidance on the transfer of cases is set out in the MAPPA guidance.

4. INFORMATION SHARING UNDER MAPPA

4.1 Sharing information

When managing sex offenders in the community under MAPPA it is vital that all agencies involved, including social housing providers share appropriate information and that RSLs sign up to information sharing protocols. The overriding principle is the protection of the public, therefore information must be shared where it meets this objective.

Information held by Responsible Authorities about individuals is covered by the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).

The Data Sharing Code of Practice issued by the Information Commissioner <https://ico.org.uk/> deals with a number of important issues such as Data Sharing and the Law; Fairness and Transparency; Security; Governance; and Individuals' Rights, which will help Responsible Authorities comply with these legal obligations.

The risk assessment process will identify any risks the offender presents and the Responsible Authorities will provide information on potential risks to the SOLO or Link Officer where there is a need to know.

If the Responsible Authorities decide there is not a need to know then they should recognise that the landlord cannot contribute to the Responsible Authorities' assessment and management of risk. The final decision on the sharing of information on sex offenders under MAPPA is a matter for the Responsible Authorities.

Local authorities and RSLs deal with confidential information on a day-to-day basis and will have processes in place to handle sensitive information.

4.2 Information Sharing Protocols

Information sharing protocols have been developed as part of the Memorandum of Understanding (see section 4.5). They set out in detail what types of information may be shared and with whom. Protocols provide a framework for managing processes such as applications, allocations, tenancy moves and managing community concerns. They give reassurance to both local authority and RSL staff around appropriate and legitimate information sharing.

in November 2015 the [Joint Thematic Review of MAPPA in Scotland](#) highlighted that it was essential that Strategic Oversight Groups review Information Sharing Protocols to ensure that Registered Social Landlords are clear on their responsibilities and have signed relevant agreements. These should be reviewed on a regular basis and discussions should take place with every RSL in the area when they are reviewed.

4.3 Disclosure

The MAPPA's fundamental purpose is public safety and the reduction of serious harm. The Responsible Authorities will be monitoring and managing the risks sex offenders under MAPPA may pose, with the protection of children, adults at risk of harm and others paramount. The police have the principal discretion on disclosure, although local authority social work can make disclosures in cases of child protection. Concerns about disclosure should be discussed with the Responsible Authorities. In all circumstances social landlords must make sure that they do not tell other tenants about an individual's offences.

4.4 Staff and Contractor welfare

The sharing of relevant information will allow the SOLO or RSL Link Officer, with advice from the Responsible Authorities, to make sure that any meetings or home visits involving staff and the registered

sex offender are conducted in a way that minimises risk. In some cases this may mean ensuring staff do not visit the offender's house alone or only meet with them in the office.

Where an offender is likely to pose a risk to people working for, or contracted by, the local authority or RSL, for example housing staff, community wardens, concierges, sheltered housing staff, housing support staff, repair and maintenance contractors arrangements should be put in place which minimise risk to staff who come in contact with the offender. In some cases access to the property or person may need to be arranged in conjunction with the local authority SOLO or RSL Link Officer.

4.5 Memorandum of Understanding

Section 10(5) of the 2005 Act says that the Responsible Authorities and the duty to co-operate agencies in each local authority area must together draw up "a memorandum setting out the ways in which they are to co-operate with each other".

The MAPPA guidance sets out what each memorandum should cover, including issues such as disclosure of information and media handling strategies. The MAPPA guidance also provides a model form of memorandum for use locally.

The Memorandum sets out the fundamental principles of co-operation and is therefore the basis on which the Responsible Authorities and RSLs will work together. Each local authority area should then make sure that they have fulfilled this legal requirement and have in place a Memoranda of Understanding.

5. HOUSING ROLES AND RESPONSIBILITIES UNDER NASSO

5.1 Key housing contacts

The key housing contacts under this Strategy are the SOLO in each local authority and Link Officer in every RSL.

Local authorities (including local authorities who have transferred its housing stock to an RSL) are responsible for the development of a strategic response to the housing of sex offenders under MAPPA, this should include an assessment of the need for accommodation and support services in their area. This assessment needs to cover the contribution of RSLs. To do this local authorities must involve and talk to RSLs in their area.

5.2 The role of the local authority Sex Offender Liaison Officer

The main role the Sex Offender Liaison Officer (SOLO) is to be the initial point of contact for housing enquiries relating to sex offenders under MAPPA, and to be the link between the Responsible Authorities and RSLs under a duty to co-operate. The SOLO will:

- Identify housing providers who could potentially assist with rehousing using information about the sex offender from the Responsible Authorities.
- Make sure that the housing provider is included in liaison arrangements for identifying manageable housing and supporting the management of risk by the Responsible Authorities.
- Liaise pro-actively with the Responsible Authorities and housing providers on ongoing risk management and community safety issues.

The main responsibilities of the SOLO before housing a sex offender are to:

- assist with revising Memorandum of Understanding's and Information Sharing Protocols;
- establish and maintain good working relationships with local authority allocations staff and with RSLs and liaise with Link Officers to help identify manageable housing;
- be the first point of contact for housing a sex offender;
- give sex offenders advice on their housing options and, where any other support needs are identified, liaise with the appropriate services;
- contribute to environmental risk assessments;
- take part in discussions and decisions on identifying manageable housing for sex offenders under MAPPA; and
- process and hold secure information on sex offenders to assist with future allocation issues and ongoing tenancy management.

Once a sex offender has been housed they are responsible for:

- helping the Responsible Authorities to ensure that when a sex offender needs to move to another local authority area, the transfer operates smoothly;
- liaising with Community Justice Partners and any multi-agency groups the Responsible Authorities set up;
- ensuring that the local housing strategy and operational plans consider the need for housing sex offenders under MAPPA;
- contributing to the review of the local authority's and RSLs' housing policies to ensure issues relating to sex offenders are considered; and

- monitoring, with the Responsible Authorities, where sex offenders under MAPPA are housed and identifying any issues relating to the over-concentration of offenders in particular areas.

5.3 The role of an RSL Link Officer

RSLs have a duty to co-operate under the MAPPA arrangements and their role is to contribute and support the Responsible Authorities' management of risk. Individual RSLs should have in place a Link Officer (or staff who will undertake the duties of a Link Officer) to liaise with the SOLO and Responsible Authorities.

The main roles of the RSL Link officer are:

- exchanging information on housing with the Responsible Authorities;
- identifying and allocating housing that has been assessed as manageable by the Responsible Authorities;
- liaising with the Responsible Authorities on any issue relating to their ongoing management and monitoring of the risks the offender may pose; and
- having clear arrangements in place with the SOLO and the other Responsible Authorities to deal with situations where a property is no longer manageable.

They should:

- take part in the review of Memorandum of Understanding and information sharing protocols with the Responsible Authorities;
- provide information on housing stock and voids to the SOLO when requested to assist with potentially providing housing.;

- respond to specific requests by the SOLO about the availability of potential housing for sex offenders under MAPPA, and have processes in place for responding to requests from SOLO's for housing;
- ensure arrangements are in place within the RSL for the secure management of information;
- provide information to support environmental risk assessments;
- keep the SOLO advised of any proposed house moves by sex offenders under MAPPA and any information which comes to light about the offender which may affect community safety;
- keep the SOLO advised of any applications for housing made directly to the RSL by sex offenders where this is disclosed during the application process and of any tenancy issues or disputes and potential legal action/or proceedings for possession/tenancy complaints etc. involving sex offenders;
- take part in relevant case conferences and multi- agency arrangements; and
- make sure processes are in place within the organisation to protect staff dealing with the sex offender under MAPPA, for example, where home visits are being made.

SOLO and RSL Link Officer Forums have been established by Scotland's Housing Network (SHN) to support their members to discuss emerging issues and share practice. Further information can be provided by contacting SHN. <http://www.scotlandshousingnetwork.org/>

5.4 Dealing with enquiries and concerns

Local housing offices are often the first port of call for tenants or members of the public who wish to raise enquiries or concerns about sex offenders. Their position at the heart of communities makes housing providers ideally placed to alert the Responsible Authorities to any concerns that are raised.

Depending on the nature of the enquiry or concern being raised the SOLO or RSL Link Officer should consider what action to take. This could include:

- reporting the concerns to the police for further investigation and possible action; where there are concerns about the behaviour of a tenant or other person living in the community reporting the concerns to social work services where there may be a risk to children; and
- where it is a general enquiry about housing policies and procedures in relation to housing sex offenders these should be made available and discussed. If this does not resolve the concern they should also be given an opportunity to talk about concerns or issues with the Responsible Authorities.

When dealing with enquiries or concerns it is important that details about who sex offenders are, or where they are housed, are not divulged at any time. The SOLO or Link Officer should only confirm that they have passed on the concerns or enquiry for investigation.

All local authority landlords and RSL's should:

- make sure that housing staff know who they should refer enquiries to in the Responsible Authorities;
- know who the Responsible Authorities' community or

media points of contact are and make sure that all staff know to refer all media enquiries to them for liaison and action;

- be open and transparent about the organisation's protocols for housing sex offenders under MAPPA;
- liaise with the Responsible Authorities where a tenant is involved in any incident reported in the media;
- make sure that sensitive information on sex offenders under MAPPA is stored, flagged and managed in line with MAPPA guidance; and
- make sure that elected members and committee members are aware of the local multi agency public protection arrangements.

6. COMMUNITY ENGAGEMENT

6.1 Managing Community Concerns

Communities may have strong concerns and fears about the housing of sex offenders in their local community and these may emerge from time to time, often following a high profile media case. Managing expectations is therefore an essential part of overall risk management.

The Responsible Authorities are expected to take the lead in managing community expectations with SOLO and Link Officer support.

Often fears and concerns arise from a lack of information or misunderstanding on how decisions on housing sex offenders are reached. People may also be unaware of the monitoring and risk assessment arrangements that are put in place once sex offenders are housed. Fears may also be intensified by media reporting and social media.

Well planned community engagement is a key method of addressing the fears and concerns of communities in relation to the housing of sex offenders. Where a case is publicised, communities and the media often focus attention on the local authority housing service or RSL that has housed the sex offender. However, the Responsible Authorities together with the local authority housing service and RSLs, must take a partnership approach to managing community expectations.

It is the role of the Responsible Authorities to take the lead on managing community expectations and they should work with local authority housing services and RSLs to deliver a strategy for managing community expectations.

On behalf of the local authority housing service and RSLs the SOLO is expected to work with the Responsible Authorities to:

- implement a community engagement strategy aimed at developing community confidence in the processes for housing sex offenders in the community;
- use community education to work with communities in addressing their fears and concerns;
- have agreed procedures in place for managing media enquiries and enquiries from the community; and
- have an agreed procedure in place for dealing with public disclosure of a housed sex offender.

6.2 Community Engagement Strategy

The strategy for managing community expectations should cover:

- the importance of housing and why stable accommodation is important in minimising and managing risk;
- how risk is being managed and minimised by ensuring that appropriate accommodation decisions are being made;
- that NASSO is in place and being implemented at a local level;
- the key aim of minimising risk to the community as well as the risk of the offender re-offending;
- that there is a clear contact point within the Police and Criminal Justice Social Work (CJSW) for communities and individuals to get more information on managing sex offenders in the community and to raise any enquiries or concerns; and
- the roles and responsibilities of the Police, CJSW and the local authority or RSL housing provider are clearly explained.

The strategy should include how to manage negative community responses, including vigilante action when it occurs. Negative community action may include:

- outing of an offender on social media;
- damage to the accommodation occupied by the sex offender or person suspected by the community of being a sex offender;
- picketing of the accommodation or the local housing office or demanding meetings with the social housing landlord;
- lobbying local politicians; and
- encouraging media coverage.

The strategy should be kept under review. A standard review cycle is between three and five years.

6.3 Where an offender's address becomes public knowledge?

Housing staff often have the closest contact with local communities and when public disclosure occurs and the community finds out about a housed sex offender, it is often housing staff who have first contact with their tenants and others in the community who are seeking answers and reassurance.

While it is the role of the Responsible Authorities to provide this, housing staff will need guidance on reassuring people in the short term until their involvement. The community engagement strategy should include guidance on what housing staff should or should not communicate to tenants and other individuals in the community. Once the Responsible Authorities are involved the SOLO or Link Officer must continue to support them in managing the situation where appropriate.

6.4 Where a move is required

Depending on the nature and urgency of the situation it may become necessary to remove the sex offender and place them in alternative accommodation. Support and advice from the Responsible Authorities will be required in identifying and making a suitable placement.

Where the current social housing landlord has no suitable accommodation available the SOLO and Link Officers should work together to identify alternative housing that is assessed as manageable by the Responsible Authorities.

Where the Police and CJSW believe there are serious risks to either the sex offender or the community, and a move is required immediately, this will generally be to temporary accommodation within the local authority area which has been assessed as being suitable by the Responsible Authorities. In extreme cases the temporary accommodation may have to be in another local authority area (see section 3.13). Where a full ERA cannot practically be undertaken due to the immediacy of the situation it should be carried out as soon as possible. The sex offender involved has to agree to any proposed move, unless the sex offender is subject to any restrictions by the Responsible Authorities.

Where the sex offender has a Scottish Secure Tenancy a social landlord cannot force them to leave without a court order for eviction. In such cases the Responsible Authorities should work with the sex offender to agree a voluntary move.

7. THE ROLES AND RESPONSIBILITIES OF THE RESPONSIBLE AUTHORITIES UNDER NASSO

7.1 Responsible Authorities

Responsible Authorities and RSLs must have a clear understanding of their respective roles and responsibilities in the housing of sex offenders under MAPPA.

Responsible Authorities must therefore make sure that:

- they have effective liaison arrangements in place with the SOLO;
- housing providers receive (through the protocols for information sharing) the information they need to manage tenancies that sex offenders under MAPPA occupy;
- the size and profile of landlord stock is considered when making decisions about housing; and
- they respond effectively to ongoing issues of community safety that housing providers identify.

7.2 Strategic Oversight Groups

Strategic Oversight Groups oversee planning, policy and operational delivery of MAPPA. Section 11 of the 2005 Act requires the Responsible Authorities to monitor the operation of MAPPA, making changes to improve effectiveness where required. The Responsible Authorities in each MAPPA area also have to jointly publish an annual report on the discharge of their MAPPA functions, and submit the report to the Community Justice Partnerships who will present it to Scottish Ministers. The role of the Strategic Oversight Group in each MAPPA area is set out in the MAPPA guidance. Their role in relation to housing is to:

- provide a forum where issues between and among Responsible Authorities and duty to co-operate agencies can be discussed and resolved; and
- address any issues around the concentration in particular locations of sex offenders under MAPPA.

Under MAPPA, Strategic Oversight Groups are also responsible for liaison and communication, both within MAPPA and with other local multi-agency structures designed to protect the public and raising public awareness of the management of offenders subject to MAPPA processes.

7.3 MAPPA National Strategic Group

The National Strategic Group comprising the Scottish Government, Strategic Oversight Groups chairs, Police Scotland and the Scottish Prison Service, has responsibility for strategic oversight and development of MAPPA. It is supported by the MAPPA Development Group which provides a platform for partners to progress operational matters.

7.4 Local authorities

The MAPPA guidance sets out the role of local authorities. In relation to housing, the primary role of the Criminal Justice Social Work supervising officer is to (for cases where there is an allocated Mental Health Officer there is an expectation that they will undertake some of the following):

- work with the Scottish Prison Service in arranging housing for prisoners on temporary home leave;
- work with Health Boards in arranging housing as part of the rehabilitation of patients from hospital;
- work with the Scottish Prison service and Health Boards in arranging housing for the individual on release from prison or hospital taking into consideration the SHORE standards;

- contribute to environmental risk assessments;
 - contribute to discussions and decisions on the manageability of housing options;
 - keep housing providers informed, through the SOLO, of changes to the risk assessment and management arrangements for the offender;
 - collaborate with the police and housing providers over whether to act on information provided, for example by talking to the offender about moving house;
 - share information with the SOLO and RSLs as appropriate;
 - consider whether to instruct an offender to reside somewhere as part of a licence condition, conditional discharge from hospital detention, as part of the variation of a compulsion order where a restriction order is revoked, or as part of a Community Payback Order which can have a residence requirement;
 - give the offender advice and help with issues raised during the tenancy; and
 - play a leading role alongside other Responsible Authorities in the media handling strategy as set out in the MAPPA guidance, by dealing with routine and emergency enquiries or concerns that are referred by housing providers.
- keep housing providers informed, through the SOLO, of changes to the risk assessment and management arrangements for the offender;
 - collaborate with Criminal Justice Social Work and housing providers over whether to act on information provided, for example by talking to the offender about moving housing;
 - liaise with partners on supervision orders, licensing conditions and the discharge of sex offenders from hospital (see MAPPA guidance);
 - work with housing providers and Health Boards on any moves in and out of housing by the offender;
 - play a leading role alongside other Responsible Authorities in the media handling strategy set out in the MAPPA guidance, by dealing with routine and emergency enquiries or concerns that are referred by housing providers; and
 - enforce offenders' obligations under the Sexual Offences Act 2003.

7.5 Police Scotland

The primary role of the police under the NASSO is to:

- agree protocols for sharing information with housing providers;
- contribute to environmental risk assessments;
- take part in discussions and decisions on the manageability of housing options;

7.6 The Scottish Prison Service

For all prisoners, the Scottish Prison Service is responsible for carrying out risk and needs assessments to manage the prisoner during sentence and in preparation for pre-release planning and release. Their role is set out in full in the MAPPA guidance. Under the NASSO the primary role of the Scottish Prison Service is to:

- have responsible person(s) within the Scottish Prison Service, either nationally or at the local prison level;
 - make sure that the housing needs of individuals are identified and resolved in line with the SHORE Standards by working with the Responsible Authorities;
 - ensure individuals take part in

purposeful activity which will help them to sustain a tenancy on release (including education and employability);

- ensure that Parole Qualifying Dates and the Earliest Dates of Liberation are passed to the relevant responsible authorities as soon as they are known to allow sufficient planning time for the identification of appropriate housing. This should be done, even if the SPS consider that there is little chance of being liberated early;
- work with the Responsible Authorities and SOLOs to make arrangements for the housing needs of the offender to be addressed at the earliest stage of the custodial sentence, where there is any indication that housing is a potential issue. This is likely to be needed, for example, in the cases of offenders:
 - who cannot return to their home address or home area (in some cases this will be because the Prison Governor will not allow it or because the police, social work and/or housing provider advise against it);
 - who are disowned by their family;
 - who are returning to an area near to their victims (especially serious cases);
 - whose offence has acquired public notoriety/media attention;
 - who are homeless or have no approved address for temporary home leave or whose home leave address may be outwith Scotland;
 - where there are concerns about child protection, domestic abuse or vulnerable adults; and

- who need housing with support, which is not yet available;
- identify, in partnership with the Responsible Authorities and social housing providers, housing for the prisoner on temporary home leave from custody; and
- fund temporary home leave accommodation under the above practice guidance on home leave.

The Scottish Government has published guidance on home leave for prisoners, “Integrated Practice Guidance For Staff Involved In The Home Leave Process”: <http://www.scotland.gov.uk/Publications/2010/07/09112100/0>

7.7 Health Boards (and Special Health Boards)

Health boards (and Special Health Boards) work in partnership with housing providers and other agencies in providing services for sex offenders managed under MAPPA, such offenders are likely to be restricted patients. While the NASSO does not cover those restricted patients who are not sex offenders, in practice the Responsible Authorities are using the same principles and arrangements for the housing of these offenders. The MAPPA guidance sets out the management of restricted patients in more detail.

Under the NASSO the primary role of Health Boards is to:

- make sure that the housing needs of restricted patients are identified at the earliest opportunity and resolved by working with the Responsible Authorities;
- consider whether to instruct an offender to reside somewhere as part of conditional discharge from hospital detention or as part of the variation of a compulsion order where a restriction order is revoked;

-
- work with the Responsible Authorities and SOLOs to make arrangements for the housing needs of the offender to be addressed at the earliest point at which discharge from hospital is being considered, where there is any indication that housing is a potential issue. This is likely to be needed, for example, in the cases of offenders:
 - who cannot return to their home address or home area (because the police, social work and/or housing provider advise against it);
 - who are disowned by their family;
 - who are returning to an area near to their victims (especially serious cases);
 - whose offence has acquired public notoriety/media attention;
 - where there are concerns about child protection, domestic abuse or vulnerable adults; and
 - who need housing with support, which is not yet available.

ANNEX 1 – TEMPLATE – ENVIRONMENTAL RISK ASSESSMENT

PART A

OFFENDER DETAILS	
Name:	
D.O.B:	
Current address:	
ViSOR No:	
MAPPA Level:	
Risk:	
Reg. Expires:	

Conviction M.O. (include age and sex of victim):	
Victim profile/Location of Victims/relationship to offender:	

Summary of offending behaviour:	
Health Issues/adaptation requirements:	
Any other relevant info e.g. alcohol, domestic violence:	
Reason for ERA request:	

Name/Job title/Agency:	
Date referred:	

PART B

ADDRESS BEING CONSIDERED	
House No:	
Street:	
Town:	
Postcode:	
Property Type/size/location:	
Property owner:	

First ERA:	Y/N
Review ERA Date:	

Appendix A contains all relevant addresses and known occupants.

CHECKS CONDUCTED - SOLOS	
Date property identified/received:	
Date completed:	

Housing System/RSL's:	YES/NO
Council Tax/Housing benefits:	YES/NO
Private Landlord Registration:	YES/NO
Assessors/Voters Role:	YES/NO
Care inspectorate web check:	YES/NO

Comments and Analysis:

Is address recommended as manageable: YES/NO

Name/Job title:	
Date:	

SOCIAL WORK SYSTEMS

Date received:	
Date completed:	

CJ Cases:	YES/NO
C & F Cases:	YES/NO
Adults at Risk of Harm:	YES/NO

CJ Social Worker Comments and Analysis:

Is address recommended as manageable: YES/NO

Name/Job title:	
Date:	

POLICE CHECKS

Date received:	
Date completed:	

Appendix Check List:

IMAGE/STORM:	YES/NO
ViSOR:	YES/NO
PNC/CHS2:	YES/NO
VPD:	YES/NO
SID:	YES/NO
Local Crime/ PPU Management:	YES/NO
OMIS:	YES/NO
Community Policing:	YES/NO

Name/Rank:	
Date:	

POLICE PHYSICAL CHECKS	
ADDRESS	Date: _____ Officer: _____
PLAY PARKS	Date: _____ Officer: _____
COMMUNITY CENTRES/ LIBRARIES	Date: _____ Officer: _____
SCHOOLS/NURSERIES	Date: _____ Officer: _____
SHOPS	Date: _____ Officer: _____
CHURCHES	Date: _____ Officer: _____
CHILDRENS TOYS/EQUIPMENT	Date: _____ Officer: _____
ANY OTHER EVIDENCE	Date: _____ Officer: _____

OMU Analysis and Recommendations:

Is address recommended as manageable: YES/NO

Name/Rank:	
Date:	

OTHER CHECKS - EDUCATION/NHS/SPS

Date received:	
Date completed:	

SEEMIS:	YES/NO
Discuss with Health whether check is warranted	YES/NO
SPS Intelligence checks:	YES/NO

Comments and analysis::

PART C

Approval of Property

Date received:	
Date completed:	

Approval of Property	YES/NO/DEFFERED
Name/Position:	
Date:	

PART D

Decision (where agreement cannot be reached by parties)

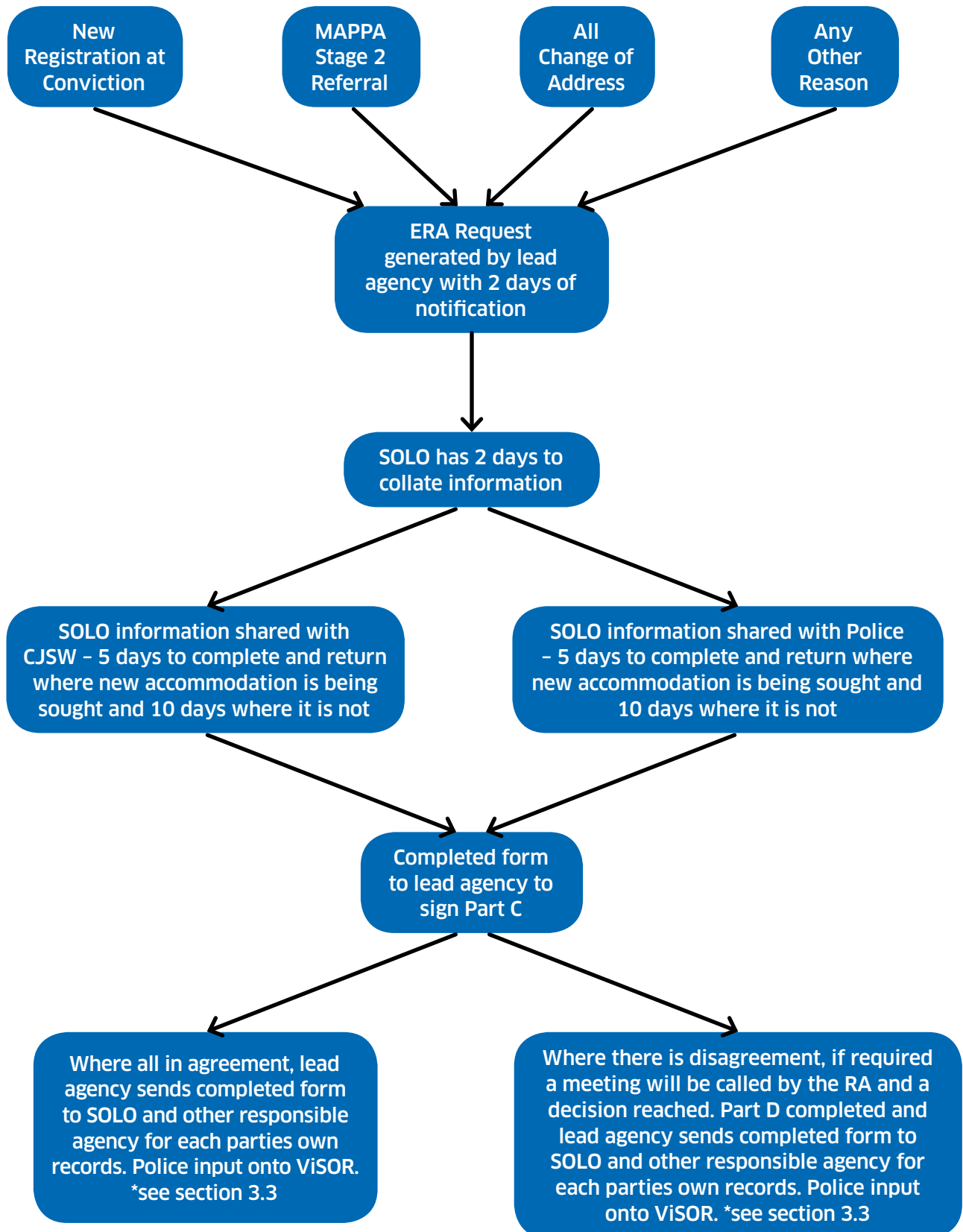
Approval of Property: YES/NO

Comments and Analysis:

Name/Position:	
Date:	

THIS ENVIRONMENTAL RISK ASSESSMENT WAS CORRECT AT THE TIME OF COMPLETION BASED ON THE ATTACHED COLLATED INFORMATION.

ANNEX 2 – ENVIRONMENTAL RISK ASSESSMENT (ERA) PROCESS FOR EVERY NEW OFFENDER AND CHANGE OF ADDRESS



ANNEX 3 – GLOSSARY OF TERMS

Choice based lettings – Is a type of housing allocation system where applicants bid on available properties rather than waiting on an offer being made to them. Once the bidding closes, the applicant with the highest priority out of all those who made a bid is offered the property.

Common Housing Register – A single register that can be accessed by a number of landlords who have stock in an area. Usually applicants only have to complete one application form to join the register.

Community Justice Partners – Community Justice Partners provide at a local level, strategic planning and service delivery of offender services in Scotland.

CJSW – Criminal Justice Social Work services are responsible for the management of offender services within local authorities which includes the assessment and supervision of registered sex offenders subject to statutory supervision in the community.

Disclosure – The sharing of specific information about a MAPPA offender with a third party (not involved in MAPPA) for the purposes of protecting the public. There are various methods of disclosure.

Duty to Co-operate – persons or bodies in Scotland listed within The Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007. They include registered social landlords, the Principal Reporter to the Children's Panel, electronic monitoring providers, and any persons/organisations providing services to, or on behalf of, a responsible authority in connection with the assessment and management of the risks posed in a relevant area by any person to whom Section 10(1)(a) of the 2005 Act applies.

NHS is a DTC partner in respect of registered sex offenders. Health Boards are a Responsible Authority in relation to

restricted patients who are subject of the sex offender notification requirements.

ERA – Environmental Risk Assessment is a process used to identify housing related risk and informs decisions on the most suitable accommodation for use by registered sex offenders in order to minimise risk towards the community.

Information Sharing Protocols – are documents which set out the principles by which information can be shared between agencies involved in the management of registered sex offenders.

MAPPA – Multi-Agency Public Protection Arrangements are a set of arrangements which the police service, Local Authority, prison service, health service and others are statutorily obliged to operate, with the objective of protecting the public from the risks that may be posed by registered sex offenders.

MAPPA National Strategic Group – has responsibility for the strategic oversight and development of MAPPA in Scotland. It includes the Scottish Government, Strategic Oversight Groups chairs, Police Scotland and the Scottish Prison Service.

NASSO – The National Accommodation Strategy for Sex Offenders in Scotland is the national framework for housing sex offenders in the community.

Responsible Authorities – The responsible authorities are the police, local authorities, health boards or Special Health Boards and the Scottish Prison Service (SPS) (acting on behalf of Scottish Ministers).

Restricted Patient – This is an offender defined under the [Management of Offenders etc. \(Scotland\) Act 2005](#) Section 10, 11 (a) to (d).

RSL – Registered Social Landlords are independent landlords (including housing associations, housing cooperatives, Abbeyfield societies and co-ownership societies) registered with the Scottish

Housing Regulator which own and manage houses on a not for profit basis.

RSL Link Officer – staff in a housing association who will liaise with the Sex Offender Liaison Officer and Responsible Authorities in respect of the housing of registered sex offenders.

RSO – Registered Sex Offender. This is an offender convicted of an offence specified in the [Sexual Offences Act 2003](#) and therefore subject to the notification requirements of this Act.

Risk of Sexual Harm Order – Place restrictions and obligations on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or to children generally. The person's behaviour need not constitute a criminal offence, and s/he need not have any previous convictions. If the person fails to comply with (i.e. breaches) the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment. A conviction for breach of the order also renders the person subject to the sex offender notification requirements.

Section 5 Referrals – Section 5 of the Housing (Scotland) Act 2001 places a statutory duty on registered social landlords to provide accommodation to homeless people referred to them by the local authority.

Sex Offender Register – see ViSOR.

SHORE – Sustainable Housing on Release for Everyone – standards to ensure that the housing needs of individuals in prison are handled at an early stage, in a consistent way across Scotland, regardless of where they come from, their housing status and how long they have been in prison or young offenders' institution.

Significant Case Review – The MAPPA National Guidance (2014) advises that each Strategic Oversight Group must have a process to examine incidents which may lead to a Significant Case Review.

SOG (Strategic Oversight Groups) – operate in each Community Justice Partners area and are responsible for the development of planning, policy and operational delivery of MAPPA.

SOLO – Sex Offender Liaison Officers are staff, usually within housing, who provide a single point of contact for accommodation requests from Responsible Authorities in respect of the housing of Registered Sex Offenders.

SONR – The Sex Offender Notification Requirements are set out in legislation and identify certain requirements, in terms of notification, that all Registered Sex Offenders must comply with when placed on the 'sex offenders register.'

SOPo – Sexual Offences Prevention Order. A Court may make a SOPo at the time of dealing with certain sexual offenders or when the police make a special application on account of the offender's behaviour in the community. A SOPo can place restrictions and obligations on the offender and will require the subject to register as a sexual offender. If the offender fails to comply with (i.e. breaches) the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment.

SPS – The Scottish Prison Service is an agency of the Scottish Government which is legally required to deliver custodial and rehabilitation services for those sent to prison by the courts.

ViSOR – The Violent and Sex Offender Register is the agreed system used by MAPPA to facilitate the secure exchange and storage of information. ViSOR is a Home Office system used across the UK and records the details and ongoing management of RSOs and other MAPPA offenders. Additionally, ViSOR provides what is publicly referred to as the Sex Offenders Register. ViSOR is used by all Responsible Authorities in Scotland as well as the police, National Probation Service and Prison Service in England and Wales.



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