

Housing Managed Offenders Policy

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Bield Housing & Care

Housing Managed Offenders Policy

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1.0 INTRODUCTION

- 1.1 This policy should be read in conjunction with the Housing Managed Offenders Procedures.

Other related policies and procedures:

- Allocation Policy Supported Housing
- Data Protection Procedure
- Openness and Confidentiality Policy
- Information Management Strategy
- Information Security Policy
- Information Sharing Protocols
- Records Management, Destruction and Archiving Policy & Procedure

All of the above (with the exception of the 'allocation policy support housing') can be accessed via the Data Protection portal on Grapevine.

- 1.2 This policy seeks to clarify Bield's statutory obligations and how Bield will deal with the issue of housing people who have been convicted of a sexual offence and other offenders managed through **Multi-Agency Public Protection Arrangements (MAPPA)**.

Whilst the policy focuses on sex offenders, many of the principles outlined apply equally to people who have committed other offences and who have been assessed as potentially posing a risk to members of the community.

- 1.3 It should be noted that the range of sexual offences which requires an offender to register is broad and therefore not all sex offenders should be seen as problematic or dangerous to the wider community. Each offender poses a different level of risk and the risk assessment process carried out by the Responsible Authorities (the Police, local authorities (Criminal Justice Social Work department), the Scottish Prison Service, and Health Boards in the case of restricted patients who are also violent or sex offenders, sometimes referred to as mentally disordered patients) is crucial with regard to the housing and future management of sex offenders.

2.0 LEGAL REQUIREMENTS

- 2.1 The **Housing (Scotland) Act 2001** obliges public sector landlords to admit anyone aged 16 or over, inclusive of sex offenders, on to their housing lists and, in providing housing and related services, to act in a way which encourages equal opportunities.
- 2.2 In addition, the **Housing (Scotland) Act 2001** and the **Homelessness etc. (Scotland) Act 2003** have placed statutory duties on Registered Social

Landlords (RSLs) to provide accommodation to homeless households. This includes homeless sex offenders. Under Section 5 of the Housing (Scotland) Act 2001, a local authority may ask a RSL who has accommodation in its area to provide a Scottish Secure/Short Scottish Secure tenancy for an unintentionally homeless person in priority need. The RSL must “comply with such a request unless it has a good reason for not doing so”. The Homelessness etc. (Scotland) Act 2003 extended priority need categories to include those discharged from hospital or prison.

- 2.3** The **Management of Offenders etc. (Scotland) Act 2005** has placed:
- A duty on Responsible Authorities to establish joint arrangements (MAPPA) for assessing and managing risk posed by sex offenders, violent offenders and those who may cause serious harm to the public;
 - A ‘Duty to Co-operate’ on other agencies including local authorities and RSLs to share information and assist the Responsible Authorities to access appropriate accommodation for sex offenders. This is a two-way duty and means the Responsible Authorities are also under a duty to co-operate with the local authority housing service and RSLs to share information to enable appropriate decisions over accommodation to be made in order to minimise risk.
- 2.4** MAPPA have applied to registered sex offenders since 2 April 2007, and restricted patients who are also violent or sex offenders since 30 April 2008. MAPPA will apply to violent offenders from a future date to be announced by the Scottish Government.
- 2.5** The National Accommodation Strategy for Sex Offenders (NASSO), introduced as one section of the Scottish Government’s MAPPA Guidance document, puts in place a framework for housing providers and the Responsible Authorities.
- 2.6** The National Accommodation Strategy for Young People Displaying Sexually Harmful Behaviour Good Practice Working Document was published by the Scottish Government in December 2008. The guidance is supplementary to that provided in the NASSO and details the management and accommodation arrangements for young people whose sexually harmful behaviour has been dealt with through the Children’s Hearings System.
- 2.7** Cognisance should also be take of the General Data Protection Regulation (EU) 2016/679 (GDPR), Data Protection Act 2018 (DPA 2018) and Human Rights Act 1998.
- 3.0** **ROLE OF SEX OFFENDERS LIAISON OFFICER (SOLO) AND LINK OFFICER**
- 3.1** The NASSO requires each local authority to put in place a Sex Offenders Liaison Officer (SOLO), sometimes called Housing MAPPA Liaison Officer.

Local authority housing services that have not transferred their housing stock, and all RSLs, must have a Link Officer.

3.2 The Link Officer will:

- Work with SOLOs to identify appropriate accommodation and take part in risk management arrangements where appropriate accommodation has been identified;
- Liaise with the SOLO and the Responsible Authorities;
- Identify potential suitable accommodation for the Responsible Authorities to address profile;
- Oversee allocations, including any subsequent transfers, and ensure ongoing housing management is appropriately delivered with regard to the risk posed by the sex offender;
- Liaise with the Responsible Authorities over ongoing risk management issues;
- Be satisfied that the Responsible Authorities have in place a risk management plan for any sex offenders that they are housing;
- Attend case conferences to ensure ongoing housing issues are fully considered and that changes to the risk can be reflected in housing management practices;
- Keep up-to-date and confidential records on housed sex offenders;
- Ensure that housed sex offenders are being monitored over time with regard to housing management issues;
- Report changes in the profile of the community around any housed sex offenders to the SOLO, Police or Criminal Justice Social Work on a regular basis;
- Assist the Police and Criminal Justice Social Work to manage community expectations;
- Have regard to community and staff safety issues, e.g. restrictions on who can visit a sex offender at their home or interview a sex offender in the office;
- Receive and process all housing applications to their organisation from known sex offenders – including Choice-Based Letting and referring to the SOLO with Common Housing Register applications;
- Centrally hold and control access to the relevant information for each known sex offender housed by the organisation and ensure it is not shared with other staff or the management committee / board (disclosure of information beyond the Link Officer is a matter for the Police);
- Ensure there are appropriate cover arrangements in place in case of their absence.

3.3 It may be appropriate to appoint more than one Link Officer. If more than one Link Officer is appointed, it will be clear to the SOLO(s) and Responsible Authorities who they should contact as the initial single point of contact. The arrangements for urgent and emergency contact where the Link Officer is unavailable will also be clear to the SOLO(s) and Responsible Authorities.

3.4 The Link Officer(s) will be subject to enhanced disclosure checks.

4.0 AIMS AND OBJECTIVES OF THE POLICY

4.1 The aims and objectives of this policy are:

- To support the National Accommodation Strategy for Sex Offenders (NASSO) and enable Bield to fulfil its legal obligations;
- To ensure that Bield staff work closely with SOLOs and the Responsible Authorities;
- To ensure the confidentiality of personal information for all applicants and tenants who are known sex offenders;
- To ensure that in the allocation of properties, applications from sex offenders are not discriminated against and that any decision not to house will be based on information supplied from a risk assessment carried out by the Responsible Authorities;
- To ensure, as far as is reasonably possible, that in housing an offender, other tenants and the local community are not put at risk;
- To ensure, as far as is reasonably possible, that in assessing and housing an offender, staff and contractors are not put at risk;
- To work closely with local authorities when requested to house a homeless applicant who is a sex offender.

5.0 INFORMATION MANAGEMENT

5.1 Bield Housing & Care are committed to maintaining the confidentiality of all tenants and applicants. All staff deal with confidential issues on a day-to-day basis and are contractually bound to ensure confidentiality of all tenants and applicants for housing.

5.2 All Bield staff will complete the mandatory annual GDPR training and basic data protection training every 3 years, to ensure their data protection and GDPR awareness is consistently up-to-date.

5.3 In line with our Data Protection Policy, we are committed to compliance with the GDPR and DPA 2018. We recognise, however, that information relating to sex offenders is sensitive and should also be compliant with national

standards in place for sharing information between key agencies involved in the management of sex offenders (the Concordat).

- 5.4 Bield will ensure that confidential information, both written and electronic, relating to sex offenders in respect of their housing needs is kept securely. Only the Link Officer(s) will process and have access to the information.
- 5.5 Information received will be recorded promptly and accurately. Only that information which is sufficient for purpose and relevant will be kept. Information will be kept only for as long as is necessary and will be securely destroyed.
- 5.5 Under GDPR, all individuals have a right to find out what information Bield holds about them and can request access to this information by submitting a subject access request (SAR). All SARs will be reported to the Bield Data Protection Officer who will ensure that the request is managed in accordance with our Subject Access Request procedure and the relevant Information Sharing Protocol.
- 5.6 Bield will support the development of Information Sharing Protocols between the Responsible Authorities, SOLO and RSLs to facilitate the sharing of relevant information to allow suitable accommodation decisions to be made and to allow consideration of any potential risk to employees.
- 5.7 All known or suspected data breaches in relation to any information shared under the Information Sharing Protocol (e.g. misuse or abuse of the system, misuse or abuse of information shared, unauthorised processing of data, unauthorised disclosure of information, malicious software attack) will be reported to Bield's Data Protection Officer without undue delay, who will investigate accordingly and if necessary, report the breach to any relative partner organisation, data subject or supervisory authority.
- 5.8 It may be necessary for the SOLO and/or Link Officer to share information with specific members of staff within Bield. Any information shared will be agreed in advance between the SOLO and/or Link Officer and the Responsible Authorities on a case by case basis. Information security will be maintained when information is shared. A record will be kept of all instances where sensitive personal information is shared.
- 5.9 The Link Officer will be responsible for ensuring any appropriate flags are placed on computer systems / within individual files, for applicants and tenants, to assist with the internal management of information and to notify staff and contractors of particular arrangements for an individual tenant for health and safety reasons. The flagging of tenants on files / electronic databases / records will be carried out in such a way that the nature of the flag does not identify an individual as a sex offender.

- 5.10 As a result of the arrangements in place, it is possible that staff will be aware that an applicant or tenant is a sex offender, but they will only be provided with information that ensures their safety and ability to carry out their job responsibilities.

HOUSING MANAGEMENT

6.0 APPLICATIONS FOR HOUSING

- 6.1 All applicants for housing will be asked if they, or anyone to be housed with them, are required to register under the Sexual Offences Act 2003.

Our application form for housing includes a question asking if the applicant or anyone moving with them is required to register under the Sexual Offences Act 2003. New applicants and applicants for a transfer are required to complete an application form.

Where applications are received for a mutual exchange, sub-let, assignation, or to add a joint tenant, or by referral from the SOLO, or through a nomination agreement with the local authority, all applicants will be asked if they are required to register under the Sexual Offences Act 2003 during an assessment visit.

This is to ensure that, where possible, Bield is alerted to the applicant's status and any risk factors / issues are taken into consideration through information sharing with the SOLO and Responsible Authorities.

- 6.2 All completed applications for housing received where the applicant indicates that they, or anyone to be housed with them, are required to register under the Sexual Offences Act 2003, will be processed by the Link Officer(s). Only the Link Officer(s) will have access to the application.
- 6.3 Bield Housing & Care will assess each housing application on its merit, including those from sex offenders, in accordance with its Allocation Policy, and in light of statutory obligations.
- 6.4 Where Bield is a member of a CHR in which applicants are asked to declare if they are required to register under the Sexual Offences Act 2003 applications will be passed to a single point of contact who will fulfil the role of Link Officer.
- 6.5 Under the duty to co-operate it is expected that if a RSL has a suitable property which has been address profiled by the Responsible Authorities, and the Link Officer is confident that the Responsible Authorities have provided

them with the required information from the risk assessment process, that the tenancy will be offered.

7.0 TENANCY MANAGEMENT

7.1 Much of the ongoing management of a housed sex offender will be similar to that for any tenant. However, measures will be taken to protect staff and the wider community by minimising risk.

7.2 If the offender has been assessed by the Responsible Authorities as posing a possible risk to staff and contractors, Bield will ensure relevant staff are alerted to any health and safety considerations.

7.3 It is not Bield's responsibility to monitor housed offenders however we have a duty to advise the Responsible Authorities, via the SOLO, of any changes which could affect risk levels, such as:

- Changes in household composition, if known;
- Receipt of a request to transfer, exchange, assign or sublet;
- If a decant or management transfer is required to be arranged;
- Receipt of a request for a joint tenancy;
- A request to succeed to a tenancy is received;
- An application to exercise the right to buy, where applicable, is received;
- The property is abandoned;
- Notice to terminate the tenancy is received;
- Action to evict is proposed.

The Link Officer will carry out this duty on behalf of Bield.

7.4 The Link Officer will work with the SOLO and Responsible Authorities to identify alternative accommodation if a sex offender agrees to move or is required to move following re-offence or release from prison if their current accommodation is not deemed appropriate during the risk assessment process.

7.5 The fact that someone is a sex offender does not mean that they can be required to transfer or be evicted from the property of which they are a tenant. Sex offenders have the same rights as other tenants, unless restrictions are in place governing their movements or where they can live.

Similarly a sex offender cannot be prevented from living with another person, e.g. their partner, parents, relatives or friends who have offered to accommodate them, unless restrictions apply. Sex offenders living with tenants have the same rights as other people living with tenants unless they are subject to restrictions applied by the Responsible Authorities.

7.6 Where Bield is aware that an existing tenant has been convicted of an offence and is likely to be imprisoned, we will ensure the person receives advice on what to do about their current tenancy.

8.0 MANAGING COMMUNITY EXPECTATIONS

- 8.1** The Responsible Authorities are expected to take the lead in managing community expectations. Bield will work with the local authority and the Responsible Authorities to devise and deliver a plan for managing community expectations. This will include media contact arrangements.

9.0 MANAGING EQUALITY & DIVERSITY

- 9.1** Bield is committed to advancing equality of opportunity, eliminating unlawful discrimination and fostering good relations between people who share a protected characteristic and those who do not. Our goal is to ensure that these commitments, reinforced by our values are embedded in our day to day working practises with all our customers, colleagues and partners. Acting on these principles we aim to promote an environment that is free from all forms of unlawful or unfair discrimination.

The Equality Act 2010 sets out the protected characteristics as age; disability; gender reassignment; marriage and civil partnership (employees only); pregnancy and maternity; race; religion or belief; sex and sexual orientation

10. REVIEW OF POLICY

- 10.1** This policy will be reviewed on a five yearly basis or as necessitated by changes in legislation.