

FORTH HOUSING ASSOCIATION LIMITED

MANAGEMENT OF VIOLENT OFFENDERS AND SEX OFFENDERS POLICY

Code: HM 29

Approval: February 2024

Review Date: February 2027

Cross Reference: Allocations HM 03
End of Tenancy Procedures HM 11
Start of Tenancy Procedures HM 19
Staff Safety HR 20
Nominations Agreement HM 12
Section 5 referrals

Guidance

The National Accommodation Strategy for Sex Offenders (NASSO)

Legislation

Housing (Scotland) Acts 1987 and 2001

Freedom of Information (Scotland) Act 2002

Homelessness Etc. (Scotland) Act 2003

Sexual Offences Act 2003

The Management of Offenders Etc. (Scotland) Act 2005

Criminal Justice and Immigration Act 2008

Data Protection Act 2018

The Management of Offenders (Scotland) Act 2019



HAPPY TO TRANSLATE

Policy Summary

This document can be made available in alternative languages or formats (such as large print, audio etc). Please contact staff as required.

This policy has been developed to show how Forth Housing Association, Management of Violent Offenders & Sex Offenders.

Equalities

No equalities issues have been identified in the Equalities Impact Assessment Screening Questions and there is therefore no requirement to do a full Equality Impact Assessment.

Privacy

Data Protection legislation applies to customer records which will be managed accordingly. There is no requirement to do a full Privacy Impact Assessment.

Policy Owner

Name: William Boale

Date of Next Review: February 2027

FORTH HOUSING ASSOCIATION LIMITED

MANAGEMENT OF VIOLENT OFFENDERS AND SEX OFFENDERS POLICY

1.0 Introduction

Forth Housing Association is committed to meeting its duties and responsibilities under the Housing (Scotland) Acts 1987 and 2001 and the Homelessness (Scotland) Act 2003 as they apply to accommodation for registered violent offenders and sex offenders.

2.0 Principles

The purpose of this policy is to outline Forth Housing Associations duty & responsibilities contained within the Housing (Scotland) acts 1987 and 2001 and the Homelessness (Scotland) Act 2003 as they apply to accommodation for registered violent offenders and sex offenders.

3.0 Aims and Objectives

3.1 Forth Housing Association is committed under the Management of Offenders (Scotland) Act 2005 to co-operate and participate in MAPPA (Multi Agency Public Protection Arrangements) introduced 2007 by virtue of Sections 10 & 11 of the Management of Offenders etc. (Scotland) Act 2005 to exchange information and to comply with The Management of Offenders (Scotland) Act 2019

3.2 There are three different categories of offenders who are subject to MAPPA:

- **Registered Sex Offenders (RSOs)** - those offenders convicted of an offence listed in Schedule 3 to the Sexual Offences Act 2003 and are required to comply with the sex offender notification requirements (SONR) set out in Part 2 of the 2003 Act. Those made subject to a Sexual Offences Prevention Order (SOPO) or are convicted of a breach of a Risk of Sexual Harm Order (RSHO).
- **Mentally Disordered Restricted Patients** and comprises those subject to any of the following orders or directions:
 - Patients who are detained following conviction under section 57A and section 59 of the Criminal Procedure (Scotland) Act 1995;
 - Patients who are detained under section 57(2)(a) and (b) of the Criminal Procedure (Scotland) Act 1995 Compulsion order with a Restriction Order following a finding of unfitness for trial or acquittal by reason of mental disorder; and

- Prisoners detained in hospital on a Hospital Direction under section 59A of the Criminal Procedure (Scotland) Act 1995 or a transferred prisoner on a Transfer for Treatment Direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- **Other Risk of Serious Harm Offenders** - offenders not required to comply with the SONR or are a mentally disordered restricted patient; who by reason of their conviction are subject to supervision in the community by any enactment, order or licence; are assessed by the responsible authorities as posing a high or very high risk of serious harm to the public; which requires active multi-agency management at MAPPA level 2 or 3.

4.0 Policy Framework

- 4.1 The Association will co-operate with 'responsible authorities' (police, criminal justice social work, Scottish Prison Service and Health Boards) and Stirling Council to enable appropriate decisions to be made about accommodation for registered offenders and minimise the risk.
- 4.2 The Association will undertake our responsibilities with regards to the accommodation of registered offenders in line with our duty of care to our tenants and residents and to the registered offender.
- 4.3 The Association will support staff to undertake their responsibilities in relation to the managing accommodation for registered offenders safely, with appropriate training and ongoing support.
- 4.4 The Association will co-operate within the MAPPA (Multi Agency Public Protection Arrangements) to share information with Stirling Council under the Sharing of Information protocol between Stirling Council and Registered landlords.

5.0 Monitoring of the Policy

The Management Committee will review this policy at least every 3 years and staff are responsible for ensuring that it meets legal and good practice requirements.

6 Right of Appeal

- 6.1 Forth Housing Association welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints procedure developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

7.0 Equalities

Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website www.forthha.org.uk or can be obtained from our office.

8.0 Data Protection - Privacy

We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer

9.0 Availability

This policy will not be available on our website, however, can be made available in a number of other languages and other formats on request.

10 Review

Management Committee will review this policy at least every 3 years, and Staff are responsible for ensuring that they meet legal and good practice requirements.

Appendix 2 - Equality Impact Assessment Screening Questions

Forth Housing Association Ltd –Management Of Violent Offenders and Sex Offenders Policy

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|------------------------------|--|
| 1. Age | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Disability | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Gender reassignment | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Marriage and Civil Partnership | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5. Pregnancy and Maternity | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 6. Race | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 7. Religion or belief | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 8. Sex | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 9. Sexual orientation | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment

Appendix 3 - Privacy Impact Assessment Screening Questions

Forth Housing Association –Management Of Violent Offenders and Sex Offenders Policy

1. A substantial change to an existing policy, process or system that involves personal information
Yes No
2. A new collection of personal information
Yes No
- 3.. A new way of collecting personal information (for example collecting it online)
Yes No
4. A change in the way personal information is stored or secured
Yes No
5. A change to how sensitive information is managed
Yes No
6. Transferring personal information outside the EEA or using a third-party contractor
Yes No
7. A decision to keep personal information for longer than you have previously
Yes No
8. A new use or disclosure of personal information you already hold
Yes No
9. A change of policy that results in people having less access to information you hold about them
Yes No
10. Surveillance, tracking or monitoring of movements, behaviour or communications
Yes No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example)
Yes No

If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.