



**Suffolk Safeguarding  
Children Board**

# **Guidance on Managing Individuals Who Are Thought to Be a Risk to Children:**

## **Potentially Dangerous Persons Protocol**

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## Policy Version History

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<b>Version</b>	<b>Date of Updates</b>	<b>Date of Review</b>	<b>Document Author</b>
1	LSCB Adopted August 2008		
2	February 2010	February 2013	LSCB
3	May 2015	May 2018	LSCB

## Introduction

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There is no commonly accepted definition of a Potentially Dangerous Person (PDP) and no legislation recognises their existence as a class of person. For the purposes of this guidance, a PDP is a person who has not been convicted of, or cautioned for, any offence placing them into one of the three MAPPA Categories. They are however a person whose behaviour gives reasonable grounds for believing that there is a **present likelihood** of them committing an offence or offences that will cause serious harm. Unlike offenders who fall within MAPPA there is no statutory multi-agency framework which governs the management of PDP's.

PDP's can come to the attention of statutory agencies in various ways. This could be through information or intelligence acquired or received by the police or partner agencies following an arrest or investigation that has not led to a charge of prosecution, or as a result of an acquittal. Examples of this could be where:

- An investigation - completed or ongoing - (relating to child abuse, vulnerable adult abuse, sexual offences, domestic violence, hate crime or other allegations of violence or abuse) is unable to prove the guilt of an individual despite evidence that suggests that the person poses a risk of serious harm in the future;
- An individual is investigated for a relatively minor offence but other information (e.g. from other agencies such as the National , Community Rehabilitation Company, Probation Service, Prison Service, Adult and Children's Social Care Services or Health sector) indicates that the person poses a risk of serious harm in the future.

The overarching principle is that there must be a **present likelihood** of them causing serious harm.

An individual who could fall within the definition of a PDP can be referred to the Public Protection Unit by any organisation. The decision to categorise a person as a PDP will rest with a Police Officer whose ranking is no lower than a Superintendent.

Any agency wishing to refer a person to the Police as a PDP in the first instance needs to make contact with the Detective Inspector in the Public Protection Unit.

A referral form will be sent to them for completion of full details needed for the decision making to categorise a person as a PDP (see Appendix 1)

The decision will be recorded to categorise or not the person as a PDP. A copy of this will be sent to the referring agency.

Following consultation with the Detective Inspector in the Public Protection Unit, should any organisation not concur with the decision making on PDP status they should refer the matter to the Detective Chief Inspector of Public Protection.

In assessing the risk of a PDP, any information available to the Police or other agencies should be taken into consideration. This could be information which indicates behaviour (either an isolated incident or a pattern of behaviour) that gives reasonable grounds to believe there is a likelihood of them committing an offence or offences that will cause

serious harm or that can reasonably be viewed as a precursor to more serious offending.

The assessment should include details of the following:

- Nature and pattern of the individual's behaviour;
- Nature of the risk
- Who is at risk (e.g. Particular individuals, children, vulnerable adults);
- In what circumstances risk is likely to increase (e.g. Issues relating to mental health, medication, drugs, alcohol, housing, employment, relationships);
- What factors are likely to reduce the risk?

The assessment should include all relevant medical evidence available, and consideration of whether there is a reasonable medical explanation for the behaviour displayed.

It is an expectation that agencies retain and share information in assisting the management of risk of PDP's.

There is a safeguarding policy covering the sharing of information available on ([www.suffolkscb.org.uk](http://www.suffolkscb.org.uk))

If you are in a situation where you disclose information you must record your decision and the reasons for making it.

(Please see Appendix 2) which will assist in reasoning for disclosure of information.

As there is no statutory framework for the management of PDP's the options available to reduce the risk of serious harm are limited.

In many instances, a PDP is a person without any convictions for a criminal offence. The Prison and National Probation Service/Community Rehabilitation Company do not, therefore, have an automatic role in managing the risk posed by such persons. In exceptional circumstances, however, it may be appropriate for either agency, or both, to be involved in a multi-agency process for assessing the risk. Given the statutory role of the National Probation Service/Community Rehabilitation Company and Prison Services to work with offenders, the involvement of these agencies in the management of unconvicted people should be exceptional and decided on a case-by-case basis with the authority of the Assistant Chief Officer.

Where an individual has been categorised as a PDP, consideration should be given to a multi- agency forum which will be chaired by the police by the Detective Inspector for PPU or a nominated deputy in exceptional circumstances.

## Which agencies should attend?

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Those attending the PDP meeting should have the authority within their agencies to prioritise the actions that arise from the meeting and be able to make a commitment of resources to those actions.

The following agencies might attend the PDP meeting. The agencies invited should be any that have a role to play in the management of risk, so it is crucial to have non-criminal justice system groups there.

- Police (officer to report on cases and other Public Protection Officers as necessary);
- Children and Young People Services;
- Adult Services;
- Independent Domestic Violence Advisors/Independent Sexual Violence Advisors
- Health representatives (to cover information from Midwives, Health Visitors, and A&E departments);
- Mental Health including Child & Adolescent Mental Health Service (CAMHS);
- Housing;
- Homelessness Team;
- National Probation Service, Community Rehabilitation Company;
- Education;
- Local Drug and Alcohol Services
- Community based and voluntary organisations

## Minute Taking

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There needs to be a dedicated minute taker, normally provided by the Police. The minutes should normally be prepared the same day as the meeting and include a list of all the agreed actions plus any amendments to the basic information that might have become clear as a result of the meeting.

A person is no longer categorised as a PDP when it has been agreed through the chair of the meeting that management within the PDP process is not required at this time.

Should any organisation not concur with the decision making at PDP status they should refer the matter to the Detective Chief Inspector of public protection, if they remain unsatisfied the Escalation Policy of the LSCB should be implemented.

<http://www.suffolkscb.org.uk/assets/files/2014/EscalationPolicy.pdf>

# Appendix 1

## Potentially Dangerous Persons Referral Form to Suffolk Police (Fields Expand for further information)

<b>Name</b>	<b>AKA</b>
<b>Date of birth</b>	
<b>Address:</b>	

<b>Partner's Details</b>
<b>Children's Details</b>
<b>Reasons for Referral</b>

<b>Background and Risk Issues (include chronology if known)</b>	
<b>Referring Agency</b>	
<b>Contact Details and Address:</b>	
<b>Tel no:</b>	<b>Mobile:</b>
<b>Email:</b> (Forward to Suffolk Police PPU – Fax 01473 214409, Email Visor_spoc@suffolk.pnn.police.uk)	

<b>Section 2 Police Public Protection</b>	
<b>Category for PDP Yes/No</b>	
<b>No</b>	<b>Reasons Why?</b>
<b>Yes</b>	<b>Notification to SUPT: Name/Date</b>
<b>Signed DS PPU</b>	<b>Signed DI PPU</b>
<b>Agency Notified of Outcome</b>	<b>Name/Date</b>

## Appendix 2

### Legal Grounds When Considering Sharing Information without Consent

#### Protection against Disclosure

Legal Issues	Source
Protection of personal data	Data Protection Act 1998
Duty of confidentiality	Common Law
Right to private and family life	Human Rights Act, Article 8

#### Main Lawful Grounds for Sharing Without Consent

Purpose	Legal Authority
Prevention and detection of crime	Crime and Disorder Act 1998
Prevention and detection of crime and/or the apprehension or prosecution of offenders	Section 29, Data Protection Act (DPA)
To protect vital interests of the data subject; serious harm or matter of life or death	Schedule 2 & 3, DPA
For the administration of justice (usually bringing perpetrators to justice)	Schedule 2 & 3, DPA
For the exercise of functions conferred on any person by or under any enactment (police/social services)	Schedule 2 & 3, DPA
In accordance with a court order	
Overriding public interest	Common Law
Child protection – disclosure to social services or the police for the exercise of functions under the Children Act, where the public interest in safeguarding the child’s welfare overrides the need to keep the information confidential	Schedules 2 & 3, DPA
Right to life Right to be free from torture or inhuman or degrading treatment	Human Rights Act, Articles 2 & 3

#### Balancing Principles

Proportionate responses <ul style="list-style-type: none"> <li>• Respective risks to those affected</li> <li>• Pressing need</li> <li>• Need to know of other agencies</li> </ul>	
Public interest in disclosure	