

**NATIONAL ACCOMMODATION STRATEGY
FOR YOUNG PEOPLE DISPLAYING
SEXUALLY HARMFUL BEHAVIOUR**

GOOD PRACTICE WORKING DOCUMENT

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Management and accommodation arrangements for young people whose sexually harmful behaviour has been dealt with through the Children's Hearings system and are therefore not 'convicted' of an offence.

1. This guidance is supplementary to that provided in the National Accommodation Strategy for Sex Offenders (NASSO) which was published as part of the Multi Agency Public Protection Arrangements (MAPPA)¹ in March 2007 and came into effect on 2 April 2007.
2. This guidance sets out:
 - What is expected of social workers who are involved in accessing and managing accommodation for young people involved in sexually harmful behaviour and who are not managed through MAPPA arrangements;
 - Expectations, roles and responsibilities of housing providers providing accommodation for this group.
3. The NASSO provides a framework which sets out the roles and responsibilities for housing providers to work with the responsible authorities to minimise the risks from sex offenders who require accommodation in the community.
4. The NASSO and this strategy complement our substantial programme of reforms in relation to the better monitoring and management of sex offenders.
5. Improved public safety and reduced re-offending lies at its heart and is reflected in this document.
6. This guidance is an Annex to the NASSO and is necessary because of the small number² of young people who are considered to display sexually harmful behaviour³ and present a risk to others, and whose behaviour has been dealt with in the Children's Hearings system, rather than through conviction in the Courts.
- 7. This guidance identifies the arrangements that should be put in place to manage the risks being presented by young people displaying problematic and harmful sexual behaviour who are living independently (or intending to) but are not being managed within MAPPA (in which case the NASSO would apply).**
8. This document provides a framework for effective multi agency working between agencies involved with this group but particularly social workers and housing providers.

¹ Multi Agency Public Protection Arrangements

www.scotland.gov.uk/topics/justice/criminal/16910/mappa

² Researchers at the Criminal Justice Social Work Development Centre for Scotland, based at the University of Edinburgh have, since 2004, collected data from specialist services working with children displaying sexually harmful behaviour. From crude analysis of this data they suggest that, per year, approximately 40 young people aged 16 and 17 require additional monitoring and risk management arrangements. www.cjsw.ac.uk

³ Hutton and Whyte research

http://www.cjsw.ac.uk/cjsw/files/Briefing%20paper%209_printers%20version.pdf

9. The guidance:

- sets out the role of housing and accommodation in contributing to the effective management and minimisation of the risk posed to communities by young people displaying sexually harmful behaviour;
- clarifies the respective roles and responsibilities of local authorities, housing providers and other statutory agencies in relation to the accommodation of young people displaying sexually harmful behaviour;
- aims to ensure consistency and coherence in proactive joint working between agencies across Scotland in arranging and managing the accommodation of young people displaying sexually harmful behaviour; and
- sets out requirements and expectations for information sharing with housing and accommodation providers.

Context

10. Many adult sex offenders report that their behaviour started in adolescence. Identifying young people who are at risk of offending sexually or are involved in sexually harmful behaviour is therefore crucial in order to prevent future harm. Timely and appropriate interventions for these young people is the most effective way of changing their behaviour.

11. Young people who have committed serious offences may be prosecuted through the criminal justice system and, therefore, will be subject to the notification requirements and orders under the Sexual Offences Act 2003⁴, and will be included in MAPPA. However, depending on the circumstances some will be dealt with through the Children's Hearings⁵. This is a civil process where grounds of referral are accepted or established. This system is not about establishing the guilt or innocence of the child or young person and conviction is not a product of the process that can be used within MAPPA.

12. The statutory duties in relation to MAPPA do not apply to children and young people who have been dealt with only by the Hearings System. **That does not mean that the risks posed by these young people should not be identified and managed.**

13. The issues involved in managing young people displaying sexually harmful behaviour are complex and pose different challenges from those for adults. Young people are still growing in maturity and, if offered timely, appropriate and proportionate interventions, have a better chance of changing their behaviour. In general terms the focus is on diverting young people from further offending, rather than punishing through the courts and this ideology is in keeping with the principles of the Children's Hearings system. However, in all cases public protection has to be the greatest consideration.

14. This means that the principles of information sharing as set out in MAPPA and NASSO may not apply in the same way. The role of social work involvement with young people displaying this behaviour is not only to manage the risk but also to support them to change their behaviour.

15. It is therefore critical that successful interventions are not compromised by a young person being identified as a sex offender and having that label throughout their lives which may have an adverse affect on any opportunity to change.

⁴ <http://www.opsi.gov.uk/acts/acts2003/20030042.htm>

⁵ See Annex A for details of the Children's Hearing and role of the Reporter

16. However, that does not mean that public safety should be compromised and there should be a presumption to share information where risks to the public have been identified and where housing providers have a relevant need for information.

Who are these young people?

17. In the majority of cases the young people being considered under this guidance will be well known to support agencies and will have an extensive history within the Children's Hearings System. From research we know that about 60% of young people displaying sexually harmful behaviour have been involved with agencies before their behaviour was identified. This may be because they have lived with domestic abuse, have themselves been the victim of abuse or have experienced some other critical incident during their life. About 40% of young people displaying sexually harmful behaviour have had no previous contact with support services.

18. The young people referred to in this document may still be 'looked after' through the Children's Hearings system and will have been involved in an assessment to identify their needs and the risks they present to themselves and others. They will have a plan, developed by the agencies who are working with them, to meet their needs and manage the risks identified. They will be either seeking accommodation or will already be living independently and will have contact with a lead professional, that is someone who is responsible for coordinating the activity to support them and review any risk management arrangements.

19. They may be living, or have lived, in a wide variety of home settings and broadly speaking they fall into the following groups:

- At home with parents;
- With friends and relatives of their family;
- In foster care;
- In a residential/children's unit;
- In a residential school;
- In secure accommodation; or
- Already living independently and in need of re-housing.

Who is responsible for managing the risks presented by these young people?

Local Authority

20. Local authorities have a statutory duty to carry out an assessment of the needs of **all** young people over school age living in their care. This includes young people looked after at home, not just those provided with accommodation by the authority. Having completed the assessment the local authority is required to prepare a plan detailing the support required to meet the young person's needs and manage the identified risks and keep this under review. (See Annex B for further information about the role of the local authority and looked after children.)

Children's Hearings System

21. A children's hearing may consider that compulsory measures of supervision are needed in respect of a child or young person because of the risks or needs set out in the plan. A supervision requirement may require a child or young person to comply with one or more conditions as appropriate. It may also set out what the local authority must provide for the child or young person. Local authorities have a duty to carry out the decision of

Children's Hearings contained in a supervision requirement. Each agency is therefore accountable for discharging the actions set out in the child or young person's plan which will include how risks are to be managed. Where a local authority fails to carry out its duty in respect of the supervision requirement, the Hearing has the power to ask the Reporter to apply for an order from the sheriff court asking it to do so.

Social Work

22. Social work is the lead agency in the management of these young people. They are responsible for assessing the needs and risks and developing a plan to support and manage behaviour. As set out in *Getting it right for every child*⁶, social work will involve other agencies in the information gathering process to assess risk and in the delivery of the action plan.

23. In cases where agencies need to work together to manage need and risk, a lead professional will be appointed to coordinate monitor and review risk management arrangements.⁷ A multi agency risk management meeting will be the forum for sharing information and collectively considering the risks being presented and the action required to manage the risk.

Who is responsible for meeting their accommodation needs? (Annex C)

24. It is the responsibility of the lead professional to ensure that housing and accommodation needs are identified at the earliest opportunity and to ensure the engagement of relevant housing providers.

25. The Sex Offender Liaison Officer or SOLO can provide strategic co-ordination in relation to housing both sex offenders and young persons displaying sexually harmful behaviour within any local authority area.

26. The SOLO role involves:

- identifying the most appropriate housing provider following the risk assessment carried out by the lead professional;
- ensuring that, when an appropriate housing provider has been identified, that the housing provider is included by the lead professional in liaison arrangements relevant to the identification of appropriate housing and the management of risk;
- liaising pro-actively with lead professionals and housing providers on ongoing risk management and community safety issues.

What are their accommodation needs?

27. Stable accommodation is a key factor for community safety:

- It enables social workers to manage the risks being presented; and
- It provides a stable and secure environment to allow young people to better manage their own behaviour.

⁶ *Getting it right for every child* <http://www.scottishexecutive.gov.uk/Publications/2007/01/22142141>

⁷ *Getting it right for children and young people who present a risk of serious harm*
<http://www.scotland.gov.uk/Publications/2008/05/16160941/1>

28. There is no single model of accommodation provision that could be considered as the most appropriate for young people displaying sexually harmful behaviour. Bed and breakfast and hostel accommodation should never be considered as suitable for any young person leaving care, and certainly not for young people with high level support needs and more challenging behaviour.

29. The NASSO states “There is no model of appropriateness, no ideal solution and no ideal location. Housing decisions can only be made on the basis of what housing is, or can be made, available.” Therefore accommodation should be tailored to the needs of the area and the needs of the individual. The risk management arrangements will need to be tailored to the accommodation solution.

30. This applies equally to this group of young people and a key responsibility of the lead professional is to ensure the engagement of the SOLO in the accommodation process at the earliest opportunity. This will ensure that what is possible, realistic and practical in providing appropriate accommodation is pursued.

Information Sharing

31. Information sharing is a critical component of ensuring public safety. In order that this is managed effectively, it is important that clear agreements are in place covering each aspect of the information sharing process. Information sharing protocols are, in their simplest form, agreements to enable the flow of information in an efficient and legal manner.

32. In November 2005, Community Justice Services Division within the then Scottish Executive published and circulated the Concordat for Sharing Information about Sex Offenders to all signatory agencies thereby providing an agreed set of principles and standards for sharing information within a nationally agreed framework.

33. To support the Concordat, guidance⁸ was issued on the preparation of the information sharing protocols necessary to meet the requirements of data sharing legislation and ECHR between agencies. This guidance is also relevant to more general inter agency information sharing arrangements and should be consulted when drawing up any local protocols.

34. In 2006 the Expert Group on serious and high risk offenders⁹ concluded that the principles of the Concordat should apply equally to children’s services thus ensuring a consistent approach across children and adult services.

35. Protocols developed under the terms of the Concordat and the associated guidance¹⁰ should therefore include all agencies that hold information about any person posing a threat to public safety. This would include children or young people who have either committed a sexually motivated offence or are displaying sexually harmful behaviour but do not have a conviction.

36. The Data Protection Act and the common law right to confidentiality are regularly misunderstood and are often used by practitioners and agencies in their reasoning for failing to share information. **In the case of children where the risks being presented are great, the issues of public or individual safety outweigh those of confidentiality.** Many inquiries into high profile cases have criticised agencies for failing to share relevant

⁸ www.scotland.gov.uk/Publications/2005/10/3195049/50505.

⁹ <http://www.scotland.gov.uk/Publications/2006/10/09094901>

¹⁰ www.scotland.gov.uk/Publications/2005/10/3195049/50505.

information. None have criticised agencies for sharing too much. The development of inter agency protocols will help to ensure that data sharing takes place within a lawful and justifiable framework.¹¹

What should be the presumption for sharing information about young people?

37. Young people involved in sexually harmful behaviour have not been convicted of an offence therefore any information sharing must be considered in this context and be appropriate and proportionate. As with adult sex offenders, young people who have been involved in sexually harmful behaviour may feel isolated and any unnecessary sharing of information may add to this and be detrimental to any constructive support being offered.

38. In order to make an informed and defensible decision about the appropriateness of accommodation there should be a presumption that the SOLO is made aware of all relevant information. Depending on the level of supervision and monitoring agreed by the Multi Agency Risk Management meeting, the nature and type of accommodation proposed, there may not be a requirement to share this information in its entirety with a housing provider. The Multi Agency Risk Management meeting should decide what information is appropriate to be shared and keep this under review during subsequent meetings as the level of supervision, monitoring or risk changes.

39. However, housing providers play an important role in risk management arrangements by providing information about: the movements of a tenant; any concerns reported by neighbouring tenants; or any other community concerns reported to the housing provider. It is crucial that relevant information is fed into the risk management process and housing providers will require a certain degree of knowledge to determine what is relevant information.

40. Housing providers will need to know who and how to feed information into the risk management arrangements and this should be agreed through the SOLO.

41. Information sharing must take place with an understanding that all parties involved will be professional in the way the information is managed. This understanding will ensure that the right professionals receive the appropriate information at the right time.

¹¹ Gold Standard

<http://www.confidentiality.scot.nhs.uk/publications/GoldStandardFinalNov%202004.pdf>

Annex A

The Children's Hearings system and the role of the Reporter

The Children's Hearings System

The Children's Hearings System was established under the Social Work (Scotland) Act 1968 as a direct result of the recommendations of the Kilbrandon Committee (1964)¹². It came into operation in April 1971 and integrates decision making for children who offend and those lacking care or protection within the same forum.

The policy intention was to introduce a straightforward procedure, which avoided legal technicalities by having a lay panel of volunteers make decisions in a child's best interests, after discussion with parents and child. The philosophy of the system has a clear welfare orientation with 'needs' rather than 'deeds' the basis for decision making and intervention. The Kilbrandon Committee found the legal distinction between juvenile offenders and children in need of care and protection was irrelevant when the underlying circumstances and needs of the children were examined. When considering the long term outcomes for children and young people it is in their best interests not to offend or place themselves or others at serious risk as this behaviour will be detrimental to their future wellbeing.

The Kilbrandon principles are underpinned by the Children (Scotland) Act 1995 which requires that the following central principles be considered in reaching decisions: (a) the welfare of the child is the paramount consideration; (b) no compulsory intervention should be made unless it would be better for the child than no compulsory intervention at all; and that (c) children should be given an opportunity to express a view and, if they do so, consideration should be given to the child's views.

The Children's Reporter

The Principal Reporter has a statutory role in relation to the Children's Hearings System. The role relates predominantly to 2 groups of children¹³:

1. children who are the subject of a current referral to the Principal Reporter as they may be in need of compulsory measures of supervision (a "supervision requirement"); and
2. children who are the subject of a supervision requirement.¹⁴

The Principal Reporter delegates to individual Children's Reporters his or her statutory duties relating to these children. The role of the Scottish Children's Reporter Administration ("SCRA") is to support the Principal Reporter in the exercise of his or her statutory functions.

¹² Kilbrandon Report <http://www.scotland.gov.uk/Publications/2003/10/18259/26875>

¹³ For these purposes, "child" is as defined in section 93 of the Children (Scotland) Act 1995. Principally this definition refers to:

- Any person under the age of 16 years
- Any person of 16 or 17 years of age who is the subject of a supervision requirement.

¹⁴ The other children or young people (i.e. those aged 16 or 17 that are not the subject of a supervision requirement) in relation to whom the Principal Reporter has a statutory role are:

- Children or young people who have been prosecuted in court for an offence and have pled guilty or been found guilty of an offence and the court has:
 - Requested the advice of a children's hearing as to the disposal of the case; or
 - Remitted the case to a children's hearing for the disposal of the case.
- Children who are the subject of an application for an antisocial behaviour order in relation to whom the court has requested advice.
- Children who have been charged with an offence that has resulted in them being jointly reported to the Procurator Fiscal and the Children's Reporter.

Although SCRA is a national body, it has a local presence in each local authority area. Each local authority area has an Authority Reporter. In the larger local authority areas there are more than one Authority Reporter.

The fundamental difference between the children's hearings system and other youth justice systems is that, by virtue of being referred to the Reporter, a child charged with an offence is diverted from prosecution in a criminal process and, instead, enters a non-retributive civil procedure which aims to meet the child's educational and developmental needs.

Children under 16 years of age can only be prosecuted in the criminal courts on the instructions of the Lord Advocate¹⁵.

Children and young people can be referred to the Reporter on a range of grounds which are set out in the Children (Scotland) Act 1995. Grounds for referral include situations where an offence has been committed and a range of non-offence related issues where there are concerns for the care and/or protection of a child or young person. Referrals may include more than one ground and can be related to both offence and non-offence grounds.

After investigation of the situation, the Reporter may make one of the following decisions:

- take no further action;
- refer the case to the local authority with a view to its making arrangements for the
- advice, guidance and assistance of the child and his/her family;
- arrange a Children's Hearing if it appears to the Reporter the child is in need of compulsory measures of supervision.

Compulsory measures

Compulsory measures of supervision may include measures taken for the protection, guidance, treatment or control of the child. The local authority has a duty to safeguard and promote the welfare of all children and young people whilst they are being supervised and beyond, in some cases until they are 19 or 21 years, or older depending on the circumstances. When decisions are made in the Children's Hearings System about children and young people who offend, their welfare is the paramount consideration for any children's hearing or court. Similarly, where a child or young person is 'looked after' (in terms of the Children's (Scotland) Act 1995), their welfare is the paramount consideration for the local authority. However sections 16 and 17 of the Children's (Scotland) Act 1995 provide that a children's hearing, court or local authority may take a decision that does not have welfare as the paramount consideration where this is necessary to protect members of the public from serious harm (whether or not physical harm).

¹⁵ LA guidelines <http://www.copfs.gov.uk/Resource/Doc/13547/0000235.pdf>

Annex B

Role of the Local Authority in respect of Looked After Children

Who are 'looked after children'?

Children and young people become looked after through a variety of routes and for a range of reasons. They may become looked after by local authorities on a voluntary basis, through the Children's Hearings system or through the Courts. The Children (Scotland) Act 1995¹⁶ defines both the routes and the reasons. There are a wide range of reasons for becoming looked after and these include having no-one who holds parental responsibilities for the child, offending behaviour and placing themselves or others at risk of harm.

Looked after can mean both looked after at home or looked after away from home. Where a child or young person is looked after away from home placements can be made, for example, in foster care, kinship care, specialist residential provision, residential school or in secure care.

A child or young person who is looked after can remain looked after up until they are 18 years old on both a voluntary and statutory basis (through Children's Hearings and the Courts), or up to the age of 21 on a voluntary basis if the local authority believes this necessary in safeguarding and promoting their welfare.

Where a child or young person is looked after the local authority has specific responsibilities towards them. These are prescribed in Section 17 of the Children (Scotland) Act 1995 and cover areas such as safeguarding and promoting welfare and preparation for when no longer looked after, to promotion of appropriate personal relations and direct contact with the person who holds parental responsibilities.

If a young person leaves the looked after system following their school leaving age, then local authorities have specific statutory duties up until the age of 19 and powers towards them up until the age of 21. These are defined in Section 29 of the Children (Scotland) Act as amended by the Regulation of Care (Scotland) Act 2001 and the Children (Leaving) Care Act 2000 (England and Wales)¹⁷.

The duties cover areas such as assessment, planning and reviewing, financial responsibilities where young people meet specific criteria, and the provision of, or support in, suitable accommodation.

Section 30 of the Children (Scotland) Act 1995 also makes provision for local authorities to provide support, including financial support, to young care leavers in respect of education or

¹⁶ Children Scotland Act http://www.opsi.gov.uk/ACTS/acts1995/ukpga_19950036_en_1

¹⁷ The Children (Leaving Care) Act 2000 makes provisions for throughcare and aftercare similar to S29 of the Children (Scotland) Act 1995. The 2000 act makes detailed provision for the support to be provided to young people leaving care, by amending the Children Act 1989. S6 (4) of the 2000 Act allows UK Ministers to make regulations removing the entitlement of certain young people being looked after or leaving care to DWP benefits in Scotland. The young people included in the regulations must correspond to those categories of young people whose benefit entitlement is removed in England and Wales by other provisions in S6. These are essentially young people of 16 or 17 who have been looked after (in terms of the Children Act 1989, rather than Scottish legislation) for 13 weeks since the age of 14, were being looked after at their school leaving date and are either still being looked after ("currently looked after person") or have now left care ("compulsorily supported person").

training beyond the age of 21 until such times as that training or course of education has been completed.

Further comprehensive information about Looked After Children can be found at: tscotland.org.uk/lookedafterchildren/index.asp.

Categories of young person

In the Regulations the following terms are used to describe the different categories of looked after young people who are to be supported under these arrangements:

currently looked after person: a young person who is over school age but less than eighteen years of age and who is being looked after by a local authority. Under section 17(2) of the Children (Scotland) Act 1995, local authorities have a duty to provide advice and assistance with a view to preparing a young person for when they are no longer looked after by the local authority. That duty applies to **all** looked after children. The regulations specify the steps to be taken to prepare those who have passed school leaving age and are still being looked after.

compulsorily supported person: a young person to whom the local authority has a duty to provide support and assistance under section 29(1) of the Children (Scotland) Act 1995, that is a young person who has ceased to be looked after over school leaving age but who is under 19 years of age.

prospective supported person: a young person who has made an application to a local authority for assistance in terms of section 29(2) of the Children (Scotland) Act 1995, that is a young person who ceased to be looked after over school leaving age and is now nineteen or twenty years old.

discretionarily supported person: a young person to whom a local authority has agreed to provide support and assistance to in terms of section 29(2) of the Children (Scotland) Act 1995, that is a prospective supported person the authority has agreed to support.

Annex C

Roles and responsibilities

1.0 ACCOMMODATION ISSUES IDENTIFIED

- 1.1 In line with MAPPA principles and the NASSO, accommodation issues should be identified by the lead professional/ Multi Agency Risk Management meetings and communicated to the SOLO as soon as possible.
- 1.2 Accommodation issues may be in existing accommodation and/or potential or actual homelessness.
- 1.3 It is the responsibility of the lead professional, in discussion with the SOLO and through the risk management meeting, to ensure that, where possible, accommodation issues are identified at the appropriate time.
- 1.4 The SOLO and lead professional will identify and agree referral arrangements in consultation with local authority housing services and RSLs.
- 1.5 The SOLO will be responsible for identifying potential landlords who can provide appropriate accommodation.
- 1.6 The SOLO will be provided with relevant information by the lead professional to enable informed inquiries to local authority housing services and RSLs to identify appropriate accommodation.
- 1.7 It is acknowledged by all agencies that housing decisions must be based on a realistic assessment of what is potentially available
- 1.8 The process will consist of a number of stages:
 - 1.8.1 An enquiry from the SOLO to the Link Officer on the potential availability of accommodation based on property type and timescales required for housing. (Note - Only where local authority accommodation is unavailable/unsuitable will SOLO contact RSL Link Officer)
 - 1.8.2 If it seems likely the identified housing provider may be able to assist, further information from the provider may be requested on surrounding household profiles, likely future letting profiles based on property profile and the general make-up of the housing list.
 - 1.8.3 When accommodation has been identified and confirmed by the lead professional to be potentially appropriate the individual housing provider will be provided with relevant information.
 - 1.8.4 When potentially appropriate accommodation has been identified the housing provider will agree to keep the property available for a period of 5 days to allow the lead professional to confirm its appropriateness to the risk management plan.
 - 1.8.5 In exceptional cases this period may be varied by agreement. This may be because of specific accommodation requirements, the level of

risk and/or high profile posed by the offender, and/or the need for additional checks by the lead professional.

2.0 RISK MANAGEMENT ISSUES IDENTIFIED BY THE LEAD PROFESSIONAL WHERE THERE IS RELEVANCE TO HOUSING

- 2.1 Where a lead professional identifies an escalated risk and advise the housing provider that the young person should not remain in current accommodation they will work with the housing provider to identify how this can be achieved within the different legislative rights and constraints imposed on all agencies.
- 2.2 Where the tenant agrees to move and this would involve another housing provider the lead professional identified will take responsibility for ensuring that relevant information is shared with the potential landlord prior to the move taking place to ensure that risk is assessed.
- 2.3 This will normally be through the SOLO function.

3.0 RISK MANAGEMENT ISSUES IDENTIFIED BY HOUSING PROVIDER

- 3.1 A housing provider may identify a potential risk management issue and request co-operation from the lead professional.
- 3.2 Requests for co-operation will be made to the SOLO who will, if necessary, involve the relevant lead professional.
- 3.3 Risk management issues may be identified by the housing provider as a result of conviction, community concerns, media enquiries, and/or information received through housing application forms (including Common Housing Registers), transfer requests, mutual exchanges, decants or other housing management issue e.g. rent arrears, tenancy breakdown
- 3.4 Requests for co-operation may refer to an alleged risk to communities by known or unknown offenders.
- 3.5 Where co-operation is requested by a housing provider, the lead professional will assess risk and determine the appropriateness of the accommodation and work with the provider to manage any identified risks and/or any other relevant activity. This may be through a Multi Agency Risk Management Meeting.
- 3.6 For the absence of doubt, the following circumstances may trigger information exchange with current and/or potential landlords:
 - 3.6.1 **Mutual exchange/Transfers**

Where the current landlord is aware that the tenant is a managed offender but the future landlord is not, the housing provider will inform the SOLO and/or the lead professional of the application. The lead professional, through the Multi Agency Risk Management Meeting, will assess the risk posed by the exchange and share relevant information with the potential landlord.

Where it has been decided that the mutual exchange/subletting/ assignment would escalate risk and should not take place the current landlord will be notified in writing.

This acknowledges that a landlord must have reasonable grounds to refuse a written request to exchange, assign or sublet a tenancy and may be open to legal challenge.

It is further noted that a social housing provider would have no legal grounds to refuse an application for the Right to Buy if the tenant qualified.

4.0 ALLOCATIONS AND HOMELESSNESS

- 4.1 All allocations of housing to young people displaying sexually harmful behaviour where a Risk Management Meeting has identified there is an assessed risk to communities will be referred by the SOLO.
- 4.2 Where a young person displaying sexually harmful behaviour may be assessed as unintentionally homeless, or potentially homeless, and in priority need they will be entitled to an offer of suitable permanent accommodation by the local authority.
- 4.3 In such cases the SOLO will request that a homelessness assessment be carried out by the Homelessness Partnership who are responsible for carrying out the local authority statutory homelessness functions.
 - 4.3.1 The appropriate mechanism for an offer to a Housing provider in these cases is through Section 5 of the Housing (Scotland) Act 2001.
- 4.4 Appropriate accommodation for homeless or potentially homeless young people displaying sexually harmful behaviour will be identified by the lead professional, the SOLO and the housing provider.
- 4.5 When appropriate accommodation has been identified the local authority homelessness section will agree with the SOLO to make a Section 5 referral to the housing provider.
- 4.6 The SOLO and the Homelessness section will agree a protocol and process to ensure accountability and transparency of referrals.

Essential reading

- **NASSO strategy**
<http://www.scotland.gov.uk/Publications/2007/03/circjd1506updmar07/Q/Page/15>
- **Housing Sex Offenders: Implementing the Scottish Executive's National Accommodation Strategy for Sex Offenders Practice guidance for local authority housing services and Registered Social Landlords**
<http://www.cih.org/scotland/policy/CIH-NASSO-Guidance-2007.pdf>