

Falkland Islands Government
Department of Health and Social Services



Policy on Release of Offenders

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Amendment History

Version	Status	Summary of Changes	Date of Issue
v.0.2	Active	Title changed. Revised/reformatted version placed on Q-Pulse.	March 2022
v.0.1		Implemented and placed on Q-Pulse as 'Risk Assessing Sex Offenders Pre and Post release from Custody'.	2017

1. Policy Statement

The policy prescribes protocol for assessing the risks prior to an offender being released from His Majesty's Prison with specific actions in relation to those released Offenders moving into a household with, or having significant contact with children.

The threshold for imprisonment is high and therefore may warrant an assessment being completed to consider the individual circumstances for that offender and whether there are any implications for the children that the offender is planning to reside with or have significant contact with, regardless of the nature of the crime committed.

The policy provides an integrated approach that involves all the relevant agencies working together with required actions and planning prior to any offender being released into the community following a sentence served.

2. Policy Aim

To ensure proactive planning, management and risk assessment processes are in place to protect the public and protect children under the safeguarding agenda.

3. Policy Scope

The scope of the policy will require the following Groups/Departments to be involved and in the nomination of a departmental lead liaison:

- Multi Agency Public Protection Arrangements (MAPPA)
- Prison Service
- Probation
- Social Services
- RFIP
- Immigration
- Health
- Education / College
- Housing Department
- Attorney General's Chambers
- Any other relevant department identified by MAPPA as required.

Scope includes stated criminal justice agencies, identified offenders and their families/community.

4. Policy procedures

4.1 The Multi Agency Public Protection Arrangements (MAPPA) will consider the circumstances of any person who is due for release in the subsequent 6 months.

The Prison Service will submit a referral to the MAPPA of all individuals sentenced to prison six months prior to their release.

The MAPPA will ensure that appropriate work has been, or is being undertaken prior to that person's release. This involves the Prison Service and the Probation Service working closely together to ensure that there is a clear plan in place for the individual's release, and that all relevant Departments are fully cognisant of those plans.

In the event that an individual receives a sentence of less than 6 months, the Prison Service will advise MAPPA, and preparations and planning for the release date will commence immediately, with a Professionals' Meeting being convened by Social Services if deemed necessary by Probation/Prison Services.

4.2. The Probation Officer will have completed a risk assessment and delivered appropriate intervention with relevant individuals and will have assessed their risk levels.

The Probation Officer will identify any prisoners that are planning to return to a home where children are either resident or are regular visitors, or who will have significant contact with child(ren) and the Probation Officer will consider whether a referral to Social Services is appropriate.

4.3. The Prison Service will monitor family communications as per the Prison Service Ordinance and any concerns regarding Safeguarding shall be reported directly to SSD and MAPPA.

4.4. Social Services will screen any referrals received via the usual MASH process and if appropriate will allocate a Social Worker to the children/family involved and it will be their responsibility to undertake a Single Assessment with the family.

This assessment will consider the holistic needs of the child(ren) involved and will also concentrate specifically on the risk factors that the offender poses and the protective factors that are assessed as being present within the family.

Social Services will rely on colleagues in Probation, Health, Education, Prison Service and the RFIP to provide relevant information that each department holds on the family concerned, in order to ensure that it is as thorough an assessment as possible.

4.5. If the Social Work assessment concludes that the child(ren) has a protective parent/carer/guardian who understands what the risks are, and is willing to engage with relevant services to manage those risks and the Probation Officer's assessment of the offender's risk of serious harm is felt to be low, then a safety plan will be put in place, supported by a working agreement that each adult signs, as do the Social Worker and Social Services Team Manager. This will be case specific and consider the needs of that family's arrangements.

4.6. Consideration will be given to providing support to individual children based on their family circumstances to reduce the harm they experience due to a family member's offending. For families impacted by sexual offending by a family member, the family will be offered the opportunity for their child(ren) to undertake protective work with a Social Worker/Social Work Assistant. The NSPCC 'PANTS' model has been found to provide a useful approach for undertaking this work as the resources are fun and child-friendly, yet deal with the relevant issues.

For families impacted by domestic abuse the STAR programme will be offered to the children if appropriate.

4.7. For families impacted by sexual offending the non-offending parent will be offered the Safer Families course: a two-day course devised by The Lucy Faithful Foundation and adapted for use in small communities by the St Helena Government and shared with the Falkland Islands Government.

The course can be completed in a group setting or on a one-to-one basis with the aim of increasing participant's awareness around sexual offences and people who commit those crimes and consideration can be given to supporting older children to attend this course in specific circumstances.

At the end of the course the non-offending parent will be supported to devise a safety plan to safeguard their child(ren), this will then be shared with relevant agencies. It is possible for the safety plan to be devised with both the prisoner and the non-offending parent together however this will be case specific, and careful consideration needs to be given to power dynamics.

The course is not exclusive to the non-offending parent and may be offered to other family members with the aim of supporting the non-offending parent with safeguarding their child/children.

4.8. Similarly, family members affected by domestic abuse can be offered the Freedom programme to support them in understanding the dynamics that led to their family being impacted by domestic abuse and supporting them to make safer plans for the future.

4.9. At least one month prior to the prisoner's release date, a multi-agency meeting will be convened to ensure that all relevant professionals are cognisant of the release plan for the prisoner and the safety plan of the child(ren). This will be scrutinised and the question will be explicitly posed as to whether the group feel that the arrangement is safe for the child(ren) involved.

4.10. If the offender is subject to any restrictions, licence conditions or court orders they will be reviewed by RFIP prior to the person's release to ensure that the conditions imposed are still compatible with any identified risk.

If a variation is required then advice must be sought via the AG's chambers. If the subject did not have any restrictions imposed but it is felt that there is a risk then consideration must be given to applying for a suitable order and advice sought from the AG's chambers as to what is most appropriate.

4.11. When considering licence conditions, the Prison and Probation service will consult with the MAPPA. Although there is no provision for Victim Liaison work within the probation service, the victim(s) and their families should be considered when preparing Licence Conditions.

4.12. In situations where the Probation Officer's risk assessment has indicated that the risk of serious harm continues to be high, or the social worker's assessment is that the non-offending parent has a limited ability to recognise abuse or protect their child(ren) from abuse, then strengths-based work will be undertaken to increase the non-offending parent's awareness and ability to protect.

A safety plan will be put in place for the child(ren) for the duration that this work is being undertaken. This could be under the Safeguarding Procedures and registration on the Child Protection Register may be necessary.

If this work is unsuccessful this could ultimately lead to care proceedings being instigated by the Social Services Department. Legal Advice will be sought at an early stage by Social Services.

4.13. Offenders in the community (on licence) are required to continue engagement with the Probation Officer following their release.

4.14. Some offenders will have served their sentence prior to the establishment of a Probation Service or the imposition of prison release licence conditions. These offenders are encouraged to engage voluntarily with the Probation Officer.

The Probation Officer continues to work with offenders to minimise the risks that they pose and would refer any concerns to Social Services and again this would trigger a Single Assessment and protective work to be undertaken.

4.15. MAPPA will continue to monitor and scrutinise relevant offenders following their release. This will be reviewed at each meeting until the risk is reduced.

4.16. Contact will be made with victims and/or their immediate families by Social Services and/or Police and Licence conditions should be discussed.

4.17. The RFIP will continue to monitor compliance with notification requirements and any other orders or restrictions imposed.

The offender will be given an initial point of contact at the station and officers will make arrangements to meet with the offender following release to ensure all orders are understood

and complied with and that there are not new or developing areas of risk that need to be addressed.

The nature and frequency of the meetings shall be determined by a risk assessment, consultation with the probation service and MAPPA, and take into account the details of any orders which were imposed upon them prior to release

4.18. In the event a prisoner applies for Temporary Release, HMP will conduct a multi-agency risk assessment in order to assess the individual's suitability and eligibility for Temporary Release. In the event of an indeterminate prisoner seeking Temporary Release, HMP shall consult with the Probation Service.

5. Policy Ownership and review

The policy is owned and authored by the Falkland Islands Social Services department. It is formulated within the parameters of recognised practice and within legislation.

The policy will be submitted for review by the Director of Health and Social Services in three years and further submitted to the Attorney General Chambers for legal compliance and any significant changes should be considered by the Falkland Islands Child Safeguarding Board.