

Adam May considers the question: 'Would you place a volunteer whose name appears on the register of sex offenders?'

The last taboo

This question came up on a course I was teaching on a few weeks ago. We were discussing *Safe and alert*, the National Centre for Volunteering's booklet on good practice in protecting vulnerable people. Given the huge amount of public concern about sex offenders in recent times, it wasn't surprising that the people present expressed great unease and some strong opinions. Then, a few days ago, I ran a workshop on diversity that really encouraged me to think hard about inclusion and social justice.

I think it is important that we tease out the issues here. There is a practical concern for child protection, and then there are the separate issues of how morally offensive most of us find what sexual offenders do, and the related wish to see them punished.

If you manage volunteers, your concerns should be: to protect people; to deliver good services and care to service users; and to ensure your volunteers have roles that are both enjoyable and rewarding. Your personal opinions should not influence your professional behaviour. As I write these words, they seem self evident with regard to other groups of volunteers. Most of us wouldn't dream of being judgemental about volunteers who are living out of wedlock, for example. We would recognise that heterosexual and homosexual volunteers should be treated with equal respect, and we would strive to treat volunteers with criminal records in a professional way. On the other hand, sex offenders are often seen as a separate case where the normal rules don't apply.

To some extent, legislation identifies them as a group apart. Even after completing their prison sentences, sex offenders continue to have their civil liberties restricted in the interests of

child protection. Under the Sex Offenders Act 1997, offenders are required to keep the police informed of their whereabouts – and legislation currently in progress will tighten up these notification requirements. However, the government is also working hard to achieve a balance between protecting the right of children and other vulnerable people to be safe from harm, and the rights of all citizens, including sex offenders, to have a place in society.

Prejudice is unacceptable

Some organisations, particularly those promoting child welfare, may believe that there is a conflict between their commitment to young people and involving sex offenders in their work. People in these organisations need to be aware that this view is not in line with Home Office policy, nor consistent with the working relationship the CRB requires from those for whom it runs checks. The only valid reason for discriminating against any individual is that involving them in your agency would present an unacceptable risk to vulnerable people. Prejudice against any group – sex offenders included – is not acceptable.

There were 18,500 registered sex offenders living in the community in the UK on 31 March 2002. Since people remain on the register for some years,

and registration has only recently begun, that figure is bound to rise. Sex offenders are likely to have difficulty finding employment and they are likely to be socially excluded. If they choose to offer their services as volunteers, we in volunteer-involving organisations have a responsibility to treat them as we would any other volunteer.

If you are a volunteer manager who struggles with strong feelings of moral disapproval when you think about sex offenders as volunteers, it may help you to remember that these people will almost certainly have themselves been victims of sexual assault or violence when children. Although most victims of childhood abuse do not go on to offend, most offenders will have been abused. By causing someone else the distress they themselves once experienced, they are able to avoid facing the memories of the abuse done to them.

Organisations registering with the CRB agree to abide by its code of practice. The code requires organisations not to use blanket bans on offenders but to conduct a risk assessment and to discriminate only on legitimate grounds. Organisations are also required to inform the people on whom they wish to have police checks that they will not be discriminated against unfairly. A statement to this effect could be inserted into an existing equal opportunities or diversity policy.

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The legal position

Volunteers have relatively few legal rights, but we generally look to best practice for employers to provide us with our guidelines for volunteers. Sex offenders' rights are protected by several pieces of legislation. The Rehabilitation of Offenders Act 1974 promotes the principle that offenders should be reintegrated into society once they have served their custodial sentence. The Police Act 1997 encourages organisations to adopt an open mind and make decisions based upon case-by-case risk assessments. Article 14 of the Human Rights Act confers freedom from unfair discrimination on all subjects.

On the other hand, the rights of children to protection are enshrined in the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, which make it an offence for any organisation to offer employment that involves regular contact with young people under 18 to anyone convicted of certain specified offences.

For all ex-offenders, removing the opportunity to re-offend and providing meaningful activity will reduce the likelihood of re-offending behaviour. The CRB is very concerned that ex-offenders should not be unfairly discriminated against. *Employing people with conviction*, a good practice guide on the employment of people with criminal records, has been published by HR Connect Ltd with the help and advice of the CIPD, Apex Trust and the CRB. The authors propose some commonsense guidelines for assessing risk, which are as applicable to the selection of volunteers as they are to employees. The authors recommend one-to-one interviews in situations where the questioning needs to be sensitive in order to identify the risks and develop ways of minimising them. The CRB website suggests that, where relevant, applicants should be invited to disclose offences during or before interview, and that CRB checks should only be commissioned once a place has been offered "subject to satisfactory checks". The CRB target is to process checks

much more quickly than it is managing to do at the moment.

Assessing the risk

There are two sets of factors to consider when carrying out a risk assessment of a volunteer placement: activity and person. The activity factors include: the level of direct supervision available; the likelihood of one-to-one contact with vulnerable individuals; the extent of contact with the public; and the likely opportunities for re-offending. Person factors include: the seriousness of the offence; the length of time since the offence; extenuating factors identified by the prospective volunteer; whether the offence was a single incident or part of a series of offending behaviours; and whether the person expresses appropriate remorse and commitment not to re-offend. Volunteer managers should seek the prospective volunteer's permission to consult relevant professionals, such as the person's social worker or probation officer. It should also be borne in mind that some behaviour deemed illegal in England and Wales is not so deemed in Scotland. Furthermore, some behaviours previously deemed illegal are now legal because of recent changes in the law, particularly those relating to the age of consent.

Part of your risk management strategy might be to inform others who may be involved in supervising the prospective volunteer. Given the sensitive nature of this information, it is important to secure the volunteer's permission for its disclosure, and to ensure that the recipients understand they must not pass the information on, or allow others to have access to files where it is recorded.

The importance of context management

Minimising the risk of abusive behaviour is quite straightforward once one understands the context in which it happens. Offenders generally plan such behaviour well in advance. They identify

less popular, isolated children and build relationships with them. They encourage these children to keep secrets, thus testing their willingness to collude. Only at this point, and in circumstances where they have substantial unmonitored access to the child in private, do they abuse. The main safeguards against children being abused by volunteers, or anyone else, have less to do with personnel selection and more to do with context management. Nobody should have substantial unsupervised access to children. Children should be encouraged to report any inappropriate behaviour by adults or other children, and should be clear what constitutes inappropriate behaviour. Sadly, most victims of abuse say that they did try to report what was happening but people didn't respond. This is how we need to improve our practice, rather than designing better systems to identify potential abusers.

When considering this issue, we need to remain true to the principles of social justice, inclusion and confidentiality. Abusing children may seem as if it is a crime apart, but we are on a very slippery slope indeed if we see it in this way. When civil liberties become negotiable and compromised, we should all be concerned. People who abuse children are a soft target.

So would you want a volunteer whose name appeared on the sex offenders' register? I hope now that your answer might be based upon a practical risk assessment rather than feelings of moral repugnance.

Useful websites: www.crb.gov.uk;
www.disclosure.gov.uk;
www.diversitychallenge.org.uk

Adam May organises and delivers short courses on various aspects of volunteer management in partnership with the National Centre for Volunteering. As well as his training consultancy, Adam has a thriving psychotherapy practice in North Wales, where he lives. For a calendar of courses and up-to-date information on the availability of places, go to www.amtraining.co.uk