

THINK TANK REPORT

FAMILY PROTECTION & OFFENDER MANAGEMENT
'WAY FORWARD' THINK TANK FORUM

*Scottish Multi-agency
Effectiveness in
Family Protection and
Offender Management*



The Future & Now



24th November 2008
The Iris Murdoch Centre
Stirling University



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in order to “deliver a programme of future improvements
to the existing criminal justice system.”

PART I THINK TANK OVERVIEW

BACKGROUND

The Family Protection and Offender Management 'Way Forward' Think Tanks started from a joint idea between ACPOS, ADSW, RMA and Centre for Crime and Criminal Justice Research and there have been two previous Think Tanks held, in April 2007 and January 2008. The Think Tanks provide a forum to bring together representatives from a wide range of interested groups, including the Police, Social Work, Scottish Government, other criminal justice agencies and academia.

The aims of the Think Tanks are to:

- Build relationships between services and provide a network for practitioners and academia
- Highlight areas for future academic research
- Develop knowledge and understanding of fundamental issues, providing commentary, knowledge and insight into contemporary issues
- Pose challenging questions and promote debate on Family Protection and Offender Management matters
- Provide a forum to identify improvements in promoting safety and security in our communities by providing a collaborative, evidence-led perspective

PARTICIPANTS

The Think Tanks are a collaborative initiative jointly hosted by the Association of Chief Police Officers in Scotland, the Risk Management Authority, the Association of Directors of Social Work and the Scottish Centre for Crime and Justice Research.

There were 37 participants at today's conference from the host agencies and from:

- Crown Office and Procurator Fiscal Service
- Scottish Government
- City of Edinburgh Council
- Fife Council
- Social Work Inspection Agency
- Scottish Prison Service
- Her Majesty's Inspector of Constabularies
- Academics and researchers from the Universities of Edinburgh, Glasgow and Abertay

- Scottish Institute for Police research
- Scottish Centre for Crime and Justice Research
- StopItNow
- Scottish Child Care and Protection Network
- Skills for Justice

For a full list of participants see ANNEX A

PROGRAMME

Refer to ANNEX B for the full Think Tank Programme

The topics covered in today's programme came out of the feedback from the previous two think tanks held in April 2007 and January 2008.

The think tank was designed to be participatory with themed presentations preceding parallel syndicate sessions in which delegates were presented with questions for discussion prior to feeding back recommendations to all attendees. The discussions within the four syndicates and the recommendations made by the groups have informed the recommendations made in Part 2 of this report.

In the **morning session** attendees in all four syndicate groups were given the same brief. This was to determine 5 key recommendations to enable a programme of future improvement to the existing criminal justice system – in particular to improve the protection of the vulnerable.

Trigger questions were provided to all four syndicates to aid them in reaching a decision on their key recommendations. These included:

- What do agencies consider 'Public Protection' to be – what is its definition / what should it include? Is there a more appropriate title?
- What would be an idealistic model for Family Protection and Offender Management in the future?
- What are the strength/weaknesses of inter-agency working?
- Should all confidential information be held centrally for agency access

In the **afternoon session** two parallel sessions were held.

Syndicates 1 & 2 heard presentations on multi-agency readiness for the management of violent offenders and on the model for risk management being developed by the Risk Management Agency for such offenders. Key questions then considered by these syndicate groups in respect of the management of violent offenders included:

- How can inter-agency accountability and responsibilities be strengthened in this area?
- Where are the gaps/vulnerabilities?

- What does the future of MAPPA look like and what will be the impact of the inclusion of violent and other offenders?
- How do we reassure the public that 'the system' works. How do we include the public in public protection?

Syndicates 3 & 4 heard a presentation on effective inter-agency partnership working in child protection before being asked to discuss their thoughts on the current effectiveness of interagency partnership working in child protection. Trigger questions provided to the chairs of the two groups included:

- Which inter professional relationships are the most fruitful? Identify the features of these relationships which create positive communication
- What are the limits of confidentiality in your profession?
- How do you define the lines of accountability between agencies?
- What is your perception of the differences in thresholds between agencies?
- What further research is needed?
- What recommendations would you make for improvement?



PRESENTATIONS

10.15 “*Organisational Change in Criminal Justice*”



Professor Mike Nellis, Glasgow School of Social Work

Professor Nellis reviewed the passage of the National Offender Management Service (NOMS) in England and Wales, suggesting what we can learn from their experience and how to avoid similar problems to those experienced there. Professor Nellis pointed out that the axis on which NOMs is pinned is that of prison-probation rather than other component parts of community safety such as probation-community justice - which might have been more in keeping with the aim of keeping the prison population below a certain level.



Detective Chief Superintendent (DCS) Malcolm Graham, ACPOS Family Protection Portfolio

DCS Graham outlined the organisational change to public protection in Scotland which facilitates a focus on the requirements of family protection as well as on youth justice and offender management. He highlighted that a main implication of this restructure is the need for a cultural change to be proactive rather than reactive only, and the need for multi-agency co-operation.

13.30 PARALLEL SESSIONS

Syndicates 1 & 2:

“Risk Assessment: Towards a Structured decision making framework”

Frances Smith, Risk Management Authority

Frances outlined the Framework for Risk Assessment and Management Effectiveness (FRAME) which is under development by the Risk Management Authority. FRAME incorporates a tiered approach to risk assessment - with each stage including an analysis of the *nature*, seriousness and pattern of offending as well as the consideration of the likelihood of, and *impact* of, future offending. Frances invited feedback on the model as presented as the RMA are keen to engage with agencies in the development of this Framework.

“Grounded Thinking: Multiagency Readiness for Violent Offenders”



Dr Monica Barry, Glasgow School of Social Work

Dr Barry presented findings from the research she conducted for the Risk Management Authority to inform their aim to setting up a consistent and informed framework for violent offenders in Scotland. Her research evaluated current policy and practice via a literature review and by interviewing key workers across agencies. She found that the definitions of ‘violence’ and ‘harm’ varied across agencies as well as organisational priorities (victims support vs. containment of the offender for example). The research highlighted that there currently exists no clear cut accountability when inter-agency work takes place and also that the funding and sharing of training need to be improved.

Syndicates 3 & 4:

“Key Lessons for Inter-agency Partnership Working in Child Protection”

Dr Pam Green Lister, Senior Lecturer, Glasgow School of Social Work



Dr Green Lister outlined the problems of multi-agency working. She cited the desirability of agencies being assessed not just by the quality of their service delivery but also by the arrangements they have in place for inter-agency working. Additionally, her presentation highlighted the need for clarification of the rules for information sharing which *includes* advice on the correct procedure when concerns over confidentiality arise. Additionally, clarification on who is accountable when agencies work together arose as well as the need for sustained contact and feedback.

PART II

RECCOMENDATIONS - introduction

Introduction

From the review of the discussions within all syndicate groups and across plenary sessions clear themes recur and a general consensus on what would be helpful to facilitate inter-agency working emerges. It is from this that the following recommendations are made.

In brief, there was little support for a major restructuring or a big institutional change – indeed there were several warnings against this. However, there were calls for streamlining particularly around public sector policy documentation and information sharing protocols and guidance.

Other key recommendations included the desirability of the strengthening of the powers of Community Justice Authorities and the need to include the universal service providers (health and education) in family protection.

RECCOMENDATIONS

1: SHARED VISION:

1:1 Shared objective: The core functions of the different agencies who are involved in protecting those who are at risk of either offending or of being offended against are different, but all share common objectives and participants indicated support for explicitly stating these common objectives.¹

1:2 Shared Overarching Policy Document: At present there are many documents which the different agencies refer to for guidance, a recurrent recommendation was that there be a *single* overarching policy document applicable to all the relevant agencies which could clarify the shared objective (1:1 above) and clarify the meanings of terms used (recommended at 2:1 below). This same document could contain clear guidance on inter-agency information sharing (recommended at 3.1 below) and could introduce incentives for the sharing of data (recommended at 3:2 below).

¹ The existing Scottish Government National Performance Framework gives a “Safer and Stronger” Scotland as one of its five strategic objectives – however the only reference to multi-agency working under this heading is in respect of youth justice (pg 35) and management of sex-offenders (pg 116). SG (2007) Scottish Government Spending Review. Available at <http://www.scotland.gov.uk/Publications/2007/11/13092240/0>

2: SHARED 'TOOLS' OF PRACTICE

2:1 Shared Terminology:

The presentations made and the discussions which followed highlighted the different meanings applied to the *same* terminology between agencies.

In some sessions definitions were not agreed – such as how 'violence' can be defined. There were calls for terms to be defined so that agencies do not just 'talk past' each other but rather have the shared understanding necessary if they are to work towards the same objective.

However, it is recommended that definitions should not be 'imposed' upon the agencies - rather representatives from *all* agencies need to input into these definitions. It is likely that the definitions would need to be broad, but 'pinned down' by examples within the practice of the different agencies.

Awareness of the preferred meanings which attach to a term that is in usage across agencies could *facilitate understanding* of each other's working and thus enable a more effective *sharing of information*.

Key terms with fluid meanings across agencies include but are not limited to, 'Risk' 'Violence', 'Harm', 'Vulnerability,' 'Community', 'Family Protection' and 'Offender Management'.

The findings of the research conducted by Dr Monica Barry (pm session) included findings on the different meanings attached to terms in different agencies and, potentially, could inform the development of overarching definitions for use by all agencies.

2:2 Shared IT System

The facilitation of the sharing of data via a common IT system was one of the recommendations made in the reports by all four syndicates groups in the morning sessions. It has been a recurrent theme at the previous two think tanks also.

Existing barriers to the use of a common IT system include the cost of implementation and also concerns over the protection of confidential or sensitive information. It would appear that unequivocal support for a common IT system is dependant therefore on addressing first the concerns in respect of the sharing of information (recommendation 3 below).

3: INFORMATION (DATA) SHARING

Sharing of information was the theme that recurred *most frequently* during the Think Tank – across all syndicate sessions.

It was recommended that research be conducted into information sharing practices in other jurisdictions where openness between agencies is established - so that we may learn from their successes as well as learning from any mistakes.

While the existence of a common IT system would be one means by which the sharing of information could be facilitated and could be an *aid* to inter-agency working, the point was made by several individuals that there remains a need for direct communication between professionals from different agencies. More specifically what emerges from the discussions is that there is a need for:

3:1 Clear Guidance on Data Sharing

There was a general consensus that a single National Protocol on Information Sharing would be beneficial – one which superseded existing documents and was intended for use by all agencies. In particular clear, unambiguous guidance on the *thresholds* for sharing information was desired and that these thresholds should be the same across agencies.

Additionally, clear guidance on the ‘informal’ sharing of information is needed. That is when it is appropriate (and when not) to contact a professional in another agency to discuss a case outside of formal procedure (that is, outside of formal meetings such as at a convening of a Child Protection Committee).

Potentially, this National Protocol on Information Sharing could be a part of the Overarching Policy Document (recommendation 1:2)

3:2 Incentivize Data Sharing

It was suggested that if there were rewards for the sharing of data - that is that information sharing was a measured performance indicator, this could begin to break down existing barriers to sharing. An alternative view was that the *failure* to share could carry sanctions. It is also possible that a combination of the two – a ‘carrot and a stick’ policy could be effective.

This would be an interesting point for further discussion at future Think Tanks and a question that research into the methods used elsewhere could address.

4. INVOLVE THE UNIVERSAL SERVICE PROVIDERS (Health and Education)

There were repeated calls to involve the universal service providers in family protection and offender management. This could involve:

- Undertaking research into the present role of education and health services in family protection and offender management (youth primarily).
- Inclusion of representatives at future multi-agency Think Tanks – to canvas their perspectives and identify gaps in knowledge and understanding.

A primary barrier to involving health services is the strong ethos of doctor – patient confidentiality. If the nature of medical confidentiality is such that the thresholds for sharing have to be higher than for other agencies it would be helpful if this was clarified as part of the National Protocol for Information Sharing (recommendation 3:1).

Additionally there is a perceived need for training of universal service providers to recognise the signs of risk to a child, young person or adult.

5. STRENGTHEN EXISTING COMMUNITY JUSTICE AUTHORITIES

5:1 Greater Powers:

There was a general feeling that the legislation which set up CJA's does not give sufficient power to them. Specifically it was felt that:

- They should be given executive powers.
- They need greater funding so that they can take responsibility for targets set. For example, at present, they don't have sufficient money to supply accommodation, employment and treatment of offenders.

5:2 Accountability:

It was acknowledged that 'hand-in-hand' with greater powers comes the need for inspections to maintain accountability and to ensure a degree of consistency across Authorities – whilst still acknowledging that differing practices and priorities may actually be necessary according to specific requirements of their area.

Discussion - Multi-Agency Working – some reflections and feedback

Throughout the day - across sessions, there were a number of phrases which came up for analysis – ‘public protection’, ‘community justice’, ‘vulnerability’ and ‘risk,’ as well as ‘violence’ and ‘harm’. The meaning of these terms shifted across groups and the ‘consensus’ meaning agreed upon differed *between* groups – dependant in part on the agency dynamics within each syndicate. Noticeably the very terms defining the Think Tank – ‘Family Protection’ and ‘Offender Management’ also had different meanings for those present. For some, the term ‘Family Protection’ appeared to equate with the creation of safer communities for families to live in while, for others, it meant protecting family members from a violent member of their family and for others it was most immediately equated with the maintenance of family ties when an offender is imprisoned.

It follows from this that discussions focusing on the *management of offenders* cannot be *assumed* to address all these different aspects of ‘family protection.’

It is interesting to observe that at the afternoon sessions of the think tank, syndicates 1 & 2 listened to presentations on the management of violent offenders, whilst syndicates 3 & 4 listened to a presentation on working in child protection. However, when analysing the *content* of the two presentations in tandem it becomes apparent that, while the plans to extend MAPPA (Multi Agency Public Protection Arrangements) to violent offenders may indeed offer some protection to the community as a whole - and to the families of the small percentage of violent offenders who qualify for this management - it is unlikely to impact significantly on the concerns raised by those who focussed on child protection in the afternoon session.

This is because MAPPA would apply only to violent offenders *convicted on indictment* of a crime inferring personal violence who are either on probation or subject to licence following release. The greater number of victims of domestic violence (and their children) would be unlikely to be afforded greater protection by this means therefore as such offenders, if prosecuted, are almost always prosecuted under summary procedure.²

This is not being said as a criticism of the welcome proposals to extend MAPPA to violent offenders, rather this observation highlights the *importance* of events such as these which may provide the forum *in which* it becomes evident that the policy or practice change in one

² For example around 50% of incidents of domestic violence reported to the procurator fiscal as for Breach of the Peace. SG (2008) Domestic Abuse recorded by the Police in Scotland 2007- 2008. Table 1. Available at <http://www.scotland.gov.uk/Publications/2008/11/21110133/0>

area may not be as far reaching as the planners may have envisioned and that gaps still remain. It further highlights the need to consider *jointly* the Management of Offenders and Family Protection – having clarified exactly what is meant by the latter in particular. The author of this report was interested to read that one of the comments received as feedback on the forum was “planning and risk management for both child protection and offender management needs to be carried out collectively – the child’s plan needs to reflect what risk management activity is being undertaken with the offender – and vice-versa.” A cross-pollination of ideas at the time of policy formation seems essential – ideally building on existing relationships of trust between key players from the agencies concerned.

It is this initial contact with others working in the broad arena of family protection and offender management that these Think Tanks facilitate best, while the continuation of these Think Tanks will enable such contacts to build into relationships of trust. Respondents to the feedback forms issued to attendees after the Think Tank were asked for their “thoughts on where you feel you may have benefited from attending the Think Tank” such as “outcomes you will/may be taking back to your organisation.” The most frequently cited benefit given was “Networking” – with eleven of the fourteen responses to this question using the word “networking” or “network” in their responses.

Additionally, respondents cited other benefits to be:

- enables improved understanding between agencies.
- provides updates on various developments in the field.
- gives greater knowledge of operational issues.
- it highlights the gaps between theoretical principles and stark reality.
- gives insights into organisations agendas for research / refines ideas for research.
- it enables individuals to become aware of research on issues that [their agency is] dealing with at ‘strategic level’

Notably, among the feedback given were summaries of the main issues raised during the course of the Think Tank. These correlate with the recommendations made in this report (the recommendations having been written before the feedback was received); listed were – clearer legislation and guidance, information sharing (mandatory), improved and better integrated IT and support for the universal service providers.

This report and the feedback received from the Think Tank support continuing the Family Protection and Offender Management Think Tanks as an ongoing series.³

³ The findings of this report do not intentionally reflect the policy preferences of any particular agency taking part in the Family Protection and Offender Management Way Forward Think Tank Forum. They are intended to be an objective analysis of the content of the presentations made, and the range of opinions voiced, across all syndicate and plenary sessions throughout the Think Tank on 24th November 2008. The author is not affiliated with any of the agencies involved but a doctoral researcher in the School of Law at the University of Edinburgh.

ANNEX A – Conference Participants

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ANNEX B – THINK TANK PROGRAMME

1000 Opening Address

- *ACC Bill Skelly, ACPOS*

PART 1: THE FUTURE

1015 Presentations:

Organisational Change in Criminal Justice

- *Professor Mike Nellis, Glasgow School of Social Work*

ACPOS Organisational Change to Public Protection

- *Detective Superintendent Malcolm Graham, ACPOS Family Protection Portfolio*

1045 Discussion Topic 1: Aspirational Thinking—National Family Protection and Offender Management Service?

Syndicate 1— *William Manson, Detective Superintendent, National MAPPA Co-ordinator*

Syndicate 2— *Roddy Ross, Detective Superintendent, ACPOS Offender Management Portfolio*

Syndicate 3— *Martin Henry, National Manager, StopitNow, Scotland*

Syndicate 4— *Adrian Lawrie, Detective Chief Inspector, Chief Officer, ELBEG Child Protection Office*

1145 Plenary Session 1

- *Professor Roisin Hall, Risk Management Authority*

1230 LUNCH

PART 2: THE PRESENT – Parallel Sessions

1330 Discussion Topic 2: (Syndicates 1 & 2)

Grounded Thinking:

“Grounded Thinking: Multiagency Readiness for Violent Offenders”

- Dr Monica Barry, Glasgow School of Social Work

“Risk Assessment: Towards a Structured decision making framework”

- Frances Smith, Risk Management Authority

1330 Discussion Topic 2: (Syndicates 3 & 4)

Key Lessons for Effective Interagency Partnership Working in Child Protection

- Dr Pam Green Lister, Senior Lecturer, Glasgow School of Social Work

1500 Plenary Session 2

- Ian Fleming, Senior Policy Manager, Scottish Government

1545 Closing Address

- Sandy Riddell, ADSW

END PROGRAMME

Annex C Recommendations made by the 4 Morning syndicate groups.

These have been annexed to this report as they are illustrative of the commonality of the the recommendations made across syndicate groups.

Syndicate Brief:

“Your team has the opportunity of.....deliver(ing) a programme of future improvements to the existing criminal justice system, in particular around organisational change to improve the protection of the vulnerable. You are required to present 5 recommendations.”

Syndicates 1

- Need to start with a National **VISION**
- Need **Commonality** of terminologies / funding available be flexible across agencies/ integrated IT system
- **“Beef up” CJA :**
 - promote and strengthen
 - Rename
 - More power (including executive)
- **Multiagency inspectorate** or similar – currently only advisory, need something with strategic active role

Syndicate 2

- **National level Community Safety Planning** – which co-ordinates adult protection, child protection, offender management and youth justice in order to provide **public protection**.
- **Data sharing (with incentives)** – Need for a single national protocol giving guidance on information sharing thresholds.
- **Infrastructure at local level (CJA's) – with power**
- **Coherent approach** – effect this by restating at National level Broad Principles but trust local authorities to deliver / aim to produce outcomes for all three offenders, victims and communities

Syndicate 3

Hive Model – the cells being the different agencies (such as police, health, children’s services, education, social work etc). Each has a separate role but is interconnected.

BEES exist to flit from one agency to another forging links and breaking barriers by enabling knowledge transfer. The BEES ideally being someone with background in front-line work but not actually linked to any one agency. The aims would be:

- **Measure same information**
- **Work to a common objective**
- **Be outcome focused**
- **Use similar IT system**

Syndicate 4

- **Research:**
 - Carry out a scoping exercise to find out how much data sharing happens NOW as well as researching how other jurisdictions with an openness policy have effected robust systems for data sharing, so that we may apply the lessons from elsewhere
 - Review what we know of what works so that we know what to put resources into and where there are gaps which need to be plugged
 - Research what we mean by “outcome” – how one may go from a concern to an outcome.
- **Data sharing** - Apply the lessons from research on *how* to share data on vulnerable persons and share it
- **Strengthen the role of education and health** – identify concerns early, awareness rising among these universal providers of how to recognise risk indicators.
- **Non-governmental co-ordinator** of all the service providers.