

Public Protection Disclosure – Guidance October 2024

Purpose

To ensure consistency across all agencies, this guidance provides direction on the principles of formulating a disclosure (Child, Adult and Public Interest only) when it is identified that an individual is at risk of serious harm from a named person (see definition below).

Definitions

Risk of serious harm	'There is a risk of harmful behaviour which is life threatening and/or traumatic and from which the victim's recovery, whether physical or psychological, can be expected to be difficult or impossible. (Risk Management Authority, FRAME 2011, p24).
Named person	Perpetrator of serious harm.
Social Work Disclosures	Made under Child or Adult Protection legislation, relative to the protection of children and adults.
Other disclosures	Self-disclosure by the individual concerned; or a disclosure under Disclosure Scheme for Domestic Abuse Scotland (DSDAS – separate process and not covered by this guidance note) or a Public Interest Disclosure, both made by Police Scotland in accordance with Section 32, Police and Fire Reform (Scotland) Act 2012.

Responsibilities

Our overriding duties as agencies, is the protection of the public in particular children and vulnerable adults and this may outweigh any risk to the named person who is subject of the disclosure.

When agencies identify that an individual is at risk of serious harm, the disclosure must be undertaken within 24 hours of that risk being identified.

Any decisions and who makes them, regardless of the forum, must ensure that the rationale and exact wording of the disclosure (or decision not to disclose) is fully recorded on organisational systems and would withstand any review or scrutiny.

Principles of formulating a disclosure

All agencies require to be satisfied that any disclosure is lawful, necessary and proportionate to justify the disclosure being made. For the most part MAPPAs partners will agree when a disclosure is necessary and proportionate but in terms of a Public Interest Disclosure, Police are the ultimate decision makers, and they do not require MAPPAs partners' agreement.

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Where it is identified there is risk of serious harm, then a self-disclosure by the named person may not be considered an appropriate means to sharing information with the individual at risk.

The following types of information should be considered in terms of any disclosure:

- Convictions for an offence related to the risk presented i.e. offence against a child or adult.
- Information arising from reported incidents which might not have led to a conviction, but which may have been reported to COPFS, but the case not proceeded with, or the person was detained/arrested, but not charged. This may include a pattern of behaviours which the individual uses to gain access or control to their potential victim.
- Any other convictions that may be of concern and could potentially indicate a pattern of harmful behaviour.
- A victim safety plan for the child or adult, must be in place at the point the disclosure is made, which includes what support is available and how this can be accessed.

The information provided by the disclosure will ensure that the recipient of the disclosure receives sufficient information to allow them to make an informed choice regarding the risk that the named individual presents either to their child, relative, self or organisation. The recipient requires all relevant information so that they can identify possible early warning signs that may place them at increasing risk of serious harm. This may require, in a case where both the child and the parents are at risk, for parallel processes to happen simultaneously i.e. Child Protection, Adult Protection and Public Interest Disclosures.

Named person considerations

On a case-by-case basis, agencies must consider whether to advise the named person that a disclosure has been made. Any decision must be based on an assessment of risk to the potential victim.

Each disclosure must consider whether there will be an increased risk to the named person and how that risk will be managed.