

Name & Address

Sent by email to:

23rd March 2015

Dear Colleague,

Disclosures to Library Services

I am writing to seek your views in relation to an issue which has recently been brought to the attention of Stockton-on-Tees Local Safeguarding Children Board (SLSCB).

Stockton's Public Library Service currently operates a network of 10 libraries across the borough, and is a freely accessible community facility intended to support the needs of a diverse range of people from all age groups and backgrounds.

Over recent months, the Library Service has experienced an increase in disclosures relating to individuals who pose a risk to children and vulnerable adults. This has included a number of registered sex offenders with serious offences against children and adults. Some of these offenders are not permitted to have any contact with children or enter premises such as schools, youth clubs or nurseries where children may be present.

Consequently, the Library Service has to balance the duty to safeguard children and vulnerable adults against the rights of such individuals to access public facilities. This dilemma prompted a discussion at SLSCB regarding this matter.

There are a number of contextual factors regarding the Library Service in Stockton which I think are worth highlighting at this stage:

- The Library Service provides free access to the internet as part of the core offer.
- There are public toilet facilities in a number of our library buildings.
- Recent changes to the Library Service have resulted in two libraries in the borough now sharing a building with a Children's Centre.
- Staffing levels have been reduced as part of the drive for increased efficiency in the current economic climate.

The current policy in Stockton is that each case is treated individually according to the nature of the information and the terms of the disclosure. The Library Service uses this information to make decisions to mitigate the risk. For some individuals, this may result in restrictions being imposed on their access to the facilities such as entry times or use of internet whereas for others it could potentially result in them being refused entry to certain sites.

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In practice however, it is very difficult for staff to enforce such restrictions. Whilst staff take their duty to safeguard children and vulnerable adults seriously, they are usually not experienced safeguarding professionals and the terms of the disclosure frequently prevent photographs being shared with staff. A person subject to an order may be instructed to use a single library site, but without distributing an image of the person to staff across all sites there can be no means of policing this restriction.

In order to fully ensure the safety of children and vulnerable adults using library facilities, it would be necessary to prevent individuals who pose a serious risk to children and vulnerable adults from accessing libraries entirely. Consideration has been given to the possible legal implications of this course of action and it appears likely that if this was challenged with the Local Government Ombudsman (LGO) this could potentially result in a finding of maladministration against the Local Authority.

Alternatively if a ban was imposed and this was breached, an injunction would need to be sought. If such an application was opposed, the reasonableness of our decision would be tested in the court arena.

There is also a question about the Courts' understanding of the nature of public libraries. Restrictions are placed on individuals who pose a risk coming within the vicinity of a school, where only authorised staff come into contact with children, but no restriction is placed on those same individuals visiting sites where children can spend time unaccompanied and not directly supervised. This would suggest either inconsistency, or unfamiliarity amongst those specifying the restriction order with non-school service settings for children and vulnerable adults.

Following discussion at SLSCB it was agreed that further work needed to be carried out in order to fully understand the issues and the resulting implications of the different courses of action available.

The purpose of sending this letter is to raise awareness of this issue and find out if this is an issue which has arisen elsewhere. If this is the case we would be keen to hear what efforts have been made to address this.

I look forward to hearing from you and would be grateful for any thoughts or suggestions you may have in relation to this important issue.

Regards

Yours sincerely



Colin Morris
Chair
Stockton-on-Tees Local Safeguarding Children Board