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Abstract

In 2009 a sex offender public disclosure scheme was piloted in England and Scotland based upon political and policy assumptions about the public's likely take-up of such a scheme. However, the pilots found lower than anticipated public use of the scheme. By drawing on the notions of instrumental and symbolic efficacy this article explores the potential implications of the current rate of take-up. Is the instrumental efficacy of the scheme, that is, its role in providing advice and information to the public about sex offenders mitigated by low take-up? Does the scheme offer symbolic reassurance to the public about sex offender management and how might this be affected by current take-up rates? The public response to disclosure is also examined through the lens of recent risk communication research, in particular Health Promotion models that critique a simplistic 'hypodermic' approach to risk communication. Finally, the symbolic efficacy of public disclosure is examined with specific reference to Jackson and Gray's (2010) 'functional fear'.

Keywords

functional fear, risk, sex offender public disclosure, symbolic efficacy

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Introduction

In 2009 the Home Office carried out a pilot scheme to allow parents to 'register a child-protection interest in a named individual with whom they have a personal relationship and who has regular unsupervised access to their child' (Home Office, 2007: 11). This ran in four police force areas of England, with Scotland later initiating a pilot in Tayside. The English pilots ran over the course of a year; in Scotland, the pilot ran in one pilot area over 36 weeks. The English pilots were subsequently extended to cover anyone who has a child protection concern about a named child, and at the mid-point of the evaluation the then Home Secretary announced that the scheme would go ahead.¹ By March 2010 the scheme was extended to all of England and Wales and Scotland followed suit, although the Scottish scheme has remained restricted to parents, carers and guardians. Notwithstanding divergences in the scope, scale and duration of the pilots, there are similarities in the broad outcomes of the pilots north and south of the border in terms of the lower number of enquiries initiated than anticipated by both politicians and policy makers, and in terms of the number of applications that resulted in disclosure.

Arguably the Government's assumptions about the public's demand for the scheme were framed against the backdrop of considerable and sustained media pressure for the 'outing' of paedophiles, epitomized by the News of the World 'name and shame' campaign following the murder of Sarah Payne by Roy Whiting, a known paedophile, in 2000 (Bell, 2002; *News of the World*, 2000a, 2000b, 2001). Considerable pressure was also exercised by victims' groups, with the role of Sara Payne (mother of Sarah) being particularly significant, culminating in her appointment as the Victims' Champion in January 2009 by the then Justice Minister, Jack Straw.² However, research to establish the actual extent of public demand for disclosure in the UK³ has been both limited and somewhat ambiguous (McCartan, 2004). In comparing a Northern Irish and English sample, McCartan (2004) found that while 64 per cent of the Northern Irish sample supported public disclosure, only 37 per cent of the English sample did. Critcher (2003) also found some disjuncture between media claims and campaigns for public disclosure and actual public support. However, media campaigning was interpreted at both political and policy level as a public appetite for public disclosure. This media pressure was also exacerbated by high profile cases that again raised the potentially protective measures that disclosure could offer (for example the abduction, sexual assault and murder of a three-year-old girl by Craig Sweeney).⁴

This backdrop led both politicians and policy makers to believe that the public had not only a significant appetite for disclosure, but that if provided it would be well used. The English pilots for example were projected to have at least 2400 enquiries and were funded accordingly. In the event only 585 across the four areas were received. This lower level of take-up has continued under the national roll out with, for example, 15 enquiries made to forces in the North East by January 2011, with nine being processed as full applications and no disclosures being made.⁵ A Home Office spokesperson commenting on the disclosure schemes said: 'These checks provide reassurance to parents, carers and the wider community and also assist the police in managing known sex offenders living in the community more effectively' (*The Journal*, 2011: 7). This comment illustrates the instrumental and symbolic efficacy *expected* of public disclosure (Sample et al., 2011).

Instrumental in terms of contributing to the effective management of sex offenders and thus the protection of persons at risk, through the provision of information and advice to members of the public to enable those persons to take the necessary action to protect themselves. Symbolic, in terms of public reassurance and ‘being seen to do something’ about sex offenders in the community. In particular to symbolize a punitive retribution, shaming and ‘Othering’ (Simon, 1998), and to provide the public with a clear message that the relevant agencies are acting on sexual offending.

This article will compare and contrast the publicity strategies used in the pilots in order to identify how clearly this message has been delivered and to identify any potential barriers to the public’s receptivity to this message, and thus to public use and engagement in the scheme, which may account for the lower than anticipated enquiries initiated. This article will also draw on data from both pilots to explore some possible explanations for the level of take-up of the public disclosure scheme, prior to pursuing a discussion of the policy implications of these findings. In particular, the extent to which the level of take-up raises questions particularly about the instrumental and symbolic efficacy of the scheme, and any potential value added to public reassurance about the effective management of sex offenders that the scheme may offer to actual or potential users will be considered. These discussions are then placed within a broader consideration of risk communication research literature, and lessons for future publicity, outreach and reassurance to users are drawn.

Publicizing the Scheme: Key Issues

Publicity strategies are a central tool in raising public awareness of the availability of any resource. For community notification schemes in particular, robust publicity strategies are regarded as critical to the scheme’s potential instrumental or symbolic efficacy (Sample et al., 2011). If the scheme is to have instrumental efficacy, it must target the right individuals and both provide and generate information about those people who might not otherwise come to the attention of the relevant agencies through extant mechanisms of child and public protection. If the scheme is to have symbolic efficacy, it must at the very least raise awareness of the availability of the scheme. Moore et al. (2010) explored the public response primarily to local Community Payback projects. However, of those that were aware, few people had actually nominated projects. Moore et al. (2010) found that simply knowing that it was possible to make a suggestion might improve public perceptions of the Criminal Justice System. Thus, while few people actually engaged directly in the scheme, the value of the scheme resided in its symbolic effect (Sample et al., 2011).

Levenson et al. (2007) found that participants in Florida were largely unaware of the notification strategies in their communities, raising questions as to the extent to which notification strategies were reaching the intended population. Moreover, awareness does not necessarily translate into action, that is, using the notification scheme. Anderson and Sample (2008) found that only a third of residents in Nebraska accessed the sex offender registry despite the overwhelming majority of residents being aware of it. In this case, the value of the scheme resided in its symbolic effects; residents of Nebraska felt personally safer simply knowing the information was available. While the English and Scottish

studies were not constructed as impact evaluations of publicity strategies per se,⁶ the lower than anticipated take-up raises some significant questions about whether the strategies were targeting the relevant populations in the right way, and facilitating people to access the scheme. This has implications for both instrumental and symbolic efficacy.

Kemshall and Wood (2010) observe that areas used a range of publicity approaches to encourage those with concerns to make applications, convey accurate information about the scheme and inform partner agencies. Data from 153 application forms revealed that people heard about the pilot from a number of sources but primarily TV and radio (23%) and word of mouth (28%) (which does not preclude the likelihood that applicants' informants may have seen/heard publicity) which accounted for half the cases. The remaining applicants reported hearing about the pilot from 'other sources' such as publicity in newspapers, making a general enquiry and being told by a police officer (total 46%). This suggests the need for a broad range of approaches to publicity and appropriate briefing for police staff (Kemshall and Wood, 2010), but it also suggests that a proportion of applicants were not necessarily engaged as a result of the publicity strategy and would have made enquiries anyway, a finding also found in the Scottish pilot.

Chan et al. (2010) note that in Tayside, the publicity campaign involved three different types of publicity which ran over the course of the pilot period. Leaflets and posters were disseminated in police and social work offices, GP surgeries and in the offices of third sector organizations. While these particular publicity strategies raise questions as to the potential for them to reach people such as vulnerable families who may be disengaged from services, the publicity campaign also included radio advertising (between 9 October 2009 and 6 December 2009) and posters on the outside of buses (between 21 November 2009 and 21 February 2010). Chan et al. (2010) conclude that it was less common for applicants to find out about the scheme *directly* from the advertising campaign as opposed to other channels. Like applicants in England, the most common method was through word of mouth (26.4%, $n = 14$). Indeed, a significant proportion, 24.5 per cent ($n = 13$) of applicants, said they did not know about the scheme and were channelled in by social work or police having made an enquiry to them and were therefore persons likely to have proactively contacted agencies irrespective of the scheme itself. In total, 19 per cent ($n = 10$) of applicants heard about the scheme from radio (13.2%, $n = 7$) and television advertising (5.6%, $n = 3$); and only three from newspaper advertisements (5.6%). No applicants said they contacted the scheme after seeing adverts on buses or seeing leaflets. While there is scope for improving the publicity surrounding the scheme, to which we return, not least in targeting the scheme more effectively at those people it seeks to engage, there may be additional reasons to account for the level of take-up the scheme has received.

As previously observed, the English pilots were projected to have at least 2400 enquiries. In the event, only 585 across the four pilot areas were received and only 53 in Tayside. If there is a public demand for this information, *prima facie*, these figures seem surprising as one measure of the public's response. Community notification schemes are premised on the engagement and exchange of information between the relevant organizations and the public. While the engagement of the public can generate additional information for use by the agencies involved, the provision of information on known

sex offenders to members of the public aims to evoke the necessary actions in those receiving the information so that they may protect themselves. This is at the heart of the instrumental efficacy of the scheme. This approach however assumes that there is a certain demand for this information in the first instance and it assumes that people are willing and able to take and accept responsibility for engaging and responding appropriately to risk in the second instance. This assumption neglects to recognize differing perceptions of risk, levels of tolerance to and acceptability of risk, and therefore variations in both concerns the public may have and actions that may subsequently be taken (Kemshall and Wood, 2007). As one social worker in the Scottish pilot observed, simply knowing the scheme exists may enhance personal confidence about the management of sex offenders, but also over represent the current knowledge and capacity of those agencies dealing with sex offenders (Chan et al., 2010). This may inadvertently reduce enquiries rather than stimulate them because potential users think the authorities are already dealing with the offender or already know about them. Thus while the passive reassurance of the public may be a welcome outcome, the potential strength of the scheme lies in its instrumental efficacy to contribute to the management of child and public protection. Such instrumental efficacy might itself enhance the public's active confidence in the relevant agencies. However, the focus on convicted sex offenders could lead to the creation of a false sense of security, as most offending against children is committed by people known to the victim, and in some instances by persons with no previous convictions. Publicity must encourage enquiries 'but not imply that the only danger to children comes from registered sex offenders' (Stout et al., 2011: 412).

The Use of the Pilots in England and Scotland: An Exploration of Conversion Rates

Table 1 provides an overview of conversion rates from initial enquiries, proceeding as a formal application under the scheme, to an eventual disclosure. In England, Kemshall and Wood (2010) observe that a total of 585 enquiries were received across the four pilot areas with 315 (54%) of these enquiries proceeding as applications, with some variation within this evident between the police force areas (see Kemshall and Wood, 2010). In Scotland, the numbers of enquiries received are significantly lower, even accounting for the reduced number of pilot areas and the shorter duration of the pilot. Chan et al. (2010) observe that 53 enquiries were made to the scheme in total. However, compared to the English pilots, a significantly higher proportion of these enquiries proceeded as applications – 86.79 per cent ($n = 46$). In England, a total of 21 disclosures (7 per cent of applications) were made under the remit of the pilot totalling a conversion rate of just 4 per cent (Kemshall and Wood, 2010). In Scotland 11 disclosures were made, comprising 23.9 per cent of applications and totalling a conversion rate of 21 per cent.

Table 1. No. of enquiries resulting in application and disclosure in both jurisdictions (% of enquiries)

	Enquiries	Applications	Disclosure
England	585	315 (54%)	21 (4%)
Scotland	53	46 (86.79%)	11 (21%)

This illustrates that in both the English and Scottish pilots there is significant attrition between initial enquiries and ultimate disclosures, with areas in the English pilot having particularly low conversion rates. In Scotland, one explanation for this resides in the narrower eligibility criteria. A total of 19 applicants were not eligible to receive a disclosure because they were neither the parent, carer or guardian of the child; in these cases there was no disclosure made to the applicant but where there were concerns, a disclosure was made to the person best placed to protect the child (Chan et al., 2010). In both jurisdictions, however, the total number of conversions from enquiries to applicants and subsequent disclosures were small and there was evidence from applicant interviews to suggest that the pilot's remit may not always have been clearly communicated or understood, and may have impacted on applicant reassurance levels (Kemshall and Wood, 2010). One applicant, for example, who described the process as 'ambiguous' experienced some unease even after the process was complete (Applicant 2, Area A). Another misjudged the remit of the scheme and brought a concern about non-sexual violence. Four applicants were seeking information about a new partner or potential step-parents of their own children following relationship breakdown. Nonetheless, there were broad similarities about the subjects of and motivations for enquiries between the English and Scottish pilots (see Table 2).

Applicants in both jurisdictions most frequently enquired about an ex-partner's new partner, neighbours or family members, often on receipt of third party information. Critically, however, enquiries and application rates do not necessarily reflect density of population or indices of deprivation as Table 3 indicates (derived from data collected from the Police and Constabulary Almanac 2009 (Hough, 2009), data from the English pilots, data from GROS 2010 and the Scottish pilot).

Even a rudimentary analysis of the number of enquiries per area within Tayside against deprivation indices in each local authority area offers little additional insight into the number and profile of persons making enquiries in this context. Yet, one might anticipate a higher number of enquiries received in more densely populated areas, with higher incidences of deprivation and a potentially higher concentration of both registered sex offenders (RSOs) and vulnerable families (Mustaine et al., 2006a, 2006b; Zevitz, 2003). In Tayside, 23 enquiries were made from Dundee city area (1:6234),⁷ 15 from Perth and Kinross (1:9727) and 14 from Angus (1:7875) (Chan et al., 2010). Thus while there were more enquiries from Dundee per capita, than Angus, and in turn than Perth and Kinross and although the number of enquiries per area is consistent in terms of the proportion of

Table 2. Overview of convergences in subjects of and motivations for enquiries in both pilots

Subjects of enquiries	% England	% Scotland
Ex-partner's new partner	17	9
Neighbour	16	30
Family member	16	15
Motivation for enquiries	% England	% Scotland
Receipt of third party information	51	78
Direct observation subject's behaviour	36	30
Direct observation of child's behaviour	21	4

Table 3. No. of enquiries resulting in applications per area against population figures by area

	Population	No. of enquiries	No. of applications
Area A, England	729,812	87	48
Area B, England	542,022	109	42
Area C, England	1,797,500	110	33
Area D, England	506,200	279	192
Tayside, Scotland	399,550	53	46

percentage of data-zones within each Local Authority that fall within the 15 per cent most deprived in Scotland (SIMD, 2009), the low numbers per capita, per area illustrate that there is no significant increase in numbers of enquiries per capita, irrespective of relative deprivation or density of population. Similarly, in England the number of applications proceeded with did not necessarily reflect the size of the RSO caseload, particularly in the community. For example, Area D had only 260 RSOs in the community but the largest number of applications made and proceeded with. Area A had 491 RSOs in the community, but the smallest number of applications made although a slightly higher proportion proceeded to conclusion (Kemshall and Wood, 2010).

Despite the lower than anticipated numbers of enquiries received during the pilot phases, there are also a number of issues to be considered about whether increasing utilization of the schemes would increase both its instrumental and symbolic efficacy. A large volume of enquiries might, for example, be seen as a drain on resources, particularly if applicants do not reflect the eligibility criteria, with little impact on child protection or might alternatively be considered as a positive indicator of a high degree of public awareness and confidence (Stout et al., 2011). Relatedly, a low level of enquiries might be regarded as a lack of public interest in, or awareness of, the scheme and thus an alternative drain on resources in general, with limited value added to child protection or to public reassurance. In this vein, from an operational perspective, low numbers of enquiries and low conversion at application and disclosure stages increases costs per disclosure which requires to be measured against the value added by the scheme to extant measures of child and public protection, in relation to the effective use of scarce resources. However, increasing publicity with a view to increasing take-up is not without its own risks. Beck and Travis (2004) found that citizen notification was significantly related to increases in personal fear of victimization. It is not inconceivable that an increase in publicity might engender similar effects. Additionally, an increase in publicity could also lead to an abuse of the system. The task is to increase uptake by those people most likely to benefit from the scheme – those persons most at risk of victimization and this places further responsibility on those agencies confronted with this task to consider issues surrounding not only raising general awareness of the scheme to promote but on targeting and on the content and form of any communication with the public.

Improving Take-Up and Targeting

The evaluations raised a number of issues about the publicity strategies. Chan et al. (2010) observe that a few practitioners highlighted the importance of ensuring that the

publicity of the scheme encourages the public to contact the scheme about anyone they are unsure of. As Chan et al. (2010) observe, the radio advert, by communicating only one scenario involving a woman who has concerns about her sister's new partner, risks under-representing the scope of the scheme and may dissuade or exclude people from considering themselves eligible to contact the scheme.

In terms of ensuring that the messages conveyed by the publicity strategy are consistent, the use of the term 'community notification' also offers the potential for some confusion as to the role and remit of the scheme, given the radically different form this takes in the UK, when compared to the USA (Chan et al., 2010). Moreover, with the alternative name for the scheme in Scotland, 'sex offender disclosure' (or some aggregate of the two) members of the public might infer from the limited information conveyed through the various publicity strategies that a disclosure would be automatically forthcoming in the event that the subject of the enquiry presented any risk of harm. This terminology, and the associated publicity strategy, needs to encourage the public to get in contact 'to provide information as well as obtain it' (Chan et al., 2010: 43). Indeed, by emphasizing this as a bi-directional information sharing process, this might serve to emphasize the role of the public in promoting child and public protection, as part of a wider public and community safety strategy. There was evidence in both pilots of applicants providing new information to the police that led to 'increased intelligence' (Chan et al., 2010: ii; Kemshall and Wood, 2010: 15). These results were of clear added value to child protection processes.

Publicity strategies should also utilize those media and communication streams that are used by the target populations. Obvious examples include using static billboards, posters in various public spaces including shopping centres and public houses, for example, notices in magazines or on social networking sites. Outreach is a further way of increasing uptake and may be an effective approach to overcoming various barriers preventing individuals from accessing schemes (Gray et al., 2006). It offers scope to increase trust in services and it can access community networks and cultures and support the education and development of knowledge around the issue of 'keeping children safe'. In this way outreach can help raise awareness – not just of the scheme but of the realities of victimization and child protection and in so doing contribute to a change in attitudes and influence behaviour. The public is not a homogenous entity; different groups within the population have different attitudes, norms, values, and understandings of issues and perceptions of organizations involved in the scheme, notably social work and the police, and thus the challenges of increasing uptake among the target populations should not be under-estimated. Chan et al. (2010: 30), for example, observe that 'a number of applicants were concerned about the involvement of social work ... which led to some applicants regretting making their enquiry'. As Chan et al. (2010) speculate, for some people there is a stigma attached to involvement with social work services. Indeed, research indicates that most people's views of social workers are informed by negative media coverage, and specifically relate to an image of social workers seizing children from homes and making mistakes (DoH, 2001; see also Davidson and King, 2005). It is not difficult to conclude that the involvement of social work might send out particular messages to the public – for example that they are in serious trouble, or that they have failed or are not coping in some way (Davidson and King, 2005). Contemplating contact with

social work services is not generally a decision that is made lightly (DoH, 2001), if at all (Davidson and King, 2005).

Public Disclosure and Risk Communication – Key Lessons

It is helpful to place the low take-up and use of the public disclosure schemes within broader research literature on risk communication to communities and publics. Evaluations of public health campaigns offer some insight into the possible complexities of risk perception and response (Alaszewski, 2006). Evaluations of public health campaigns on sexual behaviour (Alder, 1997) or smoking (Denscombe, 2001) show that they have little impact on behaviours, and that there can be considerable difference between expert and public perceptions of risk (Slovic, 2000; see Miller and Kitzinger, 1998 on AIDS). This has been particularly acute in child sexual abuse (Kitzinger, 2004), an ‘emotionally aversive’ topic exacerbated by cultural taboos (Sanderson, 2005).

A key flaw in public health/awareness campaigns has been to assume that the ‘receiver’ of information is a ‘rational actor’ and will respond to information in the way intended by experts or professionals (Kemshall, 2008). This approach underestimates the range and weight of intervening factors between the message and the receiver of the message. Social actors are not mere ‘media dupes’, but actively interpret, filter, select and rationalize such messages, mitigating against a simple ‘hypodermic’ model of information giving and receiving (Hughes et al., 2006; Kitzinger, 2004). In this case to recognize and utilize the criteria for using the scheme, and to recognize the risk and be motivated enough to use the scheme. The ‘Health Belief Model’ (Glanz et al., 2002: 52; see also Rosenstock et al., 1994) outlines the ‘modifying factors’ that can inhibit individual perceptions turning into actions. For example, the cognitive schema against which information is perceived and processed; whether the message can alter the cost–benefit analysis that individual’s have; whether an individual believes they are ‘at risk’; the costs to the individual of modifying (or not) their behaviour; and the individual’s ability and self-efficacy to take actions (see, for example, Alder, 1997 on sexual behaviour; Denscombe, 2001 on smoking; Eisen and Zellman, 1986 on medication compliance; Miller and Kitzinger, 1998 on AIDS; Thirlaway and Hegg, 2005 on alcohol and cancer). Public awareness campaigns on sexual violence show similar results, with campaigns on dating violence prevention showing low impact (Cornelius et al., 2009), with the cognitive schema of potential victims (that they do not think they are likely to be targeted or to be ‘at risk’) impacting on their reception and processing of key advice. Assessments of the personal risk of victimization can also be mitigated by a sense of ‘unreal optimism’ (Harris, 1996 cited in Sjoberg, 2003).

Sjoberg has argued that people tend to assess their personal risk at a lower level than their general risk, which seems to relate to their perceived personal capacity to exercise sufficient control over their environment to protect themselves. Indeed as Sjoberg argues, individuals tend to attribute to others less capacity to exercise personal control, perceiving the ‘generalized other’ to be governed more by personality traits, in contrast to the self who is governed more by flexible adaptation to a given situation. If, as Sjoberg suggests, personal risk perceptions are distorted, they may be more likely to support risk management measures as they deem necessary for the protection of others. Sjoberg

suggests that campaign techniques need to be devised which decrease the tendency to dismiss information as personally irrelevant. Thus, the idea of being not simply a passive recipient of information, or at personal risk of victimization, but as an active participant in child and public protection and community safety (Kemshall, 2008) might go some way to reducing this psychological dissonance and could perhaps inform publicity strategies, while reducing the potential stigma and implications that accessing such a scheme might convey.

Within the public disclosure pilots, applicants interviewed did disclose particular barriers to using the scheme which may have a broader resonance with those who did not come forward but who were eligible to do so. In particular, lack of trust in the police based on previous experience of policing, concerns about whether the application would remain confidential particularly in those instances where the application concerned a family member or new partner of a family member, concerns that the subject of the application might find out or that initial anxieties were unfounded. These issues are balanced against desires to protect children and concerns about the behaviour of individuals in contact with children:

Well I was concerned that a friend of mine, her children, a friend of mine had been seeing this chap and I was uncomfortable and I felt that her children were perhaps in some sort of danger really. And I wanted to number one protect them and number two knowing that I thought I had some information, not information but my instincts were telling me that this guy wasn't right. So I needed to ease my conscience as well. (Applicant 5, English pilots)

Yes I did wait a couple of days [between hearing about the scheme and calling] because I was starting to feel quite guilty ... I knew it was confidential so I thought right, go ahead ... I thought you're doing something behind somebody's back, I felt a wee bit guilty and then I thought, it's for the children's safety, and he said everything would be confidential so I was quite happy. (Applicant in Chan et al., 2010: 19)

Paralleling this, further research on differential perceptions and reporting of child sexual abuse across ethnic groups is also important in understanding low take-up, particularly from ethnic minority groups. A recent evaluation of the public awareness campaign by the Lucy Faithfull Foundation 'Educate 2 Protect' experienced low take-up from ethnic minorities and 'socially disadvantaged' groups despite targeting areas of social deprivation and targeting ethnic populations through relevant print, radio and TV media (Collins, 2009). In addition, translation issues especially of key terms, coupled with resistance to a taboo subject and the discussion of 'overtly sexual' subjects made engagement difficult (for example one inner city area had 106 different languages and dialects), and female participants were unwilling to discuss sexual matters with a male facilitator. Research by the NSPCC (2010) found resistance to reporting child sexual abuse in Asian communities, with a fear that such reporting brought shame onto the family concerned (see also Gilligan and Akhtar, 2005). These are likely to be key barriers to members of these communities taking up public disclosure (see Kemshall et al., 2011 for a full discussion).

This wide-ranging body of research literature on public awareness/information campaigns suggests that to be successful you have to:

- Maximize the relevance of the message to the audience (Foubert and McEwen, 1998).
- Maximize audience perception of susceptibility to the risk (Bohner et al., 2009).
- Give a clear message re benefits (Boseley, 2002). For example that it can protect children as the latter is a clear ‘tipping point’ for people to apply.
- Promote self-efficacy and key actions that can be taken by the individual (Kemshall, 2008; TDI, 2007) while recognizing actions may need to be supported by professionals (Wood, 2011).
- Address taboos by demystifying the topic matter and providing accurate knowledge about problematic behaviours (Wood, 2011).

Jackson and Gray (2010: 1) make an important distinction between functional fear that enables people to convert their concerns about potential crime into constructive action, and a ‘dysfunctional worry that erodes quality of life’ and upon which people do not take constructive action. In addition, other recent research on fear of crime has differentiated between ‘an everyday worry ... and a more diffuse/ambient anxiety (a more common feeling or generalized risk and the sense that “it could happen”’ (Jackson and Gray, 2010: 2). They argue that ‘dysfunctional fear’ is corrosive and erodes quality of life without motivating people to act to mitigate the likelihood of becoming a crime victim. However, fear is differentially experienced since it is also ‘expressive’ and can reflect the ‘broader social concerns about neighbourhood breakdown, as well as more diffuse anxieties about social change’ (Jackson and Gray, 2010: 15).

In the context of the public disclosure scheme it is important that ‘dysfunctional fear’ is mitigated against or at the very least managed or challenged. However, there is evidence that for some participants their experience of the scheme left them with a generalized risk anxiety, or ‘dysfunctional fear’. For example, on being told there was nothing to disclose an applicant commented:

Just because a no is a no, he’s not on a register, could possibly potentially mean that he’s just never been caught. (Applicant C9 in the English pilots)

I have the letter, thanking you for approaching the scheme really, but telling you at the same time just because they haven’t disclosed anything, it doesn’t mean to say there is nothing to worry about and telling you to watch for signs ... at the time I thought does that mean he’s okay? So I sort of erred on the side of caution at that point ... it was kind of six and half a dozen ... you didn’t know what way to take it really. (Applicant in Chan et al., 2010: 26)

This residual anxiety was particularly pertinent for Scottish applicants categorized as ‘close concerned others’ (other family members) who were not entitled to receive a disclosure:

I mean I can’t really fault the scheme itself, but the outcome. I think at the end of the day I was still left sort of none the wiser ... I was worried because I felt out of control with it and obviously was worrying about [the baby] at the time. (Applicant in Chan et al., 2010: 35)

A further interview exchange illustrates this generalized anxiety about the possibility of victimization:

Interviewer: Are you more or less worried now?

Respondent: About the same, because if it's not that person then there is going to be somebody out there. We are in society today that everyone mingles in with everyone, whether you have done something bad, whether you are disfigured or what it doesn't matter. (Applicant C6, English pilots)

The response of another applicant illustrates the potential for 'dysfunctional fear' to erode quality of life: 'For a while I felt really happy about it but then I started to think well, just because he's never actually officially been in trouble for anything, it doesn't mean he's not, and still it nagged at me' (Applicant D10, English pilots). This respondent and her husband did not receive a disclosure on the basis that nothing was known about the subject, but continued to experience significant anxiety and were determined to leave their home rather than continue to live in proximity to the subject of their application: 'He watches and things and I don't like it. It just makes us uneasy ... I still feel uneasy' (Applicant D10, English pilots).

In some cases, anxiety did reflect Jackson and Gray's (2010) argument that 'dysfunctional fear' was compounded by contextual concerns. For example, one applicant who did not receive a disclosure had taken a series of measures to address anxiety:

We've been feeling very uncomfortable about living where we live and we do feel that we're at the point of either staying or moving away. We've made our house as secure as possible with CCTV cameras and lots of locks but we just feel very uncomfortable living here because of our experience. (Applicant D7, English pilots)

'Dysfunctional fear' was evident in some cases that had resulted in disclosure. In one Scottish case, the applicant similarly felt that she had no choice but to relocate:

We just don't know what to do about the situation. It's a really difficult situation and I just, basically I am angry about it all, not the way anything is dealt with, just the whole actual situation that I have to move. I do think we need to move because I don't want to have to explain anything about paedophiles to my son at five years old. I don't see why I should have to and to protect him I need to move ... It's disrupting our whole life. (Applicant in Chan et al., 2010: 39)

Whether 'dysfunctional fear' also discouraged members of the public from using the scheme can only be a matter of speculation. However, what the overall take-up figures and qualitative data from users alerts us to is the possibility that the public disclosure scheme can inadvertently result in 'dysfunctional fear' rather than necessarily reassure the public about the community management of sexual offenders.

Functional fear is also related to a sense of self-efficacy individuals have that they can manage the risk(s) they are told about, in a sense knowing requires action, particularly from 'responsible' parents, carers or guardians. The couple coded as D10 above felt that the only responsible thing they could do in the face of a non-disclosure and continued anxiety provoking behaviour from their neighbour was to move house. This also illustrates the lack of self-efficacy to manage that risk any other way. In other cases, irrespective of whether a disclosure had been made or not, respondents talked of

the need 'to be more vigilant', 'take more care', 'supervise children more closely', 'it's opened my eyes to other people', although specific actions were less evident. This attitude is summed up by one applicant as: 'you have to keep children closer to home, be more vigilant' (Applicant D28, English pilots). Given that very few disclosures were actually made it is difficult to evaluate whether the disclosure scheme enables applicants to pursue effective risk management strategies in respect of their own children. What is supported by the applicant interviews is the potential for the scheme to leave applicants without clear actions, and a sense that there is actually little they can do, with one applicant summing this up thus: 'It's up to you to keep yourself safe' (Applicant D28, English pilots). This contrasted with applicants who were in a professional role, for example managing a day centre or coaching a football team. The four applicants of this type in the English pilot were all clear about the actions they had or would take as a result of the disclosures made to them. This confidence seemed to stem from their professional role and the responsibilities to service users that ensued from a disclosure.

Conclusion: Learning the Lessons about Risk Communication

In light of concerns raised by both pilots over confidentiality and hesitancy in making an enquiry, the anonymity of applicants should be emphasized in publicity materials (Chan et al., 2010). This might go some way to mitigating concerns that more vulnerable or hard to reach groups might experience in deciding whether or not to engage with the scheme. However, more work needs to be done around clarifying messages to improve the number of appropriate enquiries/applications, and greater consideration should be given about whom to target and through what media. For example, more extensive involvement with primary and junior school teachers may be an effective way of reaching vulnerable families (Kemshall and Wood, 2010). Communicating with children and parents through schools might heighten awareness of the scheme and could usefully be combined with general advice and preventative action information sessions. That said, for those families who might be unlikely to engage not only with police or social work, but with schools and educational professionals, other avenues might usefully be explored – for example outreach, NHS services, general public amenities such as supermarkets, using social or web-based media and putting leaflets through doors offer increased potential for reaching families who may otherwise prefer to avoid contact with police and social work agencies and for whom the limited information provided through alternative publicity materials might not be sufficient to allay their reservations.

In addition, the psychological processes in risk perception and in the decision to make an inquiry and then pursue an application are complex, and as yet the barriers to 'coming forward' or the reasons for doing so are only partially understood. What is clear to date is that publicity strategies and the practical operation of the disclosure scheme have operated largely in ignorance of such key processes. This has resulted in an under-utilization of the scheme, a position difficult to defend in the 'age of austerity' and significant cuts in policing budgets.

Both the publicity strategies and the scheme itself would benefit from a deeper understanding of the processes and complexities of risk communication. In particular, understanding the barriers to, and range of motivations for, making an enquiry and subsequent application (see Kemshall et al., 2011 for a full discussion). Perhaps as important is the concept of 'dysfunctional fear' and the importance of not reinforcing or creating 'dysfunctional fear' through the scheme itself. While disclosures remain low, one of the key actual or potential impacts of the disclosure scheme is public reassurance about the community management of sex offenders. Arguably disclosure can be considered in this context, as a mechanism to target and reduce public anxieties about sex offenders and demonstrate that such offenders are indeed known to the 'authorities' and are well managed. In this sense, it may be that one measure of success for public disclosure is not that communities or even individual applicants are 'objectively' better protected or equipped to manage the risks posed by sex offenders (see Sample et al., 2011), but rather that communities were subjectively less anxious about sex offending crime in their neighbourhood. This would however require further investigation as neither pilot measured public reassurance. From the limited data of both studies it is however possible to conclude that the scheme may not necessarily fulfil this function of reassurance, and has perversely the potential not only to fail to reassure but to leave applicants with feelings of generalized risk and anxiety, and a 'dysfunctional fear' in respect of sex offenders. In this sense, early data indicate that the symbolic efficacy of public disclosure may be weaker than anticipated by policy makers and that corrective action on publicity, outreach to excluded communities and greater support to applicants in terms of their self-risk management are all worthy of further consideration.

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Notes

1. "'Sarah's Law" pilots to be extended. Home Secretary says sex offender disclosure scheme has protected at least ten children.' Available at: <http://www.communitycare.co.uk/Articles/2009/03/16/111014/jacqui-smith-sarahs-law-pilots-to-be-extended.htm> (accessed 14 April 2011).
2. See 'Sara Payne new Victim's Champion'. Available at: <http://news.bbc.co.uk/1/hi/uk/7850785.stm> (accessed 13 April 2011).
3. Although there is some evidence of widespread public support for community notification schemes in the USA (see Anderson and Sample, 2008; Levenson et al., 2007).
4. See 'Call for stiffer sentence for attacker of girl, 3'. Available at: www.news.bbc.co.uk (accessed 13 April 2011).
5. Source: *The Journal*, 3 January 2011, p. 7.
6. See the full reports for discussions of publicity strategies and discussions of effectiveness.
7. For example,

Dundee City has a population of 142,150 of whom 16.6% are under the age of 16 years. There is a high rate of unemployment and a third of local wards have more than twice the national

average unemployment claimant rate. The number of people seeking help for drugs misuse for the first time is significantly higher than in comparator authorities. There is a considerably higher percentage of families headed by single parents in Dundee than for Scotland as a whole. (HM Inspectorate of Education, 2009: 2)

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