



Derbyshire

Multi Agency Public Protection Arrangements

Protection through partnership

2018-19

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Introduction

Protecting the communities of Derbyshire from violent and sexual offenders is a key priority for agencies across the county.

Working together through Multi-Agency Public Protection Arrangements (MAPPA) to manage offenders convicted of such crimes is vitally important.

The crimes these offenders are responsible for greatly affect the lives of victims, their friends and families and can in turn cause fear in local communities.

MAPPA is a partnership and this report explains how different agencies involved work together, how the arrangements operate in Derbyshire and what actions are taken to improve their effectiveness.

It also contains statistical information about the number of offenders managed under the arrangements and illustrates how they work in practice.

We recognise the public's concern about people who may present a risk of causing significant harm, and we believe that MAPPA provides the best possible framework for these people.

Although it is never possible to eliminate that risk entirely, MAPPA aims to ensure that all reasonable steps are taken to reduce the risk of further serious harm to the public.

We take a tough approach to any increased risk offenders may present, while working hard to rehabilitate them.

Every year we strive to improve public protection through MAPPA and we continually review and update these arrangements in order to provide the highest level of protection to the communities of Derbyshire.



A handwritten signature in black ink that reads "Paul Gibson".

ACC Paul Gibson
Assistant Chief Constable
Derbyshire Constabulary



A handwritten signature in black ink that reads "Charlotte Dunkley".

Charlotte Dunkley
Head of Service
National Probation Service
Derbyshire LDU



A handwritten signature in black ink that reads "Phil Novis".

Phil Novis
Governor at HMP Nottingham
HM Prison Service
(Public Sector Prisons) Midlands

What are MAPPA?

Multi Agency Public Protection Arrangements (MAPPA) are a set of arrangements established under the terms of Sections 325 - 327B of the Criminal Justice Act 2003 to manage the risk posed by the most serious sexual and violent offenders (referred to as 'MAPPA-eligible' offenders).

They bring together the police, probation and prison services in the 42 Areas of England and Wales into what is known as the MAPPA 'Responsible Authority'. Local MAPPA areas correspond to those served by police services.

A number of other agencies are under a Duty to Cooperate (DtC) with the Responsible Authority; these include Youth Offending Services, Social Care Services, Health Trusts and other health service bodies, Jobcentre Plus, Local Housing and Education authorities and the Immigration Enforcement arm of the Home Office.

The arrangements are overseen by a Strategic Management Board (SMB). The Responsible Authority is required to appoint two Lay Advisers to sit on the area's MAPPA SMB alongside senior representatives from each of the Responsible Authority and Duty to Cooperate agencies.

Lay Advisers are members of the public with no direct links to the business of managing offenders; they act as independent, yet informed observers who are able to pose questions which the professionals involved might not think of asking. They also bring to the SMB an understanding and perspective from the local community (where they must reside and/or have strong links).



How MAPPA work

MAPPA eligible offenders are identified by the police, probation, prison, youth offending or mental health services at the time they are sentenced. Information about them can then be shared by the agencies in order to inform the risk assessments and risk management plans of those managing or supervising them.

In the majority of cases that is as far as MAPPA needs to go but in some cases it is determined that active multi agency management is called for. If so there will be regular MAPPA meetings attended by relevant agency practitioners and managers.

There are three categories of MAPPA eligible offender:

● Category 1

Registered Sexual Offenders (RSO) who are subject to the notification requirements of Part 2 of the Sexual Offences Act 2003, sometimes called the 'sex offender register'.

● Category 2

Violent Offenders (VO) sentenced to detention or imprisonment for 12 months or more or who have been made subject to a Hospital or Guardianship Order under the Mental Health Acts. This category also includes a small number of offenders whose sexual offences (OSO) do not come within scope of notification requirements.

● Category 3

Other Offenders (OO) who do not qualify under Categories 1 and 2 but who have previously acted in a way that shows they may cause harm and are currently assessed as posing a risk which calls for active multi agency management

No other persons can lawfully be included under the arrangements.

There are three management levels intended to ensure that time and resources are focused upon the cases where they are most needed; this is generally those involving a higher risk of serious harm or who present major grounds for concern.

Level 1

Involves ordinary agency management (ie no regular MAPPA meetings or extra resources additional to the sharing of information)

Level 2

Where the active involvement and resources of more than one agency is required to manage the offender or assure the safety of victims but the risk management plans do not require a senior level of attendance for the commitment of resources, which is provided at –

Level 3

Where senior oversight of the management plan or significant extra resources and scrutiny are required

ViSOR – supporting risk management

Management of eligible offenders is supported by ViSOR, a national IT system and database for the management of people who pose a risk of serious harm to the public. Police services have been using ViSOR since 2005 and since June 2009 ViSOR has been fully operational, allowing key staff from the police, probation and prison services to work on the same system, thereby improving the quality and timeliness of information sharing, risk assessments and interventions to stop offending. An increased roll out of ViSOR provision in the National Probation Service is expected at the end of 2019.

The combined use of ViSOR increases the ability to share intelligence across organisations and enables the secure transfer of information if high risk offenders move between different areas within the UK, thereby enhancing public protection measures.

For the police ViSOR can also aid crime investigation.



How MAPPA work in Derbyshire

The Responsible Authority for Multi Agency Public Protection Arrangements in Derby and Derbyshire comprises Derbyshire Constabulary, HM Prison Service (Public Sector Prisons, Midlands) and the National Probation Service (Midlands Division), acting jointly.

Managing offenders, protecting victims or vulnerable persons and keeping individuals and communities safe cannot though be achieved by criminal justice services on their own. Sometimes other services have to be actively involved too. So, alongside the Responsible Authority agencies, the arrangements also bring together:

- Derby City and Derbyshire County Youth Offending Services
- Derby City and Derbyshire County Council Childrens Social Care and Education Services
- Derby City and Derbyshire County Adult Social Care Services
- Derbyshire Healthcare Foundation Trust
- Derbyshire Community Health Services and other local NHS Services
- Derby and Derbyshire Clinical Commissioning Group
- Derby City and the eight Derbyshire Borough and District Council Housing Services along with a number of social housing providers
- Jobcentre Plus (Department for Work and Pensions)
- Electronic Monitoring Services (Capita)
- Immigration Enforcement section of the Home Office

From time to time other statutory services or independent sector organisations which provide services for victims or offenders may be engaged as well.

MAPPA are a set of arrangements through which the partner agencies can work together collaboratively for victim safety, protection of members of the public and the rehabilitation of offenders. It is not a body that can direct what any single agency must do but allows each to discharge their individual responsibilities in planned cooperation with the others.

As a partnership between statutory agencies, MAPPA sits alongside similar arrangements put in place for the safeguarding of children or adults and protection for the victims of domestic abuse.

A Strategic Management Board on which the main agencies are represented oversees the local arrangements. The board is responsible for ensuring compliance with legislation and guidance, reviewing performance and directing any changes that may be necessary. It also promotes common training for the front-line staff who work with MAPPA eligible offenders or victims.

Support for the SMB's work and the operational arrangements in Derby and Derbyshire is provided by a Coordination Unit based with a central administrative Management of Sexual Offenders and Violent Offenders (MOSOVO) team based at Derbyshire Constabulary HQ. The MAPPA Unit is jointly financed by the criminal justice, health, social care and housing authorities.

Managing offenders through MAPPA

It is for the courts to determine the proper sentence for a sexual or violent offence. This can range from discharges, financial penalties or a community sentence through to custodial terms of varying lengths up to Life Imprisonment in the most serious cases. The average custodial sentence length for those sentenced to immediate custody for all offences, including sexual and violent offences, has increased in the past decade and a half and specific sentencing provisions have been put in place for the most of these serious crimes.

Every offender dealt with for one of the sexual offences which automatically results in a notification requirement comes within the MAPPA framework, as do all offenders sentenced either to a custodial term of 12 months or more or a Hospital or Guardianship Order for a specified violent offence. This inclusion continues, in the case of sexual offenders, until the expiry of the fixed registration period or for violent offenders until the end date of sentence, including any period served on Licence in the community. Other serious offenders are only included for the length of time they are subject to active Level 2 or 3 multi agency management.

Following a court sentence or other relevant criminal justice disposal the police, probation, youth offending and mental health services are responsible for identifying all eligible offenders and patients. Where an offender has been sentenced to detention or custody or has been given a Hospital Order the prison service or mental health unit should also record that the prisoner or patient falls within MAPPA. Relevant information can then be shared to assess the risks that the person may pose, in what circumstances, and who

may be harmed should there be further offending. Tried and accredited assessment tools are used to assess risk. This past year has seen the consolidated use of the Active Risk Management System (ARMS) shared by the police and probation services to assess lifestyle factors known to be associated with sexual offending including protective factors that can reduce the likelihood. Versions of ARMS specifically for female offenders and young persons continue to be tested prior to a potential national roll out.

Where an offender is given a community sentence the work to contain or reduce the risk of re-offending and harm will start as soon as an initial assessment has been completed. However, most eligible offenders receive a custodial sentence. Through sentence planning whilst in prison or treatment whilst in a mental health unit many offenders will have access to programmes and other interventions designed to reduce the risk of re-offending and support constructive resettlement into the community where further work will continue under supervision and monitoring.

All offenders sentenced to a term of imprisonment or detention must be released at a set point, irrespective of any risk they may pose, unless they have been given one of the sentences that mean they will only be released once the Parole Board - an independent body - has assessed that any risks can safely be managed under community arrangements. For offenders detained as patients under the Mental Health Act discharge into the community is decided by the Responsible Clinician, often with the approval of the Secretary of State or as directed by a first-tier Mental Health Tribunal.

As the expected point of release or discharge into the community approaches plans will be developed from several months beforehand to address and manage any continuing risks

that an offender may present. This is done at all levels of management but where the risks are assessed as acute or there are significant complexities that call for actively coordinated planning the partner agencies come together at MAPP Level 2 and 3 meetings to formulate joint measures for offender supervision and public protection. It is also possible for a case to be referred for active joint management whilst under supervision in the community. MAPP meetings take place at Derbyshire Constabulary HQ and at other locations across Derby and Derbyshire.

Whilst management plans must be tailored to individual circumstances an effective plan will often combine four main elements or 'Pillars' (*), which are:

Supervision

Structured and purposeful contact set at a frequency commensurate with the risk; focused attention on problematic thinking and behaviours; encouraging compliance and motivation; promoting protective factors such as positive personal relationships, stable accommodation and regular education or employment. Supervision may include both statutory and non-statutory contact with the offender by a number of agencies.

Monitoring and Control

Use of restrictive Licence conditions or civil preventative orders; electronic monitoring, alertness to warning signs; timely communication between agencies involved; use of additional police tactics.

Interventions and Treatment

Intensive work on key risk factors and triggers to offending; participation in offending-related programmes; medication; employment, training or education; developing and rehearsing self-management techniques.



Victim Safety

Licence conditions or court orders to restrict access to past or potential victims; support personnel and emergency contacts; giving proportionate information to persons at risk; contingency measures.

At all levels of management there is a lead agency for the risk management plan.

(* The Four Pillars of Risk Management' – Professor H. Kemshall, De Montfort University & others, with acknowledgements.

MAPPA, victims and keeping safe

The safety of victims or of any child or adult at possible risk of harm is a first consideration when planning the management of a MAPPA eligible offender.

There are a number of services available to help victims and to provide information at different stages of the criminal justice process. Where an offender is sent to prison for a year or more or receives a Hospital Order all direct victims of the offences for which they have been convicted are offered a service through the National Probation Service's Victim Liaison Officers who work separately from Offender Managers.

This service can provide:

- a point of contact through which a victim is able to express any concerns about the offender
- general information about the sentence being served, including expected timescales for the offenders release on licence or temporary licence
- an opportunity to be kept informed at significant stages in the sentence, such as a move to open prison conditions or consideration of a community work placement in preparation for eventual release
- an entitlement to convey information on the offender's conditions of release
- information about any release conditions that directly affect them and any later charges

Victims can also choose to submit their views directly to those responsible for making decisions about an offender's release – the Parole Board, for example. This brings their personal experience and concerns to bear on the decision making, not for the purpose

of deciding whether the offender should be released but to shape the conditions under which they might be.

Many victims and survivors will previously have known the person who offended against them, perhaps as a trusted or powerful figure in their life. For other victims the offender will not have been known. In all instances their views can be reflected into MAPP meetings through Victim Liaison Officers, Independent Domestic or Sexual Violence Advocates or other professionals. A victim's insights can add significantly to understanding an offender's risk. Management plans can take this knowledge into account. Extra licence or restrictive order conditions might forbid contact or prohibit the offender from entering areas where the victim lives or works.

While victims are entitled to particular information about an offender there is no public right to know the details of individual sexual or violent offenders. Managing offenders, including information about an offender, happens in accordance with the law. But this does provide that where an offender has committed a sexual offence against a child (i.e. a person aged under 18 years) the managing agencies must consider whether specific information about the offender should be given in order to prevent harm. For practical purposes this has been extended to other serious offenders too. Whether information should be disclosed is addressed at all MAPP meetings.

Disclosure may include information and advice being given to partners, families, employers, community and faith groups, leisure or retail centres, other (non-MAPPA) agencies and to persons who are either themselves thought to be at risk or are in a position to protect someone – such as a child or vulnerable adult - who may be. This can be described as a 'right to know'.

Under the Child Sex Offender Disclosure Scheme ('Sarah's Law') members of the public have a 'right to ask' for information from the police if they have concerns that someone who has access to children may be a child sex offender. While anyone – including a friend, neighbour or relative – can register a concern, information is only given to a person who is in a position to safeguard a child. Usually this will be the child's parent, carer or guardian.

Similar provisions apply in cases of domestic abuse and violence under the Domestic Violence Disclosure Scheme ('Claire's Law').

Details of the CSODS and DVDS can be found on the Derbyshire Constabulary website.

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MAPPAs – Achieving safer communities

MAPPAs are in place to reduce the risk of eligible offenders again causing serious harm to victims and members of the public.

Acting to reduce risk means assessing both the likelihood that something foreseeable and harmful may happen and then putting in place the measures to contain and change those risks, wherever possible. But risk involves uncertainty. Further offending cannot always be predicted or prevented and there will be some individuals with no prior convictions who commit serious offences that could not have been anticipated or averted.

Through MAPPAs and the work of all the services which together comprise the arrangements the aim is to do everything that reasonably can be done – within the means available – to keep risk to a minimum by seeing that serious offenders are managed effectively, victims are protected and fewer people are harmed or fear being harmed: this makes all communities safer.



MAPPA statistics Derbyshire

MAPPA-eligible offenders on 31 March 2019

	Category 1: Registered Sex Offenders	Category 2: Violent Offenders	Category 3: Other Dangerous Offenders	Total
Level 1	1224	332	-	1556
Level 2	3	1	1	5
Level 3	1	1	0	2
Total	1228	334	1	1563

MAPPA-eligible offenders in Levels 2 and 3 by category (yearly total)

	Category 1: Registered Sex Offenders	Category 2: Violent Offenders	Category 3: Other Dangerous Offenders	Total
Level 2	6	6	6	18
Level 3	2	2	0	4
Total	8	8	6	22

RSOs cautioned or convicted for breach of notification requirements	72
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RSOs who have had their lifetime notification revoked on application	10
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Restrictive Orders for Category 1 Offenders

SHPO	76
SHPO with foreign travel restriction	1
NOs	0

Number of persons who became subject to notification requirements following breach(es) of a Sexual Risk order (SRO)	1
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Level 2 and 3 Offenders Returned to Custody Breach of Licence

	Category 1: Registered Sex Offenders	Category 2: Violent Offenders	Category 3: Other Dangerous Offenders	Total
Level 2	1	3	2	6
Level 3	0	0	0	0
Total	1	3	2	6

Breach of SOPO

	Category 1: Registered Sex Offenders	Category 2: Violent Offenders	Category 3: Other Dangerous Offenders	Total
Level 2	1	-	-	1
Level 3	0	-	-	0
Total	1	-	-	1

Total number of Registered Sexual Offenders per 100,000 population*

131

This figure has been calculated using the Mid-2018 Population Estimates: Single year of age and sex for Police Areas in England and Wales; estimated resident population, published by the Office for National Statistics, excluding those aged less than ten years of age.

Explanation commentary on statistical tables

MAPPA background

The totals of MAPPA-eligible offenders, broken down by category, reflect the picture on 31 March 2019 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2018 to 31 March 2019.

- (a) **MAPPA-eligible offenders** – there are a number of offenders defined in law as eligible for MAPPA management, because they have committed specified sexual and violent offences or they currently pose a risk of serious harm, although the majority (% this year) are actually managed under ordinary agency (Level 1) arrangements rather than via MAPP meetings.
- (b) **Registered Sexual Offenders (RSOs)** – those who are required to notify the police of their name, address and other personal details and to notify any changes subsequently (this is known as the “notification requirement.”) Failure to comply with the notification requirement is a criminal offence which carries a maximum penalty of 5 years’ imprisonment.
- (c) **Violent Offenders** – this category includes violent offenders sentenced to imprisonment or detention for 12 months or more, or detained under a hospital order. It also includes a small number of sexual offenders who do not qualify for registration and offenders disqualified from working with children?
- (d) **Other Dangerous Offenders** – offenders who do not qualify under the other two MAPPA-eligible categories, but who currently pose a risk of serious harm which requires management via MAPP meetings.
- (e) **Breach of licence** – offenders released into the community following a period of imprisonment will be subject to a licence with conditions (under probation or youth offending service supervision). If these conditions are not complied with, breach action will be taken and the offender may be recalled to prison or detention.
- (f) **Sexual Harm Prevention Order (SHPO)** – (replaced Sexual Offence Prevention Orders) including any additional foreign travel restriction.

Sexual Harm Prevention Orders (SHPO’s) and interim SHPO’s are intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public by placing restrictions on their behavior. It requires the offender to notify their details to the police (as set out in Part 2 of the 2003 Act) for the duration of the order.

The court must be satisfied that an order is necessary to protect the public (or any particular members of the public) in the UK, or children or vulnerable adults (or any particular children or vulnerable adults) abroad, from sexual harm from the offender. In the case of an order made on a free standing application by a chief officer or the National Crime Agency (NCA), the chief officer/NCA must be able to show that the offender has acted in such a way since their conviction as to make the order necessary.

The minimum duration for a full order is five years. The lower age is 10, which is the age of criminal responsibility, but where the defendant is under the age of 18 an application for an order should only be considered exceptionally.

- (g) **Notification Order** – this requires sexual offenders who have been convicted overseas to register with the police, in order to protect the public in the UK from the risks that they pose. The police may apply to the court for a notification order in relation to offenders who are already in the UK or are intending to come to the UK.
- (h) **Sexual Risk Order (incl. any additional foreign travel restriction)**

The Sexual Risk Order (SRO) – replaced the Risk of Sexual Harm Order (RoSHO) and may be made in relation to a person without a conviction for a sexual or violent offence (or any other offence), but who poses a risk of sexual harm.

The SRO may be made at the magistrates’ court on application, by the police or NCA where an individual has done an act of sexual nature and the court is satisfied that the person poses a risk of harm

to the public in the UK or children or vulnerable adults overseas.

A SRO may prohibit the person from doing anything described in it – this includes preventing travel overseas. Any prohibition must be necessary to protect the public in the UK from sexual harm or, in relation to foreign travel, protecting children or vulnerable adults from sexual harm.

An individual subject to an SRO is required to notify the police of their name and home address within three days of the order being made and also to notify any changes to this information within three days.

A SRO can last for a minimum of two years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, last for a maximum of five years (but may be renewed).

The criminal standard of proof continues to apply, the person concerned is able to appeal against the making of the order, and the police or the person concerned are able to apply for the order to be varied, renewed or discharged.

A breach of a SRO is a criminal offence punishable by a maximum of five years' imprisonment. Where an individual breaches their SRO, they will become subject to the full notification requirements.

Nominals made subject of a SRO are now recorded on ViSOR, as a Potentially Dangerous Person (PDP).

(i) **Lifetime notification requirements revoked on application**

Change in legislation on sexual offenders. A legal challenge in 2010 and a corresponding legislative response (**) means there is now a mechanism in place which will allow qualifying sex offenders to apply for a review of their notification requirements.

Individuals subject to indefinite notification will only become eligible to seek a review once they have been subject to the indefinite notification requirements for a period of at least 15 years for adults and 8 years for juveniles. This applies from 1 September 2012 for adult offenders.

(**) On 21 April 2010, in the case of R (on the application of F and Angus Aubrey Thompson) v Secretary of State for the Home Department [2010] UKSC 17, the Supreme Court upheld an earlier decision of the Court of Appeal and made a declaration of incompatibility under s. 4 of the Human Rights Act 1998 in respect of notification requirements for an indefinite period under section 82 of the Sexual Offences Act 2003.

This has been remedied by virtue of the Sexual Offences Act 2003 (Remedial) Order 2012 which has introduced the opportunity for offenders subject to indefinite notification to seek a review; this was enacted on 30th July 2012.

Persons will not come off the register automatically. Qualifying offenders will be required to submit an application to the police seeking a review of their indefinite notification requirements. This will only be once they have completed a minimum period of time subject to the notification requirements (15 years from the point of first notification following release from custody for the index offence for adults and 8 years for juveniles).

Those who continue to pose a significant risk will remain on the register for life, if necessary, in the event that an offender is subject to a Sexual Offences Prevention Order (SOPO) the order must be discharged under section 108 of the Sexual Offences Act 2003 prior to an application for a review of their indefinite notification requirements.

For more information, see the Home Office section of the gov.uk website:

<https://www.gov.uk/government/publications/sexual-offences-act-2003-remedial-order-2012>

Additional commentary: Derbyshire MAPPA

- (i) The total number of MAPPA eligible offenders being managed in the community across Derby and Derbyshire was 1.3% lower on 31 March 2019 than in the previous year.

This marks a significant shift from the trend of the previous five years which saw incremental increases. Whilst there will always be some variation each year between the numbers and relative proportions of offenders, by category, there was until this year a continuing upward trend because of the sentencing patterns for the most serious offences, the rise in the number of prosecutions and convictions for historical sexual offending and because sexual offender registration numbers are cumulative. It is too early to ascertain whether this year's figures mark a new trend or merely a statistical anomaly.

- (ii) Over the 12 months from 1 April 2018 to 31 March 2019 the number of registered sexual offenders (MAPPA Category 1) grew by 0.5% which is the smallest average increase for a number of years.

Year	Total	Annual Increase	RSO/100k
2018/19	1228	0.5%	131
2017/18	1222	6.2%	132
2016/17	1151	4.1%	125
2015/16	1106	4.8%	121
2014/15	1055	8.0%	116

Nonetheless, the Derbyshire figure for RSOs per 100,000 population continues to be above the England and Wales average although there been a marginal drop this year for the first time.

- (iii) The number of violent offenders and other sexual offenders (MAPPA Category 2) reduced over the course of the year, showing a 6.2% decrease. Adult violent offenders are managed on post-release Licence by the National Probation Service whilst those aged under 18 years are supervised by the two Youth Offending Services. A very small number in this category are subject to social supervision by Derbyshire Healthcare Foundation NHS Trust (Mental Health Services) following discharge from a secure hospital unit.
- (iv) There has been a drop in the number of other dangerous offenders (MAPPA Category 3) included in the arrangements and overall numbers remain relatively low overall. Some of these offenders may previously have been included under one of the other categories.
- (v) Over 98% of eligible offenders are managed at MAPP Level 1. The figure published for the yearly total of offenders managed at Level 2 and Level 3 only includes those managed at these levels when in the community.
- (vi) Derbyshire Constabulary continue actively to apply for Sexual Harm Prevention Orders (SHPOs). The number obtained in 2018/19 – 75 – is almost identical to the previous year.
- (vii) There was a small increase in the number of offenders being managed at Level 2 or 3 were recalled to custody this past year but not one that is statistically significant. Much of the work undertaken at Level 2 and 3 in 2018/19 consisted of preparation for release for cases still in custody or awaiting discharge from hospital. There has been a further rise in the number of RSOs cautioned or convicted for breach of notification requirements.

The Ministry of Justice publishes further information about MAPPA in England and Wales including total offender numbers and statistics about Serious Further Offences charged against offenders whilst under probation supervision.

All MAPPA reports from England and Wales are published online at: www.gov.uk

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