

Surrey



Annual Report 2015-16



Intro

We are pleased to introduce the 2015–16 Multi Agency Public Protection Arrangements (MAPPA) Annual report in Surrey. The purpose of this report is to convey to the public in Surrey how MAPPA operates locally and how we are continuing to develop practice in order to manage the riskiest offenders in the community, to both reduce re-offending and to protect the public from risk of serious harm. In Surrey the key agencies and organisations have been working hard together to put in place plans to manage offenders in the community and safeguard victims.

A welcome development nationally has been the introduction of the new dynamic risk assessment tool, ARMS, that is now undertaken on every Registered Sexual Offender in the community, subject to licence or Community Orders by Police and Probation Service colleagues. This has required specialist training for all frontline practitioners, and an assessment at the end of the training to ensure they are competent to complete the assessments. These assessments are undertaken jointly by Police and Probation colleagues, and are reviewed regularly, dependant upon risk and any key changes in the offenders personal circumstances. The ARMS assessment has significantly enhanced the quality of our risk assessments, contributing to improved risk management practice.

Training continues to be delivered for those staff

in our agencies on key changes to how MAPPA operates. The importance of this training cannot be over emphasised and delivery continues throughout the year providing opportunities for joint training across common themes and improved working relationships.

This year we have embedded the learning, and enhanced the benefits of the Pathways Project, as an initiative to improve successful rehabilitation of offenders assessed as high risk of serious harm who are likely to have a personality disorder. All Probation practitioners, working within community offender management teams or within our Approved Premises, have access to specialist training, guidance and practice advice provided by forensic psychologists working within their teams. The Multi Agency Public Protection Arrangements in Surrey continue to improve and remain an effective method of risk assessing and managing the riskiest offenders in our communities. The protection of the public and the needs of victims remain our highest priorities. This Annual Report details how we have continued to refine the operation of MAPPA.

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National Probation Service
Joint Chair of the Surrey & Sussex
MAPPA SMB



What is MAPPA?

MAPPA background

- (a) MAPPA (Multi-Agency Public Protection Arrangements) is a set of arrangements to manage the risk posed by the most serious sexual and violent offenders (MAPPA-eligible offenders) under the provisions of sections 325 to 327B of the Criminal Justice Act 2003.
- (b) They bring together the Police, Probation and Prison Services in each of the 42 Areas in England and Wales into what is known as the MAPPA Responsible Authority.
- (c) A number of other agencies are under a Duty To Co-operate (DTC) with the Responsible Authority. These include Social Services, Health Trusts, Youth Offending Teams, Jobcentre Plus and Local Housing and Education Authorities.
- (d) The Responsible Authority is required to appoint two Lay Advisers to sit on each MAPPA area Strategic Management Board (SMB) alongside senior representatives from each of the Responsible Authority and duty to co-operate agencies.
- (e) Lay Advisers are members of the public with no links to the business of managing MAPPA offenders and act as independent, yet informed, observers; able to pose questions which the professionals closely involved in the work might not think of asking. They also bring to the SMB their understanding and perspective of the local community (where they must reside and have strong links).

How MAPPA works

- MAPPA-eligible offenders are identified and information about them is 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 extends but in some cases, it is determined that active multi-agency management is required. In such cases there will be regular MAPPA meetings attended by relevant agency practitioners.
- There are 3 categories of MAPPA-eligible offender: **Category 1** - registered sexual offenders; **Category 2** – (in the main) violent offenders sentenced to imprisonment for 12 months or more; and **Category 3** – offenders who do not qualify under categories 1 or 2 but who currently pose a risk of serious harm.
- There are three management levels intended to ensure that resources are focused upon the cases where they are most needed; generally those involving the higher risks of serious harm. **Level 1** involves ordinary agency management (i.e. no MAPPA meetings or resources); **Level 2** is where the active involvement of more than one agency is required to manage the offender but the risk management plans do not require the attendance and commitment of resources at a senior level. Where senior oversight is required the case would be managed at **Level 3**.

MAPPA is supported by ViSOR. This is a national IT system for the management of people who pose a serious risk of harm to the public. The police have been using ViSOR since 2005 but, since June 2008, ViSOR has been fully operational allowing, for the first time, key staff from the Police, Probation and Prison Services to work on the same IT system, thus improving the quality and timeliness of risk assessments and of interventions to prevent offending. The combined use of ViSOR increases the ability to share intelligence across organisations and enable the safe transfer of key information when these high risk offenders move, enhancing public protection measures. All MAPPA reports from England and Wales are published online at: www.gov.uk

MAPPA Statistics

MAPPA-eligible offenders on 31 March 2016

	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	601	77	N/A	678
Level 2	3	0	4	7
Level 3	0	1	0	1
Total	604	78	4	686

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	26	15	16	57
Level 3	3	2	0	5
Total	29	17	16	62

RSOs cautioned or convicted for breach of notification requirements

11

RSOs who have had their life time notification revoked on application

2

Restrictive orders for Category 1 offenders

SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts

SHPO	95
SHPO with foreign travel restriction	0
NOs	0

Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)

1

Level 2 and 3 offenders returned to custody

	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Breach of licence				
Level 2	1	2	3	6
Level 3	0	0	0	0
Total	1	2	3	6
Breach of SOPO				
Level 2	0	N/A	N/A	0
Level 3	0	N/A	N/A	0
Total	0	N/A	N/A	0
Total number of Registered Sexual Offenders per 100,000 population				59

This figure has been calculated using the Mid-2015 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 on 23rd June 2016, 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 2016 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2015 to 31 March 2016.

(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 (x% 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 of 12 months or more will be subject to a licence with conditions (under probation supervision). If these conditions are not complied with, breach action will be taken and the offender may be recalled to prison.

(f) Sexual Harm Prevention Order (SHPO) – (replaced Sexual Offence Prevention Orders) including any additional foreign travel restriction.

Sexual Harm Prevention Orders (SHPOs) and interim SHPOs 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 behaviour. 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 limit 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 a 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)/ Sexual Harm Prevention Order (SHPO) 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>

Local page

Surrey MAPPA Lay Advisors' Report 2016

Appointed by the Secretary of State, the Lay Advisors' voluntary role is to provide independent scrutiny and review of the effectiveness of MAPPA in protecting the public.

We attend a significant number of Level 2 & 3 MAPP meetings across Surrey, and all Strategic Management Board meetings. We participate in Audits, Senior Management Sub-Committees and Serious Case Reviews.

Our role, as independent critical friends within Surrey MAPPA, is encouraged and respected, with our contributions considered and often acted upon. This climate enables open and frank exchanges which, in turn, lead to more rounded decision-making and greater in-depth analysis.

We readily bring to attention matters that we feel could assist MAPPA partners, such as including full licence conditions and full SOPO/SHPO/RoSHO/RSO prohibitions on MAPP agendas to ensure full and appropriate information sharing.

Our experience leads us to suggest a change to the Prison Service target-time for producing Annex F reports so that all participants at MAPP meetings have the opportunity to read these in detail. Such current information could be potentially crucial in assessing an offender's risk in the community. While behaviour in custody may well throw light on what steps might be required to protect the public and support the offender, an offender who fully complies within the prison regime and is considered a low or medium risk in custody may not automatically be compliant with licence conditions in the community and risk of serious harm to the community may well exist.

Finally, we would like to highlight the very positive outcomes of the annual Audit of MAPP meetings. Participation in these rigorous exercises ensures a greater understanding of the multi-agency process by all concerned.

Colette Neville and Eileen Jackman
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All MAPPA reports from England and Wales are published online at:

www.gov.uk

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