

# DURHAM MAPPA



## Annual Report 2015-16



# Intro

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This report brings together the agencies across County Durham and Darlington who work in partnership to manage offenders posing the highest risk of harm to our communities. Tackling and reducing the risk that violent and dangerous offender pose is a key priority for all agencies engaged in the world of public protection and is the collective responsibility of all.


This report outlines the progress and developments within the last year, and highlights the successes across the partner agencies in managing public protection issues.

The strength of the partnership between the prison, police and probation has continued to grow in County Durham and Darlington, and additional resources have been secured to assist in managing the risk that offenders pose to our communities.


The findings of this report reflect consistently effective and robust partnership working arrangements which have continued to thrive in spite of the current economic climate and the financial pressures that the public sector currently faces.

Public protection is firmly on the agenda for all partner agencies and will continue to be so in the future.


This report also incorporates a contribution from agencies which have a duty to co-operate with the partners.



**Maureen Gavin –  
Head of Area**  
National Probation Service – Durham  
Area



**Michael Barton –  
Chief Constable –**  
Durham Constabulary



**Paul Foweather  
Deputy Director -**  
HMP North East

# What is MAPPA?

## MAPPA background

- (a) MAPPA (Multi-Agency Public Protection Arrangements) are 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 focussed 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: [ww.gov.uk](http://ww.gov.uk)

# MAPPA Statistics

<b>MAPPA-eligible offenders on 31 March 2016</b>				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	593	182	0	775
Level 2	14	5	11	30
Level 3	1	0	0	1
<b>Total</b>	<b>608</b>	<b>187</b>	<b>11</b>	<b>806</b>

<b>MAPPA-eligible offenders in Levels 2 and 3 by category (yearly total)</b>				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 2	19	24	19	62
Level 3	4	2	0	6
<b>Total</b>	<b>23</b>	<b>26</b>	<b>19</b>	<b>68</b>

<b>RSOs cautioned or convicted for breach of notification requirements</b>	<b>20</b>
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<b>Restrictive orders for Category 1 offenders</b>	
<b>SHPOs, NOs &amp; FTOs imposed by the courts</b>	
SHPOs	45
NOs	0
FTOs	0

<b>Level 2 and 3 offenders returned to custody</b>				
	<b>Category 1: Registered sex offenders</b>	<b>Category 2: Violent offenders</b>	<b>Category 3: Other dangerous offenders</b>	<b>Total</b>
<b>Breach of licence</b>				
Level 2	2	8	3	13
Level 3	0	0	0	0
Total	2	8	3	13
<b>Breach of SOPO/SHPO</b>				
Level 2	1	0	0	1
Level 3	0	0	0	0
Total	1	0	0	1

<b>Total number of Registered Sexual Offenders per 100,000 population</b>	110
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This figure has been calculated using the Mid-2015 estimated resident population, published by the Office for National Statistics on 23 June 2016, excluding those aged less than ten years of age.

# Explanation commentary on statistical tables

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## 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 (96 % 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 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 Offences Prevention Order (SHPO) (replaced Sexual Offence Prevention Orders)** including any additional foreign travel restriction.

**(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 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 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.

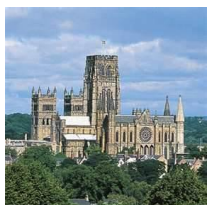
This has been remedied by virtue of the Sexual Offences Act 2003 (Remedial) Order 2012 which has introduced the opportunity for offenders subject to indefinite notification to seek a review; this was enacted on 30th July 2012.

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) 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>



# DURHAM MAPPA

## Covering County Durham and Darlington

### ***A note from Paul Oldham (MAPPA Coordinator)***

Multi Agency Public Protection Arrangements (MAPPA) in Durham and Darlington continues to be delivered by extremely experienced and dedicated staff drawn from the Police, Prison and Probation.

### **Active Risk Management System (ARMS).**

The commitment to delivering excellence and a high quality service has been significantly enhanced with the introduction and implementation of the new Active Risk Management System (ARMS). This is a new national dynamic risk assessment for sex offenders.

In addition to Active Risk Management System, both the Police and Probation continue to develop high levels of expertise and knowledge and, have been trained to administer and interpret a range of risk assessment tools

The drive to innovate and promote new ways of working is a reflection of the priority that both the Police and Probation collectively place on MAPPA as a high risk area of business.

The introduction of the Sex Harm Prevention Orders (SHPO) and Sexual Risk Orders (SRO), (SOPO) which are routinely requested at the point of sentence now allows for additional Risk Management Measures to be put in place to manage the offender and, by way of restriction of movement and exclusions from a geographical area where the offender might seek to target a new victim.

Evidence suggests that the numbers of SHPO continues to rise. Compliance with SHPO is robustly managed by the Police, with immediate action being taken when breaches occur.

### **MAPPA Referral Panel**

Suitability for the offender to attract Level 2 or Level 3 MAPPA arrangements continues to be the responsibility of the MAPPA Panel and, chaired by the MAPPA Coordinator. Again comprising of Police and Probation, the MAPPA Panel was introduced to allow for increased scrutiny of referrals received from agencies. MAPPA Panel meets weekly. The intent here remains one of ensuring only those offenders that pose the greatest risk to public safety receive this resource intensive form of intervention.

### **MAPPA Training**

Throughout the year the MAPPA Coordinator has been busy revisiting partner agencies and stakeholders and, with the aim of further raising awareness of MAPPA in County Durham and Darlington. 5 MAPPA briefings are scheduled to take place during September and October 2016.

MAPPA briefings are principally aimed at all agencies who work with or support individuals who have the potential to cause serious harm to others. This covers a wide range of agencies including Police, Prison, Probation Service, Health, Children and Adult Safeguarding Services, Education, Housing, Employment Service (including Job Centre Plus), Youth Offending Teams and electronic monitoring services. A key aim of MAPPA briefings is one of providing a general introduction to the 'Principles, Purpose and Procedures' of MAPPA.

Durham and Darlington MAPPA places a premium on staff development, viewing professional training as vital if practitioners are to rise to the challenges commonly associated with managing a MAPPA case.

In its determination to achieve excellence, additional MAPPA training scheduled for 2017 will place emphasis on the following areas

- (1) Definitions of harm,
- (2) Purpose and function of MAPPA, including awareness of terminology and language,
- (3) MAPPA referral process
- (4) Agency roles and responsibilities in relation to safeguarding and the MAPPA process.

### **Clinical Commissioning Group and Primary Care**

#### **Service Development**

In 2014 a process for Clinical Commissioning Group, (CCG) safeguarding leads to attend MAPPA was formally established. However, it became apparent that there were gaps in the flow of information from Primary Care to MAPPA and back out to practices. CCG commented.

*"Safeguarding Leads would attend MAPPA meetings and then carry out agreed disclosures. However, this process focused on taking information out from MAPPA meetings only as CCG leads had no direct access to GP information to take into the MAPPA*



meeting. This deficit in information sharing required immediate action”.

Extensive and intensive negotiations between CCG, Primary Care and MAPPA, a demonstration of acute collaborative working, resulted in the development of an administrative framework which will allow a fluid exchange of crucial information between MAPPA and Primary Care. In terms of Risk Management Planning, the contribution of Primary Care to MAPPA can be regarded as substantial.

The relationship between Primary Care and MAPPA will be further cemented by MAPPA training being delivered to GPs. A further demonstration of the drive and commitment of MAPPA to bring Primary Care into the MAPPA arena.

Although CCG will now be replaced by Primary Care in terms of MAPPA contribution, CCG have nonetheless concluded that

*“the newly established working arrangement should promote best practice in addition to satisfying recommendations from a recent MAPPA serious case review”.*

A desirable outcome and, due to a strong commitment to innovate and, a shared consensus of the need for Primary Care and MAPPA processes to converge in order to ensure a seamless flow of proportionate, relevant and defensible information.

### **MAPPA Panels and Report Template**

The 3<sup>rd</sup> October 2016 will see the launch of MAPPA Panel Member and Report Template System. Panel Members will now have responsibility for both representing their respective agencies in addition to providing up to date information to MAPPA both orally and in report form. This new way of working will further enhance the effectiveness of MAPPA by ensuring increased consistency in agency attendance at both Level 2 and Level 3 MAPPA meetings.

Pro active in evaluating its own performance, the transition to the new operational model further demonstrates Durham and Darlington’ MAPPA’s capacity and willingness to adopt new working arrangements. This will mitigate any nuance of complacency in professional practice by providing a framework that will support the realisation of clearly defined risk management aims and objectives. This is in addition to promotion of a more timely, efficient and streamlined operational model that fully reflects the demands associated with management of MAPPA cases.

### **Prisons**

The excellent support from other partners in the prison service ensures that offenders leaving custody and posing the greatest risk to public safety will be subject to robust safeguarding measures provided by MAPPA. Close collaboration between MAPPA and HMPS – (NE) remains as strong as ever and, can be

amply illustrated by the following comment from Paul Foweather, Deputy Director HMPS - NE

*“The prison service remains committed to ensuring our prisons contribute fully to the MAPPA process by sharing information which assists our partnership agencies to effectively manage risk posed by offenders on release from custody. We not only have a statutory obligation but a moral duty to protect the public through partnership working. This has resulted in additional resources being released to support MAPPA in Durham”.*

### **MAPPA and Ageing Sex Offender Initiative.**

Durham and Darlington MAPPA is also seeking to improve services to ageing sex offenders released from custody and, into the care of the local authority or private residential setting.

Research undertaken by Durham University conclude that there was a clear deficiency in service provision here and that as a consequence protection of the public was being compromised and offender needs going unmet. This observation is informed by the following drawn from the Research report completed by Bows and Westmarland, 2015 – Managing Risk in the Community.

*“There are no specific policies or guidance followed in relation to managing the risk posed by older sex offenders, particularly when they require care or support in the community or residential care / nursing homes. All of the practitioners felt there would be a need for this in the future in light of the ageing general population and the number of elder prisoners entering and leaving the criminal justice system”.* Bows and Westmarland, 2015 – Managing Risk in the Community.

Durham and Darlington Strategic Management Board established a working group to respond to the concerns raised by Bows and Westmarland. The primary concern in the immediate for the working group will be the Nature and Intensity of the ‘Measures’ that once implemented could assist in managing the risks ageing sex offenders pose within the care / residential setting. The challenges that will need to be overcome in order to achieve the desired outcomes include

- (1) Analysis and evaluation of data drawn from HMP - NE to determine actual demand for community services for ageing sex offender.
- (2) Formulation and implementation of working tool to identify offender physical and mental health needs and, with a view to precisely matching service user with service provider
- (3) Development of assessment pathway to promote positive and safe working relations between professional staff, service user and community provider

- (4) Development of inter agency 'Protocol' to allow defensible Disclosure of information between agencies
- (5) Establishment of effective Risk Management 'Procedures' to protect service users, professional staff and vulnerable residents within residential, care and nursing home setting

The ageing sex offender initiative further demonstrates Durham and Darlington MAPPA's commitment to promoting a culture of innovation and continuous improvements in service delivery and, as a prerequisite to meeting the diverse range of ageing sex offender criminogenic, social, health and cultural needs

### **MAPPA Website Going Live**

MAPPA Website has gone live. The website was established to provide better links between the national MAPPA team, responsible authorities and agencies who have a duty to co-operate. The website contains public information such as:

- view national MAPPA guidance and updates
- share ideas, views and solutions
- ask for advice and guidance
- share best practice
- answers to frequently asked questions
- links to local and national agencies.
- publicly available resources (MAPPA guidance, document sets and annual reports)

Durham and Darlington MAPPA will be pro active in promoting MAPPA Website as a valuable source of information that could assist in promoting best practice,

### **The National Probation Service**

#### **E3 - Effective, Efficient, Excellence**

The introduction of the E3 model represents a further drive to deliver a first class MAPPA service in Durham and Darlington..

E3 places emphasis on

- (1) Better meeting the requirements of all who use NPS services
- (2) Maximise the effectiveness of staff and clarify professional accountability
- (3) Support staff with ongoing learning and professional development
- (4) Identify and make savings and support reinvestment.

Although E3 is in the embryonic stage of operation the planning that preceded its roll out allowed for a seamless transition to the new working arrangement. This enabled attention to be focussed on achieving effective, efficient and excellence in all aspects of probation service activity.

Durham and Darlington MAPPA remains committed to working in close partnership with the National Probation Service to promote continuous improvements in professional practice. This is a pursuit, intent and outlook that is shared by MAPPA Strategic Management Board, partnership agencies and stakeholders directly involved in the management of those offenders who pose the greatest risk to public safety.

### **A note from Lucia Saiger-Burns, Head of Public Protection, National Probation Service - North East Division**

2015/2016 has been another year of change for the NPS. Public Protection has continued to be delivered through the very strong, positive partnership work guided by the MAPPA Strategic Management Boards in all NE areas in the Division.

National developments are coming to fruition through the dynamic process embedded within the NPS of E3 - Excellence Efficiency and Effectiveness. E3 is a national programme of organisational change to ensure consistent processes and service delivery throughout England and Wales and is led by the 7 Deputy Directors in England and Wales and the Deputy Director responsible for Business Development.

Changes will include improvements in Approved premises which will see the introduction of Psychologically Informed Enabling Environments along with dedicated Key workers for all residents who will work in partnership with Probation Officers in the Community.

The MAPPA Website is now fully developed and in use and used regularly Practitioners can also join the MAPPA community to share ideas with each other to manage some of the most challenging offenders in society.

Other developments in MAPPA which will conclude going forward is a revision of MAPPA Guidance , MAPPA eligibility and a review of ViSOR which will focus on a consistent business model for NPS in the future which will maximise the use of ViSOR wherever possible.

NPS have also introduced the Active Risk Management System in partnership with Police colleagues.

NPS NE have provided staff with guidance on dealing with Child Sexual Exploitation (CSE) and this is a priority area of work for us all in identifying perpetrators and victims.

We have also provided more training in Risk Management and will now focus training on ways of working with those convicted of sexual offences who are subject to community supervision. This will be carried out alongside the move to a Divisional Sex Offender Treatment Programme Team who will deliver all Court Orders for Sex Offender Treatment.

In the next 12 months activity will continue to build on the E3 organisational model ensuring Excellence Efficiency and Effectiveness.

#### **A note from County Durham and Darlington Foundation Trust**

As a health partner County Durham and Darlington Foundation Trust (CDDFT) has a duty to co-operate in the MAPPA process to help strengthen and inform decisions made about the management of offenders. The Associate Director of Nursing represents CDDFT on the MAPPA Senior Management Board to provide a strategic overview from the Trust perspective. Named and Senior Safeguarding Nurses employed by CDDFT regularly and routinely attend MAPPA meetings when it is identified that the offender may pose a risk to children. Level 3 meetings are attended by the relevant Named Nurse for the locality. The trust have an information sharing agreement in place with HDFT to attend MAPPA and share information following the transfer of Health Visiting and School Nursing services

The role of the Named and Senior Safeguarding Nurses within the meetings is to share relevant and proportionate health and safeguarding information regarding the child and family, to provide general advice about the agency's role and services and to provide a point of contact for other agencies. The Named and Senior Safeguarding Nurse would contribute to the discussion regarding potential risks and share a view on the identification of level of risk to individuals, staff or the wider community. The Named and Senior Safeguarding Nurse would then complete any identified actions such as limited disclosures to staff, follow up any risks to staff, relevant sharing of information to safeguarding colleagues, or ensure any risks to children were being dealt with appropriately. Completion of actions is reported to MAPPA.

Accurate contemporaneous record keeping is maintained and held in a secure location within safeguarding offices. MAPPA is referenced in single-agency Level 3 Safeguarding Children Training and staff are encouraged to attend multi-agency training.

All MAPPA reports from England and Wales are published online at:  
[www.gov.uk](http://www.gov.uk)

