

West Mercia



Annual Report 2015-16



Introduction



On behalf of the MAPPA Strategic Management Board (SMB) for West Mercia, I welcome readers to the annual report for 2015-16 which is retrospective in terms of its activity, but forward looking with MAPPA and its partners focused on continuous improvement. This report contains information on the nature and scale of working with sexual and violent offenders in the community, together with key performance measures which identify how well we are doing.

Once again as Chair of the SMB, I pay particular regard to the staff and partners that comprise the MAPPA team for their dedication and professionalism in providing a consistent service and response throughout the year, often outside conventional working hours. Thank-you to those staff, and to all our partners in achieving the fundamental purpose of protecting the public. I greatly value our Lay Advisors and their role in supporting the high professional standards that have been set in this area.

This year has seen the career retirement of Superintendent Steve Eccleston who provided consistent support to the MAPPA process and public protection. I extend a very warm welcome to Superintendent Jason Wells, as the standing Police representative on the SMB and again during the course of the year in the appointment of Chris Singer, Assistant Chief Constable as our Deputy Chair.

During the past year, the MAPPA SMB received the first ever mandatory Serious Case Review in West Mercia. As with all SCRs, whether discretionary or mandatory their purpose is to learn from previous practice, and to ensure that any required improvements are embedded into future practice. This demonstrates a substantial commitment to 'learning the lessons' in each and every case. The MAPPA SMB has a primary role to ensure these are taken on by all partners, but each individual organisation must discharge its own responsibility to act. In so doing we collectively close the gaps that sometimes lead to poor decision making in managing such cases. One of the important ways we have of ensuring this is through the process of multi agency audit and this is a major work-stream for the Performance and Standards Sub-Group.

The trends towards increased reporting of historic and internet sex offences have continued, and both national and local media have had an influence which has not always been helpful particularly in relation to ongoing issues around child sexual exploitation. The response to these issues have significant resource implications for the Police and all organisations seeking to manage the perpetrators and in supporting victims.

The number of mental health cases reviewed by MAPPA during the year is of concern which highlights the need to maintain or improve working relationships with those working in this specialist arena. Offenders who commit violent or sexual offences and have mental health issues present particularly complex challenges to agencies, particularly at a time of severe resource constraint.

The delivery of Level 2 and 3 MAPPA meetings is seen to be highly effective, although following an internal report to the SMB potential changes to the way in which Level 1 (single agency management) reviews

are undertaken will ensure more consistent and effective management of risk for a cohort of offenders not currently subject to any formal multi agency review process.

I am grateful to all partners, both statutory (responsible authorities) and duty to cooperate organisations for their commitment to the MAPPA process. The downward pressures on budgets may challenge partners to remain actively involved but any withdrawal can only result in negative outcomes whether this is at Level 2, 3 or at the SMB. In my view there can be no relaxation of the high standards and demands required on all of us to ensure public protection.

Tom Currie

Chair of West Mercia SMB

Head of National Probation Service

(West Mercia)

Warwickshire Police and West Mercia Police continue to develop our ability to manage those that present the most risk to our communities, and focus our efforts and resources on achieving the Alliance Vision of 'Protecting People from Harm' and our ambition 'To Be great at Protecting the Most Vulnerable'.

Managing offenders within the Multi Agency Public Protection framework remains a key part of this work, and as such we have increased the number of police officers and police staff dedicated to managing these offenders and have undertaken a wide operational restructure programme to enhance the ethos that protecting vulnerable people is everybody's business.

In line with the National trend, we continue to see an increase in the reporting of serious sexual offences, both recent and historic which has a direct impact on the MAPPA framework and those working within it to make it as effective as possible in the management and response to threat, risk and harm. We are committed to working in partnership to ensure that the framework remains effective and able to deal with demand, and continues to focus the collective resources of us and our partners on those individuals who present the greatest risk of harm.

Jason Wells

Vulnerability Lead

Warwickshire and West Mercia Police

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 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	1129	323	-	1452
Level 2	29	10	4	43
Level 3	8	1	1	10
Total	1166	334	5	1505

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	51	34	36	121
Level 3	14	3	11	28
Total	65	37	47	149

RSOs cautioned or convicted for breach of notification requirements

58

RSOs who have had their life time notification revoked on application

5

Restrictive orders for Category 1 offenders

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

SHPO	38
SHPO with foreign travel restriction	1
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	4	6	6	16
Level 3	1	1	1	3
Total	5	7	7	19
Breach of SOPO				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

Total number of Registered Sexual Offenders per 100,000 population	105
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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 23 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>

Lay Adviser Comments

I have now been in post as Lay Adviser for a year and a half and I am now confident that I can make a useful contribution to the process as a 'critical friend' and independent voice to the professionals involved in the MAPPA process.

Since the last report I have attended two level 3, and four level 2 review meetings in various areas of West Mercia, as well as four Strategic Management Board meetings and three Performance and Standards sub groups. I also had a role in the audit process. Taking part in these sessions has deepened my understanding of the intensity of much of the work which goes into the MAPPA process. The work done by most agencies and professionals to keep the public safe is of a high standard.

The role of MAPPA Coordinators is vital and they strive to meet many challenges to achieve successful outcomes in safeguarding the public. They rely on the quality of the work done by professionals and agencies in direct contact with offenders. I have been impressed by the dedication shown by many individuals in their various specialisms, often whilst they face increasing demands to be met, often within decreasing budgets.

There are, however, occasions when individuals under MAPP supervision do commit a serious offence. If this occurs a Serious Case Review (SCR) is undertaken. This is a statutory procedure examining how all the relevant agencies monitored the offender in the MAPP process. It identifies learning and training issues for professionals so that the chance of similar offending in the future is reduced.

This is an important part of the public protection process as only through real learning from any mistakes made, and the identification of good practice, can the whole MAPP arrangement be improved.

I have taken a full part in one Serious Case Review and I am due to sit on a second. My role, with the other members of the group, is to make sure that the interests of the victims and of the wider community are fully taken into account. As Lay Adviser I can speak with an independent voice and I know I have been able to make a meaningful contribution to the SCR.

An area which concerns me is that the number of offenders who meet the MAPP criteria and are being monitored is increasing every year. For example, the number of registered sex offenders has increased by 34% since 2012 to 1,166 in 2016; the total number of individuals in MAPPA in the same period has risen to 1,505, a 41% increase. Clearly, for the MAPP arrangements to continue to be effective, there needs to be adequate resourcing of the Coordinators, and priority given to public protection work in MAPPA by all the agencies. This is a situation that needs to be monitored.

I hope that this 2016 West Mercia Annual Report will inform a wide audience of MAPP arrangements. Local communities are generally unaware of the extensive protection work which is being done to safeguard the public. There is a need to bring the good work in public protection to the attention of our communities, so that it is not just the few cases of serious re-offending which are reported.

Tam Park
Lay Advisor

Victim Liaison Unit

At the heart of the MAPPAs process is protecting victims and preventing future victims. The role of the National Probation Service Victim Liaison Officers (VLO's) is crucial to this process. VLO's work with victims of MAPPAs eligible offenders to ensure the victim is informed of key points of the offenders sentence and where applicable that the concerns of the victim are heard. The nature of the service that we offer means that victims can choose whether this is something they wish to take up.

A key element of the work is around ensuring that appropriate protective measures are in place at the point of the offenders release from custody. The VLO's work with the victims from the start of the offenders sentence, and slowly begin to prepare the victim for the reality of the restrictions that may be placed upon the offender at the time of release.

As the point of release approaches, the VLO will have contact with the victim or victim's family, either by phone or through a home visit. Through their discussions with the victim, they are able to build a picture of the concerns that the victim may have and how the offenders release may impact upon the victim's life.

The criminal justice system can often appear to be heavily focused on the offender. Our experience is that the victim can often be key in providing information which helps all agencies to better understand the offender's patterns of behaviour and therefore the risk that they pose. This allows all agencies to build robust risk management plans.

Where possible, the VLO would attend the MAPPAs meeting, or send written representation to the meeting to ensure that the victim's voice is heard.

On occasion, the VLO may become aware of significant ongoing risk to a victim, for example in a domestic abuse case where the victim reveals a pattern of offending by the offender that is far beyond that which he was convicted of. In one such case the risks were so concerning that the VLO ensured that the case was referred into MAPPAs. The case was initially heard at level 2, before being escalated to level 3, where it remained until the point of sentence expiry. As a result of the MAPPAs meetings and with the support of the housing agencies, the victim moved location to a more secure premise. Significant work was undertaken with local schools to ensure appropriate safeguarding was in place. These additional measures lead to the victim feeling more secure and able to move forward with her life.

Throughout the last 12 months, we have begun to work more closely with other Victim Liaison units across the midlands. There is an ongoing process of harmonization of working practices across the country. This provides a greater level of consistency to victims across the country. We have also now moved to working on one national case management system. Whilst this is still in its infancy, we can already see it provides significant advantages when working across geographical boundaries.

Since joining this team I have been impressed that VLO's who work in West Mercia are a committed staff group who continually provide a high level of service to the victims they work with and to the Multi Agency processes.

Kate Parsons
Victim Liaison Unit Manager

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Service



