

Warwickshire MAPPA



Annual Report 2015 - 2016



Introduction - working together for safer communities

The Warwickshire MAPPA Strategic Management Board (SMB) allows all Responsible Authority and Duty-to-Cooperate agencies to meet in order to share effective practice and facilitate the continued development of all agencies. There have been a number of changes within MAPPA throughout 2015-2016. For example, the Police and National Probation Service (NPS) now jointly complete ARMS (Active Risk Management System) assessments, which is a significant development in the approach to managing Category 1 MAPPA offenders. This provides a more robust, holistic plan (previous assessments were limited to a statistical prediction of an offender's likelihood of offending). This progression has therefore improved the management of the risks posed by sexual offenders. Initial feedback of the roll-out of ARMS has been very positive. At a national level, such a significant change has, perhaps understandably, presented us with significant challenges, however Warwickshire Police have been particularly proactive in order to help complete ARMS assessments on all Category 1 offenders residing in the area.

The National Probation Service (NPS) continue to manage all MAPPA eligible and high risk adult offenders subject to supervision, while similarly, the Youth Offending Service are the lead agency for those aged under 18 years of age. The NPS, Police, YOS and Mental Health all play a crucial role as lead agency for relevant MAPPA cases, depending on the nature of the order or sentence imposed at Court.

Polygraph Testing continues to be used for relevant sex offenders supervised by the NPS, and is known colloquially as a "lie detector". Polygraph Testing allows scope to test out an offender's reliability of response to questions pertinent to how they are managing their own risk. This provides a useful additional licence requirement for the management of relevant offenders.

Warwickshire Police recently restructured their approach to offender management, with increased emphasis now being placed on allocating resources to prioritise offenders with identified concerns relating to several key areas,

including: domestic abuse, serious acquisitive offending, organised crime groups, sexual offending and other prolific and priority offenders. These changes have allowed for a more proactive approach to managing the risks posed, and to ensure that focus is not disproportionately drawn to just those that pose the most significant risks - at the expense of others. It is worth noting that most serious further offences are committed by low-to-medium risk offenders, hence a broader approach to the management of risk is a positive step.

The structure of our MAPPA meetings has also significantly changed since the start of 2016, with the adoption of the Four Pillars model of risk management. In summary, this approach, which breaks the plan down into 'supervision', 'monitoring & control', 'interventions & treatment', and 'victim safety', offers a thorough template with which to formulate detailed risk management plans, as highlighted by the follow-up Inspection of Multi-Agency Public Protection Arrangements (published by HM Inspectorate of Probation and HM Inspectorate of Constabulary in October 2015).

One of the key areas for partnership work within MAPPA is activity to promote child safeguarding. Over recent years there has been an increased focus by agencies in working together and local authority areas are now developing Multi Agency Safeguarding Hubs (MASH) with the involvement of key partner agencies. The commitment of agencies to this approach is to be welcomed and provides a real opportunity for ensuring that communications are joined-up and, where necessary, appropriate information is shared to promote safeguarding aims.

While the risk of serious harm posed by MAPPA offenders cannot ever be eliminated entirely, we are extremely proud of the high standards and the professionalism of all the contributing MAPPA agencies in Warwickshire.

**ACC Chris Singer
Chair, Warwickshire MAPPA Strategic
Management Board.**

Key Achievements

Multi- Agency Public Protection Arrangements underpin the management of risk posed by the most serious sexual and violent offenders, both those currently in prison and those residing in the community. In 2015-16, Warwickshire MAPPA has:

- Provided effective MAPPA co-ordination and management – by ensuring continuity in the chairing of meetings and in the quality and consistency of information exchange.
- Demonstrated the effectiveness of the work of Warwickshire MAPPA - by performance monitoring and audit.
- Promoted the use of ViSOR by the Responsible Authorities across Warwickshire.
- Delivered a training plan to ensure staff understand the MAPPA process and their procedures and to share and promote good practice.
- Complied with MAPPA guidance to achieve public protection and enhanced safeguarding of children and vulnerable adults.
- Promoted communication, awareness and understanding of the work of MAPPA to increase public confidence.
- Maintained effective links with key strategic partnerships such as: the Local Children's Safeguarding Board, the Multi Agency Risk Assessment Conference, the Local Criminal Justice Board, Vulnerable Adult Boards and Community Safety Partnerships.
- Supported our Lay Advisors, who are informed observers and are able to act as a 'critical friend' to the professionals engaged in MAPPA work.

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 in the community on 31 March 2016				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	409	111	-	520
Level 2	0	0	0	0
Level 3	0	0	0	0
Total	409	111	0	520

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	19	11	-	30
Level 3	2	1	1	4
Total	21	12	1	34

RSOs cautioned or convicted for breach of notification requirements	4
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RSOs who have had their life time notification revoked on application	2
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Restrictive orders for Category 1 offenders

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

SHPO	48
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)	0
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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	1	0	2
Level 3	0	0	0	0
Total	1	1	0	2
Breach of SOPO				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

Total number of Registered Sexual Offenders per 100,000 population	83
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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.

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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>

Victim Liaison:

The Victim Liaison Unit (VLU) plays a vital role within MAPPA. In relevant cases, Victim Liaison Officers will offer support and guidance to victims, and feed back appropriate information to MAPPA agencies. This helps to ensure that, regardless of MAPPA level, the victim remains at the forefront of the MAPPA process. If the victim, or next-of-kin, has taken up the offer of the victim contact scheme, then the relevant Victim Liaison Officer (VLO) will attend all Level 2 and 3 MAPPA panels as their representative.

MAPPA is seen as invaluable to the VLU in providing resources to assist with safeguarding victims from the risk of serious further harm; MAPPA discussions can offer innovative solutions to seemingly unsolvable problems. Inter-agency liaison via MAPPA ensures that the risk posed to victims (and potentially to offenders) is shared by a wide network and enhances victim safeguarding through multi-disciplinary agency action and awareness-raising.

Victims are informed about the offender's involvement in MAPPA and this can offer a sense of security - that the offender is being managed using all available resources and that all agencies are aware of the risks and can act accordingly. MAPPA is seen by victims as a positive part of the offender management process, where their concerns are listened to and where all agencies work together to reduce the offender's capacity and motivation to re-offend. The new 'victim safety' section of the Four Pillars model ensures that a detailed and practical approach is taken at all MAPPA panels, in order to ensure a comprehensive plan is in place for every possible victim.

Lay Advisors' Comments:

This year has featured significant changes to MAPPA in Warwickshire: our previous MAPPA Coordinator, Derek Ridgway, retired in January 2016. His replacement, Tom Rogers, has therefore been responsible for implementing the Four Pillars MAPPA model.

As a result of the new structure, Warwickshire MAPPA meetings now offer a rigorous agenda, with a clearer communication of both the risks posed by the offender, and the measures needed to safeguard all known or potential victims. At times this has created challenges for all agencies, as the new model takes significantly longer (approximately an hour-and-a-half for each case), however the result would appear very encouraging, with a more robust, defensible risk assessment - and associated risk management plan - now in place for every offender. The new process also allows for greater consideration to be given to offender diversity, which ensures both the risks and needs for each offender are routinely considered.

A multi-agency audit of Warwickshire MAPPA Referrals and Minutes is scheduled for completion at the end of October, where a number of representatives will review the current measures, using criteria provided under the current MAPPA Guidance. It is hoped that the encouraging feedback from all agencies will be suitably reflected by the results of the audit. However, should any areas be identified for improvement, we are confident that the relevant agencies will address the concerns as a matter of urgency. As interested and informed observers of MAPPA, we are happy to offer constructive criticism or pose questions in order to help improve the arrangements. We remain confident that all Warwickshire agencies are motivated to achieve consistently high standards, in order to both rehabilitate offenders and to protect the public.

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www.gov.uk

National
Probation
Service

