Hertfordshire 2015 -2016

Annual Report

MAPPA
PROTECTION THROUGH PARTNERSHIP

Intro

The year 2015/16 has, without doubt, seen some significant changes and challenges in the management of MAPPA cases in Hertfordshire and across England and Wales. Following on from the national restructure of the National Probation Service in 2014 all MAPPA cases now sit within the New National probation Service. Although this re- structure provided its own challenges it has also given us further opportunities for closer working across borders and with partner agencies.

I would personally like to thank all our partner agencies who have contributed to MAPPA and Young MAPPA over the last year. We all know that providing staff and managers for regular meetings is increasingly difficult but through our continued use of teleconferencing and the pilot to re- structure our meetings together with participation by the right organisations and right individuals - we have been able to achieve some really successful partnership results.

The highly complex polygraph testing which requires skilled and disciplined application continues to be utilised with extremely positive results. Specially trained Police and probation officers have been using the technique in Hertfordshire for some time. Testing delivered by Probation can be mandatory requirement for convicted sex offenders once they are released from prison but the police have also been using it on a voluntary basis to help support assessments of risk for both convicted and unconvicted individuals.

Tagging is just one example of continued partnership working in Hertfordshire utilizing advances in technology. GPS tagging systems also continue to be used following a pilot scheme a few years ago.

The safe accommodation of serious offenders in our communities continues to be our most significant challenge but discussions with our district councils who are MAPPA ‘duty to co-operate’ agencies and have the duty to house have been progressing constructively.

Finally, a heartfelt welcome to Melanie Wellford - Carroll who has joined us as a Lay Adviser and continued thanks to Slava Budin – Jones who continues to deliver invaluable work across all partnerships.

Steve Johnson – Proctor

Chair of the MAPPA Board

Charlie Hall

Chief Constable Hertfordshire

Kevin Leggett

Governor, HMP The Mount

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	725	180	-	905
Level 2	4	4	0	8
Level 3	0	1	0	1
Total	729	185	0	914

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	27	17	10	54
Level 3	1	2	3	6
Total	28	19	13	60

RSOs cautioned or convicted for breach of notification requirements	4

RSOs who have had their life time notification revoked on application	6

Restrictive orders for Category 1 offenders	
SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	35
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

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	6	9	5	20
Level 3	0	1	0	1
Total	6	10	5	21
Breach of SOPO				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

Total number of Registered Sexual Offenders per 100,000 population	72

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 June 23 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 (99% 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

MAPPA in Hertfordshire

Achievements 2015 - 16

We piloted the four pillars risk management model in Hertfordshire. As a result of that we reviewed our model and updated it. This has enabled the plan to deliver ViSOR management for all MAPPA qualified cases in Hertfordshire LDU and the roll out of MAPPA category 1 management of all cases.

ARMS (Active Risk Management System for sex offenders) has now been established as a fully functioning risk assessment and management tool for sex offenders which is used by both probation and police.

We have developed written guidance for the Herts MAPPA Discretionary Partnership Review process.

A review of the relationship between MAPPA and Children's and Adult's Safeguarding and Domestic Abuse Boards in Hertfordshire has resulted in closer links and improved working.

We continuously ensure that MAPPA fully engages with the new Active Risk Management System for sex offenders.

Objectives 2016 - 17

To review and implement all outstanding MAPPA thematic inspection recommendations.

Develop accommodation opportunities to support MAPPA offenders in Hertfordshire.

Put systems in place to review all MAPPA level 1 offenders & update ViSOR & N-Delius accordingly.

Recruit and induct a second Lay Adviser.

To work with police to assign all Category 2 MAPPA offender a police offender manager.

To develop protocol for working with IOM offender and CRC senior management.

Deliver 2 MAPPA orientation training for all DTC and interested agencies this year.

Implement and improve MAPPA referral guidance and meeting process.

Case study one:

G is a registered sex offender, who was convicted for offences of indecent assault on a female child. He served a very long prison sentence as a result and was released on very stringent licence and Sex Offender Prevention Order (SOPO) condition. Unfortunately G was fixated on his past behaviour and went on to breach his conditions. He was recalled to prison and on his second release he breached his SOPO condition after his licence period and was eventually sentenced to a further lengthy prison sentence.

On planning for his re - release from prison his Probation Officer (PO) took the view that he could not be managed in the community without the full support of a number of agencies. Consequently the case was referred to MAPPA and the panel concurred with PO and drew up a risk management plan (RMP) involving Probation, Police, Housing and Mental Health.

G was released to an approved premises (AP) for 12 weeks. During this period further assessment of offending behaviour was carried out and concerns were raised at his lack of insight and understanding of his offending. To get a better understanding and to support the Risk Management Plan (RMP) - G was referred on to Forensic Mental Health Services and the Offender Personality Disorder pathway.

The Offender Personality Disorder (OPD) pathway is now embedded into National Probation Service practice and therefore is increasingly relevant to MAPPA. In this case G was screened onto the pathway by his offender manager and a group case consultation session was held. It became evident from this session that despite the availability of factual data around his offending behaviour there was little understanding of his unusual presentation and interests.

It was agreed that the Clinical Psychologist from the OPD Pathway team would carry out an assessment with G in order to develop a formulation around his offending behaviour and to explore the possibility of personality disorder which would have implications for risk management and intervention. Working alongside the offender manager the Clinical Psychologist met weekly with G and began the assessment.

It soon became evident that G's longstanding social difficulties were related to Autistic Spectrum Condition. Sharing this information within MAPPA resulted in a greater awareness of G's complex presentation and highlighted areas of need in terms of communication and approach which was useful for the different agencies involved including Offender Management (OM), Public Protection Unit (PPU) and housing.

The risk assessment & RMP clearly indicated that suitable accommodation was an important part of managing G’s behaviour while trying to engender change as suggested by OPD pathway. His time at the AP was limited thus the usual lengthy process of getting access to local authority housing could not be afforded as G did not have a very strong claim to housing in any particular area in Herts. The RMP was put to a number of housing authorities.

A decision was made to place him in an area but the local authority refused to accept him unless there was assistance to clear previous rent arrears. All the other nine local authorities volunteered to share the arrears between them to secure accommodation for G.

MAPPA drew up a risk management plan and secured the agreement of all parties outlining frequency of visit by all supportive intervention and mentoring. G also had to agree as part of his contract to housing to wear a GPS tracker device which would give his location on a 24 hour a day basis. All agreed to share information on a regular basis and to keep all informed of any major change in circumstance or behaviour.

At the current time G continues to respond to supportive intervention and to date there has not been any further breach of his licence or SOPO condition.

Case study 2:

This case relates to a high risk registered sex offender whom is a young man with previous convictions relating to child abduction and sexual assault. He has a personality disorder and would be extremely difficult to manage by one agency alone due to his inability to take personal responsibility for his actions, his finances and being unable to stick to rules for any length of time.

MAPPA meetings have assisted in gaining a detailed understanding of what basic requirements will assist with his effective management, in particular housing, mental health support and strategies to monitor him.

Following his most recent spell in prison the panel assisted in obtaining accommodation for him at an approved premises outside of Hertfordshire and then a follow on hostel for him within Hertfordshire which is vital as a building block for monitoring his whereabouts and for him to start rebuilding his life.

His Probation Officer has assisted him in obtaining an agreed and manageable way of paying back debts to a local council which will then give him further options around housing.

MAPPA has ensured that he will also be reassessed by mental health to ascertain if there is any further treatment that may assist him to manage his behaviour.

Police have assisted in obtaining emergency housing for him in conjunction with the council, and with his agreement, will be able to fit a GPS tracker to monitor his movements. He also has stringent conditions as part of a sexual harm prevention order applied for by police and granted by the courts. This puts a number of restrictions around him which helps to safeguard the community.

This male will continue to be a challenge to monitor in the community but the MAPPA forum has demonstrated how agencies can work together in order to put forward the best overall plan and achieve successful results.

Lay advisers

The public is represented on the MAPPA Strategic Management Board by two lay members. These 'lay advisers' ensure that a wider community perspective is considered when discussions are held and decisions made at the highest level. This is their report on the year 2015 – 16.

This year has seen a change to the Lay Advisers. Guy Leeser, who served as a lay Adviser since 2008 stepped down and we have appointed Melanie Wellford – Carroll as his replacement.

In our view MAPPA works effectively in Hertfordshire through meetings that bring together the professionals across the agencies. Between them they manage any risk by identifying them, sharing information and agreeing their joint approach to it. This process is only possible through the co-ordination and support work of MAPPA manager Morris Johnson and his small team.

The areas we continue to be concerned about are the financial and time pressures on MAPPA agencies and also the ability to secure suitable accommodation for MAPPA managed cases.

The serious public safety issues managed through the MAPPA arrangements mean that MAPPA agencies must continue to prioritise resources to support their commitment to it. The MAPPA agencies seem to be managing to strike a balance between their financial and time constraints and providing adequate support to MAPPA, however this is being monitored closely to ensure that this does not become an issue. We are still concerned to ensure that relevant professionals attend MAPPA panel and are fully prepared for them and this has improved further but remains an area where agencies must remain vigilant.

Hertfordshire still lacks approved premises to accommodate MAPPA cases leading to a reliance on neighbouring areas for this facility. Alternative options continue to be investigated and along with this and the on-going support of the current providers we are hopeful that we can continue to manage this risk appropriately.

Slava Budin – Jones
Lay Adviser

MAPPA'S membership comprises statutory agencies and partners drawn from other dedicated services in the public sector

Statutory Agencies

Hertfordshire Constabulary
NPS Hertfordshire
HM Prison Service

Additional Agencies

Childrens Services
Hertfordshire County Council
Health and Community Services, Hertfordshire County Council
Hertfordshire Youth Justice
Hertfordshire Partnership NHS Foundation Trust (Mental Health)
Safeguarding Board
Local Housing Authorities
Serco
Jobcentre Plus
Home Office Immigration & Enforcement (HOIE)

MAPPA Chairman

Steve Johnson-Proctor, NPS Hertfordshire

MAPPA Manager

Morris Johnson, NPS Hertfordshire

Lay Advisers

Slava Budin-Jones
Vacancy

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