

# West Midlands



## Annual Report 2015 - 2016





# Intro

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## Working together for safer communities

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This Annual Report from the West Midlands MAPPA Strategic Management Board (SMB) for 2015 – 2016 highlights further changes and developments across the field of Criminal Justice relevant to the management of MAPPA offenders. These changes bring reform and also enhance the opportunities for staff to manage this group of offenders.

### **Organisational changes**

#### National Probation Service

Last year we reported on the significant changes to how Probation Services would be provided in the future with the creation of a new National Probation Service (NPS) to manage all MAPPA eligible offenders and other high risk offenders. While the Staffordshire & West Midlands Community Rehabilitation Company manages low and medium risk offenders and provides a range of interventions and programmes for all offenders, and a resettlement service for people leaving prison. Both of these provisions were derived from a large number of former probation trust areas. For the NPS, this year has seen the introduction of a national change programme to deliver a consistent national operating model which will :

- Provide increased value for money while reducing risk
- Deliver the best possible services to offenders to achieve better outcomes
- Consistently apply best practice principles with proactive learning from experience of others
- Provide equality of opportunity for staff
- Ensure professional standards are applied consistently

#### West Midlands Police

West Midlands Police have also continued to review their model of service delivery in the management of all offenders. Paul Betts Chief Inspector said:

“The West Midlands recognises the great strides made in reducing reoffending within the region from partnership delivery under Integrated Offender Management (IOM) arrangements. Whilst MAPPA retains primacy for delivery of reduced risk from reoffending for those qualifying as MAPPA offenders,

we are seeking to share learning and best practice moving forward by bringing MAPPA arrangements closer to IOM arrangements. This is particularly true within West Midlands Police Integrated Offender Management leadership and approaches.”

#### Prisons

Effective liaison with prisons in planning for release is a key part of MAPPA activity and we benefit from information supplied by the prison to assist with planning risk management arrangements for an individual returning to the community. The MAPPA SMB is supported by a representative Governor who provides an effective link back to the prison service. During the year work has continued centrally on reviewing the way that offenders are managed within the custodial environment to help reduce the risk of further re offending. Whilst the detail of such changes is yet to be published, the Government have announced that they intend for prison staff to have more time to directly supervise offenders. The one to one support which will be rolled out to every prison is seen as vital in bringing down levels of violence and reforming offenders

#### Domestic Violence

In December 2015 Section 76 of the Serious Crime Act 2015 came into force, which created the new offence of using controlling or coercive behaviour in an intimate or family relationship. This offence addresses the cumulative impact of a pattern of abuse which results in fear of violence on at least two occasions; or serious alarm or distress to the extent that it has a substantial adverse effect on someone's usual day-to-day activities.

The SMB welcomed this change as an important development in tackling this serious problem. The issue of domestic violence and its potential link to child safeguarding issues is widely recognised. This is again an area where agencies working together can seek to reduce risks posed by an offender. The incidence of domestic violence in terms of current or past offending makes up a significant proportion of offenders under supervision and consequently a number of these cases will be managed under local MAPPA panels. Through this close working with

Police and other partners a coordinated response is provided from agencies working to both protect the victim and ensure appropriate controls are in place when the offender is released from prison.

Where instances of domestic violence have had tragic consequences, all agencies seek to learn and develop practice based on findings arising from independent Domestic Homicide Reviews and the SMB fully supports this process.

### **Accommodation**

It is well known that access to suitable and stable housing is a key contributory factor to offenders not re-offending. Indeed, 60% of prisoners surveyed for the 2015 Autumn edition of the *Bromley Briefings* said that having a place to live would help them stop re-offending, whilst 46% of homeless people surveyed said that they had been in prison or a young offenders institution. Availability of sustainable housing that is appropriate in terms of type and location of property, and that is linked to support, is even

more important for those offenders being managed under MAPPA arrangements, as it allows for more effective supervision in the community.

However, offenders face multiple barriers to accessing such housing after leaving prison, such as a national shortage of one-bedroomed accommodation. The need to meet tighter allocation criteria to access local authority and social housing, and welfare reform

changes all impact on finding the right accommodation placements.

Offenders are disproportionately affected by these issues and the Strategic Management Board will need to continue to work with housing providers in both the social and private rented sectors across the area to ensure the accommodation needs of MAPPA offenders are met and that public protection is maintained. The support of these organisations in their contribution to effective MAPPA arrangements is highly valued.

**Serious violent and sexual offending make up a relatively small proportion of all recorded crime. Yet, by their nature, they cause the greatest concern for the community. MAPPA cannot entirely remove the risk of harm that offenders present. However, constructive sharing of information, and collaborative approaches to working, mean the agencies operating within MAPPA can and do contribute to reducing that risk through the successful management of complex and challenging offenders in our community.**

**Nigel Byford  
Chair, West Midlands MAPPA  
Strategic Management Board**

# What is MAPPA?

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## 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](http://www.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	2985	1641	0	4626
Level 2	13	17	5	35
Level 3	2	2	0	4
Total	3000	1660	5	4665

<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	23	60	32	115
Level 3	6	4	10	20
Total	29	64	42	135

<b>RSOs cautioned or convicted for breach of notification requirements</b>	41
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<b>RSOs who have had their life time notification revoked on application</b>	10
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<b>Restrictive orders for Category 1 offenders</b>	
<b>SHPOs, SHPOs with foreign travel restriction &amp; NOs imposed by the courts</b>	
SHPO	218
SHPO with foreign travel restriction	0
NOs	4

<b>Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)</b>	2
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<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	6	26	6	38
Level 3	1	1	0	2
Total	7	27	6	40
<b>Breach of SOPO</b>				
Level 2	0	0	0	0
Level 3	1	0	0	1
Total	1	0	0	1

<b>Total number of Registered Sexual Offenders per 100,000 population</b>	<b>123</b>
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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<sup>rd</sup> 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 (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>

All MAPPA reports from England and Wales are published online at:

[www.gov.uk](http://www.gov.uk)

National  
Probation  
Service

