

# Cheshire



## Annual Report 2015/16





# Intro

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This report is intended to provide an insight into the Multi-Agency Public Protection Arrangements (MAPPA) across Cheshire. These arrangements are statutory and have now been in place for over ten years. During this time, the Police, Probation and Prison Service have worked closely together with other key partners in Health and Local Authority based services to identify, assess and manage violent and sexual offenders. This is difficult and complex work and we would wish to thank all those involved in MAPPA for the excellent work they do on our behalf.

Making our communities safer remains our highest priority. This is why the work undertaken through MAPPA is critically important. It is never possible to eliminate risk entirely, however, what can be expected is that all reasonable steps are taken to reduce the risk of serious harm to the public from known offenders.

The publication of the annual report offers an opportunity for MAPPA to be accountable to the local community for the management of sexual and violent offenders whilst also informing the community what actions are being taken to improve the effectiveness of MAPPA. Consequently this report contains not only statistical information about the numbers of offenders managed within MAPPA, but also provides some information as to how the arrangements work in practice.

The protection of the public and management of violent and sexual offenders is a difficult and challenging task which is why deploying the joint expertise and resources of agencies through MAPPA is so important. We hope you find this Annual Report helpful in understanding how agencies across Cheshire are working together effectively to better protect the public.

# 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

## MAPPA-eligible offenders on 31 March 2016

	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	964	167	0	1131
Level 2	6	2	1	9
Level 3	0	0	0	0
Total	970	169	1	1140

## 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	49	36	18	103
Level 3	5	2	0	7
Total	54	38	18	110

## RSOs cautioned or convicted for breach of notification requirements

28

## 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	29
SHPO with foreign travel restriction	0
NOs	1

## Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)

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	3	7	2	12
Level 3	0	0	0	0
Total	3	7	2	12
<b>Breach of SOPO</b>				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

<b>Total number of Registered Sexual Offenders per 100,000 population</b>	<b>104</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 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>



# Local page

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At the local level, MAPPAs are led by the Cheshire Constabulary, the North West Prison Service and the National Probation Service – North West Division – Cheshire Local Delivery Unit - who are the Responsible Authorities and ensure that MAPPAs are effectively implemented and managed. The “Duty to Co-operate” agencies play a key role in working collaboratively with criminal justice partners, to protect the public and reduce harm to victims. Both Duty to Co-operate agencies and Responsible Authorities are guided by policy from the National MAPPA team, which is part of the National Offender Management Service.

The Responsible Authorities have a duty to ensure that MAPPAs are effective. This duty is undertaken both through the MAPPA Strategic Management Board which consists of representatives from each of the agencies with MAPPAs responsibility as well as by ensuring that practice within their own respective agency delivers effective MAPPA practice. The SMB meets at least three times a year to monitor the arrangements and direct any necessary improvements. Senior representatives from the various agencies sit on the SMB and share information with their colleagues across Cheshire. Additionally, two Lay Advisers sit on the SMB (the role of the lay adviser is outlined on page 2).

The principal responsibility for protecting the public from sexual and violent offenders generally rests with the criminal justice agencies. However, the effectiveness of public protection often depends on more than just a criminal justice response. These other agencies play an important role in helping offenders to re-settle and avoid re-offending. For example, offenders who have stable accommodation and employment are much less likely to re-offend. These agencies also make an important contribution in cases where offenders have mental health problems or where they pose a risk of harm to children. The Duty to Co-operate agencies include Community Mental Health Teams and Housing Associations across the area as well as Safeguarding Children Boards, JobCentre Plus and the Youth Offending Service. There has been tangible improvements made in how Mental Health services support MAPPAs, in Cheshire.

In Cheshire, regular Multi-Agency Public Protection meetings are held, when active multi agency management is needed in order to manage high risk offenders, by developing a robust risk management plan for individual offenders which is effectively delivered, monitored and reviewed as appropriate.

Cheshire also holds Multi-Agency Public Protection Conferences (MARACs) where the needs of victims of domestic abuse are addressed. MARACs support and complement the MAPPA process and representatives from various agencies are involved in both procedures. There are clear links between the MAPPA and MARAC which are the subject of an agreed protocol.

## Key objectives for the year ahead (2015/16):

- For Police to continue to deliver Public Protection practice via the restructured Public Protection Directorate, in addition to clarifying the process for supporting the management of Violent Offenders (Category 2), in the Cheshire area
- To continue to improve the use of ViSOR (the IT System used to share offender information between Police, Prisons and Probation) across the Responsible Authorities (Probation, Police and Prisons) via the provision of training opportunities, delivery of agency training events, and support from agency senior managers in implementing the mandatory use of ViSOR on a local level.
- To continue to support MAPPA chairs in their continued professional development in the role, through the provision of training opportunities, workshops and discussion groups.
- To review the model of delivery of MAPPA processes in Cheshire to decide whether to maintain current model or implement the National document set.
- To consolidate the use of ARMS (Active Risk Management System) as a shared assessment and intervention framework to be used by Police and Probation in working with Sex Offenders, and to ensure that this framework contributes effectively to the development of effective multi-agency risk assessments and risk management plans with MAPPA eligible offenders.
- To ensure that relevant people are aware of their agencies' responsibilities, (including training and awareness) in relation to MAPPA so as to ensure effective engagement and multi agency inputs when required.
- To consolidate the progress of the work of the Police, Prison and National Probation Service and to continue to develop effective local and regional practices in its contribution to MAPPA.

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

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

National  
Probation  
Service

