



# Gloucestershire

## Annual Report 2016-17

# Introduction

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I am once again pleased to introduce Gloucestershire's Multi Agency Public Protection Arrangement (MAPPA) Annual Report for the 2016-17 business year, which will be my last as Chair of the Strategic Management Board.

MAPPA is the process through which the Police, National Probation Service and Prison Service, known collectively as the Responsible Authority, work together with other agencies to manage the risks posed by violent and sexual offenders in order to protect the public. MAPPA is not a statutory body in itself but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner.

The purpose of this report is to provide information for the public and professionals alike about the work of MAPPA throughout Gloucestershire. Whilst we do not comment on individual cases, and much of the work goes on out of the public eye, this report is intended to provide a retrospective overview of how the MAPPA framework has been applied throughout the last 12 months within our county.

MAPPA in Gloucestershire continues to be overseen by the Strategic Management Board (SMB), which is comprised of senior representatives of the agencies involved. The overarching aims of the SMB remain unchanged from the previous business year, which are:

- To ensure that victims remain at the centre of local MAPPA arrangements
- To maintain effective multi-agency arrangements to manage the risks posed by sexual and violent offenders
- To ensure that information is shared in order to protect the public

- To make improvements where weaknesses are identified
- To ensure that local MAPPA arrangements are transparent and accountable

Public protection continues to be a challenging area of work, which makes collaboration between agencies all the more important. We are fortunate in Gloucestershire to have good working relationships between professionals across different fields and a culture of openness and approachability. There will always be ways in which we can improve, and we must accept that it is impossible to eliminate risk entirely. However, I remain confident in the commitment of our partners to do all they reasonably can to manage the risks posed by known offenders.

As I prepare to step down after three years as SMB Chair I wish to thank all those who have contributed to the delivery of MAPPA in Gloucestershire and to recognise the excellent work that continues to be undertaken locally. I hope this report reflects the efforts involved.

My successor as SMB Chair is Helen Ryder, Governor of HMP Leyhill. I am hopeful that Helen's knowledge and experience of the Prison Service will be a great asset to Gloucestershire MAPPA and I wish her well in this new role.

**Bernie Kinsella**

**Detective Chief Superintendent**

**Chair of Gloucestershire MAPPA SMB**

# What is MAPPA?

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## MAPPA background

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.

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.

A number of other agencies are under a Duty to Co-operate (DTC) with the Responsible Authority. These include Social Services, Health Services, Youth Offending Teams, Jobcentre Plus and Local Housing and Education Authorities.

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 DTC agencies.

Lay Advisers are members of the public appointed by the Minister with no links to the business of managing MAPPA offenders who 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 between agencies to inform the risk assessments and risk management plans of those managing or supervising them.

That is as far as MAPPA extend in the majority of cases, but some cases require structured multi-agency management. 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** – mainly violent offenders sentenced to 12 months or more imprisonment or a hospital order; 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 levels of management to ensure that resources are focused where they are most needed; generally those involving the higher risks of serious harm.

- **Level 1** involves ordinary agency management (i.e. managed by the lead agency with no MAPPA formal meetings);
- **Level 2** is where the active involvement of more than one agency is required to manage the offender.
- **Level 3** is where risk management plans require the attendance and commitment of resources at a senior level.

MAPPA are supported by ViSOR. This is a national IT system to assist in the management of offenders who pose a serious risk of harm to the public. The use of ViSOR increases the ability to share intelligence across organisations and enable the safe transfer of key information when high risk offenders move, enhancing public protection measures. ViSOR allows staff from the Police, Probation and Prison Services to work on the same IT system for the first time, improving the quality and timeliness of risk assessments and interventions to prevent offending.

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 2017

	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	510	160	-	670
Level 2	2	0	4	6
Level 3	0	0	0	0
Total	512	160	4	676

## 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	6	5	14	25
Level 3	1	0	1	2
Total	7	5	15	27

## RSOs cautioned or convicted for breach of notification requirements

8

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

1

## Restrictive orders for Category 1 offenders

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

SHPO	50
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)

1

<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	1	1	0	2
Level 3	0	0	0	0
Total	1	1	0	2
<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>93</b>
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This figure has been calculated using the Mid-2016 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, 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 2017 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2016 to 31 March 2017.

**(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 are actually managed under ordinary agency (Level 1) arrangements rather than via MAPPA meetings. These figures only include those MAPPA eligible offenders living in the community. They do not include those in prison or detained under the Mental Health Act.

**(b) Registered Sexual Offenders (RSOs)** – those who are required to notify the police of their name, address and other personal details and to notify of any subsequent changes (this is known as the “notification requirement.”) Failure to comply with the notification requirement is a criminal offence that 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.

**(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 MAPPA meetings.

**(e) Breach of licence** – offenders released into the community following a period of imprisonment 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) (including any additional foreign travel restriction).** Sexual Harm Prevention Orders (SHPOs) and interim SHPOs replaced Sexual Offence Prevention Orders. They 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 (including 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, including 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 full notification requirements.

Individuals made subject of a SRO are now recorded on VISOR as a Potentially Dangerous Person (PDP).

#### **(i) Lifetime notification requirements revoked on application**

A legal challenge in 2010 and a corresponding legislative response means there is now a mechanism in place that allows 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 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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The 2016-17 business year contained both challenges and highlights for those agencies contributing to MAPPA in Gloucestershire. This final page aims to provide a flavour of the work carried out locally during the reporting period and to set out the next steps for further development.

Membership of the Strategic Management Board (SMB) remained largely stable throughout 2016-17, save for a change in our representative from Her Majesty's Prison Service (HMPS). We are grateful to Andy Bees, our outgoing member, for better defining the role of the HMPS representative on our Board, and to his successor Sarah Bott for continuing to provide a prison-based perspective despite us no longer having an establishment located within our area.

The strength of our SMB very much mirrors the cooperation between agencies at operational level and the willingness to work together to find collective solutions to problems. This approach has helped us to overcome a number of challenges and encapsulates the benefits of MAPPA.

Of particular note from 2016-17 were the cross-border efforts of Adult Social Care, Mental Health, Police and the National Probation Service (NPS), working together to ensure a safe outcome in a Level 2 case presenting with complex and challenging behaviour. Also of note was the willingness of a Local Authority to assist in seeking a safe and appropriate accommodation solution for another Level 2 case in order to safeguard victims and take account of community impact. A third example involved Gloucestershire Constabulary, along with relevant partners, assisting Mental Health services to better assess the risks posed by a known offender in order that safeguarding measures could be put in place to protect a previous victim.

There are many further examples of successful outcomes that have been facilitated by the MAPPA framework, but it is hoped that these cases illustrate some of the good work that has been carried out locally to protect the public.

In addition to the specific casework, efforts continued throughout 2016-17 to raise awareness of MAPPA amongst professionals in Gloucestershire. A briefing event was particularly

well-received by over 70 GPs from across the county, and a training session with new police recruits prompted a number of questions about how they could contribute to MAPPA in their future roles.

Further developments also included greater collaboration between Gloucestershire MAPPA and MARAC Units through the development of an information-sharing protocol, plus continued joint-working between the police and NPS to further embed the Active Risk Management System when managing Registered Sex Offenders.

In December 2016 Gloucestershire County Council (GCC) were commissioned to carry out an independent audit of Gloucestershire MAPPA in order to provide assurance to the SMB that local arrangements were working effectively. In January 2017 the Board were pleased to receive a positive report, containing only a single recommendation for improvement. That recommendation was for our annual business plan to commence in April of each year rather than to await the publication of the national plan prior to being finalised. The recommendation was accepted and has now been fully implemented. Otherwise, the audit concluded that substantial assurance could be provided to the SMB that arrangements were in place to both identify and manage any risks to the effective operation of MAPPA. This is the highest level of assurance that can be awarded.

Despite the good news stories we remain realistic about the challenges faced by many of our partners and recognise that there will always be further areas for improvement. With this in mind our focus towards the end of 2016-17 and into the next business year included strengthening practice in relation to MAPPA Level 1 cases (otherwise known as 'ordinary agency management') and increasing the use of ViSOR across agencies.

Over the next year we look forward to welcoming Helen Ryder to the Chair of the SMB. We also remain grateful to our outgoing SMB Chair, Bernie Kinsella, for his commitment, leadership and support over the last three years.

**Tessa Broderick**  
**MAPPA Coordinator**



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