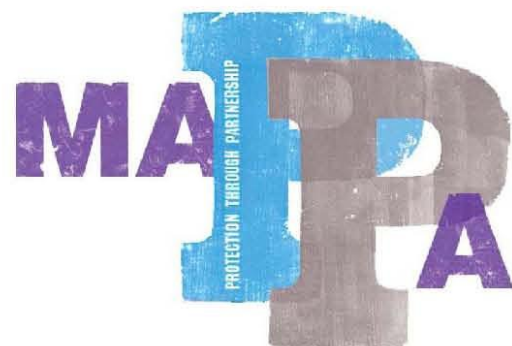


Wiltshire and Swindon MAPPA

Annual Report



Introduction

We are pleased to present the MAPPA Report for 2016 - 2017. The Multi-Agency Public Protection Arrangements that operate throughout the United Kingdom have a world-leading reputation in the management of high risk offenders. In this area Wiltshire Police, National Probation Service and HM Prisons, together with the Duty to Co-operate Agencies, have continued to work together over the past year to prevent crime and protect the public.

Responsible Authorities:

- Wiltshire Police
- National Probation Service
- Her Majesty's Prison Service

Duty to Co-operate Agencies:

- Swindon Borough Council – inclusive of:
 - Housing Department
 - Children's Services
 - Adult Social Care
- Wiltshire Council – Inclusive of:
 - Housing Department
 - Children's Services
 - Adult Social Care
- Swindon and Wiltshire Youth Offending Teams
- Avon & Wiltshire Mental Health Partnership Trust
- The Department of Works & Pensions
- Wiltshire and Swindon Clinical Commissioning Groups (CCG's)

It has been another effective year for the multi-agency public protection arrangements, MAPPA. The arrangements have continued to demonstrate strong collaborations across agencies in the criminal justice system – led by police, prisons and probation – working together to reduce the risk to the public posed by sexual and violent offenders.

Important in this process are the monthly meetings across Wiltshire which plan for that smaller group of offenders who are assessed as posing a higher risk and need to be managed jointly by the agencies signed up to MAPPA.

Drawing up detailed plans, allocating tasks to individual staff within agencies, sharing plans with those who are in the best position to protect potential victims and the public, subsequently checking on progress and assigning more tasks, involves time, energy and commitment over many months and sometimes years.

We continue to harness the enthusiasm and commitment of staff to keep this risk to a minimum and ensure that public safety remains our priority.

This year's report identifies that even in a time of reducing resources right across the public sector, targeted work with serious offenders has provided for public safety. The work of MAPPA seeks to identify Approved Premises for high risk of harm offenders who are leaving prison as part of a risk management plan. This enables specific work to be undertaken on problem behaviour and attitudes with closer monitoring of their activities and, when required, the sanction of recalls into custody. This supports a safer community and fewer victims.

Over the next year we will continue to support MAPPA to deliver a high standard of service to the people of Wiltshire and Swindon maintaining our practice and effectiveness to keep our communities safe.

Paul Mills

Assistant Chief Constable, Wiltshire Police,
Chair of Wiltshire and Swindon MAPPA
Strategic Management Board (SMB)

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 organizations' 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 2017				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	601	246	-	847
Level 2	4	3	2	9
Level 3	0	0	0	0
Total	605	249	2	856

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	18	20	21	59
Level 3	0	1	0	1
Total	18	21	21	60

RSOs cautioned or convicted for breach of notification requirements	14
RSOs who have had their life time notification revoked on application	3

Restrictive orders for Category 1 offenders	
SOPOs, NOs & FTOs imposed by the courts	
SOPOs	30
NOs	0
FTOs	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	0	2	0	2
Level 3	0	0	0	0
Total	0	2	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	98
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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 25 June 2015, 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 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) 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

The Victim Contact Scheme and MAPPA

MAPPA is all about protecting the public. All MAPPA meetings will identify who could be at risk from an offender and how those people can be protected.

Victim Contact Service

The National Probation Service (NPS) has a statutory duty under the Domestic Violence Crime and Victims Act 2004 (DVCV Act 2004) to contact the victims of offenders convicted of a specified violent or sexual offence who are sentenced to 12 months or more imprisonment. This is achieved through the statutory Victim Contact Service (VCS), which has been in operation since April 2001 and enables eligible victims (or in the case of a death, the bereaved family) to be informed about key developments in the offender's sentence. The Service was extended to victims of restricted patients and non-restricted patients in 2005 and 2008 respectively.

The Service is delivered by Victim Liaison Officers (VLO) who are specially trained for the sensitive nature of the work and will contact victims within eight weeks of the offender being sentenced. The VLO will provide information about the criminal justice process, what the offender's sentence means and how decisions are made about how long the offender stays in prison or hospital. This includes information on tariffs, appeals, parole eligibility, release (including release on temporary licence), conditional discharge and recalls. Specifically in relation to unrestricted patients, the information will come direct from the hospital and not the VLO.

The VCS, through the VLOs, helps represent the feelings of victims when cases are discussed at multi-agency meetings and when offenders are being considered for parole, release from prison on licence or discharge from hospital. Victims have a statutory right to make representations about conditions they would wish to see attached to any release licence, (including release on temporary licence). The DVCV Act 2004 requires probation to send the victim's request for licence conditions direct to the decision maker, and MAPPA and/or the Offender Manager cannot prevent this, although the Offender Manager can submit alternative requests. The final decision will be for the prison or Parole Board. No-contact and an exclusion zone are typical conditions requested by victims. If the offender's case is being considered by the Parole Board, the victim is also entitled to make a Victim Personal Statement setting out the impact of the offence and what the impact of release would be.

Victims can opt in or out of the Service at any point during the offender's sentence. If the victim does not feel able to receive direct contact from the NPS, they can nominate a close friend or family member to receive information on their behalf.

Although the VCS is an information service, VLOs can also signpost the victim to support services, such as Victim Support. Victim Support is a national charity that helps people affected by Crime in England and Wales and gives free and confidential support.

Effective engagement with victims is fundamental to informing MAPPA decisions. Where an offender is subject to MAPPA level 2 or 3 oversight, the VLO must represent the victim's views through active participation in MAPPA meetings. Where it is not possible to attend in person, the VLO must submit a comprehensive report of the victim's views, including risk information and representations about licence conditions.

The Offender Manager (OM) and VLO must communicate effectively regarding the assessment and management of offenders. It is the OM's responsibility to ensure that this happens and VLO's must be proactive in responding. Where the victim lives in a different area from the one responsible for managing the offender, it is even more important that both the OM and VLO ensure there is effective communication.



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