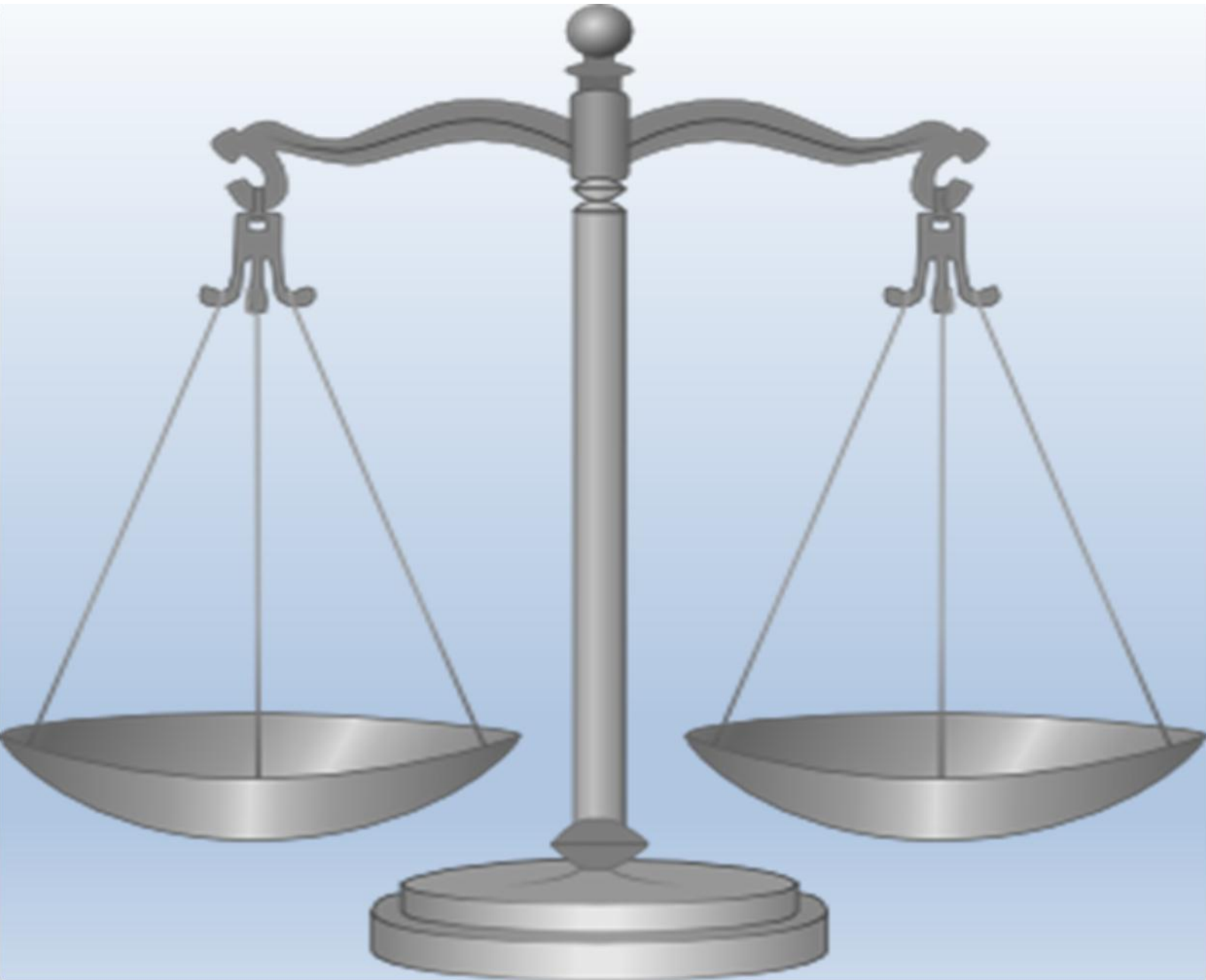




CHESHIRE



Annual Report 2016/2017

Intro

This report is intended to provide an insight into the Multi-Agency Public Protection Arrangements (MAPPA) across Cheshire. These arrangements are statutory and were introduced by the Criminal Justice and Court Service Act 2000 and strengthened under the Criminal Justice Act 2003. Since 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?

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

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	1008	251	-	1259
Level 2	2	2	3	7
Level 3	0	0	0	0
Total	1010	253	3	1266

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	21	29	10	60
Level 3	7	2	0	9
Total	28	31	10	69

RSOs cautioned or convicted for breach of notification requirements

32

RSOs who have had their life time notification revoked on application

10

Restrictive orders for Category 1 offenders

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

SHPO	119
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

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	1	4	3	8
Level 3	1	0	0	1
Total	2	4	3	9
Breach of SOPO				
Level 2	0	0	0	0
Level 3	0	0	0	0
Total	0	0	0	0

Total number of Registered Sexual Offenders per 100,000 population	109
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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

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

Within Cheshire, the three Responsible Authorities ensuring that MAPPA is effectively implemented and managed are Cheshire Constabulary, Her Majesty's Prison Service (North West) and the National Probation Service. 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.

The MAPPA Strategic Management Board (SMB) has a duty to ensure that MAPPA is effective. The members of the SMB are senior representatives from each of the Responsible Authorities and Duty to Cooperate agencies, whose role is to ensure that their own agency performs effectively in line with MAPPA guidance and shares information with their colleagues across Cheshire. The SMB meets at least three times a year to monitor the arrangements and direct any necessary improvements to local MAPPA processes. 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 and Adult Boards, Job Centre Plus and the Youth Offending Service. There has been tangible improvements made in how Mental Health services support MAPPA, in Cheshire to assist in the development of effective practices.

Multi-Agency Public Protection Meetings are held regularly in Cheshire, 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.

Across Cheshire Multi-Agency Risks Assessment Conferences (MARACs) are held. The focus is to share information to enable an effective risk management plan to be developed to protect those victims who are at high risk of serious harm from domestic abuse. MARAC's support and compliment the MAPPA process, representatives from various agencies within Cheshire are involved in both Multi-Agency arrangements and there are clear established links between the MAPPA and MARAC processes as agreed by protocol as published on the National MAPPA website.

Cheshire's Key Objectives for the year Ahead (2017/2018)

- To continue to improve the use of ViSOR (the IT system used to share offender information) between the Responsible Authorities.
- To continue to support MAPPA Chairs in their continued professional development through the provision of training opportunities, workshops, discussions and the SMB Sub groups.
- To ensure that DTC, RA and relevant staff, are aware of their own agency's responsibilities to MAPPA, including participation in training to increase their awareness of MAPPA and the importance of effective engagement and multi agency input.
- To support the continued implementation and quality of Active Risk Management Systems (ARMS), as a shared assessment and intervention framework which is used by Police and Probation managing sex offenders in the community.
- To recruit two members of the public as the new Lay Advisors for Cheshire. The Lay Advisors will operate as full members of the area's SMB, participating in the SMB itself and any relevant sub-groups or working parties providing independent perspectives on the work of these groups.
- For HMPPS, Police and Job Centre Plus to work closely together to improve information sharing and opportunity for MAPPA eligible offenders.
- To continue to ensure the quality of local MAPPA delivery via effective quality assurance and audit.

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www.gov.uk

National
Probation
Service

