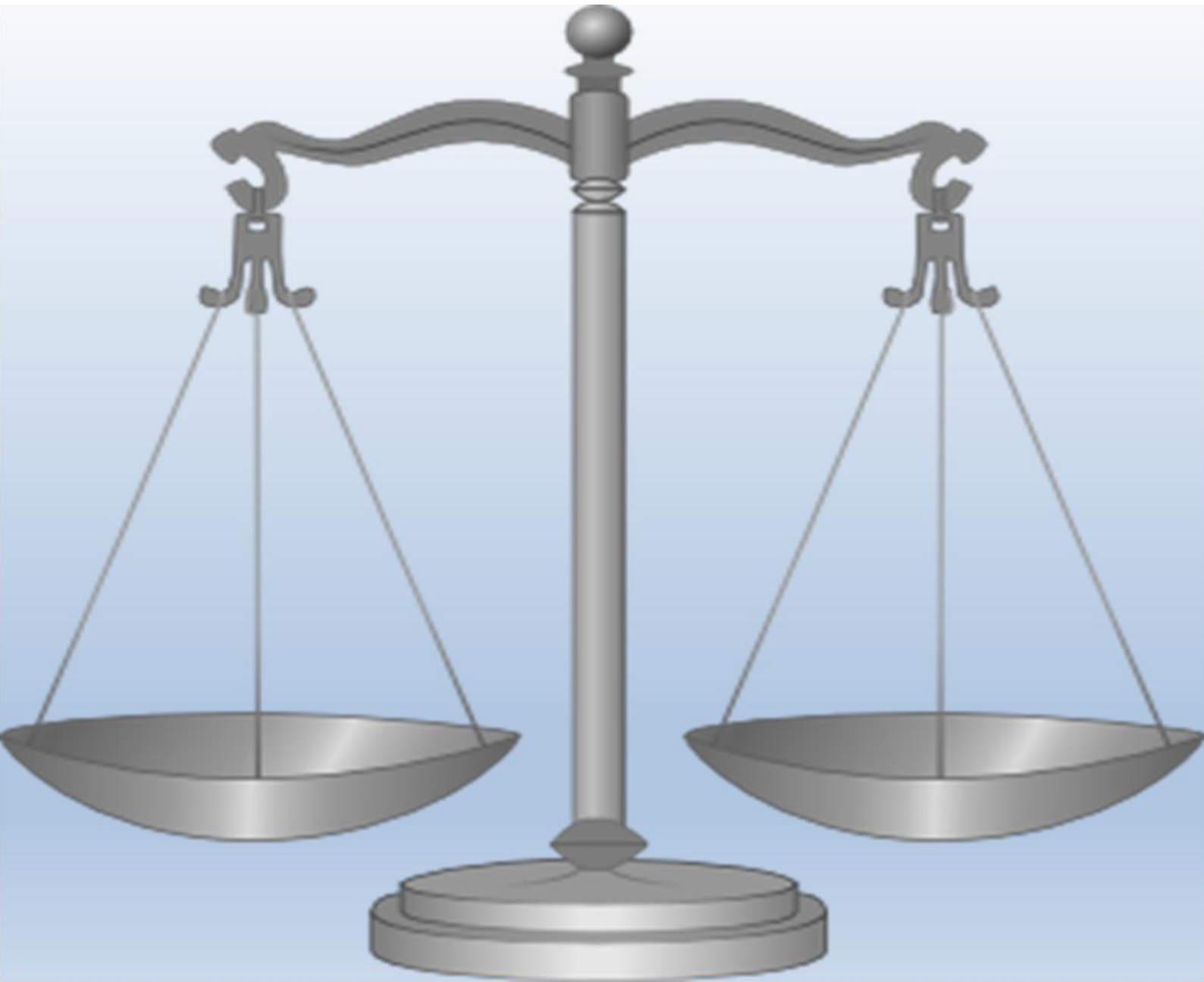


NORTH WALES



Annual Report 2016 - 2017

Intro



HMPPS in Wales is committed to working in partnership with MAPP agencies to prevent people becoming victims of serious harm. Making our communities safer is the highest priority for HMPPS in Wales, and the work undertaken through MAPP is of critical importance to achieving this.

Victims and the public have a right to feel protected and safe. Whilst it is never possible to eliminate risk entirely, all reasonable steps need to be taken to reduce the risk of serious harm to the public from known offenders. MAPP is designed to bring agencies together to help manage that risk and keep it to a minimum.

HMPPS in Wales and all of the agencies involved in MAPP place the protection of the public as their highest priority and this report reflects the determination of all involved to ensure that this important area of work remains at the forefront. I am proud of our staff, their previous successes and their continued commitment to excellence for MAPP in Wales.



A handwritten signature in black ink that reads 'A. Rees'.

Amy Rees
Executive Director, HM Prison and
Probation Service in Wales

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	801	354	-	1155
Level 2	10	41	21	72
Level 3	1	2	3	6
Total	812	397	24	1233

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	10	41	21	72
Level 3	1	2	3	6
Total	11	43	24	78

RSOs cautioned or convicted for breach of notification requirements	11
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RSOs who have had their life time notification revoked on application	9
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Restrictive orders for Category 1 offenders	
SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	144
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)	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	4	14	5	23
Level 3	2	1	0	3
Total	6	15	5	26
Breach of SOPO				
Level 2	1	-	-	1
Level 3	0	-	-	0
Total	1	-	-	1

Total number of Registered Sexual Offenders per 100,000 population	132
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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

Youth Justice

Historically, the Youth Justice system has been preoccupied reducing and managing risk, rather than exploring the motives and meaning behind offending which led to very stark measuring of young people's behaviour and social situation amongst their peers (Almond, 2012). Conflict between well-being and punitive approaches has been omni-present in Youth Justice since its creation (Almond, 2012; Goldson & Muncie 2012), and as considered by Goldson and Muncie (2012), despite the impact of the UN Convention on the Rights of the Child (UNCRC) on other services, Youth Justice has continued to have echoes of the past etched into its practice.

In more recent years, significant changes have taken place within the drive and directive of Youth Justice Services nationally to a model of desistance and enhanced case management. Rather than the punitive and onerous intervention models historically, there has been a shift to working in a way which enables young people to identify what lives without offending would look like and encourage and support the changes necessary to achieve this. Taking the principles of the Social Services and Well-being (Wales) Act (2014) into consideration, it is important to consider what brings young people to the criminal justice systems attention in the first place, which is clearly commission, or potential commission of offences. Whilst those young people under the supervision of the Youth Justice Service are expected to take responsibility for their actions and reform, there is also an expectation that the best interest of the child will be the primary consideration (UNCRC, Article 3). The implementation of the Social Services and Well-being (Wales) Act (2014) reinforces this, stating that all outcomes should be driven by the needs of the individual requiring support (Care Council for Wales, 2016). Desistance is considered as *"the process of abstaining from crime amongst those who previously engaged in a pattern of offending"* (HM Inspectorate of Probation, 2016) and is often indicative of the young person returning to an equilibrium where offending no longer serves a purpose for the individual.

Research has demonstrated that interventions directed towards the well-being of a young person are significantly more effective in improving quality of life and reducing re-offending rates than risk adverse or

punitive approaches have been (such as Henry, Henaghan, Sanders and Munford (2014); Prior and Mason (2010)) and that there is no concrete single answer for preventing young people offending. Rather, positive outcomes are more likely to be achieved based on the establishment of a significant, trusting relationship between worker and young person, where the young person felt valued and accepted, and was able to voice their choice, concern and desire was paramount.

This has led to the exploration of applying the Enhanced Case Management (ECM) model within Youth Justice. ECM suggests that professionals should prioritise the development of these trusting, safe relationships and that offering individuals the opportunity to engage on a personal level with their support can increase engagement and ultimately positive outcomes. Welsh Government published an evaluation of an ECM pilot in 2017 and found that *"there was a high degree of fidelity with the ECM approach...consistent across the YOTs"* (WAG p.57) and that those cases within the remit of the pilot generally experienced more positive outcomes when measured *"resulting in improvements in relationships, higher levels of engagement and enhanced outcomes for young people"* (WAG, pp.57). An important outcome of the evaluation was the importance of rolling out training and awareness of the ECM model to agencies other than YOTs to enable professional support networks around individuals to work in a more holistic manner and it was felt that with further investment, the ECM model *"improve[s] working relationships with young people and to focus on underlying needs (which, in turn, is likely to have a more sustained impact on offending and public safety)"* (WAG, p.59).

Nick Hoose
Social Worker
Conwy / Denbighshire Youth Justice Service.

Ty Newydd Approved Premises – Enabling Environment

To quote the Royal College of Psychiatrists 'Our social environment has a profound impact on the ways we live our lives. The nature and quality of the relationships we create deeply affect our well-being. Relationships that impact our lives are found in any workplace environment; large or small; medical and social care, service sector or education. They set the organisational culture that affects both how we treat those around us, and our attitude to the organisations we are in. Some organisations create a social environment where enabling relationships flourish. Others inhibit them.'

In June 2016 Ty Newydd Approved Premises became the first location in all of Wales to receive the Enabling Environments Award from the Royal College of Psychiatrists.

The Award is based on 10 standards, Belonging, Boundaries, Communication, Development, Involvement, Safety, Structure, Empowerment, Leadership and Openness. To achieve the Award, evidence must be provided to demonstrate that these ten standards are an intricate part of the environment.

The most important aspect of the award, is the need for everyone within the environment to be a part of the journey, and to understand that it is not about improving the environment for one group of people but for everyone. In the case of Ty Newydd it was not about just staff or just residents but about us all, including those people who come to Ty Newydd to visit from Probation or from other partnership agencies.

In order to achieve the award staff and residents worked together, firstly, to identify what was already happening in the AP and then to identify which areas we needed to improve or develop in regard to new practices.

Once those areas of improvement or development had been identified, staff and residents worked together to develop ideas and practices which fulfilled the specified criteria. This work in itself, helped to create an enabling environment, because to quote a resident from that time 'its about being part of what is being done rather than having things done to us'.

As staff, we needed to ask the questions about the reasons behind why we were doing things the way we did, was it because, that was the best way or was it because that was how it had always been done. For

residents it was thinking about how could they help improve the environment not just for themselves but for future residents.

A Residents Group was established and they developed a number of new ideas, such as a Buddy System for when new residents arrive. Improvements to the information sent to new residents, based on their experiences and the opportunity for residents to attend part of the team meetings were all ideas implemented as a result of input from residents.

As a result of this project, Ty Newydd has changed a great deal, barriers which had previously been in place between staff and residents have been broken down. Good working relationships have been developed, residents have a better understanding of the system, and staff face less conflict on a day to day basis.

Developing a programme of activities which involve residents and staff in both learning based and pro-social activities has resulted in a better understanding of the challenges that are faced by residents and staff. Activities have helped to create an environment where talking to staff about issues is encouraged and residents know that they will be supported rather than punished for openness and honesty.

Whilst developing a platform for an enabling environment was and still is the main goal of the Award, to achieve it, a portfolio of evidence is required along with an assessment by an external assessor. Evidence was produced, from photos, statements, meeting minutes and e-mails. Creating a portfolio took two years of hard work from everyone, creating and maintaining an Enabling Environment is an ongoing process. It is about undertaking new challenges, trying new ideas, listening to everyone who is a part of Ty Newydd and working to constantly do better, achieve more and strive for greater.

Tina Bradford
Probation Service Officer
Ty Newydd Approved Premises

EMS and Electronic Monitoring

EMS is contracted by the Ministry of Justice to provide the electronic monitoring (EM) service across England and Wales, and has a duty to co-operate with MAPPA arrangements.

EM or 'tagging', is an established and key tool for criminal justice agencies, as it provides a robust and effective means of monitoring conditions and requirements imposed where subjects are serving community sentences, are on bail pending a court hearing, or who have been released from prison or youth custody and are subject to licence conditions.

In terms of MAPPA cases, electronically monitored curfews can contribute to effective risk management strategies:

- Immediate application – once the order is received by EMS most subjects are fitted with a tag the same day
- Provides an effective method of monitoring the subject's compliance with the curfew condition
- Curfew violations are notified swiftly by EMS to the responsible agency
- Curfew hours can be tailored to address specific offending patterns (please see the section on '*Targeted Curfews*' below)

Should the supervising agencies require an EM curfew to be imposed on an offender, EMS will attend planning meetings to discuss the premises where the offender will be sleeping, the boundaries of the premises, potential risk to others at the address, and how the curfew hours can be best managed to fit around work, religious observations and other commitments. For the most serious cases, a bespoke curfew can be created covering the first day of curfew, what constitutes a curfew violation for the offender, and the timeframes and channels for reporting any breaches to the supervising agencies.

EM can be used in most types of accommodation including caravans, houseboats and hostels. The only requirement is a constant supply of mains electricity. The equipment works on the mobile network but, in the increasingly rare cases where there is no mobile reception, alternative arrangements can be made.

In case of MAPPA queries or information requests, the EMS monitoring centre can be contacted 24 hours a day, 7 days a week on **08080 090 083**.

Targeted Curfews

Most people tend to think of curfews as a standard 7pm - 7am requirement. In fact, 75% of curfews monitored by EMS are in force at night for 7 nights of the week, spanning a 12-hour period. However, curfews can and should be used far more creatively to help break offending patterns and behaviours, or support other requirements.

Curfew hours and days can be broken up in any way to target offending behaviour. By varying the times, days and length of the curfew, it is possible to establish a more effective way of addressing the offender's behaviour.

The examples below briefly detail cases where electronically monitored curfews have been used in a targeted way:

Supporting Other Requirements

- A curfew the night before an unpaid work session or rehabilitation programme can aid compliance. If the subject is at home throughout the night, he/she is more likely to get a good night's sleep and attend the session the next day.

Supporting Victims

- In a harassment case, Marc was curfewed between 8am and 10am, between 11.30am and 1.30pm and again from 4pm until 6pm. This gave his victim some respite and allowed her to get to work, have her lunch and get home safely without being bothered by him.

Disrupting Offending

- As a prolific shoplifter, Mina's curfew order reduced her opportunity to steal, but still allowed her to fulfil her family commitments. She was given two curfew periods of 9am - 2pm and 4pm - 9pm. This kept her away from the shops, but gave her time to take her children to and from school.
- For his football hooliganism offences, Lee was given a curfew that was only in operation on match days and at weekends.

Multiple Addresses

- 14-year-old Jake was given a curfew at two addresses on alternative weekdays and weekends to fit around his parents' custody arrangements.

Continuation of Employment or Study Commitments

- Iram is a shift worker. The days and hours of her curfew were varied according to her shift pattern so that she could continue to work throughout her sentence.

- Tony was working, but also attended night school twice a week. His curfew was tailored so that, on these two nights, his curfew started at 10pm instead of 7pm, thereby allowing him to continue his studies.

Curfews controlled by existing electronic monitoring technology, if used appropriately, can help bring much-needed stability, structure and supervision, whilst still serving as a method of punishment.

Through careful targeting of the curfew hours, and by varying the times and days, curfews can have an even greater impact.

Andrew McAllister
Service Delivery Officer

Victim Liaison Unit

Where an offender is subject to MAPPA level 2 or 3, the VLO (Victim Liaison Officer) 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, for the use at the meeting. The Offender Manager (OM) and the VLO must communicate effectively regarding the assessment and management of offenders.

Victim safety, preventing re-victimisation and avoiding the creation of new victims are fundamental to MAPPA agencies and public protection. Victim safety is one of the four pillars of MAPPA and is essential to inform the risk management plan of a high risk case. Once an offender is sentenced, it is within the role of the VLO to visit the victim in a safe environment to advise them of the sentence of which the offender received. Within this meeting we discuss significant dates of the sentence, safeguarding and potential licence conditions.

It is essential for MAPPA agencies' decision-making to be informed by effective engagement with an offenders previous and current victims and where appropriate, with individuals who could be at risk from the offender in future.

A vital part of the VLO role is to co work with partnership agencies. VLOs' often conduct visits with the Police and Social Services which is very beneficial in the management of the case. We work very closely with OM's and the Approved Premises' (AP) to ensure that there is a safe transition from custody to the AP's, providing out of hours information on cases where needed should the offender abscond.

HMP Berwyn

Berwyn opened in February 2017. It was an eagerly anticipated event, following months and years of planning. As the first prison awarded to the public sector in many years, the Senior Management Team vision for Berwyn was to be the flagship of the modern Prison Service, seeking to protect the public and reduce re-offending in a very different way.

The first men were welcomed to Berwyn on the 28th of February, from a variety of establishments. Each man had taken the time to write to us to request a transfer. Having heard about Berwyn on roadshows, there was an influx of interest from all over the prison estate.

The thing that makes Berwyn very different from other establishments are its values, culture and ethos. From the inception of creating the vision for Berwyn, rehabilitation has been at the centre of everything.

Our three strategic priorities of a Rehabilitative Culture, Making Big Feel Small, and Principles of Normality lend themselves entirely to the rehabilitation of our men, as do our organisational values.

We use rehabilitative language and behaviours, and uphold the principles of Procedural Justice in everything we do. Our population of 2,106 is split into three houses of eight communities, where a collegiate structure makes big feel small. Our regime, employment and training opportunities mirror what is available in the community as much as possible to underpin the principles of normality. All of which aims to help men to be rehabilitated and reintegrated into their communities safely.

We have 31 value practices that we practice every day which allow us to:

Value each other and celebrate achievements
Act with integrity and always speak the truth
Look to the future with ambition and hope
Uphold fairness and justice in all we do
Embrace Welsh language and culture
Stick at it

Having been open for six months now, it would be fair to say that we have had our challenges. No opening of a new prison is entirely faultless. With over 500 men in our care, Berwyn is a safe, decent and secure establishment. Working successfully in partnership with many agencies to deliver a very different custodial experience.

Nick Dann
Deputy Project Director
HMP Berwyn

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Contact us:

AAC Richard Debicki
Assistant Chief Constable
North Wales Police
Police Headquarters
Glan y Don
Colwyn Bay
LL29 8AW
Telephone: 0300 330 0101

Andy Jones
Assistant Chief Officer
Head of North Wales Local Delivery Unit
National Probation Service
Conway Road
Colwyn Bay
LL29 7AA
Telephone: 01492 5300 600

Liz Swinden
MAPPA Co-ordinator
North Wales Police
Public Protection Unit
St Asaph SSU
St Asaph
LL17 0HW
Telephone: 01745 588 649

