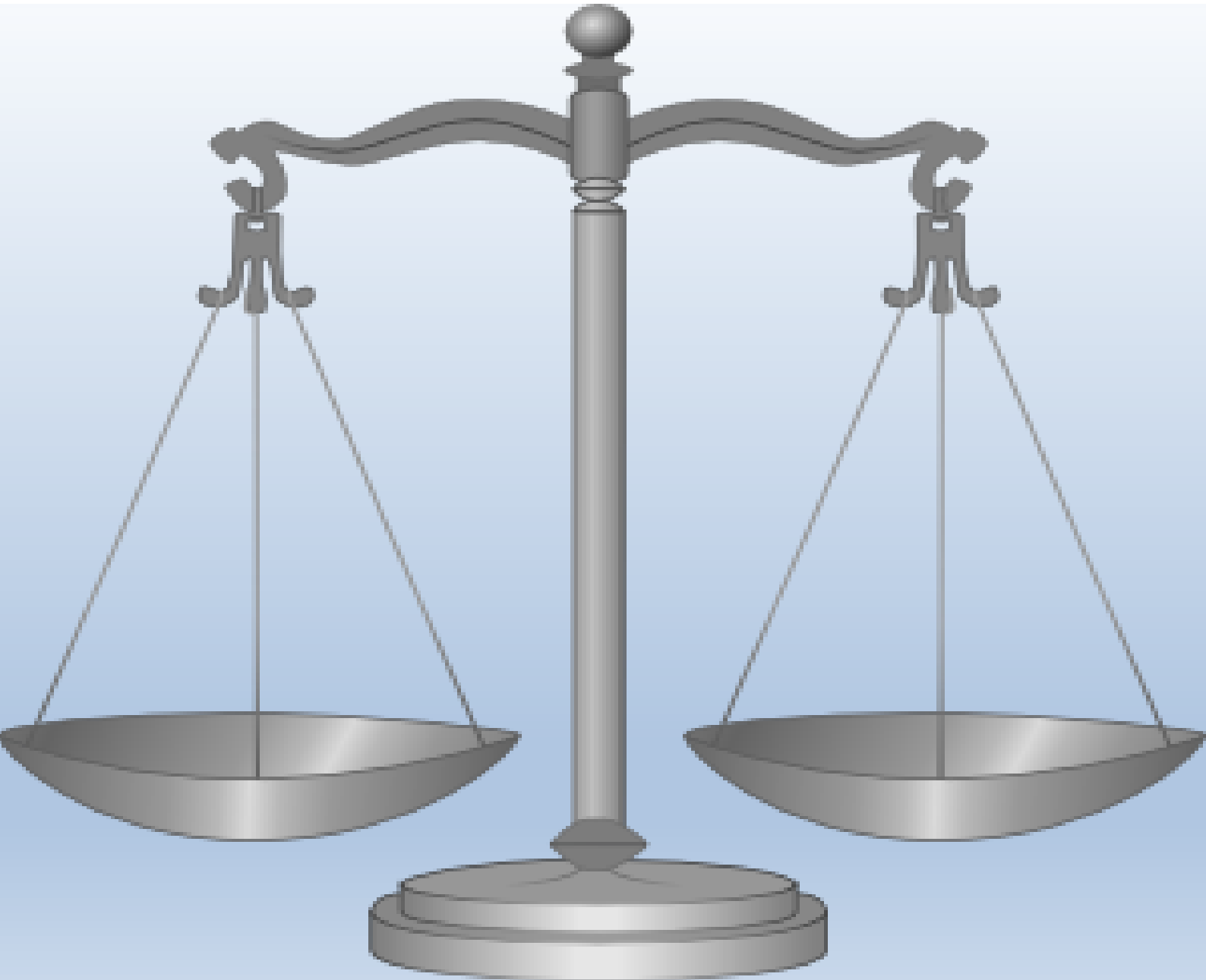




KENT



Annual Report

Intro

We are pleased to introduce the 2017–18 Multi Agency Public Protection Arrangements (MAPPA) Annual report for Kent. Multi-Agency Public Protection Arrangements are recognised as representing a world-leading approach to the management of high risk offenders.

The purpose of this report is to convey to the public in Kent how MAPPA operates locally and how we are continuing to develop practice in order to manage the highest risk offenders in the community, to both reduce re-offending and to protect the public from risk of serious harm, as well as support the individual's successful re-integration into the community.

Supported by the commitment of the three Responsible Authorities (RAs), and Duty to Cooperate Agencies (DTCs) across the County, the work of Kent MAPPA has continued to provide effective and thorough management of all high risk offenders. The individuals being managed via these arrangements often present with a multiplicity of complex needs. Addressing these effectively requires a strong collaborative approach, and in Kent we have been successful in fostering this facilitative methodology towards risk management. Indeed, effective risk management often transcends County-boundaries, but our continued liaison with other MAPPA areas, both regionally and nationwide, has reinforced the efficiency of our multi-agency management.

In Kent we recognise the benefits to be derived from adopting a focus on Continuous Improvement (CI). To this end we have worked closely with our colleagues on the Strategic Management Board (SMB) to develop a comprehensive business plan which has provided a focus on applying the principles of CI to all aspects of MAPPA business. In particular, we have been seeking to pursue activities to promote:

- training and awareness of MAPPA across all RA's and DTC's
- auditing across all levels of MAPPA management to identify areas of good practice and those where improvement is needed
- developing a strong SMB to support the work of MAPPA across the County, including increasing an understanding of roles and processes
- true partnership and effective accountability across the SMB agencies

- innovative solutions where areas of difficulty have been identified in respect of risk management



Tracey Kadir
Head of LDU Kent,
National Probation Service, MAPPA SMB Chair



Alan Pughsley
Chief Constable,
Kent Police



Nick Pascoe
Prison Group Director,
Kent & Essex Prison Group

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 formal MAPPA 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 2018				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	1784	526	-	2310
Level 2	11	6	10	27
Level 3	0	1	0	1
Total	1795	533	10	2338

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	17	18	18	53
Level 3	3	5	0	8
Total	20	23	18	61

RSOs cautioned or convicted for breach of notification requirements	32
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RSOs who have had their life time notification revoked on application	3
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Restrictive orders for Category 1 offenders	
SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	164
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	3	10	0	13
Level 3	1	0	2	3
Total	4	10	2	16
Breach of SOPO				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

Total number of Registered Sexual Offenders per 100,000 population	112
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This figure has been calculated using the Mid-2017 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 2018 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2017 to 31 March 2018.

(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 performed 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

Overview

The statistics for MAPPA offenders monitored in Kent on the snap-shot date of the 31st March 2018 are largely consistent with the previous year's reporting period, with the total number of individuals monitored by MAPPA rising by just 1%. Although there has been an increase (8%) in the number of Sexual Offenders being monitored in the County, almost all of these cases are subject to Level 1 oversight, the lowest level of oversight arrangements. This may be a reflection of the length of the mandatory registration periods imposed upon sexual offenders post-conviction, and it is therefore expected that the total number of sexual offenders managed under MAPPA will increase marginally on a year-on-year basis. Of note however, is that the number of individuals cautioned or convicted for breaching the notification requirements dropped by 20%.

The number of violent and other dangerous offenders has dropped by 16% over the reporting period, and of those offenders subject to MAPPA reporting 97% are being managed under Level 1. The number of offenders returned to custody for breach of prison licence increased by eleven over the reporting period, with 75% of the individuals being violent or other dangerous offenders. It should be noted that not all of these individuals will have committed Serious Further Offences, but rather some licence breaches will have been for technical reasons and general non-compliance.

Risk Management Focus

Throughout the year work has been on-going to promote awareness of MAPPA across the full range of Responsible Authorities and Duty to Co-Operate Agencies. This has led to a number of training events being held, considering the needs of both Panel Chairs and Front-Line Operational staff.

Last year saw the partial introduction of the '4 Pillars' approach to risk management. The structure of this approach encourages agencies to assume greater responsibility for the development of risk management and constructive interventions, by clearly articulating the expectations and responsibilities for each Panel Agency. The efficacy of this approach has been tested via a comprehensive schedule of auditing, the results of which are very encouraging. It seems that a more holistic approach to risk management is developing, although Panel Chairs must continue to emphasise and promote this approach if its full benefits are to be realized.

Mental Health

The media in recent months have often reported on the prevalence of mental health issues within the general population, and it has been well documented that the preponderance of mental health concerns amongst the offending population is disproportionately high. In particular, a large number of offenders subject to MAPPA monitoring are diagnosed as suffering some form of Personality Disorder. Kent is fortunate to have had the Offender Personality Disorder (OPD) pathway for several years. Kent & Medway Partnership Trust (KMPT) Psychologists have been working with Offender Managers in the National Probation Service (NPS) - Kent to support their work with high-risk, probable personality disordered clients, most of whom are managed under MAPPA. Staff have particularly benefited from the input of the psychologists in how to tailor their approaches to better facilitate the engagement of an offender group whose presentation is often particularly challenging and for whom disengagement can be high.

The strategy has led to other developments such as the delivery of high quality personality disorder awareness training for staff involving service user trainers. The service continues to be well utilised by staff who have given positive feedback. As a result of the success of the community pathway in Kent funding was made available for an Intensive Intervention and Risk Management Service (IIRMS). Initially four offenders were managed through this initiative, but further funding is being made available for an expansion of this service. Despite this, there remains a clear need for an expansion of wider community mental health provision, particularly services that help to address behaviours and concerns related to personality disorder. To this end the Kent MAPPA, and its SMB, will continue to work with service providers to explore what options might be viable for addressing this key area of offender (and community) need, with objectives supporting this agreed within the current year's Strategic Business Plan.

Role of the Strategic Management Board (SMB)

Senior representatives of each of the agencies involved in MAPPA form a Strategic Management Board (SMB), which meets at least quarterly to monitor the arrangements and direct any necessary improvements. The SMB measures effectiveness against the standards contained within the MAPPA Guidance of 2012, ensuring a common standard of effective public protection arrangements with each of the agencies playing a full part in MAPPA.

Kent's MAPPA SMB membership has continued to strengthen and develop throughout this year, resulting in improved engagement from each of the responsible authorities and agencies with a duty to co-operate in Kent.

The agencies represented at the Kent SMB are:

The three Responsible Authorities:

- National Probation Service
- Kent Police
- HM Prison Service

Duty to Cooperate Agencies:

- Kent County Council (Adult and Children's Services)
- Medway Council (Children's Services)
- Kent and Medway NHS and Social Care Partnership Trust
- Kent Forensic Psychiatry Service
- Kent Integrated Youth Offending Service
- Jobcentre Plus
- Local Housing Authorities
- Kent and Medway Commissioner for Adult Mental Health and Substance Misuse
- Electronic monitoring providers
- Education authorities.
- Immigration Enforcement

A rolling programme of training events is offered throughout the year. This focuses on raising awareness of the MAPPA processes and risk management for DTCs, but separate events are also run to ensure that MAPPA chairs are discharging their function in a consistent and high-quality manner, as well as keeping them up to date with national policy developments. All agencies involved in the MAPPA process are encouraged to consider and identify what specific needs they may have, and bespoke training is offered to address these requests.

Role of the Lay Advisor

Lay Advisors are full members of the Strategic Management Board (SMB) assisting in the MAPPA review functions. They are not expected to be experts, but rather act as informed observers and posers of questions. They act as a 'critical friend' who can provide a challenge to the professionals and bring an understanding and perspective of the local area. The Lay Advisor role is voluntary and unpaid.

Kent has had only one Lay Advisor for part of the reporting period. This has limited the number of MAPPA meetings that could be observed. The current Lay Advisor however, has worked tirelessly to attend a range of meetings, and has been engaged in feeding back observations to both the Kent MAPPA Manager and the Kent SMB, to ensure that the principles of Continuous Improvement can be supported.

Victim Liaison Unit

The Victim Contact Scheme (VCS) requires that the NPS contacts and offers the VCS to victims of offenders who have committed a specified serious violent or sexual offence, for which the offender has been sentenced to 12 months or more in custody or detained under the Mental Health Act 1983, with or without restrictions. Victims who choose to participate in the VCS may make representations about the offender's licence or discharge conditions, and receive certain information about key stages of the offender's sentence from their Probation Victim Liaison Officer (VLO).

Victims of serious violent and sexual crime must, as a minimum, be:

- offered contact by the NPS
- assigned a VLO (unless they are the victim of a mentally disordered offender who is subject to a hospital order without restrictions)
- offered the right to make representations about licence conditions
- informed of licence conditions that relate to them
- informed about any other key information about the offender's sentence which it is appropriate to share in all the circumstances of the case
- offered the opportunity to make a Victim Personal Statement (VPS) for the Parole Board, if applicable.

This list is not exhaustive. Victim Liaison Officers attend and contribute to the work of MAPPA. Victim Liaison Officer attendance and contribution at MAPPA ensures that the views of the victim and specific circumstances are considered in the MAPPA process.

The Victim Liaison Officer is able to share specific information that may not have been made available and to make representations relating to the victim.

Lay Advisor Report

I visited Elmley and Standford Hill prisons in July to finalise my induction to MAPPA. I also attended the MAPPA Lay Advisors National Conference at the end of May, in London. The Conference demonstrated how diverse the MAPPA process is in other parts of the country. Many areas do not seem to place great emphasis for Lay Advisors to attend MAPPA Level 2 or 3 meetings. Many delegates were focused on SMB matters and on auditing. I informed the Conference that Kent was using the 4 Pillars process to run meetings, focusing on the Critical Areas of Risk, something which previous inspections have found to represent good practice. Many had not heard of this process and were interested in the concept and the benefits Kent were getting from running meetings using this approach.

To further broaden my experience, I attended a Level 2 meeting in another County. The process used was different in that the Critical Areas of Risk are not used in their meetings. This I felt meant that their meetings were not as well structured as those in Kent. Whilst more cases could be covered on each occasion, I feel that Kent is able to achieve more depth to the review of its cases.

Having attended both Level 3 and Level 2 meetings in Kent over the whole county it is still evident that for many agencies there remains a tension between MAPPA expectations and the operational/financial constraints being experienced. Further work is required to ensure that all agencies understand and fully support MAPPA processes. As MAPPA Lay Advisor I ensure that I advise the MAPPA Manager of issues after each meeting, so that regular auditing of defined MAPPA activity can take place, and to communicate good practice examples and emerging issues to the agency in question.

I am looking forward to the appointment of the second Lay Advisor, to be able to share views and discuss experiences at meetings and am looking forward to the coming year in my role as Lay Advisor to MAPPA

(Ken Hesse, Lay Advisor – Kent)

Partnership Focus – Housing

It is recognised that Kent is suffering with an acute accommodation shortage, resulting from both a lack of appropriate housing stock, transfers into the County from outside areas (London Boroughs in particular), and the high cost of rental property in the private rental market. All of the above means it is very difficult to meet the housing needs within Kent for those individuals submitting a homelessness application. Whilst specific protocols have been agreed in respect of working with the offender population, the same difficulties also apply to this group. In order to address this situation, I have over the last year worked extensively with colleagues from the National Probation Service to develop a bespoke Housing Panel that considers the needs of complex and potentially risky MAPPA cases where other options have been exhausted.

This work has brought together key stakeholders from the Supported Accommodation sector, and together we have drafted a new process for reviewing the needs of offenders being managed under MAPPA Level 2 arrangements or above. If referrals have been deemed to be appropriate, Offender Managers now have a mechanism for having cases reviewed by the key supported accommodation providers, and in my capacity as Chair of the Kent Housing Options Group (KHOG) I can provide specialist advocacy in relation to housing legislation and statutory rights, including liaison with Local Authority colleagues as appropriate. As well as allowing all parties concerned to adopt a fresh approach to assessing case needs and risk management, the information gained from this forum can be used to inform wider discussion within the KHOG forum.

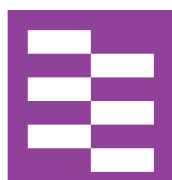
Between the launch of this initiative in October 2017 and March 2018 a total of eight cases were considered, with a positive outcome being achieved for all. I am pleased that the Kent SMB have endorsed the continuation of this scheme. Moreover, in recognition of the vital role that housing plays in helping to reduce re-offending additional work streams have been agreed within the Strategic Business Plan for this current year, with a range of exciting new initiatives being investigated for feasibility.

(Marie Gerald, Kent Housing Options Group – Chair)

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www.gov.uk

National
Probation
Service



Kent
Police