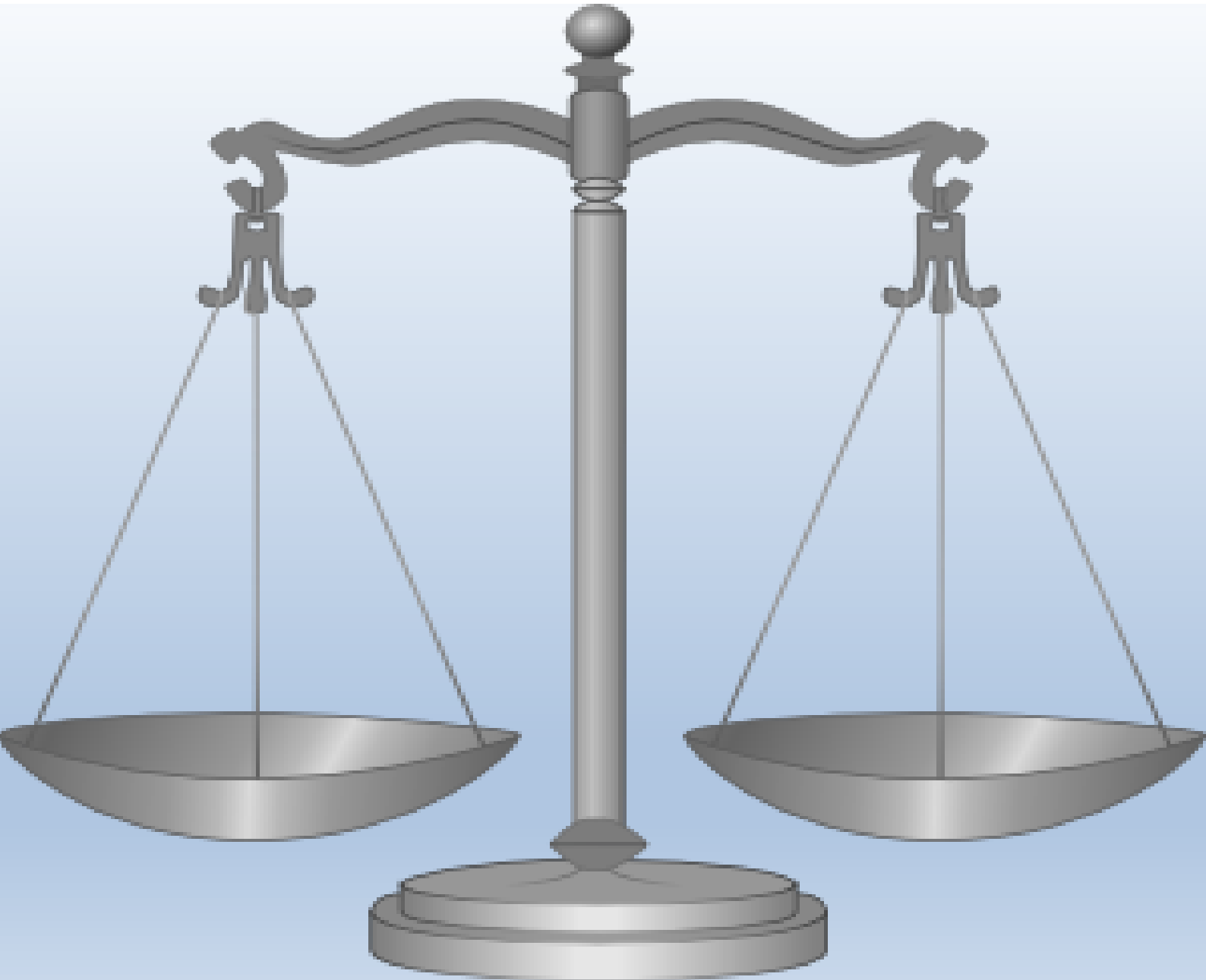




SUSSEX



Annual Report

Intro

We are pleased to introduce the Sussex MAPPA Annual Report for 2017-18.

The purpose of this report is to convey to the public in Sussex how MAPPA operates locally and how we are continuing to develop practice in order to manage the riskiest offenders in the community.

Multi Agency Public Protection Arrangements (MAPPA) in Sussex are overseen by the Surrey and Sussex MAPPA Strategic Management Board (SMB). Responsible authorities including the Police, National Probation Service and the Prison Service engage with key partners from Children and Adult Safeguarding, Youth Offending Services, Health, Department of Work and Pensions, Housing and Home Office Immigration Enforcement to ensure effective and efficient arrangements are in place to protect the public and to reduce re-offending. The SMB is supported by a Development sub-group which, like the SMB, meets quarterly to deliver against the core areas of business.

In the context of its four business areas of Development, Monitoring and Evaluation, Communication and Partnerships and Training, the Board has identified four overarching aims for this work. They are to protect the public from serious harm, reduce re-offending, promote the benefits of joint working and to increase public confidence in the criminal justice system.

Quality audits are held each year to look at processes, adherence to MAPPA National Guidance and to ensure

the effective chairing of MAPPA meetings. Where required, case reviews are undertaken by a multi-agency panel to look at any lessons learned, recommendations and clear action plans are implemented to improve outcomes.

Professional development days are held for our MAPPA Chairs, who have the responsibility for ensuring complex discussions at MAPPA meetings concerning MAPPA eligible offenders are robust in terms of information sharing between agencies, risk assessments and devising effective risk management plans. In addition to this, a multi-agency training plan is developed each year to identify training for those staff in our agencies working with both MAPPA offenders and victims to develop knowledge and improve practice.

Our SMB continues to deliver a Business Plan each year with clear actions that include the rollout of the Active Risk Management System (ARMS), a dynamic risk assessment tool to assess registered sexual offenders under Sussex MAPPA oversight.

In the next year we will ensure the new MAPPA Guidance (version 5) is adopted in Surrey when this is published in the next year.

Jeremy Burton
Assistant Chief Constable Surrey Police
Co-Chair of the Surrey & Sussex MAPPA Strategic Management Board

What is MAPPA?

MAPPA background

MAPPA (Multi-Agency Public Protection Arrangements) is 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	1556	284	-	1840
Level 2	9	8	3	20
Level 3	0	1	0	1
Total	1565	293	3	1861

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	37	25	9	71
Level 3	2	2	1	5
Total	39	27	10	76

RSOs cautioned or convicted for breach of notification requirements	31
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RSOs who have had their life time notification revoked on application	10
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Restrictive orders for Category 1 offenders	
SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	179
SHPO with foreign travel restriction	0
Nos	2

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	6	1	10
Level 3	1	0	0	1
Total	4	6	1	11
Breach of SOPO				
Level 2	4	-	-	4
Level 3	0	-	-	0
Total	4	-	-	4

Total number of Registered Sexual Offenders per 100,000 population	104
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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 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

Our priorities in 2018-19 will be to:

- Deliver a Strategic Management Board Business Plan with key areas of work around our core business and local initiatives
- Continue to provide MAPPA Chairs with both induction training and continuing personal development days to maintain high standards of chairing MAPPA meetings
- Undertake MAPPA quality assurance audits to monitor and improve the work of MAPPA
- Engage with and deliver training to our Duty to Cooperate partners to share knowledge of MAPPA processes and promote joint working
- Encourage higher levels of engagement from our Duty to Cooperate partners at strategic and local level
- Support the further roll out of ViSOR across the National Probation Service

Lay Adviser Report 2017-18

Appointed by the Secretary of State in the Ministry of Justice, our voluntary role is to provide independent scrutiny and review of the effectiveness of MAPPA in its work to protect the public. We act as a critical friend to both the Responsible Authority and Duty to Cooperate (DtC) agencies to support the development of robust risk management plans in respect of MAPPA offenders released into the community.

During 2017 two new lay advisers were appointed on a job-share basis, to join the existing lay adviser in Sussex. We have attended most of the level 3 meetings, all the SMB meetings, as many level 2 meetings as possible, and training events. When recruiting again we believe that a team-working approach is a viable model but it will be important to be realistic about the time commitment required from a lay adviser to be fully immersed and effective in the role. We have very much

valued the support of our lay adviser colleagues in Surrey throughout the year.

Many of the issues we have observed in Sussex are the same as we reported last year. In particular, we continue to face a difficult and worrying problem with securing appropriate housing for MAPPA offenders in the community. Approved premises are under strain and are pushed to find enough places to meet the demand, and move-on arrangements prove challenging, especially in respect of those convicted of offences against children. We have been particularly concerned this year about the lack of suitable housing for offenders with mental health issues, physical disabilities, or a history of drug or alcohol addiction. Discussions at many level 2 and 3 meetings have been dominated by the concerns about the lack of suitable housing and the risks this poses for effective risk management in the community. This problem becomes more acute year on year.

We think it worth emphasising continuing concerns about the risk management of offenders who are residing outside Sussex when oversight is inevitably at arm's length. It is not always clear whether agencies elsewhere fully understand the role of MAPPA, the seriousness of offences committed, the ongoing risks offenders present, and the continuing vulnerability of victims especially when offenders are given unescorted leave. Another concern relates to MAPPA offenders in prison awaiting deportation. The substantial length of time it takes to process these people through the deportation system makes it increasingly likely that they will be released into the community with little or no support, no access to funding or local authority housing, no ability to work and no multi-agency monitoring. In these circumstances comprehensive risk management is virtually impossible. We have raised these concerns at SMB meetings and believe they are issues which must be addressed at a national level.

While most DtC agencies in Sussex take their responsibilities seriously we have noted continuing gaps in attendance at MAPP meetings by some of the DtC agencies. This can make it difficult to develop comprehensive risk management plans. In addition, we have witnessed decreasing attendance at SMB meetings during the year, an issue which is currently being addressed

A highlight this year has been a Lay Advisers' Conference organised by the Ministry of Justice. We were encouraged to attend by our MAPPA Administrator and we very much appreciated the opportunity to meet with lay advisers from across the country. It was abundantly evident that the roles lay advisers play varies considerably from county to county. Expectations of their attendance at MAPP meetings and

the ability of lay advisers to fully contribute are remarkably different. We are concerned that there does not seem to be a consistent national approach to the organisation of MAPP meetings nor to the role of lay advisers which, in some areas, seems to be minimal. It was clear that there are still considerable challenges with ViSOR being available in probation services despite the reassurances we were given last year that this matter was being addressed as a matter of urgency. Overall, attendance at the conference was worthwhile and we would welcome further opportunities to get together with colleagues and the national MAPP team. Nevertheless, we felt that the event would have been more useful had the inputs from the national MAPP team been at a less basic level, the structure of the day had been more carefully considered, and lay advisers had been consulted about the issues and topics they would like to discuss and given an opportunity to shape the event in order to maximise the benefit to be gained from attending.

During the year we hosted a lay adviser from a neighbouring county who attended a level 2 meeting and was able to discuss his experience as a lay adviser with police and probation colleagues in Sussex. This is an initiative we would support as it extends everyone's learning.

We feel very privileged to be lay advisers in Sussex where our role and contribution is valued by everyone involved with MAPP. We are accepted as integral members of MAPP meetings, able to challenge appropriately, and included in training events organised by the lead agencies. The MAPP meeting Chairs are welcoming and always appreciative of our contribution and we are grateful to them for their inclusive approach, one which we understand is not experienced by all lay advisers elsewhere. In addition, we continue to be very impressed by the professionalism, commitment and dedication of the MAPP lead agencies in Sussex in ensuring that risk management plans are robust and proportionate to the offences and risks posed by individual offenders when they are released into the community, and by the contribution of some DtC agencies who take seriously the critical importance of information-sharing and multi-agency working. We are grateful for the valuable support given to us by the highly efficient MAPP administrators and, in particular, the MAPP Manager who ensures that we are well-informed, kept up to date about changes which effect the work of MAPP and able to make a worthwhile contribution to Sussex MAPP.

Prof Janet Walker and Andrea Duc
September 2018.

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www.gov.uk

National
Probation
Service

