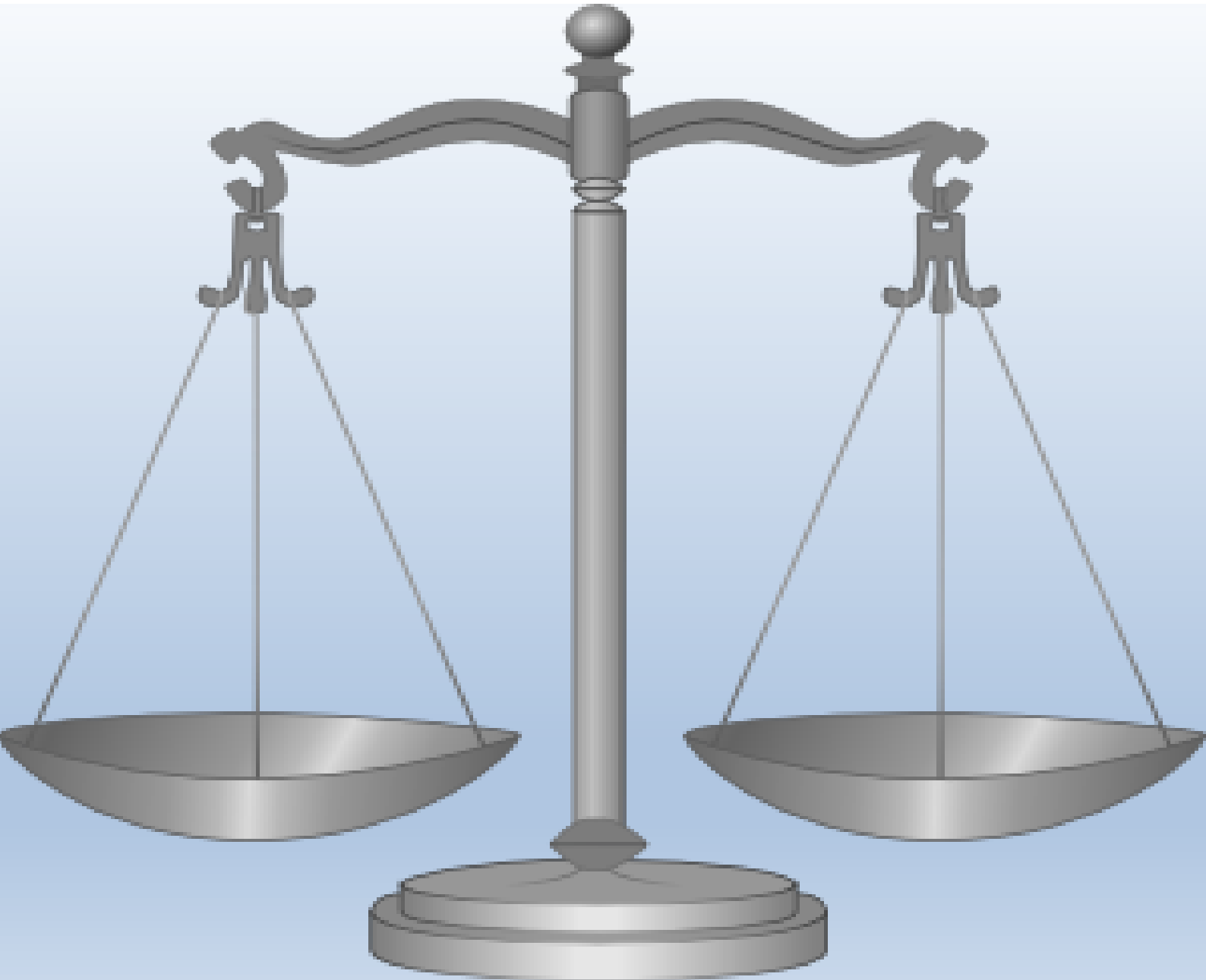




# WEST MIDLANDS



Annual Report 2017-2018



# Introduction

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This has been another busy year for all agencies involved in the MAPPA process. This report contains as usual the annual statistics for the area with a detailed explanation of what the statistics cover. The statistics show the number of offenders being managed in the community but does not include those offenders who are in custody where agencies will be involved in discussions about how they will be managed when released

The report provides an overview of how MAPPA operates to explain the different levels of management and categories of offenders that fit under these arrangements

We also report on key areas of activity both within and outside the Criminal Justice System that contribute to the management of this group of offenders.

As ever the Strategic Management Board for MAPPA in the West Midlands Police Force area recognises the contribution made by partner agencies at a time of continuing challenge in securing resources to work with this group of offenders.

If you would like to understand more about MAPPA and national MAPPA guidance this can be found at [MAPPA.justice.gov.uk](https://mappa.justice.gov.uk)

**Nigel Byford**

**Chair, West Midlands MAPPA  
Strategic Management Board**

# What is MAPPA?

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## 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](http://www.gov.uk)

# MAPPA Statistics

<b>MAPPA-eligible offenders on 31 March 2018</b>				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	3327	1665	-	4992
Level 2	10	21	7	38
Level 3	3	2	5	10
Total	3340	1688	12	5040

<b>MAPPA-eligible offenders in Levels 2 and 3 by category (yearly total)</b>				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 2	32	91	20	143
Level 3	4	14	8	26
105	36	105	28	169

<b>RSOs cautioned or convicted for breach of notification requirements</b>	67
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<b>RSOs who have had their life time notification revoked on application</b>	44
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<b>Restrictive orders for Category 1 offenders</b>	
<b>SHPOs, SHPOs with foreign travel restriction &amp; NOs imposed by the courts</b>	
SHPO	298
SHPO with foreign travel restriction	0
NOs	1

<b>Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)</b>	1
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<b>Level 2 and 3 offenders returned to custody</b>				
	<b>Category 1: Registered sex offenders</b>	<b>Category 2: Violent offenders</b>	<b>Category 3: Other dangerous offenders</b>	<b>Total</b>
<b>Breach of licence</b>				
Level 2	4	33	3	40
Level 3	1	1	0	2
Total	5	34	3	42
<b>Breach of SOPO</b>				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

<b>Total number of Registered Sexual Offenders per 100,000 population</b>	134
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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

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## 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 activity

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## Offender Management in Custody

As reported last year significant changes are being made to the management of custodial sentences. The roll out of this initiative has begun with prisons recruiting additional staff to provide 'Key Work' to prisoners aimed at supporting rehabilitation and effective working. Probation staff will be moving into prisons to manage high risk offenders alongside prison officer colleagues although this is now anticipated to begin in the autumn of 2019. The MAPPA SMB is contributing to the design process to ensure effective hand over of case management responsibility from prison to community.

## Accommodation

Access to, and provision of, suitable and sustainable housing contributes significantly to the resettlement and rehabilitation of offenders, and the effective supervision of those offenders being managed through Multi-Agency Public Protection Arrangements (MAPPA). The SMB benefits from the support of Local Authorities in and other housing providers in this area of activity.

The introduction of the Homelessness Reduction Act (HRA) in April 2018, requires local authorities to work with homeless people and those threatened with homelessness at an earlier stage (56 days instead of 28), as well as providing more tailored support, regardless of priority need or intentionality. Meanwhile, the Act introduces a Duty to Refer, which requires all public agencies to work with the local housing authority in developing effective referral arrangements and accommodation pathways to prevent homelessness. Allied to this, the Justice Select Committee is urging the Department for Work and Pensions to re-consider its regulation that prisoners cannot apply for Benefits (Universal Credit, Housing Benefit) until they are released – such a move, if agreed, should increase opportunities to secure appropriate

accommodation on release. In addition, the West Midlands Combined Authority has been chosen to receive funding for a pilot project to prevent homelessness through introduction of a 'Housing First' model. Primarily aimed at entrenched rough sleepers, and those leaving institutions who are on a trajectory to the streets, Housing First works on the principle of providing the accommodation first and then offering non-conditional wraparound support to address an individual's needs. Studies of street homelessness have often found many rough sleepers have an offending background and that the primary reasons for being on the streets are that they have exhausted all other options or have been excluded from accommodation due to their background. Some £9.6m, over 3 years, is being made available in the West Midlands to support 675 street homeless. The sector is also awaiting the outcome of government consultation into the future funding for supported housing – the details of which could have a significant impact on the availability of housing with support in the future. In addition to this, the quality and safety of housing has also been questioned, and new regulation to help improve standards is expected. MAPPA Strategic Management Board has an important role to play in understanding national policy and will need to utilise its existing links with local, regional and national bodies to ensure the accommodation needs of MAPPA offenders are considered within the national agenda and continue to be met locally.

## Police Initiatives

West Midlands Police have continued to promote the use of new technology in helping to manage offenders. Staff have been issued with new mobile devices which enables them to undertake checks, make referrals and access police systems away from the police station thereby speeding up a number of processes.

They have also secured £25,000 worth of funding to purchase GPS tags which are used to monitor the activities of high risk offenders. These tags

are worn on a voluntary basis by an offender and are a proven deterrent to reduce re-offending.

## Lay Advisor

Section 326 of the Criminal Justice Act 2003 requires the Minister to appoint two lay advisers to each area. Lay advisers are appointed to be consulted in respect of the review of MAPPA functions. They must be consulted in monitoring the effectiveness of MAPPA and any changes made in order to bring about improvement. Lay Advisors are members of the public who, by reflecting the views of the community, play a crucial role in the MAPPA process. The work of MAPPA is sensitive and challenging and it is vital that the public has a voice in how this is managed through the Lay Advisor role.

West Midlands MAPPA Strategic Management Board recently welcomed Mr John Smith following appointment on 30<sup>th</sup> April 2018. He has undertaken a range of observations as part of his induction and commented as follows:

“You ask for any overall impressions I have gained from my various visits. Please bear in mind they are the impressions of someone who has been on a fairly steep learning curve .....

- The teamwork from various professions on view everywhere has been most impressive. Everybody at the panel meetings has been encouraged to have their say, and their input has been heeded. The conscientious efforts to ‘do the right thing’ has also been most impressive. The chairing of the meetings has been very good.
- I have received a generous welcome everywhere I have been for which I am very grateful.
- My eyes have been opened to appreciate a very large structure of care at various levels in the CJS. I did not know much about the far-reaching influence and care of those who for one reason or another find themselves outside acceptable society.
- It must be, because of its very range of activity, very expensive.

- Not much provision seems to be made for panel members, some of whom must travel a long way

## Victims

When an offender receives a custodial sentence of 12 months or more for a sexual or violent offence the National Probation Service offers a Contact scheme for victims.

Specially trained non-offender management staff contact victims post court decision to explain the sentence and likely release dates. Later in the sentence further contact is made with victims to ensure that any relevant conditions such as no contact or an exclusion zone are added to an offender’s prison licence in the community. This year there have been changes and where an offender is released through a Parole Board decision the victim is now entitled on request to a summary from the Parole Board. There has been a high take up of this initiative and further changes are anticipated which will be reported in next years report.

## Serious case reviews

The National MAPPA Guidance requires SMBs to carry out a serious case review (SCR) on all cases managed at level 2 or 3 where there is an offence or attempted offence of murder, manslaughter or rape. The SMB can also carry out an SCR where it is considered to be in the public interest to do so.

During this reporting period the SMB directed a serious case review of an offender managed at level 1 across a number of agencies and the outcome has been shared with the family concerned. An action plan for agencies has been drawn up and is regularly monitored by the SMB.

Serious violent and sexual offending perpetrated by individuals make up a relatively small proportion of all recorded crime. Yet, by their nature, the impact of such offending can be devastating for families as in this case. The SMB will continue to monitor the agencies responses to the required actions.



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[www.gov.uk](http://www.gov.uk)

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