



Multi Agency Public Protection Arrangements

WEST MIDLANDS



Annual Report 2018-19

Introduction

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 and changes that have occurred in relation to victims.

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.

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. Last year we highlighted a Serious Case Review that had been commissioned and the SMB remains committed to ensure that actions arising from that review are implemented.

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?

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 presenting the higher risks of serious harm.

- **Level 1** is where the offender is managed by the lead agency with information exchange and multi-agency support as required but without formal MAPPA meetings;
- **Level 2** is where formal MAPPA meetings are required to manage the offender.
- **Level 3** is where risk management plans require the attendance and commitment of resources at a senior level at MAPPA meetings.

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 2019				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	3435	1809	0	5244
Level 2	27	30	11	68
Level 3	6	4	4	14
Total	3468	1843	15	5326

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	44	96	25	165
Level 3	8	7	11	26
Total	52	103	36	191

RSOs cautioned or convicted for breach of notification requirements	55
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RSOs who have had their life time notification revoked on application	24
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Restrictive orders for Category 1 offenders	
SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	181
SHPO with foreign travel restriction	0
NOs	4

Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)	5
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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	9	24	7	40
Level 3	2	1	2	5
Total	11	25	9	45
Breach of SOPO				
Level 2	1	0	0	1
Level 3	0	0	0	0
Total	1	0	0	1

Total number of Registered Sexual Offenders per 100,000 population	138
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This figure has been calculated using the Mid-2018 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 2019 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2018 to 31 March 2019.

(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 at Level 1 without formal 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.”) These offenders are assessed and managed by the police. They may also be managed by probation or health services if they are subject to licence or a hospital order. 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. These offenders are assessed and managed by the National Probation Service, Youth Offending Team or Mental Health Services.

(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. These offenders are assessed and managed by whichever agency has the primary responsibility for them.

(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. They require 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 committed 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. Persons do not come off the register automatically. Qualifying offenders may submit an application to the police to review their indefinite notification requirements. The police review the application and decide whether to revoke the notification requirements. This decision is made at the rank of Superintendent. Those who continue to pose a significant risk will remain on the register for life, if necessary.

Individuals 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 applied from 1st September 2012 for adult offenders.

Local activity

In this section we highlight some of the key activities relevant to the management of offenders under MAPPA

Victims

The National Probation Service offers a contact scheme for victims when an offender receives a custodial sentence of 12 months or more for a sexual or violent offence.

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. Last year we highlighted that victims are now entitled on request to a summary from the Parole Board.

There has been a good take up of this new facility allowing victims to have direct input from the Parole Board to help understand their decision making.

Further change has been made this year providing victims with the right to ask the Parole Board to reconsider their decisions. There are strict criteria for this and any Parole Board decision is now provisional for 21 days to allow for a possible review. (This facility is available for both prisoners and victims.)

Further information relating to Victims and the Parole Board process can be found at:

<https://www.gov.uk/guidance/the-parole-boards-commitment-to-victims-of-crime>

Offenders

Management of offenders in Prison

Last year we highlighted the changes that have begun in relation to the management of custodial sentences. Prisons are currently embedding the Key Worker scheme which allows for greater staff time for rehabilitation / resettlement discussion with prisoners. During 2019 the National Probation Service has been recruiting Probation Officers who have begun moving to new roles in prisons directly

managing high risk offenders alongside their prison colleagues. The SMB and partners are routinely briefed on this activity to ensure MAPPA processes are fully followed.

Location Monitoring

The SMB have had an interest in the use of satellite tracking for many years beginning with early pilots in 2006. Equipment has become more sophisticated since then.

Location monitoring tags have been rolled out gradually across England and Wales since the end of November 2018. Location monitoring is available alongside electronic monitoring of curfew requirements, which remains an important option for the management and supervision of offenders and defendants. The important additional tool in the management of offenders is available where offenders are released from prison by the Parole Board

Subjects are fitted with a satellite-enabled ankle tag which monitors the subject's location 24 hours a day. A Home Monitoring Unit (HMU) is also installed for easy communication with the Monitoring Centre and to extend the battery life of the tag.

A location tag can be used to monitor:

- **Compliance with exclusion zones.** The boundary can be around a place, building or area (single or multiple). Zones can also be tailored to be active for specific days and times
- **Attendance** at a particular activity or appointment
- **A subject's whereabouts**, known as trail monitoring. This data can be requested retrospectively for these cases
- **A curfew** can be monitored alongside a location monitoring requirement

Housing

For those being managed through Multi-Agency Public Protection Arrangements (MAPPA), stability of housing is critical to effective supervision and continuing public safety. Whilst MAPPA offenders receive some additional support from local authorities and housing providers, often the limitations imposed through licence conditions can restrict the availability of suitable accommodation.

Access to housing and accommodation in the broad ex-offender population remains a significant concern for those leaving prison and those serving community sentences. This is most recently acknowledged in HMPPS's 'Proposed Future Model for Probation: A Draft Operating Blueprint'¹ where access to accommodation and sustainment of tenancies are noted as integral to the core resettlement service offer. Although the service provided by HMPPS (or contracted to the voluntary sector) will not fund the accommodation or any personal support for ex-offenders, the current sourcing of accommodation service provided through NPS and CRCs is set to be enhanced with a focus on prevention of homelessness.

Availability of suitable housing for offenders is a cross-governmental matter (particularly Ministry of Justice (MoJ) and Ministry of Housing, Communities & Local Government (MHCLG)), and it has been heartening to see in recent months, the establishment of a cross-government working group to help unblock any barriers to housing and drive this agenda forward. The Department for Work & Pensions (DWP) is also engaged with this group, looking at the issue of Benefit applications to ensure prisoners on release have timely access to funds (including housing related costs).

Many ex-offenders, including individuals being managed under MAPPA require support on release. Although many being managed under MAPPA will be released to an Approved Premise, their next move towards independent accommodation is often into supported housing (either accommodation with support, or alternatively their own tenancy with visiting support, known as floating support).

Funding for supported housing from local authorities is continuing to decline (for offender-related services funding has reduced by 90% since the ring-fence was removed in 2009), reducing the capacity of local authorities and commissioned

providers to meet the needs of referring agencies. This, at least in part, has led to a significant increase in availability of what is termed 'non-commissioned exempt supported accommodation' (the government's continuing freeze on Local Housing Allowance rates is also a key contributor, as are land and property values which are fuelling expansions of this model of housing in some areas more than others).

Birmingham has seen a sizeable increase in non-commissioned exempt supported accommodation in recent years (see ² for research into this issue), which together with the marketing of such stock by some landlords outside of the area has led to increased inward migration of offenders (including MAPPA offenders) into the city. This issue is of concern to all partners at West Midlands MAPPA Strategic Management Board as a significant proportion of these tenancies fail, resulting in those offenders being inappropriately housed or becoming street homeless.

The level of homelessness is continuing to rise across the West Midlands, with five of the seven local authority areas reporting higher numbers of homeless acceptances than the national average, and the annual count of street homeless showing a sharp rise between 2017 and 2018 (up from 127 to 169 - a 33% increase).

The West Midlands Combined Authority has secured funding from a national pilot to accommodate and support over 600 entrenched street homeless across the next 4 years, and it is to be hoped that this funding will see reductions in the levels of street homelessness in the coming years.

We are now one year on from the introduction of the Homelessness Reduction Act, which was described as the biggest change in homelessness legislation in 40 years, as it assigned local authorities with new duties to prevent and relieve homelessness. In July of this year, the government issued a 12-week 'Call for Evidence' across the sector to hear views from local authorities and housing associations as to whether the Act is effective in reducing homelessness, what is working well and what processes may need to be adjusted (responses to be published later in the year).

¹ HM Prison and Probation Service, 19 June 2019

² <https://www.birmingham.ac.uk/Documents/college-social-sciences/social-policy/HCRN/exempt-accommodation-september-2018.pdf>

Although we are seeing many practices changing for the better, such as around nominations and eligibility, the statistics on homelessness are still worrying. For example, the Local Government Association has reported that homelessness presentations to local authorities have increased by 75%, whilst use of temporary and emergency accommodation has increased, as has length of stays in such accommodation types. Information on the impact of this on offenders, and MAPPA offenders specifically, is not available at this time.

This clearly remains a volatile time for housing, and MAPPA Strategic Management Board has an important role to play in understanding national policy and how this impacts on services for high-risk offenders across the West Midlands. In particular, SMB 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.

West Midlands Police

West Midlands Police continue to support and value our partnership with NPS and other stakeholders, as part of MAPPA. The benefits we enjoy from co-location with our NPS partners are varied and difficult to quantify, but include strong co-ordination and oversight, timeliness of response, and good sharing of intelligence and best practice.

Following an Efficiency and Effectiveness Review, WMP has been able to invest additional staffing resource in Reactive Sex Offender Management, which will free up officer time for the management of medium and higher risk cases in the community. We are confident this will result in even better outcomes and allow us to, together, continue to prevent offending and protect our communities from harm.

Lay Advisor Observation - John Smith

MAPPA SMBs are required to have two Lay Advisors to act as 'critical friends' as such they represent an independent view but sit on the SMB and can attend panels to observe practice and comment.

Amazement and admiration are the two words which express my first experience of the machinations of MAPPA. Through the good offices of the MAPPA Coordinator - Angie Batham, it has been my privilege to visit a number of meetings around the West Midlands area, and I can only write in the most positive terms of my experiences. The conscientious way in which all cases are dealt with, the co-operative input from the very wide number of agencies involved, the help and assistance given to those who might possibly be in awe of the proceedings and the sheer good will and determination of all those present to come to a fair and reasonable conclusion. Time is spent – many of the discussions understandably run over their allotted time – until all are satisfied with the recommendations made.

The senior officers, both police and probation, who chair the various meetings have been both highly skilled and tolerant, as indeed have been the various people with relevant and expert knowledge. It has sometimes appeared that rather too many cases are dealt with in one session leading to understandable tiredness in the Chairs, but given the difficulties in all personnel being present from all their different offices at the same time, there are very good reasons for this. Representation from the Prison Service occasionally is less than ideal, with reports being very short and not very informative. I heard at a training morning that feedback about their input and its impact on decisions would be very much appreciated.

Overall though, I return to my opening sentence. MAPPA is an impressive and important institution.

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www.gov.uk

National
Probation
Service

