



Multi Agency Public Protection Arrangements

WEST MIDLANDS



Annual Report 2019-20

Intro

This has been a testing year for all agencies as we entered the first national Covid 19 lockdown. It meant that all agencies had to review how they were delivering their services in managing offenders both within the community and in prison establishments. A flexible approach has been required as virus outbreaks have occurred, and we have needed to ensure that Government guidelines have been followed.

National Operating Models have been produced and followed and the business of MAPPA and holding multi-agency panels to discuss individuals has continued.

In order to meet guidelines, many of the panels have been run using new technology allowing remote video calling and conferencing. This has ensured that the core work of agencies meeting together to share information and jointly plan for managing this group of offenders has continued uninterrupted. As the new year progresses, we are optimistic that restrictions will begin to be lifted and we can return to face to face meetings whilst having the flexibility to utilise the new remote technology where required.

I am grateful to all the agencies who have supported West Midlands MAPPA over the year. Their commitment and support are appreciated and valued in our combined goal of protecting the public.

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 plans are being made for their release. In such cases MAPPA panels may be convened six months before release to discuss community arrangements.

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 I am very grateful for the contributions made by our Lay Advisor John Smith, and the area MAPPA Coordinator Angie Batham.

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, Job Centre 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 2020				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	3550	1807	-	5357
Level 2	12	14	10	36
Level 3	1	6	2	9
Total	3563	1827	12	5402

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	56	86	43	185
Level 3	11	13	9	33
Total	67	99	52	218

RSOs cautioned or convicted for breach of notification requirements	58
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RSOs who have had their life time notification revoked on application	55
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Restrictive orders for Category 1 offenders	
SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	206
SHPO with foreign travel restriction	0
NOs	7

Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)	1
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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	16	33	9	58
Level 3	3	2	3	8
Total	19	35	12	66
Breach of SOPO				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

Total number of Registered Sexual Offenders per 100,000 population	141
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This figure has been calculated using the Mid-2019 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 2020 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2019 to 31 March 2020.

(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 1 September 2012 for adult offenders.

Local page

Housing

It goes without saying that 2020 has been an extraordinary year for many areas of policy, with provision of accommodation for vulnerable people never being more sharply focussed.

The Coronavirus (SARS-COVID2) pandemic that emerged in the first quarter of 2020 led to exceptional guidance to all local authorities to address their homelessness situation, including the 'Everyone In' campaign to ensure all rough sleepers were placed in safe accommodation, and ensuring all those living in temporary accommodation could safely adhere to government guidance. This placed unprecedented pressure on the housing sector in identifying suitable accommodation for this cohort of vulnerable people with many local authorities requisitioning hotels (which were unable to operate as normal due to COVID restrictions) as temporary accommodation. This necessary and welcome drive to safeguard those most vulnerable created significant pressure on housing supply throughout 2020 and is likely to continue through the first quarter of 2021 as a minimum. Throughout much of the year, housing for MAPPA offenders was more difficult to source due to the pressure on one-bed or other self-contained accommodation. Stock within the Registered Provider sector was scarce, whilst homeless hostels and bed & breakfast accommodation were unable to operate at their usual capacity, and many clients were reluctant to accept offers of shared accommodation, which is prevalent amongst many supported housing providers, due to their own concerns regarding the virus.

As COVID related pressures intensified in the Prison Service, an early prison release scheme was introduced and Her Majesty's Prison and Probation Service (HMPPS) established a Homeless Prevention Taskforce (HPT) to source short-term accommodation, predominantly in the private rented sector, to support Home Detention Curfew, Special Purpose Leave and move-on from Approved Premises. The funding available through the HPT remains available into the start of the new year and dialogue continues with private landlords and Registered Providers of housing to secure additional accommodation.

Outside of COVID related pressures, the government has acknowledged concerns from within the housing sector regarding the continuing rise in availability of what is termed 'exempt non-commissioned supported housing'. The West Midlands, Birmingham in particular, has seen exponential growth in this sector of the market, and in late 2020, Birmingham City Council was announced as one of six national pilots to research and investigate this issue. Funding has been

made available to the council to deliver a six-month project, which will look at client suitability for placement (needs and risks), levels of support provided (and how this is funded) and the levels of Housing Benefit being paid to landlords. It is hoped that the results of the pilots will inform new legislation in 2021.

Work is also continuing to prepare for the ending of contracts with Community Rehabilitation Companies and the re-integration of probation under a single National Probation Service. Commissioning for 'Day One' services has commenced, with 'Resettlement', including the sourcing of accommodation, being the first procurement exercise undertaken – results of this exercise are expected in early 2021 to go live in June.

In September 2020, the government published its findings from a Call for Evidence on the Homelessness Reduction Act 2017, alongside an independent evaluation of the implementation of the Act. The evidence was gathered before the Coronavirus period. The main challenges arising from the evaluation were that: half of English local authorities surveyed raised the lack of affordable housing (68% of London Boroughs; 40% of other local authorities); insufficient funding or uncertainty surrounding future funding; and ability to meet the needs of service users with more or different support needs. On a positive note, the review concluded that joint working and the Duty to Refer worked best where there were strong connections between local authorities and other public bodies. The government has made commitments to: explore how to improve joint working; promote and potentially extend the Duty to Refer; promote best practice; and continue to encourage voluntary referrals from social landlords. The government will look separately at matters relating to affordable housing supply, welfare reform concerns, access to the private rented sector and access to healthcare services.

This year has been difficult for all of us on many levels with housing, along with health and social care, being at the forefront of responses to the pandemic. This situation is not expected to change until at least Easter 2021 and may persist beyond this. West Midlands MAPPA Strategic Management Board has an important role to play in understanding the housing market, together with development of national policy, to best respond to the impact on services for high-risk offenders across the region. 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.

Lay Advisor – John Smith

It has been a most interesting year, especially so as the Coronavirus pandemic has had such a great effect on the basics of communication. Valuable face-to-face contact has been difficult, if not impossible while most MAPPA meetings have been held, to use the apt term, remotely.

Given the constraints implied, the conscientious efforts to maintain efficient and effective discussions and decisions have been in nearly all instances, exemplary.

The remote Chairing of the various panels which I have experienced has been, in almost every case, excellent. Meetings have been well-organised, and participation from the various contributors has been thorough, thoughtful and relevant. Indeed, it has been noticeable that the contributions from those who have direct responsibility for the offenders have been to the point and excellent.

This has been the case for all the panels I have attended. I have attended panels at various levels, including first experiences of a TACT Panel and a Serious Case review.

It has been encouraging that the minutes, which are particularly useful for those who have no knowledge of any previous discussions, now mostly have page numbers and relevant paragraph numbers. This makes discussions easier to follow.

Worth noting is the care and positive attitudes of panel members, who are dealing with often very difficult and problematic offenders. They seem to me to try extremely hard to find the good in all of their charges, in a way I find most heartening. Some of the people they deal with seem quite impossible, but real efforts are made.

As a corollary to the above, I have mentioned at a number of panels that it would seem to me to be good practice for offenders be encouraged to put in writing what they would themselves wish to bring to the attention of the Panel. This, it seems to me, would encourage a little more self-analysis, so that some appreciation of how behaviour might be interpreted by others, including victims. I have been told that this is something offenders may do if they wish. I think perhaps positive encouragement might be a good idea.

I have, as usual, enjoyed the year. I have again been well looked after by Angie Batham, who has taken care that I do not drop too many clangers. I thank her for that.

Probation and Prison Changes

Last year we highlighted the changes for managing offenders in prison with the movement of significant numbers of probation officers to work directly with prisoners during the custodial part of their sentence. The changes were launched on 1st October 2019 and are currently being implemented. This now means that a community based probation officer will take over responsibility for sentence management seven months before release. The exception to this will be those who have been recalled to prison or those who receive a custodial sentence of 20 months or less (10 months to serve in prison)

For Probation Community Rehabilitation Companies and the National Probation Service are unifying from 25th June 2021. During this year significant work has been underway to prepare for these changes. If you would like to know more about these developments regular bulletins are posted at:

<https://www.gov.uk/government/publications/strengthening-probation-building-confidence-monthly-bulletin>

West Midlands Police

West Midlands Police MAPPA offender management arrangements – working closely with Probation and other key partners continue to work effectively. Co-location across central multi-agency Integrated Offender Management Teams (IOM) provides benefit on information sharing and efficient management of working arrangements. This includes timely responses to information requests, managing critical and often sensitive issues in a robust way and relationships which ensure priorities are clear and we are all able to manage demand effectively.

In order to ensure a high quality service, the Police are organised into area Policing units but can work across their boundaries ensuring key information is shared and workloads balanced. A key area of work for the police is the supervision of those who have committed sexual offences and are registered sex offenders. These individuals are monitored and assessed using information from the Active Risk Management Tool, (ARMS). In order to ensure full compliance with the relevant legislation the completion of these assessments and contact with offenders is regularly monitored and experience shared to ensure best practice.

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National
Probation
Service

