



Multi Agency Public Protection Arrangements

WEST MIDLANDS



Annual Report 2020-21

Intro

Last years report was delayed due to the Pandemic and consequently all reports were published in January 2021. The reporting schedule timetable is now back on track and report publication dates will revert to late October from now.

Despite the restrictions caused by the Pandemic West Midlands MAPPA has continued to deliver a multi-agency approach to those who fall under MAPPA whether they are managed in a panel or through lead agencies linking in with partners where required.

Meetings have continued via new IT technology allowing a greater use of video calling and meetings and this has also enabled wider participation in some cases. Hopefully as we move through the latter period of 2021 and in 2022, we will be able to return to more face to face meetings but still retaining some remote options for participation.

In this report the section on 'What is MAPPA' also highlights changes arising from the reviews into terrorist attacks committed by individuals on licence from prisons and a wider review of how best to manage this group. The

recommendations include a number of legislative changes and changes to practice which are currently under discussion.

It has also led to significant review and changes for both police and probation with a more focused approach for this group by both agencies. For Probation this has led to the introduction of a specialist security division of the Probation Service working across the country but linked in directly to local MAPPA areas and operating under the relevant SMB.

On our local page there is a detailed article around accommodation. This is a key area of activity to help reduce the risks of reoffending by providing stability and where necessary additional support and monitoring.

Again – a sincere thanks to all the agencies both statutory and voluntary who continue to give their time and expertise despite the pandemic restrictions to help ensure the best possible arrangements are in place for those under supervision

Nigel Byford

Chair, West Midlands MAPPA
Strategic Management Board

Add images to this column if required

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, violent and terrorist 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.

Local Strategic Management Boards comprising senior representatives from each of the Responsible Authority and DTC agencies are responsible for delivering MAPPA with their respective areas. The Responsible Authority is also required to appoint two Lay Advisers to sit on each MAPPA area Strategic Management Board (SMB).

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 more senior oversight and 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 enables 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.

MAPPA and Terrorism

In response to the terrorist attack committed by Usman Khan at Fishmongers' Hall on 29 November 2019, the Home Secretary and the Lord Chancellor commissioned Jonathan Hall QC, who is the Independent Reviewer of Terrorism Legislation, to undertake a review of MAPPA and the management of known terrorists and other extremist offenders (TACT Offenders). The terrorist attack committed by Sudesh Amman in Streatham High Road on 2 February 2020 served to reinforce the need for the review, since both

Khan and Amman had been managed under MAPPA. The government published the report on 2 September 2020 and published a response to it on 9 December. Both documents are available at <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-review>. The report made a number of recommendations, several of which have been or are being implemented via the Counter-Terrorism and Sentencing Act 2021 and the Police, Crime, Sentencing and Courts Bill. Others have already been introduced by the creation of the National Security Division (NSD) in the Probation Service to manage terrorist offenders. The Secretary of State has also revised the statutory MAPPA Guidance on terrorist offenders.

The Probation Service, via the NSD, has created a specialist dedicated and highly skilled workforce, which

provides an enhanced level of management and intervention for the most high-risk, complex and high-profile offenders in the community. This will include the management of terrorist connected and terrorist risk offenders. Five Probation Service national security units have been established across England & Wales during 2020/21. The NSD and Counter-Terrorism Policing will be working closely with local Strategic Management Boards to ensure the robust management of terrorism cases. The NSD also manages serious organised crime and the most high risk and high profile public protection cases.

All MAPPA reports from England and Wales are published online at: www.gov.uk

MAPPA Statistics

MAPPA-eligible offenders on 31 March 2021				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	3635	1740	-	5375
Level 2	19	21	15	55
Level 3	1	5	3	9
Total	3655	1766	18	5439

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	41	72	36	149
Level 3	6	6	9	21
Total	47	78	45	170

RSOs cautioned or convicted for breach of notification requirements	46
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RSOs who have had their life time notification revoked on application	32
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Restrictive orders for Category 1 offenders	
SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	197
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)	4
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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	25	14	48
Level 3	2	1	2	5
Total	11	26	16	53
Breach of SOPO				
Level 2	0	-	-	0
Level 3	1	-	-	1
Total	1	-	-	1

Total number of Registered Sexual Offenders per 100,000 population	144
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This figure has been calculated using the Mid-2020 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 2021 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2020 to 31 March 2021.

(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 and terrorist 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 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 behavior. 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 – Paul Wright

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 additional support from local authorities and housing providers, access to housing and accommodation remains a significant concern for those leaving prison and those serving community sentences. This has been exacerbated over the past year or so through the emergence of the Coronavirus (SARS-COVID2) pandemic that emerged in the first quarter of 2020 and led to exceptional guidance to all local authorities to eradicate rough sleeping and prevent further homelessness, creating further strain on available housing stock. Alongside increased demand for properties, measures to prevent evictions (including a stay in the courts on all possession proceedings between March and September 2020 and bailiff-supported evictions only re-commencing from June 2021), have resulted in lower levels of stock turnover and further reduced availability. Together, these matters have placed unprecedented pressure on the housing sector in identifying suitable accommodation for this cohort of vulnerable people.

Throughout much of the past year, housing for MAPPA offenders has been more difficult to source due to the pressures on one-bed or other self-contained accommodation. Suitable stock within the Registered Provider sector remains scarce, whilst homeless hostels and bed & breakfast accommodation have been unable to operate at their usual capacity due to social distancing requirements, and many clients continue to be reluctant to accept offers of shared accommodation (prevalent amongst many supported housing providers) due to their own concerns regarding the potential for infection.

As COVID related pressures intensified through the year, HMPPS (Her Majesty's Prison and Probation Service) established a network of regional Homeless Prevention Taskforces (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. Although this funding has now ended, HPTs have been retained and continue to refer prison releases to local authorities for housing under the Homeless Prevention Act's Duty to Refer.

The sector continues to respond to the challenges presented by the continued rise of exempt non-commissioned supported housing. The West Midlands, Birmingham in particular, has seen exponential growth in this sector of the market, with the number of Housing Benefit claimants doubling from 11,000 in 2018 to more than 22,000 in 2021. The City Council has received funding from MHCLG to begin addressing this issue and is working with Birmingham Voluntary Services Council to roll out new housing quality standards and a Charter of Rights to improve the experience of placements into this sector, and to help address the quality of services provided. The sector's watchdog, the Regulator of Social Housing, has also taken a tougher stance on Registered Providers who are engaged within this sector and has taken action against a number of non-compliant providers.

The government has invested considerable sums to support local areas in addressing homelessness and rough sleeping, which has been welcomed and has led to stronger relationships between local authorities, other statutory agencies, the housing sector and voluntary organisations, with each playing their part in safeguarding the health of the most vulnerable. We have also seen some welcome boosts to the welfare system to support those most in need: Local Housing Allowance rates were increased in April 2020

for the first time since 2016 (however, have been re-frozen again from April 2021); whilst Universal Credit and Working Tax Credits were temporarily boosted by £20 per week; and care leavers are now exempt from the Shared Accommodation Rate (SAR) up to the age of 25 (previously 21) – former prisoners who are being managed under MAPPA (levels 2 or 3) are exempt from the SAR if they are 25 or over.

This past 12 months has also seen the re-unification of probation services continue apace, with the formal launch of the new national probation service 'The Probation Service' taking place on 26th June 2021. Commissioning of resettlement services (to include sourcing of accommodation) has been completed, with NACRO awarded the contract for delivering Resettlement Services across the West Midlands. NACRO will take on the resettlement work previously delivered by the Community Rehabilitation Company.

This past 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. The continuing challenges in the housing market, together with the changes across probation, will need to be considered by West Midlands MAPPA Strategic Management Board (SMB) as it seeks to 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.

A new Probation Service.

In 2014 former Probation Trusts were reformed with the creation of a National Probation Service for all MAPPA cases and others at high risk of reoffending and Community Rehabilitation companies who oversaw the management of low and medium risk cases and provided other interventions such as programmes and unpaid work. The decision was subsequently taken to bring these separate bodies together and through 20/21 there has been a programme of

unification which took effect on the 26th June 2021. The new national service will be known as the Probation Service for England and Wales.

Lay Advisor – John Smith

In general terms, the 'distanced' form of the MAPPA meetings indubitably and understandably had its effect. Occasionally, this led to curious facial expressions from panel members who did not seem to know they could be seen on camera – and occasional instances where attention strayed. However, these instances were rare, and in all the cases I witnessed, sensible and cogent discussions were the order of the day. This was largely due to the skills of the various Chairs of the meetings, who took great care to ensure that all who should be involved in fact were involved, and that the various discussions were seen to be relevant. Any stumbles were easily dealt with, especially when the Senior Administrator or her deputy were present.

As mentioned, the standard of Chairing seemed uniformly high, and all the Chairs seemed caring, knowledgeable, thorough and respected by the panels. Probably because of the professionalism of the Chairs, the panels were themselves uniformly committed to their tasks, were involved with the discussion and the decisions made, and made to feel that their involvement was important.

Of note also, and greatly to the credit of the senior staff responsible, was the increased involvement of the various contributory bodies – police, probation, Social Services, Housing etc. The absentee list from the agencies was noticeably shorter this year. The MAPPA co-ordinator and her assistant have had a notably successful year.

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National
Probation
Service

