

Surrey



Annual Report 2021-2022

Introduction

We are pleased to introduce the Surrey MAPPA Annual Report for 2021 - 2022

This report is presented on behalf of the Surrey and Sussex Strategic Management Board, highlighting the performance and practice development of Multi Agency Public Protection Arrangements in the counties of Surrey, West Sussex, East Sussex and the Unitary Authority of Brighton and Hove. The role of the Strategic Management Board (SMB) is to provide oversight of, and assurance of, effective public protection arrangements in these areas.

The SMB is made up of the three Responsible Authorities (RA) who are the Police, The Probation Service and the Prison Service. Alongside the responsible authorities are key Duty to Co-operate agencies (DTC) who include partners from Children and Adult Safeguarding, Youth Offending Services, Health, Department of Work and Pensions, Local Authority Housing and Home Office Immigration Enforcement.

The SMB meets at last three times a year to review progress and to assure effective and efficient arrangements are in place to achieve the priority of protecting the public from harm by those subject to MAPP arrangements and to reduce the likelihood of their re-offending.

2022 has seen some significant changes to MAPP arrangements in Surrey and Sussex and across England and Wales. There has been the creation of a new Category 4 to the MAPPA structures. This applies to all offenders convicted of a Terrorist offence, Terrorism Connected offences or assessed by agencies as having the potential to present as a Terrorism risk.

Category 4 meetings have separate chairing arrangements, normally led by the Probation Service National Security Division regional senior manager or a senior officer from police counter terrorism. The meetings remain subject however to the same governance and assurance arrangements overseen by the Strategic Management Board.

We have seen the implementation of updated Thresholding guidance for practitioners working with MAPP qualifying cases, to support accurate identification and determination at which level a qualifying offender should sit in MAPPA.

As part of this Thresholding work, we have followed government guidance to broaden our qualifying offenders to consider those convicted of serial domestic abuse and stalking offences. This forms an important development in our work to better protect individuals (and the wider public) from perpetrators who commit such offences that cause so much harm to victims.

We have continued to utilise the benefits of technology, with MAPPA meetings remaining predominately held through a secure conferencing platform. This supports greater efficiency by reducing agency travel and promotes good levels of agency attendance.

MAPPA nationally has been subject to a Thematic Review undertaken by HM Inspectorate of Probation. We are still considering the full range of recommendations but the Surrey and Sussex SMB are broadly supportive of the recommendations and we look forward to implementing those during the coming year.

As to be expected, we continue to see offenders in the MAPPA arena who present with a range of complex and challenging needs, such as an absence of appropriate accommodation, mental health difficulties, substance addiction and economic issues. Our DTC agencies work collaboratively within the MAPPA framework and as part of the SMB to implement operational strategies to support other agencies involved in this work and resolve issues as effectively as possible at a local level.

Given the nature of the cases subject to MAPPA, many of whom assessed as presenting a high and immediate risk of harm to the public, there are occasions where a person under MAPP arrangements commits a further serious offence. The SMB regularly reviews such cases with a commitment build on the good

practice which has been delivered and to learn from and address any limitations or deficiencies in our working arrangements identified.

During the year, we have further strengthened our Level One practice arrangements, where cases considered to fall under "Normal" agency practice are still subject to at least one annual review under a multi-agency process.

We anticipate the demand on MAPP agencies to grow in the coming year as our work continues to evolve, which in turn will inevitably stretch partner agency resources. We remain confident that we will meet these challenges and draw on best practice, and that our combined agency skills, knowledge and experience will ensure we further develop public protection work in Surrey and Sussex.



Fiona Macpherson SMB Co-Chair and Assistant Chief Constable Surrey Police	Mark Burden SMB Co-Chair and Head of Public Protection Kent Surrey and Sussex Probation Service
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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, 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, Department for Work and Pensions and Local Housing and Education Authorities.

Local Strategic Management Boards (SMB) comprising senior representatives from each of the Responsible Authority and DTC agencies are responsible for delivering MAPPA within their respective areas. The Responsible Authority is also required to appoint two Lay Advisers to sit on each MAPPA 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** –subject to sex offender notification requirements;
- **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.

A fourth category for terrorist and terrorist risk offenders was introduced by the Police Crime Sentencing and Courts Act 2022 after the period covered by this report.

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

The government published an Independent Review of the MAPPA used to Supervise Terrorist and Terrorism-risk Offenders on 2 September 2020 and published its response 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 implemented via the Counter-Terrorism and Sentencing Act 2021 and the Police, Crime, Sentencing and Courts Act 2022. The Secretary of State has also revised the statutory MAPPA Guidance on terrorist offenders.

The Probation Service, via its National Security Division, 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 includes the management of terrorist connected and terrorist risk offenders. The NSD and Counter-Terrorism Policing work closely with local SMBs to ensure the robust management of terrorism cases.

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

National Security Division

The National Security Division (NSD) has now been established for approaching 2 years and is a division within the Probation Service to provide enhanced case management and intervention for the highest risk, complex and high-profile adult offenders in the community. The division provides a centralised, dedicated capability within the Probation Service for the following cohorts of adult offenders:

- Convicted Terrorist Act/Terrorist Act connected
- Terrorist risk offenders who present a national security threat
- The Highest risk/high harm Serious Organised Criminals requiring enhanced management; and
- A number of registered CPPC cases who are the highest risk/highest profile sexual or violent offenders who present national interest.

NSD cases are managed in the areas where they are residing as that is in most cases where the risk lies. We will of course also involve other areas linked to the case in MAPPA discussions. Co-ordination between NSD and Probation Delivery Units ensures strong links to local stakeholders, including health, housing and local rehabilitative services. NSD units include dedicated forensic psychologists to support a psychologically informed approach to risk management and also polygraph examiners, to provide enhanced monitoring of compliance with licence conditions.

The NSD continues to work with the national MAPPA team, CT police and with SMBs. We have embedded the recommendations made by the 2020 Jonathan Hall review of MAPPA for terrorist offenders. These include MAPPA panels to review extremist cases which include both police, probation and prison staff who specialise in CT work, but also, crucially, representation from key local agencies. The MAPPA panels will direct increased use of MAPPA core groups, ensuring that work with individual cases is co-ordinated and responsive.

The NSD is committed to working in partnership with Strategic Management Boards to ensure high quality MAPP arrangements. The specialist MAPPA Panels will provide information about key performance indicators to SMBs and will also take part in training, audit and observation activity. NSD units will report formally to SMBs regularly, a minimum of annually.

The NSD will work closely with key partners and stakeholders and ensure that our development is aligned with wider changes in the national security landscape.

MAPPA Statistics

MAPPA-eligible offenders on 31 March 2022

	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	852	186	-	1038
Level 2	5	5	1	11
Level 3	0	0	1	1
Total	857	191	2	1050

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	8	11	7	26
Level 3	2	2	1	5
Total	10	13	8	31

RSOs cautioned or convicted for breach of notification requirements	44
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RSOs who have had their life time notification revoked on application	3
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Restrictive orders for Category 1 offenders

SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts	
SHPO	78
SHPO with foreign travel restriction	1
NOs	1

Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO)	3
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Level 2 and 3 offenders returned to custody

	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Breach of licence				
Level 2	3	2	1	6
Level 3	0	2	0	2
Total	3	4	1	8
Breach of SOPO				
Level 2	0	-	-	0
Level 3	2	-	-	2
Total	2	-	-	2

Total number of Registered Sexual Offenders per 100,000 population	81
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This figure has been calculated using the 21 March 2021 census population estimate, published by the Office for National Statistics on 28 June 2022, excluding those aged less than ten years of age.

Previously, we have based this figure on the mid-year (30 June) population estimate. As such, the current figure may differ from the corresponding figure based on the mid-2021 estimated resident population, which will be published by the Office for National Statistics later this year.

Explanation commentary on statistical tables

MAPPA background

The totals of MAPPA-eligible offenders, broken down by category, reflect the picture on 31 March 2022 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2021 to 31 March 2022.

(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) Subject to Sex Offender Notification Requirements – 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 are not subject to notification requirements. 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 the offender does not comply with these conditions, the Probation Service will take breach action 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 and/or positive obligations 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 on the balance of probability 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, the National Crime Agency (NCA), British Transport Police (BTP) or the Ministry of Defence Police (MODP). The chief officer/NCA/BTP/MODP 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 individuals convicted of qualifying sexual offences overseas to

register with the police, in order to protect the public in the UK from the risks that they pose. The police in England and Wales may issue a notification order directly to an offender who is already in the UK or who is intending to come to the UK who has to notify within three days of receipt. Offenders have a right of appeal against notification.

(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, NCA, BTP or MODP 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.

An SRO may prohibit the person from doing anything described in it, including travel overseas, or place positive obligations upon them. Any prohibition and/or obligation 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.

An 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 an 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 an 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 individuals 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

Surrey MAPPA Lay Adviser's Report

Lay advisers are volunteer members of the public who can reflect the views of the community and bring independent scrutiny and review of the effectiveness of MAPPA in its work to protect the public. I was appointed as the current only lay adviser for Surrey in November 2021. Although I have a background of working in the probation service, there have been so many changes since my retirement several years ago that I have sometimes found myself on a steep learning curve. A first task was simply to request a list of all the current acronyms and abbreviations now in use, just to being myself more up to date.

I aim to attend each of the four MAPPA meetings taking place in Surrey each month, these being the local Level 2 meetings covering the Guildford, Redhill and Staines areas (Surrey West, Surrey East and Surrey North) and also the Level 3 meeting covering the whole of the county. I have also attended some of the National Security Division's Level 4 meetings, dealing with offenders convicted of offences related to terrorism, although hardly any of these have been about Surrey. I am enormously indebted to my Sussex Lay Adviser colleague, Marian Trendall, who has quickly volunteered to attend those few meetings when for whatever reason I have not been available, continuing the enormous amount of work she put in before my appointment to cover Surrey as well as part of Sussex.

Since the start of the coronavirus pandemic all meetings have taken place remotely using video-conferencing, not something I had totally been expecting. While it has been slightly disappointing not to have been able to have direct face-to-face contact with people, I don't think this has diminished their effectiveness. They have been very ably chaired by police and probation managers and I think the fact that agency representatives no longer have to travel is a more efficient use of time and resources and probably encourages greater attendance as well. Some cases have to be discussed with a great deal of attention and in considerable detail, a particularly vivid example being a recent Level 3 meeting which extended over five hours. Despite the serious staffing and recruitment problems currently being experienced by Surrey Probation, I have also been impressed by the quality of practice demonstrated by its staff in many of the cases considered and the way in which the probation service and Surrey Police as well as other agencies have worked together in the risk management of some very dangerous people.

A number of final observations:

- There is a huge reliance on accommodating potentially dangerous offenders in probation service approved premises on release from prison and rightly using additional restrictive conditions to ensure they can be under observation as much as possible, even if that can't be for the full 24-hour day. I admire the staff working in such residential provision. However, this can only ever be a limited resource and because of the pressure coming from further referrals, some offenders have to be moved on, probably before they are really ready to go.
- The lack of move-on accommodation is then another continuing problem. In last year's annual report Marian Trendall and Professor Janet Walker wrote about housing being a difficult and worrying problem both in Surrey and in Sussex and move-on arrangements being particularly challenging for those convicted of serious violence, offences against children, and those with a history of mental illness or drug and alcohol abuse. These situations continue.

- Virtually all the MAPPA cases we look at are men, and within that a substantial proportion have been convicted of domestic violence, not just causing injury to their partner but this sometimes happening in the sight of their children. I find this a depressing statistic.

John Hutchings
MAPPA Lay Adviser - Surrey

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