

# Surrey

# Annual Report

# 2022-2023

# Introduction

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 Surrey, West Sussex, East Sussex and Brighton and Hove Unitary Authority**.**

The role of the Strategic Management Board (SMB) is to provide oversight and assurance of effective public protection arrangements in the counties. 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 Child and Adult Safeguarding, Youth Offending Services, Health, Department of Work and Pensions, Local Authority Housing and Home Office Immigration Enforcement. The SMB meets three to four 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 their re-offending.

The past year has seen an increased focus on the management of our level-one nominals who are being supervised by the Probation Service. Each level one case will have at least one full annual review conducted by a multi-agency panel. The review will consider the current risk level, the effectiveness of the risk management plan in place to address those risks, and to confirm that the MAPPA Level is appropriate for the risks the case presents and the multi-agency co-ordination required.

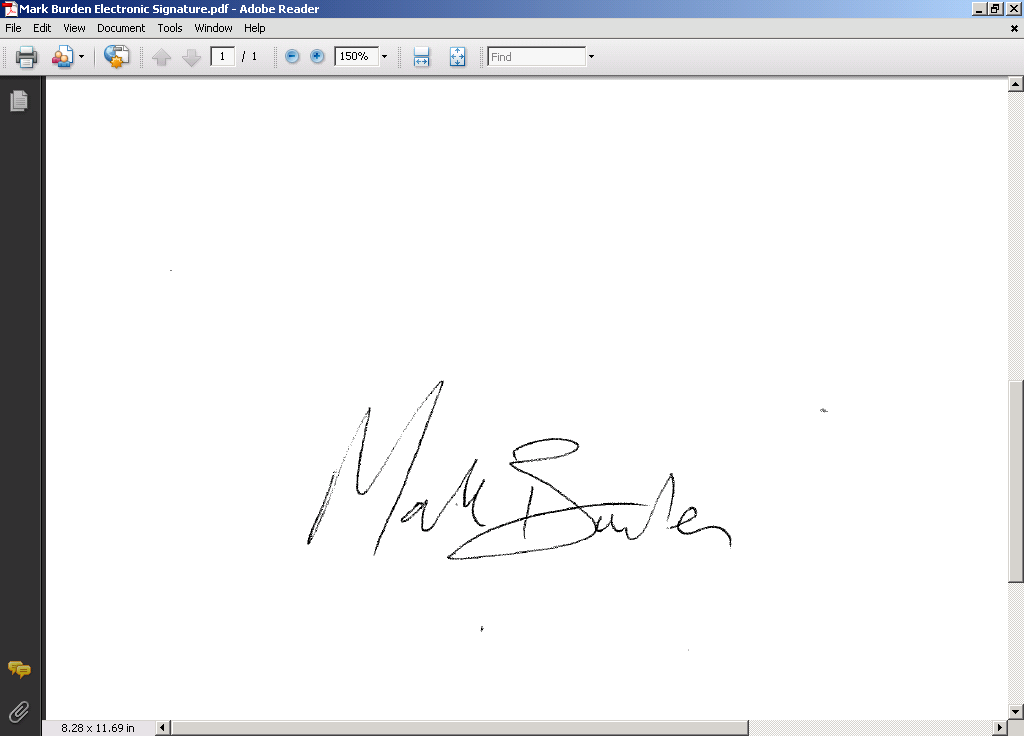
We have further developed our screening process for referrals into MAPPA in the light of the updated thresholding guidance. This allows for a consistency of application of the criteria for a case to reach level two or three.

Since the Covid pandemic, scheduled MAPPA meetings have continued to be held through a secure conferencing platform. This supports greater efficiency by reducing agency travel and promotes good levels of agency attendance.  There are no plans to change this working practice.

As we observed last year, we continue to see offenders who fall within the remit of the MAPP arrangements who present with complex needs such as accommodation, mental health, and economic issues. Our DTC agencies in Surrey and Sussex work collaboratively as part of the SMB to implement strategies to support other agencies involved in this work and resolve issues at a local level.

Alongside the complexity, we have a significant number of individuals falling under MAPPA arrangements in Surrey and Sussex, with a caseload reaching nearly 3,500 at the end of March 2023. These high numbers have implications for the workloads of practitioners in all RA and DTC agencies, which clearly can have implications for MAPPA in relation to the timeliness of referrals for example.

As we look ahead to the next business year, our priority will be to continue to further develop the quality of our work, including timeliness, so that the public of Surrey and Sussex can continue to be assured of high-quality arrangements being in place to protect the public from serious harm.



**Mark Burden**

**Head of Public Protection and SMB Co-Chair**

Kent Surrey and Sussex Probation Service

Signature

**T/Assistant Chief Constable Fiona Macpherson and SMB Co-Chair**

Specialist Crime Command,

Surrey and Sussex Police

5th October 2023

# What is MAPPA?

MAPPA background

MAPPA (Multi-Agency Public Protection Arrangements) are a set of arrangements to manage the risk posed by individuals who have committed the most serious sexual, violent and terrorist offences (MAPPA-eligible individuals) 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-eligible individuals 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 individuals 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 4 categories of MAPPA-eligible individual:

* **Category 1** – subject to sex offender notification requirements.
* **Category 2** – mainly violent offenders sentenced to 12 months or more imprisonment or a hospital order.
* **Category 3** – individuals who do not qualify under Categories 1, 2 or 4 but whose offences pose a risk of serious harm.
* **Category 4** – terrorism convicted and terrorism risk individuals.

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 individual 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 individual.
* **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 individuals 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 individuals move between areas, enhancing public protection measures. ViSOR allows staff from the Police, Probation and Prison Services to work on the same IT system, 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 Terrorism and Terrorism-risk individuals 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, the majority of which have been implemented, including 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 terrorism 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 individuals 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. Data on Category 4 individuals is not included in this report due to data protection issues related to low numbers. This data will be aggregated and published nationally.

All MAPPA reports from England and Wales are published online at: [www.gov.uk](http://www.gov.uk)

# MAPPA Statistics

MAPPA-eligible individuals on 31 March 2023

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Category 1: Subject to sex offender notification requirements | Category 2: Violent offenders | Category 3: Other dangerous offenders | Total |
| Level 1 | 855 | 192 | - | 1047 |
| Level 2 | 3 | 3 | 3 | 9 |
| Level 3 | 0 | 0 | 0 | 0 |
| Total | 858 | 195 | 3 | 1056 |

MAPPA-eligible offenders in Levels 2 and 3 by category (yearly total)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Category 1: Subject to sex offender notification requirements | Category 2: Violent offenders | Category 3: Other dangerous offenders | Total |
| Level 2 | 11 | 13 | 10 | 34 |
| Level 3 | 3 | 1 | 1 | 5 |
| Total | 14 | 14 | 11 | 39 |

|  |  |
| --- | --- |
| Category 1 cautioned or convicted for breach of notification requirements | 27 |

|  |  |
| --- | --- |
| Category 1 who have had their lifetime notification revoked on application | 2 |

Restrictive orders for Category 1 offenders

|  |  |
| --- | --- |
| Sexual Harm Prevention Order (SHPO) | 73 |
| SHPO with foreign travel restriction | 1 |
| Notification Order | 2 |

|  |  |
| --- | --- |
| Number of individuals who became subject to sex offender notification requirements following a breach(es) of a Sexual Risk Order (SRO) | 1 |

Level 2 and 3 individuals returned to custody

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Returned to custody for breach of licence | Category 1: Subject to notification requirements | Category 2: Violent offenders | Category 3: Other dangerous offenders | Total |
| Level 2 | 2 | 2 | 1 | 5 |
| Level 3 | 0 | 0 | 0 | 0 |
| Total | 2 | 2 | 1 | 5 |

|  |  |
| --- | --- |
| Breach of SHPO |  |
| Level 2 | 1 |
| Level 3 | 0 |
| Total | 1 |

|  |  |
| --- | --- |
| Total number of individuals subject to sex offender notification requirements per 100,000 population | 80 |

This figure has been calculated using the mid-2021 estimated resident population, published by the Office for National Statistics (ONS) on 21 December 2022, excluding those aged less than ten years of age.

Consistent with previous publications, this figure should be based on mid-2022 estimated resident population; however, the ONS has changed its publication schedule such that the mid-2022 estimates will be published later this year. As such, the current figure may differ from the corresponding figure based on the mid-2022 estimates.

# Explanation commentary on statistical tables

MAPPA background

The totals of MAPPA-eligible individuals, broken down by category, reflect the picture on 31 March 2023 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2022 to 31 March 2023.

(a) MAPPA-eligible individuals

There are individuals defined in law as eligible for MAPPA management because they have committed specified sexual, violent or terrorist offences or they currently pose a risk of serious harm. The majority are managed at Level 1 without formal MAPPA meetings. These figures only include those MAPPA eligible individuals 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 individuals 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

Individuals convicted of violent offences who were sentenced to imprisonment or detention for 12 months or more, or detained under a hospital order and a small number of individuals convicted of sexual offences who are not subject to notification requirements. These individuals are assessed and managed by the Probation Service, Youth Offending Team or Mental Health Services.

(d) Other Dangerous Offenders

Individuals who do not qualify under the other MAPPA-eligible categories, but have committed an offence that indicates that they pose a risk of serious harm which requires management via MAPPA meetings. These individuals are assessed and managed by whichever agency has the primary responsibility for them.

(e) Terrorism and Terrorism Risk Offenders

Individuals subject to terrorism offender notification requirements; individuals convicted of terrorism or terrorism related offences who were sentenced to imprisonment or detention for 12 months or more, or detained under a hospital order; and those who have committed an offence and may be at risk of involvement in terrorism-related activity. These individuals are assessed and managed by Counter-Terrorism Police and the National Security Division of the Probation Service.

(f) Breach of Licence

Individuals released into the community following a period of imprisonment will be subject to a licence with conditions (under probation supervision). If the individual does not comply with these conditions, the Probation Service will take breach action and the individual may be recalled to prison.

(g) Sexual Harm Prevention Order (SHPO) (including any additional foreign travel restriction).

Sexual Harm Prevention Orders (SHPOs) and interim SHPOs replaced Sexual Offence Prevention Orders are intended to protect the public from individuals 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 individual 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 individual. 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 individual has acted in a way since their conviction that makes 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.

(h) 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. Individuals have a right of appeal against notification.

(i) 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 recorded on VISOR as a Potentially Dangerous Person (PDP).

(j) Lifetime notification requirements revoked on application

A legal challenge in 2010 and a corresponding legislative response means there is a mechanism in place that allows qualifying individuals to apply for a review of their notification requirements. Qualifying individuals 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 subject to notification requirements 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.

# Lay Advisors

MAPPA 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. Surrey MAPPA has two lay advisers. John Hutchings has been an adviser since November 2021 and was joined in 2023 by Philippa Helme. Between us, we are able to attend most of the monthly Level 2 and Level 3 meetings that take place covering the county. We bring varied experience from different professional backgrounds and feel that our contributions and presence have been welcomed. Reports from the lay advisers are also a standard item at the meetings of the MAPPA Strategic Management Board that covers Surrey and Sussex.

All meetings now take place remotely using video-conferencing, and, while it is somewhat frustrating that we cannot meet other participants face-to-face, this does not unduly inhibit communication and meetings’ effectiveness. The meetings are ably chaired by police and probation service managers and the fact that agency representatives no longer have to travel is certainly a more efficient use of time and resources and probably encourages greater attendance as well. Even with the tight time constraints, cases are still discussed in considerable detail. Despite the serious staffing and recruitment problems that continue to be experienced by Surrey Probation, we have frequently 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.

Two issues have concerned us in the management of meetings. MAPPA seems to be poorly informed about the Parole Board’s timetabling of hearings, and the likely impact on prisoners’ possible release dates. This makes it difficult to plan ahead and ensure that the right accommodation is found, and the public is properly protected. We appreciate the importance of the independence of the Parole Board, but think that there is scope for better information-sharing, and this would assist in the management and supervision of some very dangerous individuals.

There continues to be a general problem in finding suitable accommodation for many discharged prisoners. Those who are potentially most dangerous can be directed to stay in Probation Service approved premises, usually with additional restrictive conditions, where they can be under observation as much as possible. However, such premises are a limited resource and because of the pressure coming from further referrals, offenders have to be moved on, in some cases before they are ready to go. Move-on arrangements are particularly challenging for those convicted of serious violence and offences against children, those with a history of mental illness or drug and alcohol abuse, and those who are barred from previous accommodation because of their behaviour there. Every year, lay advisers report on the scarcity of appropriate accommodation for dangerous offenders released into the community, despite the best efforts both of probation staff and voluntary and statutory accommodation providers.

**John Hutchings and Philippa Helme**

**Lay advisors for Surrey**

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