



MAPPA Guidance 2007

Version 2.0

Produced by the National MAPPA Team

***National Offender Management Service
Public Protection Unit***



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Glossary of Terms

1. Introduction

1.1 Status of the Guidance

This Guidance is issued by the Secretary of State under Section 325(8) Criminal Justice Act (2003). This Guidance is therefore statutory. All Responsible Authorities and “co-operating bodies”, being public bodies, have a duty imposed by public law to have regard to this Guidance in exercising their functions under the Multi-Agency Public Protection Arrangements (MAPPA).

If they choose to depart from the Guidance they will need to demonstrate, and record, good reasons for doing so.

MAPPA are the statutory arrangements for managing sexual and violent offenders. MAPPA is not a statutory body in itself but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner. Agencies at all times retain their full statutory responsibilities and obligations.

The Responsible Authority (RA) consists of the Police, Prison and Probation Services. They are charged with the duty and responsibility to ensure that MAPPA is established in their area and for the assessment and management of risk of all identified MAPPA offenders.

Other agencies under section 325(3) of the Criminal Justice Act (2003) have a “duty to co-operate” with the RA. They are:

- Local Authority Social Care Services;
- Primary Care Trusts, other NHS Trusts and Strategic Health Authorities;
- Jobcentre Plus;
- Youth Offending Teams;
- Registered Social Landlords which accommodate MAPPA offenders;
- Local Housing Authorities;
- Local Education Authorities; and
- Electronic Monitoring Providers.

1.2 Decision Making

MAPPA constituent agencies need to be mindful of both their statutory obligations and wider responsibilities to public protection. They need to ensure that these are not compromised by the MAPP arrangements.

Agreement between agencies is a goal rather than a requirement. However, differences of opinion in respect of either the risk assessment or risk management plan must be fully documented in the minutes. No agency should feel pressured to agree to a course of action which they consider is in conflict with their statutory obligations and wider responsibility to public protection. For example, if a Probation Area’s decision not to recall an

offender comes under scrutiny, it is not defensible for the Area to suggest their decision was influenced or overridden by the MAPPA consensus. This is because the Probation Service has the statutory responsibility for recommending the recall of offenders.

1.3 Revision of the Guidance

The Guidance has been compiled through extensive consultation with Practitioners, Lay Advisers and with interested parties in the Ministry of Justice, the Home Office and other central Government departments. The Guidance is designed to be comprehensive. It will be revised, as required, to take account of changes in practice, in legislation and other developments in public protection.

It has been designed to be consistent with the:

- Prison Service's Public Protection Manual;
- ACPO (2007) – Guidance on Protecting the Public: Managing Sexual and Violent Offenders
- NOMS operational guidance on the application of the Offender Management Model and national standards;
- ViSOR (Violent and Sex Offender Register) National Standards; and
- Safeguarding Children procedures and guidance.

1.4 Diversity

The work of MAPPA is committed to equal access to services for all groups, particularly in relation to race, gender, age, religious belief, sexuality, sexual orientation and disability. This means all actions undertaken or recommended by MAPPA, and all policies and procedures, will be based on assessments of risks and needs. They will not draw on stereotypical assumptions about groups that will be discriminatory in outcome. In undertaking its work, MAPPA will be sensitive and responsive to people's differences and needs. It will integrate this understanding into the delivery of its function to ensure that nobody is disadvantaged as a result of their belonging to a specific social group. To assist in achieving this, each RA will ensure that:

- MAPPA is explicitly referenced in its constituent agencies' Diversity Plans;
- The Responsible Authority Strategic Management Board has its own Diversity Plan;
- All staff actively engaged in MAPPA work are trained in diversity;
- All MAPPA data has the capacity to be broken down by race, ethnicity, gender, age, disability and sexual orientation;
- MAPPA offenders have access to interpreting and translation service;
- There is sensitivity to the membership of level 2 and 3 MAPP meetings in relation to the diversity of the local MAPPA population;
- There is consultation with women, black and minority ethnic offenders, and offenders with disabilities over means to maximise inclusion and understanding of the process;

- There is a formal process for dealing with complaints; and
- MAPPA information and leaflets are produced in languages appropriate to the local population.

1.5 Criminal Justice Act (2003) (extract)

Section 325 - arrangements for assessing risks posed by certain offenders

(1) In this section:

“Relevant sexual or violent offender” has the meaning given by section 327; “Responsible Authority”, in relation to any area, means the Chief Officer of Police, the local Probation Board for that area and the Minister of the Crown exercising functions in relation to Prisons, acting jointly.

(2) The Responsible Authority for each area must establish arrangements for the purpose of assessing and managing the risks posed in that area by:

- (a) Relevant sexual and violent offenders, and
- (b) Other persons who, by reason of offences committed by them (wherever committed), are considered by the Responsible Authority to be persons who may cause serious harm to the public.

(3) In establishing those arrangements, the Responsible Authority must act in co-operation with the persons specified in subsection (6); and it is the duty of those persons to co-operate in the establishment by the Responsible Authority of those arrangements, to the extent that such co-operation is compatible with the exercise by those persons of their functions under any other enactment.

(4) Co-operation under subsection (3) may include the exchange of information.

(5) The Responsible Authority for each area (“the relevant area”) and the persons specified in subsection (6) must together draw up a memorandum setting out the ways in which they are to co-operate.

(6) The persons referred to in subsections (3) and (5) are:

- (a) Every Youth Offending Team established for an area any part of which falls within the relevant area;
- (b) The Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training;
- (c) Every local education authority any part of whose area falls within the relevant area;
- (d) Every Local Housing Authority or Social Services Authority, any part of whose area falls within the relevant area;
- (e) Every Registered Social Landlord which provides or manages residential accommodation in the relevant area in which persons falling within subsection (2)(a) or (b) reside or may reside;

- (f) Every Health Authority or Strategic Health Authority any part of whose area falls within the relevant area;
- (g) Every Primary Care Trust or Local Health Board any part of whose area falls within the relevant area;
- (h) Every NHS trust any part of whose area falls within the relevant area; and
- (i) Every person who is designated by the Secretary of State by order for the purposes of this paragraph as a provider of electronic monitoring services.

(7) The Secretary of State may by order amend subsection (6) by adding or removing any person or description of person.

(8) The Secretary of State may issue guidance to Responsible Authorities on the discharge of the functions conferred by this section and section 326.

(9) In this section:

“Local Education Authority” has the same meaning as in the Education Act (1996) (c. 56);

“Local Housing Authority” has the same meaning as in the Housing Act (1985) (c. 68);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act (1975) (c. 26);

“NHS trust” has the same meaning as in the National Health Service Act (1977) (c. 49);

“Prison” has the same meaning as in the Prison Act (1952) (c. 52);

“Registered Social Landlord” has the same meaning as in Part 1 of the Housing Act (1996) (c. 52);

“Social Services Authority” means a Local Authority for the purposes of the Local Authority Social Services Act (1970) (c. 42).

Section 326 - review of arrangements

(1) The Responsible Authority for each area must keep the arrangements established by it under section 325 under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient.

(2) The Responsible Authority for any area must exercise their functions under subsection (1) in consultation with persons appointed by the Secretary of State as Lay Advisers in relation to that Authority.

(3) The Secretary of State must appoint two Lay Advisers under subsection (2) in relation to each Responsible Authority.

(4) The Responsible Authority must pay to or in respect of the persons so appointed such allowances as the Secretary of State may determine.

(5) As soon as practicable after the end of each period of 12 months beginning with 1st April, the Responsible Authority for each area must:

(a) Prepare a report on the discharge by it during that period of the functions conferred by section 325 and this section; and

(b) Publish the report in that area.

(6) The report must include:

- (a) Details of the arrangements established by the Responsible Authority; and
- (b) Information of such descriptions as the Secretary of State has notified to the Responsible Authority that he wishes to be included in the report.

Section 327 - section 325: interpretation

(1) For the purposes of section 325, a person is a relevant sexual or violent offender if he falls within one or more of subsections (2) to (5).

(2) A person falls within this subsection if he is subject to the notification requirements of Part 2 of the Sexual Offences Act (2003) (c. 42).

(3) A person falls within this subsection if:

- (a) He is convicted by a court in England or Wales of murder or an offence specified in Schedule 15; and
- (b) One of the following sentences is imposed on him in respect of the conviction:

- (i) A sentence of imprisonment for a term of 12 months or more;
- (ii) A sentence of detention in a Young Offender institution for a term of 12 months or more;
- (iii) A sentence of detention during Her Majesty's pleasure;
- (iv) A sentence of detention for public protection under section 226;
- (v) A sentence of detention for a period of 12 months or more under section 91 of the Sentencing Act (offenders under 18 convicted of certain serious offences);
- (vi) A sentence of detention under section 228;
- (vii) A detention and training order for a term of 12 months or more; or
- (viii) A hospital or guardianship order within the meaning of the Mental Health Act (1983) (c. 20).

(4) A person falls within this subsection if:

- (a) He is found not guilty by a court in England and Wales of murder or an offence specified in Schedule 15 by reason of insanity or to be under a disability and to have done the act charged against him in respect of such an offence; and
- (b) One of the following orders is made in respect of the act charged against him as the offence:

- (i) An order that he be admitted to hospital; or
- (ii) A guardianship order within the meaning of the Mental Health Act (1983).

(5) A person falls within this subsection if:

- (a) The first condition set out in section 28(2) or 29(2) of the Criminal Justice and Court Services Act (2000) (c. 43) or the second condition set out in section 28(3) or 29(3) of that Act is satisfied in his case; or
- (b) An order under section 29A of that Act has been made in respect of him.

(6) In this section “Court” does not include a Service Court, as defined by section 305(1).

2. The MAPPA Framework

2.1 Introduction

This section describes the core functions of MAPPA and it clarifies arrangements for assessing and managing risk. It:

- Describes what is meant by MAPPA Co-ordination;
- Gives a brief overview of the National Offender Management Model;
- Sets out how victims must be involved and considered within MAPPA;
- Describes the offender's role in MAPPA.

The effectiveness of MAPPA depends largely on close working relationships between the Responsible Authority (RA), that is, the Police, Prison and Probation Services and their relationship with their local Duty to Co-operate (DTC) Agencies. It is also vitally important that the RA has made links with other local multi-agency forums including the Criminal Justice Board, Children's Services and Safeguarding Children Board.

RAs must ensure that the core functions of MAPPA are established across the agencies and procedures are in place to:

- Identify all MAPPA offenders;
- Share information safely and securely;
- Risk assess offenders; and
- Risk manage offenders with the most suitable risk management plans.

2.2 MAPPA Co-ordination

The systematic co-ordination of MAPPA activity is critical in ensuring that the functions of the MAPPA framework are coherent and that they contribute meaningfully to public protection. MAPPA Co-ordination describes a set of functions supported by policies and procedures that are designed to allow all the agencies who have a statutory responsibility under the Criminal Justice Act (2003) (sections 325-327) to do the following:

- Identify and have a record of all cases in their area who are:
 1. **Category 1 offenders** (registered sexual offenders);
 2. **Category 2 offenders** (violent offenders sentenced to 12 months custody or more and other sexual offenders and those subject to hospital orders with restrictions);
 3. **Category 3 offenders** (other dangerous offenders). This could be offenders who have been previously managed at MAPPA level 2 or 3 under Category 1 or 2 and still pose a risk of harm or other persons who, by reason of offences committed by them (wherever committed), are considered by the RA to be persons who may cause serious harm to the public.

- To provide a single point of contact and advice on all aspects of MAPPA;
- To share information relevant to the management of serious harm with other agencies within MAPPA. Information sharing is on the basis that the information will be kept and shared safely and securely and used by the appropriate personnel within those agencies for public protection purposes only;
- To receive details of all offenders who pose a significant risk of serious harm to others and for whom a multi-agency risk management plan is necessary to manage that risk;
- To refer cases to the relevant meeting which they consider require management through multi-agency arrangements at either level 2 or level 3;
- To help determine which agencies should be core partner in terms of delivering of risk assessment and risk management plans that address the risk of serious harm;
- To receive risk management plans and minutes from all relevant level 2 and level 3 MAPP meetings showing clearly the status of each offender, the agencies delivering components of the plan and the timescale and the point at which the offender exits the multi-agency risk management process;
- To provide robust quality assurance and audit; and
- To provide appropriate management information to the Strategic Management Board.

MAPPA Co-ordination is a **dedicated** function carried out on behalf of the Responsible Authority (RA), and is accountable to the Strategic Management Board (SMB). MAPPA Co-ordination aims to ensure that multi-agency risk management is focussed on the right people in a timely and efficient manner. It helps ensure delivery of robust defensible plans, which address known indicators of serious harm to others.

In small areas, it may be possible for the role of co-ordination to be undertaken by an individual. In larger areas, co-ordination might be undertaken by several people within the RA, either on a role or geographical basis. It is, however, critical that a single individual is designated overall responsibility for oversight of the arrangements in any one area – the “**MAPPA Co-ordinator**”.

2.3 The National Offender Management Model

A whole system approach: with the responsibility for the management of offenders both in the community and in Prison.

End-to-end offender management: a core principle of Offender Management is that wherever possible the same Offender Manager should retain overall responsibility for managing an individual offender through any single period of engagement with services. It is accepted that this is a desired state rather than a fixed requirement. Avoidable discontinuity of Offender Manager enables unavoidable discontinuity to be better managed.

Single Offender Manager: an Offender Manager has responsibility for assessing an offender's risk of serious harm, their likelihood of re-offending and for planning the offender's supervision throughout their sentence, whether they are in custody or in the community. This includes planning the interventions and services they receive, ensuring there is no breakdown in communications and ensuring none of the progress made by an offender is lost. Decisions on whether an offender should be breached, and the provision of any review information to Courts, are also the responsibility of the Offender Manager.

Tiering framework: each sentenced offender will be allocated to one of four Offender Management approaches as specified under the tiering framework in the National Offender Management Model. Cases are assessed (according to risk and need) against four broad approaches: **Punish, Help, Change** and **Control**. The approaches are not mutually exclusive and in many cases will overlap.

	Punish	Help	Change	Control
Tier 4				
Tier 3				
Tier 2				
Tier 1				

It is not possible to lay MAPPA levels directly over the tiering model but most offenders being managed at MAPPA level 2 or 3 will be managed at Tier 4.

The Youth Justice Board are responsible for the overall management and strategic guidance for offenders aged under 18. This service is delivered by the Youth Offending Service, through Youth Offending Teams in local areas.

2.4 The Victim Focus

All staff should be familiar with the Criminal Justice System (2005) – The Code of Practice for Victims of Crime. The statutory Code, building on the Victims' Charter which the Code supersedes, outlines the minimum standards victims can expect to receive from a number of criminal justice agencies, including youth offending teams (YOTs).

The primary focus of MAPPA is how to manage the risk and behaviour of the offender but specific and general victim issues are also central to the effective operation of MAPPA. Victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to MAPPA's fulfilment of its public protection role. It is vital that MAPPA ensures its decision making is informed by an effective engagement with current victims and, where practicable and appropriate, with potential victims. Only by doing this can the RA be satisfied that risk assessment and risk management plans properly reflect victim concerns and provide appropriate measures to protect them.

Before positive engagement can take place, the identity and interests of the victim(s) must be established. Victim Care Staff will sometimes have engaged with victims at the pre-conviction stage. The Probation Service Victim Liaison Officers are legally required to contact all victims of serious sexual and violent crime where the offender is serving 12 months' imprisonment or more and offer a service to them to provide information. Where this is accepted, the VLO will maintain contact throughout the offender's sentence whilst in custody and during licence. In those areas where a Multi-Agency Risk Assessment Conference (MARAC) has been established, the Independent Domestic Violence Adviser (IDVA) will have made contact with the victim(s) of serious domestic abuse. It is important for MAPPA to establish:

- Who is in contact with the victim(s);
- Who can best act as a representative for the victim(s); and
- Who will act as a conduit for information between the victim(s) and MAPPA.

The victim focus of MAPPA includes direct victim(s) of the offence and those who, whilst not directly involved with the offence itself, have been seriously affected by it – the family of a murder victim, for example. MAPPA processes must also include new or potential victims, such as an offender's new partner. Risk assessment becomes an academic exercise unless those who are at risk are correctly identified. In some cases, new or potential victims may not be any named individual(s) but people who are vulnerable by virtue of their location, age, gender, race, religion, sexual orientation, disability or other distinguishing characteristic.

The identification and involvement of actual or potential victims may be particularly important in identifying those offenders who fall into Category 3 of MAPPA offenders. This group of offenders are not designated as either sexual or violent offenders but are:

“Other persons who, by reason of the offences committed by them (wherever committed), are considered by the responsible authority to be persons who may cause serious harm to the public.”

The management of risks posed by an offender to some particularly vulnerable people, for example, children, will require effective links between the RA and other agencies including Safeguarding Children Boards and Local Authority Children's Services. Effective links may be supported by written protocols and cross referencing of respective business plans. Liaison with victims, particularly those who are vulnerable, will be a sensitive matter requiring careful handling. The expertise of Probation Victim Contact Officers and teams can be complemented by the work of other agencies such as Victim Support and Women's Support workers.

There are three key reasons why the victim focus of MAPPA is important:

1. Probation Areas have a statutory duty (Domestic Violence, Crime and Victims Act (2004) and Probation Circulars 62/2001, 29/003 and 42/2005),

to consult and notify victims of sexual or other violent offences about the release arrangements for offenders where they are sentenced to 12 months or more in custody. This statutory duty is supported by the requirement of the Victims Code and guidance on the Victim Contact Scheme. The combined effect of these is that all 'eligible' victims should be contacted within two months of the sentence being passed and offered:

- Face-to-face contact with the Probation Service;
- The opportunity to be kept informed about developments throughout the offender's sentence, including MAPPA involvement; and
- An opportunity to contribute to the eventual release plans, to have their views taken into account by the Parole Board, or other decision maker, and to receive information about licence conditions which are directly relevant to them or members of their families.

Victim Liaison Officers (VLOs) have a key role to play in MAPPA. It is important that they attend all level 2 and level 3 MAPP meetings in cases where they are actively involved with the offender's victim(s) or where there are victim issues that require attention. MAPPA, as part of defensible decision making processes, must be able to demonstrate that appropriate consideration has been given to victim issues. It is also essential that there is ongoing communication with VLOs to ensure that victim interests are properly addressed and victims receive the information to which they are entitled.

2. The RA owes a duty of care to existing victims and should take all reasonable steps to protect people from becoming re-victimised.
3. Victim issues can contribute to the assessment and management of risk. The victim may be the person who best knows the true nature of the risk posed by the offender. This is likely to be particularly relevant in cases where the offender has been involved in domestic abuse within the family. It is important that the RA has arrangements in place to ensure the availability and incorporation of victim information, such as Victim Personal Statements and reports from the VLOs, to inform release and management arrangements and risk of harm assessments.

Collation of victim information is a MAPPA Co-ordination/Management function.

It is the responsibility of the Police to ensure that Victim Personal Statements are made available for this purpose.

In cases where the SMB undertakes or commissions management reviews, for example, in cases where serious further offences have been committed, communication with victims must be considered as part of the overall communications and media strategy.

Where the victim wants to have contact, the challenge for MAPPA is how it will involve the victim as actively as possible. Their involvement should not be

limited to the passive receipt of information. It is, however, important not to raise unrealistic expectations in the victim. Victims can make an important contribution to risk assessment and they may have a critical interest in the management of risk but, while active and important, it is not an executive role. The victim is central to the offence and may understand the risk the offender presents but they inform, rather than decide, the management plan because ultimately they are not responsible for delivering it.

2.5 The Offender's Role

It is important to recognise the critical contribution that offenders make to changing their behaviour. Measures which impose external controls and prohibitions such as: exclusion conditions in licences; Sexual Offences Act (2003) order provisions and residence at Approved Premises can provide the offender with a clear and partly self-policed set of behaviour boundaries. These boundaries can increase therapeutic benefits and enhance MAPPA practice, for example, Police and Probation undertaking joint visits to registered sexual offenders and working closely to establish suitable licence conditions for offenders prior to release.

As a general principle, it is important to be clear that the human rights of offenders should **never** take priority over public protection. In particular, it is considered that the presence of an offender at a MAPP meeting could significantly hinder the core business of sharing and analysing information objectively and making decisions accordingly. **Offenders should therefore be excluded from MAPP meetings.** The offender should, however, be allowed the opportunity to present written information to the MAPP meeting through their Offender/Case Manager or for this person to provide information on their behalf.

Offenders (and, in the case of young people, their parents) should not become abstracted from the process of assessing and managing the risks they present. It is good practice for offenders to know that they are being managed through MAPPA, what MAPPA is and what this means for them. The MAPPA offenders' leaflet should be utilised for this purpose. This responsibility should be discharged by the Case Officer primarily involved with the offender, which might be:

- The Offender Manager where the offender is subject to supervision on licence or a community order;
- The designated Police Officer where the offender is subject to the notification requirements of the Sexual Offences Act (2003);
- The designated Case Manager/lead agency in Category 3 cases.

There are some cases where information about MAPPA should be withheld from the offender on the grounds that it may increase their risk. This decision must be agreed at a MAPP meeting and the reasons clearly recorded in the minutes and the case record.

Engaging the offender in the reality of risk management can be very productive, although it will not be appropriate for every offender. Offenders

should not only be seen as part of the problem as they can be a very important part of the solution in protecting the public. Responsible Authorities should ensure that there is a clearly stated mechanism for informing offenders, both before and after MAPP meetings, and that the information to be shared is fully recorded in minutes and case records.

- Section 29 of Data Protection Act (1998) enables personal data to be stored within a confidential section if it is necessary to prevent or detect crime or apprehend or prosecute offenders; and where disclosing information to the offender would be likely to prejudice these purposes.

2.6 Identification of MAPPA Offenders

The RA must have robust arrangements in place to identify all relevant MAPPA offenders. The majority of MAPPA notifications will result from a sentence of imprisonment for a sexual or violent offence. However, some offenders will be subject to community orders, cautions or reprimands. All MAPPA cases should be entered on to ViSOR, with the exception of Category 2, level 1 cases. It is the responsibility of the Police to enter Category 1 cases and Probation to enter Category 2, level 2 and 3 cases six months prior to release from Prison. For Category 3 cases, Probation will enter the details where they have been actively involved in the case; all other Category 3 cases will be entered by the Police.

Each RA must ensure that it has a comprehensive and up to date record of all qualifying MAPPA offenders living in the community and those qualifying offenders about to be released into their area. "About to be released" in this context means within six months of the release date from Prison, planned leave and formal discharge from hospital or first and subsequent parole hearings.

MAPPA offenders must be flagged on Probation and Prison Service case record systems.

This is a MAPPA Co-ordination/Management function.

Notification to the MAPPA Co-ordinator is the responsibility of the Police and Probation services, through ViSOR. The Youth Offending Service must notify the MAPPA Co-ordinator of all relevant cases to ensure they can then be entered on to ViSOR. Mental Health Services must inform the MAPPA Co-ordinator, in the area where the offender was resident at the point of their court appearance (those who were of no fixed abode in the area in which they appeared at court), of all offenders subject to a hospital or guardianship order.

2.7 Hospital and Guardianship Orders

Offenders who commit serious sexual and/or violent offences and who receive a hospital or guardianship order are subject to MAPPA. The hospitals where they are detained, therefore, have a responsibility to notify the owning MAPPA area when the offender is admitted to hospital (to ensure inclusion on ViSOR) and to notify the area to which the offender/patient is likely to return as soon

as the prospect of the patient's discharge is being considered. Notification must include an assessment of potential risks of serious harm, any identified victims and how these risks are to be managed. It may be that a referral is made for a level 2 or 3 MAPP meeting.

This is a MAPPA Co-ordination/Management function.

2.8 Links to other Multi-Agency Forums

It is vital that MAPPA has good links with other forums: Safeguarding Children Boards; the Care Programme Approach and Domestic Abuse to ensure that identified risks are being effectively managed and that there is no duplication of effort, as this could reduce the effectiveness of risk management plans.

2.9 ViSOR

ViSOR is a database designed to hold details of all MAPPA offenders. All cases within ViSOR are known as "nominals". It is the responsibility of the RA to ensure that ViSOR contains all relevant information relating to MAPPA offenders and is maintained in accordance with ViSOR National Standards. It is available to all Police Forces in Great Britain including the Military Police and, from April 2008, will be available to all Probation Areas and Prison establishments in England and Wales.

2.10 Inclusion Period

The period an offender remains subject to MAPPA varies significantly. Some will be subject to MAPPA for life and some for less than six months. The period will be dependant upon the offence committed and the sentence imposed. Discharge of offenders from MAPPA can only take place in the following circumstances:

- Category 1 offenders - registered sexual offenders (RSOs) – ViSOR nominals will be archived when their period of registration expires. In the most serious cases, registration is for life and the case will be archived when the offender dies;
- Category 2 offenders - violent and other sexual offenders – will be archived on licence expiry or discharge from hospital order restrictions;
- Category 3 offenders - other dangerous offenders – will be archived when a level 2 or 3 MAPP meeting decides that the risk of harm has reduced sufficiently.

All nominals will remain in ViSOR until the person's 100th birthday. At this point the case will be reviewed with the expectation that the nominal record will be removed.

2.11 Failure to meet the MAPPA Eligibility Criteria

All cases which are referred to the MAPPA Co-ordinator but do not meet the eligibility criteria as a Category 1,2 or 3 offender will be noted and the managing agency informed of the reason why they are not eligible for MAPPA. This is particularly important to Category 3 cases whose inclusion is a matter of professional judgement.

This is a function of MAPPA Co-ordination/Management.

2.12 Category 1 Offenders: Registered Sexual Offenders (RSOs)

This Category includes offenders required to comply with the notification requirements (often referred to as registration requirements) set out in Part 2, Sexual Offences Act (2003). These offenders are often referred to as being on the 'Sexual Offender Register'. A person convicted of, cautioned for, or in respect of whom a finding is made in relation to an offence listed in Schedule 3 to the Sexual Offenders Act (2003) will become subject to the notification requirements of Part 2 of that Act.

The identification of Category 1 offenders is primarily the responsibility of the Police. The Police will create and maintain the ViSOR record for Category 1 offenders. Where such offenders are on statutory supervision to the Probation Service or Youth Offending Teams (YOTs), these agencies will hold comprehensive information, which should be included on ViSOR. They must liaise and work co-operatively with the Police.

Health Care Trusts, which run special hospitals and Local Secure Units, need to ensure the timely registration of offenders being released from those establishments. They must ensure that they identify any patients who qualify as a Category 1 offender and must notify the Police of patients being discharged from their establishments within six months of discharge.

The Police will ensure that the MAPPA Co-ordinator is aware of these cases, that they are registered on to ViSOR within three days of conviction/sentence and that the record on ViSOR is maintained to the ViSOR National Standards. Whilst the offender is in custody, the Police will ensure that the Prison Service is created as a partner to the ViSOR record.

2.13 Sexual Offender Notification

Section 82 Sexual Offences Act (2003) provides the period of time an offender is required to comply with the notification requirements.

Sentence	Adult	Juvenile (under 18)
Is sentenced to 30 months or more imprisonment (inc. life)	An indefinite period	An indefinite period
Is admitted to a hospital subject to a restriction order	An indefinite period	An indefinite period
Is sentenced to a imprisonment for a term of more than 6 months but less than 30 months	10 years	5 years
Is sentenced to imprisonment for 6 months or less	7 years	3 years 6 months
Is admitted to hospital, without a restriction order	7 years	3 years and 6 months
Is cautioned	2 years	1 year
Is given a conditional discharge	The duration of the conditional discharge	The duration of the conditional discharge
Received any other disposal (e.g. a fine or community punishment)	5 years	2 years 6 months

During the period when offenders must comply with the notification requirements, they must notify their home address to the Police within three days of the date of conviction, caution or finding, unless they are detained or outside the United Kingdom, in which case the three days runs from the end of that period of detention or return to the United Kingdom.

“Home Address” is defined in section 83(7) as meaning the address of his/her sole or main residence in the United Kingdom or, if there is no such residence, the address or location of a place in the United Kingdom where he can regularly be found and, if there is more than one such place, one of those places as the person may select. Changes to their home address must be also be notified within three days. This includes where an offender is away from their home address for a period of seven days either in one period or collectively over a twelve-month period. The offender is required to verify their address to Police every 12 months.

2.14 Restrictive Orders

Where offenders pose a continuing risk of serious harm, the Police will consider whether the risks posed by such an offender are sufficiently high to justify applying for one of the following orders introduced in the Sexual Offences Act (2003):

- Notification Order (sections 97 – 101)
- Risk of Sexual Harm Order (sections 123 – 129)
- Sexual Offences Prevention Order (sections 104, 106, 107, 108, 110 and 113)

2.15 Category 2 Offenders: Violent and Other Sexual Offenders

This Category is often summarised as violent offenders and other sexual offenders who receive a sentence of imprisonment of 12 months or more but the legislation is considerably more complex. It includes those detained under hospital or guardianship orders and those who have committed specific offences against children.

The legislation in respect of violent offenders and other sexual offenders is not retrospective and, therefore, only includes those offenders sentenced since April 2001 or who were serving a sentence for a like offence on that date.

Whilst these offenders do not attract any requirement to register with the Police, all offenders will be under the statutory supervision of the Probation Service or the YOT, with the exception of a small number of offenders sentenced prior to the Criminal Justice Act (1991) or those who have been recalled until their Licence Expiry Date.

Currently only those Category 2 offenders being managed at level 2 or 3 will be entered on to ViSOR six months prior to release from custody. It is anticipated that, in time, all Category 2 cases will be entered on to ViSOR following sentence.

The Probation Area will be responsible for:

- Ensuring that the ViSOR record is maintained according to ViSOR National Standards;
- Ensuring that the Prison Service is created as a partner to the ViSOR record whilst the offender is in custody;
- Ensuring that all MAPPA cases are identified at the point of sentence;
- Activating the MAPPA flag on case management systems within three working days of the sentence. This flag will include details of the offender's MAPPA level when this is decided six months prior to release;
- Providing their MAPPA Co-ordinator with a monthly figure of all Category 2, level 1 offenders resident in the community until all such cases are entered on to ViSOR.

It is a MAPPA Co-ordinator function to ensure this information is received.

Health Care Trusts which run special hospitals and local secure units must:

- Ensure the timely registration of offenders in those establishments;
- Ensure that they identify any patients who qualify as a Category 2 offender;
- Notify the relevant Probation Area of patients being returned to the community from their establishments six months prior to their return;

It is a MAPPA Co-ordinator function to ensure this information is received and patients are kept track of.

2.16 Category 3 Offenders: Other Dangerous Offenders - Sections 325(2)(b) Criminal Justice Act (2003)

This Category is comprised of offenders, not in either Category 1 or 2 but who are considered by the RA to pose a risk of serious harm to the public which require active inter-agency management. The inclusion of offenders in this Category is determined by the RA. Unlike Categories 1 and 2, identification is not determined by the sentence or other disposal of the court.

To register a Category 3 offender, the RA must:

1. Establish that the person has committed an offence which indicates that he/she is capable of causing serious harm to the public. This is not limited to those convicted by the courts, rather it includes adults who have been formally cautioned and juveniles who have been reprimanded or warned. This is because all of those processes require an admission of guilt in relation to an offence.
2. Reasonably consider that the offender may cause serious harm to the public and that a multi-agency approach at level 2 or 3 is necessary to manage the risks.

The offence may have been committed in any geographical location, which means offenders convicted of a similar offence abroad fall within the MAPPA remit.

Establishing that a previous offence demonstrates a capability to cause serious harm can be complex. In some cases it will relate to the circumstances surrounding the offence, rather than the seriousness of the offence. For example, shoplifting of a camera may suggest a risk of serious harm if there are concerns about the offender taking indecent photographs of children.

The responsibility for identifying Category 3 offenders lies with the agency that initially deals with them. It is for the RA to determine if they meet the criteria set out above.

This is a MAPPA Co-ordination/Management function.

The RA must maintain close oversight of this Category and regularly review the requirements for them to remain within MAPPA. Their inclusion may be extended or shortened as a direct result of risk assessment and risk management action.

In agencies that operate a Care Programme Approach (CPA), there is an expectation that the referral would have been risk assessed by the relevant agency prior to referral to MAPPA.

Where agencies or individuals, who are not formally part of MAPPA, have concerns about individuals posing a risk of serious harm, they must be taken seriously and should be referred directly to the RA.

This is a MAPPA Co-ordination/Management function.

A small proportion of offenders entering MAPPA under either Category 1 or 2 will continue to be a high risk of serious harm to the public at the point they would normally leave MAPPA, i.e. at the end of registration/end of statutory supervision (whichever is the longer). It is not possible to extend their inclusion within MAPPA under Category 1 or 2 but it is possible for the RA to consider their inclusion under Category 3.

2.17 Suspended Sentences

It was the Government's intention in the Criminal Justice Act (2003) to remove from courts the power to impose a suspended sentence for 12 months or more. However, due to the phrasing of the legislation, it is still possible for a suspended sentence of exactly 12 months to be imposed. Where this occurs and it is for a qualifying offence under Category 1 or 2, such offenders must be included under MAPPA.

2.18 Young Offenders

Youth Offending Teams (YOTs) are responsible for the supervision of all young offenders (those aged under 18 years) on community sentences and following release from a custodial sentence. The number of young offenders meeting the MAPPA eligibility criteria will be relatively small. Identifying the level of risk presented by a young person can be particularly difficult given that they may have a limited criminal history and that patterns of behaviour can often change rapidly during adolescence. However, all agencies involved in MAPPA need to be aware that there are a small number of young people who present a serious risk to others and for whom a multi-agency intervention may therefore be required.

The role of the YOT will be critical in ensuring that the MAPPA takes full account of the different needs of young people and of the Children Act (1989 and 2004) in devising suitable risk management plans.

As with adults, the Police have the primary responsibility for identifying Category 1 cases but the YOT are responsible for working co-operatively with the Police. The YOTs are responsible for identifying young people who meet the criteria for Categories 2 or 3. YOTs use the ASSET framework to make assessments of risk and there should be a comprehensive ASSET assessment (Core Profile and Risk of Serious Harm Form) completed on all young people referred to MAPPA.

YOTs must notify their local MAPPA Co-ordinator of all cases for inclusion on to ViSOR.

2.19 Identifying the Responsible Authority

There are 42 Responsible Authority (RA) areas across England and Wales. Where an offender is serving a sentence, the RA will be identified by the location of the Offender Manager. Where the offender has completed any

current sentence, but remains within MAPPA either as a Category 1 or 3 offender, then the place of residence is the determining factor. This will be supported by ViSOR, which indicates the officer, agency and area managing the offender.

However, in a small number of cases where the offenders are itinerant, have no fixed residence or where there is some dispute over which area has responsibility, identification of the RA will not be so clear cut. In such cases, senior members of the RA from the respective areas must consider and agree accountability immediately. This should be achieved by reference to other factors, such as previous statutory responsibility, knowledge of past offending or the current provision of services. It is not acceptable for any offender within MAPPA not to have active oversight by an area.

In the case of “looked after” children, there should be dual case management involving both the YOT and Local Authority Social Care Services in any case where referral to MAPPA is required.

It is a MAPPA Co-ordinator task to ensure that all MAPPA offenders have an identified area and ViSOR Nominal Manager.

Circumstances will arise where more than one area has a legitimate interest in the assessment and management of an offender, for example, residence in a secondary area for periods of the year on holiday or employment. The second area will take transfer of the case on ViSOR for the period of time the offender is resident in their area and be a partner to the record at other times.

2.20 Potentially Dangerous Persons

ACPO (2007) – Guidance on Protecting the Public: Managing Sexual and Violent Offenders defines a PDP as follows:

“A Potentially Dangerous Person is a person who has not been convicted of, or cautioned for, any offence placing them in one of the three MAPPA Categories, but whose behaviour gives reasonable grounds for believing that there is a present likelihood of them committing an offence or offences that will cause serious harm.”

It is unlawful for MAPPA to manage individuals known as potentially dangerous persons (PDPs) who do not meet the criteria for inclusion in one of the three qualifying Categories. Typically, many of these individuals are identified by Mental Health Services or come to the attention of the authorities through arrangements designed to protect vulnerable groups, such as children, vulnerable adults and domestic violence victims. Many Responsible Authorities have taken steps to agree local protocols for providing risk assessment and management of these individuals outside of MAPPA.

ViSOR has the capacity to include information on PDPs. Inclusion into this group has to be authorised by a senior Police Officer of at least the rank of **Superintendent** and, up to now, the Police have taken the lead to manage these persons.

There are other procedures in place in some areas, particularly where there is a Specialist Domestic Violence Court that addresses the issue of domestic abuse and the protection of victims. The procedures are known as Multi-Agency Risk Assessment Conferences (MARACs) and are generally led by the Police. MARACs identify those domestic abuse victims who are at most serious risk of harm (against set criteria) and work with other professionals to devise a victim protection plan.

3. Information Sharing

3.1 Introduction

The quality of risk assessments and risk management plans are influenced by the effectiveness of information sharing arrangements. Unless all relevant information is available, in good time, to those making the assessments and drawing up the risk management plans, public protection may be compromised. The Responsible Authority (RA) must have robust arrangements in place for practicable information sharing across the MAPPA agencies.

This is a MAPPA Co-ordination/Management function.

There have been a number of significant reports and cases which have made recommendations and requirements for each of the RA agencies to revise their practices and to take steps to ensure that these are embedded into day-to-day working arrangements. These recommendations are aimed at improving the quality of public protection and information sharing.

The appropriate exchange of information is essential to effective public protection. This Guidance, therefore, clarifies the principles upon which MAPPA agencies may exchange information amongst themselves and where the RA may disclose such information to other persons or organisations outside the MAPPA, for example, a voluntary hostel or tenancy support project who are actively working with offenders and need to be aware of the potential risk of harm they present.

The Guidance applies only to information that relates to individuals, i.e. personal information, as it is this type of information to which the law confers heightened protection. The principles contained in this Guidance on information sharing and disclosure take into account the common law duty of confidence, the Data Protection Act (1998) and the European Convention on Human Rights (as incorporated into domestic law by the Human Rights Act (1998)).

3.2 Information Sharing between MAPPA Agencies

The principles re-iterated in this Guidance not only ensure compliance with the law but are also aimed at promoting trust between agencies. That trust must be developed and sustained by professional integrity. Procedures must be established which ensure that the process of sharing information is safe and secure. To ensure that this is effectively achieved, all Strategic Management Boards (SMBs) must have in place an agreed information sharing protocol.

This is a MAPPA Co-ordination/Management function.

3.3 Information Sharing Principles

Information sharing must:

- Have lawful authority;
- Be necessary;
- Be proportionate and done in ways, which;
- Ensure the safety and security of the information shared; and
- Be accountable.

The meaning of each of these principles is explained below.

Lawful authority requirement (vires) – Each MAPPA agency sharing information must have either a prima facie statutory or common law power to do so. The Police, Probation and Prison Services, in respect of their wider criminal justice responsibilities as well as their specific, joint duties under the MAPPA, have clearly recognised statutory duties which will necessarily involve sharing information. The Criminal Justice Act (2003), Section 325 (4), recognises that co-operation between the RA and DTC agencies may include the exchange of information. Therefore, all MAPPA agencies have the prima facie legal power to exchange information with the RA. In addition, Section 115 of the Crime and Disorder Act (1998) confers on any person a power to pass information to certain relevant authorities (including Police, Probation, Health and Local Authorities) if necessary, to help implement the provisions of that Act, which includes local strategies to reduce crime and disorder.

Necessity – Information should only be exchanged where it is necessary for the purpose of properly assessing and managing the risks posed by MAPPA offenders. The specific purposes of sharing information within MAPPA are:

- To identify those offenders who present a serious risk of harm to the public;
- To ensure that the assessment of the risks they present are accurate; and
- To enable the most appropriate plans to be drawn up and implemented to manage the assessed risks and thereby protect victims and the public.

Proportionality in information sharing – In order to satisfy this criterion, it must be shown that the assessment and management of the risk(s) presented by the offender could not effectively be achieved other than by sharing the information in question. In almost all cases of identifying, assessing and managing risk within MAPPA, this principle will be easily met.

The information is kept and shared safely and securely – all information about offenders must be kept and shared safely and securely and it should only be available to, and shared with those, who have a legitimate interest in knowing it; that is, agencies and individuals involved in the MAPPA processes. Safeguards must be in place which ensure that those who do not

have a legitimate interest in the information cannot access it accidentally or deliberately.

Accountable information sharing – The RA must ensure that the administrative procedures underpinning the efficient operation of MAPP meetings and case conferences have the confidence of participants. Accurate, clear and timely record keeping is necessary to demonstrate that accountable information sharing occurs. Also, that safe and secure information storage and retrieval procedures are evident.

3.4 Information Sharing and the Duty to Co-operate Agencies

Confident, appropriate and effective sharing information is a very important part of the Duty to Co-operate. The success of an area's information sharing arrangements will be reflected both in the quality and quantity of co-operation across the MAPPA agencies.

This part of the Guidance relates only to the sharing of personal information. It takes into account policies on confidentiality and information sharing issued by or governing all of the individual DTC agencies and the Department of Health's NHS Code of Practice on Confidentiality (issued in November 2003).

It is not just the provision of information, it is the use to which the information shared can be put, and the interpretation of its significance, that is of greatest value in developing more accurate risk assessments and risk management plans.

The law requires that personal information is:

- Obtained and processed fairly and lawfully;
- Only disclosed (shared) in appropriate circumstances;
- Accurate, relevant and not held longer than necessary; and
- kept and shared safely and securely.

The **lawful authority** of criminal justice agencies in the context of information sharing in the MAPPA is readily understood. For DTC agencies, section 325 (3) and (4) of the Criminal Justice Act (2003) makes clear their remit within MAPPA:

- Section 325(3) – In establishing those arrangements, the RA must act in co-operation with the persons specified in subsection (6); and it is the duty of those persons to co-operate in the establishment by the RA of those arrangements, to the extent that such co-operation is compatible with the exercise by those persons of their functions under any other enactment;
- Section 325(4) – Co-operation under subsection (3) may include the exchange of information.

To identify the purpose of sharing information and to ensure the agencies' obligations to retain and use the information lawfully, the persons with whom the information is shared must know:

- Why they have been given it, i.e. the purpose for which the information has been given must be connected either to that person's authority and role as a representative of the Duty to Co-operate agency or because they are someone to whom disclosure is justified because of the exceptional risk posed to them by the offender;
- That it must remain confidential, be kept and shared safely and securely and retained for as long as necessary; and
- What they are expected to do with that information.

3.5 Summary

The structure of MAPPA provides a framework, which supports and enables lawful, necessary, proportionate, secure and accountable information sharing. Section 325 of the Criminal Justice Act (2003) and section 115 of the Crime and Disorder Act (1998) provide a legal basis for data sharing, whilst the Data Protection Act (1998) puts controls on the data sharing so, together, they facilitate responsible information sharing between agencies for legitimate purposes. The legislation was established to regulate, rather than prevent, the sharing of information.

The detailed sections within this Guidance for multi-agency meetings and case conferences provide answers to the questions of to whom, when, how, why and where information about MAPPA offenders should be shared. Consideration must be given to establishing relevant information sharing protocols between the Ra and other MAPPA agencies that provide a clear framework for data sharing and give confidence to all parties about what is expected of them, their roles and their responsibilities.

Compliance with this Guidance should mean that few difficulties with sharing information will arise. This Guidance does not, however, prescribe how **all** cases involving information sharing will be dealt with. Whether information should be shared and if so, how much information and with whom, must be decided on a case-by-case basis.

4. Disclosure

4.1 Introduction

MAPPA requires that the risk assessment of all MAPPA offenders identifies those persons who may be at risk of serious harm from the offender. The risk management plan (RMP) must identify how those risks will be managed. As part of this process, consideration must be given in each case as to whether disclosure of information about an offender to others should take place to protect victims, potential victims, staff and other persons in the community. This applies to all Categories and levels of MAPPA cases. This will become a legal requirement following a recommendation contained in the Child Sex Offender Review published in June 2007.

The purpose of disclosure of information is: to facilitate the risk management plan, to facilitate public protection and to reduce the risk of serious harm. It is preferable that the offender is aware that disclosure is taking place and, on occasion, they may make the disclosure themselves in the presence of a Police Officer and/or their Offender Manager or the content of the disclosure would be confirmed/verified by the Offender Manager/supervising Police Officer subsequently. However, there will be cases where informing the offender that disclosure is taking place could increase the potential risks to the victim(s) and, in those cases, the offender will not be informed. This decision must be clearly recorded in the level 2 and 3 MAPP meeting minutes and on case management records. For all level 1 cases, the decision must be clearly recorded on the case management record.

The expectation of those voluntary and private sector services, who work with offenders on behalf of the RA or DTC agencies and who are involved in the risk management of MAPPA offenders, is that a Service Level Agreement (SLA) or formal contract will have been agreed with the statutory organisations for whom they are undertaking the sub-contracted work. This SLA/contract will address the issues of disclosure and confidentiality. If this is in place then the RA and DTC should treat such "intermediate" organisations in the same manner as they treat other statutory bodies. Where no such SLA/contract is in place, then consideration must be given as to their confidentiality status and what information should be disclosed. In such situations, the RA and DTC should treat them as they would a member of the public and have appropriate safety considerations in place.

There will be occasions where authorisation for disclosure from an ACPO rank officer is required; this will be in those cases where the decision is to disclose information about the offender to the media and/or where it includes the publication of the offender's photograph. The Police should refer to the ACPO (2007) – Guidance on Protecting the Public: Managing Sexual and Violent Offenders for further guidance on this.

Where cases are managed at MAPPA level 2 or 3, the collective decision of the MAPP meeting to disclose, with the reason(s) why and to whom, is

sufficient authority unless, as described above, the authority of an ACPO rank officer is required.

For those cases managed at level 1, ordinary agency management, it will be the responsibility of the lead agency to decide whether disclosure should take place and to ensure it is appropriately managed. Concerns about the offender, which lead to the need to disclose information, may be an indicator that the case should be referred to a level 2 MAPP meeting.

In all Category 1 and 2, level 1 cases, the initial risk management plan **must** address disclosure with the decision being reviewed no less than every **four months**. This review will require a check of the case management system/ViSOR record to ascertain whether there has been any new information which affects the original risk assessment and risk management plan.

Once the MAPPA document set is available electronically through ViSOR, ViSOR will be able to collect information relating to disclosure in all MAPPA level 2 and 3 cases. (This facility should be available from May 2008.) The Strategic Management Board must ensure that it has in place a means to capture information relating to disclosure for Category 1 and 2 offenders managed at level 1.

Collation of disclosure data is a MAPPA Co-ordinator/Management function.

4.2 Disclosure by Responsible Authority to other Third Parties

Disclosure to third parties involves:

- Disclosure by the RA to a third party in pursuit of managing the risk posed by an individual offender; or
- Responding to requests, such as copies of MAPP minutes from third parties.

The principles underpinning disclosure to third parties are the same as for information sharing between agencies. It inevitably involves greater sensitivities given that disclosure may be to individual members of the public as opposed to government or law enforcement bodies.

The decision whether to disclose to third parties must be considered in all MAPPA managed cases. All level 2 and 3 MAPP meetings must consider disclosure with the presumption being that it will take place if an offender presents a risk of serious harm to any identified person(s), particularly children, unless there are defensible reasons not to do so. This is essential at the initial MAPP meeting and must form part of each review. Where disclosure is not to take place, the reasons why must be fully recorded in the MAPP meeting minutes.

Where disclosure is to take place, the reason for the decision must be recorded as above: stating what information is to be disclosed; to whom; by

whom and within what timescale. All cases where disclosure takes place must be reported to the MAPPA Co-ordinator. The lead agencies for ensuring disclosure takes place are the Police and Probation Services. They may undertake this task with other agencies, for example, Children's Services.

Disclosure at all levels should be considered:

- When there is evidence that grooming behaviours may take place, for example, through leisure clubs, churches, employment;
- If there is a condition in a SOPO/licence excluding offenders from a specific location and/or having contact with named persons;
- Where others (including other service users) may be at risk, for example, in supportive accommodation. This may include other service users, but usually it will be staff and managers who are told in order to enable more appropriate placements and for greater vigilance to be exercised;
- Where there is a need to protect past or potential victims, in particular where offenders strike up new relationships with partners who have children or grandchildren. In some cases, this may include friends or neighbours who have children;
- To schools and colleges if grooming behaviours need to be prevented. In the case of young offenders, limited and controlled disclosure may be made to school or college staff;
- Where a person may be in a position to actively assist in the risk management of an offender by being familiarised with risk factors and scenarios.

The lawful authority and necessity requirements described in Section 3 (Information Sharing) will be met in cases where the RA is making disclosure for the purposes of managing the risk of offenders subject to MAPPA provisions. The critical factor in determining if a disclosure is lawful is therefore likely to be the proportionality requirement. The following criteria should be met before disclosing information about an offender to a third party.

Disclosure needs to be handled with sensitivity requiring:

- Consideration of the potential risk to the offender, although this should not outweigh the potential risks to others were disclosure not to be made;
- Correct identification of the individual(s) to be disclosed to;
- The involvement of the offender (where risk factors allow) both in the decision regarding the need to disclose and in the actual disclosure itself. In some cases, the ideal situation is for the offender to give their consent and to undertake the disclosure themselves. This could be either in the presence of their Offender Manager/supervising Police Officer or for the content of the disclosure to be confirmed/verified by the Offender Manager/supervising Police Officer subsequently;
- Preparation and discussion with those third parties receiving the information. This includes: checking what they already know; that they understand the confidential and sensitive nature of the information they

have received; that they know how to make use of the information, and what to do in the event of anything occurring which they need to report, and that they know whom to contact;

- An informed decision (via the level 2 and 3 MAPP meeting) as to what level of disclosure is required, for example, this might include risk factors but not necessarily an offence history;
- Details of the key triggers for offending behaviour and the requirements for successful risk management, for example, 'This is what you need to look out for...' or 'if you see X, you need to do Y'; and
- Mechanisms and procedures for support for both victims and offenders in case there is a breakdown in the processes.

4.3 Disclosure of level 2 and 3 MAPP Meeting Minutes

In working with offenders, victims and other members of the public, all agencies have agreed boundaries of confidentiality. The information contained in the MAPP meeting minutes respects those boundaries of confidentiality and is distributed under a shared understanding that the meeting is called in circumstances where it is felt that the risk presented by the offender is so great that issues of public or individual safety outweigh those rights of confidentiality.

These minutes are likely to include personal, confidential third party (including victim) and operationally sensitive information and are, therefore, not suitable for disclosure under one or more of these exemptions of the Freedom of Information Act (2000):

- Investigations and proceedings by Public Authorities (section 30(1)(B));
- Health and safety (section 38);
- Personal information (section 40); and
- Information provided in confidence (section 41).

There may also be restrictions on disclosing this information to others under the Data protection Act (1988) and the Human Rights Act (1998) and related European case law.

There are increased requests for copies of MAPP meeting minutes from courts, the Parole Board, from offenders and other third parties. A full copy of the MAPP meeting minutes should not be provided. Instead, a Minutes Executive Summary should be completed by the Chair. [The MAPPA document set, which will be stored on ViSOR and be used by all areas from May 2008, will contain a Minutes Executive Summary template. There will be a paper based version available from December 2007.]

The Minutes Executive Summary will include:

- The offender's name and personal details;
- The reason the case was referred to a MAPP level 2 or 3 meeting by the referring agency;

- The MAPPA Category and index offence;
- A précis of the MAPP meeting which will include:
 - 1) What level of management the offender will be managed at;
 - 2) How the meeting reached its decision at which level to manage the offender;
 - 3) What information this was based on;
 - 4) Where it does not jeopardise an individual's safety, identification of specific risks to others and what those risks are; and
 - 5) Whether the case requires active multi-agency management; and
- The single point of contact in the lead agency.

Each request for disclosure must be referred to the Chair of the most recent MAPP meeting held on that offender. All requests from the courts, Parole Board and offenders for MAPP meeting minutes must be responded to. All requests and decisions relating to disclosure of the MAPP meeting minutes must be recorded on case management records and ViSOR (see Section 8.11).

Where the court or Parole Board is asking for agency-specific information, for example, risk assessments then the request should generally be sent to that agency that completed the risk assessment. Most, if not all, of the information provided to MAPP meetings is derived from information stored on the individual agency's database(s) and the provision of that information to third parties is the responsibility of that agency and **not** the Chair of the MAPP meeting.

5. Risk Assessment

5.1 Introduction

The assessment of risk and the identification of the factors that have contributed to offending, are the starting points for all work with offenders. For sexual and violent offenders, the approved assessment tools throughout England and Wales are OASys (Offender Assessment System), Risk Matrix 2000 (RM2000) and ASSET in respect of young offenders.

OASys is the agreed tool used by the Prison and Probation Services. It is a comprehensive assessment tool that applies to all offenders, incorporating a static likelihood of reconviction tool (Offender Group Reconviction Score – OGRS) and an assessment of dynamic factors linked to the likelihood of reconviction and the risk of serious harm posed by offenders. OASys has some limitations and there are additional risk assessment tools which should be used in conjunction with it. RM2000 is an assessment tool for adult male sexual offenders, which provides a high degree of accuracy with regard to reconviction rates within a two year period. SARA (Spousal Assault Risk Assessment) is the assessment tool for domestic abuse offences.

There will be occasions where the level of risks identified in OASys and RM2000 differ. This is because OASys provides both a dynamic and actuarial risk assessment, whereas RM2000 is an actuarial assessment based only on static factors. There must be a professional discussion and agreement regarding the level of risk that will be recorded in ViSOR and at which MAPPA level the offender will be managed.

5.2 Offender Assessment System (OASys)

OASys helps practitioners to make defensible decisions. It plays a pivotal role in assessment, case management, targeting of treatment programmes, referrals to partnerships, resource allocation and risk management for offenders aged 18 and over. OASys is designed to:

- Assess how likely an offender is to be re-convicted;
- Identify and classify offending related needs, including basic personality characteristics and cognitive behavioural problems;
- Assess risk of serious harm, risks to the individual and other risks;
- Assist with the management of the risk of harm;
- Link the assessment to the supervision or sentence plan;
- Indicate the need for further specialist assessments; and
- Measure change during the period of supervision/sentence.

OASys is the tool which allows practitioners to assess an offender's likelihood of re-offending by systematically examining up to 13 offending-related factors which include: offending history; accommodation; education, training and employment; relationships; drug and alcohol misuse; emotional well-being, and thinking and behaviour. The offender's self-assessment, which is also part of OASys, is useful for two reasons. Firstly, it reflects the accuracy of the

offender's self-perception and secondly, the relationship between their ability to recognise their own problems is linked to the likelihood of their re-offending. It is the OASys analysis of serious harm, however, which brings a significant benefit to MAPPA. By quantifying the risk of serious harm, identifying to whom it applies and in what circumstances, OASys will help to prioritise public protection concerns and establish the basis for risk management plans.

5.3 Risk of Serious Harm - Definitions

Serious harm can be defined as an event, which is life-threatening and/or traumatic, from which recovery, whether physical or psychological, can be expected to be difficult or impossible. Risk of serious harm is the likelihood of this event happening. It should be recognised that the risk of serious harm is a dynamic concept and should be kept under regular review.

The levels of "Risk of Serious Harm" used by OASys are:

- **Low:** current evidence does not indicate likelihood of causing serious harm.;
- **Medium:** there are identifiable indicators of serious harm". The offender has the potential to cause such harm, but is unlikely to do so unless there is a change in circumstances, for example failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse;
- **High:** there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious;
- **Very High:** there is an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious.

This provides a standardised categorisation of risk levels for all MAPPA offenders and is also used in ViSOR.

The categorisation of risk is refined by reference to who may be the subject of that harm. This includes:

- **The public:** either generally or a specific group such as the elderly, women or a minority ethnic group;
- **Prisoners:** within a custodial setting;
- **A known adult:** such as a previous victim or partner;
- **Children:** who may be vulnerable to harm of various kinds, including violent or sexual behaviour, emotional harm or neglect;
- **Staff:** anyone working with the offender whether from Probation, Prison, Police or other agency. This relates to all forms of abuse, threats and assaults that arise out of their employment; and
- **Self:** the possibility that the offender will commit suicide or self-harm.

5.4 Risk Matrix 2000 (RM2000)

Risk Matrix 2000 (RM2000/s) is a specialist assessment to be used only with male sexual offenders aged 18 and over. It can be triggered by OASys and it is used by the Police Service in England and Wales. Where there is any disparity between the two assessment tools (OASys and RM2000), in respect of the likelihood of re-conviction, the **RM2000 likelihood of re-conviction level** must take precedence. However, the overall assessment may be complemented or augmented once the dynamic factors identified in OASys are taken into account. Probation Circular 17/2007 requires the report writer to complete the RM2000 assessment prior to preparation of every pre-sentence report and every parole assessment report on sexual offenders.

5.5 SARN

SARN assessments should be undertaken on all sexual offenders programme completers.

5.6 Spousal Assault Risk Assessment (SARA)

Spousal Assault Risk Assessment (SARA), will be triggered by an OASys assessment and should be carried out where offending is linked to domestic abuse and prior to an offender being referred to a domestic abuse accredited programme.

5.7 ASSET

Youth Offending teams use ASSET and there are common elements between ASSET and OASys, which allows information to be drawn from ASSET to OASys when a case is transferred from YOT to Probation. ASSET, like OASys, provides of risk of harm assessment, which will assist MAPPA in identifying the risk factors to be addressed.

5.8 Other Forms of Risk Assessment

To ensure greater consistency in MAPPA, the definitions of risk used in this Guidance are based upon OASys and RM 2000. These tools underpin risk assessments throughout the National Probation Service and the Prison Service. The Police Service use RM2000. These definitions are reflected in ViSOR, which is the confidential computer based tool that supports MAPPA by recording details of all Categories of MAPPA offenders.

OASys, RM2000 and ViSOR provide a common framework through a common language and system. Professional judgement must inform risk assessment and other systems of risk assessment may also be used in addition to OASys and RM2000. This is not to suggest that any risk

assessment tool can be used. Kemshall¹ identified the following criteria as essential in choosing a risk assessment tool. It should:

- Be validated against a relevant offender group;
- Be empirically grounded in the risk factors with a proved track record in the research literature;
- Differentiate risk categories;
- Have inter-rater reliability; and
- Have been validated using a UK population.

The RA may therefore use other assessment tools in addition to OASys and RM2000. One of the benefits of closer working relationships with the other agencies in the MAPPA, is that access to other forms of needs assessment are made available which can complement formal risk assessment. These assessments will be of particular importance in assessing offenders with, for example, mental health problems or learning difficulties. Needs assessments made by colleagues in other agencies, including those in Health, Education, Housing and Social Services, can critically inform the assessment of the risk of harm.

Ultimately, formal risk assessments inform professional judgements and underpin defensible decision making. The key principle for MAPPA is that risk assessments, undertaken by individuals within agencies, should be based on the use of tools and procedures currently approved for use within that agency. Agency protocols and procedures must be carefully adhered to and current guidance on the use of the respective tools must be followed.

¹ Kensal H. The Community Management of High-Risk Offenders: a consideration of best practice MAPPA. Prison Service Journal, March 2003.

6. Risk Management

6.1 Introduction

The management of offenders posing a high risk of serious harm to the public is one of the most complex and difficult tasks currently facing the agencies within MAPPA. When an offender is identified as coming within the remit of MAPPA, the Responsible Authority (RA) has a duty to ensure that any identified risks are managed robustly at the necessary level of MAPPA management. The Police, Probation or Prison Services do not become the managing agency for all MAPPA offenders but, as the RA, they must seek to ensure that strategies to address identified risks are effectively managed.

Risk management is the process of ensuring that there is an effective risk management plan (RMP), which addresses the identified risk of serious harm factors by putting appropriate plans into place. It is not an exact science as it is not possible to eliminate risk entirely. It is therefore critical that: the decisions made are defensible; that the risk management plan is implemented and monitored through regular reviews and that adjustments to the plan are made, as necessary.

The RMP must include action to monitor the behaviour and attitudes of the offender and to intervene in their life in order to control and minimise the risk of serious harm. Plans should relate to the current and expected future risk and should draw upon information from all the agencies within MAPPA.

Effective risk management is a core function of MAPPA and requires all agencies sharing relevant information to ensure that it can be achieved.

6.2 Effective Strategies

Strategies proven to be effective in reducing the risk of re-offending behaviour or minimising the risk of serious harm were identified by Hazel Kemshall (2001). They can be summarised as:

- Cognitive-behavioural programmes, which address the causes of offending behaviour;
- Interventions that emphasise self-risk management and which promote the use of internal controls over the longer term;
- Appropriate external controls (as contained within licence conditions, Sexual Offences Prevention Orders, etc.);
- Interventions which combine intensive supervision (including surveillance and electronic monitoring) with the appropriate use of sanctions and enforcement of non-compliance;
- Contingency plans in case of risk management failure and rapid response arrangements to changing situations or deterioration in the circumstances/behaviours; and
- Supportive and integrative approaches where risk assessments indicate their usefulness (For example, "Circles of Support and Accountability").

7. Levels of Management

7.1 Introduction

The MAPPA framework identifies three levels at which cases are managed:

- Level 1: Ordinary Agency Management;
- Level 2: Multi-Agency Public Protection (MAPP) Meeting; and
- Level 3: Multi-Agency Public Protection (MAPP) Meeting.

7.2 Determining the MAPPA Management Level

The three different levels enable resources to be deployed to manage identified risk in the most efficient and effective manner. Whilst there is a *correlation* between level of risk and level of MAPPA management (the higher the risk, the higher the level), the levels of **risk do not equate directly to the levels of MAPPA management**. The central question in determining the correct MAPPA level is:

“What is the lowest level that a case can be managed at which provides a defensible risk management plan?”

This means that not all high-risk cases will need to be managed at level 2 or 3. Similarly, the complexities of managing a low/medium risk case might, in exceptional circumstances, justify it being managed at level 2 or 3, especially where notoriety is an issue.

7.3 Gate-keeping

It is a function of MAPPA Co-ordinator/Management to exercise professional judgement, on behalf of the RA, as to the appropriateness of the referral, in terms of the offender falling within the remit of MAPPA, and whether the level of risk of serious harm is sufficient to require multi-agency risk management. In disputed cases, a Senior Manager from the referring agency will be the final arbiter of whether the case should be referred to a level 2 or 3 MAPP meeting. The meeting will then verify whether the case does require management at either level 2 or 3. Where the decision is that this is not necessary, the referring agency will receive an explanation of the decision from the MAPPA Chair.

This is a MAPPA Co-ordinator/Management function.

7.4 Level 1: Ordinary Agency Management

Level 1 management is the level used in cases where the risks posed by the offender can be managed by the agency responsible for supervision/case management of the offender. This does not mean that other agencies will not be involved; only that it is not considered necessary to refer the case to a level 2 or 3 MAPP meeting. It is essential that good information sharing takes

place and there are multi-agency case management meetings where necessary.

Level 1 can only be used for Category 1 or Category 2 offenders because, by definition, Category 3 offenders (other dangerous offenders) present management issues which require active multi-agency management. Therefore, level 1 management will primarily involve Probation, Police or Youth Offending Teams as the lead agency. Offenders managed at level 1 will often be assessed as presenting a low or medium risk of serious harm but high risk offenders, who have a comprehensive and robust risk management plan, can also be managed at level 1. The highest proportion of MAPPA offenders are managed at this level.

The RA must have arrangements in place to ensure that the management of all level 1 cases in Categories 1 and 2 in the community are reviewed at least **once every four months** and that performance against this standard is monitored and reported to the SMB.

The level 1 review must:

- Identify any new information relating to the case which has an effect upon the risk assessment and risk management plan;
- Review the risk management plan and revise it as necessary; and
- Set the date for the next review.

The Police will check ViSOR to ensure that there is no significant new information which could affect the risk assessment and, therefore, the level of management of the case and record this has taken place. The outcome of the Probation Service OASys case review should also be recorded on ViSOR.

It is a MAPPA Co-ordination/Management function to verify this.

7.5 Level 2: Multi-Agency Public Protection Meeting

Cases should be managed at level 2 where the offender:

- Is assessed under OASys (or ASSET) as being high risk of causing serious harm;
- Requires active involvement and co-ordination of interventions from other agencies to manage the presenting risks of harm; and
- Has been previously managed at level 3 and the seriousness of risk has diminished, and/or the complexity of the multi-agency management of the risks have been brokered, and a RMP for level 2 has been firmly established.

Risk can, and will, change, so the means of managing risk can, and will, change. MAPPA provides the framework within which changes can be effectively and consistently managed. The overriding principle is that cases should be managed at the lowest appropriate level, determined by defensible decision making.

Level 2 cases in the community should be reviewed **every 8 to 12 weeks** to ensure that the risk management plan is effective and that the identified actions have been progressed.

The initial level 2 MAPP meeting will set a date for review and it will decide whether that review will be at a level 2 MAPP meeting or whether it will be undertaken by a small core group. If it is to be a core group, the meeting will identify who will be part of the group and which agency will take responsibility for co-ordinating the core group. All review meetings must:

- Meet within 12 weeks of the previous meeting;
- Request new information from the agencies involved in the case;
- Receive information from each agency involved in the action plan regarding the progress they have made against their actions;
- Request any new information relating to the victim(s) and potential victim(s) to ensure that all necessary steps are taken to protect victim(s);
- Consider whether disclosure needs to take place;
- Review the existing risk management plan;
- Revise the risk management plan;
- Record the review on the MAPPA document set (once in place from December 2007) and send to the MAPPA Co-ordinator; and
- Set a date for the next meeting.

There must be a full level 2 MAPP meeting **no less** than every **six** months. It is not envisaged that cases will be managed at level 2 indefinitely and, once an effective risk management plan is robustly established, the management could be reduced to level 1. Should the risk(s) increase or the management plan require revision, the management level can always be increased.

7.6 Level 3: Multi-Agency Public Protection Meeting

Level 3 management should be used where it is determined that the management issues require active conferencing **and** senior representation from the RA and DTC agencies. This will be when there is a perceived need to commit significant resources at short notice and/or where there are significant media issues.

The criteria for referring a case to a level 3 MAPP meeting are where the offender:

- Is assessed under OASys (or ASSET) as being a high or very high risk of causing serious harm; AND
- Presents risks that can only be managed by a plan which required close co-operation at a senior level due to the complexity of the case and/or because of the unusual resource commitments it requires; OR
- Although not assessed as a high or very high risk, there is a high likelihood of media scrutiny and/or public interest in the management of the case and there is a need to ensure that public confidence in the criminal justice system is maintained.

Therefore, although level 3 cases are not exclusively those assessed as presenting a high or very high risk of serious harm, in almost all cases they will be. Many will be offenders who have received a custodial sentence. However, they may also include:

- An offender on discharge from detention under a hospital order;
- An offender returning from overseas (whether immediately following their release from custody or not); and
- An offender who has been managed as a medium or low risk in the community who becomes a high or very high risk as the result of a significant change of circumstances.

Level 3 cases must be reviewed **every four to six weeks** to ensure that the risk management plan is effective and that the identified actions have been progressed. The most effective means of reviewing the case is through a multi-agency meeting.

The initial level 3 MAPP meeting will set a date for review and it will decide whether that review will be at a level 3 MAPP meeting or whether it will be undertaken by a small core group. If it is to be a core group, the meeting will identify who will be part of the group and which agency will take responsibility for co-ordinating the core group.

All review meetings must:

- Meet within six weeks of the previous meeting;
- Request new information from the agencies involved in the case;
- Receive information from each agency involved in the action plan regarding the progress they have made against their actions;
- Request any new information relating to victim(s) and potential victim(s) to ensure that all necessary steps are taken to protect victim(s);
- Consider whether disclosure needs to take place;
- Review the existing risk management plan;
- Revise the risk management plan;
- Record the review on the MAPPA document set (once in place from December 2007) and send to the MAPPA Co-ordinator; and
- Set a date for the next meeting.

There must be a full level 3 MAPP meeting **no less** than every 12 weeks. It is not envisaged that cases will be managed at level 3 indefinitely and, once an effective risk management plan is robustly established, the management could be reduced to level 2 or, where appropriate, level 1. Should risks increase or the management plan require revision, the management level can always be increased.

7.7 Cases which fall outside the MAPPA Criteria

There will be occasions when offenders (not Potentially Dangerous Persons – as described in Section 2.20) fall outside the criteria for inclusion under MAPPA but still pose a risk of harm. This could be, for example, a domestic abuse offender who has received a community sentence and, therefore, does not fit Category 2 or they have no previous relevant conviction/caution to meet the criteria for Category 3, but is still deemed to present a risk of serious harm.

The management of these offenders could still benefit from a multi-agency risk management approach. However, these offenders would not be managed within MAPPA.

The legislation which is applicable to information sharing and the overall management of such cases is:

- The common law duty of the Police (to prevent and detect crime);
- Crime and Disorder Act (1998);
- Data Protection Act (1998);
- Human Rights Act (1998);
- Race Relations (Amendment) Act (2000).

Each case should be considered individually to establish whether a meeting is required to facilitate multi-agency involvement.

8. Multi-Agency Public Protection Meetings

8.1 Introduction

The importance of holding effective Multi-Agency Public Protection (MAPP) meetings, to share information on MAPPA offenders to support risk assessment and formulate risk management plans, in order to protect victims and communities, cannot be over emphasised.

An effective meeting requires:

- Good identification of those agencies which need to be present and them being represented;
- The right people in attendance who have the capability and authority to make the necessary decisions;
- All of the pertinent information being available;
- Good organisation and management of the meeting; and
- Proper record keeping using the MAPPA document set – a chairing responsibility.

8.2 Purpose of Meetings

The purpose of the meeting is for agencies to share information which:

- Is pertinent to undertaking a multi-agency risk management assessment;
- Identifies the likelihood of re-offending;
- Identifies serious risk of harm issues and their imminence; and
- Is critical to delivering an effective risk management plan.

8.3 Level 1 Meeting

Level 1 ordinary agency managed cases may require a multi-agency meeting to share information to ensure that all the risk factors are identified and the risk is being effectively managed. The agency managing the case, generally Police, Probation or Youth Offending Team, will identify when a meeting is necessary and will co-ordinate it, recording the decisions made on the relevant case management record.

8.4 Referral to a Level 2 or 3 MAPP Meeting

Agencies will screen their MAPPA cases and they will reach a decision as to whether it requires management at level 2 or 3. Where they believe the case reaches the threshold for management at level 2 or 3, they will complete a referral to the MAPPA Co-ordinator, using the MAPPA document set. Areas will have devised processes for screening referrals and the Strategic Management Board (SMB) should be confident that the process is thorough.

All referrals will require:

- A completed referral form (MAPPA document set referral form to be used from December 2007) which requires the referring agency to identify: the likelihood of re-offending; the risk of serious harm (when and to whom); any indication of imminence and who needs to be invited to the meeting;
- An updated risk assessment and an outline risk management plan; and
- An indication if an emergency meeting is required or whether the case can wait until the next scheduled meeting.

For those cases in custody, which meet the level 2 or 3 criteria, a MAPP meeting should be held **six months** prior to release. Where there is a need for MAPPA to inform the Parole assessment, the meeting must be held six months prior to the Parole Eligibility date. If the offender is not released, then the next MAPP meeting should be held six months prior to the new release date.

8.5 Gate-keeping

It is a function of MAPPA Co-ordination to exercise professional judgement (on behalf of the RA), as to the appropriateness of the referral into MAPPA level 2 or 3. This requires a degree of professional judgement to quality assure the referral does fall within the remit of MAPPA and the level of the risk of serious harm or needs of the case are sufficient to require multi-agency risk management. In disputed cases, which cannot be resolved at a local level, a senior manager from the referring agency will be the final arbiter.

This is a MAPPA Co-ordinator/Management function.

8.6 Pre-meeting Preparation

Meeting time should be regarded as a scarce and expensive resource. It is therefore essential that pre-meeting preparation is as thorough as possible, given the time and resources available. This includes:

- **Information sharing** – the RA must have in place robust arrangements for the sharing of information. Information will be sought using the appropriate forms in the MAPPA document set. The referral will identify which are the relevant agencies to attend the MAPP meeting and they will be asked to search agency records for any relevant information on the offender or potential victims. Where an area has established core agency representation at MAPP meetings, they will all be provided with advance notification of the case and asked to check their records as described above. The search response should be completed within seven days and forwarded to the MAPPA Co-ordinator/Administrator.

It is a MAPPA Administration task to co-ordinate this.

- **Risk assessment** – the Case/Offender Manager will ensure that they have updated their risk assessment using the appropriate tool, for example, Police: RM2000, Probation/Prison: OASys and other tools in appropriate cases such as SARA and ASSET.
- **Risk management plan** – the referral document must contain within it an outline risk management plan, which is based upon the information that is known to the referrer at the point of referral. This will be used as a reference point at the meeting and will be further developed into a multi-agency risk management plan.

This approach allows individual agencies to ensure that the necessary checks have been made prior to the MAPP meeting and that information is shared whether or not an agency sends a representative to the meeting.

It will allow the Chair of the MAPP meeting and the MAPPA Co-ordinator to be aware of the issues relating to the case, which will assist in the effective management of the meeting.

8.7 Single Point of Contact (SPOC)

The information included by the managing agency in the level 2 or 3 referral will be passed to all members of the RA and Duty to Co-operate (DTC) agencies by the MAPPA Co-ordinator/Administrator. Where possible, this should be done via a Single Point of Contact (SPOC) in the receiving agencies to whom this information can be securely passed. However, it is recognised that for some more locally organised agencies, such as housing, communication through a SPOC may not be feasible.

The RA should agree with the DTC agencies, through the SMB and the memorandum of understanding, the agreed method of communication between the MAPPA Co-ordinator and the SPOC. It is the responsibility of the receiving agency to ensure that all MAPPA documentation received is:

- Stored securely;
- Treated as “restricted” or “confidential”, if necessary under the Government Protective Marking Scheme;
- Is only accessible to those staff who require access in order to manage the case;
- **Not shared with others without the prior consent of the Chair of the MAPP Meeting.**

8.8 Agency Representation

Key to the effectiveness of all level 2 and level 3 MAPP meetings is multi-agency involvement and representation. In determining the level of the representation, and the nature of their involvement, three factors must be considered:

1. The representatives must have the authority to make decisions committing their agency's involvement. If decisions have to be deferred, then the effectiveness of the multi-agency operation is weakened and may compromise the risk management plan.
2. The representative must have relevant experience of risk/needs assessment and management and analytical and team-working skills to inform discussions. Such experience and skills can usefully contribute both to the management of specific cases and on case management generally.
3. Continuity of personnel. The effectiveness of level 2 and level 3 MAPP meetings is dependent upon establishing good working relationships across agencies. Multi-agency work is often complex and benefits greatly from the continuity of personnel and their professional engagement.

Distinguishing agency representation between level 2 and level 3 MAPP meetings will be determined by the nature and the complexity of cases, which may require senior representatives of the agencies to be involved. Management of the more complex cases may require the use of specific or additional resources, so representatives at the level 3 meeting **must** be able to make decisions about committing those resources. Therefore, at level 3 meetings all agencies **must** either be represented by senior personnel or have delegated authority to their representative who:

- Understands the strategies for minimising or reducing the risk of serious harm; and
- Has the authority to implement appropriate strategies agreed by the meeting on behalf of their agency.

In cases where the offender is in custody, it will be important for a representative of the Prison Service to attend the MAPP meeting, especially where there are specific actions that the Prison may take to assist in the delivery of the risk management plan. Alternatively, they may be able to contribute via telephone or video links. If neither personal attendance is possible, nor a telephone or video link is available, then the Prison Service must provide a comprehensive written report and an indication of how they can assist in the risk management plan.

Given the imminence of serious harm associated with many offenders managed at level 3, the resource implications of the risk management strategies may be significant and may occur at short notice. In addition, there is likely to be a higher media interest in many of the offenders considered. The RA may wish to address media handling issues as a regular part of the risk management/contingency plans.

Multi-agency risk management is an expensive resource and should only be used where it is necessary to manage the risk of serious harm in a collaborative and co-ordinated manner. Involvement of agencies, when they have no information or advice to offer and no services for the offender, wastes agency time and may undermine involvement in other relevant cases. As referrals to meetings increase, it is essential that a flexible and focussed approach is taken to ensure that the right agencies attend to develop the right risk management plans for the right offenders. Where agencies fail to attend

or to provide information, and this affects the ability of the meeting to construct an effective risk management plan, the Chair of the MAPP meeting will initially follow this up locally with the agency. If this is not successful, then the Chair of the SMB should address this with the DTC agency representative on the SMB.

**Ensuring suitable representation at meetings is a
MAPPA Co-ordination/ Management responsibility.**

8.9 Conducting MAPP Meetings

It is important that MAPP meetings are well organised and allow sufficient time to discuss the case properly. Accurate records must be made using the MAPPA document set. These records must be written in a way which allows those not present at the meeting to understand the nature of the discussion. The records must also demonstrate defensible decision making.

8.10 Chairing

The RA is charged with the statutory duty for ensuring the efficient and effective operation of MAPPA. For this reason, it is important that the MAPP meetings are chaired by a representative of the Police, Prison or Probation Services. The Chair should be someone who has the necessary skills and ability required to fulfil the role. All new Chairs should receive an induction, which provides a “buddy system”, where they are linked to an experienced Chair in their area/region and they should receive appropriate MAPPA Chair training.

The expectation is that level 2 MAPP meetings will be chaired either by a **Senior Probation Officer and/or Police Inspector**. Level 3 meetings should be chaired by either an **Assistant Chief Officer/District Manager (or equivalent) and/or Police Basic Command Unit (BCU) Commander (or equivalent)**.

Chairing MAPP meetings is essentially one of combining the roles of facilitator and leader. The task is to ensure that the business of the meeting i.e. the identification of the risks, with the production and appropriate review of the risk management plan, is conducted in an effective and efficient manner. It is expected that the Chair will ensure that:

- The agenda is followed and all items are fully discussed;
- Meetings are properly recorded and minutes are circulated within the specified timescales;
- Meetings are run to the time allocated to them but the time allowed should be sufficient to address the issues. For example, an initial level 3 meeting may require 45 to 60 minutes and an initial level 2 meeting 30 to 45 minutes;
- Regulations and rules are adhered to; and
- Where agencies fail to attend meetings, and this affects the ability of the meeting to fully assess the potential risks of harm and establish an

effective risk management plan, or where agencies have not undertaken agreed tasks, that this is followed up with the respective agency locally and that they are reminded of their “duty to co-operate”.

This will involve:

- Enabling appropriate contributions from all participants;
- Summarising key points;
- Testing for consensus; and
- Suggesting options for moving forward.

8.11 MAPP Meeting Minutes

The minutes of the level 2 MAPP meeting should be produced within 14 days (10 working days) and the level 3 MAPP meeting within seven days (five working days). They should be sent to the members of the core agencies through the SPOC. Agencies must determine how they will store the minutes securely (they are always a “restricted” and, occasionally, a “confidential” document under the Government Protective Marking Scheme) and how they can be accessed in the event of an emergency by other agency personnel. The full document set will be stored on ViSOR, which is a Confidential database.

The MAPP meeting minutes must not be shared without the prior approval of the Chair of the MAPP Meeting.

Where there is a request for a copy of the MAPP meeting minutes from a third party, for example, from the offender, the Parole Board, or a court, this must be referred to the MAPPA Chair. All formal requests for disclosure from the courts and the Parole Board must be responded to (see Section 4.3).

All request and decisions relating to disclosure of the MAPP meeting minutes must be recorded on case management records and on ViSOR.

8.12 MAPPA Risk Management Plans

- The risk management plan must be specific, measurable, achievable, realistic and time limited. It should clearly identify ownership of each action point;
- It should be linked to the supervision or sentence plan;
- It must be formally reviewed at a specified future date;
- Where an element of the risk management plan cannot be delivered by local agencies through the level 2 meeting, consideration must be given to referring this element to the level 3 meeting; and
- The risk management plan will be informed by other plans such as the OASys risk management plan. This should be a two way process and where new information is brought to the MAPP meeting, the OASys, or other relevant risk management plan, must be reviewed.

8.13 Frequency of MAPP Meetings

Once an offender is identified as falling within one of the MAPPA Categories, the principle is that all activity from that point onwards is driven by best practice in terms of reducing and managing risk of harm. The frequency of MAPP meetings should be in keeping with this principle.

Where the offender is in custody and has been identified as meeting the criteria for referral to level 2 or 3, a MAPP meeting should be held six months prior to the release date or the Parole eligibility date. If parole is not granted, the next meeting will be held either six months prior to release or the next parole eligibility date. Once an initial meeting has taken place and the MAPPA level has been determined, a review date will be set. The review date should be set for a time, which will allow for the actions agreed at the initial meeting to be put in place and any necessary revisions to be made. There should be a meeting within the first month of the offender's release into the community to review the risk management plan and ensure it is effective.

For offenders in the community, the RA in their area must have in place arrangements to ensure that:

- All level 3 cases are reviewed every four to six weeks;
- All level 2 cases are reviewed every eight to 12 weeks;
- All level 1 cases should be reviewed every 16 weeks.

Reviews of level 2 and 3 MAPPA cases should take place at a review meeting. If the MAPP meeting decides that the date of the next meeting will not allow this to take place, it must state the reason for this decision and, in its risk management plan, identify how the review will be undertaken and who will be responsible for ensuring that it occurs. The review must be recorded on the case management record and ViSOR and, where necessary, the risk management plan must be updated.

The Probation Service will review its level 1 cases through normal OASys four-monthly reviews and will record this fact on their case management record. The Police will review its level 1 cases through a review of ViSOR to ascertain whether there has been any significant information since the last review which affects the risk management plan. The outcome of the review should be recorded on ViSOR.

The frequency of the reviews, and compliance with the above arrangements, must be monitored and reported to the SMB on a quarterly basis.

This is a MAPPA Co-ordination/Management responsibility.

8.14 Reviewing the Management Level

There is an assumption that cases will always be managed at the lowest possible level that is consistent with providing a defensible risk management plan. Reduction to a lower level should be considered at the end of every meeting. The decision should be based on what is the most appropriate

management level for the case rather than the level of assessed risk. Many level 3 cases will not warrant management at that level after the first MAPP meeting, when decisions concerning the use of resources and media management have been made. Similarly, many level 2 cases will not require ongoing management at this level where it is felt that satisfactory arrangements are in place to manage the case. In both cases, there is an option to re-refer a case should circumstances change.

8.15 Review Meetings

The purpose of review meetings is to ensure that the risk management plan that was put in place remains effective and those agencies have undertaken the actions agreed. The review will consider whether any new information is available which changes the risk assessment and whether the case still needs to be managed at the current level.

Reviews can be undertaken through a full MAPP meeting or, the initial meeting may decide that in this case, the review will be completed by a small core group. The initial meeting will identify the members of the core group (those who are involved in the day to day management of the case and any other agency who has significant involvement) and the lead agency who will take responsibility for co-ordinating the review meetings.

Where the review is undertaken by a core group, there must be a full MAPP meeting every six months for MAPPA level 2 cases or 12 weeks for level 3 cases. All review meetings must be recorded using the MAPPA document set (available from December 2007).

A review must:

- Meet within 12 weeks for a level 2 case or six weeks for a level 3 case from the previous meeting;
- Request new information from the agencies involved in the case;
- Receive information from each agency involved in the action plan regarding the progress they have made against their actions;
- Request any new information relating to the victim(s) and potential victim(s) to ensure that all necessary steps are taken to protect victim(s);
- Consider whether disclosure needs to take place;
- Review the existing risk management plan;
- Revise the risk management plan;
- Record the review on the MAPPA document set (once in place from December 2007) and send to the MAPPA Co-ordinator; and
- Set a date for the next meeting.

It is expected that all RA and DTC agencies will continue to have a responsibility to inform the MAPPA Co-ordinator of any information they receive that indicates an increase or decrease in the risk of serious harm posed by an offender.

In order that the risk management process can be seen to be proportionate and fair, issues of diversity must be included in personal data recorded for offenders and victims.

8.16 Cases no longer eligible for MAPPA

It is important to identify when an offender is no longer eligible for MAPPA. The criteria for leaving MAPPA are different for each of the three Categories of offenders:

- For Category 1 offenders, it is the point at which the offender completes their notification requirements as determined by the Sex Offenders Act (1997) and the Sexual Offences Act (2003);
- For Category 2 offenders, it is the point of licence expiry or the end of Hospital Order restrictions; and
- For Category 3 offenders, it will be at a point, determined by the RA, where the offender is considered to no longer to pose a risk of serious harm that requires management either at level 2 or 3.

In all cases, discharge from MAPPA should only occur when the RA considers that the offender no longer poses a serious risk of harm or that ongoing MAPPA involvement will not add significant value to protecting the public.

9. Custody Issues

9.1 Introduction

The Prison Service has a critical role to play in the management of MAPPA offenders. Prison staff will have recorded a wealth of information relating to: the offender's behaviour in custody; his/her engagement in accredited programmes and other activities; preparation for release and any contacts made with others either in custody or the community.

The process of setting the MAPPA level should take place at least six months prior to release. For determinate sentences, this is six months before the release date, for those eligible for parole it will be six months before the parole eligibility date. There may be some cases where the process needs to commence earlier due to the complexity and seriousness of the case or the shortness of the custodial part of the sentence left to serve before early release is considered.

It will not always be possible to send a Prison Service representative to MAPP meetings as they may take place at some distance from the Prison. Their involvement is crucial and, therefore, different methods should be considered including video or telephone conferencing, written reports or holding MAPP meetings in the prison establishment.

The measures which can be used to strengthen the management of risk on an offender's release from custody include:

- The imposition of additional licence conditions;
- The use of electronic monitoring;
- Transferring the prisoner to an establishment from which release can be better managed;
- Arranging for the offender to be accompanied on release from the establishment to the designated accommodation and/or appointments;
- The use of Civil Orders (e.g. SOPO or RSHO);
- The use of a "contract" agreed with the offender particularly in cases where there is a very short period of supervision on licence or none at all; and
- In exceptional cases, the use of surveillance.

MAPP meetings are primarily to identify the potential risks an offender will present in the community, to plan and agree how these will be managed. Where they are held prior to parole considerations, they will assist the Prison and Probation Services in compiling their reports and ensuring that the victim issues are addressed. This will assist the Parole Board in reaching its decisions regarding release. The release of risk assessment and management information from MAPP meetings should follow the guidance contained in Probation Circular 26/2007 – "Disclosure and Information Sharing to Inform Parole Board Decisions on Release and Recall".

The MAPP meeting minutes must not be released in full to the Parole Board, but a Minutes Executive Summary can be produced and released, if required (see Section 4.3).

9.2 Confirming Release Dates

Prison administrative staff should ensure that they provide early information to Police and Probation about release dates. This will require staff involved in sentence calculation, decisions to restore “added days” (lost through disciplinary awards), the calculation of Notional LED for recalled offenders and discharge arrangements for high risk offenders, to anticipate as far as is practicable any last minute changes which could affect release plans. Information will be entered on to ViSOR (when available) by Prison staff and will be confirmed in writing to the Offender Manager as part of the sentence planning process.

The Prison Service will confirm the information for level 2 and 3 cases no later than **four months** before release as a minimum but, where possible, this should be **six months** prior to release. Where the Prison Service becomes aware that there are last minute changes to release dates, they will ensure that this is communicated as a matter of urgency to both Police and Probation. Where level 2 or 3 offenders are to be released under emergency measures or following a Judicial Review, the Prison Service will confirm the release information as a matter of urgency.

9.3 Interdepartmental Risk Management Teams (IRMTs)

Interdepartmental Risk Management Teams have the responsibility within the Prison to monitor those offenders who present the highest level of risk of serious harm. While the team cannot assign MAPPA levels, its work will make a valuable contribution to risk assessment, risk management plans and sentence planning. It is important that the Prison ensures that the work of the IRMT is directly linked with the Prison Offender Management Units and, therefore, also linked to the Offender Manager and the MAPPA Co-ordinator in the “home” area. Communication on any changes to risk of serious harm or significant change, for example, termination of a significant relationship, is imperative. All Prisons should appoint a SPOC for all public protection/MAPPA cases. For further details on the IRMT, see Prison Service Order 4745.

9.4 Transfer to Open Conditions and Release on Temporary Licence (ROTL)

The risk of serious harm assessment in OASys is one of the determining factors in operational decisions to grant ROTL or re-categorise an offender as suitable for open conditions. Such decisions should not be dependant on whether a MAPPA level has been set but, where it has been set, the assigned level should be a factor in the decision making process. The final decision for granting ROTL or re-categorisation lies with the Prison Service.

Where the MAPPA level has been set (which means that the offender is within six months of release), the Offender Manager should be consulted whenever such offenders are being assessed for ROTL or are assessed as suitable for open conditions.

If an offender has been assessed as requiring management at level 2 or 3, it should be questioned whether it is appropriate to approve ROTL. Prison Service senior management and the MAPPA Co-ordinator for the area where the ROTL is planned, must be satisfied in advance that there is **not** a serious risk of harm to the public. The final decision, however, will rest with the Prison Governor. The relevant local Police must be informed by the Prison of all releases on temporary licence and they should be invited to contribute to the temporary licence conditions.

9.5 Licence Conditions for High Risk Offenders

1. Probation Circular 29/2007 Post Release Enforcement – Licence Conditions gives full guidance on all licence conditions. In addition to the standard conditions, Offender Managers may recommend inclusion, deletion or variation of existing additional licence conditions. This should be considered according to the individual circumstances of a case, so as to ensure the protection of the public, the prevention of re-offending and securing successful re-integration of the offender into the community. In cases where high risk offenders are to be released on licence, it lists the additional conditions which may be considered, where appropriate.
2. An additional licence condition may be inserted only if it is lawful. To be lawful, the condition has to be authorised by the Statutory Instrument. In addition, a condition must comply with Article 8 of the ECHR (the right to respect for private and family life). To be compatible with that right, a condition must be a necessary and proportionate measure for the purposes of ensuring public safety and/or prevention of crime. In this context, “necessary” means that the measure adopted must be the most appropriate way of managing a particular risk. “Proportionate” means that the restriction on the offender’s liberty is the minimum required to manage the risk and that no other less intrusive means of addressing the risk is available or appropriate. It should be noted that the standard licence conditions already contain sufficient authority to manage most risks in the community. All additional licence conditions must be taken from the menu of specified licence conditions at Annex A in Probation Circular 29/2007.

Probation Circular 05/2007 re-launched the Joint National Protocol for the Supervision, Revocation and Recall of Offenders Released on Licence. It introduced:

- A whole system recall target (time taken from Probation decision to recall to arrest on warrant by the Police and return to custody);
- A Performance Team;
- Information on the new arrangements for the monitoring of unlawfully at large offenders; and

- Procedures for the extradition of offenders who are unlawfully at large and who have gone abroad.

These need to be linked to ViSOR and the information must be entered on to the ViSOR record to ensure that all RA agencies are able to access the information.

9.6 Last minute Early Release due to Sentence Recalculation

This concerns those offenders who are serving a determinate sentence. Although most sentence calculations are completed shortly after sentence and remain unaltered, changes in release dates can be caused by the following:

- The restoration of days added to a sentence by a Prison Governor as a disciplinary award;
- The deduction of days spent on remand by the offenders before they were sentenced; and
- The addition of the days an offender has spent unlawfully at large after recall to produce a notional LED.

Prison Governors have no discretion about deducting remand time but the change in release date by just one day can seriously undermine the release plans.

To minimise the likelihood of last minute changes in release dates, it is essential that the Custody or Discipline Office within Prison establishments identifies all eligible remand time deductions at the point when the sentence is first calculated and that this is checked and confirmed whenever a prisoner moves establishment. A notice to prisoners and a reminder, as part of the reception/induction procedures, would assist and be a matter of best practice.

Prison Governors have greater discretion in the restoration of “added days”. Arrangements to anticipate requests for restoration by offenders who are high risk should be put in place in order to avoid late changes to release dates. End of Custody Licence (ECL) release applies to offenders serving less than four years who meet the Prison Service Guidance – PSI 27/2007. This means prisoners can be released under temporary licence for a period up to 18 days prior to their normal release date. Where an offender is a level 2 or 3 case, the Prison Service must confirm with the Offender Manager, not later than **seven days** prior to ECL release, that the risk management plan can be put in place.

Release dates for level 2 and 3 offenders should be confirmed **four months** before release as a minimum but, where possible, this should be **six months** prior to the release date. At the point of confirmation checks must be made to see whether there could be a late application for days to be restored and for this to be addressed with the prisoner to avoid last minute changes to release plans. The confirmation must be made to the Offender Manager **in writing** and to the Police and entered on to the ViSOR record.

There have been cases where high risk offenders have had their travel warrant changed as they are being released. In one case, this resulted in the offender returning to a town 100 miles from their approved release address. The Prison had undertaken the change in good faith but had not discussed the decision with the Offender Manager and the Police. It is essential that the reporting address on the licence is checked by the Prison and such decisions are not made by the Prison Service in isolation but must be fully discussed with partner agencies and the Offender Manager.

9.7 Appeal Court Releases

It is not often that high risk offenders are unexpectedly released early as a consequence of a successful appeal against conviction or sentence length but it is possible.

Whilst it is not possible to predict the outcome of any appeal hearing, it is essential that the RA is made aware:

- That permission to appeal has been granted; and
- The date of the appeal hearing.

High risk serious harm offenders have been released as a consequence of Judicial Reviews. In such cases, the Prison, Probation and Police Services must respond as a matter of urgency to requests to review MAPPA cases and put arrangements in place to manage such offenders.

Under the Domestic Violence, Victims and Crime Act (2004), the Courts Service is required to notify the Witness Care Unit of all appeal applications. They in turn should notify the Victim Liaison Officer (VLO) in relevant cases. Local arrangements need to be put in place to ensure that this process is managed effectively and for the VLO to inform the Offender Manager. This will allow a MAPP meeting to be held and for protective arrangements to be planned and put into place should they be necessary.

9.8 Release directly from Court

There will be cases where high risk offenders are released from court following sentence due to the length of time spent on remand. In these cases, the Probation Court Liaison Officer should consult with the report writer to identify suitable licence conditions.

If appropriate, the case should be referred to a level 2 or 3 MAPP meeting on an emergency basis. The meeting should consider whether any additional licence requirements are necessary. The Offender Manager will be responsible for making the application where necessary as per Probation Circular 29/2007.

10. Transfer of MAPPA Cases

10.1 Introduction

Experience and various investigations into serious further offending show that weaknesses can arise in risk management when a case is being transferred between areas. It is therefore critical to ensure that all transfers are properly planned and managed.

It is important to remember that there is no such thing as an “informal” transfer. The following principles should be followed in all transfer cases:

- The over-riding consideration in relation to case transfers should be the protection of the public;
- The need to ensure that, where national standards for reporting and enforcement apply, these are maintained regardless of the transfer;
- To provide seamless supervision of offenders in the community;
- To ensure that all necessary information is transferred on a case file to manage the offender effectively;
- MAPPA does not have the authority to refuse a case transfer; this remains a Probation Service decision where the offender is under supervision. However, it can have an important role to play in ensuring that transfers are managed in a way that ensures that the risk(s) posed by an offender are managed as effectively as possible.

Other factors to consider:

- **Reasons for not approving a transfer:** These have to be based on public protection factors and demonstrate that the decision is based upon a thorough risk assessment and is proportionate to the identified risks. It is essential that the decision is well recorded and is communicated clearly to the offender;
- **Home visits:** Whenever an offender, who is under Probation Service supervision, changes their address a home visit must be undertaken: firstly, prior to transfer, to ensure that it is a suitable address; secondly, following transfer, a home visit should take place within 14 days of the move to ensure that the offender is actually resident at the address;
- **National Standards:** It is essential that Probation Service national standards are followed, with cases being allocated as required, appointments being kept as required and breach action being taken, if necessary;
- **Case transfer checklist:** All Probation cases must be transferred with the records as outlined in Probation Circular 25/2007 Case Transfers – Community Orders, Suspended Sentence Orders and Licences. ViSOR protocols and national standards must be followed with cases being transferred promptly between areas and all contacts and partners being updated as required.

All Category 1 and 2 offenders, under Probation Service, supervision are required to ensure that their address is known to their Case/Offender Manager.

Category 1 offenders must notify the Police of their home address within three days of date of conviction, caution or release from custody. "Home address" means the main/sole residence of the offender. If they have more than one address they must nominate one as the main address. If they are homeless, they have to provide details of a place where they can most frequently be found. Any change of address must be notified to their Offender Manager and the Police within three days and their address details must be updated at least once a year by the Police. Category 1 offenders are also required to notify the Police if they stay away from their home address for seven nights or more, either successively or cumulatively within any 12 months period, providing details of their alternative address. If this is outside the managing Police area, the managing Police area will notify the receiving Police area and make them a partner to the ViSOR record whilst the offender is staying in their area.

If a Category 1 offender moves to another Police area without informing their managing area, the receiving Police force will notify the managing Police force that the offender has moved into their area and notified a change of address. The managing Police force will:

- Make the receiving Police force a partner to the ViSOR record;
- Request a home visit is made to confirm that the offender is actually living at the address; and
- Where relevant, notify the Offender Manager of the change of address.

Once the address has been confirmed, the managing Police force will transfer the ViSOR record to the receiving Police force. The Offender Manager will, in consultation with the Police, undertake a review of the risks in the case. The Offender Manager will decide whether the offender should be recalled to custody and notify the Police of their decision.

All offenders who are subject to a licence or an order with a residence requirement must discuss any change of address with their Offender Manager prior to its taking place. For full details of the process that should be followed for a transfer of a case, where the offender is subject to Probation supervision, refer to Probation Circular 25/2007. It is important that where the Offender Manager shares management of the case with the Police, they must ensure that the Police are aware of the request to move address and are consulted as part of the decision making process.

In respect of transfer of a MAPPA case, where the offender is subject to statutory supervision by the Probation Service, the decision as to whether the case should be transferred will first be taken by the Probation Service. Where the case is managed at level 2 or 3, the Probation Service should consult with colleagues in other agencies and refer to ViSOR to assist in their decision making but the final decision rests with the Probation Service. The following provides guidance as to how the process should be managed.

Where an offender is being managed by Area A at MAPPA level 2 or 3 and a change of address to Area B is being considered, the Offender Manager in Area A, in consultation with their Manager, should assess the risks associated with the proposed move and decide whether to approve it. Once the decision has been taken, Area A will consider whether it is necessary to hold a MAPP meeting prior to transfer to identify the potential risks associated with the change of address and how these could be managed. The Senior Manager in Area A will contact the Senior Manager in Area B to discuss transfer and, where relevant, the issues discussed at the MAPP meeting. When the proposed arrangements are in place for transfer, Area B will hold a MAPP meeting. The Offender Manager in Area A will attend this meeting, either in person or by video/telephone conference.

10.2 Cross Border Transfers

It is not uncommon for offenders to move between countries within the United Kingdom. Between England and Wales this is a relatively simple process and the procedures described in Probation Circular 25/2007 must be followed. However, when the transfer is between England/Wales and:

- Scotland;
- Northern Ireland;
- Isle of Man; and the
- Channel Islands,

the process is somewhat more complex as legislation is different between the countries involved. General principles relating to case transfer to other jurisdictions are described below. The Guidance then considers the issue of transfer of MAPPA cases between England/Wales and Scotland. MAPPA is not currently in place in Northern Ireland, Isle of Man or the Channel Islands.

10.3 General Principles

Schedule 1 of the Crime (Sentences) Act (1997) contains the main provisions for transfer of case transfer for those offenders subject to release on licence. Case transfers of supervision are made on an “unrestricted” or “restricted” basis.

The distinction between restricted and unrestricted transfers is important because it determines the relevant law that is applicable following the transfer and may affect the duration of supervision and action in the event of breach of licence or order.

A request which meets the transfer criteria and where there is no effect on the sentence (either in terms of a reduction or increase in time to serve) or on any post release supervision requirements, will normally be granted on an unrestricted basis. In an **unrestricted transfer**, the law of the receiving jurisdiction should apply. The offender is treated as if their licence/order period had been the result of a sentence imposed in the jurisdiction to which they have been transferred. The offender will be managed for the remainder

of the licence/order in the receiving jurisdiction as if it had been for an equivalent licence/order in the receiving jurisdiction. The management of the case will be subject to the statutory and other provisions applicable in the receiving jurisdiction. This is the type of case transfer that occurs between areas in England/Wales and in Scotland, as it is possible to replicate the original licence/order requirements.

Where an unrestricted transfer is not appropriate, the Secretary of State or Scottish Ministers or other relevant authorities may transfer the management of the offender on a restricted basis. In a **restricted transfer**, the law of the sending jurisdiction will continue to apply and the offender will be subject to the same duration of contact and the same licence/order conditions as they would have been in the sending jurisdiction. The receiving jurisdiction will manage the case in that the offender will be reporting to an Offender Manager/Supervising Officer in the receiving jurisdiction. However, in the case of a restricted transfer, breach proceedings must take place under the sending jurisdiction, for example, in the case of a transfer from England to Scotland breach action would follow English law.

As legislation now differs quite considerably between England/Wales, Scotland, Northern Ireland, Isle of Man and Channel Islands, the vast majority of case transfers must be agreed and made on a restricted basis.

If an offender is undergoing or is about to undergo case transfer to any part of the UK, formal approval must be sought from the Secretary of State, or their equivalent, of the sending jurisdiction. Where the sending jurisdiction is Scotland, the Scottish Ministers may, on the offender's application, make an order for the management of that offender to be transferred to another part of the UK. Serving prisoners may also have to apply to be transferred.

All transfers must be fully discussed and agreed with the receiving area prior to transfer taking place and this must be at Assistant Chief Officer (or equivalent) and Criminal Justice Service Manager level.

Before an order for transfer is made, the sending and receiving Probation and Local Authority Criminal Justice Social Work jurisdictions are required to consider:

- Whether or not licence conditions can be enforced; and
- The ability of the receiving jurisdiction to manage the case using the fullest information available.

Scottish Executive Justice Department Circular 6/1999 and Probation Circular 25/2007 provide full guidance on the arrangements for transfer of supervision.

Key points to remember:

- Check the legislation regarding transfer and refer to the relevant guidance. Remember the transfer is likely to be restricted and the process can be time consuming;

- Contact the receiving area to discuss the case with them prior to transfer – this must be at **Senior Manager** level, i.e. Assistant Chief Officer and Criminal Justice Service Manager;
- The receiving area **must** confirm that they are able to manage the case to the requirements of the case prior to transfer being agreed;
- Ensure all appropriate records are sent to the receiving area within five working days of transfer being approved. These include: offender assessment, including OASys transfer review or equivalent case transfer review; risk assessment; risk management plan; sentence plan; pre-sentence report; parole report; victim(s) details and risks to potential victim(s); copy of original licence/order and requirements and then the amended licence/order;
- Transfer on licence, and where a residence requirement is attached to an order, has to be agreed with the Offender Manager/Supervising Officer prior to the transfer taking place. Approval to transfer can be refused;
- Moving without notifying the Offender Manager/Supervising Officer constitutes a breach of the licence or order with a resident requirement and the appropriate enforcement action must be taken.

10.4 MAPPA Co-operation and Information Sharing between England/Wales and Scotland

This section is intended to set out the principles for the liaison and exchange of information between the Responsible Authorities and MAPPA in England/Wales and Scotland for offenders who fall within the offender Categories defined by sections 327 of the Criminal Justice Act (2003) and section 10 of the Management of Offenders etc. (Scotland) Act (2005).

MAPP arrangements in Scotland commenced in April 2007 and, for the initial implementation, relate only to registered sexual offenders. They will eventually include violent and other dangerous offenders. Whilst the processes described here can only be used for Category 1 offenders, it also includes the process that must be followed when supervision of all those who are regarded as MAPPA offenders in England and Wales is transferred between the two jurisdictions.

10.5 Responsible Authorities

There are differences in who forms the Responsible Authorities, which are as follows:

England and Wales – The Police, Probation and Prison Services.

Scotland – The Scottish Prison Service, Local Authorities (Criminal Justice Social Work) and the Police, with the Health Service being included for Mentally Disordered Offenders who are restricted patients.

MAPP arrangements apply to those offenders:

- Subject to supervision on or following release from Prison;
- Subject to a community disposal or alternative to custody;
- No longer or not subject to Probation or Criminal Justice Social Work supervision but subject to the notification requirements of the Sexual Offences Act (2003);
- Subject to the notification requirements of the Sexual Offences Act (2003) only, including those subject to a SOPO or RSHO; and
- Who by virtue of previous convictions are still considered to pose a threat.

10.6 MAPPA Cross Border Transfers

Offenders who are subject to MAPP arrangements in the community and are managed on licence/community order by the National Probation Service, Youth Offending Team or, in Scotland, Local Authority Criminal Justice Social Work, will be subject to the transfer provisions described above and can **only be transferred with the agreement of both the sending and receiving jurisdiction**. Given the serious level of risk MAPPA offenders present, particularly at level 2 and 3, it is essential that the process is followed properly, that full details and information are appropriately shared and that MAPP meetings involve the sending area, either in person or through video/telephone conferencing.

Where a MAPPA offender is not under the management of the Probation Service or the Criminal Justice Social Work department and therefore not subject to the cross border transfer legislation, it will be for the RA in one area to make contact with the equivalent RA in another area to provide the relevant information. Thereafter, it is for the receiving RA to make the arrangements for referral to MAPPA in their area.

MAPPA offenders have their details recorded on ViSOR and, once a transfer has been agreed, the necessary transfer must also take place on ViSOR. From May 2008, this will also include all MAPPA documentation relating to level 2 and 3 MAPP meetings which have been held in England and Wales.

11. Critical Public Protection Cases (CPPCs)

11.1 Introduction

Probation Circular 06/2007 clarifies the purposes and criteria for registering CPPCs and sets out the process for referring a case to the NOMS Public Protection Unit (NOMS PPU) for registration. It defines the additional resources that may be available to assist with the management of the case, including funding for two placements in enhanced supervision beds at Langley House Trust for mentally disordered offenders and details of the application procedures. It describes the roles and responsibilities of the Responsible Authority (RA) and of the PPU following registration, including a new process to de-register CPPCs that no longer warrant registration.

The Circular confirms the purpose, criteria and process for national co-ordination in the management of a very small number of violent or sexual offenders (National CPPCs) who present extreme resettlement challenges.

11.2 Purposes of Registration as a Critical Public Protection Case (CPPC)

The purposes of registration as a CPPC are:

- To ensure that the NOMS PPU is able to inform Ministers, the Chief Executive of the National Offender Management Service and the relevant Regional Offender Managers about the management arrangements for those cases which present the highest risk of serious harm and/or have a significant national or particularly sensitive profile;
- To enable the RA to apply to the PPU for additional funding, in cases that are so difficult to manage that they may require extra resources in the form of:
 1. Temporary additional staff cover in Approved Premises;
 2. Escort Duties;
 3. Improvements to security hardware at Approved Premises;
 4. An Enhanced Supervision Bed (ESB) at Langley House Trust for an offender with a serious mental disorder; and
 5. Specific interventions that will contribute to public protection; and
- To facilitate the co-ordination of arrangements for National CPPCs.

11.3 Criteria for a Critical Public Protection Case (CPPC)

Cases should be referred to the PPU only when the following criteria are met:

- The case is being managed at MAPPA level 3; and
- In almost all cases, the offender is assessed as presenting a very high risk of serious harm, where there is an imminent risk of serious harm

(on release from Prison). The potential event is more likely than not to happen imminently and the impact would be serious; and/or

- The case attracts, or is likely to attract, significant national media interest.

The referral for registration to the PPU should be made no later than **three months** prior to an offender's release from custody. While most referrals will be offenders released from Prison, others may include:

- A known very high or high profile offender returning from overseas (whether immediately following their release from custody or not);
- An offender who has been managed as medium or even low risk in the community, but becomes high or very high risk as the result of a significant change of circumstances; and
- An offender on discharge from detention under a hospital order.

The PPU CPPC team is always willing to discuss cases if there is uncertainty about whether or not to refer a case for registration as a CPPC. As a guide, distinction should be made between:

- **MAPPA level 3 cases** - These are the very small percentage of cases that satisfy MAPPA level 3 criteria as defined in the MAPPA Guidance and require multi-agency senior management co-ordination and/or additional resources to support the risk management plan. Strategic Management Boards must be organised to manage the majority of their MAPPA level 3 cases without the additional support of the PPU.
- **CPPCs** - A small minority of MAPPA level 3 cases will need to be registered as CPPCs where there is demonstrable evidence that:
 1. The offender has caused serious harm through violent and/or sexual offending, which has resulted in death or is life-threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible; and
 2. Serious harm is likely to occur as soon as an opportunity and/or victim is present; the potential event is more likely than not to happen imminently and the impact would be serious; and/or
 3. The case is attracting, or is likely to attract, significant national media interest. There must be demonstrable evidence of sustained national media interest and the likelihood that this will continue.

11.4 National Critical Public Protection Cases (CPPCs)

A very small subset of registered CPPCs will require some kind of national co-ordination, sponsored by the PPU. These are exceptional cases where the

resettlement represents a very high risk both to individual (public, victims, staff or offender) and there is organisational risk due to exceptional public interest and scrutiny. This subset also includes cases that are categorised as very high risk offenders being returned from abroad, who have no particular connections with any specific area within England and Wales, and there is a clear need for a robust risk management plan to enhance public safety.

12. Approved Premises

12.1 Introduction

Approved Premises provide supported and supervised accommodation for offenders on licence or community supervision who present a high or very high risk of serious harm to the public.

The following Probation Circulars provide further guidance on the regime and referral process and other relevant issues:

- 37/2005 – Role and Purpose of Approved Premises
- 06/2007 – Critical Public Protection Cases (CPPCs)
- 07/2007 – Langley House Trust – new Service Level Agreement
- 17/2007 – Assessment and Management of Sex Offenders
- 19/2007 – Approved Premises National Rules
- 20/2007 – Approved Premises Performance Improvement Standards: Guidance on Second Round of Audits
- 24/2007 – Prolific and other Priority Offenders (PPOs) Issues
- 25/2007 – Case Transfers – Community Orders, Suspended Sentence Orders and Licences

It is essential that level 2 and 3 MAPP meetings consider whether a period of residence in Approved Premises would enhance the risk management plan. The public is better protected by some high risk of harm offenders being supervised in Approved Premises rather than those offenders being dispersed into the community. It reduces the very real potential of offenders living in unsuitable accommodation close to vulnerable families. Referral to Approved Premises should take place no later than **three months** before the release date.

Approved Premises provide a structured environment to support offenders' rehabilitation as well as restrictions including a curfew, which place controls on their behaviour. Approved Premises staff play a significant role in both providing relevant risk information to the Offender Manager and in contributing to effective risk management.

It is essential that Approved Premises' staff understand a resident's risks, risk management plans and the contribution the Approved Premises can provide to manage the risks. In order to achieve this, it is important that Approved Premises are part of any MAPP meeting relating to a resident. It is an expectation, therefore, that an Approved Premises member of staff will attend MAPP meetings.

12.2 MAPP Meetings

Probation Circular 25/2007 provides guidance on how to manage cases where an offender is resident in an Approved Premises for a short period out of their home area. It is best practice for the MAPP meeting to be held where the Approved Premises is located, in order that the local agencies are aware

of the risks in their area and can make the necessary arrangements. Where the “move on plan” is for an offender to go to a different area, a MAPP meeting should be held in that area in sufficient time to allow the necessary arrangements to be put into place; for example, suitable accommodation or health provision.

12.3 Absconders from Approved Premises

Where victim(s) have asked for victim contact under the statutory scheme, they must be informed when an offender is subject to recall proceedings by Approved Premises staff. There must be an assessment of the offender’s file which indicates whether the notification can be managed by the Victim Liaison Officer during normal office hours, or whether given the nature of the risk, the victim(s) must be notified as soon as possible. Where the victim(s) must be notified as a matter of emergency, how this is to be achieved, who is to be notified and by whom must be recorded in the “confidential” section of the offender’s file.

In some instances, there may be a time delay between an offender absconding from an Approved Premises and them being located and returned to custody. This includes those residents who abscond whilst on home leave from an Approved Premises or any other form of authorised absence from the Premises. In these cases victim(s) **must** be kept informed; for further information see the “Guidance for Victim Contact Officers and the Approved Premises Handbook”.

13. Domestic Extremism and MAPPA

13.1 Introduction

The term “Domestic Extremism” applies to unlawful action that is part of a protest or campaign. It is often associated with “single issue” protests, such as Animal Rights, Far Right and Far Left political extremism, anti-war, anti-globalisation and anti-GM (genetically modified) crops.

The majority of people involved in single issue protests campaign lawfully. However, there is a small group of individuals who seek to further their cause by committing criminal offences.

Domestic Extremism has become a concern because it targets victims and their homes as well as business premises. Extremism moves beyond the bounds of legitimate protest to intimidate individuals engaged in lawful activity and to impose economic costs on legal businesses with highly personal attacks, aimed at repeat victimisation.

The cumulative harm posed by offenders who engage in Domestic Extremism identifies the need for close management through MAPPA. Such offending is insidious with these highly personal attacks aimed at repeat victimisation which is devastating people’s lives. Enhanced Probation involvement in the management of these high profile individuals is essential to manage the potential risks. Such cases will undoubtedly require multi-agency management and should be referred to MAPPA. The harm that is being caused to the victims can often be psychological as well as physical.

13.2 Identification

The process for identifying Domestic Extremists by the National Co-ordinator is based on the model that has been developed by the Police and identifies five main themes:

- Animal Rights extremism;
- Environmentalism extremism;
- Far Right Political extremism;
- Far Left Political extremism; and
- Emerging Trends – linked to threats to Community Cohesion.

Offenders who engage in criminal acts which are linked to Domestic Extremism are often part of very sophisticated organisations. There are low numbers of such offenders in the criminal justice system but the threats posed are of a significant and serious nature. The Serious Organised Crime and Police Act (2005) has been amended to reflect this and the Association of Chief Police Officers (ACPO) Terrorism and Allied Matter portfolio identifies Domestic Extremism as the prime focus of “Allied Matters”. Due to this, Government attention will be given to the identification and management of individual cases.

For the Probation Service, consultation must take place with the Police in those cases where Domestic Extremism themes have been identified. Domestic Extremism does not include faith-based groups. Further guidance relating to these groups will shortly be included in this Guidance.

13.3 Inclusion in MAPPA

Involvement in MAPPA needs to be considered seriously in each case where association with Domestic Extremism themes have been identified. It is rare, for example, that Animal Rights extremists' acts are one-off incidents. More usually they form part of organised and concentrated campaigns against identified targets. Whilst Domestic Extremists may be imprisoned for relatively low level offences, it is important that the wider picture and background to the situation is taken into account. This should include the impact on the victim, particularly the psychological effect, and the offender's attitude towards their offending behaviour. These cases will also often attract national media attention. The knowledge/skills required to assess and manage this type of case differ from the MAPPA mainstream and the management streams are likely to have a strong emphasis upon restrictive conditions. Information sharing and security issues will be significant issues. It is likely that the MAPP meeting will require a different composition of attendees than usual. Offender Managers should seek specialist advice from the Probation lead seconded to the National Co-ordinator Domestic Extremism (Direct Telephone Line 020 7084 8593).

Given that many offences are likely to be Public Order Act cases, criminal damage, threats and intimidation and fraud type offences, referral to MAPPA should be under Category 3 (other dangerous offenders). The risks of harm to be managed will often be the risks of psychological damage to the victim. This can be as serious and debilitating as physical harm because it can affect a person's ability to sustain a 'normal' life. The MAPPA Co-ordinator should consult with the national Probation lead about who should be invited to the meeting to ensure that all the potential risk of harm issues are identified and that an effective risk management plan is constructed.

This is a MAPPA Co-ordinator/Management function.

14. ViSOR

14.1 Introduction

ViSOR was developed to support a fully integrated approach to the management of sexual, violent and other dangerous offenders. ViSOR will facilitate the end-to-end management of these offenders. It will provide a central store for up-to-date information that can be accessed and updated by Police, Prisons (both public and private), Probation Services and, in the future, Youth Offending Teams. Cases in ViSOR are known as “nominals”. Each nominal can have up to 43 “attachments”; these contain information about the person, for example, name, address, convictions, modus operandi and pets.

ViSOR provides a secure database enabling the sharing of risk assessment and risk management information on individual dangerous offenders in a timely way. ViSOR improves capacity to share intelligence and improve the safe transfer of key information when these offenders move between areas; this enhances public protection measures. In addition, ViSOR provides the opportunity to access consistent management information to support the Strategic Management Board (SMB) in performance analysis and improved working practices. It will also provide information for the MAPPA annual reports. ViSOR will store all MAPPA documentation including the MAPP meeting minutes.

14.2 How ViSOR Operates

The ViSOR application is classified as **CONFIDENTIAL**. This classification mandates that certain security measures are implemented and that all ViSOR users adhere to these requirements. As it is a confidential system, requests under the Data Protection Act (1998) for information contained within it will probably be denied but will be considered on a case by case basis. This is because ViSOR contains active Police intelligence and to disclose information could adversely affect Police activity.

In order for ViSOR to be an effective information sharing and risk management tool, all of the MAPPA population should be entered on to it, including those offenders currently serving custodial sentences. Each nominal record consists of a front-page summary screen of information and a number of “attachments” (currently 43) that contain detailed information relating to that offender. Each nominal has a ViSOR Manager who has responsibility for the collation and quality assurance of information stored on that record. There can also be a number of partners to a record who have the ability to input information into the nominal record. Whoever inputs information into ViSOR is responsible for ensuring that the information is accurate.

Currently, ViSOR is accessible by the three Responsible Authority (RA) agencies - Police, Prison and Probation Services.

14.3 Inclusion Period

The period an offender remains subject to MAPPA varies significantly. Some will be subject to MAPPA for life, others to less than six months. The period will be dependant upon the offence committed and the sentence imposed. Discharge of offenders from MAPPA can only take place in the following circumstances:

- Category 1 offenders will be archived when their period of registration expires. In the most serious cases registration will be for life and the case will be archived when the offender dies;
- Category 2 offenders will be archived on licence expiry or discharge from hospital order restrictions;
- Category 3 offenders will be archived when a level 2 or 3 MAPP meeting decides that the risk has reduced sufficiently.

All “nominals” will remain in ViSOR until the person’s 100th birthday. At this point the case will be reviewed with the expectation that the nominal record will be removed.

Responsibility for creating and managing ViSOR records is as follows:

- Category 1 offenders – the Police Service;
- Category 2 offenders – the Probation Service (and eventually the Youth Offending Service). Currently the Probation Service will only enter Category 2, level 2 and 3 cases on to ViSOR who are within six months of their actual or potential release date; and
- Category 3 offenders – where the case was previously managed by Probation, they will be responsible for the management of the case. For all other cases, the Police will be responsible.

When a ViSOR nominal ceases to be an active MAPPA case, it will be archived. This means that the information will remain within ViSOR and, if necessary, can be re-activated. The nominal record will be retained until the 100th anniversary of the individual’s birth. At this point, it will then be reviewed and, in most cases, will be removed from ViSOR.

Further guidance on the retention of information can be obtained from ACPO (2006) – Guidance on the Management of Police Information.

15. Good Practice Standards

15.1 Introduction

Previous experience, research and the introduction of MAPPA have all improved our understanding of what works best in the effective management of high risk offenders. The challenge is not only to match current practice with what we already know but also to respond rapidly to new learning. The standards outlined below are based on an up-to-date analysis of what works best and includes information from recent HMIP inspection reports and the most recent research into MAPPA conducted as part of the Child Sex Offender Review, published in June 2007.

15.2 The Four Features of MAPPA Good Practice

Professor Hazel Kemshall (2003)² clarified that public protection depends upon:

- Defensible decisions;
- Rigorous risk assessments;
- The delivery of risk management plans which match the identified public protection need; and
- The evaluation of performance to improve delivery.

15.3 Defensible Decision Making

Although the arrangements represent a significant strengthening of public protection, they cannot provide absolute protection. Research³ has shown that 32% of first-time murderers and 36% of serious sexual offenders have no previous convictions. Risk assessment is not an infallible science. As Hazel Kemshall has commented:

“The desirable outcome of MAPPA is effective risk management. However, this should not be understood as “zero risk” as this position can never be achieved. Risk management should be understood as harm reduction either through the reduction of the likelihood of a risk occurring or the reduction of its impact should it occur.”⁴

In many cases, the decision making involved in the assessment of risk and its management can, and indeed often does, prevent re-offending but it is not infallible. Even the most diligent efforts of practitioners cannot always prevent serious harm. In place of infallibility we must put defensibility; making the most reasonable decisions based on the information available at the time and carrying them out professionally.

² Kemshall, H. (2003) The Community Management of High-Risk Offenders, Prison Service Journal, March 2003

³ Soothill, K, Francis, B., Ackerley, E, and Fligelstone, R. (2002) Murder and Serious Sexual Assault: What criminal histories can reveal about future serious offending. Police Research Series Paper 144

⁴ Kemshall, H. (2003) *ibid*

The idea of defensible decisions is not about being defensive, rather it is making sure that decisions are transparent and can be easily understood. It is intended to embed risk assessment with rigour and risk management with robustness. Kemshall⁵ summarised its criteria as:

- All reasonable steps have been taken; reliable assessment methods have been used;
- Information has been collected and thoroughly evaluated;
- Decisions are recorded (and subsequently carried out);
- Policies and procedures have been followed; and
- Practitioners and their managers adopt an investigative approach and are proactive.

15.4 Rigorous Risk Assessment

Great strides have been made in improving risk assessment. The use of OASys and Risk Matrix 2000 (RM2000) by the Prison, Probation and Police Services has provided a common and more timely approach to risk assessment. While this move towards a standardised form of risk assessment is important, it must be understood that “one size does not fit all”. To this end, a number of more specialised assessment tools have been developed including those for domestic violence and sexual offenders. OASys, however, provides a platform upon which sound practice must be based and forms part of the foundation of the MAPPA framework.

No risk assessment tool can be 100% predicative. Good risk assessment practice is dependant upon those undertaking it having all the relevant information and time to consider it. For this reason, the Guidance places great emphasis upon the identification of risk and information sharing to assess risk. Once risk has been identified, and after information has been shared, it is the skills of practitioners, enhanced by the involvement of other professionals, which make the procedure meaningful. We know, for example, that while an offender’s past convictions and other “static” factors are reliable indicators of risk, the risk assessment skill often lies in discerning the “dynamic” risk factors and, more importantly, in drawing up the risk management plan.

It is important to include the victim focus of MAPPA work. While section 69 of the Criminal Justice and Court Services Act (2000) amended by the Domestic Violence, Crime and Victims Act (2004), imposed a statutory duty on Probation Areas with regard to victim contact, good practice already shows the wider benefits of this work. The victim is central to the offence and the risks to the victim must be properly assessed and managed. In addition, with proper care and support, victims can provide vital information for the assessment and management processes. Indeed, the victim may be the person who best knows the true risk posed by the offender.

It is precisely because risk assessment can never become formulaic, and because there will always be a place for using discretion and professional

⁵ Kemshall, H (2003) *ibid.*

judgement, that we must ensure that this is the case. Risk assessment is a dynamic and continuous process and is not a “one off event”, especially with offenders who present the highest risk.

15.5 Robust Risk Management

Robust risk management begins with planning how the assessed risks are to be managed by meeting criminogenic need and matching risk with lawful, necessary and proportionate responses to protect the public. The implementation of the risk management plan, like risk assessment, is dynamic. It must respond to changes in risk and in the circumstances likely to affect risk. This should be supported by drawing up the plan using clear objectives for the offender and for those managing the risk.⁶

This Guidance does not detail various risk management strategies and specific means of achieving objectives but highlights the principles of good practice in managing the higher risks. These are as follows:

1. By co-ordinating how each agency fulfils its respective responsibilities, MAPPA ensures the co-ordinated outcome is greater than the sum of its individual parts. The extent to which this is already part of good practice is reflected in the involvement of Police in offenders’ post-release arrangements, which is complemented by Probation Services’ increasingly robust focus upon enforcement. This principle is of particular significance when MAPPA engages with agencies less familiar and confident about focussed public protection work.
2. Integration of the measures used to promote the offender’s self management (sometimes referred to as the “internal controls”) with those which are designed principally to constrain risk (sometimes referred to us as the “external controls”). Very few risk management plans are constructed with only one or other of these measures as internal and external controls are rarely mutually exclusive.
3. Each case is managed at the lowest appropriate level that is consistent with providing a defensible risk management plan. The principles of good defensible decision-making will ensure that this is achieved and that the “inflation” of low risk cases, with the consequent inappropriate use of resources, is avoided. Integral to this principle is the need for appropriate contingency plans in the event of a breakdown in risk management arrangements.

15.6 The Strategic Management of MAPPA

While nothing can detract from the importance of high quality risk assessment and management, good and better practice is contingent upon the virtuous circle of planning, enacting, reviewing, evaluating and planning, which lead to better public protection.

⁶ Kemshall, H. (2001 and 2002) suggests these objectives are best defined using the SMART criteria: Specific, Measurable, Achievable, Realistic and Timely

The Strategic Management Boards (SMBs) of each Responsible Authority area have formal responsibilities for the statutory duty to review, monitor and to make necessary changes to the risk assessment and management arrangements. As Kemshall states⁷:

“The absence of disaster is not enough as an evaluation strategy.”

Evaluating performance is not only the preserve of the SMB; evaluation is part of good professional practice. Whether through formal supervision or in the continuous process of reconsidering risk and its management, evaluation is one of the core skills of MAPPA practitioners. Finally, evaluation is important because it helps identify more sharply where resources are best deployed and where additional resources are most needed.

15.7 MAPPA Best Practice

Recent research into MAPPA undertaken as part of the Child Sex Offender Review identified the following best practice:⁸

- **Providing a balance between rehabilitation and public protection**, enhancing community supervision of sexual offenders through the tight integration of case management and programme work and pro-social modelling techniques in individual supervision;
- **Timely and focussed pre-release work** facilitated through joint visits by Police and Probation to prisoners pre-release and by regular attendance of Prison personnel at level 2 and 3 MAPP meetings. Specific risk management plans are developed pre-release with appropriate conditions and restrictions and a swift recall policy;
- **Attendance by victim liaison workers at level 2 and 3 MAPP meetings** to present victim issues to enable a focus on victim protection strategies, for example, rapid response phone contact, alarms etc;
- **Early identification of need and referral to relevant treatment/group work programme** supported by relevant one-to-one work;
- **Offence focussed individual work**, for example, working with offenders to develop internal controls and recognise and avoid triggers to offending;
- Attention in **one-to-one supervision to relapse prevention**, especially following completion of treatment;

⁷ Kemshall, H. (2003) *ibid*

⁸ The operation and experience of MAPPA 2006, Finding 285 and Assessing the extent of discretionary disclosure under MAPPA 2006 Finding 286.
<http://www.homeoffice.gov.uk/rds/pubintro1.html>

- **Offender Managers working *with* offenders to jointly manage risk** with the goal of engaging offenders in their own regulation. This participatory approach is most effective in ensuring offenders can better self-risk manage post supervision;
- **Balancing internal and external controls** is a key success factor in risk management. The focus on each is made on a case-by-case basis so, for example, some cases require prioritisation of external controls, particularly where offenders are not ready to acknowledge the seriousness of their offence.

Internal Controls

Internal controls are used by the offender to limit their offending behaviours and focus on recognition and avoidance of key triggers and risky situations together with relapse prevention techniques. Sexual offender programmes, supported by focussed one-to-one work were perceived by staff to be the most effective method of promoting internal controls. Unannounced and announced home visits were also made to monitor “lifestyle” and the success or failure of internal controls, to assess any potential grooming behaviours (e.g. toys and material used to attract children into the home).

External Controls

The most frequently used external controls are:

- Licence conditions (e.g. curfews, exclusions zones, accommodation restrictions);
- Behavioural restrictions (e.g. restriction of leisure activities to limit grooming behaviours);
- Police and Probation home visits; and
- Contact restrictions (limiting contact with past or potential victims)

A key fact to note was that offenders displayed a greater readiness to comply when they felt that the restrictions imposed upon them were clearly rationalised by supervision staff and were reasonable in relation to their offending behaviour. Those offenders who felt a strong reluctance to comply felt that they could not understand the reasons for the restrictions imposed.

- **Use of home visits (jointly by Police and Probation) to check and be “lifestyle vigilant”** – it is essential that home visits are more than a cursory check as they provide the opportunity to further assess the offender in their own environment. The Probation Service must make a home visit within 10 working days of the commencement of supervision. For high and very high risk of harm offenders, it is essential that this is carried out by the Offender Manager. For Category 1 offenders in particular, and other high and very high risk offenders released on licence, Police and Probation may choose to undertake the first visit jointly as this would have the benefit of demonstrating to the offender that they are working co-operatively together. ACPO (2007) – Guidance on Protecting the Public: Managing Sexual and Violent Offenders does

not recommend a minimum number of home visits by police to registered sexual offenders per year. However, this Guidance suggests that high/very high risk of serious harm Category 1 offenders are visited by Police **monthly**, medium risk **quarterly** and low risk at least **annually**, but preferably every **six months**. For those high/very high risk of harm offenders under Probation supervision, best practice would indicate a home visit by Probation every **four months**;

- **Use of targeted Police surveillance** – Police can deploy specialist resources, as a proactive response, should this be required by the risk management plan;
- **Swift and appropriate information exchange** – between Police or Drugs Agency and Probation, for example, especially where offenders are breaching licence conditions; and
- Use of **specialist multi-agency teams of Police and Probation** – the co-location of Police, Probation and staff from other agencies is encouraged wherever logistically feasible.

15.8 MAPPA Case Management Best Practice

The Child Sex Offender Review research also identified the following as best case management practice: integration of individual supervision and sexual offender programme work including increased attention to relapse prevention work in individual supervision; attention to relapse prevention work in individual supervision and use of supervision and disclosure contracts for offenders. These documents clearly set out the licence conditions and expectations relating to appropriate behaviour, restriction and disclosure requirements:

Specimen contract for controlled disclosure

- I will attend church only at 8.30am and 6.30pm services.
- I will ensure that I sit apart from children and young people in church.
- I will ensure that I am never alone with children and young people at church or at church groups/activities.
- I will not involve myself in any way with children and young people.
- I accept that certain people within the church will need to be aware of this contract and this will be on a “need to know basis”. I understand that I will be aware of the people who are given this information and the reason why they need to have this information.
- I understand that if these conditions are broken the church will have no alternative but to prohibit me from attending and will have a responsibility to report this to my Offender Manager.

Offender Signature

Date

Offender Manager’s Signature

- Use **voluntary contract mechanism** to enable the receiver of such information to understand confidentiality boundaries, for example, who they may or may not tell);
- Develop **strong supervisory relationships between Probation, Police and the offender** underpinned by an assumption that offenders, if given opportunities to engage effectively, may change behaviours in most cases. This can result in a “readiness to disclose” and talk through issues prior to any potential escalation in risk. This is a key measure of effective management practice:

Use of **pro-social modelling** comprising:

- Clarification about the supervisory role; to include the purpose and expectations of supervision, the appropriate use of authority and the role of enforcement;
- Pro-social modelling and reinforcement, involving clear expectations about required values and behaviours and their reinforcement through the use of rewards; through the challenging and confrontation of undesirable behaviours and the discouragement of pro-criminal attitudes and values;
- Negotiated problem-solving; with clear objective setting, monitoring and accountability of the offender’s progress;
- Honest, empathic relationship with an emphasis upon persistence and belief in the offender’s capacity to change.⁹

The following factors play a significant role in the supervisory relationship and in subsequent desistance from offending:

- Negotiated engagement and partnership in problem solving (the use of contracts with offenders is a good example of this);
- Support and encouragement (particularly through home visiting);
- Efforts to improve offender reasoning and decision-making (via treatment programmes, intensive relapse preventions work and one-to-one supervision);
- Personal and professional commitment of workers to the change process and to the recommended programme, including prompt Offender Manager responses to issues identified in treatment and relapse prevention;
- Attention to the personal and social problems of offenders;
- Feelings of loyalty, commitment and accountability that offenders have to the Offender Manager;
- Reinforcement of pro-social behaviour (Probation and Police staff communicate expectations clearly and hold offenders accountable); and
- All staff displaying a genuine interest in the well being of offenders.

⁹ Adapted from McNeil and Batchelor 2002:38; Trotter 1999, 2000

15.9 General MAPPA Standards

What follows is an auditable checklist which the RA can use to assess the fitness for purpose of the MAPPA in their area:

- ViSOR standards implemented;
- Arrangements to cover MAPPA Co-ordination function implemented including a single point of contact;
- Dedicated MAPPA administration in place;
- SMB quarterly meeting chaired by a member of the RA of at least Assistant Chief Officer grade/District Manager or Assistant Chief Constable rank;
- Arrangements implemented to identify and allocate MAPPA offenders;
- Adherence to the MAPPA Guidance practice around level 2 and 3 MAPP meetings;
- Probation's Serious Further Offence standard implemented;
- Training plan implemented which includes induction for SMB members, MAPPA Co-ordinator, administration staff and Lay Advisers;
- Appropriate training programme for practitioners and managers working within MAPPA implemented (Risk of Harm training pack and MAPPA Induction);
- MAPPA communication plan implemented and reviewed annually;
- Media Strategy implemented;
- Diversity plan implemented;
- Annual Business plan implemented and reviewed and revised annually;
- Means to record any deviation from the statutory Guidance and the reasons for this decision.

16. The Responsible Authority (Police, Probation and Prison Services)

16.1 Introduction

The Criminal Justice Services Act (2003) places a duty on the Prison, Police and Probation Services in each of the 42 areas of England and Wales, acting as the Responsible Authority (RA), to establish arrangements for the assessment and management of the risks posed by sexual and violent offenders.

Section 325(1) of the Act included the Prison Service as part of the RA in MAPPA. This change was introduced in recognition of the valuable role of the Prison Service in keeping offenders in custody and the development and continuing implementation of effective offending behaviour interventions as well as undertaking other work to assist in the successful resettlement of offenders. Through the introduction of the Offender Management Model the Prison and Probation Services will work together to ensure that the discontinuity that can occur whilst an offender is in custody is significantly reduced. This will improve risk assessment and risk management, thus increasing public protection.

The RA has the duty to ensure that the performance of MAPPA in its area is fit for purpose through the monitoring of performance and investigating those cases where a MAPPA offender commits a specified serious further offence. The RA undertakes this duty through the Strategic Management Board as well as through ensuring that practice within their own agency meets the needs of the MAPPA.

16.2 Police Service

The Police Service has the lead responsibility for managing Category 1 offenders (registered sexual offenders). In most police forces, this has resulted in the establishment of specialist Police Public Protection Units, which incorporate the use of ViSOR to assist them with this responsibility. At present, there is no national guidance on the number of cases an officer should manage; rather the local area is tasked with ensuring that they have provided sufficient resources to undertake the task effectively. Guidance for the police is contained within "ACPO (2007) – Guidance on Protecting the Public: Managing Sexual and Violent Offenders" and should be referred to for further information.

The Police will often share the management of Category 1 offenders with the Probation Service for a specified period of time because many offenders will be subject to supervision on licence or a community order. To facilitate this, some areas have agreed arrangements where the Probation Service takes the lead during the period of statutory supervision, whilst ensuring that the Police Public Protection Unit are kept informed of issues. This can include undertaking a joint home visit at the commencement of the supervision period with the two agencies agreeing how supervision and further visits will be

completed. Other areas have established joint Police and Probation Units to manage the high risk cases. Whatever the local arrangements, it is essential that the two agencies establish good levels of communication, where each is aware of the other's activities in managing the offender.

The Police are responsible for ensuring all Category 1 offenders are entered on to ViSOR. They will ensure that all offenders subject to the notification requirements:

- Register, as required, and that all breaches of the notification requirements are promptly followed up and appropriate action taken;
- Are assessed using RM2000;
- Are visited at home – this Guidance would suggest high and very high risk offenders are visited monthly, medium risk cases every three months and low risk cases at least annually but preferably every six months; and
- Are reviewed regularly and the ViSOR records are maintained in accordance with the national standards.

As well as the attendance of the dedicated Police Public Protection Officer at MAPP meetings, other Police staff should attend as required, for example, local intelligence officers and specialist staff from Domestic Abuse teams and Child Abuse Investigation teams, where they are actively involved in the case

The Police will be responsible for co-chairing level 2 and 3 MAPP meetings. This will be an officer of the rank of Inspector at level 2 meetings and Basic Command Unit Commander (or equivalent) at level 3 meetings.

Police will be represented at senior manager level, Assistant Chief Constable, at the Strategic Management Board (SMB) Meetings.

16.3 Probation Service

The Probation Service is responsible for the management of Category 2 offenders aged 18 and over who are sentenced to 12 months custody or more when they are released on licence. Those under 18 will be managed by the Youth Offending Service. Cases that are subject to a hospital or guardianship order with restrictions will be managed by Mental Health and Social Services on discharge.

It will be the responsibility of the Probation Service to ensure that all Category 2, level 2 and 3 cases, are recorded on ViSOR and managed at the appropriate level under MAPPA. It is anticipated that eventually all Category 2 offenders will be entered on to ViSOR.

The Probation Service will ensure that all offenders subject to supervision:

- Are managed according to National Standards using the appropriate risk assessment and management tools, accredited programmes and residence at Approved Premises;
- Are subject to breach action, where this is required; and

- Have a ViSOR record, which is maintained and regularly reviewed, at a frequency of no less than every four months.

Probation will participate in all level 2 and 3 MAPP meetings through the attendance of:

- The Offender Manager responsible for the case;
- Other staff who are actively engaged in the case and who can assist in risk assessment and risk management. This will include staff from Approved Premises and Victim Liaison Officers.

The Probation Service will be represented at the SMB meetings by a Senior Manager of at least Assistant Chief Officer grade or District Manager.

16.4 Prison

The Prison Service will ensure that all MAPPA offenders sentenced to custody are identified following reception and that the Prison case management system is marked accordingly. They will ensure that they are made a partner to the ViSOR record and that they can enter relevant information on to ViSOR.

Cases will be monitored whilst in custody through the Local Risk Management Meeting (LRMM), which is an internal Prison multi-agency meeting. The offender supervisor should be a part of the LRMM. The Prison Service must ensure that information from the LRMM is shared with the Offender Manager and is incorporated into the sentence planning process as part of offender management. For further information, refer to Prison Service Order 4745.

The Prison Service is responsible for providing release date information to the Police and the Offender Manager. This should be calculated at the earliest opportunity following the commencement of sentence. It should be sent to the Offender Manager on the relevant form and should also be entered on to ViSOR. This information should be provided four months before release as a minimum but, where possible, this should be six months before release. It is essential that release dates are as accurate as possible as late changes can have an adverse effect upon risk management and public protection.

The Prison Service will:

- Wherever legally possible, share information to enable released offenders to be managed safely in the community;
- Identify MAPPA nominals, exchange information, assess the level of risk and manage the risk;
- When the offender is still in custody, participate in MAPPA level 2 and 3 cases, preferably through attendance at MAPP meetings or, if this is not possible, through video/telephone conferencing. As a minimum they should participate by providing a comprehensive written report;
- Advise MAPPA colleagues about Prison systems and procedures such as transfer between establishments and regime programmes; and

- Engage in the MAPPA process to inform parole reports and risk management plans through information sharing.

The Prison Service will not assign MAPPA levels to offenders. Through offender management and sentence planning, they will participate in assessing risk and identifying activities required to endeavour to reduce risk whilst the offender is in custody.

The Prison Service will participate in the Strategic Management Board meetings. Representation will be agreed with the Area Manager but must be of a sufficiently Senior Governor grade to have the necessary authority to participate effectively. The expectation is that the Prison Service will be represented at each SMB in its region and that it commits itself to attend at least three out of four meetings each year.

The High Security Estate and the private Contracted Out Prisons (COPs) are managed separately. In those areas that have a High Security Prison, the Director of the High Security Prisons may decide they should be represented at the SMB. In these circumstances the Prison Service must decide if both representatives (area and High Security Estate) will attend and, if only one attends, how information will be disseminated. Arrangements must be agreed separately with the COPs about their involvement in MAPPA and the SMB but these should be in line with those for the public sector.

Further information regarding the role of the Prison Service and MAPPA is available in the Prison Service Public Protection Manual.

16.5 Responsible Authority National Steering Group (RANSNG)

As a national co-ordinating body for the RA, the RANSNG is tasked with exercising oversight of MAPPA and ensuring its continued development. It will review the commissioning and implementation of MAPPA. To help meet these aims the RANSNG publishes a rolling three-year MAPPA business plan. The RA in each area is required to produce and implement an annual business plan in accordance with the RANSNG business plan.

The RANSNG terms of reference are:

- To ensure that appropriate MAPPA processes are developed, defined and issued to all components of the RA, Duty to Co-operate (DTC) agencies and all other relevant partners and stakeholders;
- To promote the consistent implementation of MAPPA best practice throughout England and Wales to achieve the highest standards in risk assessment and management;
- To advise the Secretaries of State on arrangements to monitor the efficiency and effectiveness of MAPPA and ensure the application of agreed monitoring and evaluation procedures and the collation of performance data;
- To advise the Secretaries of State and the Police, Prison and Probation Services and Commissioners on the resource requirements of MAPPA; and

- To promote the effective implementation, use, development and strategic direction of ViSOR.

The membership of RANSG is:

- Head of the Public Protection Unit, Ministry of Justice (to act as Chair);
- The senior nominated representative of the Police Service;
- The senior nominated representative of the National Probation Service;
- The senior nominated representative of the Prison Service;
- Specialist representatives of the MAPPA team within the Public Protection Unit;
- A senior representative from Her Majesty's Inspectorate of Probation;
- A senior representative from Her Majesty's Inspectorate of Constabulary;
- A senior representative from Her Majesty's Inspectorate of Prisons;
- A representative from the National Policing Improvement Agency;
- A representative from the Crime Reduction and Community Safety directorate; and
- A Regional Offender Manager.

17. Duty to Co-operate Agencies

17.1 Introduction

Section 325(3) of the Criminal Justice Act (2003) imposes a “Duty to Co-operate” with the MAPPA Responsible Authority (RA) on various organisations providing public services. This section of the Guidance:

- Defines the nature of the Duty and explains what it can involve in practice;
- Briefly outlines the role of those organisations on which it is imposed and the type of involvement each may have; and
- Provides advice about the “memorandum”, which Section 325(5) requires the RA in each area to draw up with the relevant organisations. The memorandum must specify how the organisations will co-operate with the RA.

17.2 The purpose of the Duty to Co-operate is:

- To co-ordinate the involvement of different agencies in assessing and managing risk; and
- To enable every agency, which has a legitimate interest, to contribute as fully as its existing statutory role and functions requires in a way that complements the work of other agencies.

The principal responsibility for protecting the public from sexual and violent offenders generally rests with the criminal justice agencies. However, the effectiveness of public protection often depends on more than just a criminal justice response. Other agencies play an important role in helping offenders to resettle and avoid re-offending. For example, research has shown that offenders with jobs have one-third to one-half lower rates of re-offending than offenders without employment. Re-offending, by offenders who have stable accommodation on release from custody, is lower than for those who do not. The important contribution other agencies can make is also highlighted in cases where offenders have mental health problems or where they pose a risk of harm to children.

While the professional “starting points” and “finishing points” of all the agencies involved in the MAPPA may be different, a formal means of co-operation is required when their responsibilities and expertise overlap. Without co-operation, there is a risk of collision – agencies unintentionally frustrating or compromising the work of one another, sometimes with dangerous consequences. Preventing collision and enabling joint working is fundamentally what the MAPPA Duty to Co-operate is about and experience has shown that it works best when the agencies also look for synergies to be gained from making services complementary.

17.3 What the Duty to Co-operate means and involves

The legislation does not define the activities that the Duty to Co-operate involves. It requires that the meaning of “co-operation” is determined in each area through a “memorandum” drawn up by the RA with the agencies upon which the Duty to Co-operate is imposed. Section 325 defines five characteristics of the Duty to Co-operate, which should be reflected in local memoranda:

- It is imposed in respect of the functions defined in Section 325, i.e. the operational, case-related work involved in assessing and managing the risks posed by MAPPA offenders. Although there is no mention of the “duty” in Section 326, which sets out the MAPPA review functions carried out by each area’s Strategic Management Board (SMB), the unequivocal recommendation of this Guidance is that all Duty to Co-operate (DTC) agencies should have representation at SMB level. Agencies require strategic oversight and input to monitor their own work within MAPPA;
- The Duty is **reciprocal**. It also requires the RA to co-operate with the DTC agencies in assessing and managing the risks posed by MAPPA offenders;
- It requires the DTC agencies to co-operate only in so far as this is **compatible with their existing statutory responsibilities**. The Duty does not require agencies to do anything other than what they are already required to do. In practice though, how these functions are carried out will evolve through the MAPPA in relation to relevant offenders;
- The Duty is imposed only on those agencies identified in Section 325(6) and (9) and can only be varied by order of the Secretary of State. The Duty can only be extended to other agencies, and it can only be removed from one of the specified agencies, by order of the Secretary of State, laid and formally approved by Parliament. This does not prevent other agencies contributing to the MAPPA both at SMB and at case management meetings. The latter has implications for information sharing which are detailed in Section 3; and
- The RA and the DTC agencies must set out the ways in which they are to co-operate in a **memorandum** which they must draw up together. The purpose of the memorandum is to enable the practicalities of co-operation to be agreed locally, allowing due account to be taken of local variations in the structure and relationships between all the agencies concerned.

17.4 The Principles of Co-operation

Respect for role: co-operation depends upon respecting the **different** role each agency performs and the boundaries which define it. Unless clarity about authority is maintained, responsibility and accountability will become clouded. The collaborative nature of a MAPP meeting does not undermine the discretion of the representative of each agency, nor does it detract from the responsibility each agency has for making its decisions and carrying them out.

Informing and influencing, not command and control: co-operation in MAPPA is based on the integrity of each agency's existing statutory role and responsibilities. It must be based upon informing and influencing partners. Co-operation cannot be based on the command and control of one agency by another.

Co-ordination not conglomeration: MAPPA and the Duty to Co-operate are a means of enabling different agencies to work together. MAPPA is not a legal entity in itself but is a set of administrative arrangements. Authority rests with each of the agencies involved. While consensus may be reached and joint action agreed, that consensus and action remain the responsibility of each agency. MAPPA does not aggregate the responsibility and authority of the agencies involved, it clarifies the roles each agency is to play.

17.5 Partnership Working and Primary Responsibility

Effective partnership needs strong leadership. The RA, as its statutory role makes clear, has the primary responsibility for establishing and maintaining the MAPP arrangements. Its leadership of the co-operative, multi-agency assessment and management of risk will involve tasks related to the four basic functions of the MAPPA model (see Section 2 "The MAPPA Framework") and, through the SMB, it will take the lead in:

- Identifying that an agency has a legitimate interest or specific responsibility;
- Advising about how best it can become involved; and
- Helping it to co-ordinate its involvement with that of other agencies.

Optimising co-operation will invariably require that a lead agency is identified on a case-by-case basis also. This is important so that once the risks have been assessed and their management planned, implementation is clearly led by the agency which has the primary responsibility for a case. Usually, the identification of this agency will be obvious and the Police, Probation, YOTS and Health and Social Services all have specific statutory supervision/care responsibilities for certain offenders which means they should lead. Primary responsibility may not be so clear where an offender is not subject to statutory supervision/care. In these cases, the agency which is to play the largest part in managing the risk should take the lead and this should be kept under review as the appropriate lead may change depending upon the risk management plan.

17.6 The Practicalities of Co-operation

While co-operation can be co-ordinated through MAPPA referral systems and by the identification of the agency with primary responsibility, it will not always be easy. Maintaining the partnerships required for effective co-operation within MAPPA can be problematic, particularly when they involve individual offenders who present considerable challenges to the professionals concerned.

The memorandum each RA must draw up with the agencies in its area, should clearly describe the ways in which they agree to co-operate. The specific activities involved in co-operation will be determined by the circumstances of each case. The type of activities that co-operation will involve can be broken down into four areas:

- **Providing single points of contact for other agencies:** channels of communication will be supported by each agency providing MAPPA single points of contact, who should be people who have a basic understanding of how MAPPA works locally, know how their agency fits in, have ready access to agency data on individuals known to the agency and/or can direct others to the appropriate person or department within their agency;
- **Providing general advice** about an agency's role and the type of services it provides. This includes advice about how services can be accessed;
- **Providing specific advice** about the assessment and/or the management of the risks a particular offender poses; and
- **Co-ordination:** this key partnership function requires each agency to carry out its responsibilities in a way which at best complements the work of other agencies, or at the least does not undermine their work.

Determining what these activities are and how best they can be organised can be established by adopting the three-step approach:

1. Clarify what it is you would like an agency to do;
2. Ask the agency whether that falls within the scope of its role i.e. whether it is legitimate for it to do it; and
3. If it is, then ask: how would you do it? This will help clarify what the practical information required actually is **and** who within the DTC agency will be responsible for co-operating with the RA.

For clarification and reassurance, it may be helpful to refer at each stage to the statutory definition of the "Duty to Co-operate" and the principles outlined above.

17.7 The Duty to Co-operate Agencies

This part of the Guidance sets out which agencies will discharge the Duty to Co-operate and briefly outlines the type of role each can perform. The detail of the roles will be agreed locally in the Memorandum. It also contains a summary of the role of those Ministry of Justice Units which play an important part in decisions to release and to recall offenders: the Mental Health Unit and the Pre and Post Release sections of the Public Protection Unit.

Section 325(6) indicates which bodies have a Duty to Co-operate. The following sections identify which agency within each body will discharge that Duty and indicate where its responsibilities are likely to lie in practice.

The different organisation and structure of each of the Duty to Co-operate agencies means that co-operation cannot be neatly defined within each of the

42 Police/Probation areas of England and Wales. This enhances the importance of the Memorandum in which the lack of geographical congruity can be addressed and the relevant contacts within each agency identified.

It is also important to recognise that the powers devolved to the National Assembly for Wales cover several of the Duty to Co-operate functions. While the principles and general approach to co-operation will be the same, differences exist that will affect how the four RAs in Wales proceed.

17.7.1 Youth Offending Teams

Local authorities across England and Wales have a statutory duty to establish Youth Offending Teams (YOTs), which are themselves multi-agency partnerships in which Police and Probation play an important role. YOTs differ from most other Duty to Co-operate agencies in that they have direct supervisory responsibility for offenders, i.e. YOTs are responsible for the supervision of all young people on community orders, during the community element of the DTO and during the licence period of Section 90/91 and Section 226/228 sentences.

The YJB recognises that an important part of the Duty to Co-operate upon YOTs requires them to agree the process, by which young people for whom the YOT has supervisory responsibility and who meet the relevant eligibility criteria, are referred to MAPPA. YOTs will undertake a comprehensive risk assessment on all cases referred to MAPPA.

The YJB strongly recommends that YOTs ensure adequate representation on the SMB in all areas.

17.7.2 Jobcentre Plus

Jobcentre Plus is an executive agency of the Department for Work and Pensions. The purpose of the agency is to help:

- More people into paid work;
- Employers fill their vacancies; and
- Give people of working age the help and support which they are entitled to if they cannot work.

In the case of Jobcentre Plus, the Duty to Co-operate in MAPPA is founded on the agreement established in Probation Circular 48/1999: Disclosure to the Employment Service of Restrictions that should be placed on the Employment of Potentially Dangerous Offenders. This requires the Probation Service to notify Jobcentre Plus of any restrictions that should be placed on employment of offenders under Probation supervision.

This Circular is currently being updated and this MAPPA Guidance will be revised in line with the Circular.

17.7.3 Local Authority Children's Services Departments

(NB these Departments cover responsibilities falling to the following DTC bodies – Local Education Authorities and (in relation to children) Local Authority Social Services)

Following the Children Act (2004), county and unitary level Local Authorities are bringing together all their responsibilities for children under a Director of Children's Services, including education work and children's social care work. Responsibility for adult social care rests with a new post of Director of Adult Social Services.

A key link between Children's Services Departments and MAPPA will be in the area of child protection and safeguarding children. MAPPA authorities will be members of the Local Safeguarding Children Board, and individual practitioners in Police, Probation and Children's Social Care will also be working together to manage the risk posed to children by particular dangerous offenders.

Local Authorities have a duty, under section 47 of the Children Act (1989), that, where they have reasonable cause to suspect that a child who lives, or is found in their area, is suffering or likely to suffer significant harm, they should make, or cause to be made such enquiries as they consider necessary to enable them to decide whether they should take any further action to safeguard or promote the child's welfare. A reasonable cause to suspect" may arise because of the known presence of a dangerous offender in the area, and local authority staff will need to work with staff from MAPPA authorities to manage the risk that person poses to children.

A summary of the child protection process can be found in the practice guidance "What to Do If You're Worried a Child Is Being Abused" (HM Government, 2006). This document also contains information on when information can be shared for the purposes of safeguarding children – see Appendix 3. For the full statutory guidance on child protection, including the roles and responsibilities of different agencies, see "Working Together to Safeguard Children" (HM Government 2006)¹⁰

A specific role of the Local Authority is to set up a Local Safeguarding Children Board (LSCB). The objective of this Board is to co-ordinate and ensure the effectiveness of the work of their members in safeguarding and promoting the welfare of children. One step they must take to do this is to put in place policies and procedures for safeguarding children, for their members to follow. It will be important to ensure that these are considered alongside, and are consistent with, the MAPPA memorandum. "Working Together to Safeguard Children" Chapter 3 – the guidance for LSCBs – makes it clear that they need to link to the local MAPPA.

¹⁰ To access these documents on-line see
<http://www.everychildmatters.gov.uk/socialcare/safeguarding>

Children's Services Departments also work to support and improve local education provision. This includes work on: school improvement; special educational provision; access to education; and, strategic management of schools and the local education service.

The Education Service, particularly schools, can make a helpful contribution to the work of MAPPA because:

- Schools are able to provide their pupils with programmes of child protection awareness training i.e. Stranger Danger etc. This training can be re-enforced at times when there is a particular local risk;
- School staff are well placed to be alert and aware regarding activities within the locality that could provide a threat to pupils;
- In particular situations, and with the authorisation of the Police, schools are in a position to warn individuals or groups of pupils, or staff, regarding possible danger;
- Schools are able to provide a safe environment during the daytime for children and young people;
- The local school is often the first port of call for parents who want to voice their concern regarding worrying activities in the area; and
- Schools are often able to provide helpful information to assist the work of MAPPA.

Schools play a key role in safeguarding children. They should have designated a senior member of the leadership team to take lead responsibility for dealing with safeguarding children issues.

17.7.4 Local Housing Authorities

Local Housing Authorities have two functions that relate to the resettlement of offenders: the allocation of long-term accommodation and the provision of housing assistance for people who are homeless. It is important to make clear that the Duty to Co-operate on Local Housing Authorities does NOT create a new duty to accommodate offenders. In determining the nature of the duty of the Duty to Co-operate, it may be helpful to understand the nature of these two housing functions.

Under homelessness legislation, Local Housing Authorities must ensure that advice and information about homelessness, and preventing homelessness, is available to everyone in their district, free of charge. They must also ensure that: suitable accommodation is available for people who apply to them for housing assistance and the authority are satisfied that they are eligible for assistance; have become homeless through no fault of their own; and they fall within a priority need group. This is known as "the main homelessness duty".

The priority need groups are specified in legislation and include, among others, families with dependant children and households that include a pregnant woman or someone who is vulnerable for some reason. A person who is vulnerable as a result of time spent in custody has a priority need for accommodation under the homelessness legislation. Authorities must secure

accommodation until a settled home becomes available, or some other circumstance brings the duty to an end.

The allocation of settled social housing by a Local Housing Authority (either within its own stock or through a nomination to a housing association) is governed by Part 6 of the Housing Act (1996). Housing Authorities are required to have and to publish an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation, and must allocate in accordance with that scheme.

Anyone is eligible for an allocation of accommodation, except for certain persons from abroad specified in regulations and persons whom an authority decides to treat as ineligible, because they (or a member of their household) have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority. Unacceptable behaviour in this context means behaviour which would have entitled the Local Authority to an outright possession order had the person been a tenant of that Authority.

As regards priorities, an allocation scheme must be framed in such a way that overall “reasonable preference” for an allocation goes to certain categories of persons. These are:

- People who are homeless;
- People living in unsanitary, overcrowded or unsatisfactory housing;
- People who need to move on medical or welfare grounds, including grounds relating to a disability; and
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or to others.

Given the importance of accommodation in the resettlement of offenders and hence in the assessment and management of risk, Local Authority Housing representatives can make an important contribution to MAPPA. As indicated above, this will not necessarily mean that they have a specific duty to accommodate an offender but their advice about accommodation and the procedures by which it is allocated and the suitability of particular housing stock will provide a valuable contribution.

17.7.5 Registered Social Landlords (RSLs)

Registered Social Landlord (RSL) is the statutory name for social landlords that are registered with the Housing Corporation - most are housing associations, but there are also trusts, co-operatives and companies. Housing associations are run as businesses but they do not trade for profit. Any surplus is ploughed back into the organisation to maintain existing homes and to help finance new ones. Housing associations are the main providers of new social housing. There are over 1,950 housing associations in England, currently managing just over 2.2 million homes and housing at least twice that many people.

The sector is diverse and there are substantial numbers of associations that manage less than 100 units of stock. However, mergers and group structures mean that at the other end of the spectrum there are a number of associations which own more than 25,000 units nationally. Many new associations have been formed to manage and develop homes transferred to them by local authorities. The Housing Corporation is the Non-Departmental Public Body (NDPB).

Not all RSLs provide accommodation for MAPPA offenders. It is likely that as providers of accommodation, the Duty to Co-operate will only engage RSLs when they are giving consideration to accommodating a MAPPA offender. However, the precise nature of the duty is determined by the RSLs with the RA in each area and may include the provision of general advice too.

17.7.6 Health Bodies and the Duty to Co-operate

The Duty to Co-operate is imposed upon a range of Health Trusts and Authorities, and a variety of health practitioners and administrators may be involved in MAPPA. GPs and A&E departments, for example, are often amongst the first to witness the effects of the sort of behaviour which MAPPA are established to prevent, and it is important that the Chief Executives of all Trusts and Authorities are engaged in the drafting of the memoranda. Usually, it is the Mental Health Trusts with whom the RA is likely to deal most frequently because many MAPPA cases will involve offenders with a history of mental disorder.

Indeed, given the incidence of mental disorder amongst offenders, there are numerous mutual benefits of co-operation in MAPPA for both clinicians and RA (and other) agencies, including:

- The facility to securely exchange data to inform risk assessments of offenders/patients;
- An insight into available criminal and clinical interventions; and
- A framework for referral between agencies about high-risk cases.

Relevant sexual and violent offenders who receive hospital orders under section 37 of the Mental Health Act (1983) qualify automatically for MAPPA under Category 2. Others, who receive Prison sentences, are subsequently transferred to hospital for psychiatric treatment and who remain there beyond the custodial element of their sentence, are treated as if subject to hospital orders. These patients are commonly known as “notional 37s” and, during the currency of the Probation licence will be subject to statutory supervision/care by both the Probation Services and the Trust and Social Services Authority. It is also important to note that the Offender Manager’s sentence planning responsibilities carry on throughout the custodial part of the sentence, even where the prisoner happens to be in hospital. The Offender Manager should ensure their involvement in the CPA process throughout.

Like the YOTS, and unlike other DTC agencies, Mental Health Trusts (together with Social Services) have a statutory supervisory/care role in relation to certain MAPPA offenders. Under section 117 of the Mental Health

Act (1983), there is a requirement on the relevant Health and Social Services authorities to provide after-care services to patients subject to section 37 hospital orders who are discharged from hospital, for so long as they require them. What the care consists of will naturally vary but in many cases it will be co-ordinated by community mental health teams.

After-care under section 117 will generally be established and managed via the care programme approach (CPA) which is intended to provide: a systematic assessment of health and social care need; an agreed care plan; allocation of a key worker (care co-ordinator); and regular review for mentally ill patients who are considered for discharge or accepted by specialist Mental Health Services. The after-care requirement applies in relation to both restricted and unrestricted patients. When the former are discharged, this will generally be subject to conditions and a Social and Psychiatric Supervisor reporting to the Secretary of State will be appointed to monitor the patient's progress in the community. (See below for more details on the Ministry of Justice Mental Health Unit, which carries out the Secretary of State's statutory responsibilities for the restricted patients.)

CPA was introduced in 1991, involves a multi-disciplinary approach to care and RA agencies may be involved. This co-operation at level 1 should continue with referral only once it is clear that the CPA is not equipped to deal with the risks identified. It is likely that most patients subject to hospital orders will be managed within CPA without recourse to MAPPA levels 2 and 3. The offender will have received a hospital order because the court decided that that was the appropriate method of dealing with them and, whilst the care teams may wish to consult RA agencies, it is likely that the interventions available under CPA, including re-admission (recall for restricted patients) to hospital, will be the most appropriate.

However, experience shows that this cannot be taken for granted and, without appropriate planning and communication, the RA might find itself suddenly dealing with a dangerous offender who has historically been dealt with by a health disposal but who, for a variety of reasons is now considered unsuitable for such an approach.

It is essential therefore, that memoranda include clear standing agreements about these offenders. In addition to other requirements, for example, including RA contacts to help Trusts with CPA managed cases, it is recommended that memoranda include a requirement on Trusts to:

- Identify all offenders who fall within the MAPP arrangements (both those in hospital and those in the community) so that a) the details can be notified to the MAPPA Co-ordinator for insertion on ViSOR; b) that they are well-placed to refer to MAPPA if need be; and c) that they can contribute to the area statistical returns and monitoring;
- Notify the relevant MAPPA Co-ordinator of any decision to discharge or to authorise leave to the offender (and consider MAPPA referral where appropriate). This should occur while the patient is still securely detained, giving as much notice as possible; and

- Flag up and notify the relevant MAPPA Co-ordinator (and consider referral to MAPPA) of any case where a patient is expected to be discharged in the face of objections by the hospital care team and or strong objections by the Secretary of State. Again, this should be notified as soon as it becomes a possibility

The relevant MAPPA Co-ordinator is from the area where the leave or the discharge is to take place.

17.7.7 Electronic Monitoring (EM) Providers

EM providers have been included in the Duty to Co-operate in acknowledgement of the important service they can provide as part of a high-risk management plan. Their Duty to Co-operate is to be understood as being synonymous with their contractual responsibilities. In practical terms this may involve EM providers:

- Providing a point of contact for advice to the RA on the available technology, explaining what it can and cannot do; and exceptionally
- Attending MAPP meetings (generally only level 3 MAPP meetings) when the needs of a particular case demands; and
- Attending SMBs, as and when required, for advice on policy and practice relating to electronic monitoring.

The larger part of the work of the EM providers concerns “tagging” for the Home Detention Curfew scheme. Some MAPPA offenders are eligible and may be released early from custody under this scheme. However, it is unlikely that this work will lead to any involvement of the EM providers with MAPPA in addition to that which already requires EM providers to work in conjunction with Police and Probation. This is because the criteria for release under the HDC scheme is that the offender has stable, suitable accommodation and that he/she poses no risk of harm or of re-offending. However, where a MAPPA offender who has been released on HDC becomes a higher risk, the EM provider may helpfully contribute to the assessment and further management of that risk.

In three areas of the country (West Yorkshire, Nottinghamshire and Hampshire), electronic monitoring is available for those released on licence at the end of their sentences and Post Release and Recall Section need to approve these cases or exceptional cases from other areas before this is inserted into the offender’s licence. This will be kept under review and it is our intention to extend this to all areas when funds allow.

Both G4S and Serco, who are current providers of services, should be informed of MAPPA status by Probation, Prison Service or Police to ensure this is recorded on the supplier’s database. Once the case is flagged as MAPPA, the supplier is empowered by MOJ to release any information on the offender immediately upon request of the MAPPA agency.

17.8 Ministry of Justice Units with Release and Recall Responsibilities

17.8.1 Pre Release Section (PRS)

Pre Release Section (PRS) forms part of the Public Protection Unit (PPU) in the National Offender Management Service (NOMS) within the Ministry of Justice. PRS was formed in April 2007 as part of an internal restructure of release and recall procedures for life and determinate sentenced offenders. These procedures had previously been the responsibility of the Lifer Review and Recall Section and the Early Release and Recall Section.

PRS functions now include responsibility for the delivery of Parole casework in relation to the review and release of all life and indeterminate sentence prisoners in custody. A similar function applies to certain categories of long term determinate sentence prisoners.

Operational matters relating to the reception, sentence planning and transfer of individual Lifers during sentence, including participation in Multi-Agency Lifer Risk Assessment Panels (MALRAPs), are the responsibility of HM Prison Service.

Key agencies and organisations with whom PRS staff work closely include the independent Parole Board, HM Prison Service, the National Probation Service and individual Probation Areas, and the Mental Health Unit in the Home Office. Staff are available to attend MAPP meetings involving Lifer cases where necessary.

The core elements of PRS work include:

- The preparation of Parole Board dossiers for the review and release of indeterminate sentences;
- Making decisions on Parole Board recommendations for an indeterminate sentence prisoner's transfer to open conditions;
- The co-ordination of the release arrangements for all indeterminate sentence prisoners, in conjunction with partner agencies;
- Consideration of cancellation of the Probation supervision element in life licences; and
- Executive decisions on whether to recall life licensees.

In addition, PRS has responsibility for policy, planning and advice on all Lifer review issues.

In relation to non-Lifer work, the Section also considers on behalf of the Secretary of State:

- The early release of offenders serving 15 years or more;
- The early release of those offenders subject to deportation; orders, serving four years or more;
- The early release of offenders on compassionate grounds; and
- The approval of requests for non-standard additional licence conditions for short term offenders.

17.8.2 Post Release Section

The Post Release Section was also formed in April 2007, continuing much of the responsibilities of the Release and Recall Section. In addition the Section took responsibility for all post release casework including that of indeterminate licensees.

The main bulk of post release work is the recall of offenders subject to determinate, indeterminate, Home Detention Curfew (HDC) and End of Custody (ECL) licences. The section considers breach notification forms sent by supervising Probation Areas, and makes an executive decision to revoke an offender's licence on behalf of the Secretary of State.

The Section is also responsible for processing appeals against revocation to the Parole Board, and for presenting the case for the Secretary of State at an oral hearing. This is manifested through a dedicated Public Protection Advocacy Team responsible for the advocacy of victim and public protection concerns at both pre and post release Parole Board Oral Hearings. The section also considers and processes post release licence variation requests in the cases of long term pre Criminal Justice Act (2003) offenders, extended or indeterminate sentence prisoners, electronically monitored offenders and requests for bespoke licence conditions.

The Post Release Section monitors internal performance and that of the Police and Probation Services in order to drive up standards through the monitoring of the end-to-end target of the revocation of licences and the return of offenders to custody. The Operational Policy Team also develops policy, processes and practice development in relation to licensed supervision, recall and Parole Board Oral Hearings. It liaises with key partner agencies and bodies, notably the Parole Board, Probation Service, Police and Prison Service in order to better practices in respect of the supervision of offenders and thereby protect the public. Useful Probation Circulars (PCs) on recalls and licence conditions are PC 16/2005 and PC 29/2007.

The core elements of the work of the Post Release Section are:

- The recall of all offenders subject to licensed supervision;
- Post release casework including: response to requests for additional licence conditions; consideration of the cancellation of Probation supervision of life licensees; the co-ordination of release arrangements for life licensees following recall; progress reports; warning letters; judicial reviews; disclosure of information;
- Administration of the review process by the Parole Board or Secretary of State where an offender has been recalled and returned to custody;
- Representing the Secretary of State at Parole Board Oral Hearings;
- The monitoring of performance of internal and external agencies through the end-to-end target; and
- Issuing operational policy guidance for post release matters.

17.9 Mental Health Unit (MHU)

In addition to the co-operation the RA will establish with the local Mental Health Trusts and Social Services Authority (role of Social Supervisor), the Ministry of Justice Mental Health Unit (MHU) may also provide assistance. The role of the MHU is based on the provisions made in the Mental Health Act (1983) for the Secretary of State to take responsibility for certain types of mentally disordered offender. The Mental Health Act (2007) received Royal Assent in July 2007 but the principal relevant provisions will not come into effect until next year. This Guidance will be amended next year to reflect the relevant changes.

17.9.1 The Home Secretary's Responsibilities under the Mental Health Act

The Secretary of State is responsible only for mentally disordered offenders subject to restriction orders, restriction directions or hospital directions under the Mental Health Act (1983), or the Criminal Procedure (Insanity and Unfitness to Plead) Acts (1964 and 1991). Such offenders are generally collectively known as "restricted patients". An overview of the relevant provisions is given below.

MHU's role involves the provision of information and facilitation of contact between the RA and other key agencies. They will focus particularly on cases where prisoners transfer to hospital (or need to) and cases where there is a danger that a prisoner/patient about whom the Secretary of State has concerns is likely to be released into the community. The following examples indicate the type of case where MHU will look to ensure MAPPA procedures are engaged and followed:

- Determinate sentenced prisoners who are judged as dangerous, but who, for whatever reason, cannot be placed in a hospital and are approaching their release date;
- Absolute and conditional discharges where concerns exist over the risk posed to the public by the patient, particularly in respect of general criminality as opposed to risk linked to mental disorder; and
- Criminal Procedures (Insanity) Act (1964) as amended by the Domestic Violence, Crime and Victims Act (2004) (CPI) patients who are discharged by the court with a diagnosis of no mental illness or who have to be discharged in the rare event of their not having been identified properly by court documentation.

Queries about restricted patients or the transfer of prisoners to hospital should be addressed to the relevant caseworker and a list is regularly updated in the front of the NAPO directory.

Provisions Relevant to the Management of Restricted Patients

17.9.2 Hospital Orders (Section 37) and Restriction Orders (Section 41)

A hospital order made under section 37 of the Act authorises the admission of the defendant to a specified psychiatric hospital and his compulsory detention there for treatment. The Secretary of State has no responsibility for a patient who is subject only to an order made under section 37 of the Act.

Section 41 of the Act enables a Crown Court to make a restriction order at the same time as it makes a hospital order. A court may impose a restriction order only when it appears necessary for the protection of the public from serious harm and it will generally be set without limit of time. Some restricted patients will always remain in secure institutions. In relation to all restricted patients the Secretary of State's consent is required for:

- Leave into the community;
- Transfer between hospitals;
- Discharge into the community (both conditionally and absolutely). NB This power is shared with the Tribunal (see below);
- Remission back to Prison of a transferred prisoner;
- Recall of a conditionally discharged patient; and
- Remission to stand trial of a patient who had previously been found unfit to plead, is subject to a restriction order and recovers sufficiently for the purpose, and within a time, which makes trial feasible.

17.9.3 Conditional Discharge and Recall to Hospital

Under section 42 of the Mental Health Act (1983), the Secretary of State may, by warrant, discharge a patient subject to conditions at any time while a restriction order is in force. This is known as a conditional discharge. The Secretary of State may, by warrant, recall a conditionally discharged patient and after recall a patient once again becomes subject to detention in hospital with restrictions. Under the same section, the Secretary of State has the power to bring a restriction order to an end at any time if he is satisfied that it is no longer needed for the protection of the public. This is known as an absolute discharge.

17.9.4 Transfer Directions Made by the Secretary of State from Prison to Hospital (Sections 47, 48 and 49 of the Mental Health Act 1983)

Sentenced Prisoners: Section 47 of the Act empowers the Secretary of State in certain circumstances to direct that a sentenced prisoner be transferred to hospital where appropriate. Under section 49, the Secretary of State may impose restrictions until the time when the Prison sentence would normally have ended. If at any time the prisoner no longer requires hospital treatment, the Secretary of State may remit him/her back to Prison to serve the remainder of any custodial sentence.

Remand (and other) Prisoners: Section 48 of the Act provides similar powers (although limited to patients diagnosed as having a mental illness or severe mental impairment) in respect of prisoners awaiting trial or sentence (plus certain civil prisoners and immigration detainees).

17.9.5 Hospital and Limitation Direction (Sections 45A and 45B)

Applicable only in relation to offenders suffering psychopathic disorder, the Crown Court can pass a Prison sentence and simultaneously direct the offender's admission to hospital. When making a hospital direction, the Court must always add a limitation direction, which acts like a restriction order. The offender will go to hospital but if they no longer require treatment they are automatically remitted to Prison in case-working terms.

17.9.6 Criminal Procedure (Insanity) Act (1964) and Criminal Procedure (Insanity and Unfitness to Plead) Act (1991)

These Acts deal with those mentally disordered persons who, when they appear before the Crown Court, are not convicted either because their mental disorder is too great to permit their trial ("under disability" or, commonly, "unfit to plead"), or because the offence was committed in such a state of mental disorder as to negate criminal responsibility ("not guilty by reason of insanity").

Following either of these findings the court is obliged under the 1964 Act to make an order for the person's admission to such hospital as may be specified by the Secretary of State. The patient is then regarded as though he/she were subject to a hospital order made under the Mental Health Act (1983), together with a restriction order without limit of time. If, at any time, the offender becomes fit to plead then they may be remitted for trial.

17.9.7 Mental Health Review Tribunals

Under the Mental Health Act (1983), a detained restricted patient may apply to have his case heard by a Mental Health Review Tribunal roughly once each year. If he does not apply, his case will be referred to a Tribunal by the Secretary of State every three years, under section 71(2). After a conditionally discharged patient has been recalled, the Secretary of State must, under section 75(1), refer the case to a Tribunal within one month of recall. Under section 75(2), conditionally discharged patients may apply to a Tribunal once during the second year of their discharge and once in every two-year period thereafter.

Under section 73 of the Mental Health Act (1983), Tribunals have the power to discharge a restricted patient absolutely or conditionally providing certain criteria are met. This power does not apply to prisoners who have been transferred to hospital under sections 47 and 48 of the Mental Health Act (1983) or equivalent earlier legislation. In these cases, under section 74, Tribunals may only advise the Secretary of State.

Where a Tribunal decides to direct the conditional discharge of a patient it may, under section 73(7), defer that direction until it is satisfied that adequate arrangements have been made for the discharge to take place. It may impose any conditions on discharge. After a Tribunal has directed the conditional discharge of a patient, the Secretary of State may vary those conditions under section 73(4).

Under section 75(3), a Tribunal may, on application by a patient conditionally discharged by either a Tribunal or the Secretary of State, vary any condition on discharge, impose fresh conditions or direct an absolute discharge. A Tribunal has no power to direct the recall of a conditionally discharged patient, or to direct the leave from hospital or the transfer to another hospital of a detained restricted patient.

17.10 Suggested Template for the Memorandum Defining the Duty to Co-operate

Section 325(5) requires that the RA in each area and the Duty to Co-operate bodies draw up together a Memorandum setting out the ways in which they are to co-operate. The purpose of this requirement is to enable the practicalities of co-operation to be determined according to what suits local circumstances. However, as a minimum, memoranda should include:

- Clear statements from the parties on their responsibilities to public protection, the protection of victims and the reduction of serious harm;
- Endorsement of the statutory Duty to Co-operate with the RA in respect of the multi-agency public protection arrangements;
- Designation of points of contact for public protection referrals and internal and external enquiries from the MAPPA Co-ordinator/Manager, other agencies, members of the public and members of staff;
- A date at which it will be reviewed; and
- Signatures from each agency.

Memoranda should make clear the purpose of the duty: the principles upon which co-operation will take place; the activities involved in co-operating and the systems and procedures which support the partners to the agreement. They could be based on the following:

1) Statutory basis: Criminal Justice Act (2003) Section 325(1), (2), (3), (4) & (5); and possibly, reference to Sections 17 and 115 of the Crime and Disorder Act (1998) and, possibly, reference to other local protocols and agreement (for example, under CDRP, LCJB or LSCB auspices);

2) Local statement of the broad purpose or objectives outlining the value of multi-agency joint working, which may, for example, highlight the particular significance the Memorandum has in cementing the relationships and arrangements underpinning safeguarding children and domestic violence work. This should also identify the agencies party to the agreement of the Memorandum, the principal point of contact for operational/case-related matters as well as the Senior Manager

underwriting the agreement on behalf of the agency and the role of each agency and the level of commitment that is practicable and appropriate;

3) Principles: as outlined in 17.4 above and the general principles underpinning MAPPA as covered throughout this Guidance. For example, defensible decision making and prioritising the use of resources to where they are most needed;

4) Practical arrangements: how MAPPA offenders are identified by Category; how referrals to level 2 and 3 operate and how meetings are arranged; how information sharing takes places; how the Annual Report is going to be prepared; how specific cases, for example, those involving Mentally Disordered Offenders are handled; how the media and public interest enquiries will be handled and how and when the memorandum will be reviewed.

18. The Strategic Management Board (SMB)

18.1 Introduction

The Strategic Management Board (SMB) is the means by which the Responsible Authority (RA) fulfils its duties under Section 67 (3) Criminal Justice and Court Services Act (2000), which requires the RA to:

“Keep the arrangements (i.e. MAPPA) established by it under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient.”

The SMB has responsibility for shaping MAPPA activity in its area. This involves agreeing the role and representation of the different agencies within the SMB and brokering the protocols and memoranda of understanding which formalise these.

The core features common to all SMBs are:

- Monitoring (on at least a quarterly basis) and evaluating the operation of MAPPA, particularly level 3 MAPP meetings;
- Establishing local connections which support the effective liaison and operational work with other public protection bodies, for example, local Safeguarding Children Boards (LSCBs), Crime and Disorder Reduction Partnerships (CDRPs); Local Criminal Justice Boards (LCJBs) and Multi Agency Risk Assessment Conferences (MARACs);
- Preparing and publishing the MAPPA annual report and promoting the work of MAPPA in their area;
- Planning the longer term development of MAPPA in the light of regular (at least annual) reviews of the arrangements, legislative changes, national guidance and wider criminal justice changes;
- Identifying and planning how to meet common training and development needs of those working in MAPPA in conjunction with the National MAPPA Training Workgroup;
- Producing and implementing a media strategy and annual communication plan; and
- Producing and implementing an annual MAPPA business plan in accordance with the Responsible Authority National Steering Group (RANSNG) business plan (Probation Circular 88/2005) and the formation of sub-groups to achieve those plans.

18.2 Membership of the SMB

In order for the RA to carry out its duties and functions in reviewing MAPPA arrangements effectively, it should ensure that the SMB meetings include senior representatives of each of the RA and the Duty to Co-operate (DTC) agencies.

For those agencies that have co-terminus boundaries with the area (for example Police and Probation), the representation will be more easily

identified. Where agency boundaries are not co-terminus, the RA should negotiate who will attend the SMB meetings and agree how information from the SMB will be disseminated to relevant colleagues; for example, an area with 10 districts has 10 LSCBs and 10 Social Care Services departments. The SMB Chair will approach them all and ask for a representative, and possibly a deputy, who will attend the SMB meetings on their behalf, represent their issues and ensure that information is effectively cascaded.

The general principle as to the level of seniority required is that the person has the necessary authority to enable them to: a) contribute to developing and maintaining effective inter-agency public protection procedures and protocols on behalf of their agency and b) to address the practical and resource implications of MAPPA.

The membership of the SMB should include as a minimum:

- **Probation Service** – at Assistant Chief Officer grade/District Manager;
- **Police Service** – at Assistant Chief Constable rank;
(Police and Probation Services may also wish to include senior operational officers);
- **Prison Service** – it is expected that this would be at Area Manager level. However, given that an Area Manager will have a number of SMBs in their area (a maximum of six and a minimum of three, with the majority having four or five), it is understood that it may not be possible for them to attend all meetings. They can choose to delegate this responsibility to a member of their staff. Where they do this, they will delegate full responsibility and powers to this person to act on their behalf. In those areas which have a Prison in the High Security Estate, the Governor of the establishment should be included as a member of the SMB. However, there can be an agreement between the Governor and the Area Manager as to who will attend on behalf of the Prison Service, so only one person attends. It is the Area Manager's responsibility to ensure that arrangements are in place to cascade information and ensure that the Prison representative is able to fully represent the issues of the establishments in the area. Where there is a Contracted Out Prison in the area, the Director of the establishment should be invited to be a member of the SMB;
- **MAPPA Co-ordinator** – to provide operational context and management information to the meeting;
- **MAPPA Administrator** – to provide secretariat to the meeting;
- **Lay Advisers** – each area should have two Lay Advisers, who are appointed by the Secretary of State, as full members of the SMB;
- **Victim Liaison** – it is important that the representative is able to bring a broad victim perspective that will help shape the strategic development of MAPPA;
- **Housing** – representation from the Local Authority and housing suppliers. The SMB will need to agree with the Housing representative as to how they will ensure that information is disseminated within the various strands of local housing providers;

- **Health Services** – this should include both a senior managerial and clinical perspective and, particularly, a mental health perspective;
- **Social Services** – whilst the primary focus of MAPPA engagement is frequently child protection and therefore Children's Services, its remit is much broader and encompasses the whole range of those to whom social care is provided, for example elderly, disabled, young offenders who are being looked after, vulnerable adults or those who have mental health problems. Representation on the SMB should therefore be from a Senior Manager who is able to communicate with all these spheres of work. It may be advantageous to have separate representation from a Mental Health Social Services Manager;
- **Youth Offending Service** – where there is more than one Youth Offending Team (YOT) operating in an area, the SMB will agree the representation arrangements with the YOT managers to ensure that information is disseminated across the teams;
- **Employment Services** – representation from Jobcentre Plus;
- **Electronic Monitoring (EM) Providers** – the SMB will need to agree with the local EM representative as to how they will participate.

The RA will make arrangements to involve others in the work of the SMB as needed. This may involve co-opting (or possible full membership) where there is a significant and sustained engagement with MAPPA. In most instances, however, it will be sufficient for the RA to ensure that there is effective dialogue and that the agency is aware of MAPPA and local public protection issues. Those with a relevant interest may include:

- Treatment Providers;
- Crown Prosecution Service;
- Housing Associations;
- The Court Service;
- Relevant voluntary organisations, for example, NSPCC.

18.3 SMB Meetings

The SMB will be chaired by the RA, the ACC or ACO/District Manager representing the Police or Probation Services, but the Prison Service representative can also chair the SMB. The role of Chair can be shared although it is important that this does not affect consistency or the development of good practice. It is expected that the Chair will be able to command the respect and support of the agencies on the SMB and that they have a firm grasp of operational and strategic issues for the area.

The frequency and structure of the meetings is a matter for the RA in consultation with its MAPPA partners and will reflect how the SMB chooses to organise itself with regard to active sub-groups. The expectation is that the full SMB will meet at least quarterly to enable it to effectively monitor the work of MAPPA locally.

The RA may also be involved in regional forums, which allow the dissemination of good practice, sharing of information and efficient use of

resources. Where this occurs, it is incumbent upon the RA to ensure that it disseminates information to its SMB.

18.4 MAPPA Performance

The SMB need to be satisfied that the MAPP arrangements within their area are working well. It must also ensure that cases managed under the arrangements meet the defensibility test, meaning that everything which reasonably could have been done, was done, to prevent offenders from re-offending. The RA need to be in a position to demonstrate this empirically.

The monitoring and evaluation activities of the SMB contribute to their area's MAPPA annual report, drive the business planning process and provide the means of reviewing the effectiveness of MAPPA. It involves the collection and analysis of both quantitative and qualitative data. The SMB should analyse this data on at least a quarterly basis. Collation of this data must be effectively managed and once ViSOR is fully operational it will fulfil the function of producing management information reports.

This is a MAPPA Co-ordination/Management function.

18.5 Links with Local Multi-Agency Forums

The SMB has a duty to ensure that MAPPA has effective links with local multi-agency forums in its area. Effective mechanisms for jointly addressing common public protection issues should be established.

It is recommended that Responsible Authorities develop written protocols with:

- Local Safeguarding Children Boards (LSCBs);
- Crime and Disorder Reduction Partnerships (CDRPs);
- Local Criminal Justice Boards;
- Safeguarding Vulnerable Adult Partnerships;
- Domestic Violence victim protection arrangements – Multi-Agency Risk Assessment Conferences (MARACs);
- Risk Assessment Management Panels (RAMPs – these are new arrangements being piloted in some police areas, for managing individuals assessed as posing a significant risk of harm, who do not meet the MAPPA statutory thresholds); and
- Serious Organised Crime Agency (SOCA).

18.6 Communication

Two challenges facing MAPPA are how to effectively manage public expectations and how to handle media interest. The national MAPPA Communication Strategy requires each RA to produce and implement a media strategy and an annual communication plan.

MAPPA Annual Report

The preparation and publication of the area's annual report is an important part of the function of the SMB and is a statutory requirement of each RA. The content and style of these reports is determined by guidance issued by the Secretary of State. A critical aspect of these reports is the presentation of detailed statistics for the number of MAPPA offenders in each area combined with an explanation of the data and examples of how cases are managed.

The annual report provides the SMB with an opportunity for raising public awareness; increasing understanding of public protection issues and explaining the multi-agency work that is undertaken through MAPPA to increase public safety. It can also be used as part of a wider strategy of communication and education of the public that should be developed by the SMB.

Sub-Groups

The SMB will establish a number of sub-groups to assist in it undertaking its work, for example, performance monitoring, communication and training.

MAPPA Development

The Secretary of State retains the power to issue guidance to the RA on the discharge of the functions under MAPPA. However, the longer-term development and improvement of MAPPA within the area is a matter for the SMB.

The national MAPPA team in the Public Protection Unit acts as a conduit for the dissemination of good practice and has an advisory role to individual RAs and SMBs. The team is committed to the continued sponsorship of the annual regional MAPPA conferences for areas to enhance regional networks and to facilitate the development of best public protection practice. Additionally, the team can provide advice and support directly to areas and regions through visits and planning as well as through advice on the management of complex cases.

Responsible Authority National Steering Group (RANSNG) is the national co-ordinating body for the RA and is tasked with exercising oversight of MAPPA and ensuring its continued development. The RANSNG will produce a national MAPPA business plan, which the RA will be required to mirror in their SMB's business plan.

18.7 Training

Agencies within MAPPA have a responsibility for the training and supervision of their own staff. The SMB should establish a training sub-group to assist its constituent agency members in identifying training needs in respect of MAPPA for their staff. The sub-group should specify how the SMB can assist in meeting these needs. The RA has a duty to ensure that all SMB members

and the MAPPA Co-ordinator and MAPPA administrators receive the training they need.

In order to assist in the above process, the national MAPPA team has established a National MAPPA Training Workgroup. This consists of two representatives from the RA from each region. Their tasks are to:

- Identify national training needs;
- Devise a means of meeting national training needs;
- Identify areas of best practice; and
- Disseminate training materials through the establishment of a MAPPA Training Website.

There is also a national training programme for Lay Advisers, which is organised and managed by the national MAPPA team.

19. Lay Advisers

19.1 Introduction

Section 326 of the Criminal Justice Act (2003) requires the Secretary of State to appoint two Lay Advisers to each Responsible Authority (RA) area. The Act makes clear that the Lay Advisers will be appointed to assist in the MAPPA review functions and not the organisational decisions making. Lay Advisers will operate as full members of the area's Strategic Management Board (SMB) participating in the SMB itself and relevant sub-groups, for example, the communication sub-group.

19.2 Role of the Lay Adviser

The Lay Adviser role is a voluntary and unpaid one. It is expected that they will attend each of the SMB meetings – at least four a year – and undertake such familiarisation and reading as necessary to enable them to understand and to contribute to those meetings. They are not expected to become experts; their value is as informed observers and as posers of questions which the professionals closely involved in the work might not necessarily think of asking. As such, the role is invaluable as they can provide a challenge to the professionals by acting as a "critical friend". Their role is not akin to that of an independent auditor nor is it as a representative of the local community in the same way as an elected councillor. They bring to the SMB their understanding and perspective of the area but they have no role in reporting or briefing the community, except as part of the SMB's communication strategy.

Lay Advisers should:

- Be able to provide up to eight hours a month to the SMB but should not be expected to provide more than 16 hours per month;
- Monitor and evaluate the operation of MAPPA in their area;
- Attend a level 2 and 3 MAPP meeting quarterly, as an observer, to assist them in understanding the process and actions of decisions to enable them in fulfilling the task of monitoring and evaluation of MAPPA;
- Ensure that the SMB has created effective links with other multi-agency forums, for example, the Local Criminal Justice Board and the Local Safeguarding Children Boards;
- Assist in the preparation of the MAPPA annual report which includes ensuring that there is a section from the Lay Advisers;
- Participate in the SMB sub-groups;
- Review the SMB business plans and broader communication strategy;
- Review and question local MAPPA statistics; and
- Attend local and regional conferences with the agreement of the RA.

Lay Advisers should not:

- Work on a full time basis for MAPPA. Any additional time worked must be agreed with the SMB through the MAPPA Co-ordinator;
- When attending level 2 and 3 MAPP meetings, participate in the decision making of the risk assessment and subsequent risk management plan;
- Have an involvement in operational activity;
- Audit meetings;
- Devise strategy; or
- Attend media or public engagements alone.

19.3 Appointment of Lay Advisers

Lay Advisers are appointed by the Secretary of State for initially either four years or three years. Each SMB should be clear which of their Lay Advisers was appointed for four years and which for three years and must notify the national MAPPA team. Lay Advisers can serve for a further period of three years should they wish to and if their SMB supports their reappointment. This decision should be based upon an annual meeting with the Lay Adviser with a nominated SMB member on the Lay Adviser's performance. Where the RA is proposing that the Lay Adviser should continue in post, they must write to the national MAPPA team outlining their proposal and confirm that this is supported by the area SMB. The national MAPPA team will confirm the continuation of the Lay Adviser in post and will write to this effect to the SMB and the Lay Adviser.

The Lay Adviser must be resident within the RA area. In exceptional circumstances they may, at the discretion of the RA, live just outside their area but they must still be able to demonstrate strong and sustained connections with the communities within that area.

All Lay Advisers must be cleared through the Criminal Records Bureau vetting procedures at an enhanced level. The RA will ensure this check is carried out. In addition, two personal references must be obtained, and verified by the RA, as to the suitability of the person to become a Lay Adviser.

The specification for a Lay Adviser is as follows:

- No formal educational qualifications are necessary but they must be able to understand complex information in written and numerical form;
- Be interested in community and social issues, preferably with a history of involvement in them;
- Be able to make decisions based on and supported by available information;
- Capacity for emotional resilience, retaining sensitivity whilst dealing with tragic or painful human situations. In particular, this includes an ability to understand the needs and feelings of victims;
- Be able to understand the complexity of human behaviour;

- Good social skills, able to work effectively with people in groups and informal meetings;
- Have an awareness of, and commitment to, equality and diversity;
- Be able to challenge constructively the views and assumptions of senior professionals; and
- Be able to maintain confidentiality appropriate to the circumstances and local protocols.

In order to preserve the “lay” status of those who are appointed to the role, there are certain categories of people who are **ineligible** for appointment due to their current or previous experience. These comprise:

- Members of Parliament or the Welsh Assembly;
- Local Authority Councillors;
- Civil Servants at the Home Office or Ministry of Justice;
- Members of staff from any Criminal Justice Agency (and within eight years of leaving such employment); and
- Anyone whose paid employment involves working with offenders that fall within the remit of MAPPA. A similar exclusion may apply to voluntary work where the primary focus is with MAPPA offenders, such as sexual offenders.

In order to attract suitable candidates for selection, the SMB must consider how they reach out to the diverse communities within its area in order to stimulate people’s interest in the work of MAPPA locally and the role of the Lay Adviser. Areas may wish to advertise in the local press including their local free newspaper, local radio, libraries, local authority and RA websites.

The job application pack and job specification is available from the national MAPPA team in the Public Protection Unit as are the interview questions and case study. When areas are advertising for Lay Advisers, they must first contact the national MAPPA team to request the necessary documentation.

19.4 Short-listing and Selection Process

Given the demanding nature of any selection process, it is important that areas attract sufficient candidates to enable them to effectively short-list suitable candidates. Good practice principles must apply to all short-listing and selection processes. All papers must be retained until the Lay Advisers are appointed by the Secretary of State.

The selection process is intended to be demanding and has two main components that will help identify individuals who are able and suitable to undertake the role of Lay Adviser.

19.5 Interview

There is a structured interview, part of which makes reference to a case study (available from the national MAPPA team), which will allow further examination of skills and motivation. The interview should be of approximately

45 minutes duration with 15 minutes preparation time. The panel should consist of three people, who adequately represent the interests of the RA (including the SMB Chair), incorporating the specialist public protection skills associated with MAPPA and a diverse community perspective.

19.6 Psychometric Test

The purpose of the Psychometric Test is to assess ability and personality and needs to be administered by an Occupational Psychologist.

In setting up the selection centre, an Occupational Psychologist will be required to administer the following tests:

- MD5 (available from the Test Agency) – a 15 minute test of general ability. This gives a quick reassurance that a person can cope with complexities;
- NEO-PIR – the 55 minute Personality Questionnaire is available from either ASE or the Test Agency.

Someone qualified to British Psychological Society Levels A (for the Ability Test) and B (for Personality Questionnaire) will be suitable and they may have a forensic background.

19.7 Appointment by the Secretary of State

Once the RA has to nominate a Lay Adviser to the Secretary of State as being suitable for appointment, it should write to the national MAPPA team confirming this. This letter should include the proposed Lay Adviser's full personal details and a biographical pen-picture as this detail is required for the written submission regarding appointment of the Lay Adviser to the Secretary of State.

The administration of all appointments will be undertaken by the national MAPPA team who will advise the Secretary of State of all nominations received from areas on a quarterly basis. Once the Secretary of State has made an appointment, they will write directly to the Lay Adviser and to the RA (with a copy to the national MAPPA team) informing them of that decision.

19.8 Confidentiality

Lay Advisers must not disclose information given to them in confidence as members of the SMB or information acquired by them in that role, which they believe to be of a confidential nature, without the consent of a person authorised to give it or unless required to do so by law.

19.9 Diversity

Lay Advisers must recognise and value diversity by ensuring inclusiveness, equality and fairness in the treatment of people and the discharge of their duties. They must ensure that they do not discriminate against individuals

because of their gender, race, ethnicity, religious beliefs, age, disability, sexual orientation or for any other reason.

19.10 Expenses

The Lay Adviser's role is unpaid although there is an entitlement to legitimate expenses such as travel and refreshments. The level of payment will be in line with national guidance issued to the Probation Service for volunteers. Compensation for loss of earnings or child care expenses should also be available, by prior agreement with the RA, who will meet these expenses and these issues should be addressed during the induction process.

19.11 Induction, Training and Support for Lay Advisers

All newly appointed Lay Advisers must, following their appointment, be provided with an induction. The RA will nominate a single point of contact (SPOC), who will provide ongoing support and guidance to the Lay Adviser and will facilitate their induction.

The shape and duration of this induction period will vary between individuals but it is an essential that it equips the Lay Adviser to undertake their role within the SMB. The Lay Adviser should be provided with an opportunity to be informed of the basic structure of the criminal justice system and sentences, as well as the roles of the local Duty to Co-operate agencies. The following should be a part of their induction programme:

Within the first three months, provided with:

- The MAPPA Guidance;
- The SMB Business Plan including the Communication Plan;
- Previous SMB minutes;
- Any other relevant information including local serious case reviews of MAPPA offenders; and
- An opportunity to attend a level 2 or 3 MAPP meeting with sufficient time to meet and discuss with the MAPPA Chair and other members of the panel.

Visits should also be arranged for the Lay Advisers to provide them with a broad understanding of the work of the agencies within the RA to:

- A Probation Office and, if possible, to observe a Pre-Sentence report interview and/or a supervision session with a MAPPA offender;
- A local Police Station and, if possible, to include a visit to the Custody Suite;
- A Prison where they should meet with the Offender Management Unit and, if possible, observe a sentence planning meeting; and
- An Approved Premises to understand the role they play in the management of high-risk offenders.

In areas where there is not a Prison or Approved Premises, the SMB should seek to arrange such visits in a neighbouring area in their region.

Within six months, the Lay Adviser should be provided with further information on: public protection covering victim work and meet with the local Victim Liaison Officers; accredited programmes and the role they play in changing offenders' behaviour, particularly Sex Offender programmes, and Domestic Abuse programmes.

The national MAPPA team will provide a regular newsletter for all Lay Advisers and will arrange their national training. They will also arrange regional consultation meetings with Lay Advisers.

The local SPOC will provide Lay Advisers with ongoing support and guidance and will meet with them on at least a quarterly basis.

19.12 Change of Circumstances

Lay Advisers must notify the Chair of the SMB of any change in circumstances that could affect their suitability to undertake their role. This would certainly involve being charged or summonsed for any criminal offence or a change of residence outside of the area. It would also include any circumstances, where a member of the public having knowledge of the relevant facts could reasonably regard it as so significant as to compromise the Lay Adviser's ability to discharge their responsibilities. The Chair of the SMB, in conjunction with their RA colleagues, will determine whether suspension or other action is appropriate.

19.13 Termination of Appointment

The Secretary of State retains the right to terminate the appointment of a Lay Adviser whose conduct or performance is not felt to be of the required standard. Misconduct will encompass such matters as lack of commitment, conviction for a criminal offence or abusing their position as a Lay Adviser. Recommendation for the termination of an appointment will require the endorsement of the chief officers of the RA.

A letter will be sent from the RA to the national MAPPA team, who will review the recommendation and will advise the RA if it meets the necessary criteria. If it does, they will prepare a submission to the Secretary of State outlining the situation and a recommendation to terminate the appointment. Once the recommendation is accepted, a letter from the Secretary of State will be sent to the Lay Adviser notifying them of the termination of their appointment.

20. MAPPA Performance and Standards

20.1 MAPPA Performance

The Responsible Authority (RA) and the Strategic Management Board (SMB) need to be satisfied that the MAPP arrangements are working well and that cases managed meet the defensibility test. The defensibility test is:

“Was everything that could reasonably have been done to prevent offenders from re-offending actually done?”

This applies to how each individual agency fulfils their legal obligation and how the agencies work together in achieving comprehensive risk management. The RA needs to be able to demonstrate this empirically through its monitoring and evaluation of its performance.

The monitoring and evaluation activities of the SMB contribute to the annual report, drive the business planning process and provide the means of reviewing the effectiveness of MAPPA. It involves the collection and analysis of both quantitative and qualitative data.

This is a MAPPA Co-ordination/Management function.

The SMB should analyse this data on at least a quarterly basis to allow some bench marking and the opportunity for timely intervention where issues are identified.

20.2 Quantitative Data

SMBs must have arrangements in place to collect data and monitor the following:

- The total number of MAPPA offenders by Category and level who are being actively managed. The Police will also need to show figures for registered sexual offenders by Basic Command Unit (BCU);
- New cases by Category and level being managed in a specific time period;
- Cases which are archived by Category and level during a specific time period;
- Diversity information by Category and level showing age, gender, ethnicity;
- The number of "wanted/missing" registered sexual offenders, the length of time they are missing, showing the number of cases within a given period that have been found and the number of new cases that have gone "wanted/missing" in a given period;
- The number of MAPPA offenders by Category and level who commit a serious further offence as defined by Probation Circular 41/2006;
- Agency attendance at MAPP meetings, to include those who were invited and attended, those who were invited and gave apologies, those who were invited and gave apologies but provided a report for

the meeting and those who were invited, failed to attend and did not provide apologies;

- Disclosure – decisions regarding disclosure for all active MAPPA cases detailing where disclosure has taken place, to whom and by whom and those cases where it has not;
- Civil orders which have been applied for – the number granted, the number refused and the number made by the court at point of criminal conviction – Sexual Offences Prevention Order (SOPO), Notification Order, Foreign Travel Order and Risk of Sexual Harm Order;
- The number of breaches of SOPO and action taken - arrest, charge, caution, no further action; and
- The number of breaches of licence by Category and level who were recalled to Prison.

This data will be provided by ViSOR from April 2008 and data will be available for main reports by month, quarterly and annually.

Other management reports will be developed in conjunction with the ViSOR team at NPIA to assist the SMB in managing the MAPP arrangements in their area.

20.3 Qualitative Data

Qualitative data should be obtained from:

- Case audit; and
- Serious Case Reviews.

The SMB should establish a sub-group, which will undertake a case audit of a selection of level 2 and level 3 cases at least annually. The purpose of the audit is not to inspect the work of individual agencies, although how they work will affect the overall quality, but how MAPPA itself operated.

The audit should:

- Review the referral and minutes of the MAPP meetings;
- Review the risk management plan;
- Identify if agencies completed the actions assigned to them in a timely manner;
- Identify whether all agencies were present at all relevant meetings to allow the MAPP meeting to progress its work effectively;
- Identify areas of good practice;
- Identify areas where practice and communication between agencies could be improved; and
- Identify how feedback will be provided to the SMB and relevant agencies.

Where a MAPPA offender commits an offence, which triggers a MAPPA Serious Case Review (MSCR), the SMB will be required to instigate an investigation following the MSCR process.

20.4 MAPPA Key Performance Indicators (KPIs)

The following KPIs will measure the effectiveness of work within MAPPA:

- 100% of “wanted/missing” registered sexual offenders details entered on to PNC and the ViSOR record updated within three days of notification of the changed status;
- 90% of level 3 MAPPA cases reviewed (see Section 7.6) no less than once every six weeks;
- 85% of level 2 MAPPA cases reviewed (see Section 7.5) no less than once every 12 weeks;
- 80% of level 1 MAPPA cases reviewed (see Section 7.4) no less than once every 16 weeks;
- Disclosure to be considered at 100% of level 2 and 3 MAPP meetings;
- 75% attendance by each SMB member at the SMB quarterly meetings;
- 90% attendance by each DTC agency at an appropriate level of seniority at each level 2 and 3 MAPP meetings (if unable to attend was there provision of a report to the meeting?); and
- 90% attendance by the relevant grade from the RA at each level 2 and 3 MAPP meeting - BCU commander (or equivalent) and ACO/District Manager (or equivalent) at level 3 and Inspector/SPO at level 2.

21. MAPPA Serious Case Reviews (MSCRs)

21.1 Introduction

There will be occasions when a MAPPA offender commits a certain further offence. When the offender is being supervised by the Probation Service, they will follow the Serious Further Offence procedures as described in Probation Circular 41/2006. At present, there is not a process for the Police to follow to review the re-offending of Category 1 offenders who are being solely managed by the Police.

21.2 Future Process

When the offence committed is one of murder, manslaughter or rape or where the case attracts significant national media attention, the Strategic Management Board (SMB) will be asked by the NOMS Public Protection Unit (PPU) to carry out a MAPPA Serious Case Review (MSCR) which looks at whether agencies under MAPPA did all that could be reasonably expected of them to manage the potential risks and whether the MAPP arrangements were effective.

The national MAPPA team in NOMS PPU will provide support and guidance to the area on any subsequent Freedom of Information Act (2000) enquiries and assist in the development of an appropriate media strategy.

A national procedure is being developed to ensure that all MSCRs are carried out using the same process and further details will be included in a future edition of this Guidance once this work has been completed.

22. Complaints

22.1 Introduction

MAPPA is not a statutory body in itself but a mechanism through which agencies can better discharge their statutory responsibilities to protect the public in a co-ordinated and joined up way.

22.2 Managing Complaints in MAPPA

MAPPA will receive complaints regarding the way in which offenders have been managed and potentially in how disclosure was or was not made and whether a person was denied access to a meeting or minutes.

Where a complaint is received, it is important that it is managed promptly. All complaints should be directed to the MAPPA Co-ordinator who will then consult with the Strategic Management Board (SMB) Chair and agree how to proceed. The MAPPA Co-ordinator will report quarterly to the SMB on all complaints received and the findings from them, particularly where they affect the operational workings of MAPPA. The SMB will ensure that actions are taken to avoid a repetition of such a situation in the future.

This is a MAPPA Co-ordinator/Management function.

Where the complaint relates to how one particular agency has operated, the complaint should be passed to the SMB representative for that agency for the complaint to be dealt with through the agency's complaint procedure. The MAPPA Co-ordinator will write to the complainant to advise them of this and provide contact details for the SMB member. The SMB member will keep the MAPPA Co-ordinator advised of the progress of the investigation and of the findings, particularly where these affect the operational workings of MAPPA.

Where the complaint is levelled against the MAPPA process and/or a decision a MAPP meeting has taken, the SMB Chair will consult with the MAPP meeting Chair and will, in straightforward cases, respond to the complainant. If the complainant is dissatisfied with the response or the Chair believes that the case is one which requires an investigation they (the SMB Chair), will create a sub-group of three, preferably led by a member of the RA, a Lay Adviser and a Duty to Co-operate (DTC) member not involved in the case. The SMB Chair will ensure that the complainant and the MAPPA Co-ordinator are kept advised of the progress of the complaint and its outcome.

Where the complainant is dissatisfied with the outcome of an investigation into the role of MAPPA in a particular case by the SMB and wishes to take the matter further, they can apply to the Chief Constable, Chief Probation Officer or Prison Area Manager and ask that they review the process.

It is essential that all complaints are dealt with promptly. Where they are investigated by a single agency, they must keep to their agency timetable and explain to the MAPPA Co-ordinator and the complainant any reasons for delay. Where the complaint is investigated by the SMB, this must be

undertaken promptly and should be completed within 56 days. Where this is not possible, the complainant must be kept informed of the progress of the investigation.

Glossary of Terms

ACC	Assistant Chief Constable
ACO	Assistant Chief Officer
ACPO	Association of Chief Police Officers
AP	Approved Premises
ASSET	Young Offender Assessment Profile
BCU	Basic Command Unit
CDRP	Crime and Disorder Reduction Partnership
COP	Contracted Out Prison
CPA	Care Programme Approach
CPI	Criminal Procedures (Insanity) Act
CPPC	Critical Public Protection Case
DTC	Duty to Co-operate
ECL	End of Custody Licence
EM	Electronic Monitoring
ESB	Enhanced Supervision Bed
HDC	Home Detention Curfew
HMIC	Her Majesty's Inspectorate of Constabulary
HMIP	Her Majesty's Inspector of Prison
HMIP	Her Majesty's Inspectorate of Probation
HMPS	Her Majesty's Prison Service
HRA	Human Rights Act (1998)
IDVA	Independent Domestic Violence Adviser
IRMT	Interdepartmental Risk Management Team

KPI	Key Performance Indicator
LA	Lay Adviser
LCJB	Local Criminal Justice Board
LED	Licence Expiry Date
LRMM	Local Risk Management Meeting
LSCB	Local Safeguarding Children Board
MALRAP	Multi-Agency Lifer Risk Assessment Panel
MAPPA	Multi-Agency Public Protection Arrangements
MAPP	Multi-Agency Public Protection
MARAC	Multi-Agency Risk Assessment Conference
MHT	Mental Health Trust
MHU	Mental Health Unit
MOJ	Ministry of Justice
MSCR	MAPPA Serious Case Review
NDPB	Non-Departmental Public Body
NO	Notification Order
NOMS	National Offender Management Service
NHS	National Health Service
NSPCC	National Society for Prevention of Cruelty to Children
NPIA	National Policing Improvement Agency
OASys	Offender Assessment System
OGRS	Offender Group Reconviction Score
OM	Offender Manager

PAR	Parole Assessment Report
PC	Probation Circular
PDP	Potentially Dangerous Person
PNC	Police National Computer
PPU	Public Protection Unit
PPO	Prolific and other Priority Offender
PRS	Pre Release Section
PSI	Prison Service Instruction
PSO	Prison Service Order
PSR	Pre Sentence Report
RA	Responsible Authority
RAMP	Risk Assessment Management Panel
RANSG	Responsible Authority National Steering Group
RM2000	Risk Matrix 2000
RMP	Risk Management Plan
RSHO	Risk of Sexual Harm Order
ROTL	Release on Temporary Licence
ROM	Regional Offender Manager
RSL	Registered Social Landlord
RSO	Registered Sexual Offender
SARA	Spousal Assault Risk Assessment
SARN	Structured Assessment of Risk and Need
SOCA	Serious Organised Crime Agency
SFO	Serious Further Offence

SLA	Service Level Agreement
SMB	Strategic Management Board
SOPO	Sexual Offences Prevention Order
SPO	Senior Probation Officer
SPOC	Single Point of Contact
VLO	Victim Liaison Officer
ViSOR	Violence and Sex Offender Register
YOT	Youth Offending Team