



HM Prison &
Probation Service



MAPPA Guidance

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ASSOCIATION OF
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1. Introduction

MAPPA: a basic guide

This is a summary of MAPPA: please see the relevant chapters for details.

1.1 The Criminal Justice Act 2003 (“CJA 2003”) provides for the establishment of Multi-Agency Public Protection Arrangements (“MAPPA”) in each of the 42 criminal justice areas in England and Wales. These are designed to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. They require the local criminal justice agencies and other bodies dealing with offenders to work together in partnership in dealing with these offenders.

1.2 This Guidance on MAPPA has been issued by the Secretary of State for Justice under the CJA 2003 in order to help the relevant agencies in dealing with MAPPA offenders. These agencies are required to have regard to the Guidance (so they need to demonstrate and record their reasons if they depart from it).

1.3 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. They need to ensure that these are not compromised by MAPPA. In particular, 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 for public protection.

1.4 The MAPPA agencies must be free from discrimination and committed to equal access to services for all groups, particularly in relation to race, gender, gender identity, age, religious belief, sexuality, sexual orientation and disability. This means that all actions undertaken or recommended by the MAPPA agencies, 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.

1.5 In undertaking their work, the MAPPA agencies will be sensitive and responsive to individual differences and needs. They will integrate this understanding into the delivery of their functions to ensure that nobody is disadvantaged as a result of belonging to a specific social group. To assist in achieving this, each Responsible Authority must have plans in place and implemented to ensure that issues of diversity are addressed.

1.6 The operation of MAPPA relies on **component bodies** working through an agreed **process** with MAPPA offenders, making provision as needed for **particular groups**, subject to **regulation and review**. These elements are briefly explored below and are developed in detail in the body of the guidance, in the chapters shown.

Component bodies

Responsible Authority

1.7 The Responsible Authority is the primary agency for MAPPA. This is the police, prison and Probation Trust in each area, working together. The Responsible Authority has a duty to ensure that the risks posed by specified sexual and violent offenders are assessed and managed appropriately.

Duty to co-operate agencies

1.8 Other bodies have a duty to co-operate with the Responsible Authority in this task. These duty to co-operate agencies (“DTC agencies”) will need to work with the Responsible Authority on particular aspects of

an offender's life (e.g. education, employment, housing, social care). The UK Border Agency became a DTC agency in 2011 – the first addition to the list since the scheme in the CJA 2003 was implemented.

Strategic Management Board

1.9 The supervision of this work is carried out by the Strategic Management Board ("SMB") in each area. It has a range of governance-related functions, including monitoring performance, ensuring anti-discriminatory practice, measuring compliance with the MAPPA Key Performance Indicators ("KPIs"), and producing the annual MAPPA report.

Lay Advisers

1.10 The CJA 2003 also provides for an independent perspective on the work of these groups by means of Lay Advisers, who are members of the public. The Secretary of State has a statutory duty to appoint two Lay Advisers to each area.

Process

Identification and Notification

1.11 The first stages of the process are to identify offenders who may be liable to management under MAPPA as a consequence of their caution or conviction and sentence, and later to notify the MAPPA Co-ordinator of their impending release into the community, or the commencement of a community order or suspended sentence, as appropriate. This responsibility falls to the agency that has the leading statutory responsibility for each offender. Offenders are placed into one of three MAPPA categories according to their offence and sentence.

Levels of management

1.12 MAPPA offenders are managed at one of three levels according to the extent of agency involvement needed and the number of different agencies involved. The great majority are managed at level 1 (ordinary agency management). This involves the sharing of information but does not require multi-agency meetings. The others are managed at level 2 if an active multi-agency approach is required (MAPP meetings), and at level 3 if senior representatives of the relevant agencies with the authority to commit resources are also needed.

ViSOR

1.13 Storing and sharing information about offenders is essential to the multi-agency approach. Information is stored in a central database known as ViSOR, according to each Responsible Authority's business model.

Information-sharing

1.14 The practice of information-sharing between agencies is governed by certain principles. The guidance in this chapter draws on the Data Sharing Code of Practice issued in 2011 by the Information Commissioner's Office.

Disclosure

1.15 There are arrangements for the disclosure of information to the public about individual offenders in particular circumstances.

Risk assessment

1.16 Once offenders have been identified as MAPPA offenders, the next stage is to assess the risk they pose. This could be the risk of reconviction, the risk of reoffending, or the risk of serious harm. A range of assessment tools are available for this purpose.

Risk Management Plan

1.17 Having assessed the risk that each offender poses, the MAPPA agencies need to manage that risk. This will entail the preparation of a detailed and robust Risk Management Plan.

MAPP meetings

1.18 The vast majority of MAPPA offenders will be managed through the ordinary management of one agency, although this will usually involve the sharing of information with other relevant agencies. The structural basis for the discussion of MAPPA offenders who need active inter-agency management, including their risk assessment and risk management, is the MAPP meeting. The Responsible Authority agencies and the MAPPA Co-ordinator are permanent members of these meetings (although it may not be possible for the MAPPA Co-ordinator to attend every meeting). DTC agencies are invited to attend for any offender in respect of whom they can provide additional support and management. The frequency of meetings depends on the level of management deemed appropriate for each offender. Finally, this chapter also deals with the sharing and disclosure of MAPP meeting minutes.

MAPPA document set

1.19 The MAPPA process works not only through the presence of the appropriate agencies but also on the basis of proper documentation. It provides a consistent process for sharing information across England and Wales.

Custody

1.20 Custodial establishments identify which offenders will be liable to MAPPA management when released into the community. Planning for these cases needs to start at least 6 months before the release date. Obviously, the Prison Service plays a critical role in this process.

Recall

1.21 This deals with recall to custody; the role of the Public Protection Casework Section in the Offender Management and Public Protection Group ("OMPPG"); and licence conditions.

Transfer of MAPPA offenders

1.22 It may sometimes be necessary to transfer MAPPA offenders from one area to another within England and Wales, or between different jurisdictions. Transfers need careful handling because of the risk that the arrangements for managing the offender may be temporarily weakened.

Approved Premises

1.23 It may also be necessary to find supported and supervised accommodation for MAPPA offenders in order to manage the risk they pose. This may be the case if they are transferred to a new area.

Critical Public Protection Cases

1.24 Cases designated Critical Public Protection Cases ("CPPC") are those that require additional oversight. The CPPC team in OMPPG can provide advice and additional resources.

MAPPA Serious Case Review

1.25 MAPPA is designed to reduce the risk of further serious violent or sexual offending, but from time to time offenders do go on to commit such offences. When the most serious offences are committed, the SMB must consider commissioning a MAPPA Serious Case Review to examine whether the MAPP arrangements were applied properly, and whether the agencies worked together to do all they reasonably could to prevent the further offending. There may be lessons for the future, or good practice to disseminate.

Foreign travel

1.26 This deals with foreign travel by Registered Sexual Offenders; temporary foreign travel by offenders released from prison on licence; Foreign Travel Orders; and Notification Orders for UK citizens convicted abroad.

Particular groups

Victims

1.27 The MAPPA process affects a range of groups for whom additional guidance is needed and this includes the victims of crime. This chapter sets out how MAPPA takes the needs of this group into account. This chapter also provides guidance on the Multi-Agency Risk Assessment Conference ("MARAC"), which has developed in response to the many victims who have suffered domestic abuse and who are at risk of further abuse. MARAC has links to MAPPA, without being a formal part of it.

Children and young people

1.28 Offenders aged under 18 are subject to the same procedures as other MAPPA offenders, but additional considerations apply. For example, the MAPPA agencies have a statutory duty to have regard to the needs of the offender as a child. Therefore the Youth Offending Team and Children's Services must be present at a MAPP meeting when the case of an offender aged under 18 is discussed.

Terrorists and domestic extremists

1.29. This chapter emphasises the need to identify terrorists and domestic extremists who are MAPPA offenders; to consider them for active multi-agency management at level 2 or 3; to share all relevant information with other agencies involved; and to maintain appropriate security arrangements.

Foreign national offenders

1.30 MAPPA processes for foreign national offenders living in the community are the same as for UK citizens. This chapter deals with identification, information-sharing, risk assessment and risk management for foreign national offenders.

Mentally disordered offenders

1.31 This chapter provides guidance on identifying mentally disordered offenders who are MAPPA offenders. It summarises the relevant provisions of the Mental Health Act 1983 and the role of the Secretary of State (exercised through the Mental Health Casework Section in OMPPG). The chapter also provides guidance on the role of tribunals, on information-sharing, and on the rights of victims of mentally disordered offenders.

Other police forces

1.32 This chapter explains the role of specialist police forces, such as the British Transport Police and the Royal Military Police, in relation to MAPPA. These forces are not members of the Responsible Authority or DTC agencies, but may need to contribute to the management of MAPPA offenders in certain cases.

Regulation and review

MAPPA Co-ordination

1.33 One person has an important role in co-ordinating the work of the MAPPA agencies in each area. This is the MAPPA Co-ordinator. He or she works on behalf of the Responsible Authority and is accountable to the SMB. Most areas have a MAPPA Co-ordinator, although it is not a statutory role.

Complaints

1.34 The SMB must have a procedure for dealing with complaints which relate to the MAPPA process itself. Arrangements should already be in place for dealing with complaints against individual agencies.

Governance of MAPPA

1.35 This chapter summarises some of the structures that are in place to support the effective operation of MAPPA. These include the Responsible Authority National Steering Group, the National MAPPA Team in OMPPG, the National MAPPA Best Practice Workgroup, a number of public protection meetings and forums, and a number of groups relating to ViSOR.

Performance monitoring and improvement

1.36 For MAPPA to work effectively, each agency needs to fulfil its legal obligations and to work with other agencies to achieve the robust and defensible risk management of MAPPA offenders. The Responsible Authority, through the SMB, needs to be able to demonstrate this empirically through its monitoring and evaluation of its performance. In doing so it needs to use both quantitative and qualitative data, and in the context of a national set of KPIs.

Annual reports and statistics

1.37 The CJA 2003 requires each Area to publish information annually on the operation of MAPPA at the local level. This chapter provides guidance on the preparation of MAPPA annual reports, including the collection of data, the publication arrangements, and dealing with the media.

Interpretation

1.38 This Guidance contains many terms and expressions that are commonly used in MAPPA. These are defined here in the interest of clarification. Please see also the Glossary at the end of the Guidance, which sets out the meaning of the many abbreviations and acronyms used.

- “Lead agency” is the agency with the statutory authority and responsibility to manage a MAPPA offender. This management will involve appropriate information-sharing in order to properly identify risk. The lead agency will have primary responsibility for referring the offender to level 2 or level 3 MAPPA management or for continuing management at level 1.
- “MAPPA offender” is someone who satisfies the criteria set out in sections 325 and 327 of the CJA 2003 and is therefore liable to management under MAPPA.
- “Offender Manager” means the police, prisons or probation member of staff who is responsible for supervising an offender.
- “Prison” includes public sector, high security, and contracted-out prisons, young offender institutions, secure training centres, and secure children’s services; and references to “prison staff” are to be construed accordingly.
- “Probation Trusts” includes providers of probation services.
- “Risk” is either risk of reconviction, or risk of re-offending, or risk of serious harm.

Criminal Justice Act 2003 (summary of relevant provisions)

1.39 Sections 325 to 327B of the CJA 2003 provide the statutory basis for MAPPA. These provisions are set out in full at Appendix 1 and are summarised below.

Section 325: Arrangements for assessing etc risks posed by certain offenders

This section:

- Defines the Responsible Authority.
- Requires the Responsible Authority to make arrangements for assessing and managing the risk posed by relevant sexual and violent offenders.
- Requires other specified bodies to co-operate with the Responsible Authority in this task, for example by sharing information.
- Requires the Responsible Authority and these other bodies to draw up a memorandum setting out how they will co-operate.
- Empowers the Secretary of State to issue guidance to Responsible Authorities on the discharge of their functions.
- Requires Responsible Authorities to have regard to any such guidance.

Section 326: Review of arrangements

This section:

- Requires the Responsible Authority to keep its arrangements under review.
- Requires the Secretary of State to appoint two Lay Advisers in each area, whom the Responsible Authority must consult in exercising its functions and whose expenses the Responsible Authority must pay.
- Requires the Responsible Authority to publish an annual report on the discharge of its functions, with details of its arrangements and any other information the Secretary of State asks to see included.

Section 327: Section 325 – interpretation

This section defines a number of terms used in section 325, including “relevant sexual or violent offender” (mainly, registered sex offenders, and violent offenders sentenced to at least 12 months in custody).

Section 327A: Disclosure of information about convictions etc. of child sex offenders to members of the public

This section:

- Requires the Responsible Authority to consider disclosing information about the previous convictions for sexual offences against children of a child sex offender to a member of the public.
- Creates a presumption in favour of disclosure (even if no-one has requested it) if the child sex offender poses a risk of serious harm to any children and disclosure is necessary for their protection.
- Empowers the Responsible Authority, in making disclosure to a particular person, to impose conditions preventing any further disclosure.
- Requires the Responsible Authority to record its decision whether or not to make disclosure in each case.

Section 327B: Section 327A – interpretation

This section defines a number of terms used in section 327A, including “child” (person under 18), “child sex offence”, and “child sex offender”.

2 Responsible Authority and Lead Agency

Responsible Authority

2.1 The Responsible Authority (RA) consists of the Police, National Probation Service (NPS), and Prison Service acting jointly in each area. It is fundamental to the operation of MAPPA, as outlined in sections 325 to 327B of the Criminal Justice Act 2003 (see Appendix 1). The RA must:

- Make arrangements for assessing and managing the risks posed by MAPPA eligible offenders in its area.
- Co-operate with prescribed agencies, including local authorities and Youth Offending Teams (YOT), who have a reciprocal duty to co-operate with the RA.
- Monitor the effectiveness of its arrangements and publish an annual report.
- Work alongside Lay Advisers appointed by the Secretary of State.
- Consider disclosing information about offenders in order to protect the public.

2.2 The role and functions of the RA are exercised through the Strategic Management Board (SMB) (see Chapter 4 – Strategic Management Board) which oversees the whole MAPPA structure. This chapter focuses on the three criminal justice agencies that make up the RA and those agencies that can act as lead agencies in the management of MAPPA cases.

Lead Agency

2.3 The lead agency is the agency with the main statutory authority and responsibility to manage a MAPPA offender in the community. It has the primary responsibility for referring the offender to Level 2 or Level 3 MAPPA management or for continuing management at Level 1.

2.4 The lead agency will not always be a member of the RA.

- The NPS will be the lead agency for any MAPPA offender aged over 18 under their supervision (including licences, suspended sentences, Community Orders, post sentence supervision and licences for subsequent non MAPPA offences) until the supervision period expires.
- The YOT will be the lead agency for any MAPPA eligible child under their supervision until the supervision period expires or the case is transferred to adult services. The YOT may also supervise MAPPA Eligible 18 year olds who are transitioning from juvenile detention to adult custody or from juvenile detention to release on Licence by the NPS.
- Mental health or learning disability services will be the lead agency for patients subject to a Hospital, Guardianship or Community Treatment Order who are not (or who are no longer) supervised by the NPS or YOT.
- The police will be the lead agency for any other offender. The police should support the lead agency with joint management of Category 1 offenders (registered sexual offenders) managed by the NPS, YOT or mental health services. The police will become the lead agency once statutory supervision by the NPS, YOT or mental health services has ended.

2.5 It is essential that all agencies with a responsibility to work with an offender establish good levels of communication and that each is aware of the other's activities. Each agency involved should share information to inform the lead agency's consideration of the level of management required (see Chapter 7 – Levels of Management) and ongoing management of risk. This activity must be recorded on all case management systems, including ViSOR. Some areas have established joint Police and Probation Units to

manage high risk of serious harm cases. Such arrangements do not affect who the lead agency is or what their responsibilities are.

Police

2.6 The police will ensure that all offenders subject to notification requirements:

- Register as required.
- Are assessed in accordance with a nationally approved risk assessment and management system.
- Are visited at their registered address in line with the approved Risk Management Plan (RMP) and national guidance.
- Are managed in line with approved professional practice.
- Are entered on ViSOR and have their ViSOR records maintained in accordance with national ViSOR standards.

2.7 A summary of notification requirements is at Appendix 2. The Authorised Professional Practice from the College of Policing sets out guidance on the police management of sexual and violent offenders.

Specialist Police Forces

2.8 The British Transport Police (BTP) is a national police force and has the task of policing the UK rail network, London Underground, Docklands Light Railway and some tram and metro systems. The BTP manages offending and anti-social behaviour on the railway network. It works in seven regional areas and has the ability to work across boundaries. It is part of the ViSOR community, working closely with police forces across England, Wales and Scotland.

2.9 The BTP should be involved in the risk management of MAPPA offenders where this is appropriate and necessary, including being invited to Level 2 and 3 MAPPA meetings. Invitation should be sent to the BTP Force Intelligence Bureau (email: fib@btp.pnn.police.uk telephone: 020 7830 8969 fax: 020 7830 8980). If unable to attend, the BTP should liaise with the owning police area and agree any tactical options for the management of the offender's travel, which the local police can put forward on its behalf.

2.10 The Royal Military Police is the military specialist for the Armed Forces in investigation and policing and is responsible for policing the military community worldwide. The Royal Military Police will act as a Single Point of Contact for all three services. They will be responsible for Category 1 offenders who are members of the Armed Forces and are deployed abroad. They will also work closely with colleagues in the local police force to ensure that any notification or other supervision requirements are fully met by MAPPA offenders deployed in the UK. Normal UK procedures apply to MAPPA offenders who are in the armed forces and who are deployed in the UK.

2.11 The local police force will usually be the conduit for any relevant information from the Royal Military Police to be fed into the MAPPA meeting for offenders in the UK. For offenders deployed abroad, the Royal Military Police will undertake an assessment of the potential risks an individual presents and ensure that all of the necessary arrangements are in place to manage them. The Royal Military Police is part of the ViSOR community and will ensure that the ViSOR record is kept up to date.

2.12 The Civil Nuclear Constabulary (CNC) provides protection for civil nuclear licensed sites and safeguards nuclear materials, nuclear site operators, policing and nuclear regulators, as well as interlinking with local police forces. There may be occasions when it is necessary to share information with CNC. The local police force will usually be the conduit for any relevant information from the CNC to be fed into the MAPPA meeting.

National Probation Service

2.13 The NPS supervises MAPPA and high-risk offenders released in the community. The NPS works in partnership with the CRCs, the courts, prisons, police, health, local authorities and with private and voluntary sector partners in order to manage offenders safely and effectively. NPS responsibilities include:

- Preparing pre-sentence reports for courts, to help them select the most appropriate sentence
- Managing approved premises for offenders with a residence requirement on their sentence.
- Assessing offenders in prison to prepare them for release on licence to the community, when they will come under NPS supervision.
- Continuing to assess all cases in the community using appropriate tools.
- Managing all offenders in the community at the appropriate level under MAPPA and reviewing them in line with approved standards.
- Helping offenders serving sentences in the community to meet the requirements ordered by the courts.
- Communicating with and prioritising the wellbeing of victims of serious sexual and violent offences, when the offender has received a prison sentence of 12 months or more, or is detained as a restricted mental health patient.
- Ensuring that all Category 2 Level 2 and 3 cases are recorded on ViSOR.

Prison

2.14 The Prison Service keeps those sentenced to prison in custody, helping them lead law-abiding and useful lives, both while they are in prison and after they are released. Although the Prison Service is a member of the RA it is not the lead agency for any offenders as it does not manage offenders in the community. SMBs must agree arrangements with contracted-out prisons about their involvement in MAPPA separately, but these should be in line with those for the public sector.

2.15 The Prison Service will:

- Identify all MAPPA offenders sentenced to custody.
- Assess the level of risk of harm presented by offenders and manage that risk.
- Monitor those offenders presenting the highest risk of serious harm through the Interdepartmental Risk Management Meeting (IRMM).
- Provide release date information to the police, NPS and YOT.
- Provide offenders' licence conditions to the police.
- Share information to inform the parole process, develop risk management plans and enable released offenders to be managed safely in the community.
- Participate in MAPPA Level 2 and 3 meetings while the offender is in custody, including completing the MAPPA F.
- Maintain ViSOR records in accordance with national standards.

2.16 The Prison Service will not assign MAPPA levels to offenders but must be given the opportunity to contribute by the lead agency before a level is set for an offender in custody (see 7.12).

2.17 Further information regarding the role of the Prison Service and MAPPA is available in Chapter 15 – Custody and in PSI 18/2016 Prison Service Public Protection Manual.

Youth Offending Team

2.18 Local authorities across England and Wales have a statutory duty to establish YOTs, which are themselves multi-agency partnerships whose police and probation members play an important role. YOTs will:

- Identify all young offenders who meet the MAPPA eligibility criteria and undertake a comprehensive risk assessment.
- Complete the MAPPA H and send it to the MAPPA Co-ordinator six months prior to the release of the offender.
- Assess the required level of MAPPA management and refer the offender for Level 2 and 3 management, where required.
- Provide data of the cases they manage for the MAPPA Annual Report.

For more information see Chapter 23 – Children and Young People.

Mental Health and Learning Disability Services

2.19 Mental health and learning disability services have a statutory supervisory/care role in relation to certain MAPPA offenders. Under section 117 of the Mental Health Act (MHA) 1983, there is a requirement on the relevant local social services authorities and Clinical Commissioning Groups (CCG) to provide after-care services to offenders subject to section 37, section 45A, section 47 and section 48 hospital orders who are discharged from hospital, until such time as the CCG and the local social services authority are satisfied that they no longer need them. What the care consists of will naturally vary but in many cases it will be co-ordinated by community mental health teams. It is essential that mental health and learning disability services:

- Identify all offenders who meet the MAPPA eligibility criteria and fall within MAPPA through a mental health outcome (both those in hospital and those in the community).
- Undertake a comprehensive risk assessment and assess the required level of MAPPA management and refer the offender for Level 2 and 3 management, where required.
- Complete the MAPPA I and send it to the MAPPA Co-ordinator.
- Provide data of the cases they manage for the MAPPA Annual Report.
- Communicate with victims of serious sexual and violent offences, when the offender is detained as an unrestricted mental health patient.

Further information can be found in Chapter 26 – Mentally Disordered Offenders.

2.20 After-care under section 117 MHA 1983 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 needs.
- An agreed care plan.
- The allocation of a key worker (care co-ordinator).
- A 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 Supervisor and Clinical Supervisor

reporting to the Secretary of State will be appointed to monitor the patient's progress in the community (see 26.10).

2.21 CPA involves a multi-disciplinary approach to care and RA agencies may be involved. Patients should be referred to MAPPA Level 2 or 3 when it is clear that the CPA is not equipped to deal with the risks identified. Most offenders subject to hospital orders will be managed within the CPA without recourse to MAPPA Levels 2 and 3. The offender received a hospital order because the court decided that that was the appropriate way to proceed and, while the care teams may wish to consult RA agencies (and will often benefit from doing so), it is likely that the interventions available under CPA or via the supervisory regime for restricted patients will be the most appropriate. However, experience shows that this cannot be taken for granted.

3. Duty to co-operate agencies

Introduction

3.1 **Section 325(3)** of the Criminal Justice Act 2003 (“CJA 2003”) requires the Responsible Authority to co-operate with the list of agencies specified in section 325(6) of the Act. Please note that:

- **This is a reciprocal duty**, since the Act also places those agencies under a duty to co-operate with the Responsible Authority in its task of assessing and managing risk.
- They are required to co-operate as far as they can do so, **consistent with the exercise of their other statutory functions**.

3.2 They are known as Duty To Co-operate Agencies (“DTC agencies”).

3.3 **Section 325(4)** of the CJA 2003 states that the duty to co-operate may include the exchange of information. For more about this, see chapter 9 on Information-sharing.

3.4 **Section 325(5)** of the CJA 2003 requires the Responsible Authority and each DTC agency to draw up a memorandum setting out how they are to co-operate. This is covered later in this chapter.

3.5 The DTC agencies listed in **section 325(6)** of the CJA 2003 are as follows:

1. Youth offending teams (“YOTs”).
2. Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training (in practice, Jobcentre Plus).
3. The local education authority.
4. The local housing authority.
5. Registered social landlords providing or managing residential accommodation in which MAPPA offenders may reside.
6. The local social services authority.
7. The Health Authority or Strategic Health Authority.
8. The Primary Care Trust or Local Health Board.
9. The NHS Trust.
10. Providers of electronic monitoring services.
11. The UK Border Agency.

3.6 **Section 325(7)** of the CJA 2003 enables the Secretary of State to add to this list, or remove from it, by means of secondary legislation. The relevant Order must be laid before Parliament in draft, and approved by both the House of Commons and the House of Lords, before it may be made.

What the duty to co-operate means

3.7 The principal responsibility for protecting the public from sexual and violent offenders rests with the criminal justice agencies. However, the effectiveness of public protection often requires more than just a criminal justice response. Other agencies, for example those providing help with employment and training, accommodation, and housing, play an important role in helping offenders to resettlement and may help to reduce re-offending. 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.

3.8 While the professional starting points and finishing points of all the agencies involved in 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. Co-operation also ensures that all agencies involved know what the others are doing. Preventing collision, preventing decisions being made in ignorance of other agencies' actions, and enabling joint working, is fundamentally what the MAPPA duty to co-operate is about.

3.9 In practice, the relevant DTC agency should be invited to all MAPP meetings where the case of an offender in whom it has an interest is discussed. A representative of the agency could attend in person or by video or telephone conferencing where possible. In some cases, the agency will submit a written report.

3.10 The Strategic Management Board ("SMB") should include representation at an appropriately-senior level from each of the DTC agencies in the area. This is not a statutory requirement but is highly recommended.

3.11 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, they remain the responsibility of each agency. MAPPA does not aggregate the responsibility and authority of the agencies involved. Instead it clarifies the role each agency is to play.

The Memorandum

3.12 As noted above, section 325(5) of the CJA 2003 requires the Responsible Authority and each DTC agency in each area to draw up a memorandum setting out how they are going to co-operate. This document articulates the practical arrangements for local co-operation. Although it may reflect local variations, it should be in a standard form and should include the following:

- A description of the MAPPA framework, setting out its purpose and its statutory basis.
- A statement of the role of the Responsible Authority and how it will co-operate with the DTC agency.
- A statement of the role of the DTC agency and how it will co-operate with the Responsible Authority.
- An endorsement at a senior level within both the Responsible Authority and the DTC agency.

3.13 The main areas in which co-operation is likely to be needed are as follows:

- Notification of when offenders enter the MAPPA system.

- Invitations to meetings when cases of interest to the DTC agency are to be discussed.
- Notification of changes in the offender's status.
- Provision of an up-to-date risk assessment and other information to ensure that the offender is managed effectively.
- Provision of general advice about an agency's role and the type of services it provides (including advice about how services can be accessed).
- Co-ordination of activities in a way which complements rather than undermines other agencies.

3.14 For co-operation to work effectively, the Responsible Authority and the DTC agency need to establish clear channels of communication so that they can contact each other in both routine and urgent cases. The relevant contact in the Responsible Authority will generally be the MAPPA Co-ordinator. The DTC agency should provide a Single Point of Contact to receive information and requests from each area. The contact information for the relevant personnel should not be published in the Memorandum but should be distributed separately and maintained regularly by an identified person.

3.15 Although the requirement to prepare a memorandum is placed on the Responsible Authority and DTC agency, it is not intended that they should work in isolation. To ensure consistency, a standard memorandum will be prepared at a national level by the Offender Management and Public Protection Group ("OMPPG") in consultation with the headquarters organisation of any new DTC agency. This will be circulated to the Responsible Authority and DTC agency operating at a local level to help them draw up their own memorandum.

3.16 Areas may want to refer to the Data Sharing Code of Practice, available at <http://www.ico.gov.uk> (see chapter 9 on Information Sharing).

The Duty to Co-operate Agencies

1. Youth Offending Teams

3.17 Local authorities across England and Wales have a statutory duty to establish YOTs, which are themselves multi-agency partnerships whose police and probation members play an important role. YOTs differ from most other DTC agencies in that they have direct supervisory responsibility for their own subset of offenders – all young offenders who are in the community and subject to the sentence of the court, e.g. during the community element of a Detention and Training Order.

3.18 YOTs are responsible for referring to MAPPA all young offenders for whom they are responsible who meet the eligibility criteria for MAPPA. YOTs will undertake a comprehensive risk assessment on all young offenders referred to MAPPA. For more information see chapter 23 on Children and Young People.

2. Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training – in practice, Jobcentre Plus

Jobcentre Plus should assist with and restrict employment and training in order to protect the public

3.19 Jobcentre Plus is an executive agency of the Department for Work and Pensions. In relation to managing MAPPA offenders, this agency has two primary functions:

- To assist offenders into employment or to access suitable training as this reduces their risk of reoffending and thus protects the public.
- To restrict the types of employment and training when this applies to certain offenders.

3.20 This will:

- Give offenders of working age the help and support to which they are entitled to enable them to work.
- Benefit offenders, as appropriate employment and training can reduce the risk of re-offending. Employment provides stability and purpose to what are often chaotic lives.
- Give offenders the opportunity to contribute positively to their local community, and to society in general, and to lead law-abiding lives.
- Prevent offenders from accessing unsuitable employment and training which could put the public at risk of serious harm.

The Offender Manager is responsible for notifying Jobcentre Plus of any restrictions on employment and training, and whether the offender presents a risk of serious harm to Jobcentre Plus staff

3.21 The probation Offender Manager has a dual responsibility regarding employment and training for MAPPA offenders. First, to help them obtain suitable employment and training (**assistance with employment**), and secondly to help prevent them from seeking or obtaining employment or training which may increase or trigger the risk of harm they present (**restrictions on employment**).

3.22 The police also have an Offender Manager responsibility regarding restrictions on employment, for example in obtaining Sexual Offences Prevention Orders ("SOPOs"). The relevant MAPPA agency should therefore notify the relevant Jobcentre Plus Designated Officer / Single Point of Contact ("SPOC") of any restrictions on employment or training which would render some types of employment or training unsuitable for the offender. (The Designated Officer / SPOC should be identified within a locally-agreed protocol between the MAPPA area Responsible Authority and the local Jobcentre Plus Customer Services Director.)

Assistance with employment

3.23 Once an offender is motivated and occupied, there may be a decrease in the risk of reoffending. Where an offender is the responsibility of a probation Offender Manager, the offender should be referred to employment and training providers, and for those who meet their criteria, to Jobcentre Plus in order for them to access suitable employment and training.

Restrictions on employment

3.24 Offenders who are released into the community and managed by probation or the police will have restrictions, which may or may not be time-limited, placed upon them by a range of legal requirements which will affect the types of employment and training accessible to them. These restrictions could include specific licence conditions such as exclusion zones and non-contact conditions, SOPOs, Disqualification Orders, or being subject to the Vetting and Barring Scheme. These restrictions may similarly limit the types of employment and training in which an offender may engage.

3.25 In these circumstances, the Offender Manager / police officer must complete MAPPA J for any MAPPA offender who is over the age of 18, notifying Jobcentre Plus of any such restrictions as well as when these restrictions will cease. Where there is a ViSOR record, the date the MAPPA J was sent to Jobcentre

Plus, and a note of the restriction and when that restriction ends, should be recorded on the activity log. Where an offender is subject to police management alone, the police Offender Manager should complete MAPPA J and send it to Jobcentre Plus. Where an offender is subject to probation supervision and to police management, it is the responsibility of the probation Offender Manager to complete MAPPA J to inform Jobcentre Plus. In cases where the management of the offender later reverts to the police, the responsible police Offender Manager should inform Jobcentre Plus of the change of Offender Manager. Jobcentre Plus must also be notified whenever there is any change to the restrictions.

3.26 The MAPPA J should also identify whether there is a risk of serious harm to Jobcentre Plus staff. The completed MAPPA J should be sent, by secure email, to the Jobcentre Plus Designated Officer / SPOC for their area, 6 weeks before the release of a MAPPA offender from custody, or as soon as a court makes a community order or a Sexual Offences Prevention Order.

3.27 It is important that no other information about the offender, including previous or current offences or the risk of serious harm the offender presents to other members of the general public, is shared with Jobcentre Plus on the MAPPA J. The role of Jobcentre Plus is to place an offender into suitable employment or training, being mindful only of any current and relevant restrictions placed on that offender. The dialogue will be about whether the proposed location of employment or training, or the nature of the proposed employment or training, risks contravening any restrictions placed on that offender.

3.28 The offender should be informed when Jobcentre Plus is notified of the details of any restrictions placed on him or her. However, there may, in exceptional cases, be justifiable reasons for imposing a restriction affecting employment or training without telling the offender what these restrictions are. This might apply, for example, when there is reason to believe that an offender will become a greater risk, or pose an unacceptably high new risk, if he or she was informed about the restriction imposed. Given the potential for risk of harm to Jobcentre Plus staff in dealing with these exceptional cases, the MAPPA J should **not** be issued in these circumstances without prior discussion with the relevant Designated Officer / Jobcentre Plus SPOC.

3.29 The notification MAPPA J to Jobcentre Plus which identifies any restriction on employment or training must be identified in the Risk Management Plan, and relevant details placed on ViSOR.

3.30 There may also be a small number of exceptional cases where the offender is not subject to any legal restrictions, but his or her behaviour is of such concern that restrictions on employment and training should be imposed, and can be justified as necessary and proportionate given the risk of serious harm posed. This should be decided on a case-by-case basis. In these cases, MAPPA J should not be issued without prior discussion with the relevant Jobcentre Plus Designated Officer / SPOC. The purpose of the MAPPA J in these circumstances is to inform Jobcentre Plus so that this information can be taken into account. The end date for restrictions of this kind will be the date of the end of the offender's supervision, or earlier, should the restrictions be deemed no longer necessary. MAPPA J should then be used to notify Jobcentre Plus of the change, and the offender should be informed.

Jobcentre Plus should assist with employment and training, and adhere to any restrictions which are in place in order to protect the public

The Role of Jobcentre Plus and MAPPA – Assistance with employment

3.31 Jobcentre Plus will seek to place qualifying offenders, whatever their personal circumstances, into either suitable employment or training. A number of these offenders will be managed at MAPPA level 2 or 3, and Jobcentre Plus may in some cases need to attend a level 2 or 3 MAPP meeting to advise that meeting regarding the employment or training needs of a particular offender.

The Role of Jobcentre Plus and MAPPA – Restrictions on employment and training

3.32 In order for Jobcentre Plus and their providers to be notified of any restrictions which may affect an offender's employment or training, the Designated Officer / SPOC identified in the local protocol in each area will be the person who receives the emailed MAPPA J. That person will also decide who should attend MAPPA meetings if required (this will rarely happen), and will ensure that the internal processes of Jobcentre Plus in respect of the offender are followed.

3.33 Once a MAPPA J has been received by Jobcentre Plus, the identified employment adviser should contact the Offender Manager / police officer within 5 working days to confirm receipt.

3.34 Jobcentre Plus should also discuss the case with the Offender Manager when additional clarification is required in order for Jobcentre Plus to pass information which is necessary and proportionate to their providers so that suitable employment and training can be provided.

3.35 Jobcentre Plus should also contact the Offender Manager / police officer within 5 working days of receiving any MAPPA J notifying them of any changes to the restrictions that apply to an offender, to acknowledge receipt of the MAPPA J and to discuss any implications of these changes.

3.36 Should a situation arise where Jobcentre Plus staff, or one of their providers, are informed by an offender about his or her history of sexual or violent offending, Jobcentre Plus staff must inform the MAPPA Co-ordination Unit in the relevant Area. The purpose of this notification is twofold. First, to make those responsible for public protection aware of these disclosures; and secondly, so that Jobcentre Plus staff may receive appropriate advice about whether restrictions should be placed on that person's employment.

3.37 Should an offender seek to access employment or training which would contravene any of the restrictions placed on them, the Designated Officer / SPOC or the employment adviser must contact the Offender Manager / police officer immediately.

3.38 Jobcentre Plus must remove any information about restrictions placed on an offender from their systems on the stated end date of such restrictions, as notified on MAPPA J.

3. The local education authority

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

- Schools are able to provide their pupils with programmes of child protection awareness training. This training can be reinforced at times when there is a particular local risk.
- School staff are well-placed to be alert and aware regarding local activities 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 dangers.
- 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.

3.40 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.

3.41 The SMB should be aware that academies are not DTC agencies, because they are not funded by the local education authority. However, information would be disclosed to any educational establishment in order to protect the public.

4. The local housing authority

3.42 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, however, that the duty of local housing authorities to co-operate with the Responsible Authority does not create a new duty to accommodate offenders.

3.43 Under homelessness legislation, local housing authorities must ensure that advice and information about homelessness, and preventing homelessness, is available free of charge to everyone in their district. They must also ensure that suitable accommodation is available for people who apply to them for housing assistance and who are eligible for such assistance; who have become homeless through no fault of their own; or who fall within a priority need group. This is known as “the main homelessness duty”.

3.44 The priority need groups are specified in legislation and include families with dependent 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.

3.45 Local housing authorities must comply with the Mental Capacity Act 2005 in relation to vulnerable people who lack the capacity to make certain decisions. Best interest decisions are required when people lack the capacity to consent to an accommodation decision. Where an offender lacks capacity, and has no family or friends to support him or her, there is a statutory duty under the Act to make a referral to an Independent Mental Capacity Advocate.

3.46 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. Local 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 they must allocate in accordance with that scheme.

3.47 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.

3.48 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.

- 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.

3.49 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, they may not necessarily 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, should prove very useful.

Exemption from the new shared accommodation rate for MAPPA offenders

3.50 The Local Housing Allowance rules on housing benefit currently restrict the level of help for single people aged under 25 who live on their own to the shared accommodation rate, rather than the one-bedroom self-contained rate if that would apply. This reflects the rent levels of properties with sole use of a bedroom and shared use of at least a living room, kitchen or bathroom. The age threshold was increased to include those aged under 35 from 1 January 2012.

3.51 Two exemptions were introduced at the same time but these are only for those aged 25 and over. The first exemption is for those who have spent at least three months in a hostel or hostels for the rehabilitation or resettlement of homeless people. *(Please note: this does not include offenders living in Approved Premises managed by Probation Trusts.)*

3.52 The second exemption is for those ex-offenders who are being managed under active multi-agency management within MAPPA to be rehabilitated back into the community. This exemption will apply to those claimants who might present a risk of causing serious harm to the public.

3.53 The change in the age threshold came into force on 1 January 2012 through amending legislation (SI 2011 No.1736 – The Housing Benefit (Amendment) Regulations 2011).

3.54 For full details of the changes made to the use of the shared accommodation rate please consult Housing benefit and Council tax benefit Circular HB/CTB A12/2011. This is available as a PDF document on the Department for Work and Pensions website: <http://www.dwp.gov.uk/>. Enter “Circular HB/CTB A12/2011” in the search box on the home page and select it from the results page.

3.55 The exemption from the shared accommodation rate will apply to **level 2 and 3 MAPPA offenders who are aged 25 to 34 and who live in a self-contained property.**

3.56 This exemption was agreed in order to safeguard the public and protect potential future victims. Such offenders are likely to be high risk of causing serious harm and will need active multi-agency management and intervention.

3.57 Other MAPPA offenders will need to make an application for a Discretionary Housing Payment to the local authority who will consider each request on a case-by-case basis depending upon the needs of the offender and the risk of harm level.

Practical application of the exemption

3.58 A proforma (MAPPA P) must be completed by the lead agency within MAPPA where the criteria for meeting the exemption have been met. MAPPA P should then be sent to the Chief Internal Auditor in the local authority that will deal with the individual's claim for housing benefit, preferably via secure email. This personal and sensitive data must be kept confidential and the Data Protection Act 1998 must be complied with. It is advisable to make contact before sending any personal information to find out the recipient's email details and ensure that someone is available to take receipt.

3.59 Even if a MAPPA level 2 or 3 offender is re-assessed, this exemption will continue to apply for MAPPA offenders unless the offender obtains new accommodation. It is advisable to issue a new MAPPA P on a change of address, and this is particularly important where the move entails a different local authority dealing with the individual's housing benefit claim.

3.60 As the change came into force on 1 January 2012, there may be individuals who are already in receipt of housing benefit who could be affected by the move to the shared accommodation rate but who meet the exemption criteria. Lead agencies will need to consider issuing MAPPA P regarding these individuals as soon as possible.

5. Registered Social Landlords

3.61 Registered Social Landlord is the statutory name for social landlords who 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.

3.62 The sector is diverse. Some associations manage only a small number of units of stock whereas others manage a great many more. Many new associations have been formed to manage and develop homes transferred to them by local authorities.

3.63 Not all Registered Social Landlords provide accommodation for MAPPA offenders. It is likely that, as providers of accommodation, the duty to co-operate will only engage Registered Social Landlords when they are considering accommodating a MAPPA offender. However, the precise nature of the duty is determined by Registered Social Landlords with the Responsible Authority in each area: there should be an information-sharing protocol.

6. The local social services authority

The following guidance relates to children's services and to adult services.

3.64 Following the Children Act 2004, county and unitary level local authorities have brought 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. See Appendix 3 which contains links to extracts from the Children Acts 1989 to 2004.

Children's services

3.65 A key link between children's services departments and MAPPA will be in the area of child protection and safeguarding children. MAPPA agencies will be members of the Local Safeguarding Children Board, and individual practitioners in the police, in probation and in children's social care will also be working together to manage the risk posed to children by particular dangerous offenders.

3.66 Local authorities have a duty under section 47 of the Children Act 1989, where they have reasonable cause to suspect that a child who lives, or is found in their area, is suffering or is likely to suffer significant harm, to 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 agencies to manage the risk that person poses to children.

3.67 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 offers guidance on when information can be shared for the purposes of safeguarding children. For the full statutory guidance on child protection, including the roles and responsibilities of different agencies, see “Working Together to Safeguard Children” (HM Government 2010).

3.68 A specific role of the local authority is to set up a Local Safeguarding Children Board. The objective of the 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 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.

Adult services

3.69 Adult Social Care Departments have Safeguarding Adults Boards, sometimes called adult protection boards or committees. These were established under the joint Home Office / Department of Health guidance “No Secrets”, which required local agencies to collaborate and work together, and required all agencies to designate a lead officer and form the adult protection committees later called safeguarding boards.

3.70 The “No Secrets” guidance requires local arrangements to be in place to prevent abuse, and to investigate and to take action where a vulnerable adult is being abused. Local safeguarding adult partnerships have designed systems of alerts for the recognition and reporting of abuse, and they have systems for calling safeguarding meetings and developing safeguarding plans.

3.71 The local Safeguarding Adults Boards are very similar to those for children and have the same wide-ranging duties, including commissioning, providing safe services, developing and reviewing policies, and protecting individuals.

7. The Health Authority or Strategic Health Authority

8. The Primary Care Trust or Local Health Board

9. The NHS Trust

3.72 The duty to co-operate applies to a range of Health Trusts and Authorities, meaning that a range of health practitioners and administrators may be involved in MAPPA. General Practitioners and Accident & Emergency departments, for example, are often amongst the first to witness the effects of the sort of behaviour which MAPPA is established to prevent, and it is important that the Chief Executives of all Trusts and Authorities are engaged in the drafting of the memorandum. Usually, it is Mental Health Trusts with whom the Responsible Authority is likely to deal most frequently because many MAPPA cases will involve offenders with a history of mental disorder.

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

- The facility to exchange data securely 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.

3.74 Relevant sexual and violent offenders who receive hospital or guardianship orders qualify automatically for MAPPA under Categories 1 or 2 for as long as the hospital order or the sexual offender

notification requirement lasts. Hospital orders expire on discharge from hospital, unless the discharge is conditional, in which case the Secretary of State has the power to recall to hospital for treatment. Conditions will only apply where there is also a restriction order. Conditions may also be added under a community treatment order, which gives the responsible clinician the power to recall to hospital for treatment (see chapter 26 on Mentally Disordered Offenders for details).

3.75 Relevant sexual offenders who receive unrestricted hospital orders will be subject to the notification requirements of Part 2 of the Sexual Offences Act 2003, i.e. will be on the “sexual offenders’ register”, for 7 years, or life if the order is restricted.

3.76 Offenders who receive prison sentences, but are subsequently transferred to hospital for treatment for mental disorder and who remain there beyond the custodial element of their sentence, are treated as if subject to unrestricted hospital orders. The same applies to offenders who were given hospital directions by the sentencing court. These offenders are commonly known as “notional 37s” and, during the currency of their licence, they will be subject to statutory supervision by probation. It is also important to note that the Offender Manager’s sentence planning responsibilities continue, even where the prisoner happens to be in hospital. The Offender Manager should maintain his or her involvement in the Care Programme Approach (“CPA”) process throughout the licence period.

3.77 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 offenders subject to section 37 hospital orders who are discharged from hospital, for as 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.

3.78 After-care under section 117 will generally be established and managed via the CPA, which is intended to provide a systematic assessment of health and social care need; an agreed care plan; the allocation of a key worker (care co-ordinator); and a 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 Clinical Supervisor reporting to the Secretary of State will be appointed to monitor the patient’s progress in the community. (See chapter 26 on Mentally Disordered Offenders for more details).

3.79 CPA involves a multi-disciplinary approach to care, and Responsible Authority agencies may be involved. This co-operation at level 1 should continue with referral to MAPPA level 2 or 3 only once it is clear that the CPA is not equipped to deal with the risks identified. It is likely that most offenders 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 way to proceed and, while the care teams may wish to consult Responsible Authority agencies (and will often benefit from doing so), it is likely that the interventions available under CPA or via the supervisory regime for restricted patients will be the most appropriate.

3.80 However, experience shows that this cannot be taken for granted. Without appropriate planning and communication, the Responsible Authority 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. In addition, leave decisions may benefit from information-sharing. The Responsible Authority will often hold key information about the offender and the victim which may not otherwise be available to the Trust.

3.81 It is essential therefore that the memorandum includes clear standing agreements about these offenders. In addition to other requirements, for example including Responsible Authority contacts to help Trusts with CPA-managed cases, the memorandum should require Trusts to identify all offenders who fall within MAPPA (both those in hospital and those in the community) so that:

- The details can be notified to the MAPPA Co-ordinator on the form MAPPA I.
- They are well-placed to consult other MAPPA agencies and refer to MAPPA level 2 and 3 as required.
- They can contribute to the area statistical returns and monitoring.

10. Electronic Monitoring (“EM”) providers

3.82 EM providers deliver an electronic monitoring service to the Ministry of Justice under contract. Their duty to co-operate with the Responsible Authority is intended to be synonymous with their contractual responsibilities. In practical terms this may involve EM providers in doing the following:

- Providing advice to the Responsible Authority on the capability and limits of the available technology.
- Attending meetings of the SMB, as and when required, for discussions about policy and practice relating to electronic monitoring.
- (Exceptionally) attending MAPP meetings (generally only level 3 MAPP meetings) when the needs of a particular case so require.

3.83 A significant part of the work of the EM providers concerns tagging offenders released on Home Detention Curfew (“HDC”). Some MAPPA offenders are eligible for HDC and may be released from custody under this scheme. This will usually not require any liaison between the EM providers and the MAPPA agencies, beyond what already takes place between the EM providers and probation and police staff. That is because, under the HDC criteria, the offender will have stable and suitable accommodation, and will be managed under level 1. However, where a MAPPA offender who has been released on HDC becomes a higher risk, the EM provider may be able to contribute to the assessment and further management of that risk.

3.84 Although the general use of electronic monitoring conditions within other licences is not available, Offender Managers can approach the Public Protection and Casework Section in OMPPG to include conditions of electronic monitoring if MAPPA advise that that would be helpful to manage the offender. This would only be in relation to MAPPA level 3 cases.

3.85 The identifying agency for each offender should inform the relevant EM provider of every offender who becomes subject to MAPPA, so that the offender’s MAPPA status may be recorded on the supplier’s database. When this has happened the supplier is authorised by the Ministry of Justice to release any information about the offender to the Responsible Authority as soon as it is requested.

3.86 MAPPA cases are managed more individually by the current suppliers who work to specific protocols with identified contacts and telephone numbers to call in the event of a breach of the electronic monitoring requirement. It is therefore essential that the suppliers are kept informed of the names of the relevant Offender Managers and provided with contact details for key agencies such as the police (including out of hours), updated when necessary. Suppliers can be asked for up-to-date progress reports at any time, for example for MAPP meetings.

11. UK Border Agency

3.87 The UK Border Agency (“UKBA”) is responsible, among other things, for the operation of UK immigration controls including asylum, the management of applications for further stay, and enforcement. It aims to protect the public by deporting foreign nationals who commit serious criminal offences (where legislation permits), and by actively monitoring foreign national prisoners who are released into the community.

3.88 All the other DTC agencies were specified in the CJA 2003. UKBA was added to the list in section 325(6) by an Order which came into force on 20 July 2011. The decision to make UKBA a DTC agency was taken in the light of the informal co-operation that has developed between UKBA and local criminal justice agencies in recent years. Placing the co-operation on a statutory basis should make it easier to identify, refer and manage the foreign national offenders in whom UKBA has an interest. Having a clear legal basis for information-sharing about offenders should be a particular benefit.

3.89 There are other potential benefits, such as ensuring that UKBA can prioritise enforcement action for the most dangerous sexual and violent offenders, and improving the information flow to immigration detention centres in respect of risk management and safeguarding – for example, avoiding the placement of certain offenders with children and vulnerable adults at the centres.

3.90 A memorandum that was agreed in 2011 sets out what the duty to co-operate between UKBA and the local criminal justice agencies means in practice. On the criminal justice side, for example, this includes:

- Notification of a foreign national offender's entry into MAPPA.
- Notification of MAPP meetings to discuss relevant cases, so that UKBA may attend where appropriate and where resources permit.
- Notification of when the offender's MAPPA status changes or comes to an end.
- Providing up-to-date risk assessments.

3.91 Similarly, UKBA will ensure that, among other things:

- A MAPPA Single Point of Contact is identified by each UKBA case management directorate and by the operational regions so that requests to exchange information between UKBA and other MAPPA agencies are handled effectively.
- The Offender Manager is notified of developments and changes in status, e.g.
 - An application for immigration bail is received from the offender.
 - The offender is released from immigration detention.
 - The offender is granted permission to work (but not leave to remain).
 - The offender is granted leave to remain in the UK or other immigration permission.
 - The offender is removed from the UK.

4 Strategic Management Board

Introduction

Standard: There is a properly-constituted Strategic Management Board for all MAPPA areas

4.1 The Strategic Management Board (SMB) is the means by which the Responsible Authority fulfils its duties under section 326(1) of the Criminal Justice Act 2003 to:

"keep the arrangements (i.e. MAPPA) under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient."

4.2 The SMB is therefore responsible for managing MAPPA activity in its area. This will include reviewing its operations for quality and effectiveness and planning how to accommodate any changes as a result of legislative changes, national guidance or wider criminal justice changes. The Secretary of State retains the power to issue guidance to the Responsible Authority on the discharge of its functions under MAPPA. The SMB is responsible for the implementation of the MAPPA Guidance in their area, in line with local initiatives and priorities.

Standard: The SMB will be chaired by a senior member of the Responsible Authority

4.3 The SMB must have a Chair who is responsible for the work of the SMB. The Chair will either be a Police Assistant Chief Constable, Probation LDU Head or Prison Group Director. The role of the Chair can be shared, although it is important that this does not hinder consistency or the development of good practice. The SMB must ensure the role of Chair is not vacant for longer than absolutely necessary and suitable handover arrangements are put in place.

4.4 It is good practice for the chair to rotate between the Responsible Authority agencies with each agency holding the chair for a period of time. This should be long enough to provide consistency and enable the development of good practice.

Effective operation of the SMB

4.5 To be effective the SMB must:

- Put in place protocols and memoranda of understanding that formalise which agencies are represented on the SMB and set out the role of the different agencies within the SMB.
- Produce an annual MAPPA Business Plan in line with the Responsible Authority National Steering Group Business Plan.
- Collect accurate data as required to populate the MAPPA Annual Report and national MAPPA statistics.
- Prepare and publish the MAPPA Annual Report in accordance with instructions from the Public Protection Group.
- Ensure that MAPPA operations are consistent with the national MAPPA Guidance, issued on behalf of the Secretary of State. The SMB must ensure that any departure from the Guidance is defensible and formally recorded.
- Identify cases that require a MAPPA Serious Case Review (see Chapter 20 – MAPPA Serious Case Reviews) and carry out a review in qualifying cases, in accordance with this Guidance.

- Have procedures in place for responding to media interest that includes liaison with the Ministry of Justice and Home Office.
- Monitor and evaluate MAPPA operations to ensure that MAPPA is working well within its area.
- Develop an Information-Sharing Agreement to regulate the sharing of information with other agencies under MAPPA (see Chapter 9 – Information Sharing).
- Ensure that the Responsible Authority can demonstrate, through the records maintained by its agencies, and through robust quality assurance processes (see Chapter 31 – Performance Monitoring and Improvement), that cases managed as MAPPA Level 2 and 3 meet the defensibility test, i.e. everything which reasonably could have been done, was done, to manage the risk of harm presented by offenders and to prevent them from re-offending.
- Satisfy itself that RA and DTC agencies have effective quality assurance processes in place for Level 1 cases for which they have lead agency status.
- Ensure that all agencies of the Responsible Authority are equally responsible for the use of ViSOR, and that they use it in accordance with the relevant agencies' agreed business models and ViSOR National Standards.
- Ensure that effective liaison and operational work with other public protection bodies/processes takes place, for example, Local Safeguarding Children Boards/Safeguarding Partnerships, Community Safety Partnerships; Local Criminal Justice Boards, local Safeguarding Adults Boards, Health and Wellbeing Boards and Multi-Agency Risk Assessment Conferences (MARAC).
- Meet the training and development needs of those working under MAPPA.
- Promote the effective work of MAPPA as appropriate in the local area.

Membership of the SMB

4.6 The SMB should include senior representatives from each of the Responsible Authority and Duty to Co-operate (DTC) agencies. Representatives should have sufficient seniority to enable them to contribute to developing and maintaining effective inter-agency public protection procedures and protocols on behalf of their agency and to address the practical and resource implications of MAPPA.

4.7 The membership of the SMB should include as a minimum:

- **National Probation Service** - at Local Delivery Unit Head grade or above.
- **Police Service** - at Assistant Chief Constable rank.
- **Prisons** - at a level equivalent to the Prison Group Director.
- **MAPPA Co-ordinator** - to provide operational context and management information to the meeting.
- **Lay Advisers** - each area should have two Lay Advisers, who are appointed by the Secretary of State.
- **Housing** – senior representation from the local authority and housing suppliers. The SMB will need to agree with the housing representative how he or she will ensure that information is disseminated within the various strands of local housing providers.
- **Health Services** - this should be someone who can provide a senior managerial, clinical and mental health perspective.
- **Social Services** - this should be one or more people who can reflect the range of social services responsibilities, including children and vulnerable adults, mental health, disabilities and looked-after children. They should be from a senior managerial rank.

- **Education Services** - the SMB will agree who in education services can represent local education provision.
- **Youth Offending Team** – senior representation at a strategic level. 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** – senior representation from Jobcentre Plus.
- **Electronic Monitoring Providers** - the SMB will need to agree with local representatives how they will participate in the work of the SMB.
- **Home Office Immigration Enforcement (HOIE)** - here too, the SMB will need to agree how HOIE representatives will participate in the work of the SMB.

4.8 For those agencies that have co-terminus boundaries with the MAPPA area (for example police), the representation will be relatively straightforward.

4.9 Where agency boundaries are not co-terminus, the Responsible Authority should negotiate a protocol with DTC agencies to agree who will attend the SMB meetings and resolve how information from the SMB will be disseminated to relevant colleagues.

The SMB and other agencies

4.10 The Responsible Authority will make arrangements to involve others in the work of the SMB as needed. This may involve co-option (or possibly full membership) where there is a significant and sustained engagement with MAPPA. But mostly it will be sufficient for the Responsible Authority 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:

- Community Rehabilitation Companies
- Treatment providers
- The Crown Prosecution Service
- Housing Associations
- HM Courts and Tribunals Service

Standard: The SMB develops appropriate links with other local multi-agency forums

4.11 The SMB should ensure that MAPPA has effective links with local multi-agency forums in its area, in order to facilitate a joint approach to addressing common public protection issues.

4.12 The Responsible Authority should develop written protocols to identify how MAPPA will work and exchange information with, for example:

- Local Safeguarding Children Boards/Safeguarding Partnerships.
- Community Safety Partnerships.
- Local Criminal Justice Boards.
- Safeguarding Adults Boards / Safeguarding Vulnerable Adult Partnerships.
- Prevent Boards

SMB Meetings

Standard: The full SMB will meet at least every 4 months to monitor the work of MAPPA locally

4.13 The structure of SMB meetings is a matter for the Responsible Authority, in consultation with its MAPPA partners, and will reflect how the SMB chooses to organise itself. For example it may use sub-groups to carry out specific functions, although other ways of structuring the work are possible.

Other SMB matters

Standard: The SMB is responsible for monitoring and improving the operation of MAPPA

4.14 See chapter 31 on Performance monitoring.

Standard: The SMB has a communication strategy that includes liaison with HMPPS and the Ministry of Justice Press Office or Home Office Press Office in appropriate cases

4.15 National and local media interest can be acute following serious further offences or the publication of high profile case reviews. It is important that staff liaise with the Ministry of Justice Press Office (or in some cases Home Office Press Office) at the earliest opportunity and throughout periods of intense media coverage. The national MAPPA team should also be included in these communications.

4.16 The Ministry of Justice and Home Office Press Offices have a specialist desk to deal with MAPPA-related enquiries and they can provide support, advice, up-to-date lines or statements, and Q&A material. They are also in a position to ensure that Ministers and other relevant departments are kept informed of issues and developments.

4.17 SMBs who wish to promote the work of MAPPA within the area should liaise with their local communications officer and must also contact Ministry of Justice press office. Questions or advice on how to go about approaching the media should be directed to the Ministry of Justice Press Office.

Standard: The SMB takes steps to ensure that all staff involved in MAPPA are fully trained or appropriately briefed.

4.18 Agencies within MAPPA are responsible for training and supervising their own staff. The Responsible Authority has a duty to ensure that all SMB members, the MAPPA Co-ordinator and MAPPA administrators receive the training they need. The SMB must assist its constituent agency members in identifying training needs for their staff in respect of MAPPA.

4.19 The training needs of relevant MAPPA staff may be progressed through the creation of a specific training sub-group, but other approaches are also possible.

4.20 SMB chairs should ensure that relevant staff attend the National SMB Chairs forum, MAPPA Improvement Group, and assist with the development of MAPPA policy and best practice by attending other relevant workshops hosted by the national MAPPA Team, for example annual report workshops.

4.21 Public Protection Group will disseminate best practice guidance to the SMB.

5. Lay Advisers

Introduction

Standard - The SMB facilitates the appointment of two Lay Advisers by the Secretary of State

5.1 Section 326 of the Criminal Justice Act 2003 requires the Minister to appoint two Lay Advisers to each Responsible Authority (RA) area. Areas may have more than two Lay Advisers at the Minister's discretion. The Act makes clear that Lay Advisers are appointed to be consulted in the respect of the review of MAPPA functions. They must be consulted in monitoring the effectiveness of MAPPA and any changes made in order to bring about improvement. They do not have a role in decisions about, or the management of, individual cases assigned to MAPPA. Lay Advisers will operate as full members of the area's Strategic Management Board (SMB), participating in the SMB itself and any relevant sub-groups or working parties. Lay Advisers are voluntary public appointments and are unpaid.

Role of Lay Advisers

Standard - Lay Advisers adhere to their agreed role, keep information confidential and recognise and value diversity

Time Commitment

5.2 A Lay Adviser will:

- Provide up to 8 hours a month to the SMB. Any additional time worked should be agreed with the SMB through the MAPPA Co-ordinator. Lay Advisers should not be expected to provide more than 16 hours per month and may not work as a Lay Adviser full time.

Attendance at Meetings

5.3 A Lay Adviser will:

- Attend each SMB meeting.
- Attend at least one Level 2 or 3 MAPPA meeting each quarter, to help them understand the process and enable them to fulfil their task of monitoring and evaluating MAPPA.

5.4 A Lay Adviser will **not**:

- Make decisions relating to the risk assessment of offenders and subsequent MAPPA Risk Management Plan(s) when attending level 2 or 3 MAPPA meetings. However, they may ask questions and contribute to the discussion from a lay perspective.
- Formally appraise meetings in the manner of an inspector. However, they can participate in audits following meetings and can give a lay perspective on the way in which they are conducted.

Knowledge

5.5 A Lay Adviser will:

- Become familiar enough with MAPPA to understand and contribute to meetings without becoming experts. The value of Lay Advisers is as informed observers and as posers of questions that the professionals closely involved in the work might not necessarily think of asking.

Tasks

5.6 A Lay Adviser will:

- Contribute to the monitoring and evaluation of the operation of MAPPA in their area.
- Act as a critical friend in challenging professionals.
- Participate in reviewing the SMB Business Plan and broader communication strategy.
- Confirm that the SMB has created effective links with other multi-agency forums, e.g. local Community Safety Partnerships, Criminal Justice Boards, Safeguarding Children Boards and Safeguarding Adults Boards.
- Support the SMB to ensure that MAPPA adhere to the duties under equalities legislation.
- Participate in any SMB sub-groups, working parties or projects.
- Participate in reviewing and questioning local MAPPA statistics.
- Assist in the preparation of the MAPPA annual report.
- Attend local and regional events with the agreement of the RA.
- Immediately declare any conflict or perceived conflict of interest if a particular discussion within MAPPA covers an area or issue that they are involved in personally or professionally.

5.7 A Lay Adviser will **not**:

- Have any involvement in operational activity or assist in organisational decision making.
- Lead on the development of strategy, although they can advise and influence.
- Act as a representative of the local community in the same way as an elected councillor. They bring to the SMB their understanding and knowledge of the local area but they have no role in reporting to or briefing the community, except as part of the SMB's communication strategy.

Confidentiality

5.8 A Lay Adviser will **not**:

- Disclose any information given to them in confidence as members of the SMB, or any other information acquired by them in that role that 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.
- Disclose any information that they receive during the course of being a visitor to any criminal justice premises or at meetings, such as level 2 and 3 MAPPA meetings.

Equality

5.9 A Lay Adviser will:

- Recognise and value diversity by ensuring inclusiveness, equality and fairness in the treatment of people in all aspects of MAPPA. They must ensure that they do not discriminate against individuals because of their protected characteristics (age, disability, sex, sexual orientation, gender reassignment, race, religion or belief, marriage & civil partnership, pregnancy & maternity) or for any other reason.

Person Specification

5.10 A Lay Adviser must:

- Be able to understand complex information in written and numerical form, although they do not need any formal qualifications.
- 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 the available information.
- Demonstrate a capacity for emotional resilience, retaining sensitivity whilst dealing with tragic or painful human situations.
- Understand the needs and feelings of both victims and offenders.
- Be 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.
- Be able to maintain confidentiality appropriate to the circumstances and local protocols.

5.11 Lay Advisers need to be independent of the MAPPA organisations with which they work, otherwise it will be difficult for them to challenge the thinking of the professionals in the criminal justice and duty to co-operate agencies (see below for details). SMBs should make this clear in recruitment campaigns and explore any conflicts of interest that arise at interview.

5.12 In order to preserve the lay status of those who are appointed to the role, certain people are ineligible for appointment. These are:

- members of Parliament or the Welsh Assembly;
- local authority councillors, where MAPPA are within their area of councillor responsibility;
- employees of RA agencies in operational roles or MAPPA related fields,
- civil servants at the Home Office or Ministry of Justice.

5.13 Civil servants who work for other government departments may be appointed as Lay Advisers if the SMB feel there is no conflict of interest and they would be able to provide a lay perspective.

5.14 Other categories who are likely to be deemed unsuitable are:

- Anyone who is not resident within the RA area. In exceptional circumstances they may, at the discretion of the RA, live just outside the area, but they must still be able to demonstrate strong and sustained connections with the communities within the area.
- Lay Advisers who have served two terms in any area (by this time they may no longer be sufficiently independent).
- Anyone else whose paid employment specifically involves working with offenders who fall within the remit of MAPPA. A similar exclusion may apply to voluntary work where the primary focus is with MAPPA offenders.
- Anyone whose personal or family circumstances may give rise to a conflict of interest with the duties and responsibilities of the MAPPA role.
- Anyone who has been convicted of, or cautioned for, a relevant sexual or violent offence¹. Other previous convictions will not automatically bar someone from becoming a Lay Adviser, but individual

¹ As defined by Section 327 of the Criminal Justice Act 2003.

consideration of the relevance (seriousness and how long ago) of any caution or conviction should be given to their suitability to undertake the role.

Recruitment of Lay Advisers

5.15 The Governance Code on Public Appointments (the Code) requires that all public appointment processes meet the principles of Ministerial responsibility, selflessness, integrity, merit, openness, diversity, assurance and fairness (the Principles of Public Appointments). However, the Code recognises that recruitment processes can vary and should be proportionate to the nature of the appointment. The appointment of MAPPA Lay Advisers must follow the principles of the Code but a number of exemptions have been agreed with the Minister. These exemptions are highlighted in 5.17 below. A checklist outlining both the requirements of the Code and the MAPPA Guidance is available on the MAPPA website to assist in recruitment.

5.16 The SMB conducts the recruitment process but it does not have the authority to make appointments. The SMB must submit suitable candidates to the Minister for the final stage of recruitment. Candidates should not be informed they have been successful and cannot commence duties as a Lay Adviser until the Minister has issued a letter of appointment.

Governance Code on Public Appointments

5.17 SMBs are advised to familiarise themselves with the Code, which can be found at <http://publicappointmentscommissioner.independent.gov.uk/the-code-of-practice> or on the MAPPA website. In summary the Code requires that:

- The Minister is responsible for the appointment of Lay Advisers. (See 3.1 and 5.5 of the Code.) However, exemptions to the Code mean that it is not necessary to consult the Minister before commencing a recruitment campaign (although the National MAPPA Team must still be informed) or inform the Minister of progress at each stage of the process. It is also not necessary to provide the Minister with a shortlist of appointable candidates and panels can select a single candidate for the Minister to appoint. However, the Minister may still choose not to appoint a selected candidate.
- All public appointments should be advertised openly. Vacancies and the names of panel members must be published on the Public Appointments website via the National MAPPA Team. An exemption to the Code means it is not necessary to publish real time data on the progress of the competition. The names of successful candidates must also be published. This will be done on the MAPPA website (8.2-8.3 of the Code).
- There must be a consistent selection panel, including a Panel Chair and an independent member, to oversee the appointment process. An exemption to the Code means that the independent member can be a RA representative from another MAPPA area. All members of the panel must be competent to fulfil their role and understand the principles and requirements of the Code (5.1-5.2 of the Code).
- The selection process must be agreed with the Minister and designed with diversity in mind. The agreed process is set out in 5.19-5.25 below (5.3 and 7.4 of the Code).
- The panel must satisfy itself that all candidates can meet the standards of conduct set out in The Seven Principles of Public Life² and the Code of Conduct for Board Members of Public Bodies³. Candidates must be asked to declare potential conflicts of interest in their application and these must be discussed at interview. A potential conflict should not preclude a candidate from being appointed, provided appropriate arrangements are made to manage the conflict. Political activity

² <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

³ <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

should not affect any judgment of merit nor be a bar to appointment. However, the Public Appointments website should note any panel member or a successful candidate who has, in the last five years, been employed by a political party, held a significant office in a party, stood as a candidate for a party in an election, publicly spoken on behalf of a political party, or made significant donations or loans to a party (9.1-9.2 of the Code).

- Effective complaints handling procedures must be in place. Details of the Commissioner for Public Appointments (CPA) complaints process must be included in the application pack (4.4 of the Code).
- Candidates should be kept in touch with the progress of competitions and informed of key dates. Candidates should be given constructive feedback if they are unsuccessful following interview, and a reserve list of appointable candidates should be maintained. A candidate from the reserve list may be submitted to the Minister for appointment if another Lay Adviser vacancy arises within 12 months of the conclusion of the competition (7.5-7.7 of the Code).
- Appointments should be made within three months of the closing date for applications. Recommendations are put to the Minister quarterly and the dates are available on the MAPPA website. Recruitment processes should be planned to coincide with submissions as far as possible, in order to minimise delays in appointing candidates. Recommendations can be put to the Minister before security checks have been completed (7.8 of the Code).
- Re-appointments can be made only when a satisfactory performance appraisal has been carried out (see 5.38). Re-appointments should not be default options and decisions to re-appoint need to be justified. A request for a Lay Adviser re-appointment must be submitted to the National MAPPA Team before they can be re-appointed by the Minister. A template for this is available on the MAPPA website (3.4-3.5 of the Code).
- The maximum length of tenure for public appointees is set by the Minister. For MAPPA Lay Advisers it is seven years over two terms. Public appointees may not serve more than two terms, except in exceptional circumstances. The CPA must be notified before any appointment for a third term (3.6 of the Code).

5.18 SMBs do not have any discretion to depart from the Code. Any failure to follow the above requirements, for example telling a candidate they are successful before the Ministerial appointment, must be referred to the National MAPPA Team. Any such failure must be documented and retained by the SMB and provided to the National MAPPA Team for potential audit by the CPA.

MAPPA Public Appointments Guidance

5.19 In order to attract suitable candidates for selection, the SMB must consider how it reaches out to the diverse communities within its area in order to stimulate people's interest in the work of MAPPA locally and in 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 and the MAPPA website. All vacancies must also be advertised on the Public Appointments website. A template for this is available on the MAPPA website and must be sent to the National MAPPA Team for uploading.

5.20 Applicants should be sent an application pack containing an application form, job specification, the CPA complaints process and a diversity monitoring form. Candidates should be encouraged to complete the diversity monitoring form (including for re-appointments) but cannot be compelled to do so. All diversity monitoring forms submitted must be scanned and sent electronically to the National MAPPA Team at the sift stage. These must include the name of the candidate. The originals must be separated from the application form prior to the sift and retained by the recruiting area.

5.21 Given the demanding nature of any selection process, it is important that areas attract sufficient candidates to enable them to effectively short-list those who are suitable. Good practice principles must

apply to all short-listing and selection processes (see the Code and the recruitment policies of the agency conducting the recruitment process).

5.22 The panel will conduct a structured two-part interview for those short-listed. The first part will make reference to a case study which will be given to the candidate at the interview. The second part will allow further examination of skills and motivation. The interview should last approximately 60 minutes. Example interview questions and case study are available on the MAPPA website. The panel should consist of three people who adequately represent the interests of the RA, the specialist public protection skills associated with MAPPA, and a diverse community perspective.

5.23 The Panel Chair must produce a report at the end of the selection process that includes the following:

- A summary of the reasons for the panel's conclusions, including the reasons those not recommended for interview or appointment were considered less suitable than those who were recommended.
- A description of the stages and outcome of the selection process, how the external perspective was achieved, and confirmation that the process was conducted in accordance with the Principles of Public Appointments.
- Whether any of the panel members had previous knowledge of any of the candidates and how that was allowed for.
- The personal details and a biographical pen-picture of all candidates invited for interview, including a written assessment of their suitability for the role
- Contact details for a single recommended candidate for each post advertised.
- The length of term the SMB is recommending (see paragraphs 5.27 to 5.28 below). Lay Advisers may also serve for a further period of 3 years provided the SMB supports their re-appointment and the Minister agrees.

5.24 The MAPPA Co-ordinator must submit the Panel Chair's report to the National MAPPA Team before an appointment can be made. This information will be used in a written submission to the Minister recommending the appointment of the Lay Adviser. A Panel Chair's report must be submitted at the end of any recruitment campaign, even if no candidate is being recommended for appointment. A template Panel Chair's report is available on the MAPPA website.

5.25 The SMB must obtain two personal references concerning the suitability of the person to become a Lay Adviser. The suitability of referee and the reference provided should be determined by the SMB. References may be obtained before or after interview. If references are obtained after interview the candidate can be recommended to the Minister before the references have been returned.

5.26 As part of the recruitment process, all Lay Advisers must undergo a HMPPS personnel security check at Enhanced 1 Level for Not Directly Employed Workers, in line with PSI 07 2014 and PI 03 2014. This will be conducted via Vetting Contact Points (VCP), either within prisons or NPS Admin Hubs, using the normal vetting approach for third party suppliers of services. The SMB is responsible for obtaining this personnel security check. Candidates may be recommended to the Minister before the security checks have been completed.

5.27 All documentation, including the Panel Chair's report, must be retained for at least two years. Templates for these documents are available on the MAPPA website.

Appointment of Lay Advisers

Standard - The Minister appoints Lay Advisers for an initial period not exceeding 4 years, and may re-appoint for a further period not exceeding 3 years (i.e. a maximum of 7 years in total)

5.28 Lay Advisers are appointed for a period of 3 or 4 years, according to the preference of the SMB. Once the Secretary of State has made an appointment, he or she will notify the Lay Adviser directly. A copy of the letter of appointment will also be sent to the SMB Chair, informing him or her of the appointment.

Expenses

5.29 The Lay Adviser's role is unpaid, but under section 326 of the CJA 2003, the Minister has determined that Lay Advisers may claim legitimate expenses such as travel, refreshments and, where necessary, accommodation for attending official functions. The level of payment is determined by the RA in the area but should be in line with their own policies on expenses. The level of payment should be included in the application pack. Compensation for loss of earnings or childcare expenses should also be available. These need to be identified prior to appointment and the level of payment determined by the RA.

Induction, support and appraisal

Standard - Lay Advisers are provided with an induction, training support, and an annual review

Induction

5.30 All newly appointed Lay Advisers must be provided with an induction following their appointment. The RA or SMB will nominate a Single Point of Contact (SPOC) who will facilitate the induction of the Lay Advisers and provide ongoing support and guidance. This may be the MAPPA Co-ordinator but should not be another Lay Adviser. Notes should be kept of these meetings to form part of the annual review process.

5.31 The shape and duration of this induction period will vary between areas, but it is essential that it equips Lay Advisers to undertake their role within the SMB. The Lay Adviser should be provided with an opportunity to learn about the basic structure of the criminal justice system and sentences, as well as the roles of the local DTC agencies. Existing Lay Advisers should be included in the induction programme where possible.

5.32 As part of their induction programme, within the first three months, Lay Advisers should be provided with:

- details of how to gain access to the MAPPA website;
- clear information about their responsibilities, including confidentiality and reporting changes of circumstance;
- the MAPPA Guidance;
- the SMB Business Plan;
- previous SMB minutes;
- the latest annual report for the area;
- any other relevant information including local serious case reviews of MAPPA offenders;
- an opportunity to attend a level 2 or 3 MAPPA meeting, with enough time to meet and discuss with the MAPPA Chair and other members of the panel; and

- contact details for the SMB, National MAPPA Team and local MAPPA contacts, such as chairs and administrators;
- an opportunity to discuss the appraisal process and objectives (see 5.36).

5.33 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. Lay Advisers should visit:

- a probation office where they may, if possible, observe direct work with a MAPPA offender;
- a local police station including, if possible, a visit to the Custody Suite and the MOSOVO team; and
- a prison, where they should meet the Offender Management Unit and, if possible, observe a sentence planning meeting.

5.34 Other visits may also be appropriate, such as a local approved premises, Youth Offending Team, magistrates' court, mental health hospital, local authority children's or adult services.

5.35 The Lay Adviser should be provided with further information on accredited programmes, MOSOVO, public protection and victim work, including a meeting with the local Victim Liaison Officers, within six months.

5.36 Arrangements should also be made for each Lay Adviser to be given a secure email account (such as CJSM) so that sensitive information is treated in accordance with the appropriate procedures. Information such as the minutes of meetings cannot be sent to Lay Advisers unless they have a secure email account. Instructions on setting up a CJSM account are available on the MAPPA website.

Support

5.37 The SPOC should meet Lay Advisers at least once a quarter to provide additional support, advice and training during the Lay Advisers' tenure.

Appraisal

5.36 A performance appraisal should be conducted once a year between the Lay Adviser and a nominated member of the SMB (not the MAPPA Co-ordinator). This is a two-way review and a forum for setting objectives, discussing how the Lay Adviser sees himself or herself fitting into the SMB and the operation of MAPPA, and for any feedback that the SMB Chair might be able to give. A satisfactory performance appraisal is required to reappoint a Lay Adviser for a second term (see 5.17). There should be a process for the SPOC to feed into the performance appraisal. The Lay Adviser may be accompanied to an appraisal meeting by his or her SPOC if he or she wishes.

Change of circumstances and termination of appointment

Standard - The Lay Adviser informs the SMB of any change of circumstances that may affect his or her suitability for the role

5.38 During the induction process, Lay Advisers should be advised that they must notify the Chair of the SMB of any change in circumstances that could affect their suitability to undertake their role. This would include being charged or summonsed for any criminal offence, a change of residence outside of the area, or a change in personal relationships that would affect their role as Lay Advisers. They must also notify the Chair of any circumstances that a member of the public, having knowledge of the relevant facts, could reasonably regard as being so significant as to compromise the Lay Adviser's ability to discharge his or her responsibilities.

5.39 The Chair of the SMB, in conjunction with his or her RA colleagues, will determine whether suspension and/or other action (such as reduced duties or reporting the Lay Adviser to the police) is appropriate.

5.40 The Minister retains the right to terminate the appointment of a Lay Adviser whose conduct or performance is not deemed to be of the required standard. Misconduct will include such matters as lack of commitment, conviction for a criminal offence whilst in post, or abusing the position of Lay Adviser. Poor performance will include failure to fulfil the role effectively or to complete agreed objectives.

5.41 The SMB Chair must write to the National MAPPA Team to recommend the termination of an appointment. This letter must set out the reasons for the recommendation and be endorsed by the RA representatives on the SMB.

5.42 The National MAPPA Team will prepare a submission to the Minister outlining the situation and recommending the termination of the appointment. Once the recommendation is accepted, a letter from the Minister will be sent to the Lay Adviser notifying him or her of the termination of the appointment. A copy of the letter will also be sent to the Chair of the SMB.

6. Identification and Notification of MAPPA Offenders

Introduction

6.1 This chapter establishes the requirements for the Responsible Authority to ensure that statutory obligations for identifying all MAPPA offenders immediately after sentence are fulfilled and that the MAPPA Co-ordination Unit for each area is informed of all MAPPA offenders in the community.

Standard - Every MAPPA offender is identified in one of the three MAPPA categories

Category 1 - Registered sexual offender.

Category 2 - Violent offender or other sexual offender.

Category 3 - Other dangerous offender.

6.2 Offenders can only be identified in one of the three Categories at a time. Offenders can only be considered for Category 3 if they do not meet the criteria for Category 1 or Category 2. Offenders only fall into Category 2 if they do not meet the criteria for Category 1. However, an offender who ceases to meet the criteria of one Category can be identified in a different category if they meet the relevant criteria. For example an offender released on licence for a violent offence near the end of the notification period for a previous sexual offence would move from Category 1 to Category 2 at the expiry of his or her registration period.

Category 1 Offenders: Registered Sexual Offenders (RSO)

6.3 This Category includes offenders required to comply with the notification requirements set out in Part 2 of the Sexual Offences Act 2003 (SOA 2003). These offenders are often referred to as being on the "Sexual Offenders' Register."

6.4 A person convicted of, cautioned for, found to be under a disability and to have done the act charged, or found not guilty by reason of insanity for an offence listed in Sch. 3 of the SOA 2003 will become subject to the notification requirements of Part 2 of the Act. Please note that a young offender subject to a Detention and Training Order (DTO) will only be subject to notification requirements if the custodial element of the DTO meets the sentence criterion set out in sch. 3. For example, if a six month sentence is required to qualify for registration requirements a young offender will need a 12 month DTO to qualify.

6.5 National arrangements are in place to ensure that the Police are notified in advance of Category 1 offenders leaving prison or youth custody, but these do not apply to those leaving hospital. Where a MAPPA patient has been admitted to hospital through a criminal justice route, it is essential that the police are consulted about any release into the community throughout a patient's detention in hospital and in advance of a patient's discharge into the community or release on a Community Treatment Order.

Category 2 Offenders: Violent Offenders and Other Sexual Offenders

6.6 This category includes offenders convicted (or found to be under a disability and to have done the act charged, or found not guilty by reason of insanity) of murder or an offence specified under Schedule 15⁴ or Section 327 (4A) of the Criminal Justice Act 2003 (CJA 2003) who received a qualifying sentence or

⁴ The full list of Schedule 15 offences is available at Appendix 4 and (in greater detail) at <http://www.legislation.gov.uk/ukpga/2003/44/schedule/15>.

disposal for that offence (see paragraph 6.7) and who are not subject the notification requirements of Part 2 of SOA 2003.

6.7 It is important to note that a conviction for an offence in Sch. 15 or Section 327 (4A) of the CJA 2003 does not make the offender subject to MAPPA Category 2 unless he or she receives one of the sentences listed below in respect of that conviction.

- Imprisonment for a term of 12 months or more (please note that this includes indeterminate sentences and suspended sentences). A sentence of 52 weeks is less than 12 months and would not therefore qualify an offender for Category 2.
- Detention in youth detention accommodation for a term of 12 months or more (please note that this includes indeterminate sentences and cases where the sentence is suspended). In contrast to notification requirements the whole term of a DTO is used to determine whether a young offender qualifies for Category 2.
- A hospital order (with or without restrictions) or guardianship order under Mental Health Act 1983. Further information on hospital orders can be found in Chapter 26 – Mentally disordered offenders.

6.8 Offenders must receive a single qualifying sentence for a single qualifying offence in order to qualify for Category 2. MAPPA eligibility is therefore determined before sentences are aggregated either consecutively or concurrently. For example, an offender with a consecutive sentence made up of 12 months for a MAPPA eligible offence and six months for a non-MAPPA eligible offence would be eligible for Category 2.

However, an offender with a consecutive sentence made up of 12 months for a non-MAPPA eligible offence and six months for a MAPPA eligible offence would not be eligible for Category 2. Furthermore, an offender with consecutive six month sentences for two MAPPA-eligible offences would not be eligible for Category 2 (although they may be eligible for Category 3).

6.9 Most sexual offenders who meet the offence and sentence criteria for Category 2 will also be subject to registration as a sexual offender and therefore listed as Category 1. However, there are a number of sexual offences listed in Sch.15 of the CJA 2003 that do not attract registration. These are listed in Appendix 8. Furthermore, some sexual offences only attract sex offender registration when specified threshold criteria are met. When an offender is convicted of a schedule 15 sexual offence and receives a disposal listed in paragraph 6.7 above for that offence but the disposal does not reach the threshold for sex offender registration then the offender will be identified as Category 2. They would only remain a Category 2 offender for so long as the sentence for that offence is current.

Category 3 Offenders: Other Dangerous Offenders

6.10 This Category contains offenders who do not meet the criteria for either Category 1 or Category 2 but who have committed an offence indicating that he or she is capable of causing serious harm **and** requires multi-agency management at Level 2 or 3. The offence does not have to be one specified in Sch.15 of the CJA 2003 and may have been committed abroad.

6.11 To register a Category 3 offender, the Responsible Authority must establish that:

(a) the person has either:

- a conviction for any offence (current or historic, within the UK or abroad); or
- received a formal caution (adult or young person) or reprimand/warning (young person) for any offence; or
- been found not guilty of any offence by reason of insanity; or

- been found to be under a disability (unfit to stand trial) and to have done any act charged against him or her;

and

- (b) the offence for which they received the disposal in paragraph 6.11(a) above indicates that the person may be capable of causing serious harm to the public.

6.12 Offenders should not be registered as Category 3 unless a multi-agency approach at Level 2 or 3 is necessary to manage the risks they present. The current risks do not always have to relate directly to the offence in paragraph 6.11(a) above.

6.13 In some cases, the offence in paragraph 6.11(a) above will be of a clearly sexual or violent nature, although it need not be listed in Sch. 15 of the CJA 2003. However, in most cases, it will be appropriate to examine the circumstances surrounding the offence in order to establish whether the offender may cause serious harm. Offenders demonstrating a pattern of offending behaviour indicating serious harm (e.g. domestic abuse or gang related violence) or an escalation in risk of serious harm (e.g. deterioration in mental health or escalation in alcohol misuse) that was not reflected in the charge on which the offender was actually convicted should be considered for category 3 management.

6.14 S.58 of the Terrorism Act 2000⁵ (Collection of Information), s.42 of the Armed Forces Act 2006⁶ (Criminal Conduct) and s.76 of the Serious Crime Act 2015⁷ (Controlling or Coercive Behaviour in an Intimate or Family Relationship) do not fall under Sch. 15 and so offenders sentenced under these sections are not automatically MAPPA-eligible (although sexual offenders convicted under s.42 of the Armed Forces Act 2006 may be subject to notification requirements and therefore qualify for Category 1). Where the lead agency deems that these offenders pose a risk of serious harm that requires active multi-agency management they should consider referral into Category 3. Offenders subject to Terrorism Prevention and Investigation Measures (with a conviction⁸) and serial domestic abuse perpetrators should also be considered for Category 3 management.

6.15 Offenders convicted of a sexual or violent offence abroad should be considered for Category 3.

6.16 Any agency dealing with an offender in an official capacity (including, but not limited to, Responsible Authority and Duty To Cooperate agencies) may refer a case for consideration as a Category 3 offender, but it is for the MAPPA Co-ordination Unit, on behalf of the Responsible Authority, to determine whether the offender meets the criteria.

Offenders convicted overseas

6.17 In some cases, bilateral arrangements exist between the UK and other countries for flagging up individuals who are being returned to or deported from the UK. An assessment will be made, initially by the police, on whatever information is available and whether these offenders currently pose a risk of serious harm that requires multi-agency management.

6.18 If convicted of a sexual offence, they may qualify for a Notification Order and be made subject to the notification requirements of the SOA 2003, making them a Category 1 offender. Those returning who do not qualify for any form of statutory monitoring or supervision could be considered for Category 3 management.

⁵ <http://www.legislation.gov.uk/ukpga/2000/11/section/58>

⁶ <https://www.legislation.gov.uk/ukpga/2006/52/section/42>

⁷ <http://www.legislation.gov.uk/ukpga/2015/9/section/76>

⁸ Those subject to a Terrorism Prevention and Investigation Measures without a conviction will not be able to be managed under MAPPA.

Disqualification Orders (DOs)

6.19 Following the Deregulation Act 2015, offenders no longer qualify for MAPPA management as a result of a standalone DO. Those with stand-alone DOs are not on licence and are not subject to notification requirements. This means they have no obligations to keep in touch with the police or other authorities.

6.20 RSOs subject to a DO will continue to be managed as Category 1 cases. Offenders who are not RSOs but meet the criteria set out in 6.6-6.9 above will continue to be managed under Category 2. Offenders subject to a stand-alone DO (i.e. they no longer qualify for MAPPA Category 1 or 2) should be reviewed by the lead agency to assess if they should still be managed under MAPPA Category 3. Those offenders who no longer qualify for MAPPA management will cease to be managed under MAPPA.

MAPPA Identification and Recording

Standard - Each agency identifies and records MAPPA offenders under their supervision within 3 days of sentence

6.21 The agencies required to identify MAPPA offenders are:

- Probation
- Police
- Prison Service
- Youth Offending Teams (YOT)
- Mental Health Services

6.22 In order to assist with correct identification, all agencies should have clear case management coding systems or a flagging process in place. This should ensure that both MAPPA categories and MAPPA levels of management can be identified easily. Each agency must identify and record the MAPPA offenders it manages on its internal case management system, including where it is not the lead agency.

6.23 The purpose of identification is to:

- Ensure that offenders are assessed appropriately and the required level of MAPPA management is agreed before their release into the community.
- Ensure that accurate data on all MAPPA cases is recorded for the MAPPA annual report in line with statute and for other information requests, e.g. Freedom of Information.

Standard – A lead agency is identified for all MAPPA offenders

6.24 All MAPPA offenders must be managed by the lead agency in the relevant MAPPA area. If there is any dispute over the location of the relevant MAPPA area for offenders in custody or detained in hospital, this will be determined by identifying the original committing magistrate's court. If the offender is not returning to live in the original area post-release follow the guidance in Chapter 17 – Transfer of MAPPA Cases. The officer, agency and area managing the offender will be indicated on ViSOR where the case has a ViSOR record.

Information management by the different agencies

Standard - The MAPPA Co-ordination Unit has access to information on all the MAPPA offenders who are being managed in the community

6.25 The Police and NPS must enter all relevant cases on ViSOR. For more information see Chapter 8 – ViSOR. The MAPPA Co-ordinator in each area must have access to ViSOR to enable him or her to draw appropriate management reports to calculate the number of MAPPA offenders in his or her community.

6.26 Most MAPPA Category 2 Level 1 cases managed by the NPS will not have a ViSOR record. Therefore, the NPS must identify its MAPPA Category 2 Level 1 cases on nDelius and ensure that the MAPPA Co-ordinator has access to the system. No further notification is required.

6.27 YOT and mental health services must identify all MAPPA offenders they are responsible for on their internal case management systems within three days of sentence or admission to hospital through a criminal justice route. See Chapter 23 – Children and Young People for more information on the role of YOTs and Chapter 26 – Mentally Disordered Offenders for more information on the role of mental health services.

6.28 The MAPPA Co-ordinator does not have routine access to the case records of MAPPA offenders managed by YOTs or mental health services. They must, therefore, notify the relevant MAPPA Co-ordinator of all relevant MAPPA offenders using the appropriate form. YOTs should use the **MAPPA H form**, no later than six months before release. Mental health services, (including private and independent sector providers) should notify the relevant MAPPA Co-ordinator of all MAPPA offenders using the **MAPPA I form**. The relevant MAPPA Co-ordinator is the one for the area where the offender currently resides in the community or into which he or she will be released or discharged. The MAPPA H or I should be updated with any changes, for example if the offender moves to a new area.

Termination of MAPPA offender status

Standard - Termination of an offender's MAPPA status is recorded by the lead agency

6.29 Offenders will cease to be MAPPA offenders in the following circumstances:

- Category 1 - when the period of registration expires. In the most serious cases, offenders will be subject to lifetime notification requirements. Please see paragraph 6.32 below in relation to revoking lifetime notification requirements.
- Category 2 - when the licence expires, the offender is absolutely discharged from the hospital or guardianship order or when the Community Treatment Order expires. An offender on licence for a consecutive or concurrent sentence will remain subject to MAPPA until the whole sentence has expired. An offender does not remain automatically subject to MAPPA as a result of Post Sentence Supervision.
- Category 3 - when a Level 2 or 3 MAPPA meeting decides that the risk of harm has reduced sufficiently or the case no longer requires active multi-agency management.

6.30 All Category 1 and 2 offenders managed at Level 2 or 3 who are coming to the end of their notification requirements or period of licence must be reviewed and considered for registration as a Category 3 offender. Registration as a Category 3 offender should only occur if they meet the criteria and continue to require active multi-agency management.

Lifetime notification requirements revoked on application

6.31 A legal challenge in 2010 and a corresponding legislative response means there is now a mechanism in place that will allow **qualifying sex offenders to apply for a review of their notification requirements**.

6.32 Individuals subject to indefinite notification will only become eligible to seek a review once they have been subject to the indefinite notification requirements for a period of at least 15 years for adults and 8 years for juveniles. This applies from 1 September 2012 for adult offenders.

On 21 April 2010, in the case of *R (on the application of F and Angus Aubrey Thompson) v Secretary of State for the Home Department [2010] UKSC 17*, the Supreme Court upheld an earlier decision of the Court of Appeal and made a declaration of incompatibility under s. 4 of the Human Rights Act 1998 in respect of notification requirements for an indefinite period under section 82 of the Sexual Offences Act 2003. This has been remedied by virtue of the Sexual Offences Act 2003 (Remedial) Order 2012 which has introduced the opportunity for offenders subject to indefinite notification to seek a review; this was enacted on 30th July 2012.

Persons will not come off the register automatically. Qualifying offenders will be required to submit an application to the police seeking a review of their indefinite notification requirements. This will only be once they have completed a minimum period of time subject to the notification requirements (15 years from the point of first notification following release from custody for the index offence for adults and 8 years for juveniles).

Those who continue to pose a significant risk will remain on the register for life, if necessary. In the event that an offender is subject to a Sexual Offences Prevention Order (SOPO) or Sexual Harm Prevention Order (SHPO) the order must be discharged under section 108 of the Sexual Offences Act 2003 prior to an application for a review of their indefinite notification requirements.

For more information, see the Home Office section of the gov.uk website:

<https://www.gov.uk/government/publications/sexual-offences-act-2003-remedial-order-2012>

6.33 If an offender's notification requirements are revoked but they are still subject to licence, they become a Category 2 offender, otherwise they exit MAPPA.

7 Levels of Management

Introduction

7.1 There are three levels of MAPPA management designed to ensure resources are focused on those that require the greatest level of multi-agency co-operation. The MAPPA level is determined by a robust screening process, and should be regularly reconsidered throughout the MAPPA management period.

7.2 The three levels of MAPPA management are:

- Level 1
- Level 2
- Level 3

Level 1

7.3 Level 1 management is where the risks posed by the offender are manageable by the lead agency without the need for formal multi agency meetings. This does not mean that other agencies will not be involved, only that once the formal screening process is complete, the lead agency is confident that their Risk Management Plan is sufficiently robust to manage the identified risks and that there are no barriers to the implementation of agreed multi-agency actions, and therefore it is not considered necessary to refer the case to a Level 2 or 3 MAPPA meeting. (See below for further information on levels of management.)

Level 2

7.4 Cases should be considered for Level 2 management where:

- Formal multi-agency meetings would add value to the lead agency's management of the risk of serious harm posed;

and one, or more, of the following applies:

- The offender is assessed as posing a high or very high risk of serious harm;
- Exceptionally, the risk level is lower but the case requires the active involvement and co-ordination of interventions from other agencies to manage the presenting risks of serious harm;
- The case has been previously managed at Level 3 but no longer requires Level 3 management.

Level 3

7.5 Level 3 management is for cases that meet the criteria for Level 2, but where management issues require senior representation from the Responsible Authority and Duty-to-Co-operate agencies. This may be when there is a perceived need to commit significant resources at short notice or where, although not assessed as high or very high risk of serious harm, there is a high likelihood of media scrutiny 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.

Screening

Standard - All MAPPA cases are screened to determine the level of management

Standard - The Strategic Management Board (SMB) has a process for ensuring that offenders are managed at the right level and for the right length of time

7.6 The lead agency is responsible for ensuring MAPPA offenders are screened to determine the MAPPA level. The decision on level must be informed by up to date multi-agency information gathered by the lead agency.

7.7 The SMB must ensure that lead agency screening processes are robust, defensible and recorded. Completion of the MAPPA Q is recommended as best practice.

7.8 The lead agency will request and gather information from all agencies working with the offender, including the prison where an offender is in custody, and set a proposed level of management. The MAPPA level must be set at least six months prior to release and the prison must be consulted on their view of the proposed MAPPA level. The lead agency must notify the prison of the proposed level and if the prison has concerns about the proposed level of management, or new risk information that could impact the level set, they must contact the lead agency. If after 14 days there has been no contact from the prison, the lead agency will formally set the level. Any difference in professional opinion about the appropriate level should be escalated through the line management chain. As with MAPPA meeting requests, contact with the prison must be made using the prison functional mailbox. Further information can be found in Chapter 15 – Custody.

7.9 If a referral to Level 2 or 3 is made, prison information should be included in the MAPPA A (see 7.14).

Review of MAPPA level

7.10 If, following screening, the lead agency determines that Level 1 is sufficient, they will manage the case in line with their procedures. The decision to manage at Level 1 should be reviewed when there is a change in circumstances, significant information is received from another agency or where there is an escalation in risk.

Recall

7.11 When a MAPPA offender is recalled to prison on a fixed term recall, the MAPPA management level will be reviewed by the lead agency before the offender's release.

7.12 When a MAPPA offender is recalled on a standard recall, the MAPPA management level will be reviewed:

- before the 28 day Parole Board review
- 6 months before any subsequent Parole Board review, and
- prior to any consideration for executive re-release.

7.13 When an offender subject to licence has been recalled, the frequency and timing of MAPPA meetings is a local decision.

Referrals to Levels 2 and 3

Standard - All Level 2 and 3 referrals are made using MAPPA A

7.14 If the screening determines that a referral to Level 2 or 3 is required, the lead agency must complete a MAPPA A and send it to the MAPPA Co-ordinator. For offenders who are in custody this must take place at least six months before release.

7.15 Mental Health Services are responsible for making the referral to Level 2 or 3 for mentally disordered offenders, if where they are the lead agency. They must also use the MAPPA A and follow the process outlined below. First unescorted leave, or when discharge plans are being made, may be an appropriate time to consider a referral to Level 2 or 3. Further information can be found in Chapter 26 – Mentally Disordered Offenders.

7.16 While the lead agency has the principal responsibility for referral to Level 2 or 3, any RA or DTC agencies may refer a case to be considered for Level 2 and 3 management. Consideration for Level 2 or 3 must be discussed with the lead agency in the first instance, with any difference in professional opinion escalated through the line management chain, and then discussed with the MAPPA Co-ordination Unit. The MAPPA Co-ordination Unit, on behalf of the Responsible Authority, will determine whether the offender meets the criteria.

Process

7.17 In completing MAPPA A, the referring agency must:

- Estimate the likelihood of re-offending.
- Estimate the risk of serious harm (when and to whom).
- Estimate the imminence of serious harm.
- Identify those who need to be invited to the meeting.
- Include the lead agency risk assessment.
- Include the lead agency risk management plan.

7.18 The referral must include the reason for referral and demonstrate that there are specific issues that require inter-agency involvement, conferencing, information-sharing, risk assessment and risk management beyond that provided by Level 1 management.

7.19 The SMB should agree a standard local referral process. This will include providing the referring agency with a decision as to whether the case meets the criteria for multi-agency management at Level 2 or 3 within 10 days of receipt of the MAPPA A and the date for the Level 2 or 3 meeting. If a case does not meet the criteria for Level 2 or 3 management, the MAPPA Co-Ordination Unit should provide the lead agency with the reasoning for this decision.

7.20 A local escalation process using line management structures should be in place for disputed cases.

7.21 Where an urgent meeting is required and the case cannot wait until the next scheduled meeting, the lead agency must contact the MAPPA Co-ordinator direct to arrange it.

Levels of management and risk

7.22 The three different levels enable resources to be deployed to manage identified risk in the most efficient and effective manner. The risk of serious harm the offender has been assessed at will always be central to the reasons for increased multi-agency oversight and management. However levels of risk do not equate directly to the levels of MAPPA management and therefore not all high risk cases will need to be managed at Level 2 or 3.

7.23 When assessing the appropriate MAPPA Level, the lead agency must consider the nature of previous offending, previous compliance with supervision and any previous recidivism, including how quickly re-offending occurred. Certain offending profiles are always likely to benefit from the assurances offered by having formal multi agency discussions and a RMP approved at Level 2 or 3.

7.24 When an offender is released from custody on a life or an indeterminate public protection sentence, it is because the Parole Board have assessed that their risk is manageable in the community. As with any offender who has spent a significant period of time in custody, they will need support to resettlement into the community and they may be managed at Level 1. However there are cases where the Parole Board releases an offender who requires management at MAPPA Level 2 or 3, including those with exceptional needs or complex risk factors. Particular consideration should be given to referring a case to Level 2 or 3 where the offender is released significantly over tariff expiry, where release was not supported in parole reports, where there has been a history of non-compliance with licence conditions, or where there is high public interest and a risk of reputational damage.

7.25 MAPPA provide a framework to manage changing circumstances effectively and consistently. To ensure effective use of resources and that attention is directed at those cases who pose the most significant challenges, cases should be managed at the lowest level that provides a defensible Risk Management Plan (RMP). High risk cases may be managed at Level 1, if the risks are manageable by the lead agency and decisions are clearly recorded, defensible and kept under review.

Level 1 Management

7.26 Section 325 of the Criminal Justice Act 2003 requires the responsible authority to establish arrangements for the purpose of assessing and managing the risks posed by MAPPA offenders, and to co-operate with the DTC agencies in doing so. Unlike other cases in the criminal justice or mental health care system, there is a shared responsibility for managing the risk posed by MAPPA offenders. Level 1 management is used when the risks posed by the offender can be managed effectively by the lead agency. While the lead agency has the primary responsibility for managing these cases, multi-agency working is still essential. Other agencies are still likely to be involved in risk management and it is expected that information sharing takes place. If any agency working with the offender has concerns about the effectiveness of the risk management plan, they must discuss this with the lead agency, and escalate this through the line management chain in cases of disagreement. The lead agency must be able to satisfy themselves that they have taken all reasonable steps to gather information from other agencies, have responded appropriately to the offender's risk and that Level 1 management is appropriate.

7.27 The lead agency must have arrangements in place to review cases managed at Level 1 to ensure Level 1 is still appropriate. The lead agency should have defined minimum standards of review which must be agreed with the SMB. The lead agency should review Level 1 MAPPA offenders in accordance with their policies. When reviewing the MAPPA Level, the lead agency must actively seek out any new information that would impact upon the risk assessment, namely a change in circumstances, risk information and/or escalation in risk. This will involve approaching other agencies for new information. This will result in the risk assessments and RMP being revised and may result in a referral to Level 2. The outcome of Level 1 reviews should be clearly recorded on agency systems.

7.28 Discussions and professionals' meetings should be held between agencies as necessary and should take into account any information pertaining to escalating risks. All professionals' meetings should consider if a referral to Level 2 or 3 is necessary. Any disagreement at professionals' meetings must be escalated through the line management chain.

7.29 It is essential that information-sharing takes place. ViSOR should be used as the primary database for information sharing between Responsible Authority agencies, however single agency systems should also be used where appropriate.

7.30 It is important that the lead agency, in discussion with others as appropriate, considers whether disclosure to a third party should take place as part of the RMP. Chapter 10 – Disclosure contains information on the procedure and principles of disclosure. All decisions regarding disclosure must be recorded and dated.

8. ViSOR

Introduction

8.1 This section explains how the ViSOR database operates and supports MAPPA.

8.2 ViSOR provides a central store for up-to-date information about offenders that can be accessed and updated by the three Responsible Authority agencies – the police, the Prison Service (both public and the contracted-out estate) and Probation Trusts. ViSOR operates in other UK jurisdictions and it is potentially a vital component for any cross-border transfer discussions. It is available to police forces in Scotland, Jersey and Northern Ireland, the British Transport Police and the Royal Military Police, as well as to all Scottish prisons, mental health bodies and Scottish Criminal Justice Social Work departments.

8.3 Cases in ViSOR are known as “nominals.”

8.4 The benefits of ViSOR are as follows.

- ViSOR provides a secure database, graded as CONFIDENTIAL, enabling the prompt sharing of risk assessment and risk management information on individual offenders who are deemed to pose a risk of serious harm to the public.
- ViSOR improves the capacity to share intelligence and improves 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 some level of 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.
- It acts as a central store for the minutes of MAPP meetings.
- There is new functionality on ViSOR which allows for the specific recording of Notification requirements for both Registered Violent Offenders (subject to Violent Offender Orders) and Registered Terrorist Offenders (subject to notification under the Part 4 Notification Requirements of the Counter-Terrorism Act 2008).

Standard – SMBs must ensure that there is an objective regarding the integrated and cohesive usage of ViSOR by the Responsible Authority agencies in their MAPPA Business Plan

8.5 ViSOR usage within the MAPPA area should be a routine topic for discussion, review and action within SMB meetings.

Handling ViSOR Data

Standard – All information held on ViSOR should be graded as CONFIDENTIAL

8.6 The collective information held on ViSOR is classified under the Government Protective Marking Scheme (“GPMS”) as CONFIDENTIAL. Individual offender information may be classified as RESTRICTED. Each classification requires certain security measures to be implemented and requires all ViSOR users to adhere to them.

8.7 As it is a CONFIDENTIAL application, requests under the Data Protection Act 1998 for information contained within it, such as Subject Access Requests, will probably be denied, but must still be considered on a case-by-case basis.

8.8 Similarly, requests to MAPPA Areas under Freedom of Information (“FOI”) legislation should be carefully considered. This is because ViSOR contains confidentially-graded information such as active police and prison intelligence. To disclose such information could adversely affect police and prison activity.

8.9 Nominal record owners should be mindful that individual agencies retain the ownership of ViSOR data supplied by their organisation. Therefore, record owners should ensure that they do not share information owned by other ViSOR users without consulting them.

8.10 In order for ViSOR to be an effective information-sharing and risk management tool, it was agreed that each nominal record should consist of a front-page summary screen of information and a number of attachments that contain detailed information relating to the relevant 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.

Standard – All Category 1 offenders and all other categories managed at level 2 and level 3 must have a ViSOR record created

8.11 All of the relevant MAPPA population should be entered on ViSOR, including those offenders currently serving custodial sentences.

8.12 The responsibility for creating and managing ViSOR records is as follows:

- Category 1 offenders – the Police Service.
- Category 2 offenders – the Probation Trust. Currently the Probation Trust will only enter Category 2, managed at level 2 and 3 cases on to ViSOR, and
- Category 3 offenders – where the case was actively managed by the Probation Trust on licence and at its expiry the management has been transferred to Category 3, or the offender is currently being managed on a community order, the Probation Trust will be responsible for the management of the case on ViSOR.
- For all other Category 3 cases, the police will be responsible for the creation and management of records.

Standard – Named police, probation and prisons staff should be partnered to all live ViSOR records managed at level 2 and level 3

8.13 The SMB should ensure that there are local mechanisms in place to regularly review the application of this standard which promotes the systematic and necessary exchange of information in order to support MAPPA.

Standard – All live ViSOR records will be actively and accurately maintained and updated by Record Managers and relevant partners

8.14 Details of all MAPPA offenders will be entered on ViSOR following sentence, except for Category 2, level 1 cases. Information regarding these will be available via the local probation case management systems and eventually the National Probation Case Management system.

Category 1

8.15 It is the responsibility of the police to enter all Category 1 cases (including those jointly managed with YOTs, Probation Trusts, or mental health services) on ViSOR. Best practice is to create a nominal entry 3 days after sentence. The police should ensure that the record is maintained to the National ViSOR Standards. While the offender is in custody, they should create the Prison Service (the prison establishment where the offender is located) as a partner to the ViSOR record in all cases, and the Probation Trust as a partner in MAPPA level 2 and 3 cases. After local Responsible Authority agreement, they could also create the Probation Trust as partners in relevant MAPPA level 1 cases.

Category 2

8.16 It is the responsibility of the Probation Trust to enter all Category 2 cases (managed at level 2 or 3), including cases managed by YOT and mental health services, **no later than 6 months** before release from prison, youth custody, or hospital, and to manage the record thereafter. The Probation Trust will be responsible for:

- Ensuring that the ViSOR record is maintained according to National ViSOR Standards.
- Ensuring that the Prison Service (the prison establishment where the offender is located) is created as a partner to the ViSOR record whilst the offender is in custody.
- Ensuring that the relevant MAPPA Co-ordinator is created as a partner to the ViSOR record, in cases where offenders are detained in hospital out of area.
- Activating the MAPPA flag on local (national) 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 6 months before release.

Category 3

8.17 Probation Trusts will enter and manage information on ViSOR in those Category 3 cases where the offender is under their statutory supervision, plus those which have transferred **directly** from Category 2, for example, where the licence has ended but the case still requires level 2 or 3 management.

8.18 The police will be responsible for managing information on ViSOR in relation to all other Category 3 offenders.

YOT and Mental Health responsibilities and ViSOR

Standard – YOTS and Mental Health Services and Teams must provide relevant data for updating ViSOR cases

8.19 **Category 1 (Registered Sexual Offenders)** – All Category 1 offenders will have a ViSOR record and a nominated police Offender Manager who is the owner of the record. The YOT case worker or relevant Mental Health case worker must contact the police Public Protection Unit to inform them that he or she is involved in the case, provide his or her contact details, and obtain details of the police officer responsible for managing the record. The YOT / Mental Health Service and Team and the police will be expected to work closely together to manage the case, with each informing the other of any significant changes or developments. This will allow the police to keep the ViSOR record updated. Where the case is managed at level 2 or 3, the MAPP meeting will also identify new information which should be entered on ViSOR.

8.20 **Category 2 (Violent Offenders)** – the YOT / Mental Health Service and Team must ensure that the MAPPA Co-ordinator is kept informed of significant changes and events, for example, the date of release from custody and the date of expiry of supervision. Where the case is managed at level 2 or 3, the MAPP meeting will identify new information which should be entered on ViSOR. This must be supplied quickly to the Probation Trust ViSOR Administrator for action.

8.21 **Category 3 (Other Dangerous Offenders)** – the MAPP meeting will identify which new information should be entered on ViSOR, e.g. updating risk assessments, a change of personal circumstances, arrests and other intelligence pertinent to the effective MAPPA management of the case. The YOT / Mental Health Trust and Team must supply this promptly to relevant ViSOR staff.

Archiving arrangements

Standard : All ViSOR records should be archived appropriately at the end of the relevant inclusion period

8.22 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.

8.23 The period for which an offender remains subject to MAPPA varies significantly. Some will be subject to MAPPA for life, others for less than 6 months. The period will depend upon the offence committed and the sentence imposed. The discharge of offenders from MAPPA can only take place in the following circumstances:

- Category 1 offenders will be discharged from MAPPA and archived when their period of registration expires. In the most serious cases, registration will be for life (subject to current review plans) and the case will be archived when the offender dies. At the end of any determinate period of registration, they may alternatively be re-categorised as a Category 3 offender.

- Category 2 offenders will be discharged from MAPPA and archived on licence expiry, discharge from hospital, discharge from post-hospital supervision or revocation of Disqualification Order. They may alternatively be re-categorised as a Category 3 offender. The current probation business model allows them to be archived when they are no longer managed at level 2 or level 3.
- Category 3 offenders will be discharged from MAPPA and archived when a level 2 or 3 MAPP meeting decides that the risk has reduced sufficiently.

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

8.25 For further information on how records in ViSOR should be completed, guidance is available in the ViSOR Handbook: NOMS Guidance for Prison and Probation Services on the use of ViSOR and NPIA (2010) ViSOR Standards 2.0. The ViSOR Standards are available online at <http://www.acpo.police.uk/documents/crime/2011/20110404%20ViSOR%20Standards%20v2%2002010.pdf>.

Please note that this is a link to a document, not a web page. If given the choice to Open or Save, choose Open.

To avoid confusion: the standards set out in this chapter do not form part of the ViSOR Standards 2.0.

9. Information-sharing

Introduction

9.1 This chapter provides guidance on the sharing of information between Responsible Authority (RA) and Duty to Co-operate (DTC) agencies under MAPPA. This includes sharing information in relation to all categories (1-3) and all levels (1-3) of MAPPA offenders. Sharing information with other agencies must follow the guidance on disclosing information to third parties provided in Chapter 10 - Disclosure.

9.2 Information that is shared under MAPPA remains the responsibility of the agency that owns it and it will be for that agency to deal with any Subject Access Requests (SAR) under the Data Protection Act 2018 (DPA). See Chapter 13b - MAPPA Minutes for more information on SARs.

9.3 For further information on the sharing of information, see the Data Sharing Code of Practice issued by the Information Commissioner in May 2011. It is available from the website of the Information Commissioner's Office (ICO) at <https://ico.org.uk> and the MAPPA website. The code of practice deals with a number of important issues such as Data Sharing and the Law; Fairness and Transparency; Security; Governance; and Individuals' Rights. It is a statutory code and although it is not binding, it can be used in evidence in legal proceedings.

Principles of information-sharing

9.4 The purpose of sharing information about individuals (data subjects) is to enable the relevant agencies to work more effectively together in assessing risks and considering how to manage them. This points towards sharing all available relevant information, so that nothing is overlooked and public protection is not compromised. On the other hand, agencies must respect the rights of data subjects, which may limit what can be shared. These rights are set out in the DPA and the Human Rights Act 1998 (HRA). In summary, the principles derived from this legislation require that information sharing is lawful, necessary and proportionate. See also Chapter 10 - Disclosure.

Information-sharing must be lawful

9.5 The sharing of information must be in accordance with the law. The statutory basis for sharing information between RA and DTC agencies under MAPPA is found in section 325(4) of the Criminal Justice Act 2003 (CJA). This expressly permits the sharing of information between these agencies for the purposes of assessing and managing the risks posed by offenders subject to MAPPA.

9.6 The sharing of information must also comply with the six Data Protection Principles set out in the DPA (see Chapter 10 – Disclosure). Among other things these principles prohibit sensitive processing (i.e. the sharing of sensitive personal information) unless at least one of the conditions in sch.8 to the DPA is met.⁹ Information shared under MAPPA will usually meet the *statutory etc. purposes and administration of justice* conditions and may meet the *safeguarding of children and of individuals at risk* condition. The Data Protection Principles also dictate that the purpose of information sharing must be specified and the information shared must be accurate and up-to-date, stored securely, and not be retained any longer than necessary (each agency should follow its own policy on this).

Information-sharing must be necessary

9.7 Any interference with the right to private life by a public authority (such as a criminal justice agency) must be "necessary in a democratic society in the interests of national security, public safety or the

⁹ Sensitive processing is defined in s.35(8) Data Protection Act 2018.

economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" (Article 8 of the European Convention on Human Rights). The sharing of information by MAPPA agencies for MAPPA purposes satisfies these conditions in so far as it is necessary to prevent disorder or crime or to administer justice.

Information-sharing must be proportionate

9.8 In human rights law, the concept of proportionality means doing no more than is necessary to achieve a lawful and reasonable result. In addition, the third Data Protection Principle of the DPA provides that personal data must be adequate, relevant, and not excessive in relation to the purpose for which it is being shared. For MAPPA agencies, this means ensuring that information about the data subject is relevant to assessing and managing risk and that no more information is shared than is needed to manage that risk. For example, if only an individual's name and address are needed, sharing their race and religion would be disproportionate.

Information Sharing Agreement

Standard - Each Strategic Management Board (SMB) has an Information-Sharing Agreement between all RA and DTC agencies

9.9 Each agency should follow its own data protection policies in sharing information with other agencies under MAPPA. Co-operation between agencies will be easier if there is a shared understanding of each other's policies, as there may be differences on points of detail. The SMB in each area should develop an Information-Sharing Agreement (ISA) setting out how agencies will share information with each other, so that they are following a common set of rules and security standards as far as possible. This differs from the Memorandum of Understanding (MoU) in that the MoU covers all of the ways in which agencies co-operate, not just the sharing of information (see 3.10-3.13).

9.10 Sections 8 and 14 of the ICO Code of Practice are concerned with the issues that an ISA should cover. These include what information is to be shared, with whom, and why; the quality and security of the information; the circumstances governing the length of time for which the information is retained; and what happens if the agreement is breached. An example ISA is available on the MAPPA website at <https://mappa.justice.gov.uk/connect.ti/General/view?objectId=22899781>.

9.11 Although the exchange of information with non-MAPPA agencies has to be considered on a case-by-case basis, formal protocols or agreements should be in place in advance if possible. However, the lack of such an agreement should not prevent the sharing of information to manage an identified risk. These agreements should pay particular attention to ensuring the safety and security of the personal information shared. See Chapter 10 – Disclosure for more details on exchanging information with non-MAPPA agencies.

Chapter 10 - Disclosure

Introduction

10.1 This chapter deals with disclosing information to individuals or agencies in respect of a specific offender under MAPPA as part of a Risk Management Plan (RMP).

10.2 For the purposes of the Guidance, **information-sharing** is the sharing of information between Responsible Authority (RA) and Duty to Co-operate (DTC) agencies. **Disclosure**, on the other hand, is the sharing of information about a MAPPA offender with a third party (not involved in MAPPA) for the purpose of protecting the public. The third party could be a member of the public, such as a victim, an employer or a person forming a relationship with an offender, or a person acting in a professional capacity but not party to MAPPA.

Decision to disclose

Standard - Disclosure to a third party is considered for all MAPPA offenders at each review

10.3 All MAPPA offenders must be risk assessed to identify anyone who may be at risk of serious harm from them. The RMP must identify how these risks will be managed. As part of this process, consideration must be given in each case to whether the disclosure of information about an offender to others should be made to protect victims, potential victims, staff, and other persons in the community. This applies to all categories and levels of MAPPA case, and consideration is a legal obligation for the RA under s.327A CJA in relation to offenders convicted of child sex offences. The overriding factor is the need to protect the public and safeguard children¹⁰ and adults at risk¹¹.

10.4 The purpose of the disclosure must be specified and recorded in all cases. Before disclosure is made alternatives to disclosure must be considered and rejected as inappropriate or ineffective in all the circumstances where it is reasonable to do so. An informed decision must be made about how much information to disclose. Personal information can only be disclosed if it is adequate and relevant to the assessment and management of risk. Information that could be used to identify a victim should not be shared unless disclosure is necessary to manage risk.

Level 1

10.5 Cases being managed at Level 1 must be reviewed in line with the lead agency's policy. Disclosure must be considered as part of each review. It is not necessary to inform the MAPPA Co-ordinator about disclosure decisions for Level 1 offenders, but details of the decision making must be recorded on the lead agency's case management system and must be made available if required. Consideration of disclosure to a third party may result in a referral for Level 2 or 3 management so that all information to inform the decision is fully shared and plans to manage the disclosure can be made on a multi-agency basis.

10.6 If complex disclosures are being considered, it would be good practice to discuss such a decision at a MAPPA meeting. For more information on complex disclosures see paragraphs 10.23-10.26 below.

Level 2 and 3

10.7 Disclosure to a third party must be considered at all Level 2 or 3 MAPPA meetings. Any decision to disclose should be agreed by all agencies at the meeting. If disclosure is agreed it will be carried out in a

¹⁰ In line with s.11 and s.28 Children Act 2004.

¹¹ Adults at risk is defined in Section 42(1) of the Care Act 2014 and Section 126(1) of the Social Services and Well-being (Wales) Act 2014

timely manner by the most appropriate agency. In the unlikely event that an agreement cannot be reached, the agency that holds and owns the information will make the decision in line with its own policies (although see 10.13-10.16 for restrictions). The reasons for either disclosing or not disclosing information must be fully recorded in the MAPPA meeting minutes, along with any disagreements and concerns raised.

Standard – All decisions and subsequent action on disclosure are recorded on the lead agency case management system (Level 1) and in the MAPPA meeting minutes (Levels 2 and 3)

10.8 All decisions and action on disclosure must be recorded, including decisions about involving the offender in the disclosure process. Records must include the reasons for disclosure, including why alternatives were rejected, an assessment of the risks surrounding disclosure, the agency and individual who carried out the disclosure, specific details of what was disclosed, the date that it occurred, and the reason for the disclosure. If a local form is used to make disclosure a copy must be retained.

Legal authority to disclose

Standard - All disclosures of information about MAPPA offenders to third parties comply with the law, are necessary, and are proportionate.

10.9 The Data Protection Act 2018 (DPA) sets out the rules for handling and sharing personal information. It requires that any person or organisation processing personal data (including disclosure) must comply with the six Data Protection Principles (as set out in s.34 DPA). These six principles are:

1. Processing is lawful and fair;
2. Processing is specified, explicit and legitimate;
3. Personal data is adequate, relevant and not excessive;
4. Personal data is accurate and kept up to date;
5. Personal data is kept for no longer than is necessary;
6. Personal data is processed in a secure manner.

10.10 When deciding whether to disclose personal information, agencies must consider the following:

- a) The first Data Protection Principle (set out in s.35) requires data to be processed lawfully and fairly.

Lawful: The statutory authority to disclose information includes the following legislation:

- The Police Act 1997 Part 5 requires the police to provide criminal records certificates to potential employers.
- The Criminal Justice Act 2003 (CJA) s.327A places a duty on the RA to consider disclosing information to members of the public about the previous convictions of any child sex offender managed by the RA.
- The Children Act 2004 s.12D and 14B requires the disclosure of relevant information to Children's Trust Boards and Local Safeguarding Children Boards.
- The Domestic Violence, Crime and Victims Act 2004 Part 3 obliges probation to provide victims with information about an offender's licence conditions that relate to contact with the victim and other appropriate information.
- Common law powers to share information for the prevention and detection of crime. Common law powers are the basis for the disclosure schemes listed in 10.27.

Fair: For disclosure to be fair, the decision maker must show that they have considered the Human Rights Act 1998 (HRA), which provides a right to respect for private and family life, home and correspondence. Any interference with this right by a public authority (such as a criminal justice agency) must be “**necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.**” The disclosure of information under MAPPA will usually satisfy the prevention of crime criterion, as long as the disclosure is necessary and proportionate (See paragraphs 9.7-9.8).

- b) In the case of sensitive processing, which is defined in s.35(8) of the DPA, at least one of the conditions in sch.8 must also be also met. The full list of conditions can be found at <https://mappa.justice.gov.uk/connect.ti/General/viewdocument?DOCID=37557221&done=DOCCreated1&FID=6101392>, but the following conditions are the most likely to be relevant:

- Disclosure is necessary for statutory purposes.
- Disclosure is necessary for the administration of justice
- Disclosure is necessary for the safeguarding of children or individuals at risk.

The first two of these conditions are likely to be met where disclosure is made by a RA or DTC agency to protect the public.

When to disclose

10.11 Disclosure will take place only when the need to protect the public outweighs the offender’s right to privacy. Circumstances where disclosure should be considered include, but are not limited to, where:

- there is evidence or a risk that grooming may be taking place, for example through leisure clubs, churches, employment etc;
- grooming needs to be prevented in schools and colleges. If there is a risk that grooming may be carried out by a young offender, limited and controlled disclosure may be made to school or college staff;
- there is a condition in a civil order/licence excluding an offender from a specific location or having contact with named persons;
- others may be at risk, for example in supported accommodation. This may include other residents or offenders, but usually it will be staff and managers, who are told for placement and risk management purposes. This allows for greater vigilance to be exercised and for the role of staff to be included in the risk management plan;
- there is a need to protect past victims;
- there is a need to protect 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;
- the public may be at risk through the offender's employment, training or education;
- a person may be in a position to actively assist in the risk management of an offender by being briefed about risk factors and scenarios; or
- the offender attends a place of worship where children and/or adults at risk are present.

Risk assessment

10.12 The likelihood and degree of harm that might arise as a result of the disclosure, including the potential impact on the offender, must be assessed. Information should be disclosed only where this is a necessary

and proportionate step to protect the public. Contingency plans to support both victims and offenders must be put in place in relation to any identified negative impacts of disclosure.

10.13 The disclosure of information about children must be handled sensitively, given that they can be particularly vulnerable. Except for urgent cases, no decision on disclosure about anyone under 18 should be made without consulting a senior member of the Youth Offending Team and Children's Services. For more information see Chapter 23 - Children and Young People.

10.14 Where information is to be disclosed to a child, the safeguarding needs of the child to whom the disclosure will be made must be considered in consultation with children's services. Decisions around disclosure should be informed by the best interests of the child (the best interests of the child assessment will usually include the views of parents/guardians) and should only take place if it is in the best interests of the child to do so. Similarly, adult social services and/or safeguarding services should be involved where disclosure is being made to an adult at risk. Consideration may need to be given to the mental capacity of the adult who is to receive the information.

Public Order concerns and or disclosure to the media

10.15 Approval to disclose information or photographs to the media must be obtained from an Assistant Chief Constable (or the equivalent in the Metropolitan Police). The police should refer to current policing practice guidance for further information on this.

10.16 Any other significant concerns regarding public order risks as a result of disclosure should also be referred to the Assistant Chief Constable (or the equivalent in the Metropolitan Police) for information, as he or she will have to manage any consequences resulting from the decision.

10.17 The Ministry of Justice Press Office should be informed before any disclosure is made to the media in relation to an offender under HMPS or NPS supervision

Making disclosure

10.18 The individual(s) to receive disclosure must be correctly and specifically identified. The person best placed to make the disclosure must also be identified. Preparation and discussion must take place with whoever will be receiving the information. This includes checking what they already know; that they understand the confidential and sensitive nature of the information they are receiving; and that they know how to make use of the information, what to do in the event of anything occurring that they need to report, whom to contact, and how to access support if required. Details of the key triggers for offending behaviour and the requirements for successful risk management must be identified, for example, "This is what you need to look out for..." or "if you see X, you need to do Y." Getting them to sign a disclosure form will provide an audit trail of what has been agreed, which can be helpful for both parties and is good practice.

10.19 When a complex disclosure (see 10.23-10.26 for examples) is made to an individual they should be made aware that such disclosures are not the norm and should agree not to use the information inappropriately. When a photograph is disclosed, the individual should be shown a copy of the photograph rather than given one. This can be done by using an electronic image.

Involvement of the offender

10.20 Consideration must be given to seeking representations from the offender before a decision is made to disclose, in order to ensure that all of the information necessary to make a properly informed decision is available. Seeking their representations should be the norm, but there might be occasions when it is not possible or safe to do so. These might include, but will not be limited to, those where involving the offender would:

- risk prejudicing an ongoing or prospective criminal investigation;
- give rise to or increase the risk of harm to children or adults at risk;

- give rise to or increase the risk of harm to a new partner;
- risk reinforcing grievance thinking on the part of the offender in a way that would increase the risk presented by him or her generally;
- mean disclosing information of which the offender is not aware, and informing the offender would risk compromising intelligence sources or putting such sources at risk;
- delay the process, where disclosure is necessary to avoid an imminent risk of harm and there is not enough time to seek representations; or
- not be possible as the offender cannot be traced.

10.21 Each decision must be considered on its merits, having regard to the individual circumstances of the case. Both the likelihood and the impact of the risk should be taken into account. Any decision to disclose should be made on a multi-agency basis wherever possible. When the need to consider disclosure for Level 2 and 3 cases is identified outside a meeting and requires an urgent and immediate decision, the relevant agency should still seek the views of other MAPPA partners where possible.

10.22 Subject to a risk assessment and where appropriate, offenders should be encouraged make the disclosures themselves in the first instance. This may be done in private or in the presence of the police or the OM, depending on the circumstances and the offender's preference. However disclosures made by an offender in private must be followed up by the lead agency to ensure that accurate information has been disclosed and that the recipient understands the implications of the disclosure. Disclosure should not be unduly delayed to enable the offender to make the disclosure

10.23 Offenders do not have to be told that a disclosure has taken place if they have not given or been asked for representations. Information given to a victim should not be discussed with the offender unless there are specific reasons for doing so. If representations are not sought from the offender, the person receiving the disclosure should be told that the offender does not know that it has been made.

Disclosure to victims

10.23 As with all disclosures, the provisions of Sch.8 of the DPA must be satisfied. However, the following considerations will also help MAPPA meetings consider whether disclosure to a particular victim of personal data such as a photograph or information about a changed appearance, such as through gender reassignment, is justified:

- Can the offender safely be asked for representations about the disclosure (see paragraphs 10.19-10.22 above for further information on involvement of the offender)?
- Does the offender pose a risk to the victim?
- Can disclosure be considered necessary for the prevention or detection of crime?
- Is the disclosure necessary and proportionate?
- Will disclosing the information put the offender at risk?
- Is there any indication that the victim will pass the information on to others?
- Would not disclosing the information defeat the purpose of a victim-requested licence condition?

Photographs

10.24 A victim may request disclosure of an up-to-date photograph of the offender. This may be because they have not seen the offender for many years and want to be reassured that they will not meet them unknowingly or so that they will be able to recognise and report the offender if they enter an exclusion zone. Victim Liaison Officers should refer such requests to a MAPPA meeting as set out in 10.5-10.7 above. A

photograph is considered to be sensitive personal data, so there is a presumption that it will not be disclosed unless there is a genuine risk, but each request must be judged on its individual merits.

Gender Reassignment

10.25 S.22 of the Gender Recognition Act 2004 makes it an offence to disclose information about a transgendered person's application for a gender recognition certificate (protected information) unless disclosure is necessary for the prevention or detection of crime.

Handling complex disclosures

10.26 Complex disclosures must follow the steps set out in this chapter. If there are any queries regarding disclosure, in particular in relation to complex disclosures (such as gender reassignment or photographs) that you are unable to resolve locally, please contact the National MAPPA Team at MAPPA@noms.gsi.gov.uk.

Disclosure Schemes

10.27 The Government has introduced a number of schemes designed to improve disclosure to the public. These schemes do not change the law on disclosure but provide a framework for disclosure to take place. Although these schemes often involve MAPPA offenders, they are police schemes and operate independently of MAPPA. The schemes include:

- the Child Sex Offender Disclosure Scheme <https://www.gov.uk/government/publications/child-sex-offender-disclosure-scheme-guidance>;
- the Domestic Violence Disclosure Scheme <https://www.gov.uk/government/publications/domestic-violence-disclosure-scheme-pilot-guidance>; and
- the Common Law Police Disclosure Scheme <https://www.gov.uk/government/publications/common-law-police-disclosure>.

11. Risk Assessment

Introduction

Standard - All MAPPA offenders are subject to a thorough risk assessment to inform the creation of an effective Risk Management Plan (RMP) and to ensure that they are managed at the correct MAPPA level.

11.1 The risk assessment of offenders is the systematic collection of information to help determine the degree to which an offender poses an identified risk of serious harm to known individuals and to the public. Risk cannot be eliminated, but it can be managed.

11.2 The assessment of risk and the identification of the factors that have contributed to offending and that support reform are the starting points for all work with offenders.

11.3 Risk assessment is a dynamic process that requires ongoing re-evaluation in the context of the offender's changing circumstances. Risk assessments should be reviewed regularly in accordance with the lead agency's policies and procedures.

Risk assessment tools

Standard - All MAPPA offenders are assessed using the approved risk assessment tools where appropriate

11.4 Risk assessments must consider both static and dynamic risk factors in order to assess risk correctly. There are a number of clinical and actuarial tools that assist with this process, including ARMS, SARA, OASys and RM2000.

11.5 No risk assessment tool can be 100% predictive. Good risk assessment practice depends on those undertaking it using the tool correctly, having all the relevant information, and having time to consider it. For this reason, the Guidance places great emphasis on the identification of risk and information-sharing to assess risk. Once risk has been identified and after information has been shared, it is the skill of the practitioner working with the offender, enhanced by the involvement of other professionals, which make the procedure meaningful.

Categorisation of risk

Standard - Offenders are categorised using the Risk of Serious Harm definitions below

11.6 HMPPS defines serious harm 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."¹²

11.7 The level of risk of serious harm is the assessed likelihood of this event happening. The levels are:

- **Low:** current evidence does not indicate a likelihood of causing serious harm.

¹² Offender Assessment System (OASys)

- **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.

11.8 This provides risk levels for all MAPPA offenders. The categorisation of risk is refined by reference to those who may be the subject of that harm. They include:

- **The public:** either generally or a specific group, such as the elderly, adults at risk (for example, those with a learning disability), future partners, 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 at risk of harm, including violent or sexual behaviour, emotional harm or neglect, or because they are in custody.
- **Staff:** anyone working with the offender from any agency. This relates to all forms of abuse, threats and assaults experienced in the course of their employment.

Information-sharing

Standard - Risk assessments consider the information available from all agencies involved

11.9 Responsible authority and duty to co-operate agencies involved with an offender must contribute to the risk assessment process by sharing appropriate information.

- **Probation:** NPS must assess the offender's risk of reoffending and risk of serious harm. They provide an overview of an offender's compliance with supervision, their static and current dynamic risk factors, protective factors, and relevant interventions.
- **Police:** the police must share appropriate intelligence to inform the risk assessment. This may include allegations of further offences, lifestyle concerns and known criminal associates and information about victims.
- **Prison:** Prison service staff, and those working in the youth justice secure estate, have much to contribute to an offender's ongoing risk assessment. This is achieved through the timely review of the OASys assessment for offenders in custody and the concise reporting of risk related information using the MAPPA F intelligence report.
- **Youth Offending Teams (YOT):** YOTs are responsible for referring to MAPPA and undertaken a comprehensive risk assessment on all children and young people who meet the eligibility criteria for MAPPA.
- **Children's Services:** Children's Services should provide information on the nature and level of a child's need, including parental capacity and family and environmental factors and on the nature and level of risk of harm the child may be facing. They should also provide information on the action being taken by them or others to safeguard the child, including, where relevant, child protection plan outcomes.
- **Adult Services:** Adult Services should provide information, where relevant, on an offender's care and support needs and the action being taken to promote their well-being. They will also be able to

provide information on the nature and level of risk an adult at risk (offender as victim or perpetrator, or victim or other identified adults at risk) may be facing, their vulnerability and resilience, their risk to self, i.e. the possibility that they will self-harm or commit suicide, and the action being taken by adult services or others to safeguard the adult.

- **Mental health services and learning disability services:** Mental health services, both community services and secure hospitals, provide an essential contribution to risk management for all offenders where there is past risk or potential future risk related to mental health or learning disabilities. Where appropriate, mental health services should provide a clinical risk assessment and an insight into the mental health of an offender, how it relates to risk and risk to self, and the relevant clinical interventions available. If a patient has received a hospital order or guardianship order, mental health services are the lead agency for their management. (See Chapter 26 – Mentally Disordered Offenders).
- **Local Authority and Private Registered Provider of Social Housing (Registered Social Landlords in Wales):** can provide advice on suitable accommodation and a report on the success of current arrangements.
- **Health:** the GP or other health professionals can contribute to risk assessment by sharing appropriate information.

Risk assessment summary

11.10 Once all of the relevant information has been shared, it should be assessed and the following areas addressed:

- Who is at risk? (See 11.9 above). Where there are identified individuals at risk each one should be named.
- What is the nature of the risk? What is the meeting concerned the offender might do? The range of risky behaviours should be described along with the manner in which offences are committed (the modus operandi). Previous patterns of offending will inform this discussion.
- When is the risk likely to be greatest? Consider how imminent further offending or risky behaviour is; are there particular future events that may increase the risk, if so specify dates (e.g. release of a co-defendant from prison, ending of external controls). Is one particular type of offending more likely to happen quickly than another?
- Circumstances likely to increase the risk: Consider patterns of previous behaviour as well as situational risk (e.g. increased access to victims). Consider static risk factors - those factors that cannot change but do affect the risk, for example, type and number of previous convictions, age and gender. Dynamic risk factors - those factors linked to offending that can change, for example, the offender is drinking heavily or has a lack of suitable accommodation, a mental disorder, evidence of victim access behaviours or relationships.
- Protective factors – for example, a stable positive relationship, suitable accommodation or employment, offender's motivation to change, evidence of engagement and active compliance with the risk management plan. Emerging evidence suggests that protective factor assessment improves the prediction of reoffending over and above static and dynamic risk assessment alone.

Standard - All MAPPA meetings at Level 2 and 3 outline a risk assessment summary to inform the RMP

11.11 Following discussion, it is the role of the Chair of the Level 2 or 3 meeting to summarise the risks identified, the impact of future offending (seriousness) and the likelihood of further offending (informed by the extent to which there are protective factors in place) and the imminence. The meeting should then agree

a risk assessment based upon the information provided. This may be an endorsement of the assessment from the lead agency, but additional factors may come to light that require it to be amended, or that strengthen the evidence base for the assessment, and should be adopted by the lead agency. The Risk Framework found at Appendix 9 can assist meetings with making the judgment on risk level¹³.

11.12 The lead agency will take all the new information into account and update their risk assessment following the MAPPA meeting.

Justifying the risk assessment

Standard - All risk assessment are transparent and defensible

11.13 Risk assessment should both be objective, and make use of the professional experience of the assessor. It should be based on all available information, considered against the best available evidence on risk and should be tailored to each offender and their circumstances. Eliminating risk entirely can never be achieved.

11.14 Risk assessment forms part of a set of behaviours that, when taken together, will ensure that the decisions taken on how to manage an offender are defensible¹⁴.

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

11.15 Risk assessment must never become formulaic. There must always be a place for discretion and professional judgment. Static and dynamic indicators and protective factors should be taken into account when determining the overall risk of reoffending and risk of serious harm and deciding upon the level of management. Risk must be kept under review and MAPPA meetings and MAPPA professionals must continue to take an investigative approach, remaining professionally curious about the offender and their circumstances. Where there is more than one agency involved in the management of the case, it is essential that the Offender Managers consult and agree the overall risk level at which the offender will be managed. This must be recorded by the lead agency as the level of risk management required.

¹³ This table draws on the MAPPA Guidance; the OASys Handbook; and current legislation. 'Risk Levels' from Kemshall, Mackenzie, G; Mackenzie, S. and Wilkinson (2011) 'The Risk of Harm Guidance and Training Resources' (2011) NOMS/De Montfort University. Amended May 2012. Amended National MAPPA Team September 2016.

¹⁴ Kemshall, H. (1998) Defensible decisions for risk. Probation Journal 45 (2) 67-72.
Kemshall, H. (2009) Working with sex offenders in a climate of public blame and anxiety: How to make defensible decisions for risk. Journal of Sexual Aggression 15 (3) 331-343.

12. Risk Management Plan

Introduction

Standard - All MAPPA offenders have an effective Risk Management Plan

12.1 Effective risk management is the core function of MAPPA, and achieving it requires all agencies to share relevant information. All agencies should look to do all they can within their powers to contribute to risk management.

12.2 Risk management is the construction and implementation of a plan which addresses the identified risk and protective factors. In effect, it is what staff do with an offender that is crucial. Risk management is not an exact science as it is not possible to eliminate risk entirely. It is therefore critical that the decisions made are defensible, the Risk Management Plan (RMP) is implemented and monitored through regular reviews, and adjustments to the RMP are made as necessary. RMPs should be shared with all relevant agencies following a review, including reviews for Level 1 cases.

12.3 When an offender is identified as a MAPPA offender, the lead agency has a duty to ensure that any identified risks are managed robustly at the appropriate level of MAPPA management.

12.4 The RMP must include actions to monitor and where possible change the behaviour and attitudes of the offender in order to minimise the risk of serious harm. RMPs should relate to current and expected future risks and should draw upon information from all relevant agencies within MAPPA.

12.5 All MAPPA offenders must have an RMP completed by the lead agency to its own required standards. Information from DTC or any other agencies involved and other Responsible Authority agencies should inform the RMP.

Level 2 and 3 Risk Management Plans

Standard - Every level 2 or 3 MAPPA offender has a RMP agreed by the MAPPA Chair

12.6 All level 2 and 3 offenders require a MAPPA RMP. The MAPPA risk assessment will identify all areas of risk of serious harm and the MAPPA RMP will set out all the single and multi-agency actions agreed at the MAPPA meeting to manage those risks. The final decision on whether an agency agrees to accept an action rests with that agency and explanations for where considered actions could not be taken forward should be recorded in the minutes. Alternative actions should be considered if an action is identified that an agency is not able to carry out. Once an agency has accepted an action it is responsible for ensuring that it is completed.

12.7 There should be only one risk management plan. The risk management plan is that of the lead agency. When a MAPPA meeting takes place the meeting will devise the risk management plan with the lead agency. The lead agency when recording the risk management plan on its own systems will reflect the RMP agreed by the MAPPA meeting. There may be cases where some elements of the RMP will not be recorded on the lead agency system, e.g. details of victim safety planning or sensitive police information or tactics. Where a decision is taken for there to be a difference between the recording of the plan this should be clearly stated in the MAPPA minutes.

Standard - The lead agency RMP and ViSOR are updated after every MAPPA meeting

12.8 Once the MAPPA RMP is in place, the case manager must update the lead agency RMP and ViSOR accordingly. Other agencies must also ensure that their own databases are updated in line with the MAPPA RMP.

12.9 The MAPPA RMP must:

- Be specific, measurable, achievable, realistic and time-limited (SMART). It should clearly identify ownership of each action point, with a named agency and wherever possible a named individual in that agency.
- Identify what will be done and how this will manage the risk. Action descriptions must provide enough detail to explain what must be achieved and must cover each risk identified.
- Be reviewed formally at a specified future date.
- Have a completion date for each action. The date should be specified and not left to be achieved 'as soon as possible.' The completion date for ongoing actions could be the date of implementation or a milestone as appropriate.
- Contain actions to protect victims or other identified individuals at risk.
- Include specific safeguarding actions to manage and reduce the identified risk(s) where an offender is assessed as posing a risk of harm to children (identified child, children in general, unborn child) or adults at risk (identified adult, adult at risk in general). An adult at risk is an adult who has care and support needs; is experiencing, or is at risk of, abuse or neglect; and, as a result of those care and support needs, is unable to protect themselves from either the risk, or the experience, of abuse or neglect.
- Align with the child protection plan (CPP) if there is one in place for an identified child.
- Include a contingency plan should the original RMP break down or if there is any other change of circumstances.

12.10 Where there is a real and immediate threat to life and it has not been possible to put in place a plan to adequately manage the risk within the MAPPA meeting, consideration should be given to the police making a referral to the UK Protected Persons Service. The process for this is available on Police service intranets.

Elements of Risk Management

Standard - RMPs address supervision, monitoring and control, interventions and treatment, victim safety and contingency plans

12.11 SMBs are not obliged to adopt the MAPPA working arrangements promoted in the Four Pillars of Risk Management¹⁵ but the headings below provide a useful framework for analysing risk and developing the RMP whether or not the Four Pillars framework is used. The headings are:

- Supervision.
- Monitoring and control.
- Interventions and treatment.

¹⁵ The 4 Pillars of risk Management is a new approach to the planning and delivery of risk management developed by Prof. Hazel Kemshall at De Montfort University. The model is based on the four pillars of Supervision, Monitoring & Control, Interventions and Treatment and Victim Safety Planning.

- Victim Safety.

The RMP must include contingency plans and record all licence conditions.

Supervision

12.12 Supervision is not limited to statutory supervision by the NPS or YOT but also includes engagement with any other agency that has a role in helping offenders to lead law-abiding lives.

12.13 Examples of supervision:

- Office-based supervision.
- Home visits (by police and probation) and other regular visits to the offender's premises.
- Contact with healthcare professionals.
- Interaction with staff in Approved Premises.
- Tenancy support from Housing Associations.
- Help from the Department for Work and Pensions (DWP) in finding work.
- Actions to build on offenders' strengths and protective factors.
- Education.
- Involvement of children's social care.

Monitoring and Control

12.14 Monitoring and control are strategies aimed at controlling and reducing opportunities for harmful behaviour.

12.15 Examples of monitoring and control:

- The use of licence conditions (see PI 09/2015 for details).
- A licence condition placing restrictions on residence - for example, residing at Approved Premises or residing as directed.
- Restrictions on association, activities and movements.
- Surveillance and electronic monitoring.
- Polygraph examinations.
- The use of restrictive orders.

12.16 Restrictive orders: where offenders pose a continuing risk of serious harm, the police will consider whether these risks are high enough to justify applying for a restrictive order. Examples include:

- Notification Order (Sexual Offences Act 2003 (SOA 2003) sections 97 to 101).
- Sexual Harm Prevention Order (SOA 2003 sections 103A to 103K).
- Violent Offender Orders (Criminal Justice and Immigration Act 2008, Chapter 4, Part 8).

12.17 Sexual Risk Order (SOA 2003 sections 122A to 122K can be applied for restrictions as a preventative measure before a conviction. Please see appendix 5 for details of this and for the other civil orders for managing MAPPA offenders.

Interventions and Treatment

12.18 Interventions and treatment are activities that focus more on developing the offender's own ability to avoid and manage risk situations and to build strengths and protective factors that enable desistance from offending. They may be mandatory, such as complying with a licence condition, or voluntary. They may include, but will not be limited to, accredited programmes.

12.19 Examples of interventions and treatment:

- Attendance at programmes that address the causes of offending behaviour.
- Interventions that emphasise self-management of risk and which promote the use of internal controls over the longer term.
- Interventions that combine intensive supervision with the appropriate use of sanctions and responding to non-compliance.
- Supportive and integrative approaches where risk assessments indicate their usefulness, e.g. Circles of Support and Accountability.
- Referral for medical or psychological interventions as required.
- Co-operation with drug and alcohol advisory services.
- Involvement in other activities to divert the offender from offending, such as appropriate employment or voluntary work.
- Identifying a role for family, parents and carers.

Victim Safety

12.20 Victim safety strategies are designed to protect previous and **potential** victims from harm.

12.21 Examples of victim safety actions:

- The disclosure of information to third parties (including through the child sex offender disclosure scheme and the domestic violence disclosure scheme).
- Relocation of the victim.
- Safety advice and physical safety measures for victims.
- Action by Children's Services.
- Exclusion zones and non-contact orders and arrangements to monitor them.
- Domestic violence prevention notification (DVPN) and domestic violence protection order (DVPO). Further information can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575363/DVPO_guidance_FINAL_3.pdf.

Contingency Plans

12.22 Contingency plans should be included in all RMPs to set out the action(s) to be taken if the RMP is no longer enough to manage the risk. They will include rapid response arrangements to changing situations or a deterioration in circumstances or behaviours. Contingency plans should consider what actions will be taken in the event of a change of circumstances. In particular it is helpful to consider the factors that are likely to indicate an increase in risk for an individual. The following factors are associated with escalating risk:

- A change in situational risk - this could be because an offender has increased proximity to victims, or is behaving in ways that are likely to increase proximity or to increase opportunity to offend in other ways. It could also be because of a change to someone else's circumstances, such as a partner's pregnancy.
- Deterioration in lifestyle - examples could be loss of accommodation, relapse into drug or alcohol use, or increased association with offending peers. The MAPPA meeting will need to consider which lifestyle factors would be associated with increased risk for each offender.
- Psychological factors - examples may be an increased preoccupation with offending or offending-related issues (e.g. sexual preoccupation, offence-related sexual interests or emotional congruence with children) or it may be a deterioration in mental or psychological wellbeing (e.g. as a result of not taking medication).
- Breakdown in supervision - this may be missing appointments, or where compliance is superficial, with the offender attending appointments but not engaging with the process, not engaging with wider interventions or treatment, or is Unlawfully at Large.

The MAPPA meeting needs to be alert to which changes are linked to an increase in risk in each individual case and provide contingency plans accordingly.

12.23 Victim(s) who have asked for victim contact under the statutory scheme must be informed by the Victim Liaison Officer (VLO) when an offender is subject to recall proceedings. The victim(s) must be kept informed where there is a delay between recall and the offender being returned to custody.

Foreign Travel

12.24 Travel outside the UK by MAPPA offenders can cause significant concern. Foreign travel restrictions and requirements vary according on the licence, order, notification requirements or post sentence supervision the offender is subject to. MAPPA meetings can share information to inform an assessment of suitability for foreign travel but decisions must always be made in line with all of the restrictions imposed on an offender by their licence, order, notification requirements and post sentence supervision and the policies of the agencies managing those restrictions.

12.25 Sexual Harm Prevention Orders and Sexual Risk Orders can contain foreign travel prohibitions, where they are necessary for the purpose of protecting children or vulnerable adults abroad. For offenders on licence, it may be necessary to apply for additional, or bespoke, licence conditions in some circumstances to further reduce the risk of foreign travel.

Approved Premises

12.26 Offender Managers should consider whether a period of residence in an Approved Premises (AP) would enhance the RMP for all Level 2 and 3 offenders (an AP may also be appropriate for Level 1 offenders). APs provide supported and supervised accommodation for appropriate offenders on licence or community supervision. They provide a structured environment to support offenders' rehabilitation, as well as restrictions, including a curfew, which place controls on their behaviour. AP staff play a significant role both in providing relevant risk information to the Offender Manager and in contributing to effective risk management. It is essential that they understand a resident's risks, are involved in the delivery of the RMP and are part of any MAPPA meeting relating to a resident. Consideration should be given to the location of APs in relation to known risk, previous offending and current and previous victims. Guidance on APs is set out in Probation Instruction (PI) 32/2014 – Approved Premises¹⁶.

¹⁶ <http://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-32-2014-approved-premises.doc>

Standard - Referral for CPPC is considered for all level 3 MAPPA offenders

12.27 All level 3 cases should be considered for referral to HMPPS for registration as a Critical Public Protection Case. Where referral is agreed, the lead agency will ensure that the paperwork is completed within a week and will inform the next meeting of the outcome of the decision. The minutes should record the fact that referral has been considered. For further guidance, see Chapter 19 – Critical Public Protection Cases and PI 06/2013.

Standard - The critical contribution that offenders make towards changing their behaviour is recognised and RMPs draw on the strengths, skills and resources of the offender

12.28 Offenders should know that they are being managed through MAPPA, what MAPPA is, and what this means for them. The MAPPA leaflet 'Information for Offenders' should be used for this purpose. This responsibility should be discharged by the Offender Manager or Case Manager primarily involved with the offender.

12.29 It may be helpful to invite the offender to write down, or to tell the offender manager, information they would like to be discussed at a level 2 or level 3 meeting. (See also 13a.24 and 26.48.)

12.30 Although the expectation is that offenders are told that they are being managed through MAPPA, there may be very exceptional cases where information about MAPPA management at level 2 or 3 may be withheld from them on the ground that it might increase their risk. This decision and the nature of the information to be withheld must be agreed at a MAPPA meeting and the reason(s) clearly recorded in the MAPPA meeting minutes and case record(s).

Standard - Public protection is the paramount consideration in the development of the Risk Management Plan

12.31 As a general principle, human rights must be balanced against public protection, which is the paramount consideration. However, restrictions, such as licence conditions, must still be necessary and proportionate. In other words, restrictions must be limited to the minimum necessary for effectively managing the risks presented by the offender (see PI 09/2015). Furthermore, there is a responsibility to consider the needs and vulnerabilities of an offender where he or she is a child or young person, but this should not take precedence over protecting the public. Proportionate protection of the public outweighs all other considerations when constructing an RMP.

Standard - The MAPPA Chair summarises the meeting and agrees the required level of MAPPA management

12.32 The Chair will summarise the issues raised during the meeting and agree with the attendees the MAPPA level at which the offender should be managed. The Chair will confirm whether the case requires active multi-agency management at level 2 or 3. Ideally, the Chair will facilitate agreement if there are initial differences in views. Where this is not possible the Chair will ask the lead agency to make the final decision and will ensure the range of views is recorded in the minutes.

12.33 The reasons for a decision to manage the case at a particular level must be clearly recorded, whether the level is different from the one for which the meeting was called or the same (see Chapter 7 – Levels of Management for more details on determining MAPPA levels).

13a. Multi-Agency Public Protection Meetings

Introduction

13a.1 The purpose of level 2 and level 3 MAPPA meetings is to share information to support multi-agency risk assessments, and formulate effective MAPPA Risk Management Plans (MAPPA RMPs), in order to ensure action is taken to manage the risk of serious harm posed by the offender. These meetings enable the provision of authority, resources and skills that may be unavailable at level 1.

13a.2 See also Chapter 9 – Information-sharing, and the Data Sharing Code of Practice issued in May 2011 by the Information Commissioner's Office.

Information-sharing

Standard - The Strategic Management Board (SMB) has agreed effective information-sharing procedures

13a.3 The Responsible Authority must have in place robust arrangements for the sharing of information. Information-sharing agreements (ISAs) drawn up by the SMB should include the information sharing necessary for the purposes of assessing and deciding upon the management of the risk an offender poses at MAPPA meetings.

13a.4 The SMB should produce an ISA outlining how communication between the MAPPA Co-ordinator and the duty to co-operate (DTC) agencies takes place. Where possible, DTC agencies should have a Single Point of Contact (SPOC) to whom information can be securely passed. Where a SPOC is not be feasible, the agency should provide a list of named individuals to the MAPPA Co-ordinator.

Attendance at meetings

Standard - The SMB is confident that those chairing and in attendance at level 2 and level 3 MAPPA meetings are at an appropriately senior level

Agency Representation

13a.5 An effective level 2 or level 3 meeting requires agency representatives to be able to make decisions that commit their agencies' resources. Therefore, all agencies must either be represented at level 2 and level 3 MAPPA meetings by the level of personnel agreed by the SMB or representatives with delegated authority.

13a.6 Continuity of personnel enhances the effectiveness of level 2 and level 3 MAPPA meetings by establishing good working relationships across agencies. Establishing a core membership from key agencies for level 2 and 3 MAPPA meetings is good practice and can strengthen shared understanding. Core members will ensure that all relevant information from their areas of work is made available to the meeting. They may also suggest who should be invited to assist in the management of a specific case.

13a.7 The SMB will determine the criteria for chairing MAPPA level 2 and 3 meetings locally. However, chairs must be employed by the Police or NPS, be MAPPA trained, have enough knowledge and skills as a chair to be effective, and be of sufficient seniority to command respect. Chairs must not be the only representative of their agency at the meeting.

Police

13a.8 The police must attend all level 2 and 3 meetings. The officer attending the meetings should be of high enough rank to allocate police resources. This will usually be Inspector for level 2 meetings and Chief Inspector for level 3 meetings. However, a lower-ranking officer may attend where necessary if they have experience of the MAPPA process and delegated authority to allocate police resources at the appropriate level.

13a.9 All registered sexual offenders should be allocated a suitably trained offender manager from the police and a named officer from the police should also be identified for all violent and other dangerous offenders who are subject to actively co-ordinated management. These individuals should attend all MAPPA meetings about the offenders they manage or, if not available, agree with their line manager who will attend on their behalf.

13a.10 There should also be appropriate police representation from specialist units, e.g. child protection, domestic abuse, or an officer from the Local Policing Unit to provide local intelligence where the offender manager is not from one of these units.

National Probation Service

13a.11 The NPS must attend all level 2 and 3 meetings. The grade required to attend MAPPA meetings should be high enough to allocate NPS resources. This will usually be a middle manager (**Senior Probation Officer** or equivalent) from the NPS for level 2 and the Head of **Local Delivery Unit** (or equivalent senior manager) for level 3. A Senior Operational Support Manager may attend level 3 meetings where necessary if they have experience of the MAPPA process and delegated authority to allocate additional NPS resources.

13a.12 In addition, the offender manager responsible for the case must attend where the NPS manages the case or, if not available, agree with his or her line manager who will attend instead.

13a.13 Victim Liaison Officers must attend or provide a report where they are actively engaged with the victim or his or her family under the statutory Victim Contact Service. Other probation staff who are actively engaged with the offender and who can assist in the risk assessment and management should also attend, for example a member of staff from an Approved Premises.

Community Rehabilitation Company

13a.14 Where a case has recently been escalated from a CRC to the NPS the CRC offender manager who previously managed the case should attend.

The Prison Service

13a.15 A MAPPA F must be provided where the offender is in custody, whether or not a representative from the Prison Service attends the meeting. It is the responsibility of the establishment that holds the offender's records to provide the MAPPA F. The request for the MAPPA F and related MAPPA correspondence should be sent to the prison via the prison secure functional mailbox. The prison should consider whether representation from the Prison Service would be appropriate at the MAPPA meeting, either in person or via video or telephone conference, especially in complex or MAPPA level 3 cases. The MAPPA meeting invitation should be sent to the prison at the earliest opportunity and in any event no later than 14 days in advance of the meeting, unless it is an emergency meeting.

Young Offenders

13a.16 Representatives of Youth Offending Services (YOS) must attend where the offender is a young person. Children's Services should also attend so that the meeting can ensure that the meeting

appropriately safeguards and promotes the welfare of the offender as a child as well as managing the risk of harm the young offender presents to others. These individuals should have sufficient authority to make decisions and commitments on behalf of their agencies.

Mental Health Services

13a.17 Each borough or MAPPA area should have a core mental health services representative to meet the general duty to co-operate. This person should have the authority to commit resources on behalf of their agency and possess relevant experience of risk and needs assessments. There should be continuity of personnel in order to sustain good working relationships. The core member may or may not have direct knowledge of the MAPPA case under discussion. Therefore, a representative of the patient's clinical team should also be invited to attend MAPPA meetings to contribute on individual cases. Attendance in person is the expectation, particularly when mental health services are the lead agency, but if that is not possible video/telephone conferencing should be considered. Mental Health Trusts and University Health Boards (Wales) should prioritise attendance at MAPPA meetings where they are the lead agency and in cases involving transferred prisoners (see 26.71-26.72).

Children's Services

13a.18 It is good practice for each borough or MAPPA area to have a core children's services representative with the relevant experience and authority to commit resources. The lead social worker for the child (or family) should attend where there is a risk to an identified child. Where the lead social worker does not have the authority to make decisions and commitments on behalf of the local authority and in the absence of a core representative able to do so, the lead social worker's manager should attend as well or instead.

Adult Social Care

13a.19 It is good practice for each borough or MAPPA area to have a core adult social care representative with the relevant experience and authority to commit resources. The lead social worker for the adult (or family) at risk should attend, both where the offender poses a risk to a vulnerable adult and where the offender has been identified as an adult at risk. Where the lead social worker does not have the authority to make decisions and commitments on behalf of the local authority and in the absence of a core representative able to do so, the lead social worker's manager should attend as well or instead.

Other Agency

13a.20 Representatives from all other DTC agencies that are involved with the offender should attend MAPPA meetings. These representatives should be in a position to make an active contribution to the discussion and of sufficient seniority to allocate the appropriate level of resources. DTC agencies may provide a core member and a representative who is familiar with the offender if appropriate.

13a.21 In very exceptional circumstances, Responsible Authority communications officers might need to attend MAPPA meetings to discuss important media handling issues. Normally, however, it will be enough for the relevant meeting attendee to brief them afterwards. The national MAPPA team should be informed whenever MoJ Press Office are involved in a case.

13a.22 Representatives from other organisations may attend part or all of a MAPPA meeting at the discretion of the meeting Chair. The meeting Chair will satisfy themselves that the organisation has appropriate data protection facilities and procedures before allowing a representative to attend the meeting.

13a.23 Where an action is agreed for an agency that is not at the meeting (e.g. where the prison has submitted a MAPPA F or a DTC has not been invited) the meeting Chair will identify someone at the

meeting to communicate the action to the relevant agency, indicate who the agency should contact with a response and give timescales.

Representing Offenders' Views

13a.24 Neither offenders nor their representatives are allowed to attend MAPPA meetings. The presence of an offender at a MAPPA meeting could significantly hinder the core business of sharing and analysing information objectively and making decisions. However, offenders' views on their risk management should actively be sought and fed in to the meeting by a written communication or via the offender manager or referring agency.

Planning MAPPA meetings

13a.25 Invitations must be sent to the right people at the right agencies. The lead agency referrer should decide who is required at the MAPPA meeting, in conjunction with their line manager. The invitation letter should make clear that it is expected that all those invited will come to the meeting, having reviewed the information available to their agency on the offender, and should make clear the potential consequences of failing to share vital information. The invitation should usually be sent in enough time to allow the agencies to interrogate their systems for all appropriate information (i.e. at least 14 days before the meeting unless it is an emergency meeting).

13a.26 The person organising the meeting should ensure that an appropriate location is booked and that copies of the minutes are available. There should be enough copies for each attendee (except for those not invited to attend the whole meeting) but they must not be taken away (see Chapter 13b – MAPPA Meeting Minutes for further guidance on MAPPA meeting minutes). An appropriate location will be confidential, and will have disabled access, transport links, teleconferencing facilities, information about the availability of parking, and a waiting area. It is the SMB's responsibility to ensure meetings are administered properly.

Management of MAPPA meetings

Standard - The SMB is confident that MAPPA meetings are managed effectively

13a.27 The purpose of the meeting is for agencies to identify and assess risks and agree a risk management plan. To support this attendees must arrive at the meeting prepared and able to share information which:

- Is pertinent to undertaking a multi-agency risk assessment.
- Identifies the likelihood of re-offending.
- Identifies serious risk of harm issues and their imminence.
- Identifies protective factors.
- Supports victim safety planning

13a.28 It is important that MAPPA meetings are well organised and allow sufficient time to discuss the case properly. Although an area may decide to hold successive meetings on different cases, only core panel members and those people who are required to discuss a particular offender should be present at the relevant meeting.

13a.29 The Chair should be trained and well-briefed, and should have copies of all the papers relevant to each case. A dedicated minute-taker should be identified beforehand to support the Chair.

13a.30 Chairing MAPPA meetings involves 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 and the production and appropriate review of the MAPPA RMP and associated actions) is conducted in an effective and efficient manner.

13a.31 The Chair should follow the meeting agenda as laid out in the MAPPA (or 4 Pillars) Document Set. Attendees at the MAPPA meeting should be provided with the original referral information (sections 2-6 and 9 of MAPPA B) on all occasions when the case is discussed. Additional information from other agencies will be provided at the meeting.

13a.32 Chairs must ensure that the following are covered:

- Confidentiality statement.
- Current assessment of risks (see Chapter 11 – Risk Assessment).
- Disclosure decision: every level 2 and 3 MAPPA meeting must consider whether disclosure of information to a third party should take place (see Chapter 10 – Disclosure).
- Risk Management Plan: including safety planning if there is an identified individual at risk (see Chapter 12 – Risk Management Plan). Every MAPPA action must be fully accounted for and the outcome incorporated into the minutes.
- Communication - media handling: where media interest is expected, the Chair will identify a police and a probation single point of contact (SPOC) to communicate with Press Office and the national MAPPA team.
- ViSOR record updating: the Chair will identify the ViSOR record owner and the person who will be responsible for reviewing any new or amended information that will need adding to the ViSOR record. The record should be updated as soon as possible and certainly within 3 working days of the minutes being agreed.
- Human Rights Act validation: the chair of the meeting should ensure that all present are satisfied that decisions taken at the meeting comply with the Human Rights Act 1998 (see Chapter 9 – Information-sharing and 12.26).
- The meeting must consider whether any of the nine protected characteristics set out in the Equality Act 2010 (i.e. age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation) applies to the offender; whether there are other diversity issues that may affect the offender or have a bearing upon the risks he or she presents to others; and how they can be managed.
- Issues for reporting to the SMB: if any concerns, issues or examples of best practice come out of the meeting, the Chair should ensure that these are communicated to the Chair of the SMB.
- Critical Public Protection Cases (CPPC): referral to CPPC must be considered for level 3 offenders (see Chapter 19 – Critical Public Protection Cases).

13a.33 A MAPPA review meeting date must be set (unless a decision has been taken to manage the case at level 1). Reviews for offenders managed in the community should be held at least every 16 weeks for level 2 cases and at least every 8 weeks for level 3 cases, in line with MAPPA KPIs.

13a.34 The appropriate level of MAPPA management should be considered at the end of every meeting. The appropriate level of management should be based on the added value provided by holding Level 2 and 3 meetings, not on the level of assessed risk. However, levels of management should not be reduced where information is missing or where a key partner is not represented at the meeting. Where the management level is dropped or a category 3 case is removed from MAPPA, the rationale for the decision must be spelled

out and recorded. (See 11.16 for more information on defensible decision making.) Equally, where a case is retained at level 2 or 3, the reasons for deciding on the particular level of management must be recorded.

13a.35 A case should always be re-referred if it warrants a higher level of MAPPA management because of changing circumstances. Where a category 3 case is taken out of MAPPA it is particularly important that the process for a further referral and which agency is responsible for it is agreed and recorded in the minutes.

13a.36 Detailed guidance for MAPPA meeting Chairs can be found at MAPPA C.

Professionals' Meeting

13a.37 The lead agency (for Level 1 cases) or the MAPPA meeting (for Level 2 and 3 cases) may decide that a small group will be responsible for reviewing the RMP between meetings. The group will generally comprise three or four people who are actively engaged in working with the offender. It will always include the referrer, who will be responsible for co-ordinating and managing meetings, completing meeting notes, and returning them to the MAPPA Co-ordinator. Information shared at these meetings is shared under MAPPA but it is important to distinguish them from formal MAPPA meetings.

MAPPA management of sensitive information

13a.38 There will be occasions when MAPPA meetings will need to consider and manage exceptionally sensitive information, e.g. in cases of terrorist offenders, high-profile offenders and offenders or victims under the management of the United Kingdom Protected Persons Scheme (UKPPS). Advice on managing these cases should be sought from Al.Reid@noms.gsi.gov.uk.

13a.39 The MAPPA meeting Chair will need to ensure safe and secure management of any such information from and between partners. Consideration will need to be given to:

- Vetting levels of the MAPPA meeting Chair and partners for sharing and receiving information;
- The need for a pre-meeting, led by the MAPPA meeting chair, to discuss the nature of the information and agree whether and how it should be shared in the full meeting, if needs be by way of an agreed form of words;
- The need to restrict membership of a MAPPA meeting to facilitate the secure management of sensitive information, while still ensuring effective risk management;
- The recording of minutes, decisions and actions, and how those will be shared.

13a.40 ViSOR records for these offenders should be Restricted Access

13a.41 Where there is a decision to conduct the meeting outside of standard arrangements, an explanation should be provided and reasons recorded within the minutes of the meeting.

13b. MAPPA Minutes

Introduction

13b.1 Accurate records of MAPPA meetings must be kept. MAPPA B should be used for this purpose (or the relevant 4 Pillars document). The use of any other document or alterations to the MAPPA B must be approved by the SMB and a clear rationale for departing from the statutory guidance recorded. MAPPA minutes must be written in a way that allows those not present at the meeting to understand the nature of the discussion and the issues involved in the case without any prior knowledge of the offender. The records must also demonstrate defensible decision-making (see 11.16 for more information on defensible decision making¹⁷).

13b.2 The minutes of a level 2 MAPPA meeting should be agreed for distribution within 10 working days and minutes of a level 3 MAPPA meeting within 5 working days. If attendees wish to ask for amendments and corrections to be made they must notify the Chair promptly. The Chair should also confirm that the minutes are correct at the next meeting. The minutes must be stored on ViSOR. Any amendments and corrections should be approved by the Chair before the ViSOR record is updated. The minutes should be printed only in a secure environment and never removed from that environment (unless absolutely necessary e.g. the location of the meeting does not have printing facilities or secure waste disposal). Where MAPPA minutes are removed, appropriate data security measures must be taken. MAPPA meeting minutes must never be taken to or from meetings by attendees. The MAPPA meeting administrator should provide numbered copies of the minutes for attendees at the meeting and should collect them in again at the end of the meeting.

13b.3 MAPPA meeting minutes will normally be sent via secure email to those who attended the meeting and to those who were invited but did not attend. Minutes should be sent to prisons where they have sent a MAPPA F but not attended. Any decision not to send the minutes to any of these individuals or to send them to any other party must be made by the meeting Chair and recorded in the minutes. Where another person who is not party to the Information Sharing Agreement (ISA) attends part of the meeting only, they may be sent agreed action points rather than the full minutes. The minutes will be provided to NOMS as a matter of routine in relation to Critical Public Protection Cases and terrorist offenders, and in other cases if requested by the national MAPPA Team. An attendee receiving the minutes is entitled to share them within his or her own agency, if necessary. However, they should not be shared widely within the agency and must not be shared with anyone outside the agency without the agreement of the MAPPA meeting Chair. MAPPA minutes may not be included in court bundles unless agreed by the MAPPA meeting Chair. Any breach of these instructions will be treated as a data loss incident and may be referred to the Information Commissioner's Office (ICO) for investigation.

13b.4 Where an organisation retains MAPPA meeting minutes outside ViSOR, they must be held under the organisation's own data protection procedures, including those on the retention and destruction of records. For example, MAPPA minutes should not be stored on nDelius. Given the highly confidential nature of the minutes, all agencies should ask themselves whether they actually need to keep a copy of the minutes in their files, or whether a record of the actions for their agency and a reference to the fact that the minutes are held on ViSOR would be sufficient.

¹⁷ Kemshall, H. (1998) Defensible Decisions for Risk: Or It's the Doers Wot Get the Blame. *Probation Journal*, 45 (2) 67-

72, <http://prb.sagepub.com/content/45/2/67.abstract>

Kemshall, H. (2009) Working with sex offenders in a climate of public blame and anxiety: How to make defensible decisions for risk. *Journal of Sexual Aggression*, 15 (3) 331-343; <http://www.tandfonline.com/doi/abs/10.1080/13552600903031195>

Requests for MAPPA minutes

Standard - All agencies have a procedure for dealing with requests for the disclosure of MAPPA meeting minutes

13b.5 In working with offenders, victims, and other members of the public, all agencies have agreed boundaries of confidentiality. The information contained in the MAPPA meeting minutes 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.

13b.6 MAPPA is not an official body in itself but is a set of arrangements that exist to assess and manage the risks posed by offenders. As a result, MAPPA cannot own the data contained in the MAPPA meeting minutes. Instead, all agencies that retain copies of the MAPPA meeting minutes act as joint data controllers under the Data Protection Act 1998 (DPA). This means that any of them may be required to respond to requests for MAPPA meeting minutes under DPA or the Freedom of Information Act 2000 (FOIA).

13b.7 Requests for copies of MAPPA meeting minutes can come from a number of sources, including:

- Courts (including family and coroners' courts, and tribunals).
- The Parole Board.
- The Independent Police Complaints Commission.
- The Crown Prosecution Service.
- Other branches of RA and DTC agencies.
- Offenders (subject access requests).
- Other third parties.

13b.8 Whenever an agency receives a request for MAPPA meeting minutes they must inform the MAPPA Co-ordinator. The MAPPA Co-ordinator will keep a record of all such requests in order to ensure that they are dealt with appropriately and to identify where any new information sharing protocols are required. A copy of the final reply to the request should also be sent to the MAPPA Co-ordinator. The MAPPA Co-ordinator must have a retention and destruction schedule for these requests and responses in line with the data retention policy of the system used to store the data.

Third Party Requests

13b.9 Most, if not all of the information provided at MAPPA meetings is derived from information stored on the databases of individual agencies. Providing such information to a third party (i.e. anyone whose personal data is not contained in the MAPPA meeting minutes and who does not represent anyone whose personal data is contained therein) is the responsibility of the agency that provided the data to the meeting. This will be done in line with that agency's data protection policies and processes.

13b.10 When an official request¹⁸ is made for a copy of the MAPPA minutes the person receiving the request should ask for clarification to determine exactly what information is being sought. As time is often short, it is essential that this is done promptly and, wherever possible, in writing. This will ensure that there is an audit trail. If a specific document from the meeting is being sought, the request should be directed to the agency that provided it. For example, requests for NPS risk assessments should be directed to the NPS, requests for prison adjudications should be directed to the Prison Service, and requests for mental

¹⁸ Request received from one of the MAPPA Reasonable Authorities, DTC agencies, Courts, Parole Board, the Independent Police Complaints Commission or the Crown Prosecution Service.

health assessments should be directed to mental health services. But if the information required can only be provided by the contents of the MAPPA meeting minutes, the request should be sent to either the MAPPA Co-ordinator or to the Chair of the most recent MAPPA meeting for reply (this should be decided locally and remain consistent). Where the response is drafted by the MAPPA Co-ordinator, decisions on what information to include should be made by the meeting Chair.

13b.11 The Chair will consider what information it is lawful and appropriate to share. There must be a lawful basis for sharing information and it must be necessary and proportionate to do so. Full guidance on sharing information lawfully is provided in Chapter 9 – Information-sharing and must always be complied with. Information from the MAPPA minutes should not be shared without the involvement of the agency that originally provided it. MAPPA minutes should be shared using an executive summary unless it is absolutely necessary to provide the full minutes. Any reports referencing the MAPPA minutes must be cleared with the MAPPA meeting chair prior to publication to ensure that no sensitive material is disclosed.

13b.12 Courts, tribunals and the Parole Board should be offered executive summaries in the first instance. If this offer is rejected and provision of the full minutes is ordered, they must be provided unless an agreement can be reached to provide a summary. For example, the full minutes and executive summary could be shown to a judge in chambers to demonstrate that the executive summary contains all of the relevant information and then the executive summary could be used in proceedings. If full minutes are provided and there are concerns about the safety of an individual being compromised as a result of the information being shared within court or parole proceedings, this should be made clear in a covering letter.

13b.13 Requests from chairs of reviews (domestic homicide reviews, child serious case reviews etc.) should clarify what they need to know that is not, or could not be, provided by information from individual agencies. If the information required is only held in MAPPA meeting minutes, an executive summary is usually the most appropriate way to respond.

13b.14 It may be necessary and proportionate for the Independent Police Complaints Commission to have a full copy of the minutes where they are conducting an investigation into police management of a MAPPA case. There should be a clear agreement for each case about how sensitive and third-party data will be protected in such circumstances. All agencies whose information is contained in the minutes should have the opportunity to contribute to that agreement.

13b.15 Examples of MAPPA minutes may be provided to DTC agency inspectorates (such as Ofsted) as long as it is clear how each set of minutes will contribute to the published aims and objectives of the inspection. A written agreement should be produced before any minutes are shared, setting out how sensitive information will be protected and data protection requirements complied with. Any personal data should be redacted. All agencies whose information is contained in the minutes should be involved in this process.

13b.16 MAPPA minutes should not be shared widely within RA and DTC agencies. The routine sharing of the MAPPA minutes within an agency should be agreed by the SMB. Any further distribution must be agreed individually with the MAPPA meeting Chair.

13b.17 Requests for information from other third parties (such as relatives or journalists) should be dealt with under the Freedom of Information Act (FOIA).

Freedom of Information

13b.18 A Freedom of Information (FOI) request relating to MAPPA meeting minutes must be dealt with according to the policies and procedures of the agency that receives the request, rather than those of the lead agency or MAPPA meeting Chair. The SMB should determine locally which agency's procedures

should be followed when a FOI request is received by the MAPPA Co-ordinator/Unit. FOI requests must be considered within the timescales set out in the FOIA.

13b.19 Although any third party may request information under FOIA, the MAPPA meeting minutes will include personal data and sensitive personal data, confidential third-party data (including that relating to victims), and operationally sensitive information that will be exempt from being released. Each case must be considered on its merits and the information requested must be fully considered in line with FOIA guidance before any response is issued. However, it will usually be necessary to Neither Confirm Nor Deny (NCND) that the information is held (FOIA s40(5)) for any request where confirming that a meeting took place would confirm that the offender was being managed at MAPPA Level 2 or 3. This will apply in nearly all cases.

13b.20 Even where a NCND response is not appropriate, one or more of the following exemptions in the FOIA is likely to apply to some or all of the information contained therein:

- Investigations and proceedings by public authorities (section 30(1)(b)).
- Law enforcement (section 31).
- Health and safety (section 38).
- Personal information (section 40).
- Information provided in confidence (section 41).

13b.21 There may also be restrictions under the DPA on disclosing this information to others. For further advice on FOI requests please contact the national MAPPA team.

Subject Access Requests

13b.22 Good practice includes discussing with offenders their risk assessment and risk management plan and explaining how the MAPPA arrangements work to support the management of risk. Where offenders ask, they are entitled to know what is written down about them, albeit with some caveats. This applies to MAPPA minutes in the same way as it does to case records.

13b.23 Any request for a copy of the MAPPA meeting minutes from the offender (or possibly from the victim if his or her personal data is contained within the MAPPA meeting minutes) must be dealt with as a SAR in accordance with the DPA, even if no specific reference is made to DPA or SAR in their correspondence. This includes requests made on behalf of an offender by his or her solicitor or other representative. An executive summary of the MAPPA meeting minutes meets the requirements of a SAR under DPA and should be provided in response to such a request. However, if an offender specifically requests information under FOIA then clarification should be sought as to whether they want the information under SAR. If they insist on a response under FOIA then a NCND response should be sent as an individual's personal data is exempt under FOIA, even where the individual concerned asks for it.

13b.24 The DPA contains a number of exemptions to protect sensitive data. These must only be applied on a case by case basis and cannot be used as a blanket ban on the disclosure of MAPPA meeting minutes. The most likely exemptions to be engaged in relation to MAPPA minutes are:

- s29(1)a the detection or prevention of crime
- s7(4) information relating to another identifiable individual.

13b.25 In applying these exemptions, the potential impact on the data subject, the public and other individuals can be taken into account. Disclosure can be refused where it would be likely to prejudice the prevention or detection of crime, even where there is no firm suggestion that the offender is involved in any criminal activity. The degree of risk must be such that there "may very well" be prejudice, even if the risk

falls short of being more probable than not. For further advice on this please consult the relevant agency's data access compliance colleagues.

13b.26 A Subject Access Request (SAR) relating to MAPPA meeting minutes must be considered within the timescales set out in data protection legislation and must also be dealt with according to the policies and procedures of the agency that receives it. If a request is received by NPS or Prison Service staff it should be referred to the Ministry of Justice Data Access and Compliance Unit (DACU) at Branston immediately, in line with the process for dealing with all SARs. DACU Branston will then send it to the relevant MAPPA Co-ordinator, who may assign it to the relevant meeting Chair. The Co-ordinator or meeting Chair will be responsible for producing the executive summary and returning it to DACU Branston within 30 days of receipt. If the MAPPA Co-ordinator produces the executive summary, it must be approved by the meeting Chair; if the Chair produces it, it must be copied to the MAPPA Co-ordinator. DACU Branston will then send the executive summary to the data subject along with a covering letter explaining what has been included/excluded and why. The covering letter will be completed by DACU Branston but meetings Chairs (or MAPPA Co-ordinators) should tell them about the exemptions engaged in completing the summary. If the request was made to NPS, the Chair (or MAPPA Co-ordinator) producing the executive summary should follow the process outlined above even if they are employed by the police. Equally if a request is made to the Police, the Chair (or MAPPA Co-ordinator) will follow the police process even if they are employed by probation. This applies to all agencies, including Mental Health Services and Youth Offending Services. The underlying principle is that it is the agency who receives the SAR whose procedures must be followed and not the agency who employs the Chair of the meeting (or MAPPA Co-ordinator).

Executive Summary

13b.27 An executive summary for an offender should include:

- Risk assessment outcomes (eg OASys, ARMS, RM2000).
- Reason for referral.
- Date of the meeting and next meeting.
- Attendance and apologies. This should be recorded by role or organisation rather than individuals' names.
- A summary of the meeting, including updates, discussions and decisions.
- An outline of the risk assessment summary and risk management plan, including the nature of the risk, factors likely to raise or reduce risk, any actions put in place to manage the identified risk, whether these actions were completed, and reasons for any change in MAPPA level.
- Any considerations in relation to disclosure.
- Any other actions.

13b.28 To ensure the executive summary is accurate and all agencies agree to the release of the information contained within it, the MAPPA meeting Chair (or MAPPA Co-ordinator) should circulate the draft to those who attended the meeting, or who provided reports or contributed information that was recorded in the minutes. This circulation should be copied to the MAPPA Co-ordinator. These agencies cannot prevent information from being released but they may be aware of circumstances that mean an exemption is engaged. The final decision on what information is released lies with the meeting Chair. Once agreed the completed executive summary should be stored with the full MAPPA minutes and be subject to the same controls. All agencies should follow their own data protection and retention policies in relation to executive summaries stored on their systems or in their files.

Information for court reports

13b.29 Reports for recall, courts or the Parole Board must not quote a MAPPA meeting as a source of information. Where a specific piece of information that has been shared at a level 2 or 3 MAPPA meeting is necessary, the report writer must first consult the agency that provided it to seek approval to use the information in a report. The information must be attributed to the agency and the content agreed with the agency representative who attended the MAPPA meeting. Where it is known that the report is required, it is helpful for this to be agreed at the meeting. The rationale for any recommendations in reports need to be clear. Lead agencies need to own decisions taken at MAPPA meetings (see 12.6).

13b.30 Where an offender is being, or will be, actively managed at MAPPA level 2 or 3 in the community, the report writer may wish to explain this in the report. It is essential, where MAPPA management is referred to, that it is properly explained and its contribution to risk management is set out.

14. MAPPA Document Set

Standard: The SMB should ensure that the Responsible Authority and Duty to Co-operate (“DTC”) agencies are using all of the documents outlined in this section

Introduction

14.1 This section describes the MAPPA Document Set as recommended by this Guidance, the purpose of each MAPPA document, and a brief description of its use. Any deviation from the recommended documents should be agreed by the Strategic Management Board (“SMB”).

14.2 The revised MAPPA Document Set has been developed following extensive consultation nationally. The documents have been introduced in order to establish national consistency, particularly with regard to referral and minute-taking for level 2 and 3 cases.

Document protective markings

Standard: The SMB is satisfied that information is shared and stored according to the Government Protective Marking Scheme (“GPMS”)

14.3 The SMB must have in place Information Sharing Protocols which address how information can be shared with all Responsible Authority and DTC agencies. These Protocols must demonstrate that the agencies understand their responsibilities regarding the confidential handling of such information and that they are able to meet the requirements.

14.4 Once completed, the MAPPA documents are RESTRICTED. However, when information is entered on ViSOR, it becomes CONFIDENTIAL (although only in respect of its entry on ViSOR – in other respects it remains RESTRICTED), because the whole of the ViSOR system is CONFIDENTIAL.

14.5 Minutes of MAPP meetings will be sent to those who attended the meeting. They will be marked RESTRICTED and must be handled as such by the receiving agency.

14.6 Where an agency or individual is invited to a MAPP meeting who is not a signatory to the SMB Information Sharing Protocols, the MAPPA Co-ordinator should ensure that the MAPP meeting Chair is aware of this. The MAPP meeting Chair must ensure that the individual is aware of the restrictions and duties in relation to information being shared in the MAPP meetings and confirm that he or she is willing and able to abide by them. If unable to do this, the individual should not be allowed to attend the meeting, and arrangements should be made to allow appropriate information to be disclosed to him or her following the meeting.

The Document Set

14.7 The MAPPA Co-ordinator will ensure that the document set is publicised in his or her area, particularly to all referring agencies, offender managers, case managers and DTC agencies, together with the instructions for completing the MAPPA A and the MAPPA B.

MAPPA A. Referral to a level 2 or 3 meeting

14.8 The greatest proportion of referrals for level 2 and 3 MAPPA are made by Probation Trusts, and it is intended that an electronic version of the MAPPA A should be available in time. The MAPPA A should be used by all referring agencies.

14.9 The MAPPA A should contain the details of any additional invitees to the MAPP meeting, in order for the Co-ordinator to arrange those invitations. Invitations should be sent at least two weeks in advance of the meeting, unless a meeting is called as a matter of urgency.

MAPPA B. Minutes of level 2 and 3 MAPP meetings

14.10 By completing the MAPPA A electronically, MAPPA Co-ordination Units will also be provided with an electronic copy of the MAPPA B, with specific sections automatically populated from the MAPPA A. The MAPPA B contains significant and appropriate information from the lead agency including the lead agency's original risk assessment and Risk Management Plan ("RMP"). This is to enable the agencies involved in MAPPA to have sufficient information in order for them to contribute to the development of the MAPPA RMP, and to review and update the MAPPA RMP at MAPP meetings. Information from the MAPPA B should be used to update the ViSOR record.

MAPPA C. Aide-mémoire for the MAPP meeting chair

14.11 By following the aide-mémoire, the Chair will be able to manage the meeting effectively and ensure that all necessary information is recorded.

MAPPA D. Confidentiality Statement

14.12 The Confidentiality Statement must be either read or displayed at each MAPP meeting. Where this is not read, the Chair must draw attention to it at the start of the meeting.

MAPPA E. Record of agencies attending the meeting

14.13 This is the record of the agencies attending the MAPP meeting. By signing the attendance sheet, each agency is agreeing to abide by the Confidentiality Statement.

MAPPA F. Prison service report

14.14 Where required, the MAPPA Co-ordinator will ensure that the Prison Service is requested to provide the MAPPA F contribution to the level 2 and 3 MAPP meeting. A Prison Service representative should also attend in person or by video or telephone conferencing, where possible.

MAPPA G. Transfer

14.15 This should be completed once the lead agency transfer policy has been followed, and sent to the local MAPPA Co-ordinator. This will ensure that the ViSOR record is transferred, and a MAPP meeting can be agreed within the required timescale.

MAPPA H. YOT Notification

14.16 The YOT should send the notification MAPPA H for all young offenders who are liable to MAPPA management to the relevant MAPPA Co-ordinator. Information regarding when this should be provided is described in the Notification chapter of the Guidance (chapter 6).

MAPPA I. Mental Health Notification

14.17 The mental health service should send the notification MAPPA I for all patients who are liable to MAPPA management to the relevant MAPPA Co-ordinator. Information regarding when this should be provided is described in the Notification chapter of the Guidance (chapter 6).

MAPPA J. Notification to Jobcentre Plus of offenders who are liable to MAPPA management

14.18 Probation and police offender managers should send MAPPA J to Jobcentre Plus to inform them of any restrictions placed upon the offender with regard to employment or training. See chapter 3 on Duty to Co-operate agencies for information.

MAPPA K. Audit of Level 2 and 3 cases

14.19 Areas may wish to use MAPPA K to audit cases managed at level 2 or 3 in order to provide information to the SMB. *The scoring for this document is not based on research and is for guidance only.*

MAPPA L. Audit of Level 2 and 3 meetings

14.20 Areas may wish to use MAPPA L to audit MAPPA level 2 or 3 meetings in order to provide information to the SMB.

MAPPA M. Minute Executive Summary

14.21 The Minute Executive Summary is completed and provided by the MAPPA Co-ordinator in reply to a request for MAPPA minutes as described in chapter 10 on Disclosure.

MAPPA N. Notification of MAPPA Serious Further Offence

14.22 The MAPPA N, notification of a MAPPA Serious Further Offence, should be sent by the Offender Manager to the MAPPA Co-ordinator within 5 working days of the offender being charged.

MAPPA O. MAPPA Serious Case Review report

14.23 The MAPPA O should be used as a template for completing the review of a serious further offence.

MAPPA P. Notification to Housing Benefit SPOC

14.24 The lead agency should send MAPPA P to the Single Point of Contact for housing benefit in the area. This is in relation to MAPPA offenders at level 2 or 3 who are aged 25 to 34 and are therefore exempt from the shared accommodation rate.

Information required if MAPPA A and MAPPA B are not used

14.25 When the SMB has decided that the MAPPA A (Referral) and MAPPA B (Minutes) are not going to be used in that area, the documents used instead must contain the following information.

Referral

- The identification of one MAPPA category
- Offender information
 - Last name, First name
 - Date of birth
 - Aliases including nicknames
 - Prison and Prison number
 - Last known address before imprisonment
 - Proposed release address
 - Current address if in the community
 - Gender
 - Ethnicity
 - PNC ID
 - ViSOR reference (must be completed for all sexual offenders)
 - Lead agency's unique identifier

- Conviction / caution information
 - Index offence / relevant caution
 - Date of conviction / caution
 - Sentence
 - Brief details of offences
- Key dates
 - The earliest release date
 - The start and end date of a community order
- Lead Agency's Risk Assessment
 - Scores from tools used
 - Lead Agency's risk assessment
 - Summary of the Risk Management Plan
 - Reason for the referral, and the added value of MAPPA management at level 2 or 3
- Victim Concerns
 - Victim of the index offence and any other potential victims
 - MARAC involvement
- Safeguarding
 - Identify any child protection concerns
 - Identify any vulnerable adult concerns
- Referring Agency
 - Identification of the person referring
 - Management sign-off when required by that agency
- Additional invitees to the MAPP meeting

Minutes

- The identification of one MAPPA category
- Offender information
 - Last name, First name
 - Date of birth
 - Aliases including nicknames
 - Prison and Prison number
 - Last known address before imprisonment
 - Proposed release address
 - Current address if in the community
 - Gender
 - Ethnicity
 - PNC ID
 - ViSOR reference (must be completed for all sexual offenders)
 - Lead agency's unique identifier
- Conviction / caution information
 - Index offence / relevant caution
 - Date of conviction / caution
 - Sentence
 - Brief details of offences
- Key dates
 - The earliest release date
 - The start and end date of a community order
- Lead Agency's Risk Assessment
 - Scores from tools used
 - Lead Agency's risk assessment
 - Summary of Lead Agency's risk management plan

- Victim Concerns
 - Victim of the index offence and any other potential victims
 - MARAC involvement
- Safeguarding
 - Identify any child protection concerns
 - Identify any vulnerable adult concerns
- Record of MAPP meeting actions (completed, if not completed then give reason)
- Information from agencies
- MAPPA agreed risk assessment
- MAPPA agreed Risk Management Plan
- MAPPA revision of risk of serious harm posed
- Disclosure
 - Is a disclosure going to be made. Yes, give details / No, give details
 - How will this be done and the date
 - Press and Media Handling
- Press and media handling
 - Record details
- MAPP meeting actions
 - Agency and specific deadline
- Conclusion
 - What level of MAPPA management is recommended in this case and why
- Human Rights Validation.

15 Custody

Introduction

15.1 The Prison Service is one of the three agencies that form the MAPPA Responsible Authority and has a critical role to play in the management of MAPPA offenders. The Prison Service is required to provide information regarding MAPPA offenders at key points in their sentence and on release. Prison staff will have recorded a wealth of information about the offender that will be used to inform the plans for their release. This includes information about the offender's behaviour in custody, engagement in accredited programmes and employment or education related activities, and contact made with others, either in custody or the community.

Identification of MAPPA offenders

Standard - MAPPA offenders are identified on entering custody

15.2 All MAPPA offenders should be identified during reception procedures and the appropriate alerts should be placed on their Prison-NOMIS record. Prison staff should also ensure that they identify the correct offenders from their population as ViSOR nominals, and request partnership to their ViSOR record, as directed by the National ViSOR Standards.

Release dates

Standard - The prison confirms release dates for determinate sentence prisoners subject to MAPPA no later than eight months before release

15.3 Prison staff should ensure that they provide early information to the Offender Manager about release dates and any subsequent changes to the date. This will require staff involved in sentence calculation to anticipate, as far as is practical, any last-minute changes that could affect release plans. It is essential that release dates are as accurate as possible, as late changes can adversely affect the risk management plan and the protection of the public. Prison staff should record release information onto the ViSOR record, where one exists.

15.4 The Prison Service will confirm release information as a matter of urgency when MAPPA Level 2 and 3 offenders are released at short notice following a change in their release date.

15.5 Although sentence calculations are completed shortly after sentence, the initial release dates may be adjusted in certain circumstances, such as:

- The Additional Days Awarded (ADA) or restoration of days added to a sentence by an Independent Adjudicator, Senior District Judge or deputy as a disciplinary award¹⁹.
- The deduction of days spent on remand by offenders before they were sentenced.
- The addition of the days an offender has spent unlawfully at large, following an escape or abscond from custody or after recall.
- The imposition of a further sentence.
- Variation of the sentence following appeal or judicial review

¹⁹ Please see Prison Service Instruction 47/2011 Prisoner Discipline Procedures - <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2011/psi-47-2011-prison-discipline-procedures.doc>

15.6 It is essential that prison staff responsible for sentence calculation ensure that all relevant factors have been taken into account at the point when the sentence is first calculated and that this is checked and confirmed each time the offender is transferred to minimise the likelihood of any last-minute changes in release dates.

Standard - The Prison Service ensures that the Offender Manager is aware of the unexpected release of an offender

15.7 The offender manager must be made aware when permission has been granted for appeal or judicial review and when the hearing will take place, so that a contingency plan to address the possibility of early release can be put in place. The Offender Manager must be notified immediately when MAPPA offenders are released as a consequence of appeal or judicial review proceedings to allow them to review the offender's MAPPA status and put arrangements in place to manage his or her release.

15.8 Prison staff should ensure that the Police in the release area are informed in all cases of unexpected release at the earliest possible opportunity.

15.9 For indeterminate sentence prisoners, the offender's release is subject to the Parole Board decision. The Generic Parole Process (GPP) timetable is set out in Prison Service Instruction 22/2015 and Probation Instruction 14/2015²⁰.

Release at Sentence End Date

15.10 ViSOR is the primary tool for communicating the release of ViSOR nominals. An additional notification of release must be sent to the police area to which the offender is being discharged. This is a priority in cases where the individual is released without a license at the point of sentence expiry.

MAPPA Level

Standard - The level at which a MAPPA offender is being managed is communicated to the prison at least six months before release

15.11 The prison must be consulted for their view of the proposed MAPPA level at the time the level screening takes place for an offender in custody. If the prison has concerns about the proposed level of management, or risk information that could impact the level setting they should contact the Offender Manager within 14 days to put this forward. Any difference in professional opinion should be escalated through the line management chain. If after 14 days there has been no contact from the prison, it can be assumed that there are no concerns and the proposed level will be considered final.

15.12 Contact with the prison must be made using the prison functional mailbox (see 15.21). Setting the MAPPA level of management is not the responsibility of the Prison Service but concerns about proposed levels should be raised in line with the RA duties. The prison should record information about the level of management on the Prison-NOMIS record when is received from the lead agency.

15.13 The screening process and setting of the MAPPA level should take place **at least six months before release**. For determinate sentences, this is six months before the release date. For those eligible for parole it will be at least six months before the parole eligibility date/tariff expiry date, and at each subsequent parole review. There may be some cases where the process needs to start earlier due to the complexity and

²⁰ <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2015/psi-22-2015-generic-parole-process-indeterminate-determinate-sentenced-prisoners.doc>

seriousness of the case or the shortness of the custodial part of the sentence left to serve before early release is considered. The Offender Manager will advise the prison if this is the case.

15.14 MAPPA levels should be communicated to the prison at least six months before the release of a qualifying offender. Prison staff should make reasonable attempts to establish the level from the Offender Manager if they have not received the information within the correct timeframe. If the issue persists, the matter should be referred to the MAPPA Coordinator using the MAPPA S - Escalation form found on the MAPPA website. Any failure to meet the standard can undermine the management of the offender while in custody and on release and impede the Prison Service contribution to the MAPPA meeting.

15.15 When a MAPPA offender is recalled to prison on a fixed term recall, his or her MAPPA management level will be reviewed by the lead agency before the offender's release.

15.16 When a MAPPA offender is recalled on a standard recall, his or her MAPPA management level will be reviewed:

- before the 28 day Parole Board review
- 6 months before any subsequent Parole Board review, and
- prior to any consideration for executive re-release.

MAPPA meetings: invitations, attendance and reports

Standard – The Prison has an established Interdepartmental Risk Management Meeting (IRMM) to manage high risk of harm MAPPA offenders in custody

15.17 The Interdepartmental Risk Management Meeting (IRMM) is an internal multi-disciplinary prison meeting that should be used to monitor and manage the risk of those offenders who present the highest level of risk of serious harm in custody. Although the prison cannot assign MAPPA levels, this meeting should be used to share information across prison disciplines, contribute to MAPPA level screening, support MAPPA Level 2 and 3 meetings and make a valuable contribution to risk assessment, risk management plans and sentence planning.

15.18 The Offender Manager should be invited to the meetings and provided with minutes of the IRMM whether or not he or she attends. The Offender Manager should be informed of any behaviours of concern, changes to the level of risk of serious harm, or significant changes in the offender's personal life, such as the end of a significant relationship.

Standard - Timely MAPPA invitations are sent to the functional mailbox of the prison

15.19 As part of the Responsible Authority, the Prison Service should be invited at the earliest opportunity to all Level 2 and 3 MAPPA meetings for all relevant prisoners. Invitations should be sent by the responsible MAPPA area in a timely manner, allowing sufficient time for the different departments within a prison to contribute effectively to the meeting.

15.20 The prison should receive an invitation no later than 14 days in advance of the MAPPA meeting, unless it is an emergency meeting.

15.21 Most prisons operate secure functional mailbox addresses. MAPPA invitations and related correspondence should be sent to the functional mailbox and not to individual prison personnel. A database

of all prison functional mailbox addresses and the MAPPA point of contact for each prison across England and Wales is updated biannually and can be accessed via the General Community of the MAPPA website²¹.

15.22 The prison representative attending a MAPPA meeting must be someone with the right knowledge of the offender who also has the authority to make decisions. A decision as to the best person to attend should be made on a case-by-case basis. Due to geographical and functional differences it may not always be possible for a prison representative to attend a MAPPA meeting in person and alternatives to attendance such as video link and telephone conferencing should be explored.

Standard - The Prison Service provides a report (MAPPA F) to all relevant MAPPA Level 2 and 3 meetings

15.23 A MAPPA F must be completed in line with the guidance found within the report template. A prison contribution via MAPPA F must be made for all Level 2 and 3 meetings the Prison Service is invited to, irrespective of prison attendance at the MAPPA meeting.

15.24 If a prison representative is unable to attend a Level 2 or 3 MAPPA meeting and an action has been set for the prison in their absence, a designated person at the meeting will be identified to take forward the action with the prison. Where actions are required regarding the interception of an offender's mail and pin phone account, or restricting social visits, a designated person at the meeting will be identified to make this request in writing to the prison. The designated person should be of an appropriately senior grade and responsibility to make such a request. The request should clearly explain why the action required from the prison is proportionate and necessary to manage the risk of harm the offender poses²².

15.25 The MAPPA meeting minutes should be accessible to the prison through ViSOR and can be used by the prison to audit the completion of actions. The MAPPA administration should send an email to the secure functional mailbox of the prison indicating that the MAPPA minutes are available. The MAPPA minutes should be available within five days for a Level 3 meeting and within 10 days of a Level 2 meeting.

15.26 It is important to remember that the required contribution for Level 2 and 3 meetings does not restrict the Prison Service in exchanging information for Level 1 offenders.

Release on Temporary Licence (ROTL) & Move to open conditions

15.27 Since the introduction of Prison Service Instruction 13/2015 and Probation Instruction 10/2015 Release on Temporary Licence²³, all MAPPA offenders are subject to the Restricted ROTL regime. For these offenders a period of ROTL can be considered only once the offender has progressed to a prison designated to provide restricted ROTL. If an offender has been assessed as requiring management at Level 2 or 3 when they are due to be released on any form of temporary release into the community from prison, the Governor (having consulted the MAPPA co-ordinator for the area where the ROTL is planned) must be satisfied in advance that the offender does not pose an unacceptable risk of harm before a release is agreed. However, a MAPPA meeting should not be held just for the purpose of deciding whether or not ROTL should be granted.

15.28 Prison staff must ensure that all periods of ROTL are recorded on ViSOR in cases where a record exists. The entry must show the days and times when the offender is not within the prison where ROTL is

²¹ <https://mappa.justice.gov.uk/connect.ti/General/view?objectId=23037029>

²² Please see Prison Service Instruction 04/2016 Interception of Communications - <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2016/PSI-04-2016-The-Interception-of-Communications-in-Prisons-and-Security-Measures.doc>

²³ <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2015/psi-13-2015-release-on-temporary-licence.docx>

granted for regular work, training or other such activity. For further information on Restricted ROTL refer to PSI 13/2015 – PI 10/2015.

The Offender Manager should also be consulted when an offender serving a determinate sentence is being considered for a move to open conditions.

16 Armed Forces

Introduction

16.1 The Ministry of Defence (MoD) is a Duty to Co-operate agency and has a critical role to play in the management of those who are convicted of sexual and violent offences and remain in the armed forces. The MoD has agreed to provide the Responsible Authority with information regarding MAPPA offenders at key points in their sentence and on release to support the lead agency risk management plan. This includes information about the offender's behaviour in custody, any engagement in intervention programmes and employment or education related activities, and contact made with others, either in custody or the community. The lead agency will be the Police as these offenders are not subject to supervision on licence on release.

16.2 Armed forces personnel are subject to the jurisdiction of the Service Justice system as well as the civilian criminal justice system. As such they can be convicted of a 'crime' under s.42 of the Armed Forces Act (AFA) 2006²⁴ (Criminal Conduct) which applies the criminal law of England & Wales to them wherever they are in the world. Service personnel convicted of criminal conduct under s.42 can be sentenced to a period of detention and serve their sentences at the Military Corrective Training Centre (MCTC) in Colchester. Offenders may be sentenced to up to two years detention under s.42. They can also be sentenced to a term of imprisonment and serve their sentence in a civilian prison (see Chapter 15: Custody) or be given a hospital order and admitted to a civilian hospital (see Chapter 26: Mentally Disordered Offenders). They will usually be discharged from the armed forces if they are given a sentence of imprisonment or a hospital order.

16.3 Sexual offenders convicted of an offence under s.42 AFA 2006 are subject to notification requirements if the corresponding offences under the law of England and Wales qualify for notification requirements and are sentenced to a term of service detention of at least 112 days. These offenders are subject to MAPPA under Category 1. S.42 AFA 2006 does not fall under Sch. 15 and so other offenders sentenced under this section are not eligible for MAPPA Category 2. Where the MoD (or any other agency) deems that these offenders pose a risk of serious harm that requires active multi-agency management they should consider referral into Category 3. See paragraphs 6.10-6.18 for the criteria for referral into Category 3. Service Police Crime Bureau (SPCB) monitor service personnel subject to MAPPA and are responsible for maintaining the ViSOR records.

Identification of MAPPA offenders

Standard - MAPPA offenders are identified on entering custody

16.4 All MAPPA offenders should be identified during reception procedures and the appropriate alerts should be placed on the MCTC Detainee Management List. MCTC staff are to engage with the SPCB ViSOR team to ensure that they identify the correct offenders from their population as ViSOR nominals. SPCB will be responsible for partnering the identified offender to their ViSOR record as directed by the National ViSOR Standards. MCTC will confirm with SPCB that this has been completed.

Release dates

Standard - The MCTC confirms release dates for determinate sentence detainees subject to MAPPA no later than eight months before release or as soon as possible for those serving less than eight months.

²⁴ <https://www.legislation.gov.uk/ukpga/2006/52/section/42>

16.5 MCTC staff should ensure that they provide early information to the local police offender manager about release dates and any subsequent changes to the date. This will require staff involved in sentence calculation to anticipate, as far as is practical, any last-minute changes that could affect release plans. It is essential that release dates are as accurate as possible, as late changes can adversely affect the risk management plan and the protection of the public. MCTC should confirm any release date with SPCB who will record the release information onto the ViSOR record, where one exists. Post release from MCTC, where the offender remains in the Armed Forces, any on-going MAPPA involvement would fall to SPCB.

16.6 The MCTC will confirm release information as a matter of urgency with the relevant local police force and SPCB when MAPPA Level 2 and 3 offenders are released at short notice following a change in their release date.

Standard - The MCTC ensures that the police offender manager is aware of the unexpected release of an offender

16.7 The police offender manager must be made aware when permission has been granted for appeal or judicial review and when the hearing will take place, so that a contingency plan to address the possibility of early release can be put in place. The police offender manager must be notified immediately when MAPPA offenders are released as a consequence of appeal or judicial review proceedings to allow them to review the offender's MAPPA status and put arrangements in place to manage his or her release.

16.8 MCTC staff should ensure that the Police in the release area are informed in all cases of unexpected release at the earliest possible opportunity.

16.9 ViSOR is the primary tool for communicating the release of ViSOR nominals. An additional notification of release must be sent to the police area to which the offender is being discharged. This is a priority in cases where the individual is released without a license at the point of sentence expiry.

MAPPA Level

Standard - The level at which a MAPPA offender is being managed is communicated to the MCTC at least six months before release or as soon as possible for those serving less than six months.

16.10 The local police must consult the MCTC for their view of the proposed MAPPA level at the time the level screening takes place for an offender in custody. If the MCTC has concerns about the proposed level of management, or risk information that could impact the level setting they should contact the police offender manager within 14 days to put this forward. Any difference in professional opinion should be escalated through the line management chain. If after 14 days there has been no contact from the MCTC, it can be assumed that there are no concerns and the proposed level will be considered final.

16.11 Contact with the MCTC must be made using the MCTC functional mailbox. The MCTC should record information about the level of management on their case management system when it is received from the police.

16.12 The screening process and setting of the MAPPA level should take place **at least six months before release, or as soon as possible depending on sentence length**. There may be some cases where the process needs to start 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. The police offender manager will advise the MCTC if this is the case.

16.13 MAPPA levels should be communicated to the MCTC at least six months, or as soon as possible if sentence length is less, before the release of a qualifying offender. MCTC staff should make reasonable attempts to establish the level from the police offender manager if they have not received the information

within the correct timeframe. If the issue persists, the matter should be referred to the MAPPA Coordinator using the MAPPA S - Escalation form found on the MAPPA website²⁵. Any failure to meet the standard can undermine the management of the offender while in custody and on release and impede the MoD contribution to the MAPPA meeting.

MAPPA meetings: invitations, attendance and reports

Standard – The MCTC has established the Detainee Management Meeting (DMM) to manage high risk of harm MAPPA offenders in custody

16.14 The weekly Detainee Management Meeting (DMM) is an internal multi-disciplinary meeting that is used to monitor and manage the detainees who present the highest level of risk of serious harm whilst in detention. The DMM is used to share information across MCTC disciplines, contribute to MAPPA level screening, support MAPPA Level 2 and 3 meetings and make a valuable contribution to risk assessment, risk management plans and sentence planning. Additionally, a preliminary meeting is held within the Offender Management Unit (OMU) to discuss all detainees on admission to MCTC, to identify any initial risks and relevance to MAPPA; referrals, where appropriate, will then be made to the relevant MAPPA area.

16.15 When a referral has been made to the MAPPA area, MCTC should offer the opportunity to a representative from the team to discuss any behaviours of concern, changes to the level of risk of serious harm, or significant changes in the offender's personal life, such as the end of a significant relationship.

Standard - Timely MAPPA invitations are sent to the MCTC functional mailbox

16.16 The MCTC should be invited at the earliest opportunity to all Level 2 and 3 MAPPA meetings for all MCTC detainees. Invitations should be sent by the responsible MAPPA area in a timely manner, allowing sufficient time for the different departments within the MCTC to contribute effectively to the meeting.

16.17 The MCTC should receive an invitation no later than 14 days in advance of the MAPPA meeting, unless it is an emergency meeting.

16.18 MAPPA invitations and related correspondence should be sent to the functional mailbox and not to individual MCTC personnel.

16.19 The MCTC representative attending a MAPPA meeting must be someone with the right knowledge of the offender who also has the authority to make decisions. A decision as to the best person to attend should be made on a case-by-case basis. Due to geographical proximity it may not always be possible for an MCTC representative to attend a MAPPA meeting in person and alternatives to attendance such as video link and telephone conferencing should be explored.

Standard - The MCTC provides a report (MAPPA F) to all relevant MAPPA Level 2 and 3 meetings

16.20 A MAPPA F must be completed in line with the guidance found within the report template. An MCTC contribution via MAPPA F must be made for all Level 2 and 3 meetings the MCTC is invited to, irrespective of MCTC attendance at the MAPPA meeting.

16.21 If an MCTC representative is unable to attend a Level 2 or 3 MAPPA meeting and an action has been set for the MCTC in their absence, a designated person at the meeting will be identified to take forward the action with the MCTC. Where actions are required regarding the interception of an offender's mail and pin phone account, or restricting social visits, a designated person at the meeting will be identified to make this

²⁵ <https://mappa.justice.gov.uk/connect.ti/MAPPA/view?objectID=58688357>

request in writing to the MCTC. The designated person should be of an appropriately senior grade and responsibility to make such a request. The request should clearly explain why the action required from the MCTC is proportionate and necessary to manage the risk of harm the offender poses²⁶.

16.22 The MAPPA meeting minutes should be accessible to the MCTC through ViSOR and can be used by the MCTC to audit the completion of actions. The MAPPA administration should send an email to the MCTC secure functional mailbox indicating that the MAPPA minutes are available. The MAPPA minutes should be available within five days for a Level 3 meeting and within 10 days of a Level 2 meeting.

16.23 It is important to remember that the required contribution for Level 2 and 3 meetings does not restrict the MCTC in exchanging information for Level 1 offenders.

²⁶ Please see The Service Custody and Service of Relevant Sentences Rules 2009, Rule 23. Interception of Communications - <https://www.legislation.gov.uk/uksi/2009/1096/article/23/made>

17. Transfer of MAPPA Cases

Introduction

Standard – Transfer of MAPPA level 2 and 3 cases is properly managed

17.1 It is critical to ensure that all transfers of cases managed in MAPPA are properly planned and managed. The overriding consideration when transferring a MAPPA case is the protection of the public and where the overall risk can be best managed.

17.2 **Transfers should be agreed by the lead agency according to that agency's transfer policy.**

Probation: refer to Probation Instruction 17/2010.

17.3 Once transfer has been agreed, for level 2 and 3 managed cases the most recent available minutes should be sent to the receiving MAPPA Co-ordinator or they should confirm they have accessed them on ViSOR.

17.4 Once transfer has been agreed for level 1 managed cases, a MAPPA G should be completed and sent to the receiving MAPPA Co-ordinator. This form will identify the screening process as to the decision to manage at level 1.

17.5 **MAPPA does not give collective authority to require or refuse the transfer of a case.**

Accepting or refusing a case transfer is the responsibility of the lead agency in accordance with its own agency procedures. However, MAPPA agencies 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.

17.6 **ViSOR protocols and standards:** these must be followed with cases being transferred promptly between areas and all contacts and partners being updated as required.

17.7 Before release, where the MAPPA management level is identified as level 2 or 3, a MAPP meeting arranged by the transferring area involving the two MAPPA areas must be held, to ensure that effective information-sharing takes place to address the transfer issues. The location of the meeting is for agreement between the transferring and receiving areas. The transfer should be expedited to allow the receiving lead agency and MAPPA area to take responsibility for the risk management plan.

17.8 Once the offender has moved into the new area the MAPPA management of the offender should correspondingly move to this MAPPA area.(this includes AP placements) This dovetails with the ViSOR ownership of the offender . As a general rule receiving MAPPA Areas should accept in good faith the existing level of management of the transferred in case. The lead agency in the receiving area should review and consider the level of management following the transfer.

17.9 In exceptional circumstances the transferring MAPPA area may retain MAPPA ownership, however there must be a defensible decision regarding this that is recorded in MAPPA minutes and ViSOR and is **agreed by both MAPPA areas**. If the receiving MAPPA area are not in agreement, the default position is as noted in 17.8.

17.10 In line with PI 17/2010, the key principles regarding case transfer should be applied. Trusts will need to ensure that the objectives of the sentence plan can still be delivered if the transfer is agreed.

17.11 Where the transfer is being arranged at short notice before release, or for MAPPA cases in the community, the timing and scheduling of MAPP meetings should not cause delay in the receiving area's management of the offender. However, it is important that communication and co-operation are achieved to ensure that a robust risk management plan is completed by the transferring area in preparation for transfer.

17.12 Where an offender is to be placed in Approved Premises outside the home area, refer to chapter 18 on Approved Premises, and Probation Circular 17/2010.

Cross-border transfers

Standard – General principles of transfer are followed in cross-border transferred level 2 and level 3 cases

17.13 Where the lead agency for an offender is Probation and the offender moves within England and Wales, the procedures described in Probation Circular 17/2010 must be followed.

17.14 However, when the transfer is between England / Wales and Scotland, Northern Ireland, the Isle of Man, and the Channel Islands, the legislation differs according to the countries involved.

17.15 For further Guidance refer to Scottish Executive Justice Department Circular 6/1999 and Probation Circular 17/2010.

17.16 Principles for the liaison and exchange of information between the Responsible Authority and MAPPA in England / Wales and Scotland for offenders who fall within the offender categories are defined by section 327 of the Criminal Justice Act 2003 and section 10 of the Management of Offenders etc.(Scotland) Act 2005.

17.17 MAPPA arrangements in Scotland commenced in April 2007 and relate only to registered sexual offenders. Therefore, the process described applies only to Category 1 offenders.

17.18 Where a MAPPA level 2 or level 3 offender is not under the management of a Probation Trust or the Criminal Justice Social Work department, and therefore not subject to the cross-border transfer legislation, it will be for the Responsible Authority in one area to make contact with the equivalent Responsible Authority in another area to provide the relevant information. Thereafter, it is for the receiving Responsible Authority to make the arrangements for referral to MAPPA in their area.

17.19 MAPPA category 1 offenders and MAPPA category 2 and 3 managed at level 2 and 3 have their details recorded on ViSOR and, once a transfer has been agreed, the necessary transfer of the ViSOR record must also take place.

18. Approved Premises

Introduction

18.1 This section explains the role of Approved Premises in managing MAPPA offenders. 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.

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

- | | | |
|------------|---|--|
| PI 04/2011 | – | Implementation of the Approved Premises Specification (incorporates a number of earlier PCs about Approved Premises – details are given in the Approved Premises Manual, available on Epic). |
| PI 02/2011 | – | Approved Premises National Rules. |
| PC 18/2010 | – | Critical Public Protection Cases (CPPCs). |
| PC 17/2007 | – | Assessment and Management of Sex Offenders. |
| PC 24/2007 | – | Prolific and other Priority Offenders (PPOs) Issues. |
| PC 17/2010 | – | Case Transfers – Community Orders, Suspended Sentence Orders and Licences. |
| PC 37/2005 | – | Role and Purpose of Approved Premises (Part 4). |

18.3 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 (“RMP”). The public is better protected by some high risk of serious 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 3 months (but preferably sooner) before the release date.

18.4 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 both in providing relevant risk information to the Offender Manager and in contributing to effective risk management.

18.5 It is also essential that Approved Premises staff understand a resident’s risks, and are involved in the delivery of the MAPPA Risk Management Plan, as the Approved Premises staff can assist in effectively managing 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 appropriate Approved Premises member of staff will attend the MAPP meetings.

Out-of-area referrals

18.6 Probation Circular 17/2010 provides guidance on how to manage cases where an offender is resident in an Approved Premises for a short period out of his or her home area.

18.7 Where it has been agreed before release that a MAPPA offender managed at level 2 or level 3 is to be placed in Approved Premises away from the offender's home area, and the transfer policy in PC 17/2010 has been followed, that Approved Premises should be invited to the MAPP meeting arranged by the transferring area.

18.8 Where the offender will return to his or her home area after a specified period, usually 3 months, the Offender Manager in the offender's home area will retain responsibility. The home trust can arrange for the temporary supervision of the offender by the holding trust as outline in PI 17/2010.

18.9 It will be the responsibility of the Offender Manager to ensure that a MAPP meeting is convened in the home area within the required timescales, and at least one month before the return of the offender.

Absconders from Approved Premises

18.10 Where victim(s) have asked for victim contact under the statutory scheme, they must be informed by the Victim Liaison Officer ("VLO") when an offender is subject to recall proceedings. There must be an assessment to indicate whether the notification can be managed by the VLO during normal office hours, or whether, given the nature of the risk, the victim(s) must be notified as soon as possible. This should be part of the victim assessment at the MAPP meeting and included in the MAPPA RMP.

18.11 Where the decision is that the victim(s) must be notified as a matter of urgency, 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.

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

19. Critical Public Protection Cases

Introduction

19.1 The National Probation Service (NPS) can refer cases, which present the highest risk of serious harm and where there are particularly complex issues to manage (e.g. national notoriety or significant media profile) for Critical Public Protection Case (CPPC) registration. The relevant Probation Instruction is **PI 06/2013 The Registration and Management of Critical Public Protection Cases**.

19.2 PI 06/2013 clarifies the purposes and criteria for registering CPPCs and sets out the process for referring a case to the CPPC Team for registration. It defines the additional resources that may be available to assist with the management of the case and describes the roles and responsibilities of the NPS and CPPC Team following registration.

19.3 The Instruction also 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 complex resettlement challenges, often because of their national notoriety.

CPPC Referral Criteria

Standard - All level 3 MAPPA offenders are considered for referral for CPPC Registration

19.4 The referral criteria for CPPC registration is:

- the case is being managed at **MAPPA Level 3** (MAPPA Level 3 Panels should routinely consider whether or not a case meets the criteria for CPPC referral);
and one, or both, of the following applies:
- the offender is assessed as presenting a very high risk of serious harm, and the likelihood of a sexual or violent offence is imminent when the offender is in the community;
- the offender has a high public profile and attracts or is likely to attract significant national media interest.

19.5 The registration of a case fulfils three main functions - to:

1. provide assurance to Ministers and MPs signed up to the notification scheme;
2. offers NPS and MAPPA meetings advice and guidance on the management of registered CPP cases; and
3. where relevant, provide additional limited financial resource to support the NPS contribution to the risk management plan. **It is only once a case is registered that the NPS can apply for limited funds to strengthen the NPS contribution to the risk management plan.**

Assurance to Ministers and MP notification

19.6 The CPPC registration process enables the CPPC Team to assure Ministers that appropriate risk management plans are in place for CPPC-registered offenders when they are released to live in the community. Additionally, following a General Election all MPs are given the opportunity to sign up to the CPPC notification scheme. To be part of the scheme, MPs are required to enter into a confidentiality agreement. When a CPPC-registered offender is released into the constituency of an MP who has signed up to the scheme, the Minister will write to the MP, giving details of the risk management arrangements and providing the contact details of the relevant Chief Constable and NPS Divisional Director. A copy of the letter

is sent to the Chief Constable and NPS Divisional Director, who must ensure that a senior manager or another appropriate person is identified to respond to any resulting queries.

19.7 The Head of CPPC is always willing to be contacted to discuss advice and guidance regarding the CPPC referral process, including whether a case meets the threshold for CPPC registration; and, more generally, the management of complex high risk offenders, including those with a high media profile. Telephone number 020 3334 0550, mobile 07894489662, Nichola.While@noms.gsi.gov.uk or CPPC@noms.gsi.gov.uk.

20. MAPPA Serious Case Reviews

Introduction

20.1 Although the risk of serious harm can be managed, it cannot be eliminated. The Responsible Authority and Duty to Co-operate (“DTC”) agencies are expected to do all they reasonably can to protect the public from serious harm, but there will be occasions when an offender subject to MAPPA commits a Serious Further Offence (“SFO”). This section explains the MAPPA Serious Case Review (“MAPPA SCR”) process following an SFO.

20.2 The purpose of the MAPPA SCR is to examine whether the MAPP arrangements were effectively applied and whether the agencies worked together to do all they reasonably could to manage effectively the risk of further offending in the community.

20.3 The aims of the MAPPA SCR will be to establish whether there are lessons to be learned, to identify them clearly, to decide how they will be acted upon, and, as a result, to inform the future development of MAPPA policies and procedures in order to protect the public better. It may also identify areas of good practice.

Commissioning a MAPPA Serious Case Review

Standard – It is a Strategic Management Board (“SMB”) responsibility to commission a MAPPA SCR when the mandatory criteria have been met

20.4 The SMB must commission a MAPPA SCR **if both of the following conditions apply.**

- The MAPPA offender (in any category) was being managed at level 2 or 3 when the offence was committed or at any time in the 28 days before the offence was committed.
- The offence is murder, attempted murder, manslaughter, rape, or attempted rape.

Standard – It is an SMB responsibility to decide whether to commission a discretionary MAPPA SCR

20.5 There will be other SFOs which may trigger a MAPPA SCR. It is difficult to prescribe discretionary criteria, as much will depend on the circumstances of the particular case, and whether there has been a significant breach of the MAPPA Guidance, but MAPPA SCRs might be commissioned when:

- A level 1 offender is charged with murder, manslaughter, rape or an attempt to commit murder or rape.
- An offender being managed at any level is charged with a serious offence listed in PI 10/2011 – see the list at Appendix 6, or
- It would otherwise be in the public interest to undertake a review, e.g. following an offence which results in serious physical or psychological harm to a child or vulnerable adult but which is not an offence listed in PI 10/2011.

20.6 However, as a review of the lead agency's management of the case will be conducted under these circumstances, careful consideration should be given to whether any value would be gained by conducting a MAPPA SCR for level 1 cases. This is especially relevant if cases have never been managed at level 2 or 3.

Other responsibilities of the Strategic Management Board

Standard – The SMB retains responsibility for the reports generated by the MAPPA SCR process

20.7 The SMB Chair is responsible for commissioning the MAPPA SCR, and the SMB retains responsibility for the reports generated by the MAPPA SCR process. The SMB functions are:

- To implement an audit system for all mandatory MAPPA SCR cases.
- To have a system to audit cases which are rejected as not meeting the criteria for a mandatory MAPPA SCR.
- To ensure that all reviews are undertaken without discrimination on the ground of race, religion, gender, disability, sexual orientation, or age.
- To ensure that the Offender Management and Public Protection Group ("OMPPG") is notified of a decision to undertake a MAPPA SCR.
- To appoint a review team.
- To agree the MAPPA SCR terms of reference.
- To monitor and review any recommendations arising from the issues raised.
- To monitor equality and diversity impact issues.
- To agree a media / communications strategy in consultation with OMPPG.

Standard – When a MAPPA SCR has been commissioned the SMB will appoint an appropriate SCR Lead

20.8 When a MAPPA SCR has been commissioned the SMB will appoint a MAPPA SCR Lead. The designated lead can be either a member of the SMB or a senior manager from the Responsible Authority or DTC agencies. This person should have no connection with the case and should not be involved in the line management of the staff managing or supervising the offender.

20.9 If local funding will allow, and in accordance with best practice, the SMB should consider using an independent MAPPA SCR Lead, if this person has sufficient knowledge, experience and skills in relation to offender management or management reviews.

Standard – The SMB Chair and MAPPA SCR lead will ensure that the victim and the victim’s family are kept informed of developments throughout the process

20.10 The SMB Chair and MAPPA SCR Lead must identify a suitably-trained person (of sufficient seniority and experience) who will tell the victim and his or her family that a MAPPA SCR is being undertaken and liaise with them to keep them updated with developments in the review.

20.11 As the circumstances will mean that a police investigation or legal proceedings is under way, the timing of such contact with the victim or other material witnesses will have to be agreed with the Crown Prosecution Service or the Investigating Officer as appropriate.

20.12 This person will need to liaise with the police Family Liaison Officer (“FLO”) or Probation Victim Liaison Officer (“VLO”) where appointed. Where other reviews are taking place, contact with the family should form part of an agreed plan across the agencies to avoid duplication or providing conflicting information.

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

MAPPA Serious Case Review target dates

20.14 The table on the following page gives deadlines for the stages of the MAPPA SCR process. It is accepted that the process will be delayed on receiving advice from the Crown Prosecution Service or other prosecuting body. All documents must be marked RESTRICTED and kept securely.

STAGE OF MAPPA SCR PROCESS	TARGET DATE
MAPPA Co-ordinator to be notified of MAPPA offender being charged with SFO using MAPPA N (sections 1–4)	Within 5 days of charge
MAPPA Co-ordinator to notify the SMB Chair using MAPPA N	Within 5 days of being made aware of the charge
SMB Chair to decide whether the case requires a MAPPA SCR	Within 10 days of receiving the MAPPA N
If decision is to conduct a MAPPA SCR the SMB Chair to notify OMPPG by completing section 8 of MAPPA N	Within 5 days of decision being made
OMPPG to complete section 9 of MAPPA N and return to SMB Chair and MAPPA Co-ordinator	Within 5 days of receiving notification
SMB Chair to inform each of the agencies involved that a MAPPA SCR will take place	Within 5 days of decision being made to conduct MAPPA SCR
MAPPA SCR Panel to meet. The Panel should consist of the SCR Lead, a senior nominated person from each agency involved, and a Lay Adviser	Within 1 month of agencies being notified of the decision to conduct a MAPPA SCR
MAPPA SCR Lead to produce MAPPA SCR report. The other members of the SCR Panel will be given the opportunity to make representations on behalf of their agencies before the SCR report is forwarded to the MAPPA SMB for comment and approval. Also send to OMPPG for quality assurance and guidance	Within 4 months of the MAPPA SCR Panel's first meeting
MAPPA SCR Lead to produce an Overview Report which can be shared externally as approved by SMB and OMPPG	Within 1 month of completion of the MAPPA SCR report

Conducting the MAPPA Serious Case Review

20.15 Each case will present different issues and the review will accordingly be conducted to suit the complexity of the case. To ensure that a consistent approach is adopted, the following methodology is suggested.

- Examine the recent MAPP meeting minutes for the case.
- Review the ViSOR record, where one exists.
- Decide what information, if any, is required from other agencies.
- Request that information from those agencies via a report.
- Identify potential interviewees.
- Conduct interviews, as required.
- Examine individual agency findings.
- Take account of such findings, where relevant.
- Examine other reports and reviews, as available.

20.16 It should be remembered that the purpose of the MAPPA SCR is to look objectively and critically at whether MAPP arrangements were effectively applied. It is also an opportunity to identify areas of good practice. The focus of any review is therefore likely to be upon whether the offender was:

- Identified as a MAPPA offender at the correct time. For Category 1 and 2 offenders, this is at the point of sentence and no later than the commencement of the offender's supervision in the community. For Category 3 offenders, this is as information came to light, a referral was made to the MAPPA Co-ordinator, and the MAPP meeting agreed that the offender should be registered as a Category 3 offender for level 2 or 3 MAPPA management.
- Referred for level 2 or 3 management, as appropriate.
- Managed effectively via MAPP meetings thereafter.

Standard – MAPPA SCR Lead produces MAPPA SCR Report for the SMB

20.17 This is an internal report for the SMB and OMPPG. The report should include the following headings, as outlined in MAPPA O:

- Case background (to include details of the serious further offending).
- List of the relevant agencies, and their role.
- Chronology of events.
- Assessment of practice against MAPPA Guidance and relevant legislation.

- Conclusion.
- Learning points and Action Plan.

20.18 This document may include identifiable data about individuals and sensitive details about agency practices. It should therefore be given a RESTRICTED marking under the Government Protective Marking Scheme ("GPMS").

20.19 The MAPPA SCR Lead should ensure that contributing agencies are satisfied that their information is fully and fairly represented in this report. This report should then be sent to the SMB for comment and approval and to OMPPG for quality assurance and guidance.

20.20 In the event that there is a dispute regarding the content of the MAPPA SCR report which cannot be resolved by discussion, the final decision will rest with the Chair of the relevant MAPPA SMB.

20.21 This report must not be widely distributed or published, and should only be shared with others on the authority of the SMB Chair. The timing of the report is crucial and its distribution may have to be delayed if it would have an adverse effect on any ongoing criminal proceedings. In cases of doubt, the SMB Chair should liaise with the Investigating Officer.

Standard – MAPPA SCR Lead produces the Overview Report
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20.22 This is a report which can be shared externally as approved by the SMB and OMPPG. The Overview Report should be produced within one month of completion of the MAPPA SCR Report. This should have a GPMS RESTRICTED marking. The content should be suitably anonymised to protect the identity of victims, family members and others.

The Overview Report should include the following headings:

- Case summary (not identifying the persons involved).
- Chronology of the MAPPA SCR.
- Conclusion.
- Learning points and Action Plan.

20.23 The Overview Report should clearly identify which agency is responsible for delivering the Action Plan. This report should then be sent to the SMB for comment and approval and to OMPPG for quality assurance and guidance.

20.24 The MAPPA SCR Lead should share the Overview Report with the victim and his or her family by personal arrangement. A meeting should be arranged at a suitable location. This may include the FLO / VLO or other agency / family representative as appropriate. A copy of the MAPPA SCR should **not** be provided.

20.25 Further circulation of the Overview Report (also requiring the authority of the SMB) should be on a limited basis. As with the SCR Report, the timing of this report is also crucial and its distribution may have to be delayed if it would have an adverse effect on any ongoing criminal proceedings. In cases of doubt, the MAPPA SCR Lead should liaise with the Investigating Officer.

Consultation with the Crown Prosecution Service

20.26 The timing of any review will have to be agreed with the Crown Prosecution Service to ensure that the legal process is not undermined and the current police investigation is not compromised.

20.27 If it is decided that a MAPPA SCR should not be instigated until after criminal proceedings have concluded, individual agency reviews should be carried out to ascertain whether any urgent action is required.

20.28 If it is decided that a MAPPA SCR will be conducted at the same time as the criminal proceedings, the CPS must be consulted and their advice sought because of the potential impact on the case and ongoing disclosure requirements regarding the review findings.

Standard – SMB agrees an appropriate Media Strategy

20.29 The SMB will be aware of the significant media interest that can arise out of serious further offending. It should consider the views of the victim and his or her family, and consult OMPPG about what information should be released to the media and when. It should be borne in mind during drafting that the Overview Report may find its way into the public domain, even though it is not intended for widespread publication.

Standard – SMB to monitor progress of the Action Plan

20.30 The SMB should monitor the Action Plan and ensure that a system is in place for them to be notified of the interim developments within 3 to 6 months of the Action Plan being agreed. A brief report on the final completion of the Action Plan should be forwarded to OMPPG within 9 to 12 months of the Action Plan being agreed. The SMB is responsible for the progression of any learning across their area.

The Role of the Lay Adviser in MAPPA Serious Case Reviews

20.31 The Lay Adviser role is a voluntary and unpaid one, and demands on their time should take this into account. They have a valuable part to play in the MAPPA SCR process and are included as part of the team:

- To provide an independent voice to the review.
- To ensure that any community issues are addressed.
- To act as a “critical friend” to the professionals.

Offender Management and Public Protection Group Responsibilities

20.32 The national MAPPA Team in OMPPG will maintain a database of all MAPPA SCRs being undertaken. In addition they will:

- Provide advice to Areas on media and communication issues.
- Provide information to Ministers in appropriate cases.

- Receive MAPPA SCR and Overview Reports from SMBs.
- Provide formal written feedback on the quality of the report to the Chair of the SMB.
- Disseminate lessons learned to SMBs and MAPPA Leads.
- Develop MAPPA policy and guidance as a result of lessons learned.

Additional Information

20.33 Other reviews may be triggered by the re-offending, for example:

- Serious Case Reviews for Children – set out in Chapter 8 of Working Together to Safeguard Children (2010)
- Domestic Homicide Reviews (Domestic Violence, Crime and Victims Act 2004).

20.34 These reviews do not specifically look at how agencies worked together under MAPPA but such a review may also be triggered by the offender's re-offending. To avoid duplication and any misunderstanding, the MAPPA SMB must have in place a system of identifying whether any other review is taking place and of notifying other agencies when a MAPPA SCR is taking place.

20.35 There may be occasions when the case against an offender is discontinued or the charges are reduced, taking the offender outside the MAPPA SCR eligibility. In these cases, the SMB should consider whether the case should continue to be subject to a full MAPPA SCR. This discretion would also apply where an offender dies before the outcome of the MAPPA SCR.

20.36 OMPPG should be informed when a MAPPA SCR is discontinued.

22. Victims

Introduction

22.1 All MAPPA Chairs and Offender Managers (OM) should be familiar with the 2015 Code of Practice for Victims of Crime, which outlines the minimum standards for criminal justice agencies providing specified service to victims.

22.2 Victim safety, preventing re-victimisation and avoiding the creation of new victims are fundamental to public protection. It is essential for decision-making to be informed by effective engagement with previous and current victims, and where practicable and appropriate, with potential victims as well. Lead agencies need to be satisfied that the risk assessment identifies victims and potential victims who may be at risk and that the Risk Management Plan (RMP) provides appropriate measures to protect them under its victim safety section²⁷.

22.3 Where the victim has been referred to a Multi-Agency Risk Assessment Conference (MARAC) and the offender is being managed through MAPPA, information relating to the RMP in respect of the victim(s) should be shared in order to avoid duplication of effort. For further information on MARAC please see paragraphs 22.20 - 22.25.

Identifying victims

Standard - The lead agency identifies any victims of MAPPA offenders

22.4 It is important for the lead agency to establish:

- Who is in contact with the victim(s)
- Victim safety planning as part of the RMP

22.5 The victim focus of MAPPA includes direct victim(s) and previous victims of the offender who may still be at serious risk of harm, and may include others who have been seriously affected by the offence.

Standard - The lead agency develops an effective RMP to protect the victim

22.6 The lead agency must identify any new or potential victims, or others who may be supporting the victim or potential victim. These may or may not be named individuals - for example, those who are vulnerable by virtue of their location in relation to the offender; their age (where this has been identified as a trigger for further offending); their gender, particularly where women have been targeted; and their race, religion, sexual orientation, disability or other distinguishing characteristic in relation to hate crime. The management of risks posed by an offender to particularly vulnerable people, for example children and adults at risk²⁸, will require effective links between the lead agency and other agencies, including Local Authority Children or Adult Services. This is especially important in relation to licence conditions that are directly relevant to children or adults at risk and their families.

Liaison with victims

22.7 The lead agency needs to consider how it can actively keep victim issues and concerns central to the MAPPA process. Victims or their advocates cannot attend MAPPA meetings, however their involvement should not be limited to the passive receipt of information. Victims need to be given clear information about

²⁷ For further information on RMP and the victim safety heading, please see Chapter 12 – Risk Management Plan

²⁸ Adults at risk is defined in Section 42(1) of the Care Act 2014 and Section 126(1) of the Social Services and Well-being (Wales) Act 2014

how their concerns will be fed in to the process. 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 he or she informs, rather than decides, the RMP because ultimately he or she is not responsible for delivering it.

The Victim Contact Service

22.8 The statutory Victim Contact Service (VCS) enables eligible victims (or in the case of a death, bereaved close relatives of the victim) to be informed about key developments in the offender's sentence. To achieve this, the National Probation Service (NPS) has a statutory duty under the Domestic Violence, Crime and Victims Act 2004 (DVCVA 2004) to contact the victims of offenders convicted of a specified violent or sexual offence who are sentenced to 12 months or more imprisonment. In 2005 and 2008 respectively, victims of restricted patients and non-restricted patients became eligible for this service.

22.9 The NPS also has some limited discretion to offer the VCS to victims who do not meet the statutory criteria for the service, e.g. where the offence pre-dates the statutory introduction of the Scheme in 2001. MAPPA meetings should not assume that there is no probation Victim Liaison Officer (VLO) involvement just because the victim does not meet the statutory threshold for the VCS. To find out if a victim has contact with a VLO, the OM should contact the local NPS Victim Liaison Unit to ask them to check the national Victim Contact Management Service database.

22.10 VLOs working in NPS Divisions will provide information to victims about the criminal justice process, what the offender's sentence means, and how decisions are made about how long the offender will remain in prison or hospital. This includes information on tariffs, appeals, parole eligibility, release (including release on temporary licence and escorted or unescorted leave), conditional discharge, and recalls. In relation to unrestricted patients, the information will come directly from the hospital and not the VLO.

22.11 The VCS is an information-giving service that also allows victims to feed in views about certain decisions about how an offender is managed. It is not primarily a safety planning or risk management service. NPS will not offer contact on the sole basis that the victim is at risk from the offender. There will be situations in which an individual who does not meet the criteria for either statutory or discretionary victim contact is assessed as being at risk from an offender. For example, victims who are known to have suffered domestic abuse but where the sentence is for less than 12 months or victims where there has been no relevant conviction. The OM must ensure that information about them is included in any MAPPA or other professionals' meeting to manage the offender's risk. MAPPA meetings must ensure that the RMP contains actions to manage this risk (see Chapter 12 - Risk Management Plans).

22.12 The VCS, through VLOs, helps represent the feelings of victims when cases are discussed at multi-agency meetings and when offenders are being considered for parole, release from prison on licence, or discharge from hospital. Victims under the VCS have a right to make representations about licence conditions, including release on temporary licence, via their VLO. The DVCVA 2004 requires NPS to send the victim's representations about licence conditions to the decision maker in each case. These requests are based on the risk of emotional harm to the victim; a separate consideration to the risks of reoffending and serious harm normally considered by the OM, but one that is no less important for the purpose of evidencing the necessity of licence conditions. Depending on the type of case, and whether it is pre or post release, the decision maker can be the governor of the releasing prison (for initial determinate releases from custody), the Parole Board (for indeterminate cases) or an ACO in the NPS (for determinate cases undergoing a licence variation). The OM may not prevent such requests, however if they feel that the request is disproportionate or would otherwise cause issues related to the offender's management on licence they can provide feedback to the VLO to see if an agreement can be reached. The VLO can then relay these to the victim to see if they would be willing to modify their request. If agreement is not reached, then the OM can

submit an alternative proposal to the decision maker. While non-contact and exclusion zones are typical conditions to be requested, MAPPA Chairs should be mindful that a victim is not limited to only requesting those conditions.

22.13 If the Parole Board is considering the offender's case, victims with a statutory right to the VCS are also entitled to make a Victim Personal Statement (VPS) setting out the impact the offence had on them and what the impact of release would be. Discretionary victims are not entitled to make a VPS, but where they wish to make representations about conditions, these should be made via the OM as part of the RMP.

22.14 Where an offender is managed at MAPPA Level 2 or 3, VLOs will also represent the victim's views either in person or by way of a report at each appropriate MAPPA meeting.

22.15 Where the victim lives in a different area from the one responsible for managing the offender, it is essential that there is effective communication between the VLO in the area where the victim lives and the OM. The VLO must ensure that they feed information in to the MAPPA meeting through attendance or through a report, whether or not it is being held in their local area.

22.16 The victim of one offence may be the perpetrator of another, for example in gang-related offending. It is therefore possible that an offender will be eligible for contact under the VCS at the same time as being subject to statutory supervision by NPS. It is important that there is close liaison between the OM and the VLO in such cases to ensure the offender's rights as a victim are taken into account when planning how his or her order or licence will be managed. This type of scenario will also affect the type of information that can properly be shared with victims, as there would, for example, be public protection issues in giving information to a victim that could be used to plan retaliation against the offender.

22.17 Some victims may not wish to make requests for licence conditions²⁹, particularly exclusion zones, as they are concerned that this could disclose their whereabouts and movements to an offender. In such cases, it is important that the VLO feeds in to the MAPPA meeting any information that the victim is willing to disclose about their location and areas where they travel to frequently, such as for work and to see close family, to help inform multi-agency discussions and decisions about the management of the offender.

Managing victim information

Standard - The storing of information complies with the Government Protective Marking Scheme

22.18 Where a probation VLO or Independent Domestic Violence Adviser (IDVA) team has been involved in a MAPPA meeting and has received a copy of the minutes, they must be stored securely, treated as confidential, not placed on the victim's file, and retained in line with the organisation's own policies.

22.19 Any information from the MAPPA meeting that is to be shared with the victim should be agreed at the meeting. The meeting should identify what information should be given to the victim, by whom and by when, and the reason for the information being shared. This decision should be recorded on the minutes, but the minutes are **not to be shown** to the victim as they will contain information about the offender or other confidential information (see Chapter 10 - Disclosure).

²⁹ For further information, please see Prison Service Instruction 2015-12 – Licence Conditions, Licences and Licence and Supervision Notices - <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2015/psi-12-2015-licences-conditions-supervision.pdf>

22.20 Victim information is highly sensitive and should not be shared without the prior agreement of the agency or agencies who supplied it. Careful consideration must be given to the implications for the victim's safety and confidentiality.

Multi-Agency Risk Assessment Conference (MARAC)

Standard - MAPPA and MARAC work together to manage the risk of serious harm posed by offenders convicted of domestic abuse

22.21 The focus of MARAC is the protection of victims who are at a high risk of serious harm from domestic abuse. A meeting is convened to share information to enable an effective RMP to be developed.

The link between MAPPA and MARAC

22.22 To avoid duplicating effort and resources, the work of MARAC and MAPPA should be co-ordinated in such a way as to provide the most effective response to the victim and ensure that a robust RMP is in place. MAPPA is a statutory set of arrangements and a MAPPA meeting at level 2 or 3 should take precedence over the MARAC. All offenders assessed as requiring Level 2 or 3 MAPPA management must be managed through MAPPA meetings. However, it may not be necessary to hold a MARAC where victim safety planning is agreed at the MAPPA meeting. This should be agreed between the MARAC and the MAPPA meeting Chair.

22.23 Where an offender meets the criteria for Level 2 or 3 MAPPA management **and** the victim has been referred to the local MARAC, the IDVA must be invited to the MAPPA meeting, together with any other professionals who have relevant information about the victim. The MAPPA meeting will ensure that the risk assessment and MAPPA RMP effectively identify and put in place actions to protect the victim, but it may also need to address other risks posed by the offender that could not be addressed through the MARAC process. The quality of the MAPPA RMP will be enhanced with the additional information that the IDVA and others can provide. This will support the effective management of the offender and reduce the potential risk of harm to the victim. For Level 1 cases, the lead agency should engage with the IDVA to support MARAC. Further information on MARAC can be found at www.safelives.org.uk.

Disclosure of MAPPA meeting minutes to a MARAC

22.24 MAPPA meeting minutes are only provided to those agencies who participated in the MAPPA meeting and who have therefore agreed to the confidentiality statement and disclosure of information arrangements that applied to the meeting. Some of those agencies will also attend the MARAC. The participants in the MAPPA meeting can ask for the MAPPA meeting Chair's permission to share details of key decisions with the MARAC meeting.

22.25 In cases where an offender has previously been managed at MAPPA Level 2 or 3 and there is a further incident of domestic abuse, which is referred to MARAC, the MARAC coordinator can request a MAPPA meeting minutes executive summary. This should be provided within 10 working days, or earlier when it is agreed to be necessary. It may be reasonable to seek the MAPPA meeting Chair's permission to share key details of the relevant decisions made at a MAPPA meeting, to avoid the need to provide an executive summary.

Disclosure

Standard - All disclosures comply with the law, are necessary for public protection and are proportionate

22.26 Under the DVCVA 2004, the NPS must consider, in all the circumstances of the case, what information it is appropriate to give to a victim with a statutory entitlement to the VCS. This means that all requests for information must be considered.

22.27 Where the NPS considers that there may be a case for disclosing information that goes beyond the general provisions of the VCS, such a proposal should be discussed at a MAPPA meeting, as a matter of good practice, to ensure that all relevant information is fed in to the decision making. The MAPPA meeting must consider whether the disclosure is necessary, lawful and proportionate. Please refer to Chapter 10 - Disclosure, which sets out what needs to be considered when making a disclosure. All decision-making regarding disclosure must be recorded.

22.28 The fact that the victim might be caused distress if they found out information from another source is not usually sufficient justification for disclosing information beyond that provided for under the VCS.

22.29 A victim may request disclosure of an up-to-date photograph of the offender. This may be because they have not seen the offender for many years and want to be reassured that they will not meet them unknowingly or so that they will be able to recognise and report the offender if they enter an exclusion zone. Victim Liaison Officers should refer such requests to MAPPA as set out above. A photograph is considered to be sensitive personal data, so there is a presumption that it will not be disclosed unless there is lawful reason to do so, but each request must be judged on its individual merits.

22.30 Another increasingly common issue is whether a victim should be told that an offender has completed or is in the process of transitioning to a different gender. Disclosure of this information is covered in Chapter 10 - Disclosure. If there are any queries regarding disclosure that you are unable to resolve locally, in particular in relation to complex disclosures such as gender reassignment or photographs, please contact the National MAPPA Team at MAPPA@noms.gsi.gov.uk.

23. Children and Young People

Introduction

23.1 The age of criminal responsibility in England and Wales is 10 years. This means that any person aged 10 or over, including children and young persons, may be convicted in the courts of any offence. The sentencing regime is different from that for adults, but, for serious offences, the child or young person may receive a sentence which attracts custody and may be required to notify the police of his or her details under the Sexual Offences Act 2003.

Consideration of the needs of the child

23.2 A child or young person who is convicted of a serious sexual or violent offence (as set out in Schedule 15 to the Criminal Justice Act 2003) will be a MAPPA offender. The law also requires his or her needs as a child to be considered. It is important that all statutory agencies that have a responsibility for children and young persons take this into account.

23.3 In children and young persons legislation, and in Working Together to Safeguard Children 2010, a child is defined as anyone who has not yet reached his or her 18th birthday. In particular:

“The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital, in prison or in a Young Offenders’ Institution, does not change his or her status or entitlement to services or protection under the Children Act 1989.”

23.4 Under the Children Act 2004, the police, the Prison Service and Probation Trusts, as well as Youth Offending Teams (“YOTs”), have a statutory duty to make arrangements for ensuring that “their functions are discharged having regard to the need to safeguard and promote the welfare of children.”

23.5 Whenever a child or young person is being discussed at a MAPP meeting, the meeting must ensure that it considers its responsibilities to safeguard and promote the welfare of children as well as the risk of harm the young offender presents to others. Children’s Services should always be represented at these MAPP meetings.

23.6 When a child has been identified as a child in need, it is essential that the appropriate agency is properly represented at the MAPP meeting and is able to demonstrate that it is fully meeting its obligations to meet the needs of the child.

23.7 Given these duties, MAPPA needs to take a different approach when managing children and young persons. When identifying the risk of potential harm to others that the child or young person poses, any risks to the child or young person must also be taken into account.

Identification and notification

Standard – Arrangements are in place for the identification and notification of MAPPA young offenders.

23.8 The YOT is responsible for identifying which of its cases are MAPPA cases. This information should be recorded on the YOT case management system.

23.9 The identification should take place within 3 days of sentence.

23.10 **Notification:** The MAPPA Co-ordinator does not have routine access to the case records of MAPPA offenders held by the YOT. For those on community sentences, notification is required at the start of the order. For those on custodial sentences, the YOT must notify the relevant MAPPA Co-ordinator of brief details of all relevant MAPPA offenders using **MAPPA H**, 6 months before release. The relevant MAPPA Co-ordinator is the one for the area where the offender currently resides in the community or into which he or she will be released or discharged.

Referral

23.11 The YOT will undertake an internal review of all its MAPPA Category 1 and 2 cases and identify which of its cases will be managed at level 1, ordinary agency management (this is likely to be the majority of cases). In these cases, the YOT will work with the young person following its relevant policy, procedures and standards.

23.12 A YOT cannot identify a case as requiring management at MAPPA level 2 or 3 and then decide that, because it is a multi-agency team, it does not have to make a referral to the MAPPA Co-ordinator.

Standard – All MAPPA young offenders requiring level 2 or level 3 management must be referred to the MAPPA Co-ordinator

23.13 The YOT will assess the level of MAPPA management that is required for each individual case taking into account the needs of the child or young person as well as the potential risk of serious harm he or she presents to others.

Attendance at MAPP meetings

23.14 Each case should be managed at the level necessary to provide an effective Risk Management Plan which balances public protection with the rights and needs of the child or young person.

23.15 Where the YOT case worker believes that this is a case which requires active multi-agency management at MAPPA level 2 or 3, he or she will complete the MAPP meeting referral document (MAPPA A). This will be endorsed by his or her manager and sent to the MAPPA Co-ordinator. The referral must include information about why the case would benefit from active multi-agency management beyond what the YOT can offer. The nature of the case might suggest that it will attract local or national media attention, or that there is a need for additional multi-agency resources to manage the potential risks of harm.

23.16 This referral will be reviewed using local procedures and, where the case meets the agreed threshold (taking into account the needs of the young person as well as the risk of harm he or she presents), a level 2 or 3 MAPP meeting will be arranged. If the young person is in custody, this referral should take place at least 6 months before his or her release date to allow effective Risk Management Plans to be put in place.

23.17 The YOT case manager will update the case management record to indicate that a MAPPA referral for level 2 or 3 management has been made and the outcome of that referral.

23.18 Whenever a referral relating to a child or young person is made by any agency other than the YOT, the YOT must attend the meeting as it may well have information relating to the case.

Standard – ViSOR is accurate in relation to young offenders in the community

23.19 See chapter 8 on ViSOR.

Standard – The YOT and Children’s Services must be suitably represented at all level 2 and level 3 meetings for young offenders

23.20 The purpose of any level 2 or 3 MAPP meeting is to identify the presenting risks and to devise an effective MAPPA Risk Management Plan (“MAPPA RMP”) to mitigate those risks.

23.21 A YOT manager who is senior enough to act as consultant to the MAPP meeting Chair should be present at all meetings where a child or young person is being discussed, to ensure that the additional factors are properly and fully addressed. This should help to identify potential additional resources that may be required. If, as part of the MAPPA RMP, licence conditions are discussed, it is essential that any additional licence conditions proposed are proportionate to the level of risk identified.

23.22 The YOT manager is not there to represent the local authority – this task should be undertaken by someone else. Whenever a child or young person is being discussed at a MAPP meeting, a representative of Children’s Services must also be present to ensure that decisions take into account the needs of the child or young person.

Other considerations

Disclosure

23.23 All the factors relating to the disclosure of information discussed in chapter 9 on Information-Sharing and chapter 10 on Disclosure apply also to children and young persons. There is, however, an additional factor: harm to the child or young person, which could occur because disclosure has taken place.

23.24 For example, when a young person who has committed a sexual offence is still of school age, the consideration of whether and how to disclose information must take into account the need of the child or young person to continue with his or her education while ensuring that others are protected. This type of issue will always need careful consideration. After any initial disclosure to the education services or the relevant Head Teacher, a discussion should take place about who additionally needs to know and how the risks can be effectively managed.

23.25 In order to ensure that the proper considerations have been taken into account, no decision about disclosure can be made unless a senior representative of both the YOT and Children's Services are present at the MAPP meeting.

Local Safeguarding Children Boards and recording

23.26 The YOT worker should consider informing the LSCB when disclosure is made. As in all cases, decisions on disclosure should be recorded on the MAPPA minutes or, in a level 1 case, on the agency's own recording system.

24 Managing Terrorism and Extremism

Introduction

24.1 This section explains how MAPPA arrangements should apply to the management of offenders convicted under terrorism legislation (TACT) or whose offences are motivated by extremism.

Background

24.2 The current UK Government definition of extremism is set out in the UK Government Counter Extremism Strategy 2015:

'The vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist.'

24.3 The Strategy 2015 draws all forms of extremism into scope, violent and non-violent, Islamist and extreme far right/left. It indicates that 'whilst the growth of violent Islamist extremism and the terrorist threat it poses is the greatest risk our country faces from extremism, the evidence...demonstrates the breadth of the challenge we face. Neo Nazi extremism promotes violence beyond terrorism, with appalling levels of hate crime carried out against minority communities. Extremists who are careful to avoid directly supporting violence nevertheless create an environment in which division and hatred is propagated'.

24.4 Offenders motivated by extremism may therefore be convicted of a range of offences in different contexts, which are driven by ideologies that run contrary to the values stated above, causing harm to individuals and communities. Some, but not all, will be convicted under specific terrorism legislation i.e. an offence under the Terrorism Act 2000, the Anti-Terrorism Crime and Security Act 2001, the Terrorism Act 2006 or the Counter Terrorism Act 2008, or an offence of conspiring, attempting, aiding, abetting, counselling, procuring or inciting a terrorism legislation offence (known as **TACT offenders or terrorism offenders**).

24.5 The Sentencing Act 2020 for offenders sentenced in England and Wales, or the Counter Terrorism Act 2008 for offenders sentenced before 29 June 2021, offenders sentenced in other parts of the UK, or service offenders, require courts to determine whether non-terrorist offences have a terrorist connection, and, where the court decides that they do, to treat this as an aggravating factor for the purposes of sentencing the offender (**TACT connected or terrorism connected offenders**). Before 29 June 2021 the courts could only determine there was a terrorist connection where the offence was specified in the relevant Schedule. After 29 June 2021, any non-terrorist offence with a maximum penalty of more than 2 years' imprisonment may receive such an aggravation.

24.6 Other offenders may not be convicted of TACT or TACT connected offences, but their beliefs and engagement with distorted ideologies may drive their offending behaviour and consequent risk to the public (**terrorism risk cases**).

24.7 The **Joint Extremism Unit (JEXU)**, jointly run by HMPPS and the Office for Security and Counter Terrorism operational function, provides specialist counter terrorism teams to support the National Probation Service (NPS) and Prison Service in managing the risks associated with this group of offenders. These staff networks work closely with relevant police colleagues and provide specialist advice and guidance to HMPPS and other colleagues on a local basis with information sharing and offender and risk management. They also provide a briefing and training function. HMPPS staff and partner agencies (such as Youth Offending Teams and mental health services) may consult with colleagues in these specialist teams for advice about all

aspects of the management of terrorist and extremist offenders through Probation Counter-Terrorism Leads (PCTLs) as required. The national operational leads for extremism for probation and prisons may also be contacted for advice via PCTLs.

24.8 The National Probation Service manages TACT and TACT connected offenders, and the most concerning terrorism risk cases, within the National Security Division, a specialist directorate, which will provide an enhanced level of management and intervention for the most high-risk, complex and high-profile offenders in the community. Probation staff will work closely with Counter Terrorism Policing (CTP), including with MAPPA nominals who are subject to Part 4 notification requirements. Under Project Semper, CTP is working to create a national effective and efficient service for the overt multi-agency management of individuals of CT interest, balancing control and change pathways, aiming to produce long term desistance and disengagement.

Identification

Standard - Arrangements are in place for the identification and management of all TACT/Terrorism and TACT/Terrorism related offenders

24.9 Offenders convicted of terrorism offences listed within Part 3 of Schedule 15 and sentenced to a term of imprisonment of 12 months or more will be MAPPA eligible under Category 2. Offenders convicted under terrorism legislation whose offences are not listed in Part 3 of Schedule 15 or who receive sentences of less than 12 months must be considered for discretionary management under Category 3. Terrorism connected offenders and, where appropriate, terrorism risk offenders should also be considered for Category 3. For further details see Chapter 6 – Identification and Notification of MAPPA Offenders.

24.10 Offenders who have committed non-violent offences, such as downloading, adding or distributing prohibited material from the internet, may present a risk of serious harm by virtue of their involvement in that activity or their membership of a group committed to terrorist or extremist acts.

24.11 The lead agency may also consider calling a professionals' meeting (as described in 13a.37) and sharing information under Section 115 of the Crime and Disorder Act 1998 where lawfully permitted, for cases that do not qualify for MAPPA.

24.12 Agencies should be mindful of any vulnerability to extremist messaging among other groups of MAPPA eligible offenders. This should be addressed as required by the Prevent Duty (section 26 of the Counter-Terrorism and Security Act 2015), which requires specified authorities to have due regard to the need to prevent people from being drawn into terrorism, and includes prisons and probation by virtue of paragraph 1 of Schedule 6.

24.13 JEXU provide advice on managing those subject to probation supervision who require support because of vulnerability to extremist messaging, but who do not meet the criteria for MAPPA management, and provision exists with Prevent for referral to bodies such as Channel, so that individuals can be assessed and supported appropriately outside of the MAPPA framework.

24.14 Given the nature and sensitivity of cases involving terrorism or terrorism risk, decisions on how risk is best managed will always benefit from a multi-agency response, whether or not they are subject to MAPPA.

24.15 In exceptional cases NPS should consider referring the case for CPPC registration. Further information can be found in Chapter 19 – Critical Public Protection Case Registration.

Screening and Level Setting

Standard - Multi-agency information will be used to consider the most appropriate level of management for terrorism, terrorism connected and terrorism risk offenders

24.16 TACT and TACT connected prisoners qualify for the NPS early allocation process under the Offender Management in Custody (OMiC) model and cases can be handed over to Community Offender Managers (COM) as early as 15 months prior to release. Release planning, including MAPPA level setting, should begin as soon as possible following allocation to the COM.

24.17 TACT cases are also reviewed in custody 8 months prior to parole review or release or on licence as part of specialist arrangements to inform parole reports, share information and identify all risk factors. This review should include a review of the MAPPA level and confirmation that the case is being managed at the correct MAPPA level (or a change of level if required) and feed into the release planning process.

24.18 There are relatively few terrorist and extremist offenders in the Criminal Justice System. However, the threats that they pose to the community are significant and serious. The profile of these offences and the need to maintain confidence in the Criminal Justice System should be considered when the MAPPA level is set. The majority of cases subject to MAPPA for TACT and TACT connected offences will require initial management at Level 2 or 3.

Information Sharing

Standard - All agencies involved in the management of the case must share relevant information

24.19 It is essential that all Responsible Authority and Duty to Cooperate (DTC) agencies share all relevant, appropriate information at their disposal in a timely manner so that the lead agency can manage the case in a defensible manner. All agencies managing or in receipt of sensitive information must share and handle it appropriately. This might include the use of handling codes (instructions on the handling of sensitive information), information sanitising, and specific storage facilities according to agency information management policies. For more information see Chapter 9 – Information Sharing.

24.20 Specialist arrangements to address vulnerability to extremism and to share information on the offender may assist with initial and ongoing sentence planning. Such arrangements may be implemented during the custodial period or in the community and would include police, prison and probation staff, as well as the responsible clinician/care team for mental health patients. It is essential that any arrangements feed into MAPPA and that silos and duplication are avoided.

Risk Assessment

Standard - All TACT and TACT related offenders will be risk-assessed using relevant risk assessment guidance and approaches

24.21 As with other MAPPA cases, it is crucial that relevant information from all partner agencies informs the assessment and management of TACT and TACT connected offenders. Any risks known to any agency engaged in working with the offender should be identified.

24.22 Where NPS is the lead agency the Probation Practitioner will complete an OASys assessment supplemented and enhanced by a specialist risk formulation, the Extremism Risk Guidance (ERG.) The ERG must be completed by a suitably trained and experienced member of staff and the outcome should be recorded on the MAPPA minutes as well as feeding into the risk management plan.

24.23 As with other high or very high risk of serious harm offenders with few previous convictions, the Offender Group Reconviction Scale (OGRS) within OASys is likely to be low. There were not significant numbers of this type of offence within the cohort of cases on which OGRS scores have been devised and so its predictions should be treated with caution and not relied on without other evidence. MAPPA meeting Chairs should be aware of the limitations of the tools and the fact that assessing risk is not the function of one particular tool (such as OASys or ERG 22+). Risk assessment depends on pulling together all that is known, and can be inferred, about the individual offender as their case progresses. Nevertheless formal assessments and risk formulations should be available to and inform the first MAPPA meeting (while the majority of offenders will still be in custody) and meetings thereafter. An ongoing focus on risk assessment is essential and OASys and ERG 22+ should both be reviewed regularly.

24.24 The assessment of risk should be informed by information from Police SIOs for the index offending and any relevant comments about future risk made by Judges in summing up. Ensuring continuity of information flows is important over the period an offender is being managed so that key information is not lost over the long term.

24.25 An intervention package known as the Healthy Identities Intervention (HII) should be considered for all TACT and TACT connected cases. The ERG assessment will inform this decision. Some offenders serving longer sentences may have commenced or completed HII in custody and the reports from these interventions should inform the OASys assessment and be available to MAPPA meetings. MAPPA meetings should have access to specialist advisers, probably forensic psychologists, when assessing the impact of interventions or concerning offender behaviour.

24.26 Where the offender is a child, the Youth Offending Team (YOT) will complete an Asset Plus assessment taking into account the issues and additional information outlined in paragraphs 24.21 – 24.25 above and any additional vulnerability factors.

MAPPA Meetings

24.27 It is essential for NPS and CT policing to take a shared leadership role in specialist MAPPA meetings for this group of offenders, whether or not this is achieved through having a formal designation of joint Chairs. NPS Chairs should be vetted to at least SC level. The MAPPA meeting Chair(s), MAPPA Coordinator, members of Counter Terrorist Policing at national and/or local levels and the Probation Counter Terrorism (PCT) Lead (for offenders under probation supervision) may meet before the MAPPA meeting to ensure that the Chair is fully briefed. Such meetings provide an opportunity to agree levels of intelligence or information-sharing and to discuss disclosure and any specific issues relating to the management of the offender. MAPPA meeting Chairs should be aware of specific sentencing and release provisions as they apply to those convicted of TACT and TACT connected offending.

24.28 Information-sharing between agencies and security management are likely to be more prominent in TACT and TACT connected cases because of the national security aspect and the sensitivity of the information involved. Invitations to MAPPA meetings for TACT and TACT related offenders should be carefully considered, and will need to include Counter-Terrorism Policing. The MAPPA meeting Chair should agree appropriate attendees with Counter Terrorism Police colleagues on a case-by-case basis. DTC agencies (or others) should be invited to attend Level 2 or 3 meetings where there is an identified benefit from their presence at the meeting. Meetings provide formal oversight at the right level of seniority (2 or 3) by the agencies responsible for managing risk or contributing the risk management plan and, where necessary, facilitate explanations and assistance from senior representatives of DTC agencies.

24.29 Given the oversight role and the focus on achieving outcomes beyond active case management, agencies must prioritise attendance. Representation from all invited agencies, including the Prison Service (see Chapter 15 - Custody), is essential to ensure the optimum exchange of information. MAPPA meeting

Chairs should satisfy themselves that information flows between prison, police, and NPS (and care teams where applicable) are agreed by all to be satisfactory for offenders still in custody or hospital. Specialist advice can be obtained from NPS/HMPS Counter Terrorism teams. Unresolved concerns should be escalated to the SMB Chair who can contact the national MAPPA team for advice.

24.30 As for all MAPPA meetings, at every meeting

- the risk assessment and risk management plan must be considered and agreed by the meeting to be up to date and accurate;
- the minutes must be clear and concise and reflect that consideration and not rely on information pulled through from earlier meetings;
- any uncertainties or missing information should be set out in the minutes and
- significant decisions should be clearly recorded, along with the rationale underpinning them.

Core Groups

24.31 MAPPA management is not limited to formal meetings but is the totality of action between agencies - brought together in a dynamic risk management plan responsive to changing risk and informed by relevant information from all available sources. For this group of offenders, formal Level 3 meetings should be underpinned by the ongoing active management of the case and by meetings between a concentrated Core Group of professionals involved in the management of the case. The Core Group may include appropriately security-cleared professionals to allow the effective management of offenders based on access to the necessary sensitive information in real time. The Core Group should be joined when necessary by DTC agencies. Where a licence is due to expire or absolute discharge from hospital is being considered, the Core Group should develop a plan to mitigate terrorist risk after expiry, including signposting or referral to other agencies and referral into other relevant multi agency processes or MAPPA Category 3 as appropriate.

Licence Conditions

24.32 The responsibility for requesting licence conditions rests with the NPS, but should be informed by consultation with MAPPA colleagues. Licence conditions must be set in line with HMPPS policy or Parole Board direction as applicable. The Regional Probation Counter Terrorism Lead and Counter Terrorism Police Offender Manager must be consulted to inform decisions on applying additional conditions. Further advice on the suitability of these and bespoke license conditions can be obtained from the Senior Caseworker (Licence Variations), Public Protection Casework Section (PPCS) in the HMPPS Public Protection Group, or the NPS Extremism lead in JEXU. Probation and police need to adopt a detailed coordinated approach to the development and management of licence conditions.

24.33 GPS enabled location monitoring can be included as a licence condition where this would enhance the management of specific, identifiable risks. It can be used to monitor whereabouts (trail monitoring) or to monitor compliance with specific conditions, such as exclusion zones etc. The tags can also monitor curfew. Terrorism risk cases serving determinate sentences need to be a Critical Public Protection Case (CPPC) in order to qualify for GPS tagging. If registered and a tag applied then the full service range including trail monitoring would be available. Where it is used, a viable, credible contingency plan must be established and recorded to ensure that a response to any violation is acted upon swiftly and appropriately. Electronic monitoring staff are vetted to manage this work and share information only with those that are listed on the protocol for each case. All such cases are flagged with the suppliers of EM and treated as special cases using special cases protocols, which should be completed by probation staff in conjunction with police colleagues and forwarded to the relevant unit prior to release.

Legal Advice

24.34 Advice on and legal questions relating to HMPS or NPS management of a case can be obtained from Government Legal Department by contacting the national MAPPA Team. Police should access their own legal advice where they have uncertainty about the application of their powers. Legal advice should be shared at the MAPPA meeting to inform decision making.

Media

24.35 Given the level of public interest in terrorism and extremism, there is potential media interest in all TACT and TACT related cases. A media handling plan must be established where there are particular issues that make significant media interest in the case probable and measures should be considered to manage any issues of notoriety. The Press Office of the lead agency and the national MAPPA team should be notified. In other cases, contingency plans should include a reactive media plan to be used if interest becomes active.

24.36 In the event of active press enquiries, MoJ Press Officers should be informed at the earliest opportunity and will provide advice and press lines in all NPS managed cases or where the offender is in prison. Where initial enquiries are directed to Police or Duty to Cooperate agencies they should also contact MoJ Press Office, who will issue press lines about any NPS supervised cases. The national MAPPA team, the National Probation and Prison Extremism Leads in HMPPS, will provide advice and support where needed. The Home Office press office will deal with wider press queries about CT issues. All press releases must be cleared by the Government Legal Department.

Terrorism Prevention and Investigation Measures

24.37 There are rare occasions where offenders released on license for MAPPA eligible offences are also made subject to Terrorism Prevention and Investigation Measures (TPIM). Advice should be sought from CT Police and PCT team colleagues in these cases. Offenders subject to TPIM are not automatically eligible for MAPPA and should be considered for Category 3. Where an offender is subject to both licence conditions and a TPIM, each set of conditions will exist simultaneously and close liaison between police and probation case managers is vital. These cases may also be made subject to Anonymity Orders in Court. These orders are granted to protect an individual from press intrusion. This should not prevent the necessary sharing of information between relevant agencies to manage risk appropriately. However, it is essential all agencies comply with terms of anonymity orders or risk contempt of court. If any concerns exist in relation to anonymity orders and the sharing of information seek legal advice via the National MAPPA Team.

25. Foreign National Offenders

Introduction

25.1 MAPPA processes for Foreign National Offenders (FNOs) who are living in the community are the same as for UK citizens. Foreign national sexual offenders will be subject to notification requirements and offenders released from prison subject to probation supervision will have to abide by their licence conditions.

Identification of Foreign National Offenders and liaison with the Offender Manager

Standard – All Foreign National Offenders who are MAPPA offenders are identified at time of sentence

25.2 Anyone who is not a British citizen is defined as a foreign national. As nationality is self-declared prison staff will normally establish nationality on the basis of information provided to them by the individual prisoner concerned. Annex J of PSI 52/2011 contains questions that can be used by staff to help them correctly establish nationality.

Standard – Information about Foreign National Offenders is shared with the HOIE

25.3 Prisons must refer all FNOs to Home Office Immigration Enforcement (HOIE) Criminal Casework using the electronic referral form within 10 working days of sentencing, irrespective of sentence length.³⁰ It may not always be apparent that an offender is a foreign national. Prisons should refer all cases where an offender's nationality is uncertain to HOIE at the earliest opportunity.

25.4 Prisons must inform the Offender Manager (OM) at the earliest opportunity that an offender is a foreign national and will therefore be released from custody in line with PSI 29/2014/PI 26/2014 - Release on Licence for Foreign National Prisoners Pending Deportation. The OM must ensure that HOIE has been notified and has the OM's contact details. The OM will then liaise with HOIE about release arrangements and licence conditions.

25.5 A HOIE MAPPA Single Point of Contact (SPOC) is available to ensure the effective exchange of information between HOIE and other MAPPA agencies. They can be contacted at ImmigrationMAPPASPOC@homeoffice.gsi.gov.uk. They will ensure that the allocated HOIE case owner identifies themselves to the prison and keeps the lead agency informed of immigration and deportation procedures where relevant.

25.6 The allocated HOIE case owner should undertake the liaison between HOIE Criminal Casework and MAPPA agencies. However, HOIE Prison Operations and Prosecutions staff can and will attend MAPPA meetings to represent HOIE and provide updates on offenders approaching Early Removal Scheme (ERS) dates/Tariff Expired Removal Schemes (TERS) tariff expiry dates and those that remain in prison environments awaiting deportation action.

25.7 HOIE must be invited to attend all MAPPA Level 2 or 3 meetings about FNOs. Invitations should be sent to the HOIE MAPPA SPOC where the allocated case owner is unknown. HOIE staff may attend in person or via teleconferencing or video conferencing where resources allow, or they can provide a report.

25.8 For more information on the role of HOIE see chapter 3 on Duty to Co-operate (DTC) Agencies, and the Memorandum of Understanding (MOU) between HOIE and the Responsible Authority

³⁰ For further information refer to Prison Service Instruction 52/2011 – Immigration, Repatriation and Removal Services.

Standard – An assessment takes place to agree an effective Risk Management Plan on release

25.9 Not all FNOs will be subject to deportation proceedings. HOIE determines whether an FNO is in scope for deportation or removal. It is important to remember that MAPPA Category 1 FNOs are subject to the same registration and notification requirements as UK nationals. This is particularly relevant for foreign travel.

25.10 The decision whether or not to deport an FNO should be made by HOIE during the custodial part of the sentence. Where deportation is being pursued, it will take place on or soon after the prisoner's ERS or TERS eligibility date, wherever possible for those prisoners who are eligible. Deportation may be delayed by ongoing legal proceedings, circumstances in the destination country or issues with travel documents. Please see PSI 18/2012 and PSI 4/2013 for information on ERS and TERS and the legislation governing them. HOIE should notify the OM when an offender is deported from an Immigration Removal Centre (IRC), prison or the community.

25.11 An FNO who is not deported during their ERS period or on completion of the custodial part of their sentence or minimum tariff may continue to be detained under immigration powers either in prison or in an IRC while his or her deportation is being progressed. (An FNO detained in the Military Corrective Training Centre cannot remain there once his or her sentence has expired, HOIE will make arrangements to transfer them to either a prison or an IRC if they are detained further under immigration powers).

25.12 Prisons are required to generate licences on all prisoners, including FNOs, prior to their conditional release date and OMs must provide reporting instructions and recommend appropriate licence conditions. These licences must be produced even if it is expected that the offender will be detained under immigration powers. OMs will advise HOIE about the risk of serious harm presented by FNOs to enable them to consider whether the FNO should be detained further in either a prison or an IRC. In some cases this will require a referral to a Level 2 or Level 3 MAPPA meeting in line with MAPPA referral procedures. For more information see chapter 6 on Identification and Notification of MAPPA Offenders.

25.13 If an FNO is placed in immigration detention, even if they remain in the same prison cell, they have technically been released from custody and their licence period has begun. The OM should continue to actively manage the case and liaise with HOIE regularly.

25.14 An FNO who has completed the custodial part of his or her sentence may be released from an IRC or prison into the community on immigration bail following either an executive decision by HOIE or a decision by an Asylum & Immigration Tribunal. It is essential for effective public protection that an effective Risk Management Plan is in place on every FNO at the end of the custodial part of their sentence in case of release into the community. HOIE should request risk information from the Offender Manager before deciding whether to release an FNO from immigration detention through their executive decision or when a bail hearing is due at an Asylum & Immigration Tribunal. HOIE is responsible for informing the Offender Manager when an FNO is released from immigration detention.

26. Mentally Disordered Offenders and MAPPA

Introduction

26.1 The term "mentally disordered offender" (MDO) is used to describe a person who has a disability or disorder of the mind and who has committed or is suspected of committing a criminal offence. The term covers a range of offences, disorders and disabilities and may be relevant to the decision to prosecute or divert, fitness to plead, and sentencing/disposal.

26.2 The relevant legislation uses the term "offender", so this chapter refers to "offender" and "patient" interchangeably.

Available orders

26.3 Under the provisions of the Mental Health Act (MHA) 1983 there are a number of ways in which an offender or suspected offender may be detained in hospital. These can be summarised as follows.

Unrestricted hospital orders (s.37)

26.4 Unrestricted hospital orders are made under s.37 of the MHA 1983. They can be made either by the Crown Court or a magistrates' court where a person is convicted of an imprisonable offence but where the court considers, having regard to all the circumstances, that the most suitable way of dealing with the offender is to order his admission to hospital. These patients can be granted community leave under s.17 or transferred to other hospitals by their Responsible Clinician. A hospital order cannot be made where the person is convicted of murder.

26.5 Section 37 patients may also be discharged into the community at any time by their Responsible Clinician, hospital managers or the appropriate tribunal (the First-tier Tribunal (Mental Health) in England, or the Mental Health Review Tribunal in Wales) (the Tribunal). They cannot apply to the Tribunal for discharge within the first six months of detention, beginning on the date of the hospital order. In some cases, a discharged patient may be placed on a s.17A community treatment order (CTO), which makes them subject to certain conditions. Patients subject to a CTO are liable to recall to hospital under s.17E if they breach their conditions or if they require medical treatment and there would be a risk of harm to their own or others' health and safety if they are not recalled for treatment.

Restricted hospital orders (ss.37 and 41)

26.6 Where a s.37 hospital order is made in respect of an offender in the Crown Court, under s.41 of the MHA 1983 the court may also impose a restriction order if, having regard to the nature of the offence, the previous convictions of the offender and the risk of committing further offences, it appears necessary for the protection of the public from serious harm. Restricted hospital orders under ss.37 and 41 can only be made by the Crown Court. However, where a magistrates' court convicts an offender, it may commit the offender to the Crown Court under s.43, so that the Crown Court can consider whether to make a hospital and restriction order.

26.7 Patients subject to ss.37/41 cannot be granted community leave under s.17 or be transferred to another hospital by their Responsible Clinician unless the Secretary of State for Justice consents.

26.8 Restricted patients cannot apply to the Tribunal for discharge within the first six months of detention, beginning on the date of the hospital order.

26.9 Restricted patients can only be discharged by:

- the Tribunal under section 73;
- the Secretary of State for Justice under section 42; or
- the Responsible Clinician with the Secretary of State's consent under section 23 (read with section 41(c)(iii)).

The Tribunal may defer a direction for the conditional discharge of an MDO pending the implementation of arrangements to support, accommodate and supervise the patient (s.73(7)). This means that the patient's actual conditional discharge from hospital is deferred; it does not mean that the decision to discharge, or otherwise, is deferred. The Secretary of State does not have the power to defer a discharge.

26.10 A restricted patient will rarely be granted an absolute discharge direct from hospital. In most cases they will first be granted a conditional discharge, which means they remain liable to recall to hospital (s.42(3) and s.73(4)(a)). The patient will have two supervisors, one clinical and one social, to support them in the community. The supervisors will be required to provide quarterly reports to the Ministry of Justice. After adequate testing in the community, the clinical team may feel that it is appropriate to recommend the patient's progression to an absolute discharge. If a patient is absolutely discharged, there will be no conditions on them. Both the Tribunal and the Secretary of State can grant an absolute discharge (s.42(2) and s.73(1)).

Guardianship orders (s.37)

26.11 A s.37 guardianship order places the person under the guardianship of the local authority social services or other such person as they may approve, who must agree to accept the duty. Guardianship orders are for patients' welfare and protection, rather than medical treatment, and are rarely used. They can authorise the detention of the patient in hospital, although the patient will more commonly be placed in residential accommodation. Patients under guardianship orders do have the right to apply to the Tribunal for discharge within the first six months beginning with the date of the order. Alternatively, a patient's nearest relative can apply within the first 12 months, beginning on the date of the order, and in any subsequent period of 12 months.

Hospital and limitation directions (s.45A)

26.12 Hospital and limitation directions (s.45A) can only be made in the Crown Court. These orders are commonly known as hybrid orders as they combine hospital admission with a custodial sentence. In these cases, the offender is sentenced to imprisonment and then immediately transferred to hospital (note that s.45A cannot be used where the person is convicted of murder). The Secretary of State has the power to remit the patient to prison if they are deemed to no longer require treatment in hospital for a mental disorder or if no effective treatment for the disorder can be given in the hospital in which the offender is detained (s.50(1)). Limitation directions have the same effect as s.41 restriction orders, so the Secretary of State's permission will be required for all s.17 community leave, and for transfers. Patients have the same right to apply to the Tribunal as restricted patients (that is, they may make an application after the first six months of the direction). If the Tribunal decides that the patient no longer meets the criteria for detention under the Act, they will generally be returned to prison.

Transfer to hospital from prison during a determinate or indeterminate prison sentence (ss.47 - 49)

26.13 s.47 of the MHA 1983 provides that convicted prisoners can be transferred to hospital from prison if they meet the criteria set out in the section³¹. Under s.49 the Secretary of State, if he or she thinks fit, can also direct that that person will be subject to the restrictions set out in s.41 of the Act as outlined above. This is known as a “restriction direction”.

26.14 Where the Secretary of State is notified that the person no longer requires treatment in hospital for a mental disorder, or that no effective treatment can be given in that hospital, the Secretary of State may direct the patient to be transferred back to prison under section 50(1).

26.15 Where a restriction direction has been made under s.49, the patient cannot be granted leave, transferred or discharged into the community during the period of the sentence without the Secretary of State’s agreement.

26.16 Restriction directions in respect of patients with determinate sentences will lift on the prisoner’s automatic release date (s.50(2)) and the offender will be treated as though they had been admitted to hospital without restrictions on that day. Restriction directions in respect of patients with indeterminate sentences will lift when their release is directed by the Parole Board. Time spent in hospital counts towards the sentence for tariff purposes. In the event that a prisoner is transferred to hospital during any part of the parole review process, that review will be suspended until the individual is remitted to prison. Restrictions on patients on remand will cease or be replaced when their case is disposed of by the court.

26.17 If a patient continues to require hospital treatment after their restrictions have ceased, they can remain in hospital as a “notional s.37” patient managed by clinicians and hospital managers. The Secretary of State will have no further involvement in the management of these patients. From this point, all decisions, including discharge, will be made by the Responsible Clinician or the Tribunal. A notional s.37 patient can be made subject to a s.17A community treatment order. The National Probation Service (NPS) Offender Manager retains responsibility for the Risk Management Plan and patients will still be subject to licence conditions if they are discharged before their sentence has expired (in the same way they would be released on licence from prison). This means that the Responsible Clinician must contact the NPS when discharge is considered. A breach of licence conditions may result in recall, which will be to prison.

Transfers late in sentence

26.18 The Court of Appeal has observed that, when considering an application for a s.47 transfer right at the end of sentence, the Secretary of State must apply a heightened level of scrutiny to the evidence on which the decision is to be based³². Accordingly, the Secretary of State will consider late-in-sentence applications only if the case can be made that admission is urgently necessary for the prisoner’s own health or safety, and it is not safe to wait until after the release date for admission to hospital. If a s.47 transfer does not take place, an alternative may be admission under civil powers in the MHA.

Remand to hospital (s.35)

26.19 Under s.35 of the MHA 1983 an accused person can be remanded to a hospital specified by the Crown Court or a magistrates’ court for a report assessing their medical condition. Under s.35 an offender can also be detained in hospital if a magistrates’ court has convicted them of an offence punishable with imprisonment, or where the court is satisfied that a person charged with the offence did the act or made the

³¹ The same can be done in respect of remand prisoners, civil prisoners and immigration detainees, provided that they meet the same criteria (s.48), but these are not automatically MAPPA-eligible unless they are already a MAPPA case or have a previous conviction and are referred into MAPPA under Category 3.

³² *R (on the application of TF) v Secretary of State for Justice* [2008] EWCA Civ 1457.

omission but has not convicted them. This will not automatically make a patient subject to MAPPA unless they are already a MAPPA case, for example they are an Registered Sex Offender (RSO).

Criminal Procedure (Insanity) Act 1964 (as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and the Domestic Violence, Crime and Victims Act 2004)

26.20 This legislation deals with those mentally disordered people who, when they appear before the Crown Court, are not convicted either because their mental disorder is such that they are considered unfit to plead (s.4) or because the offence was committed when they were in such a state of mental disorder as to negate criminal responsibility (not guilty by reason of insanity - s.1).

26.21 Where an individual is found unfit to plead, the jury must then determine, on the evidence, whether they are satisfied that the individual did the act or made the omission charged against them as the offence (s.4A). If the Secretary of State is later advised by the patient's Responsible Clinician that the patient is, at any point, fit to be tried, the Secretary of State may direct his or her remission to Court in order for the prosecution to resume.

26.22 Where an individual is found not guilty by reason of insanity, or was unfit to plead but it was determined that the individual did the act or made the omission, then the court may make a hospital order with or without restrictions (s.5(2))

26.23 Under section 37(3) of the MHA, where a magistrates' court is satisfied that the individual did the act they are accused of, they may choose not to convict them but instead make a hospital order. A restriction order, however, cannot be made.

The Secretary of State's responsibilities under the MHA 1983

26.24 The Secretary of State for Justice is responsible only for MDOs subject to restriction orders (s.41), restriction directions (s.49), and limitation directions (s.45A) under the MHA 1983³³. Such offenders are collectively known as "restricted patients". In relation to all restricted patients, the Secretary of State's consent is required for:

- Leave into the community.
- Transfer between hospitals.

26.25 The Secretary of State may also:

- Discharge patients into the community (either conditionally or absolutely).
- Direct the remission to prison of a transferred prisoner or a patient subject to a hospital or limitation direction.
- Recall a conditionally discharged patient and add, vary or remove conditions of discharge including those set by the Tribunal.

26.26 Further details of the Secretary of State's powers and responsibilities in relation to hospital orders are provided in the Available Orders section of this chapter (paragraphs 26.3 - 26.23).

26.27 The Mental Health Casework Section (MHCS) in Her Majesty's Prison and Probation Service (HMPPS) takes decisions on behalf of the Secretary of State in respect of restricted patients. Queries about

³³ The Secretary of State has no involvement with a patient who is subject only to an order made under s.37 and the patient's clinical team has responsibility for risk management.

restricted patients or the transfer of prisoners to hospital should be addressed to the relevant casework team in MHCS. A contact list is available at <http://www.justice.gov.uk/contacts/noms/mental-health-unit>.

26.28 Clinical and social supervisors are required to submit regular reports to MHCS on conditionally discharged patients. These reports must include information on the involvement of other agencies and MAPPA status.

Role of the First-tier Tribunal (Mental Health) - in Wales, the Mental Health Review Tribunal (the Tribunal)

26.29 The Tribunal has a statutory duty to review the case of a patient detained under the Act and order discharge if it is not satisfied that the criteria for detention are met.

26.30 Detained restricted patients have the right to apply to the Tribunal once a year (s.70). The Tribunal is generally required to discharge the patient from hospital under s.73 of the MHA 1983 if it is not satisfied that:

- the patient is suffering from a mental disorder of a nature or degree that makes it appropriate for the patient to be liable to be detained in hospital for medical treatment; or
- the medical treatment is necessary for the patient's health and safety or for the protection of other persons, or
- appropriate medical treatment is available for the patient.

26.31 The Tribunal can impose conditions on the discharge if it is satisfied that the patient needs to be liable to recall for further treatment.

26.32 A restricted patient subject to conditional discharge in the community has the right to apply to the Tribunal for an absolute discharge once every two years (s.75(2)).

26.33 The Secretary of State is a party to proceedings before the Tribunal and can be represented at Tribunal hearings. Generally, however, MHCS submits a written statement on behalf of the Secretary of State.

26.34 Where the Tribunal directs that a patient be conditionally discharged, it may defer that direction until it is satisfied that adequate arrangements have been made for the discharge to take place (s.73(7)). Conditions of discharge should be proportionate and reasonable in all the circumstances. After the Tribunal has directed a patient's conditional discharge, the Secretary of State may vary those conditions (s.73(5)). Current case law in *Secretary of State for Justice v MM* (2017) EWCA Civ 194 holds that the Tribunal cannot impose discharge conditions that amount to a deprivation of liberty. This is an area of ongoing litigation so current case law should be consulted for guidance.

26.35 The duty to discharge does not apply to restricted patients who have been transferred to hospital under ss.47 or 48 of the Act together with a s.49 restriction or who are subject to a hospital and limitation direction under s.45A. In these cases, under s.74 of the Act, the Tribunal may only recommend discharge to the Secretary of State. If the Secretary of State does not agree to the discharge, the patient must be returned to prison, unless the Tribunal recommends that in the event of the patient not being discharged, they should continue to be detained in hospital.

26.36 If a conditionally discharged patient has been recalled to hospital, the Secretary of State must refer the case to the Tribunal within one month of recall.

Mentally Disordered Offenders who are MAPPA offenders

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

26.38 MAPPA eligibility:

- Patients subject to the notification requirements of Part 2 of the Sexual Offences Act (SOA) 2003 (Category 1); or
- Patients convicted of murder or an offence specified in Schedule 15 or 4A of the Criminal Justice Act 2003 and sentenced to twelve months or more imprisonment or detained in hospital subject to provisions of the MHA 1983, including those found not guilty by reason of insanity or unfit to plead (having done the act) (Category 2).
- Other dangerous offenders (Category 3), please see paragraph 26.40.

26.39 MAPPA eligible MDOs who are subject to MAPPA may be detained in hospital under the MHA 1983 either:

- having been sent there directly by the court making a hospital or guardianship order (s.37), with or without a restriction order (s.41); or
- if detention in hospital was directed by the court combined with a custodial sentence (hybrid orders) (s.45A), with a limitation direction; or
- detention was directed by the Secretary of State for a convicted prisoner serving over 12 months, to be transferred into hospital from prison (s.47), with or without a restriction direction (s.49).

26.40 A patient who does not qualify under Categories 1 or 2 may, however, be subject to MAPPA under Category 3 if the responsible authority considers, by reason of their offences (wherever committed), that they currently pose a risk of serious harm to the public that requires active multi-agency management. Further information on Category 3 can be found in Chapter 6 – Identification and Notification of MAPPA Offenders at paragraphs 6.10-6.16.

26.41 MDOs subject to MAPPA in the community and to the MHA 1983 are:

- offenders who have been conditionally discharged from hospital; or
- offenders under a community treatment order made under s. 17A.

26.42 Other offenders who are subject to MAPPA Category 1 or Category 2 may be simultaneously subject to Mental Health Act powers applied through a non-criminal justice route.

26.43 Mental health practitioners have a duty to co-operate with MAPPA and share information about patients that is relevant to the statutory purposes of assessing and managing risk, even where the patient does not consent. However, patients may be asked to consent to the sharing of other relevant information within MAPPA to assist with their risk management (if they have the capacity to understand what they are consenting to). Further details on information sharing can be found in Chapter 9 – Information-sharing.

26.44 Disclosure of information about the patient to third parties, such as a victim or employer, is possible, but it must be necessary for public protection, proportionate and in compliance with the law. Professional guidance issued to medical practitioners supports necessary and proportionate disclosure and sharing of information (see https://www.gmc-uk.org/guidance/ethical_guidance/30608.asp). Issues of disclosure will be discussed at each MAPPA meeting. Further details on disclosure, including disclosure taking place without consent, are covered in Chapter 10 - Disclosure.

26.45 What happens when an offender is no longer subject to MAPPA supervision is contained in paragraphs 26.71 and 26.72.

26.46 Further information on MAPPA can be found at www.mappa.justice.gov.uk. MAPPA professionals, including health practitioners, can join a password-protected community that contains relevant information. Professionals can join these communities by clicking “register” in the top right-hand corner of the website.

MAPPA management

26.47 Agencies retain their full statutory responsibilities and obligations at all times and, although the case is discussed in the MAPPA meeting, responsibility for decisions and for the management of the offender lies with the lead agency. Further details can be found in Chapter 12 - Risk Management Plans. The purpose of Level 2 and Level 3 MAPPA meetings is to share information to support multi-agency risk assessments and to formulate effective MAPPA risk management plans (MAPPA RMPs), in order to ensure action is taken to manage the risk of serious harm posed.

26.48 Patients should know that they are being managed through MAPPA, what MAPPA is, and what this means for them. However, there may be very exceptional cases where information about MAPPA should be withheld from the patient on the grounds that it may increase his or her risk. This is a decision for the lead agency and must be discussed at a MAPPA meeting. The reason(s) for withholding information about MAPPA management should be clearly recorded in the MAPPA meeting minutes and the case record(s). Neither the patient nor their representatives are allowed to attend MAPPA meetings, as their presence could significantly hinder the core business of sharing and analysing information objectively and making decisions accordingly. The lead agency should seek the offender's views on their risk management and feed them into the meeting. The MAPPA meeting should also agree what information from that meeting will be fed back to the offender.

26.49 If the patient is dissatisfied with a decision about their management agreed at a MAPPA meeting, all attempts should be made to resolve this informally. This is covered further in Chapter 13a – MAPPA Meetings. If this is not possible, any complaint should be pursued in the first instance through the lead agency's complaints procedure (see Chapter 29 – Complaints).

Lead agency

26.50 The definition of a MAPPA lead agency is set out in paragraph 2.3 of the MAPPA Guidance.

26.51 If a patient has received a hospital order or guardianship order (s.37 with or without a s.41 restriction), mental health services are the lead agency for their management and the NPS has no supervisory responsibilities. If the patient is also a registered sex offender the police need to be consulted throughout the patient's detention.

Transferred prisoners

26.52 MAPPA patients transferred from custody to hospital will have an allocated NPS or YOS Offender Manager who is responsible for co-ordinating the RMP for release, including completing the Victim Liaison Unit referral and ensuring regular updates to the allocated Victim Liaison Officer (VLO). Victim contact is covered further in paragraphs 26.74-26.80. Hospital staff need to consider the effect of their decisions and possible Tribunal decisions on external agencies, and must ensure that the Offender Manager is kept informed of decision-making processes and their outcomes. Since the date the Tribunal makes a decision cannot be predicted, it is essential that the relevant Mental Health Trust and the NPS have developed contingency plans in the event of release, and that the lead agency makes a MAPPA referral if necessary.

MAPPA and Tribunals

26.53 The lead agency is responsible for ensuring that all relevant information about a patient's risk is presented in its evidence to the Tribunal. The practice directions for the Tribunal in England regarding statements and reports in mental health cases require that the social circumstances report includes information from MAPPA agencies or meetings. Specifically, the following information is required:

- whether the patient is subject to MAPPA supervision
- whether the patient is known to the police, probation or youth offending team (and if so, why and which area);
- the patient's MAPPA level;
- the name of the Chair of any MAPPA meeting concerned with the patient; and
- the name of the lead agency's representative.

26.54 Reports must not quote a MAPPA meeting as a source of information. Where a specific piece of information that has been shared at a Level 2 or 3 MAPPA meeting is necessary, the report writer must first consult the agency that provided it to seek approval to use the information in a report. The information must be attributed to the agency and the content agreed with the agency representative who attended the MAPPA meeting. Requests for MAPPA minutes by Tribunals are covered in Chapter 13B – MAPPA Meeting Minutes.

26.55 A MAPPA agency may have information about a patient's current risk that would be of assistance to the Tribunal. If a MAPPA meeting or agency wishes to put forward evidence of its views to the Tribunal, the information should usually be included in the social circumstances report via the social worker or in the Responsible Clinician's report. If this is not possible or not considered appropriate by the social worker or Responsible Clinician for any reason, it is possible to include additional risk information in the Secretary of State's statement via MHCS. In such cases details should be sent to MHUTribunalCorrespondence@noms.gsi.gov.uk explaining why the information cannot be included in the other reports. An MHCS senior manager will respond to discuss what information is included. Any contribution should take the form of a summary of the relevant views and, where relevant, the police should include a copy of the Police National Computer record of previous convictions.

Identification of MAPPA offenders

Standard - All MAPPA offenders are identified by mental health services, including private and independent section providers, within 3 days of sentence, admission or transfer to hospital through a criminal justice route

26.56 Mental health services should establish procedures to ensure identification within three days of admission or a change in status. As a fail-safe procedure, a designated member of the care team at the first care programme approach (CPA) meeting or equivalent should be nominated as responsible for ensuring that the offender has been marked as a MAPPA offender on the internal management/record-keeping system.

Notification

26.57 Once a patient is hospitalised through a criminal justice route, they should be identified as a MAPPA case by mental health services, including private and independent sector providers. A formal notification to the relevant MAPPA coordinator for the local area of the patient's home address should be made, using the MAPPA I, which can be found in the MAPPA document set. A full referral to Level 2 or 3 is not required at this stage. Early notification serves to support mental health service providers' awareness of MAPPA, the

identification of MAPPA offenders as required by legislation, and the tracking of MAPPA patients. Notification is necessary because the MAPPA Co-ordination unit does not have routine access to case records of MAPPA offenders detained by mental health services. The MAPPA Co-ordinator will use Part 2 of the MAPPA I to inform the Responsible Clinician of any information held by other agencies that is relevant to the management of the offender's risk. For more details about the role of MAPPA Co-ordination see Chapter 28 – MAPPA Co-ordination.

26.58 Offenders subject to MAPPA as a result of offending that has not led to their hospitalisation may be admitted into a mental health facilities through a civil route. These offenders will be known to another agency, who may or may not know they are in hospital. If the hospital is aware that a patient admitted through a civil route is a MAPPA-managed offender, they should contact the lead agency if known, or otherwise the local MAPPA Co-ordination unit. If a patient admitted through a civil route is displaying worrying behaviour and the clinician is concerned about a possible risk to the public, they should contact the police to check whether the patient is a MAPPA offender or has any previous convictions that suggest they may need MAPPA management under Category 3. Active and proportionate information exchange will support the effective management of risk posed by existing and potential MAPPA offenders.

Leave and community discharge

26.59 Part 3 of the MAPPA I should be completed/updated prior to first unescorted leave and after the first CPA meeting in which discharge was discussed for all patients for whom a MAPPA I was submitted. Part 3 should also be completed prior to first escorted leave where there is a high risk of abscond, very high risk of harm or high risk of reputational damage and prior to extended leave of absence. This starts the process of communication and supports MAPPA being factored in to discharge planning.

26.60 Routine notifications to MAPPA about every single leave trip or variation in leave arrangements are unworkable. Information regarding notifying victims of patient's leave is covered in paragraphs 26.74-26.80.

26.61 As forensic patients may be in regional units away from their home areas and initial leave may be in a different MAPPA locality from the final discharge area, multiple MAPPA areas and local police forces may need to be notified. For example, a London patient on a s.37/41 order taking first community leave from a hospital in the Cambridge area would need to be notified to the relevant London borough and to Cambridgeshire MAPPA.

26.62 MHCS makes leave decisions for restricted cases on behalf of the Secretary of State³⁴, but MAPPA notification is the responsibility of the mental health team. MAPPA cannot approve or decline leave for restricted patients and leave should not be withheld pending MAPPA notification or reply. However, it is good practice to seek the views of the MAPPA area when making a decision, to ensure robust information sharing and multi-agency collaboration.

Making a referral to MAPPA at Level 2 or 3

26.63 The lead agency is responsible for making a referral to MAPPA at Level 2 or 3 where appropriate (see Chapter 7 –Levels of Management for details). First unescorted leave, or when discharge plans are being made, may be an appropriate time to consider a referral to Level 2 or 3. This will enable the discharge area to be informed of the change in circumstances, and to plan and contribute to risk management as

³⁴ As a matter of course, MHCS will inform the police force for the area where a restricted patient is detained when: they are exceptionally given one-off leave from hospital; their Responsible Clinician is given discretion to give escorted or unescorted leave; they transfer to a different hospital; or they are discharged into the community.

necessary. For reference, a referral to Level 2 or 3 must be considered at least six months prior to release for a MAPPA offender in custody.

26.64 When planning discharge arrangements for an offender subject to MAPPA, the CPA meeting should consider the appropriate level of MAPPA management. This should be informed by other agencies involved with the offender. All cases must be screened to determine whether Level 2 or 3 management is required. The screening of level 2 and 3 cases is covered in Chapter 7 - Levels of Management. If MAPPA management at Level 2 or 3 is believed to be required, a formal referral must be made using the MAPPA A. The Responsible Clinician or other multi-disciplinary team members can contact the MAPPA co-ordinator for advice before making a referral.

26.65 In imposing a restricted hospital order the court has decided that, having regard to the nature of the offence, a restriction is necessary for the protection of the public from serious harm. An assessment of the current risks and complexities will inform a decision on whether Level 2 or 3 management is required. For non-restricted patients, the risk of serious harm has not been established by the court and the Ministry of Justice may not have been involved with the patient or may no longer be involved. However, some unrestricted cases may be former sentenced prisoners or others with substantial risk histories. In these cases, if there is no current assessment of the risk of serious harm the patient presents, a suitable mental health practitioner will need to assess the risk to consider whether inter-agency discussions and active multi-agency management would benefit the patient's risk management and if so, a referral to MAPPA Level 2 or 3 should be made.

Level 1 management

26.66 If the lead agency considers management at Level 1 to be enough, only a notification needs to be submitted, through an update to Part 3 of the MAPPA I. A professionals meeting should be considered to develop a risk management plan in Level 1 cases. Further information on Level 1 management is provided in Chapter 7 - Levels of Management.

Liaison and attendance at MAPPA meetings

26.67 Mental Health Trusts or University Health Boards (Wales) should prioritise attendance at MAPPA meetings where they are the lead agency and in cases involving transferred prisoners.

26.68 It is good practice for each MAPPA area to have a mental health representative, who is a core MAPPA meeting member to meet the general duty to co-operate. This person should have the authority to commit resources on behalf of the Mental Health Trust or University Health Board and should possess relevant experience of risk/needs assessment, as well as analytical and team-working skills. There should be continuity of personnel in order to sustain good working relationships.

26.69 This core member, however, may not have direct knowledge of the MAPPA case under discussion, so a representative of the patient's clinical team should also be invited to attend to contribute to the MAPPA discussion on individual cases. Attendance in person is the normal expectation, particularly when mental health services are the lead agency; but if that is not possible, video/telephone conferencing should be considered.

26.70 A MAPPA J should be completed in line with the guidance in Chapter 3 – Duty to co-operate agencies for patients applying for work or benefits, identifying restrictions on employment or training. Whether or not there are restrictions that require a MAPPA J, in all cases where there is an identified risk to staff, the risk should be identified in the patient's RMP and actions to manage the risk should be discussed with the DWP.

Exit from MAPPA

26.71 It is important to identify when an offender is no longer subject to MAPPA supervision. The criteria for an offender being discharged from MAPPA are different for each of the three categories:

- Category 1 offenders: when their period of registration expires. In the most serious cases registration is for life. However, following a ruling of the Supreme Court in 2010, RSOs can seek a review of registration 15 years from the date of their first notification.
- Category 2 offenders: when a s.37 patient is absolutely discharged. Where a s.45A or s.47 patient no longer requires treatment in hospital, and they are not remitted back to prison, they may be released on licence. MAPPA ceases to apply when the licence expires (unless referred into category 3).
- Category 3 offenders: where the case no longer requires active multi-agency management at level 2 or 3.

26.72 Part 4 of the MAPPA I should be completed by the Responsible Clinician for Level 1 patients for whom they are the lead agency and forwarded to the relevant MAPPA co-ordinator when the patient is no longer subject to MAPPA supervision.

Absconds and escapes

26.73 Hospital managers are responsible for informing the police whenever a restricted patient escapes from the hospital where they are detained, absconds while on escorted community leave, or fails to return from permitted leave. This information must be passed immediately to the local police force in accordance with local protocols, including information regarding any known victims who may be at risk. The hospital, as the lead agency, should have a contingency plan that covers out of hours absconds and sets out who will be responsible for contacting the VLO. A copy of the absconsion plan should be included in the MAPPA I.

Victims of mentally disordered offenders

26.74 The rights of victims of Mentally Disordered Offenders are set out in the Domestic Violence, Crime and Victims Act 2004 (DVCA 2004). Statutory rights apply only where the sentence was passed on or after 1st July 2005. These rights were extended by the Mental Health Act 2007 to include victims of unrestricted patients for sentences passed on or after 3 November 2008. Guidance is provided in the Mental Health Act 1983 Code of Practice published in 2015 and available at:

<https://www.gov.uk/government/publications/code-of-practice-mental-health-act-1983>

26.75 Under the DVCA, a qualifying victim is entitled to know whenever discharge is being considered either by the Secretary of State, the Tribunal (restricted patients), the Responsible Clinician, or hospital managers (unrestricted patients).

26.76 The victim has the right to make representations to the decision-maker about any conditions to be added to any discharge (restricted patients) or CTO (unrestricted patients) for their protection. The victim is not entitled to make representations about whether discharge is appropriate.

26.77 The victim is further entitled to know:

- whether discharge took place (restricted patients) or a CTO was made (unrestricted patients) and, if so
- what conditions are in place for the protection of the victim or the victim's family, including any subsequent changes, and

- when those arrangements end

The victim will not be informed of specific details of where the patient is to be located after discharge.

26.78 For restricted patients there is also a presumption that the VLO will tell victims about community leave unless there are exceptional circumstances, e.g. if the victim is considered to pose a risk to the patient. Victims will be told via their VLO when MHCS agrees to either escorted or unescorted leave, but not of each individual period of leave, which usually remains at the discretion of the Responsible Clinician.

26.79 Where the offender is subject to an unrestricted hospital order, victims have the same statutory entitlement to information as when a restricted hospital order is made, provided the conviction is for a qualifying offence. The decision-makers are the hospital managers, the Responsible Clinician and the Tribunal. The NPS Victim Liaison Unit is responsible for passing the victim's details to the hospital, should the victim want this. There will be no further involvement from the NPS. The hospital managers have the legal responsibility for passing information to the victim, and the victim will not be allocated a NPS VLO.

26.80 Where the sentence was passed before the relevant Act, the victim has no statutory rights. However, common practice in cases involving restricted patients is to give victims who request contact under the NPS Victim Contact Service the information to which they would be entitled had the DVCA 2004 been in force.

28. MAPPA Co-ordination

This is a summary of the MAPPA Co-ordination function. Please see the relevant chapters for details.

Standard – MAPPA Co-ordination should be accountable to the Strategic Management Board.

Introduction

28.1 MAPPA Co-ordination is a dedicated function carried out on behalf of the Responsible Authority, and 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 the delivery of robust and defensible plans, which address known indicators of serious harm to others.

28.2 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 Responsible Authority, either as a role or on a geographical basis.

Single point of contact

Standard – There should be a single point of contact for the management of all MAPPA offenders

28.3 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. Even if several people are involved in the co-ordination task, it is recommended that a single individual is allocated overall responsibility for the oversight of the arrangements in any one area – the “**MAPPA Co-ordinator**”.

28.4 The specific point of contact for MAPPA ensures that the statutory responsibilities in sections 325–327B of the Criminal Justice Act 2003, and MAPPA national policies and procedures, are implemented in their local area as agreed by the SMB.

Desired outcomes from co-ordination

Standard – MAPPA Co-ordinators will work on behalf of the SMB to implement the MAPPA process as outlined in the MAPPA guidance

28.5 The actions below are areas within the Guidance that require MAPPA Co-ordination.

- All MAPPA offenders are identified at sentence by the responsible agency.
- The MAPPA Co-ordinator is notified of all MAPPA offenders being managed in the community by the Youth Offending Team and mental health services.

- The MAPPA Co-ordinator has access to police and probation case management systems for the identification of MAPPA offenders.
- Referral is made to the MAPPA Co-ordinator for all MAPPA offenders for whom a MAPPA Risk Management Plan at MAPPA level 2 or 3 is necessary to manage that risk.
- All referrals for level 2 and 3 MAPP meetings are screened and assessed to ensure the required level of MAPPA management, and the referring agency is informed of the decision within 10 days of receipt of the referral.
- The MAPPA documents are used as required in the MAPPA guidance by Responsible Authorities and Duty to Co-operate agencies ("DTCs").
- All relevant partner agencies are identified and invited to the MAPPA level 2 and 3 meetings in order to plan an effective Risk Management Plan and to ensure that it is implemented.
- Comprehensive and accurate victim information is available at every MAPP meeting.
- All MAPP meetings consider whether a disclosure to a third party is required as part of the Risk Management Plan.
- Relevant reports and other information are available at every level 2 and 3 MAPP meeting.
- All agencies at MAPP meetings are aware of the restrictions and duties in relation to information being shared and are asked to confirm that they are willing and able to abide by them.
- MAPPA level 2 and 3 offenders are reviewed within required timescales, and monitored by MAPPA Key Performance Indicators ("KPIs").
- There is suitable representation at the appropriate grade at MAPP meetings from the agencies required to attend, and a record is kept of their attendance by the minute taker, which is monitored by MAPPA KPIs.
- All agencies attending MAPP meetings are aware of their duty to store minutes confidentially, in accordance with their own agency procedures.
- Responsible Authorities and DTC agencies are provided with up-to-date information on local arrangements regarding any core groups and standing membership.
- All MAPP meetings are effectively managed and are in accordance with the MAPPA Guidance.
- There is effective communication with NOMS Extremism Critical Public Protection Cases Team so that pre-meeting arrangements can be made as required.
- MAPPA Risk Management Plans and minutes from all relevant level 2 and level 3 MAPP meetings are prepared 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.
- MAPPA minutes for all level 2 and 3 MAPP meetings are entered on ViSOR.
- Following agreement to transfer a MAPPA offender by the lead agency, the necessary transfer information is sent via the local Co-ordinator to the receiving MAPPA area.

Information collection and sharing

Standard – the MAPPA Co-ordinator will ensure effective and appropriate information-sharing

28.6 Outlined below are the relevant requirements:

- Relevant information is shared with other agencies within MAPPA for the management of the risk of serious harm to the public.
- Information-sharing is on the basis that the information will be stored and handled using the Government Protective Marking Scheme, shared safely and securely, and used by the appropriate personnel within those agencies for public protection purposes only.
- There is a Memorandum of Understanding in place with every DTC agency to ensure effective and appropriate information-sharing.
- All requests for minutes are considered by the MAPP meeting Chair, and an Executive Summary is provided by the MAPPA Co-ordinator if deemed appropriate.

Standard – the MAPPA Co-ordinator will ensure that statistical data is collated and reported upon as required in the MAPPA guidance

28.7 Outlined below are the relevant requirements:

- Disclosure information for level 2 and 3 cases is collected and reported to the SMB on a quarterly basis.
- A statistical report is provided to the SMB on all MAPPA offenders in the community by category and level. These figures are statistical only and will not provide information on individual offenders.
- Information is collected and provided for the MAPPA annual report.
- Information on performance against the national MAPPA KPIs is collected and reported to the SMB and uploaded to the national Probation Performance Hub.

Strategic issues

Standard – The MAPPA Co-ordinator will work on behalf of the SMB to implement the SMB Business Plan

28.8 Outlined below are the relevant requirements:

- Develop the SMB business plan on behalf of the Responsible Authority and monitor its delivery on behalf of the SMB.

- Collate and analyse quantitative and qualitative data, and provide reports on the area's compliance with the MAPPA KPIs to the SMB.
- Drive the implementation of the SMB training and communication plans.
- Establish and manage the process to identify all relevant cases where a MAPPA Serious Case Review is required and ensure that colleagues are notified.
- Communicate with all agencies involved with MAPPA to improve effective practice and ensure resources are used appropriately to manage risk.
- On behalf of the SMB, ensure that all complaints received by the SMB are dealt with properly and in a timely manner.

Standard – the MAPPA Co-ordinator will provide necessary training and quality assurance for the management of MAPPA offenders

28.9 MAPPA co-ordinators will:

- Provide briefings and training regarding the management of MAPPA offenders in accordance with the SMB plan.
- Undertake performance monitoring and improvement as set out in chapter 31.

29 Complaints

Introduction

Standard - Strategic management Boards (SMBs) ensure there is a complaints procedure for MAPPA in their area

29.1 Complaints about MAPPA may be received from offenders who have been managed under MAPPA, their legal advisors and their friends and relatives. It is also possible that there will be complaints from external organisations or professionals. Complaints may cover a range of issues including decisions regarding disclosure or the denial of access to meetings or minutes.

29.2 As MAPPA is not a body in itself, it is important to determine whether any complaint received by MAPPA is legitimately a complaint about MAPPA or is about how one of the agencies is managing a case. For example, if an offender is raising a complaint about a licence condition, this should be directed to the relevant National Probation Service (NPS) division. Similarly, complaints about police and prison operations should be directed to the police and prison services.

29.3 The Responsible Authority (RA) and Duty to Co-operate (DTC) agencies will have their own complaints procedures and these will apply if there is a complaint about how an agency is carrying out its work. It is important that complaints are managed in line with the agencies' policies and timescales.

29.4 All complaints should be resolved at the lowest level.

Standard - The MAPPA Co-ordinator reports all complaints to the SMB

29.5 The MAPPA Co-ordinator should report all complaints received, and the findings from them, to the SMB. The SMB should ensure that any agreed actions are taken to avoid a repetition of such a situation in the future. This could form part of MAPPA quality audits. See Chapter 31 – Performance Monitoring and Improvement.

Suggested process

29.6 A complaint about MAPPA should usually be directed to the MAPPA Co-ordinator. The following process is suggested, although other arrangements are permissible.

- On receipt of a complaint, the MAPPA Co-ordinator consults the Chair of the SMB and they agree how to proceed.
- 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 him or her of this.
- Where the complaint is levelled against the MAPPA process, or a decision taken by a MAPPA meeting, the SMB Chair will consult with the MAPPA 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 that requires further consideration, the SMB Chair will organise an investigation.
- A lead investigator should be identified, ideally a member of the RA.
- The investigation can be undertaken in a variety of ways including the creation of a sub-group. This might typically consist of three members: a member of the RA, a Lay Adviser and a DTC member, none of whom should be involved in the case.
- If the complainant is dissatisfied with the outcome of an investigation and wishes to appeal he or she may apply to the Chief Constable, Chief Executive of the relevant NPS division, or prison MAPPA representative and ask for a review of the process.

29.7 Complaints should be dealt with as quickly as possible and the complainant should be informed of any delays in the process. The SMB Chair should ensure that the complainant and the MAPPA Co-ordinator are kept advised of the progress of the complaint and its outcome.

30 National Governance of MAPPA

Introduction

30.1 This chapter summarises some of the structures that are in place to support the effective operation of MAPPA. The structures, functions and membership of groups listed below may change over time to reflect agency reorganisations or changes in strategic policy.

Responsible Authority National Steering Group (RANSNG)

30.2 This is the strategic meeting that directs, governs and manages all issues to do with MAPPA, it also:

- Ensures that appropriate MAPPA processes are developed, defined and issued to all components of the Responsible Authority, Duty to Co-operate Agencies and all other relevant partners and stakeholders.
- Promotes the consistent implementation of best practice in MAPPA arrangements throughout England and Wales, to achieve the highest standards in risk assessment and management.
- Advises the relevant Secretaries of State (MoJ, Home Office and any other department that contributes to MAPPA) on arrangements to monitor the efficiency and effectiveness of MAPPA.
- Consults with commissioners and police to advise the Secretary of State and the Police, Prisons and Probation Services on MAPPA resource requirements.
- Promotes the effective use and development of ViSOR.

30.3 Membership includes:

- Head of the Her Majesty's Prison and Probation Service (HMPPS) Public Protection Group (PPG)
- The senior nominated representative of the police
- The senior nominated representative of the National probation Service (NPS)
- The senior nominated representative of HM Prison Service
- Specialist representatives of the HMPPS PPG
- Representatives of the Youth Justice Board (YJB)
- Representatives of the Department of Health and Social Care
- Representatives of the Parole Board

National MAPPA team in the HMPPS PPG

30.4 This is a multi-disciplinary team consisting of civil servants and seconded staff from police and HMPPS. Its functions include:

- Issuing MAPPA Guidance on behalf of the Secretary of State.
- Advising and supporting Responsible Authorities (RA) and Strategic Management Boards (SMB) on MAPPA and public protection issues.
- Working with other government departments and agencies to consider the implications of related policy on MAPPA and public protection.
- Maintaining the Prison Public Protection Manual.

- Engaging with public protection leads in prisons and probation to inform policy and practice developments.
- Engaging with other Responsible Authorities including Health, YJB and Youth Custody Services to inform policy and practice developments
- Providing advice, support and quality assurance for MAPPA Serious Case Reviews.
- Producing the national MAPPA annual statistics and giving guidance relating to local MAPPA annual reports on behalf of the Secretary of State.
- Collating Key Performance Indicator (KPI) data, which is shared with RANS.
- Engaging with the HMPPS Sex Offender Team to inform policy and practice in the management of sex offenders.
- Engaging with the NPS domestic abuse lead and the public protection leads in prisons and probation to inform policy and practice on domestic abuse.
- Engaging with the NPS Integrated Offender Management (IOM) lead and the Police National Working Group (PNWG) to inform practice and to develop an interface between IOM and MAPPA.
- Engaging with the ViSOR community on behalf of HMPPS and contributing to its development in line with the business needs of HMPPS.
- Managing the appointment/termination of appointment of Lay Advisers on behalf of the Secretary of State.

National MAPPA Improvement Group (MIG)

30.5 The MIG is hosted by the National MAPPA team and chaired jointly by the Heads of the National MAPPA team. Representatives from the RA agencies (prison, police and probation) in different MAPPA areas can attend. In most cases, the MAPPA co-ordinator should attend. The MAPPA Co-ordinator should prioritise attendance and send a suitable deputy if unable to attend. Attendees are expected to disseminate key information from the MIG to local areas.

30.6 Its tasks are to:

- Ensure that appropriate MAPPA processes are developed, defined and issued to all RA and DTC agencies and all other relevant partners and stakeholders.
- Promote the consistent implementation of best practice in MAPPA arrangements throughout England and Wales and to develop cross border co-operation within the UK.
- Promote the effective use and development of ViSOR.
- Discuss new initiatives and share best practice.
- Provide the latest initiatives and updates from across PPG and the police service managing sexual and violent offenders.

ViSOR Groups

ViSOR National User Group (NUG)

30.7 The aim of the ViSOR NUG is to support the development and use of ViSOR at a national level across the different UK jurisdictions in order to ensure that it continues to support MAPPA requirements effectively.

30.8 The NUG meets three times a year. Membership comprises Regional User Group (RUG) Chairs and senior customer representatives. The NUG Chair should be the ViSOR senior responsible officer (National Police Chiefs Council lead for the management of sexual and violent offenders).

ViSOR Regional User Group

30.9 There are currently 10 RUGs. They aim to share good practice and discuss implementation issues and other issues at a regional level. The RUGs also propose change requests on behalf of members to the Change Management Group (CMG).

30.10 Membership comprises representatives from user agencies (one police representative per police force and one probation representative per MAPPA area and prison area (regional) representatives). HMPPS should be represented alongside colleagues from the RA. Meetings can be chaired by representatives from any of the three RA agencies. The Chair should be a senior agency representative to ensure sufficient strategic ownership of ViSOR. RUGs meet three times a year and report to the NUG. RUG chairs sit on the NUG.

30.11 All complaints should be resolved at the lowest level via the ViSOR governance structure.

ViSOR Change Management Group

30.12 The remit of the CMG is to approve or reject proposals for change received from RUGs, PPG and the Police College, and to prioritise the implementation of approved proposals. The group also has a mandate to consider improvements to ViSOR and changes to the Standards as requested by users.

30.13 The CMG is obliged to consult other relevant change management groups where proposed changes may impact on other interfaced systems of customer infra-structures. Similarly, other groups are obliged to consult the CMG in cases where their proposed changes may impact on the ViSOR service.

30.14 Although likely to be reviewed, the current arrangements for CMG membership are two elected representatives from each RUG, one from the RANSG, and one representative of each interfaced system. The CMG meets quarterly (or more often if required). The CMG reports to the NUG and will be chaired by a person identified by the NUG Chair.

30.15 All proposed ViSOR changes should come through the CMG, which will only escalate unresolved issues and proposals to the NUG.

ViSOR Training Working Group

30.16 The ViSOR training working group is a forum for all training issues to be discussed, changes and/or amendments agreed and managed. The group membership consists of ViSOR trainers from each of the RAs and reports to the NUG on all matters relating to ViSOR Training.

31. Performance Monitoring and Improvement

Introduction

Standard: SMBs should have arrangements in place to monitor and improve the operation of MAPPA and to demonstrate compliance with the MAPPA Key Performance Indicators (“KPIs”)

31.1 For MAPPA to work effectively, each agency needs to fulfil its legal obligations and to work with other agencies to achieve the robust and defensible risk management of MAPPA offenders. The Responsible Authority, through the Strategic Management Board (“SMB”), needs to be able to demonstrate this empirically through its monitoring and evaluation of its performance.

31.2 Monitoring and analysis of MAPPA operations therefore has the following objectives:

1. To provide evidence that the statutory duties regarding the organisation and delivery of MAPPA are being delivered, including the provision of data for the Annual MAPPA Report and National Statistics.
2. To provide evidence that the defensibility test is being met, i.e. was everything done that could reasonably have been done to prevent offenders from re-offending?

31.3 In order to meet these objectives, it will be necessary to collect and analyse a range of quantitative and qualitative data. This will include compliance with the MAPPA KPIs (see paragraph 21 below).

31.4 It is for local MAPPA SMBs to determine how they will achieve these objectives. Areas may choose to establish a Performance and Review sub-group, but other arrangements are permissible. This section provides guidance on what areas of performance should be measured as part of local MAPPA performance processes. It is particularly relevant to SMBs, Responsible Authority Leads and MAPPA Co-ordinators.

31.5 The SMB will respond to HM Inspectorate of Probation inspections which link to MAPPA, and will make appropriate adjustments.

Analysis of quantitative data

Standard: SMBs should ensure that quantitative data is used to improve performance

31.6 Data that is required for the MAPPA Annual report can be reviewed on a regular basis to support the SMB in monitoring and improving the performance of MAPPA. The data, and changes in data over time, will indicate whether further questions need to be asked to identify and address a performance issue. For example, if the numbers of cases managed at level 2 drops dramatically, individual agencies may want to check that they are screening out cases appropriately. Similarly, a marked increase in level 2 cases might suggest that one or more agencies is referring cases into MAPPA through lack of confidence in their ability to manage a case, rather than through a genuine need for active inter-agency management.

31.7 ViSOR was created as a case management system, but it is a rich source of data regarding the operation of MAPPA. All users can run advanced searches that allow them to gather both numerical and case-related information regarding relevant MAPPA offender cases.

31.8 For those people holding the Statistics Token (normally Central Points of Contact – CPCs or delegated others), it can also report via pre-set functionality on a range of relevant measures including:

- The total number of active nominals reconvicted during a given period.
- The total number of active nominals who are MAPPA cases.
- The total number of new, archived and unarchived ViSOR nominals in a given period.
- The number of active nominals who commit a Serious Further Offence in a given period.
- The number of category 1 and 2 recalls to custody.
- The number of Category 1 nominals subject to joint management.
- The number and type of civil and criminal Restrictive Orders applied for, granted and rejected.
- The numbers of breaches of Orders.
- Wanted / missing nominals by the owning agency.

31.9 Each pre-set ViSOR statistical report has a number of variables that users can select including age, gender, ethnicity, occupation, MAPPA category, management level, and risk level.

31.10 There is also a generic nominal record which allows the user to create further reports regarding the number of MAPPA offenders by category and level and other demographic information such as age, gender and ethnicity (except for Category 2, level 1 cases).

31.11 If the data on ViSOR is accurate, it can provide a fast and efficient way of providing much of the data that is required for the MAPPA Annual Report.

31.12 The reports are intended to support local performance management and are not intended for the public domain, with the exception of the data that is used within the MAPPA annual reports. Freedom of Information (“FOI”) requests for data should be dealt with by the owning agencies’ internal processes for managing FOI requests. However, it would be good practice to liaise with relevant partner Responsible Authority agencies and the central MAPPA team or relevant ACPO lead before responding to a local request that might have national implications.

Analysis of qualitative data

Standard: SMBs should ensure that qualitative data is used to improve performance

31.13 Analysis of qualitative data gives a more detailed analysis of how inputs contribute to outcomes. It enables a judgement to be made about the quality of actions undertaken individually or collectively and an assessment of how this contributed to an outcome. Learning points and plans for improvement can then be identified.

31.14 Qualitative information sources include audits of cases managed at MAPPA level 2 and 3, observations of Chairs to ensure that meetings are effectively managed, and considering the learning from MAPPA Serious Case Reviews (“SCRs”).

Case Audits

31.15 An audit of randomly-selected level 2 and level 3 cases can assist in monitoring and improving MAPPA operations. The purpose of the audit should be to consider how the MAPPA operated rather than to inspect the work of individual agencies. The document **MAPPA K** can assist with case audits.

Audit of level 2 and 3 MAPP meetings

31.16 To ensure that MAPP meetings are effectively managed, the SMB could put in place a process to support MAPP meeting Chairs through feedback of their performance and the effective conduct of the MAPP meetings. This can be done at an agreed frequency, e.g. quarterly. The document **MAPPA L** can assist with audits of MAPP meetings.

MAPPA Serious Case Review

31.17 Where a MAPPA offender commits an offence which triggers a MAPPA SCR, the SMB will be required to instigate a review using the MAPPA SCR process. Once the review has been completed, the SMB must meet to discuss it and to ensure that the findings and Action Plan are implemented and completed. Lessons learned from other MAPPA areas could also be considered in identifying areas for improvement.

Review of Complaints

31.18 The MAPPA Co-ordinator will report to the SMB on all complaints received and the findings from them, particularly where they affect the operational working of MAPPA. The SMB should monitor complaints received and ensure that any agreed actions are taken to avoid a repetition of such a situation in the future.

MAPPA Key Performance Indicators

Standard: SMBs must collect data to demonstrate their compliance with the MAPPA KPIs

Standard: SMBs should ensure the regular analysis of KPIs

31.19 Although the MAPPA KPIs measure inputs rather than outputs, they have been designed to ensure that the critical pre-conditions are in place for effective MAPPA operations (e.g. the right people, from the right agencies, meet at the right frequency). If these things are not in place, MAPPA operations are unlikely to be effective.

31.20 Compliance with the KPIs is measured electronically via an existing NOMS procedure (the Probation Hub). Local areas can draw off a summary of the extent to which they comply with each of the KPIs and can also view the performance of other areas. An analysis of areas where compliance is below target will indicate what further information is required in order to undertake remedial action. For example, non-compliance with the KPI regarding 90% attendance at level 2 and 3 MAPP meetings by duty to co-operate (“DTC”) agencies could prompt analysis to identify which agency or agencies are not attending. The reasons for this can then be considered, e.g. are they being invited on time? Are meetings being run to make best use of agency time or have there been changes of staff? Appropriate action to address the problem can then be considered, e.g. sending out invitations earlier, following them up with a phone call or re-ordering the cases to be considered at a MAPP meeting.

31.21 The KPIs are:

1. 90% of MAPPA level 3 cases reviewed no less than once every 8 weeks.
2. 90 % of MAPPA level 2 cases reviewed no less than once every 16 weeks.
3. Disclosure to be considered and the decision to be recorded in the minutes at 100% of level 2 and 3 MAPP meetings.
4. 100% attendance by Youth Offending Teams and Children's Services at level 2 and 3 MAPP meetings where the offender is aged under 18.
5. 75% attendance by each SMB member at SMB meetings.
6. 90% attendance by each invited DTC agency at an appropriate level of seniority at each level 2 and 3 MAPP meetings (if unable to attend, video or telephone conferencing may be acceptable).
7. 90% attendance by each invited Prison Service representative at an appropriate level of seniority at each level 2 and 3 MAPP meeting (if unable to attend, video or telephone conferencing or the provision of MAPPA F to the meeting will be acceptable).
8. 90% attendance by the appropriate grade from the police at each level 2 and 3 MAPP meeting. This is Inspector at level 2 and Superintendent (or equivalent) at level 3.
9. 90% attendance by the appropriate grade from the Probation Trust at each level 2 and 3 MAPP meeting. This is a middle manager from the Probation Trust (Senior Probation Officer or equivalent) at level 2 and ACO (or equivalent senior manager) at level 3.

32. MAPPA Annual Reports and National Statistics

Introduction

32.1 Section 326(5) of the Criminal Justice Act 2003 requires the Responsible Authority in each MAPPA Area in England and Wales to publish an annual MAPPA report as soon as practicable after the 12-month period ending 31 March. Section 326(6) requires the reports to include details of the arrangements established by the Responsible Authority and to contain such information as may be prescribed by the Secretary of State.

Standard: The Strategic Management Board (“SMB”) must collect and supply the required data for the MAPPA Annual Report and National Official Statistics and comply with directions regarding their publication

Data collection

32.2 The Offender Management and Public Protection Group (“OMPPG”) will write to MAPPA areas to specify exactly what data should be supplied to them, in what format and at what time. The details may change from year to year but, as a minimum, it is important that SMBs have arrangements in place to collect and report on the items listed at 1 to 9 below.

32.3 Much of the data required for the MAPPA Annual reports and National Statistics can be collected from ViSOR. This is indicated by (V) next to the data item. Where data is not available from ViSOR, the data item is marked with the word “no” and where relevant an explanation is given. Details of MAPPA statistical standards have become more refined, so a Change Request will need to go into ViSOR to address these standards fully. In the longer term, if data on ViSOR is reliable, it could be drawn off centrally at OMPPG, rather than requiring areas to submit all data on manual returns. To expedite this less time-consuming way of working, SMBs may wish to regularly request a comparison of manual returns against ViSOR and put in place measures to improve the match between the manual and ViSOR systems.

1. Number of MAPPA offenders, in each Category (1–3) and each level (1–3), who were living in your Area on 31 March. (Partial coverage. For numbers on 31 March each year, ViSOR lists by Category not by level.)
2. Number of MAPPA offenders who were managed at either level 2 or level 3 at any point during the period 1 April to 31 March. (V – ViSOR lists by both Category and level for any such cases managed during the period.)
3. Number of registered sexual offenders who were either cautioned or convicted during the period 1 April to 31 March for breaches of the notification standard. (V)
4. Number of the following Restriction Orders which were imposed by the courts in your Area in all proceedings in the period 1 April to 31 March: Foreign Travel Order, Notification Order, Sexual Offences Prevention Order (V).
5. Number of level 2 and level 3 offenders who were managed during the period 1 April to 31 March, broken down by Category, who have been returned to custody for a breach of licence. (No – ViSOR just lists by level not by Category.)

6. Number of level 2 and level 3 offenders who were managed during the period 1 April to 31 March and who have been sent to custody for a breach of a Sexual Offences Prevention Order. (No – ViSOR only lists cautions and convictions not results in stats.)
7. Number of MAPPA offenders under probation supervision, broken down by Category and level, who were charged with a Serious Further Offence (“SFO”) during the period 1 April to 31 March. (No – ViSOR just lists convictions.)
8. Number of Serious Case Reviews resulting from level 2 and level 3 offenders under probation supervision who were charged with an SFO during the period 1 April to 31 March. (No)
9. Number of MAPPA offenders under probation supervision, broken down by Category and level, who were on an outstanding charge for an SFO at 31 March 2010 (level 2 and level 3 only), or who were charged with an SFO during the period 1 April to 31 March, who were:
 - a. convicted of an SFO during the period 1 April to 31 March (V), or
 - b. on an outstanding charge for an SFO at 31 March (No), or
 - c. dealt with in any other way (e.g. acquitted, charge dropped, case not proceeded with, convicted of a non-SFO offence). (No)

32.4 This means that each agency with statutory supervision or care responsibilities must ensure that the MAPPA Co-ordinator has access to, or is supplied with, the number of MAPPA offenders in Categories 1 and 2 who are managed at level 1. Where an offender is currently subject to MAPP meetings at level 2 or 3, the MAPPA Co-ordinator can calculate the number in each category from ViSOR. He or she can also calculate the number of Category 3 offenders.

32.5 These figures do not require identifiable data to be supplied: it is a statistical return only.

32.6 Many offenders will be supervised by more than one agency. To avoid double counting, agencies should supply data as follows:

- Police – Category 1 offenders managed at level 1.
- Probation – Category 2 offenders subject to probation supervision at level 1.
- YOTs – Category 2 offenders subject to supervision by Youth Offending Teams at level 1, and
- Mental health service – Category 2 offenders who are restricted patients and who are conditionally discharged and managed at level 1.

Publication and Restrictions

Standard: Any premature release of the official statistics must be reported to OMPPG immediately

32.7 OMPPG will prepare a set of national Official Statistics based on the information supplied by areas.

32.8 The MAPPA figures constitute official statistics, which means that neither the figures, nor any briefing which indicates the figures or trends behind them, may be shared before the official publication date, other than with those on a previously-agreed 24-hour pre-access list.

32.9 This restriction is explained in the code of practice for official statistics, which can be found at: <http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html>.

32.10 In short, it requires agencies to report to the National Statistician immediately any accidental or wrongful release, and investigate the circumstances (paragraph 8, protocol 2). Any premature or erroneous release of the MAPPA official statistics must be reported to OMPPG immediately. OMPPG will inform the National Statistician.

Media

Standard: SMBs must have an agreed communication strategy for managing the publication of the annual reports

32.11 Local statistics for the relevant year can be issued to any media from 9:30am on the day of publication. This is when all 42 MAPPA annual reports will be made available on the Ministry of Justice website alongside the National Statistical Bulletin.

32.12 The MoJ press office and OMPPG will supply Q&A briefing on national figures and wider issues to assist with media and other enquiries. These can be adapted to local circumstances. A template press release will also be made available for each MAPPA area. If areas require any media handling advice then they should contact MOJ press office on 020 3334 3536.

Glossary

ACO	Assistant Chief Officer (of Probation)
BTP	British Transport Police
CAADA	Co-ordinated Action Against Domestic Abuse
CCD	Criminal Casework Directorate
CJA 2003	Criminal Justice Act 2003
CJIA 2008	Criminal Justice and Immigration Act 2008
CJCSA 2000	Criminal Justice and Court Services Act 2000
CMG	Change Management Group
CNC	Civil Nuclear Constabulary
COP	Contracted-Out Prison
CPA	Care Programme Approach
CPPC	Critical Public Protection Cases
CSP	Community Safety Partnership
CTA 2008	Counter Terrorism Act 2008
CTO	Community Treatment Order
DTC	Duty To Co-operate
EM	Electronic Monitoring
EPIC	Electronic Probation Information Centre
FLO	(Police) Family Liaison Officer
FNO	Foreign National Offender
FTO	Foreign Travel Order
GPMS	Government Protective Marking Scheme
HDC	Home Detention Curfew
ICO	Information Commissioner's Office

IDVA	Independent Domestic Violence Adviser
IPP	Indeterminate Sentence of Imprisonment for Public Protection
IRC	Immigration Removal Centre
IRMT	Interdepartmental Risk Management Team
KPI	Key Performance Indicator
MAPPA	Multi-Agency Public Protection Arrangements
MARAC	Multi-Agency Risk Assessment Conference
MDO	Mentally Disordered Offender
MHA 1983	Mental Health Act 1983
MHCS	Mental Health Casework Section
NOMS	National Offender Management Service
NPIA	National Policing Improvement Agency
NUG	National User Group
OASys	Offender Assessment System
OGRS	Offender Group Reconviction Scale
OIS	Offender Information System
OMPPG	Offender Management and Public Protection Group
OSCT	Office for Security and Counter Terrorism
PCA 2009	Policing and Crime Act 2009
PNC	Police National Computer
PPCS	Public Protection Casework Section
PPO	Prolific (and other) Priority Offenders
PSO	Prison Service Order
RANSg	Responsible Authority National Steering Group
RC	Responsible Clinician
RM2000	Risk Matrix 2000

RMP	Risk Management Plan / Royal Military Police
ROTL	Release On Temporary Licence
RSO	Registered Sexual Offender
RUG	Regional User Group
SARA	Spousal Assault Risk Assessment
SARN	Structured Assessment of Risk and Need
SCR	Serious Case Review
SFO	Serious Further Offence
SMB	Strategic Management Board
SOA 2003	Sexual Offences Act 2003
SOPO	Sexual Offences Prevention Order
SPO	Senior Probation Officer
SPOC	Single Point Of Contact
UKBA	UK Border Agency
VLO	Victim Liaison Officer
VOO	Violent Offender Order
YOI	Young Offender Institution
YOT	Youth Offending Team