FOREWORD

by Hilary Benn MP, Parliamentary Under Secretary for Community and Custodial Provision

Protecting the public from potentially dangerous offenders is a priority for us all.

The recent report by Lord Laming into the tragic death of Victoria Climbie highlighted the importance for agencies, whose job it is to protect the public, to work together. In many respects closer working has been the guiding principle of the Multi Agency Public Protection Arrangements (MAPPA). Created by the Criminal Justice and Court Services Act (2000), the arrangements require police and probation to work together to manage the risks posed by dangerous offenders in the community.

This work now has a solid foundation, but we recognise there is more to do to strengthen the arrangements further. The workings of the MAPPA have been the subject of close scrutiny in the past year both from the joint Inspectorates' report *Safeguarding Children* and through the publication of the first annual reports. While recognising the excellent work that has already been done, these reports have helped guide the planning for the further development of the arrangements.

One of the key themes arising from this report and from experience over the past year is a need for greater consistency of practice across different Areas of the country. The sections in this guidance on the MAPPA framework and the Strategic Management Boards aim to help achieve such consistency. This represents phase two in the development of the arrangements. Phase three involves preparation to implement the provisions of the Criminal Justice Bill, which include making the Prison Service part of the Responsible Authority with the Police and the National Probation Service (NPS). The Bill also imposes a statutory duty to co-operate on those agencies which, although not part of the criminal justice system, work with offenders. Finally, we are already piloting arrangements in eight Areas of the country to involve members of the public more closely in this important public protection work. The Bill will enable the Home Secretary to appoint two 'lay advisers' to participate in the work of the MAPPA in each Area.

The Government's commitment to strengthen public protection is also reflected in legislation currently before Parliament to reform the laws on sexual offending. Among other things this Bill will tighten up sex offender registration; introduce a new offence of 'grooming'; and enable sex offender orders and restriction orders to be imposed on violent offenders who pose a risk of causing serious sexual harm – and thereby extend sex offender registration to them.

Additionally, the Criminal Justice and Sentencing Bill will create two new prison sentences – one a special determinate, the other an indeterminate sentence – under which offenders convicted of serious sexual and violent offences will only be released when they are assessed as no longer presenting a serious risk to the public.

There will be further changes ahead, but they will build upon the very sound achievement which police forces and the National Probation Service have established through the MAPPA. This Guidance is integral to underpinning what has been achieved so far and preparing for future developments. I am very grateful for the considerable efforts and the professionalism of all those involved in this important and valuable work.

Hilary Benn
March 2003

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Home Office
BUILDING A SAFE, JUST AND TOLERANT SOCIETY

NATIONAL PROBATION SERVICE
for England and Wales

THE MAPPA GUIDANCE

PURPOSE
To underpin MAPPA development to date and to prepare for the implementation of further legislative provision.

ACTION
Chief Officers to implement jointly with Chief Constables.

SUMMARY
The MAPPA Guidance is issued by the Home Secretary under powers contained in Section 67(6) of the Criminal Justice and Court Services Act (2000). It is also being issued as a Probation Circular to reiterate its importance.

The Guidance consolidates what has been achieved since the multi-agency public protection arrangements (MAPPA) were introduced in April 2001. It addresses the need for greater consistency in MAPPA practice before the next phase of development, implementing new legislative provision, is undertaken. It has three main sections:

(i) a summary of the key features of MAPPA practice written by Eithne Wallis (NPS Director General) and Terry Grange (ACPO lead);
(ii) a description of the MAPPA 'Framework' within which the core risk assessment and management arrangements are supported; and,
(iii) a definition of the Strategic Management Board each Area is required to have.

RELEVANT PREVIOUS PROBATION CIRCULARS
This is the first Probation Circular to be issued about the MAPPA and the previous Guidance that has been issued is incorporated within this document.

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TO:
Chairs of Probation Boards
Chief Officers of Probation
Secretaries of Probation Boards

CC:
Chief Constables
Board Treasurers
Regional Managers

AUTHORISED BY:
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MAPPA Guidance

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SECTION 1

EXECUTIVE SUMMARY

Eithne Wallis, Director General, National Probation Service, and Terence Grange, Chief Constable of Dyfed-Powys and ACPO Lead on Child Protection and Sex Offenders.

I. Introduction

1. This Guidance marks an important stage in the development of the multi-agency public protection arrangements (MAPPA). Its purpose is to consolidate the considerable work done since the introduction of the MAPPA in April 2001 and to prepare for the next phase of development, to which the Criminal Justice Bill will give significant impetus when it is enacted. This joint statement which introduces the detailed guidance contained in the following chapters, draws attention to:

- the Status and Purpose of the Guidance;
- the three phases of MAPPA development;
- the four features of MAPPA good practice; and,
- the composite nature of the Guidance.

II. Status and Purpose of the Guidance

2. This Guidance has statutory authority. Sections 67 and 68[1] of the Criminal Justice and Court Services Act (2000) imposed duties upon the police and probation services (the Responsible Authorities) in each of the 42 Areas of England and Wales to establish the MAPPA. The legislation (Section 67(6)) also empowered the Home Secretary to issue guidance to the Responsible Authorities on how their MAPPA duties should be discharged. To reinforce the importance of this Guidance to the Responsible Authorities, it is issued to the National Probation Service (NPD) as a Probation Circular; and to Police Forces with the full endorsement of Association Of Chief Police Officers (ACPO).

3. The publication of the first annual reports during the summer of 2002 reflected what had been achieved in developing the new statutory public protection arrangements. Having started from different points of experience and expertise in public protection work, Areas have developed at different speeds. Also, the nature of this work involves the establishment of some quite complex arrangements and cultural changes to enable co-operative working in

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[1] The legislation (contained in full in Appendix 1) requires the Responsible Authority in each Area (i) to establish arrangements to assess and manage the risks posed by sexual and violent offenders; (ii) to monitor those arrangements and make necessary changes; and, (iii) to prepare and publish an annual report on the MAPPA.

practice as well as in name. Inevitably therefore, there is a lack of consistency in the MAPPA between Areas. This is not to argue for a slavish uniformity of process but for a commonality of approach and practice – a consistent definition of risks and the means of managing them; and a framework common to all Areas which enables a consistent approach to risk identification, assessment and management.

4. This consistency has been defined in the Guidance as the MAPPA framework. This framework is very important in supporting:

(i) greater professional confidence in the multi-agency management of risk;
(ii) the work we will do to establish national standards to underpin and support the development of good practice;
(iii) the more effective and efficient management of cases across Areas;
(iv) consistency in the way we communicate public protection work to the public – and we all recognise the difficulties in explaining this complex but important part of our public service;
(v) the effective development and sharing of good practice; and,
(vi) effective links with other agencies both within the MAPPA (as we anticipate the provision made to strengthen these in the Criminal Justice Bill) and outside, for example with Area Child Protection Committees (ACPCs).

5. This last issue was one that was further highlighted by the report eight Inspectorates jointly published on *Safeguarding Children*[2], which also drew attention to the value MAPPA were adding to public protection. The subsequent separate report published jointly by the Inspectors of Constabulary and Probation[3], dealt with the matter in more detail and helpfully included in its recommendations to ACPO and NPS that:

- a national framework for MAPPA be implemented as a matter of priority, including links with ACPCs; and,
- a set of national standards and performance measures be agreed.

6. Lord Laming's report on the Victoria Climbie Inquiry amplified the theme of these issues when it highlighted the need for clearer accountability at a local level for child protection. And Ministers have already announced that local authorities will be required to produce, jointly with partners, a local strategy to prevent children from being harmed. Clearly the MAPPA have a role to play in these developments: the introduction of the 'duty to co-operate' will provide a formal mechanism for this but work now on consistency and MAPPA accountability is important too.

[2] Department of Health October 2002
[3] *Protecting Children from Dangerous People* Home Office December 2002

III. The Three Phases of MAPPA development

7. This Guidance substantially provides the framework, within which in the next phase of MAPPA development national standards and performance measures will be drawn up. It is helpful to clarify the process of the MAPPA development which we see as comprising three phases:

(i) Phase 1 (April 2001 – Autumn 2002): the setting up of the MAPPA, which because they built upon the inter-agency co-operation that the Sex Offender Act (1997) prompted, began prior to their formal inception in April 2001;
(ii) Phase 2 (Autumn 2002 – January 2004): distilling the learning from the first year's operation and the first annual reports, preparing and implementing this Guidance;
(iii) Phase 3 (January 2004 – Annual reports 2005): preparing and then implementing the 'duty to co-operate' and 'lay adviser' provisions contained in the Criminal Justice Bill; and using the HMIC and HMIP inspection of public protection (scheduled for late 2003) to inform the development of national standards and performance criteria.

8. It is also appropriate to make reference to some of the features of this phased development and specifically to the provisions which are contained in the Criminal Justice Bill. One of the most significant features of the first and second phases are the development of ViSOR (an electronic database of those violent and sexual offenders who fall within the MAPPA) and the roll-out of OASys (the offender risk assessment system), both of which will make a great difference to our ability to store, access and share information.

9. In addition to these developments, we are expecting to progress work on managing dangerous offenders returning from overseas. Work on this continues on a number of fronts, including:

- initiatives Home Office colleagues are taking forward with our partners in the European Union;
- the brokering of bilateral agreements with European partners, on which police and probation are working together;
- provisions contained within the Sexual Offences Bill; and,
- establishing better practical arrangements for managing offenders as they return to this country, on which NPD is working with the National Criminal Intelligence Service (NCIS) and *Prisoners Abroad*, among others.

10. The latter stream of work connects with a broader development which will see the establishment of a more proactive casework section within NPD's Public Protection Unit. This casework section, whose complement will include experienced police and probation practitioners, will provide a point of reference for Areas seeking advice and assistance on the more problematic cases. Out of this, the Public Protection Unit will establish arrangements

reflecting those which this Guidance requires Areas to develop. These include a National MAPPP and a National MAPPA Strategic Management Board.

11. The National MAPPP will not be a 'higher tier' to the Area MAPPPs but will formalise how Public Protection Unit manages its casework – Early Warning System referrals, and cases whose implications and management extend beyond the Area. The National MAPPA Strategic Management Board (SMB) will make permanent and more formal the *ad hoc* arrangements for consulting stakeholders and operational managers on MAPPA development which we have used in the initial phases. This forum will be of great importance in helping to prepare for the implementation of the two MAPPA provisions of the Criminal Justice Bill.

12. The first of these is the imposition on a number of other agencies of a duty to co-operate with the Responsible Authority in discharging its principal MAPPA duty to establish arrangements for assessing and managing the risks posed by sexual and violent offenders. The agencies upon whom this duty to co-operate will be imposed are local health authorities and trusts; housing authorities and registered social landlords; social services departments; social security and employment service departments; youth offending teams (YOTs); local education authorities; and electronic monitoring providers. The Prison Service is to become a part of the Responsible Authority. Guidance will be published later this year after the nature of these relationships has been clarified with these bodies' central government departments. The Responsible Authority will be required to draw up and agree with each of the bodies concerned a memorandum setting out the ways in which they are to co-operate.

13. The second provision in the Bill is for the appointment by the Secretary of State of two 'lay advisers' to each Responsible Authority in respect of its reviewing and monitoring functions. This is a further development which will increase public awareness and understanding of the MAPPA. Eight Areas (Dorset, Hampshire, Surrey, West Midlands, Durham, Cumbria, Greater Manchester and South Wales) are currently piloting arrangements for lay involvement in the MAPPA. These pilots are being formally evaluated by Manchester University and the next parts of the Guidance to be prepared will include sections on lay advisers and the duty to co-operate arrangements.

IV. The Four Features of MAPPA Good Practice

14. The MAPPA have grown out of the development of closer working between Areas and agencies, principally the police and probation services, in the 1990s. A number of high profile cases and key pieces of legislation (culminating in the Criminal Justice and Court Services Act (2000)) gave impetus to that development. Moreover, various pieces of research[4] into the

[4] Including, Home Office Special Conferences Unit (1997), Maguire,M., Kemshall,H., Noakes.L. and Wincup.E. (2001) *Risk management of sexual and violent offenders: The work of Public Protection*

development identified those features which were crucial to the effectiveness of public protection. In describing the framework of consistency, this Guidance has endeavoured to distil the learning from this body of research and from the advice and recommendations which the police and probation inspectorates have provided in a number of forms.

15. In outlining that framework, which the succeeding chapters detail, we have found it helpful to refer to the recent consideration of MAPPA good practice by Professor Hazel Kemshall (2003)[5], in which she clarified that public protection depends upon:

(i) defensible decisions;
(ii) rigorous risk assessment;
(iii) the delivery of risk management plans which match the identified public protection need; and,
(iv) the evaluation of performance to improve delivery.

<u>Defensible Decision-making</u>

16. Although the MAPPA represent a significant strengthening of public protection, they cannot provide an absolute protection: as recent research[6] has shown, 32 per cent of the first-time murderers and 36 per cent of the serious sexual offenders had no previous convictions; and risk assessment is not an infallible science. As Hazel Kemshall has commented:

> "The desirable outcome of MAPPA is effective risk management. However this should not be understood as 'zero risk' as this position can never be achieved…..Risk management should be understood as harm reduction either through the reduction of the likelihood of a risk occurring or the reduction of its impact should it occur."[7]

17. In many cases the decision-making involved in the assessment of risk and its management can, and indeed often does, prevent re-offending, but it is not infallible. Even the most diligent efforts of practitioners cannot always prevent serious harm. In place of infallibility we must put defensibility – making the most reasonable decisions and carrying them out professionally in a way which can be seen to be reasonable and professional.

Panels. Police Research Series. Paper 139. London: Home Office; and, McIvor and Kemshall (2002).

[5] Kemshall, H. (2003) The Community Management of High-Risk Offenders *Prison Service Journal*, March 2003.

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

[7] Kemshall, H. (2003) *ibid.*

18. The idea of defensible decisions is not about defensiveness: it is intended to embed risk assessment with rigour and risk management with robustness. Kemshall[8] summarised its criteria as:

- all reasonable steps have been taken;
- reliable assessment methods have been used;
- information has been collected *and thoroughly evaluated*;
- decisions are recorded (and subsequently carried out);
- policies and procedures have been followed; and,
- practitioners and their managers adopt an investigative approach and are proactive.

Rigorous risk assessment

19. Great strides have been made in improving risk assessment. The roll-out of the electronic version of OASys will provide a swifter and common approach to risk assessment, building upon the value provided by Risk Matrix 2000. While this move towards a standardised form of risk assessment is important, it is understood that 'one size does not fit all' and that future developments must include assessment tools refined for more specialised use. Nevertheless, OASys provides a platform upon which sound practice must be based and forms part of the foundation of the MAPPA framework.

20. No risk assessment method is fully predictive yet good risk assessment practice is dependent upon those undertaking it having all the relevant information and time to consider it. For this reason the Guidance places great emphasis upon the identification of risk and information sharing to assess risk. Once identified and after the information has been shared, it is the skills of practitioners, enhanced by the involvement of other professionals, which give life to procedure. We know, for example, that while an offender's past convictions and other 'static' factors are reliable indicators of risk, the risk assessment skill often lies in discerning the 'dynamic' risk factors and more importantly drawing up the risk management plan.

21. It is important too to draw attention here to the victim focus of MAPPA work (and more detailed mention is made in Section 2). While Section 69 of the Criminal Justice and Court Services Act (2000) imposed a statutory duty on Probation Areas with regard to victim contact, good practice already shows the wider benefits of this work. The victim is central to the offence and the risks to the victim must be properly assessed and managed. In addition, with proper care and support victims can provide vital information for the risk assessment and management processes. Indeed, the victim may be the person who best knows the true risk posed by an offender.

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

[8] Kemshall, H. (2003) *ibid*.

judgement, that we must ensure that this is a framework within which the complex analysis of risk can take place. This framework also supports the other key feature of risk assessment – that it is itself dynamic: it is not a 'one-off' event but is a continuous process, especially with offenders who present the highest risk.

Robust risk management

23. Robust risk management begins with planning how the assessed risks are to be managed by meeting criminogenic need and matching risk with lawful, necessary and proportionate responses to protect the public. The implementation, the delivery, of the risk management plan, like risk assessment, is dynamic: it must respond to changes in risk and in the circumstances likely to affect risk. This dynamic element of good practice in risk management is supported by drawing up the plan using clear objectives for the offender and for those managing the risk[9].

24. Here is not the place to detail the various risk management strategies and specific means of achieving objectives but it is appropriate to highlight the principles of good practice in managing the higher risks. First, the strength of the MAPPA lies in co-ordinating how each agency fulfils its respective responsibilities and thereby makes the co-ordinated outcome greater than the sum of its parts. The extent to which this is already becoming a part of good practice is reflected in the greater interest and involvement of the police in offenders' post-release arrangements, which is complemented by the sharper focus the National Probation Service is rightly placing upon its enforcement role. This principle will be of particular significance as the MAPPA engage other agencies less familiar and confident about this sharply focused public protection work.

25. Secondly, effective risk management should aim to integrate the measures used to promote the offender's self-management (sometimes referred to as the 'internal controls') with those which are designed principally to constrain risk (sometimes referred to as the 'external controls'). Very few management plans are constructed solely of only one or the other of these measures. Moreover, the two are rarely mutually exclusive. For example, while a Sex Offender Order or an exclusion condition of an offender's licence are constraints (external controls), they are also the means by which boundaries are established; and the clarification of boundaries lies at the heart of therapeutic rehabilitation. External controls can therefore be seen as a means of structuring the offender's expectations and encouraging his self-control as well as protecting identified or potential victims.

26. The third principle of good risk management is to ensure that each case is managed at the lowest appropriate level. Using the principles of good

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

defensible decision making will ensure that this is achieved and that the 'inflation' of low risk cases, with the consequent inappropriate use of resources, is avoided. Integral to this principle is of course the need for appropriate contingency plans in the event of a breakdown in risk management arrangements.

The Strategic Management of the MAPPA

27. The fourth feature of MAPPA good practice is probably the feature in which some of the greatest challenges for development are to be found. While nothing can detract from the importance of high quality risk assessment and management, ultimately good and better practice is contingent upon the virtuous circle of planning, enacting, reviewing, evaluating and planning, which lead to better public protection. For this reason this Guidance has a section devoted to the establishment of the MAPPA Strategic Management Boards (SMBs) which each Area is required to operate.

28. The SMBs are the part of each Area's MAPPA which have formal responsibility for the statutory duty[10] to review, monitor and to make necessary changes to the risk assessment and management arrangements. In the third phase of MAPPA development this monitoring and evaluation will be supported by auditable standards, themselves informed by the outcome of the police and probation inspectorates' joint inspection of public protection mentioned above, and by the contribution the lay advisers will make. Meanwhile, as Kemshall states[11] "the absence of disaster is not enough as an evaluation strategy." The work already in hand to review MAPPA operation for the purposes of the annual reports can form the basis for a closer look. For example, reviewing a sample of cases can support moves towards greater consistency as well as validating good practice.

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

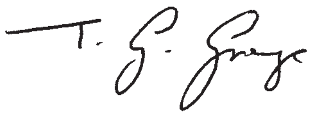
V. Compiling the Guidance

30. Two brief remarks about the Guidance itself conclude this introduction. First, the Guidance has been compiled as a result of an extensive and thorough process of consultation with practitioners in Areas and with interested parties in the Home Office and other central government departments. The steering group which co-ordinated its development comprised operational police and probation advisers, Home Office policy and

[10] Criminal Justice and Court Services Act (2000) Section 67(3)
[11] Kemshall, H. (2003) *ibid*.

ACPO leads, and representatives of both HM Inspector of Constabulary and HM Inspector of Probation. The Guidance was the focus of briefing and extensive discussion at the MAPPA regional seminars in the autumn 2002 which a wide representation of professionals attended. The Guidance has also been the subject of rigorous scrutiny. We are therefore confident that it will greatly assist in its principal objective, by underpinning the development achieved to date, of bringing about greater consistency of improved practice in the MAPPA throughout the 42 Areas of England and Wales.

31. Secondly, the Guidance is designed to be comprehensive. Rather than issue a series of smaller pieces of Guidance we have advised Ministers, as urged by you, to publish a consolidated document. Inevitably further guidance will be required. To maintain this Guidance as the compendium of advice, it has been designed so that further chapters (one on the 'duty to co-operate' and another on 'lay advisers' we have already mentioned) can be added to it. Additionally, more detailed advice on specific aspects of MAPPA operation will be issued as a series of appendices to this Guidance.



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SECTION 2

THE MAPPA FRAMEWORK

I. The Framework in Outline

32. The MAPPA are often understood as co-operation between police and probation locally, focused almost exclusively on the assessment and management of risk posed by offenders in the community. In fact the MAPPA are much broader and more complex than this. While much of their strength depends upon local police/probation joint working, the MAPPA form the basis of public protection through a genuinely multi-agency partnership throughout the 42 Areas of England and Wales. Public safety considerations are an increasingly important aspect of sentencing undertaken by courts and of sentence planning conducted by prisons and other custodial institutions, and the availability of criminal intelligence about offending behaviour has already provided assistance to the police in effecting early detection for serious sexual and violent offences. The MAPPA contribute significantly towards the integration of the work of a number of criminal justice agencies, together with social care agencies such as health, social services and housing, in order to reduce serious offending, minimise serious harm to the public and assist in the early detection of repeat offenders. This is the context in which the MAPPA framework and the Strategic Management Boards should be understood.

33. This framework has been developed from best practice in close consultation with operational practitioners. It encapsulates the core functions of the MAPPA. The framework clarifies what can be a complex set of arrangements for assessing and managing risk and provides the basis upon which more consistent public protection practice is established throughout England and Wales.

The four functions of the framework

34. The Framework comprises four core functions:

(i) the identification of MAPPA offenders;
(ii) the sharing of relevant information among those agencies involved in the assessment of that risk;
(iii) the assessment of the risk of serious harm; and,
(iv) the management of that risk.

Figure 1 illustrates these functions diagrammatically in a simplified linear form (See page 42).

35. An essential feature of the framework is that its functions are dynamic and overlap – they complement and are an integral part of one another. For

instance the caseload of MAPPA offenders will be constantly changing: new cases are opened and some cases will be closed. Therefore the basic registration function, like risk assessment, is not a 'one off' but one which ensures that whenever any new information, relevant to the risk posed by the offender, becomes known to an agency it is shared to update the risk assessment. Thus risk assessment is itself a dynamic process which must be capable of responding to changing circumstances of the offender or his environment.

36. The integral and complementary nature of the framework's functions extend to the dynamic nature of the three levels of risk management. It must not be thought that these levels are merely meetings or that that they exclusively concern either risk assessment or risk management functions. Each level encompasses the range of MAPPA activity involved in each case referred to it: the processes of risk assessment and analysis; the planning to manage that risk; and the implementation of those plans and their subsequent review and adjustment. While much of this activity may take place at formal meetings or case conferences, the concept of the MAPPA framework recognises that a great deal of the practical work is done day-to-day, week-to-week through a range of other formal and informal contacts and actions.

37. So, far from being a bureaucratic prescription, the emphasis placed in this guidance on meetings is in recognition that effective inter-agency working is achieved face-to-face. This is why some of the best good practice within the MAPPA has seen the co-location of police and probation colleagues in shared offices. While the engagement of other agencies may not extend to co-location, it is crucial that their involvement is enabled and supported by active participation in the multi-agency meetings when this is appropriate. In recognition of the importance of this element of the MAPPA and, again based upon existing good practice, the Guidance places great emphasis upon the creation of an efficient administrative function which we call MAPPA Co-ordination.

<u>MAPPA Co-ordination</u>

38. The systematic co-ordination of MAPPA activity is key to ensuring that the functions of the MAPPA framework are coherent and meaningfully contribute to public protection. The co-ordination role begins with ensuring the identification and information sharing functions of the framework work effectively. The role extends to oiling the wheels of the administrative arrangements which support MAPPA activity, critically those involving the highest levels of case management and the MAPPP in particular (see paragraphs 116-120 below). The co-ordination role also comprises the provision of data and support to the Strategic Management Board (about which greater detail is given in Section 3 of this Guidance).

39. Many Areas have begun to create a dedicated co-ordination role, using MAPPP co-ordinators, probation case supervisors and/or the expertise provided by police public protection/intelligence units. Experience shows that creating this dedicated role is a more efficient and more systematic way of managing the MAPPA. It simplifies arrangements for promoting and sustaining joint working between agencies by providing a central point of reference which pulls together the various streams of work and provides a source of advice within the Area. The police National Intelligence Model[12] (NIM) will help the Responsible Authority locate the MAPPA within a wider frame of co-ordination and tasking which the roll-out of ViSOR[13] will also strengthen.

40. Areas may find it helpful in establishing the co-ordination role to identify its component parts:

(i) providing, on behalf of the Responsible Authority, the central point(s) of contact within the Area for initial notification of, and the subsequent receipt and dissemination of relevant information about, all MAPPA offenders;
(ii) maintaining a record (which ViSOR will substantially provide) of the level to which each offender is being referred and managed;
(iii) co-ordinating the meetings of Level 2 management and the MAPPP, the top two levels of multi-agency management; and,
(iv) collating data and providing analysis for the Strategic Management Board on the operation of MAPPA, which occur at least quarterly (see Section 3).

41. The initial notification part of MAPPA co-ordination (see (i) above) is extremely important. While ViSOR will become of invaluable assistance, rigour will still need to be applied in identifying to which category each MAPPA offender belongs (see paragraphs 54 – 68 below). It is also important to identify when an offender is no longer part of the MAPPA. The criteria for leaving MAPPA are straightforward and are different for each of the three categories of offenders. For Category 1 offenders it is the point at which the offender completes their registration requirement as determined by the Sex Offender Act 1997. For Category 2 offenders it is at the point of licence expiry and for Category 3 offenders it will be at a point, determined by the Responsible Authority, where the offender is considered no longer to pose a risk of serious harm that requires management either by the MAPPP or Level 2 local inter-agency risk management.

42. Before explaining the functions of the framework in greater detail it is important to highlight two important aspects of the development of the MAPPA which relate to activities across the scope of public protection work: the focus on victims and the role of the offender in risk assessment and risk

[12] See Appendix 6. An Overview of the National Intelligence Model.
[13] The Violent & Sex Offender Register (ViSOR) is a database being developed for police and probation within England and Wales and is currently being piloted. It offers the real potential of providing a single database for all offenders under MAPPA.

management. The emphasis this Guidance places on the process, procedure and structure of the MAPPA must not inhibit the positive role both victims and the offender can play.

<u>The Victim focus</u>

43. Although the primary focus of the MAPPA is properly placed upon the risk and behaviour of the offender, it is vital that the MAPPA ensure an effective engagement with the victims and, where this is practicable and appropriate, with potential victims. Only by doing this can the Responsible Authority be satisfied that the risk assessment and risk management plans properly reflect victim concerns. The challenge for the MAPPA is, where the victim wants contact, to make the victim's involvement more than passive (the receipt of information). In doing this it is however important not to raise unrealistic expectations in the victim. Victims can make an important contribution to risk assessment and may have a critical interest in the management of risk; but while active and important it is not an executive role. Thus, while the victim is central to the offence and may understand the risk the offender presents, they inform but do not decide the management plan because ultimately they are not responsible for it.

44. Before a positive engagement can take place the identity and interests of the victim(s) must be confidently established. The victim focus of the MAPPA includes not only those most easily identified as the victim(s) but those who, while not directly involved with the offence itself, have been seriously affected by it – the family of a murder victim, for example. This consideration must also include new or potential victims, and it is this which sharpens the focus of risk assessments. Indeed, risk assessment becomes an academic exercise unless those who are at risk are identified. In some cases these may not be any named individual(s) but people who are vulnerable by virtue of their location, age, gender, race, religion, sexuality or other distinguishing characteristic.

45. The identification and involvement of actual or potential victims maybe particularly important in identifying those offenders who fall into the third category of MAPPA offenders (see paragraphs 64 – 68 below) – that is, those designated as neither sexual or violent offenders by the MAPPA legislation but:

> "other persons who, by reason of the offences committed by them (wherever committed) are considered by the responsible authority to be persons who may cause serious harm to the public." (Section 67(2)(b) Criminal Justice and Court Services Act(2000))

The risks an offender may pose to some particularly vulnerable people, such as children, will require effective links between the Responsible Authority and other agencies, such as social services departments, who have an interest and responsibility and therefore an important contribution to make. Liaising with victims, particularly those most vulnerable, will be a sensitive matter which requires careful handling. The expertise of probation victim contact officers and teams can be complemented by the excellent work agencies such as Victim Support undertake.

46. There are three reasons underlining the importance of the victim focus in the MAPPA. First, Probation Areas have a statutory duty[14] to consult and notify victims of sexual or other violent offences about the release arrangements for the offender where he (or she) is sentenced to one year or more in prison. This statutory duty is supported by the requirements of the National Standards and guidance on the Victim Contact Scheme. The combined effect of these is that all 'eligible' victims should be contacted within two months of the sentence being passed and offered:

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

Secondly, the Responsible Authority owes a duty of care to existing victims and should take all reasonable steps to protect people from becoming the subject of re-victimisation.

47. The third reason victim issues are important is based upon the practical contribution victims can make to the assessment and management of risk. As mentioned above, the victim may be the person who best knows the true nature of the risk posed by the offender. This is likely to be particularly relevant in cases in which the offender has been involved in an abusive relationship within the family or in other forms of domestic violence.

The Offender's role

48. While offenders are the 'cause' of the MAPPA, care must be taken to ensure that they do not become abstracted from the process of assessing and managing the risks they present. The MAPPA will fail to develop fully if it ignores the critical contribution that offenders make themselves to changing offending behaviour and for taking responsibility not to re-offend. This is likely to be the area in which some of the most exciting developments in the management of cases may be seen. It grows out of the recognition that in managing risk even those measures which impose external controls and prohibitions can provide the offender with a clearly understood and partly self-policed set of behaviour parameters. Such prohibitions which demarcate the boundaries of behaviour include exclusion conditions of licences, sex

[14] Section 69 Criminal Justice and Court Services Act (2000) and Probation Circular 62/2001.

offender order provisions and hostel rules. The experience of probation, YOT and mental health workers in working with the therapeutic benefits of such measures can enhance MAPPA practice. Developments have already been seen in, for example, the work police and probation have done making joint visits to registered sex offenders and in working closely to establish suitable licence conditions prior to release.

49. What may give this development impetus is the move on the part of some offenders to demand disclosure of information and the rationale for decisions made which affect them. What we do not foresee is offenders or their representatives becoming formal members of the MAPPA, attending MAPPPs etc; but we do envisage a healthy move to get offenders to contribute more to the risk assessment and management processes. To begin with offenders must be aware that they are being managed through the MAPPA, what MAPPA is and what that means for them as individuals. This responsibility should be discharged by case officer primarily involved with the offender.[15]

50. Clearly there would be sensitivities with disclosing to offenders risk management plans that contain or are based upon sensitive information. However, given that a number of MAPPA agencies operate an 'open reporting' policy with offenders there is already experience of dealing with these sensitivities. It is imperative that in developing MAPPA we are able to retain the confidence of all agencies and to a large degree this will begin with trust based upon the way in which information is shared and used. Confidential information will not be disclosed to the offender[16]. Information from victims, some third parties and details of police operations may be considered highly confidential and must be adequately protected by all agencies in receipt of it.

51. Finally, it is recognised that while many parts of the criminal justice system establish an adversarial relationship with the offender, some of the most effective practice in managing risk of serious harm is dependent upon overcoming the barriers of this adversarial relationship. The 'them and us' attitude can obstruct effective individual casework and treatment programmes. Engaging the offender in the reality of risk management can be very productive. Clearly, this will not work with every offender and encouraging this is not to invite the blurring of professional boundaries and responsibilities, which MAPPA seek to strengthen and support. The purpose in considering the potential active role of offenders is to highlight the fact that they need not only be 'part of the problem' but can be a very important part of the solution in protecting the public.

[15] Through OASys the Prison and Probation Services have developed useful guidance on these issues.

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

II. Identification of MAPPA Offenders

52. Effective multi-agency public protection starts with the efficient identification of relevant offenders. Prompt and accurate identification will allow agencies to gather and share relevant information and enable them to chose the appropriate risk management strategies. Without this initial accuracy there are real dangers that important information is not gathered and shared or shared inappropriately, and the energy of agencies diverted from those offenders posing the highest risk of serious harm. The population of relevant offenders falling within the remit of MAPPA in each Area comprise the following:

Category 1:	Registered sex offenders
Category 2:	Violent and other sex offenders
Category 3:	Other offenders

53. In the first year of operation of the MAPPA (2001/2) there were over 47,000 offenders in England and Wales considered by the Responsible Authorities under MAPPA. This comprised approximately 18,500 Category 1 offenders, 27,500 Category 2 offenders and 1,200 Category 3 offenders. As MAPPA develop this number is likely to rise significantly in the first instance as more offenders will be included in the arrangements than will leave.

Category 1: Registered sex offenders (RSOs)[17]

54. Part I of the Sex Offender Act 1997 defines registered sex offenders as those offenders having been convicted or cautioned[18] since September 1997 of certain sexual offences[19], or who at that point were serving a sentence for a like offence. The Criminal Justice and Court Services Act 2000 amended the arrangements and requires offenders who are required to register to report to a police station prescribed by regulations within three days of the date of the conviction, caution etc. or their release from prison. They must also notify the police of their:

- name(s) (and any aliases);
- date of birth; and,
- home address.

55. They may be required to submit to having fingerprints and photograph taken at the time. Relevant offenders are also required to notify police of:

- any changes to their details (within 14 days);

[17] As defined by Section 68(2) of the Criminal Justice and Court Service Act (2000), see Appendix 1.
[18] Offenders found not guilty by reason of insanity or unfit to plead are also fall within the registration requirement.
[19] Defined by Schedule 1 of the Sex Offender Act 1997.

- any address in addition to the home address at which they have stayed for a period of 14 days or for periods amounting to 14 days within a 12 month period (within 14 days); and,
- an intention to travel abroad for eight days or longer (no less than 24 hours before travelling).

56. The length of the registration period is directly related to the offender's sentence and can last from a minimum of five years to life. The registration period begins at the point of sentence. For juvenile offenders (those aged under 18 years), the period of registration is half what it would be for all other offenders required to register except in the case of those juveniles whose sentence attracts a life-long registration requirement.

57. The provisions of the Sex Offender Act (1997) do not apply retrospectively. Therefore sex offenders who completed their sentence prior to the commencement date of this legislation are not required to register with police. However, where such offenders pose a continuing risk of serious harm, there are two ways of including them within the MAPPA. The first is where police consider the risks posed by such an offender to be sufficiently high to justify applying for a Sex Offender Order, under section 2 of the Crime and Disorder Act 1998. A Sex Offender Order is a civil order and can be imposed by a court on a convicted offender. It is a prohibitory order and cannot be used to require the offender to do something – only not to do what is proscribed in the order. Critically, the imposition of a Sex Offender Order automatically requires the offender to register as a sex offender. The court determines the duration of the Order and the registration requirement. Breach of the Order constitutes a criminal offence punishable by up to five years imprisonment.

58. The second means of placing an offender within the MAPPA whose sentence expired before the sex offender registration requirements were introduced, is by identifying them in the third category of MAPPA offenders (see paragraphs 64 - 68 below).

59. Sex Offences legislation is currently being radically revised and the resultant Sexual Offences Act will have an impact on the definition of what constitutes a registered sex offender, the registration requirements and the broader application of sex offender orders. Guidance explaining the detail and the implications of these legislative changes for MAPPA will be issued prior to the implementation of the Act.

60. As a result of the registration requirement the identification of Category 1 offenders is primarily the responsibility of the police, though where such offenders are on statutory supervision to the probation service or Youth Offending Teams, these agencies will hold the most comprehensive information, and must liaise with local police regarding assessment and management issues. Additionally, good liaison with health care trusts which run the special hospitals and local secure units will be needed to ensure the

timely registration of offenders being released from those establishments. Where difficulty with the latter group of offenders is encountered, NPD's Public Protection Unit, can assist through liaison with the Home Office's Mental Health Unit.

Category 2: Violent and other sex offenders[20]

61. Although the definition of this category is often summarised as violent offenders who receive a sentence of imprisonment of 12 months or more, the legislation is considerably more complex and includes those detained under hospital or guardianship orders and those who have committed specific offences against children. The detailed definition is contained in full as part of Appendix 1

62. Whilst these offences do not attract any requirement to register with police, all offenders will be under the statutory supervision of the probation service, with the exception of a small number of offenders sentenced prior to the Criminal Justice Act 1991. The Probation Area or, where relevant, the Youth Offending Team, will therefore have primary responsibility for identifying Category 2 offenders. Similarly, good liaison with health care trusts which run the special hospitals and local secure units will be needed to ensure the identification of offenders being released from those establishments. Again, NPD's Public Protection Unit can assist in ensuring effective liaison with the relevant health authorities and the Mental Health Unit takes place.

63. As with Category 1 the legislation in respect of violent and other sex offenders is not retrospective and therefore only includes those offenders sentenced since 1st April 2001 or who were at that point serving a sentence for a like offence. Figure 2 illustrates how the MAPPA framework applies to Category 1 and Category 2 offenders (See page 43).

Category 3: Other offenders[21]

64. This category comprises other offenders, not in either Category 1 or 2 but who are considered by the Responsible Authority to pose a risk of serious harm to the public. The identification of Category 3 offenders is challenging and significantly different from Categories 1 and 2, in that it is determined by the judgement of the Responsible Authority rather than automatically by the sentence or other disposal imposed by the court. That judgement is exercised in respect of two considerations. First, it must be established that the person has a conviction for an offence which indicates that he is capable of causing serious harm to the public. Secondly, the Responsible Authority must reasonably consider that the offender may cause serious harm to the public. It is to be noted particularly that under the first consideration the offence may

[20] As defined by Section 68 (3)-(5) of the Criminal Justice and Court Services Act (2000).
[21] As defined by Section 67(2)(b) of the Criminal Justice and Court Services Act (2000) – see Appendix 1.

have been committed anywhere, which means offenders convicted of a similar offence abroad fall within the MAPPA remit.

65. As Figure 3 (see page 44) illustrates, the responsibility for identifying Category 3 offenders lies with the agency that initially deals with them.

66. In those agencies that operate a care programme approach (CPA) the referral would be expected to have been considered and risk assessed in that system first. For agencies or individuals that are not formally part of the MAPPA, concerns about individuals posing a risk of serious harm must be taken seriously and should be referred directly to the Responsible Authority. Normally this will be a task best carried out by the police service determining which individuals may pose a risk and whether they have any relevant criminal history.

67. With a small proportion of offenders entering the MAPPA under either Category 1 or Category 2 it is anticipated that they will still pose a high risk of serious harm to the public at the point they would normally leave the MAPPA i.e. end of registration/ end of statutory supervision (which ever is the longer). It is NOT possible to extend their inclusion within the MAPPA under those categories, however, it is possible for the Responsible Authority to consider their inclusion under Category 3.

68. For all offenders included by the Responsible Authority under category 3 it will be necessary in the first instance to set a review date for determining whether continued inclusion within the MAPPA is justified. However, this date may be extended or shortened as a direct result of risk assessment and risk management action.

Juvenile offenders

69. Youth Offending Teams are responsible for the supervision of all juvenile offenders (those aged under 18 years) on community sentences and during their resettlement following release from a custodial sentence. As such they may have crucial information about offenders in any of the three categories. However, with regard to Category 2 offenders they will have a similar role to Probation Areas in identifying relevant offenders and liaising with the Responsible Authority in respect of risk assessment and management issues.

Recent Research

70. At the conclusion of this section of the Guidance which deals with the identification of MAPPA offenders, it is appropriate to summarise some of the recent research which helps counter the stereotypes of sexual offenders. Although the communication about the MAPPA is a responsibility of the Responsible Authority probably best exercised through the Strategic Management Board (see section 3 of this Guidance), much of the information

needed to inform the public about pubic protection work in general and about sexual offending in particular, will be provided from the databases maintained for MAPPA co-ordination and from illustrative case histories. The following may provide a helpful context in which to provide that information.

71. The true nature of sexual offending and those responsible for it has often been obscured by popular stereotypes which portray the primary danger as being presented by "stranger danger" – dirty old men in raincoats, or violent young men prepared to abduct or attack vulnerable females. Whilst such offenders do exist, research indicates that as much as 80 per cent of sexual offending occurs in the context of a known relationship, either family, acquaintance or colleague[22]. Findings recently published in a Police Research Series Paper (144)[23] indicate that a significant proportion of serious offences (32 per cent of murders and 36 per cent of serious sexual offences) were committed by people with no previous convictions. They also showed that of those convicted of a serious sexual offence who had previous convictions, only seven per cent had a conviction for a serious sexual offence. In addition, Appendix 3, a recent probation circular (PC14/2003) provides a practical insight into those convicted of child pornography offences recently associated particularly with internet access.

72. Other research[24] indicates that only a very small proportion (under 12 per cent) of male child victims of sexual abuse subsequently committed sexual offences (in almost all cases with children and mainly outside their families). However, the research did identify the following other childhood experiences (i.e. in addition to childhood sexual abuse) as significantly increasing the risk of offending in later life: material neglect, lack of supervision and sexual abuse by a female. Also, 'victim abusers' had more frequently witnessed serious intra-familial violence.

Identifying the Responsible Authority.

73. In a small number of cases offenders may legitimately be of concern or interest to more than one Responsible Authority at the same time, for example where a registered sex offender regularly visits an address away from his home address and in another Area. In these circumstances, the Area that has registered the offender and in which the offender lives has responsibility to liaise with its counterpart to ensure that relevant information concerning risk assessment and management is shared and continually updated. Similar issues of co-ordination may also arise where the victim lives in an Area that is different from the Responsible Authority for the offender. In such circumstances clear lines of communication must be established.

[22] Grubin. D (1998). *Sex offending against children: understanding the risk.* Police Research Series. Paper 99. Home Office
[23] Soothill et al, (2002) *ibid.*
[24] Skuse, D. et al Development of sexually abusive behaviour in sexually victimised males: a longitudinal study. *Lancet* (2003) 361: 471-476

74. For the vast majority of offenders who are already in the community, identification of the Responsible Authority is self-evidently dependent upon place of residence. Aspects of public protection, such as sex offender registration and licence supervision with conditions of residence clarify this so that there is no doubt which Responsible Authority is indeed responsible for each case. However, in a small number of cases where offenders are itinerant, have no fixed residence or where there is some dispute over which Area has responsibility, identification of the Responsible Authority will not be so clear-cut. In these cases Areas will need to negotiate by reference to other factors such as previous statutory responsibility, knowledge of past offending or the current provision of services. Should agreement not be possible Areas should refer the matter to the Public Protection Unit of the National Probation Directorate who will determine the lead.

75. For offenders within the MAPPA who fall within Categories 1 and 2 and are sentenced to periods of custody, there are distinct advantages in formally determining the Responsible Authority at the point of sentence rather than the point of release into the community. This will ensure that the Responsible Authority is informed of and can be involved in aspects of sentence planning and treatment whilst the offender is in custody and that subsequent release plans properly integrate custodial and community concerns[25]. Therefore where a court imposes a sentence for either Category 1 or Category 2 offenders the Probation Area which prepares the pre sentence report (PSR) or, in the event of no PSR being prepared, the Area that would have been responsible for its preparation, will be designated the Responsible Authority. The offender will remain that Area's responsibility unless subsequently transferred in the manner prescribed.

<u>Transferring cases between Areas</u>

76. Just as lack of rigour in joint-working between agencies within Areas can weaken public protection, so the likelihood of such shortcomings are greater when cases are transferred from one Area to another. Experience has repeatedly shown that weaknesses in risk assessment and management arise when the case of an offender is transferred from one Area to another. Therefore it is critical to offset the potentially serious consequences of a breakdown in the case management arrangements by ensuring that any such move is carefully brokered. The responsibility for arranging the transfer lies with the Responsible Authority from whom the case is being transferred. This Authority must formally broker with the new Area, via the MAPPA co-ordination contact point, the transfer of all the relevant information.

77. The transfer of cases does however involve more than the transfer of files and papers. The effective transfer requires that the salient features of each case's risk assessment and risk management plan are clearly communicated in good time – unless unexpected contingencies have arisen

[25] OASys importantly integrates assessment with supervision and sentence planning.

which prevent the timely hand-over arrangements. Generally, the receiving Area should be given time to consider the case. In cases which have been managed by reference to the MAPPP, it is good practice to convene a MAPPP with the receiving Area so that the case can be formally transferred using the MAPPA framework.

III. Information Sharing and Disclosure

78. Public protection depends upon the effectiveness of the plans MAPPA agencies draw up to manage an offender's risks. These plans are in turn dependent upon the quality of the risk identification and assessment processes; and the quality of both the risk assessment and the risk management plan are heavily determined by the effectiveness of information sharing arrangements. Unless all relevant information is available, in good time, to those making the assessments and drawing up the management plans, public protection may be compromised.

79. Given that the exchange of information is essential to effective public protection, this Guidance clarifies the principles upon which MAPPA agencies may exchange information amongst themselves, and where the Responsible Authority may disclose such information to other persons or organisations outside the MAPPA.

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

<u>Information sharing between MAPPA agencies</u>

81. Many Areas have already established information sharing protocols as part of the initial development of MAPPA. This Guidance simply sets out the basic principles upon which those protocols will have been drawn up, and will provide a useful checklist to help Responsible Authorities establish with other agencies formal understanding about sharing information for MAPPA purposes. The principles outlined in this Guidance not only ensure compliance with the law, but are also aimed at promoting trust between agencies. That trust must be nurtured and sustained by professional integrity and by procedures which ensure that the process of sharing information is safe and secure.

82. In addition to reinforcing existing good practice, this part of the Guidance anticipates the provisions of the Criminal Justice Bill which will impose a duty to co-operate on various agencies, including the exchange of information. More detailed guidance on the memoranda Responsible

Authorities will be required to establish with them will be issued closer to the Bill's enactment.

Information sharing principles

83. Information sharing must:

(i) have lawful authority;
(ii) be necessary;
(iii) be proportionate; and done in ways which,
(iv) ensure the safety and security of the information shared; and,
(v) be accountable.

The meaning of each of these principles is explained below.

(i) Lawful authority requirement (*vires*)

84. Each MAPPA agency sharing information must have either a *prima facie* statutory or common law power to do so. The police and probation services, in respect of their wider criminal justice responsibilities as well as they specific, joint duties under the MAPPA, have clearly recognised statutory duties which will necessarily involve sharing information. Further, Section 115 of the Crime and Disorder Act 1998 confers on any person a power to pass information to certain relevant authorities (including police, probation, health and local authorities) if necessary to help implement the provisions of that Act, which includes local strategies to reduce crime and disorder. The new Criminal Justice Bill will also confer a statutory power to exchange information with the Responsible Authority on all MAPPA agencies subject to the duty of co-operation.

85. Therefore, due to the above, all MAPPA agencies will have the *prima facie* legal power to exchange information with the Responsible Authority.

(ii) Necessity

86. Information should only be exchanged where necessary for the purpose of properly assessing and managing the risks posed by those offenders who are subject to the MAPPA provisions. The specific purposes of sharing information within the MAPPA are:

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

(iii) Proportionality in information sharing

87. In order to satisfy this criterion, it must be shown that the managing and assessing of the risk posed by the offender could not effectively be achieved other than by the sharing of the information in question. Clearly, in almost all cases of identifying, assessing and managing risk within MAPPA, this criterion will easily be met.

(iv) The information is shared safely and securely

88. Common good practice should ensure that all information about offenders is kept securely and is shared with and available only to those who have a legitimate interest in knowing it – that is, agencies and individuals involved in the MAPPA processes. Essentially, arrangements must be in place which ensure that information is only shared with those with a legitimate interest and cannot by accident or design be accessed by others.

(v) Accountable information sharing

89. So that information is shared accountably the Responsible Authority must ensure that the administrative procedures underpinning the efficient operation of MAPPA meetings and case conferences have the confidence of participants. The importance of accurate, clear and timely record keeping is stressed; as is safe and secure information storage and retrieval systems. More broadly, issues arising from the sharing of information in the MAPPA process should be referred to the Area Strategic Management Board, the role and function of which is described in Section 3 below.

Summary

90. Using the principles outlined above, information sharing protocols and robust MAPPA arrangements which support the statutory work of MAPPA agencies and which help protect professional integrity, few difficulties with sharing information in this important arena of public protection should arise. The structure of the MAPPA provides a framework which supports and enables lawful, necessary, proportionate, secure and accountable information sharing. The detailed arrangements within MAPPA for multi-agency meetings and case conferences provide answers to the questions of to whom, when, how and where the information should be shared.

<u>Disclosures for Parole Board purposes</u>

91. As discussed above, the Responsible Authority is under a statutory duty to establish arrangements for the purpose of assessing and managing the risks posed by certain offenders in their Area. It is part of that duty to share relevant risk assessment information with those persons (either the Secretary of State or the Parole Board) who have functions with respect to the release or recall arrangements for these offenders (e.g. parole, HDC, temporary release, licence conditions, recall and re-release). This is because failure to share such information with those persons may result, for example, in an

inappropriate release decision, or the failure to impose essential licence conditions, which would clearly reduce public protection. Accordingly, assessments of risk that have informed risk management plans should, where appropriate, be disclosed to the Secretary of State and the Parole Board.

92. As these release and re-call decisions critically affect the offender's liberty, fairness often requires as full a disclosure as possible to the offender of the material being considered by the decision-maker. It is appreciated that the nature of any MAPPA information to be disclosed in this context is likely to be highly sensitive, which may give rise to concerns about the offender having sight of the material. However, separate advice is available from the Prison Service's Sentence Enforcement Unit (SEU), which works closely with NPD's Public Protection Unit, about the circumstances under which some particularly sensitive information is not in turn disclosed to the offender. These circumstances include where withholding the information is necessary in the interests of national security, for the prevention of disorder or crime, or to protect the safety or physical or mental health of any individual. There are also a number of practical steps (such as gisting or anonymising sources) which can be carried out before the information is disclosed. Appendix 4 contains more detailed instruction and advice which has been issued as a Probation Circular 13/2003.

<u>Disclosures by Responsible Authority to other third parties</u>

93. There may, exceptionally, be some cases where the management of an offender's risk in the community cannot be carried out without the disclosure by the Responsible Authority of some information to a third party outside the MAPPA agencies. For example, where an employer, voluntary group organiser or church leader has a position of responsibility/control over the offender and other persons who may be at serious risk from the offender, the disclosure to them of certain information about the offender is the only way to manage that risk.

94. The principles underpinning disclosure to third parties are the same as for information sharing, but inevitably involve greater sensitivities given that disclosure may be to individual members of the public as opposed to central or local government or law enforcement bodies. Because of this, great caution should be exercised before making any such disclosure: it should be seen as an exceptional measure. If such a course of action is required, it must be part of a risk management plan which either of the two higher levels of risk management have formally agreed.

95. The lawful authority and necessity requirements described previously will be met in cases where the Responsible Authority is making a disclosure for the purposes of managing the risk of offenders subject to the MAPPA provisions. The critical ground, determining whether such a disclosure will be lawful, is therefore likely to be the proportionality requirement. In this

respect, the following criteria should be met before disclosing information about an offender to a third party:

(i) the offender presents **a risk of serious harm**[26] to the person, or to those for whom the recipient of the information has responsibility (children, for example);
(ii) **there is no other practicable, less intrusive means of protecting the individual(s), and failure to disclose would put them in danger**. Also, only that information which is necessary to prevent the harm may be disclosed, which will rarely be all the information available;
(iii) **the risk to the offender should be considered although it should not outweigh the potential risk to others were disclosure not to be made**. The offender retains his rights (most importantly his Article 2 right to life) and consideration must be given to whether those rights are endangered as a consequence of the disclosure. It is partly in respect of such consideration that widespread disclosure of the identify and whereabouts of an offender is very, very rarely if ever justified;
(iv) the **disclosure is to the right person** and that they understand the confidential and sensitive nature of the information they have received. The right person will be the person who needs to know in order to avoid or prevent the risks;
(v) **consider consulting the offender** about the proposed disclosure. This should be done in all cases unless to do so would not be safe or appropriate. Where consultation can be done, it can help strengthen the risk management plan. If it is possible and appropriate to obtain the offender's consent then a number of potential objections to the disclosure are overcome. Equally, the offender may wish to leave the placement rather than have any disclosure made, and if this is appropriate, this would also avoid the need for any disclosure;
(vi) **ensure that whoever has been given the information knows what to do with it**. Again, where this is a specific person, this may be less problematic but in the case of an employer, for example, you may need to provide advice and support; and
(vii) before actually disclosing the information, particularly to an employer or someone in a similar position, **first ask them whether they have any information about the offender**. If they have the information then no disclosure is necessary. If they have some but possibly incorrect information your disclosure can helpfully correct it.

IV. Risk Assessment

96. The assessment of risk posed by an offender, and the identification of the factors that have contributed to the offending, are the starting points for all work with offenders. For sexual and violent offenders, the approved

[26] It may be helpful to bear in mind the OASys definition of such risk as "a risk which is life threatening and/or traumatic and from which recovery, whether physical or psychological, can be expected to be difficult or impossible."

assessment tools throughout England and Wales are OASys (Offender Assessment System) and Risk Matrix 2000. Detailed guidance as to the use of OASys has been agreed by both the Prison Service and the National Probation Service and will be in use in all Probation Areas by April 2003 and rolling out in all Prison Service establishments from April 2003. OASys is a comprehensive assessment tool that applies to all offenders but is particularly valuable for sexual and violent offenders as it will incorporate both static and dynamic aspects of risk posed by offenders. Risk Matrix 2000 is a complementary assessment tool for sexual and violent adult offenders that provides a high degree of accuracy with regard re-conviction rates within a two year period. Both assessment tools place offenders into levels of risk – low, medium, high and very high risk. While this is not the place for a detailed explanation of how OASys operates[27] because it will increasingly have a significant impact on the MAPPA offenders it is worth providing an overview of its operation and structure.

Offender Assessment System (OASys)

97. OASys is a central part of evidence-based practice and helps practitioners to make defensible decisions. It underpins 'What Works' practice with a pivotal role in assessment, case management, targeting of intervention treatment programmes, referrals to partnerships, resource allocation and risk management. OASys is designed to:

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

98. OASys assesses an offender's risk of reoffending by systematically examining up to 13 offending-related factors which include offending history; accommodation, education/training and employment possibilities; relationships; drug and alcohol misuse; and emotional well-being, thinking and behaviour. The offender's self-assessment, which is also a part of OASys, is a useful for two reasons. First, it reflects the accuracy of the offender's self-perception. Secondly, the relationship between their ability to recognise their own problems is linked to the likelihood of their re-offending. However, it is in the analysis of the risk of serious harm that OASys brings significant benefits to the MAPPA. By quantifying that risk of serious harm, identifying to whom it applies and in what circumstances OASys will help prioritise public protection concerns and establish the basis for risk management plans.

[27] See OASys Manual V2 2002

The levels of risk of harm

99. The levels of risk of harm used by OASys are as follows;

- **Low:** no significant, current indicators of risk of harm
- **Medium:** there are identifiable indicators of risk of harm. The offender has the potential to cause harm but is unlikely to do so unless there is a change in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse.
- **High:** there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.
- **Very High:** there is an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious.

This provides a standardised categorisation of risk for all MAPPA offenders.

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

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

Risk Matrix 2000, ASSET and other sources of risk assessment

101. OASys cannot provide in-depth assessment of all aspects, especially the specialist aspects of risk. It is designed to trigger further assessments in some areas relating, for example, to sex offenders; violent offenders; basic skills, drugs and alcohol; mental health and dangerous and severe personality disorder; racially motivated offending and domestic violence. Importantly, Risk Matrix 2000, the specialist assessment for sex offenders which is triggered by OASys, is an evidenced-based actuarial risk assessment that has also been approved by the Association of Chief Police Officers for use by the Police Service within England and Wales. Risk Matrix 2000 uses the same classifications of risk of serious harm as OASys and where there is any disparity between the two assessment tools in respect of the likelihood of re-conviction, the Risk Matrix 2000 risk level should take predominance.

102. It should be noted that OASys can only be used on offenders aged 18 years or over. Youth Offending Teams use ASSET assessments on young people up to the age of 18 years, and there are common elements between ASSET and OASys so that when an offender reaches 18 years information from ASSET can be drawn across to complete OASys.

103. It is important to recognise the contribution that other agencies will make to risk assessment by providing new information, their own interpretation of risk factors and their own risk or needs assessments. This is likely to be of particular importance in the context of mental health where there may be a mixture of actuarial and clinical assessments that informs the seriousness and nature of the risk posed from a mental health perspective. Clearly, access and use of this type information depends upon good information sharing arrangements with other agencies (see paragraphs 78 – 95, above).

104. The definitions of risk used in this Guidance to ensure greater consistency in the MAPPA are based upon OASys which is becoming the common basis of risk assessment throughout the National Probation Service and Prison Service. However, risk assessment must recognise differences – the purpose of OASys is not to pigeon-hole offenders for administrative convenience: it provides a common framework – a common language and system. Just as professional judgement must inform risk assessment, so it is understood that other systems of risk assessment may be used in addition to OASys. But this is not to suggest that any risk assessment tool can be used. Kemshall[28] identified, the following criteria as essential in choosing a risk assessment tool: it should

- be validated against a relevant offender group;
- be empirically grounded in the risk factors with a proven track record in the research literature;
- differentiate risk categories;
- have inter-rater reliability; and,
- have been validated using a UK population.

105. The Responsible Authority may therefore use other assessment tools in addition to OASys. One of the benefits of closer working relationships with other agencies in the MAPPA is that access to other forms of needs assessment are made available which can complement formal risk assessment. These assessments will be of particular importance in assessing offenders with for example, mental health or learning difficulties. Needs assessments made by colleagues in other agencies, including those in the health, education, housing and social services, can critically inform the MAPPA's assessment of the risk of harm. Ultimately formal risk assessments

[28] Kemshall H. The Community Management of High-Risk Offenders: a consideration of best practice MAPPA. *Prison Service Journal* March 2003.

inform professional judgements and underpin by defensible decision-making (see section I paragraph 16-18). The key principle for MAPPA is that risk assessments undertaken by individuals within agencies should be based on the use of the tools and procedures currently approved for use within that agency. Agency protocols and procedures must be carefully adhered to and current guidance on the use of the respective tools must be followed.

V. Risk Management

106. The management of offenders posing a high risk of serious harm to the public is one of the most complex and difficult tasks currently facing agencies within MAPPA but it is central to the purposes of MAPPA and public protection. Therefore where an offender has been identified as coming within the remit of MAPPA and a risk assessment has been undertaken, the Responsible Authority has a duty to ensure that the risk identified is managed robustly. This is not to say that police and probation become the managing agency for all MAPPA offenders but rather that as the Responsible Authority they must ensure that arrangements exist for that management. In practice this means that the Responsible Authority must seek to ensure that strategies to address that risk are identified and plans developed, implemented and reviewed on a regular basis. Those plans must include action to monitor the behaviour and attitudes of the offender and to intervene in their life in order to control and minimise the risk of serious harm. Importantly those plans should relate to the risk situation as it is now and as it is likely to develop in the future, drawing upon information from all agencies within MAPPA. This section sets out the framework for that risk management. Thus the effective management of risk requires the continuity of risk assessment.

107. However, the ability of the Responsible Authority to ensure robust management will depend on a number of factors. Case specific detail such as the nature and severity of the risk posed and the factors that may trigger re-offending behaviour, the attitude of the offender and whether any statutory powers exist to modify or contain behaviour are all highly relevant in determining what risk management options are appropriate. So too is the engagement of a range agencies that are able to make a specific contribution to the development of appropriate strategies and to directly manage elements of the risk management plan. To date the strongest examples of MAPPA development reflect the ability of the Responsible Authority to engage other agencies, whether from criminal justice or social care settings, in this active case management. This aspect of risk management will be significantly developed by the Criminal Justice Bill and the creation of the duty to co-operate on a number of agencies.

108. The strategies proven to be effective in achieving a reduction of re-offending behaviour or minimising the risk of serious harm were identified by Hazel Kemshall (2001) and may be summarised as:

- cognitive-behavioural programmes, which address the causes of offending behaviour;
- interventions that emphasise self-risk management and which promote the use of internal controls over the longer term;
- appropriate external controls (as contained within licence conditions, sex offenders orders etc);
- interventions which combine intensive supervision (including surveillance and electronic monitoring) with the appropriate use of sanctions and enforcement for non-compliance;
- contingency plans in case of risk management failure, and rapid response arrangements to changing situations or deterioration in circumstances/behaviours; and,
- supportive and integrative approaches where risk assessments indicate their usefulness (such as ‘Circles of Support and Accountability’).

The following case studies serve to illustrate the type of case management arrangements that have and can be used. They do not, inevitably, cover the full range of circumstances which may arise in every case, but they do make plain the necessary linkage between known information about an offender, risk assessment and the components of a risk management plan addressing that risk.

CASE STUDY 1 - THE MENTAL HEALTH DIMENSION

This offender was referred to the MAPPP by the Forensic Mental Health Service prior to release from prison sentence.

Background

- At a low secure Mental Health Unit he displayed aggressive, violent behaviour and extreme sexual disinhibition – grossly inappropriate verbal and physical sexual advances towards adult females, staff and fellow patients; he did not appear to hear or accept rejection; allegations of stalking behaviour.
- Involved in violent confrontation with staff at unit, and as a result was sentenced to 5 months imprisonment for affray and criminal damage (NB. no statutory post-custody licence)
- Subject to Enhanced Care Programme Approach (CPA), but psychological assessments confirmed unlikely to respond to further treatment and scored high on Psychopathy Checklist. Not suffering from treatable form of mental illness, but diagnosed as suffering from personality disorder. Therefore hospital re-admission was not an option and, since rejected by family, he was likely to be homeless on release.

Risk Assessment

- High risk of serious sexual assaults on adult females, particularly vulnerable women.
- High risk of physical violence/assault towards staff dealing with him

Risk Management Plan

- Housing Dept agreed to fast track application for Council Accommodation
- Case was allocated to high risk outreach team (jointly funded by Probation and city Council Housing Dept.) to support him through application process and during settling into tenancy – liaison with Benefits Agency, Public Utilities etc.
- Social Services agreed to expedite Social Care Assessment
- Psychiatric Social Worker & Community Psychiatric Nurse allocated to case
- Risks "flagged up" on Local Police Criminal Intelligence System (CIS) & Operational Order raised in relation to address, when known. Allocated to Police Sex and Dangerous Offenders Unit
- Police reviewed the investigation into alleged indecent assault on Psychiatric Unit patient
- To be informed of his MAPPP registered status and implications of this.
- Establishment of Core Group for operational risk management, chaired by Forensic Mental Health Team Manager

Outcome

- In the event offender went to live with a young woman he had known previously and with whom he had been corresponding whilst in prison. This woman had a young child which necessitated the involvement of Social Services in child protection context.
- The Core Group also had to consider issues of disclosure to this woman. Offender was persuaded that he needed to disclose to her his MAPPP registered status (or the authorities would do so) and did so in presence of Social Worker – to whom he also admitted indecent assault on patient prior to prison sentence, as a result of which he was charged with this offence. Partner decided to terminate relationship – was assisted to move into independent council accommodation.
- Offender charged with public order offences in relation to threats to ex-partner, and criminal damage to Social Services office and a taxi, and going equipped for theft. Probation Officer who prepared the Pre-Sentence Report alluded to MAPPP registration and explained background to Court who imposed 6 month prison sentence. He was still awaiting Crown Court appearance in relation to offence of indecent assault. Also ongoing Police investigation in relation to allegations of harassment of a female neighbour.

CASE STUDY 2 - SEX OFFENDER RELEASED WITHOUT SUPERVISION

Background

Offender had been subject to a Sex Offender Order, the conditions of which he breached, and as a consequence of which he was imprisoned for two years. This was reduced to 12 months on appeal – but he was released immediately without supervision having already served the time in custody.

Risk Assessment

- Very high risk to children: particularly those not known to him – past behaviour included loitering around schools in a car and attempted abduction of a child from a school using the car.
- Offender has learning difficulties: for example, had no concept of distance – such as that referred to in the Sex Offender Order.
- Socially unskilled and mistrustful of authority.
- No accommodation.

Risk Management Plan

- Hostel accommodation identified.
- Sex Offender Order strengthened to address particular risks associated with hostel accommodation – including prohibitions on driving a vehicle with anyone aged under 18 years and going within 40 metres of nearby playground.
- Close co-ordination between probation hostel, prison and police about arrangements for offender's release and travel to hostel: police and hostel manager both met him and ensure sex offender registration completed immediately.
- Preparation with offender which resulted in (a) offender agreeing a 'contract' with hostel staff which includes hostel rules and additional curfew around local school start and finish times; and (b) offender agreeing to a tag – as a means to help him observe the time and location boundaries.
- Induction to hostel rules, relationships with other residents and revised Sex Offender Order very carefully explained because of learning difficulties: 40 metre condition in SOO paced out for him.
- Apparent difficulty in understanding was linked on day after arrival to hearing difficulties – arrangements to see doctor made who diagnosed severe wax build up which was removed which led greater ease in communication.
- Disclosure to local priest whose church the offender wants to attend with two church supporters.
- Arrangements for basic skills training.

Outcome

- Successful stay at hostel: no untoward incidents or developments.
- Appropriate move on accommodation in supported housing identified.
- Potential involvement in 'Circles of Support and Accountability' project brokered.
- Offender became more positively responsive and responsible – learnt to wash and iron clothes.

109. To enable strategies based upon these features to be drawn up, the MAPPA framework identifies three separate but connected levels at which risk is assessed and managed:

- Level 1: ordinary risk management;
- Level 2: local inter-agency risk management;
- Level 3: MAPPP – Multi-Agency Public Protection Panels.

This structure of risk management is intended to enable resources to be deployed to manage identified risk in the most efficient and effective manner. The levels of risk management do not necessarily equate directly to levels of risk although generally the higher the assessed level of risk, the higher the level of management required. The level at which a case is managed is dependent upon the nature of the risk and how it can be managed – not all high risk will need to be managed by the MAPPP and the complexities of managing a medium risk might justify MAPPP referral. The risk management structure is based on the principle that cases should be managed at the lowest level consistent with providing a defensible risk management plan.

110. The three levels are important in establishing consistent arrangements throughout England and Wales. The issue of consistency was raised in research of the MAPPPs which existed before the introduction of the MAPPA; in the Joint Inspectorate's report Safeguarding Children published in October 2002; and in the police and probation inspectorates' follow-up report[29]. Areas will retain a margin of discretion in deciding which cases will be referred to which level because experience, expertise and resources will differ from Area to Area. **But every Area must establish the three levels.**

Level 1: ordinary risk management

111. Level 1 risk management is the level used in cases in which the risks posed by the offender can be managed by one agency without actively or significantly involving other agencies. As figure 2 illustrates, Level 1 can only be used for Category 1 (registered sex offenders) or Category 2 (violent and other sexual offenders) offenders because by definition Category 3 offenders (see paragraphs 64 - 68, above) present a risk of serious harm which requires active, inter-agency management. Level 1 management will primarily involve probation, police, youth offending teams or the Prison Service as the lead agency. Generally, offenders managed at Level 1 will be assessed as presenting a low or medium risk; and the large proportion of all MAPPA offenders are likely to be managed at this Level.

[29] *Protecting Children from Dangerous People* Home Office, December 2002.

Level 2: local inter-agency risk management

112. Level 2 risk management should be used where the active involvement of more than one agency is required but where either the level of risk or the complexity of managing the risk is not so great as to require referral to the Level 3, the MAPPP. Cases may be referred to Level 2 after having been managed by referral to the MAPPP when for example, the seriousness of risk has diminished or where the complexity of the multi-agency management of the risks have been brokered and firmly established by the MAPPP.

113. This illustrates that just as risk can and will change, so the means of managing risk can and will change. The MAPPA provides the framework within which those changes, particularly when they concern the serious risks offenders can present, can be effectively and consistently managed. To reiterate: cases should be managed at the lowest appropriate level, determined by defensible decision-making.

114. The Responsible Authority will decide the composition of Level 2 arrangements but they will be influenced by the configuration of the organisational boundaries within the Area such as police operational command units or unitary authority areas. The essential feature of Level 2 arrangements is that their permanent membership should comprise those local agencies which have an active role to play in risk management. In addition, other agencies which maybe involved less frequently can be engaged on an ad hoc basis. The Responsible Authority, through MAPPA Co-ordination will convene and support the Level 2 arrangements. Good practice suggests that, depending upon the needs of the case, the following agencies can routinely play an active role in Level 2 management:

- social services departments;
- housing authorities/housing providers;
- youth offending teams;
- the relevant health authority, including the mental health trusts; and
- probation victim contact teams or appropriate victim agencies.

Level 2 arrangements are more than *ad hoc* groups which change with each case. A permanent representation from the above agencies, supplemented by representatives from others as needed, will help ensure robust risk management.

115. Local inter-agency risk management will have a significant caseload of offenders that will require active management and review by the Responsible Authority. To achieve this the Responsible Authority must ensure that the meetings are effectively managed and supported – in which the role of the MAPPA co-ordination will be key. The Responsible Authority is charged with the statutory duty for the efficient and effective operation of MAPPA and for this reason it is important that the local risk meetings are either chaired independently or by a representative of either police or probation.

That person should be somebody of sufficient standing and expertise to command respect and support of partner agencies, and who has a firm grasp of local operational issues. The frequency of these meetings is a matter for the Responsible Authority to decide, in conjunction with partner agencies and will reflect the number of cases being managed and their complexity. Setting regular monthly or fortnightly meetings will allow the opportunity for the systematic review of risk management plans.

Level 3: MAPPP - Multi Agency Public Protection Panel

116. The MAPPP is responsible for the management of the 'critical few'. This Guidance clarifies the definition of the 'critical few' in order to address the specific issues of inconsistency in definitions about the thresholds of risk referral made by both Kemshall (2001)[30] and jointly by the eight Inspectorates in their report *Safeguarding Children*[31]. The criteria for referring a case to the MAPPP are defined as those in which the offender:

(i) is assessed under OASys as being a high or very high risk of causing serious harm; **AND**

(ii) presents risks that can only be managed by a plan which requires close co-operation at a senior level due to the complexity of the case and/or because of the unusual resource commitments it requires; **OR**

(iii) although not assessed as a high or very high risk, the case is exceptional because the likelihood of media scrutiny and/or public interest in the management of the case is very high and there is a need to ensure that public confidence in the criminal justice system is sustained.

117. Thus although the 'critical few' are not exclusively those assessed as high or very high risks, in almost all cases they will be. Also, while most will be offenders being released from prison, they may also include:

- an offender on discharge from detention under a hospital order;
- an offender returning from overseas (whether immediately following their release from custody or not); and, conceivably
- an offender who having been managed as a medium or even a low risk in the community through referral to the second or third level MAPPA meeting, comes to present a high or very high risk as the result of a significant change of circumstances.

118. The new definitions align the criteria for referral to the MAPPP more closely to the criteria used for referring cases to PPU under the Early Warning

[30] Kemshall, H. (2001) *Risk Assessment and Management of Known Sexual and Violent Offenders: A review of current issues.* London: Home Office, Police Research Series Paper 140.
[31] Department of Health October 2002

System (EWS) [32] and will therefore allow the greater national co-ordination of MAPPP cases. In due course, the development of the PPU casework section and the rationalisation of the three early warning systems which currently exist in various criminal justice agencies will result in more detailed guidance being issued about the relationship of these systems and the MAPPPs.

119. Key to the effectiveness of Level 2 and Level 3 (MAPPP) arrangements is the multi-agency representation and involvement. In determining the level of the representation and the nature of that involvement three factors must be considered. First, the representatives must have the authority to make decisions committing their agency's involvement. If decisions are deferred then the effectiveness of the multi-agency operation is weakened. Secondly, they require relevant experience of risk/needs assessment and management and the analytical and team-playing skills to inform deliberations. This experience and these skills can usefully contribute both to specific case management and more broadly in providing advice on case management. Thirdly, the effectiveness of Level 2 and Level 3 arrangements depend in large part upon establishing continuity. Multi-agency work is often complex and benefits greatly from the continuity of personnel and their professional engagement.

120. Distinguishing representation at Level 2 and on the MAPPP (Level 3) will be determined by the nature of the 'critical few' which will require senior representatives of the agencies involved. As the management of the 'critical few' may require the deployment and use of special or a higher level of resources, representatives on MAPPPs must be able to make decisions about committing those resources. Therefore all agencies must be represented by senior personnel who: understand the strategies for minimising or reducing the risk of serious harm; and have the authority to implement appropriate strategies agreed by the MAPPP, on behalf of their agency. Given the imminence of serious harm associated with many offenders in MAPPP the resource implications of these strategies may be significant and occur at short-notice. In addition, there is likely to be a considerably higher media profile to many of the offenders considered and the Responsible Authority may wish to address media handling issues as a regular part of the risk management/ contingency plans.

MAPPA meetings

121. It is important that MAPPA meetings are well organised and that accurate records of them are made and safely kept. Both, but particularly the records will enable and reflect defensible decision-making. The following advice is based upon established good practice and relates principally to the MAPPPs but is evidently good practice for meetings/case conferences at all

[32] The Early Warning System was established in 1999 and its criteria redefined by Probation Circular 27/2000. Its principal purpose was to enable Ministers and the relevant MP to be informed about the release from prison of high risk offenders.

levels of the MAPPA. Without imposing a bureaucratic straight-jacket, we strongly suggest you adopt arrangements as outlined in the draft standing agenda which we have annotated below. This or your own similar arrangement will help ensure you adopt consistency of approach to this important part of MAPPA practice which will support the confidence of 'core' or permanent members of the MAPPA meetings and nurture that of those who attend on a less routine basis.

122. In drawing up the standing agenda we have identified three broad purposes of the MAPPP and other level meetings: (i) initial case consideration; (ii) case review; and (iii) consideration of case-related issues. The agenda below is a draft that reflects all three purposes, not all of which may be the objective of every meeting, although parts I, II, III and IV are directly relevant to the initial case consideration and case review purposes. The record of every meeting must clarify whether it is an initial or a review meeting in every case.

Proposed Standing Agenda for MAPPA meetings:

I. Statement of confidentiality

- To remind and reassure those attending of the sensitive nature of some of the information shared at the meetings – reference to local protocols (and to paragraphs 78 – 95 on information sharing, above, may be helpful.)

II. Sharing and Considering Information

- Preparation: all the written information relevant to the purpose of the meeting should be distributed in good time before the meeting so that discussion focuses upon the actual assessment and plans to manage risk.
- Updating and clarifying: the meeting will need to ensure that the information to hand is up to date and any unclear issues or information clarified.
- Validating: identify whether all those who need to inform the discussion and decision-making are represented or have at least shared the information they have.
- Diversity issues: identify and give due consideration to diversity issues – whether, in respect of either the offender or the actual or potential victim, there are gender, age, sexuality, racial, religious, disability or any other issues which may lead to unfair and unlawful discrimination which affect the assessment AND the management of risks.

III. Assessment of Risks

- Identify the risks: their seriousness, likelihood and imminence and the relevant offending-related factors.

- Identify who is or might be at risk – it is recommended that victim issues are specifically considered and noted.
- Identify the compliance and motivation of the offender and what may promote and diminish these.

IV. Planning Risk Management

- As is clear, this part of the meeting falls out of parts II and III. Emphasis here is placed upon making explicit the links between the conclusions reached in parts II and III and this section. Risk management plans cannot merely be generally informed by the consideration of the information shared and the assessment of risks but, to ensure a defensibility of decision-making, must be explicitly connected to them.
- Relating risk management to risk assessment: each feature of the management plan must relate directly to the features of the risks identified in the assessment of risks. It must link agreed actions to risk and/or the factors associated with risk.
- Involving the offender: consideration can be given here to involving the offender along the lines indicated in paragraphs 48 – 51.
- Clear definition of each agreed action: there are other means of providing this definition, S.M.A.R.T. (specific, measurable, achievable, realistic, and timed) is one.
- Accountability: the responsibility for each agreed action with the contributory roles of other individuals/agencies, must be clearly identified.
- Key contacts: this follows from the accountability principle – a single point of contact ensures that the delivery of the management plan, however many agencies it involves, is informed by new information or changes in any of the variables which affect risk and its management. In the most difficult and complex of cases, operational command procedures may replace single point of contact arrangements.

V. Consideration of case-related Issues

- It is good practice to include at every case conference/MAPPA meeting time to consider issues which may have arisen from the cases specifically considered but which have a wider significance.
- At both the two higher levels (level 2 and the MAPPP) this part of the agenda may be used to address issues arising from the Strategic Management Board or which require referral to the SMB such as where difficulties occur with the local provision of services to assist in the management of risk.

Records of meetings

123. These records will form the basis of much of the defensible decision-making. This does not mean that they are openly disclosed: this Guidance deals specifically with the issues of sharing information contained in these

records in paragraphs 78 – 95 above. It is understood that MAPPA meetings can involve very sensitive information and that the trust between agencies upon which effective information sharing is based, depends upon confidence in the organisation and particularly the accuracy and safety of records of meetings.

124. Some Areas have found that to ensure accuracy of the records of the higher level meetings, meetings are tape-recorded. The tapes are used by the person writing the minutes to clarify/confirm what was said: tapes are NOT kept but erased once the record has been agreed. Time spent revising the record at subsequent meetings can be avoided by ensuring that the record, which should comprise a separate minute on each case considered, is prepared and distributed in draft as quickly as possible; and recipients should be required to suggest amendments within a short period.

Importance of MAPPA links in Custody

125. For all MAPPA offenders who receive a custodial sentence, the Probation Area responsible for writing the PSR (whether one was written or not) is responsible for ensuring that all the information relevant for assessment purposes is shared with the prison in which the offender is held. Ultimately the common use of the electronic form of OASys will facilitate this exchange of information. At the time when release is being considered or prepared, the onus upon the exchange of information is reversed with the Prison Service needing to ensure that a timely exchange of all the relevant information with the Responsible Authority occurs.

126. The Responsible Authority has an important role to play in helping the Parole Board decide whether to release an offender and on what licence conditions. It is therefore important that the Responsible Authority, through the agency of seconded probation staff or other arrangements if more appropriate (such as the prison's police liaison officer), works closely with the Prison Service to ensure that all the information relevant to assessing and planning the management of risk is shared in good time for it to be properly considered. The timing of that information exchange will vary according to the sentence length and circumstances (for example if they are a lifer or someone on extended supervision who has been recalled) of the offender. However, as a rule, the Responsible Authority should plan to assess and plan the release of offenders who are to be managed through a MAPPP at least three months – and usually six months where practicable – before that release. It is recognised that even with early planning, the actual release date can vary if prisoners seek remission of 'added days' or are credited with remand time. Early liaison with the prison establishment should enable the likelihood of these variables to be identified well in advance and to be anticipated.

127. Where a multi-agency meeting is required by the Responsible Authority prior to release the prison, hospital or YOI must ensure that any relevant

information is presented to that meeting either by sending a representative or by submitting a report. It will be particularly important for a representative to be sent where there is an indication that there are specific actions which the prison may take to assist in the risk management plan.

Figure 1: The four core stages of MAPPA

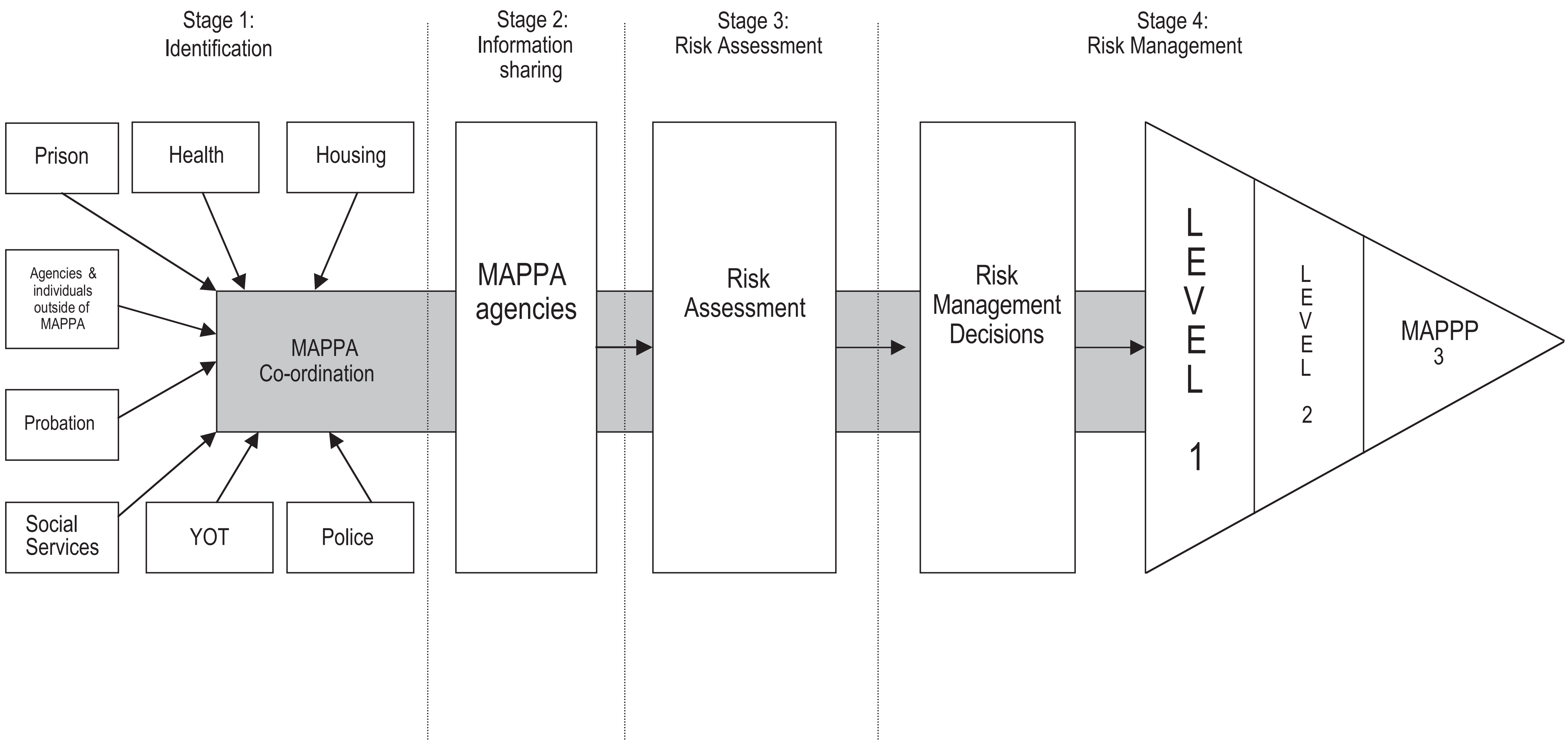


Figure 2: RSOs and Violent & Other Sex Offenders (Categories One & Two)

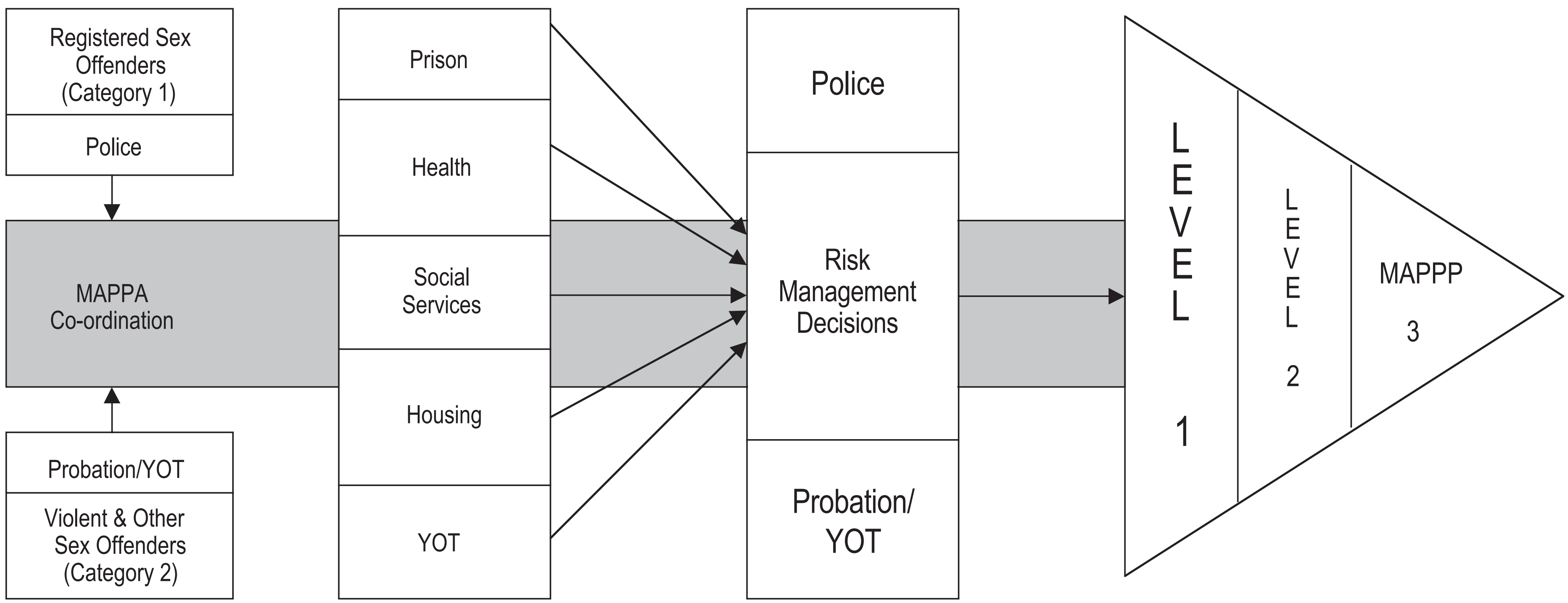
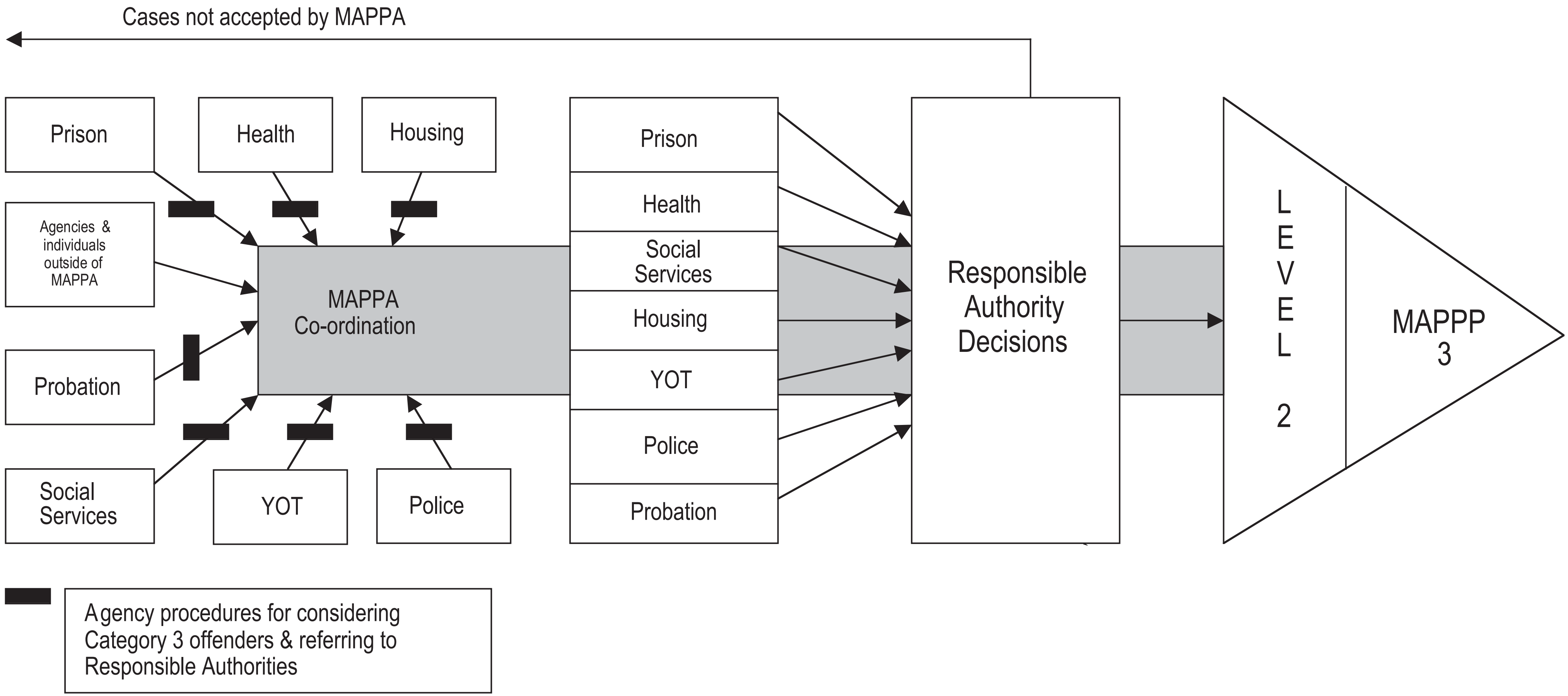


Figure 3: Other Offenders (Category Three)



SECTION 3

THE STRATEGIC MANAGEMENT OF MAPPA

I. The Purpose of the Strategic Management Board (SMB)

128. In the first phase of MAPPA development the emphasis was rightly placed upon establishing certain minimum requirements that would provide a basis for the effective multi-agency assessment and management of risk[33]. The fact that the success of these arrangements was founded upon the earlier working practices between the police and probation developed locally inevitably meant that those practices varied between Areas. The second phase of MAPPA development builds upon what has already been achieved by formalising the practical arrangements across all Areas, as described in Section 2, in order to introduce greater consistency in case management. However, this needs to be complemented by greater rigour and scrutiny in the review and monitoring of MAPPA. This is the role and purpose of the MAPPA Strategic Management Board (SMB). Some Areas have already begun to put SMB arrangements in place, and the following guidance reflects the good practice already developed.

129. The SMB will enable the Responsible Authority to discharge those duties imposed by the sub-sections (4) and (5), which concern the annual report; and, more particularly, sub-section (3) of Section 67 of the Criminal Justice and Court Services Act (2000), which requires that the Responsible Authority in each Area must:

> "keep the arrangements [i.e. the MAPPA] established by it under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient."

This is a broad brief and below are outlined five principal activities of the SMB. Overarching these activities is the role the SMB has to shape the MAPPA framework within the Area. This involves determining the role and representation of different agencies within the framework. It also includes brokering the protocols and memoranda of understanding which formalise those roles (further Guidance will follow on the new 'duty to co-operate').

While some margin of discretion in defining the role will be left with Areas, the following core features will be common to all SMBs:

(i) monitoring (on at least a quarterly basis) and evaluating the operation of the MAPPA, particularly that of the MAPPPs;
(ii) establishing connections which support effective operational work with other public protection arrangements, such as Area Child Protection

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[33] Initial Guidance (March 2001). Home Office

Committees, local Crime and Disorder Partnerships and local Criminal Justice Boards;

(iii) preparing and publishing the Annual Report (as required by Section 67 (4) and (5)) and promoting the work of the MAPPA in the Area;

(iv) planning the longer-term development of the MAPPA in the light of regular (at least annual) reviews of the arrangements, and with respect to legislative and wider criminal justice changes; and,

(v) identifying and planning how to meet common training and developmental needs of those working in the MAPPA.

Monitoring and evaluation

130. The monitoring and evaluation activities of the SMB will contribute to the annual report and provide the means of reviewing the MAPPA's effectiveness. The SMB will be provided with the data it requires by the Area's MAPPA co-ordination function. The SMB should analyse this data on at least a quarterly basis to allow some bench marking and the opportunity for timely intervention where issues are identified. Whilst national standards are yet to be developed, it is clear that there is both quantitive and qualitative data that should be examined. The statistical information concerning offenders in this year's MAPPA annual report guidance[34] establishes the minimum expectation for such quantitive data which SMBs should examine covering: offender totals, a more detailed breakdown of those referred to the MAPPP, orders obtained, enforcement action taken and those managed by the MAPPP who have been charged with further serious sexual or violent offences.

131. In addition to considering this quantitative data, the SMB must consider qualitative information, which can best be sourced from a review of individual cases. These reviews will help identify good practice, and operational and organisational difficulties and the means of overcoming them. It has been decided that this Guidance should not require the establishment of formal serious case review procedures. However, these will develop as a result of the reform of the NPD's serious incident reporting and management review systems. In considering a sample of cases, SMBs can make use of the arrangements other agencies have for reviewing case management procedures and to this end they should make formal contact with the Probation Service, Area Child Protection Committees and Mental Health Authorities to facilitate access to these reports.

Links with other public protection arrangements

132. Recent research into the MAPPA has highlighted the importance of establishing strong links within Areas with other public protection arrangements such as Area Child Protection Committees, local Crime and

[34] Further Guidance (2), January 2003. Appendix 5

Disorder Partnerships and the recently formed local Criminal Justice Boards. The purpose of this communication will be to ensure that these separate bodies recognise the commonality of some of the public protection issues they each face and establish effective mechanisms for jointly addressing them. This is particularly relevant given that a number of the same agencies are involved in each of these bodies though not always with the same personnel. A key measure of the effectiveness of this strategy will be the ability of these bodies to strengthen and support the work of operational units dealing with the different aspects of public protection and to adopt a holistic approach when dealing with children, families or offenders.

<u>The Annual MAPPA report and communication</u>

133. The preparation and publication of the Area's annual report is an important part of the function of the SMB, and a statutory requirement of each Responsible Authority. The MAPPA Annual Reports 2001/2 were the first annual reports and explained something of the developing practice of MAPPA and the number of offenders being considered within MAPPA by each Responsible Authority across England and Wales. A challenge for the SMB will be to reflect in the annual reports the development of the MAPPA in the coming years – changes incorporated in this guidance, the developing knowledge gathered about the assessment and management of risk posed by offenders through MAPPA agencies and the monitoring and review conducted by the SMB.

134. The content and style of these reports will continue in the short-term to be influenced by guidance issued by the Secretary of State (See Appendix 5). A critical aspect of the reports will remain the presentation of detailed figures for the number of offenders in each Area. This often complex information about how the effectiveness of risk assessment and risk management plans have contributed towards reducing offending and minimising further serious harm will continue to provoke high levels of media interest. The development of the ViSOR national database will have a significant impact on the availability this information and the analysis that will develop from it.

135. The annual report provides a valuable mechanism for raising public awareness and understanding of public protection issues and explaining the multi-agency work that is undertaken through MAPPA to increase public safety. Usefully it can also be seen as part of a wider strategy of communication and education with the public that the SMB should develop. Some Areas have used other means of communicating with the public, for example leaflets briefly explaining the operation of MAPPA which can inform victims, offenders and members of the public. As well as written information, SMBs can profitably consider meeting with key local interests groups and stakeholders on either a routine or an *ad hoc* basis. Because there is still so much misunderstanding among the general public, these meetings can be

useful and help nurture public confidence in the excellent work the MAPPA agencies undertake.

The MAPPA development

136. While the Secretary of State retains the power to issue guidance to Responsible Authorities on the discharge of the functions under MAPPA by virtue of Section 67(6) of the Act, the longer-term development of MAPPA is a matter for the SMB. The monitoring and evaluation activities of the SMB will provide the basis upon which MAPPA development can be planned, whether building upon good practice or addressing areas in need of development. The publication of an annual report will provide a cycle for the review of developments and this will need to take account of other legislative and criminal justice changes.

137. In support of this the Public Protection Unit will continue act as a conduit for the dissemination of good practice and will develop an advisory role to individual Responsible Authorities and the SMBs. The unit is committed to the continued sponsorship of the annual regional MAPPA conferences for Areas to enhance regional networks and to facilitate the development of best public protection practice. Additionally, the Unit can provide advice and support directly to Areas through visits and planning as well as through advice on the handling of complex case work.

Training

138. Whilst agencies within MAPPA have a responsibility for the training and supervision of their own members of staff, the development of MAPPA, and this guidance in particular, is creating a more complex environment in which members of staff will undertake functions associated with MAPPA offenders. Work with offenders who pose a high risk of serious harm is recognised as being challenging and demanding and staff should be sustained and supported in this through proper supervision arrangements.

139. In this regard a number of MAPPA agencies have adopted National Standards around aspects of this work to ensure clear and accountable management[35]. It is therefore in the interests of the Responsible Authority and the SMB to consider the implications of MAPPA for their staff and how training needs are best addressed. Clearly there are different levels of skill and engagement required from different members of staff within MAPPA agencies but, as a number of Responsible Authorities move towards joint MAPPA units, it will be important that the experience of setting up other joint/ multi-agency units such as Youth Offending Teams is considered and applied appropriately to MAPPA.

[35] National Probation Service and the Prison Service both have national standards covering their work with high risk offenders.

II. Membership of SMBs

140. It will be for the Responsible Authority to determine the precise composition of their SMB. While some will wish to replicate on the SMB the full diversity of multi-agency involvement in the risk assessment and management arrangements, it should be noted that the Criminal Justice Bill, which will impose the 'Duty to Co-operate' on various agencies, will define that duty with specific reference to the existing Section 67 (2). Therefore the duty to co-operate will not extend to the function of the SMB with respect to the monitoring and review functions. This would not necessarily exclude representatives of the duty to co-operate bodies from participating in the SMB but that participation would be distinct from their specific duty to co-operate. This Guidance strongly recommends that SMBs do include representatives from the key duty to co-operate bodies.

141. One of the factors that will help determine the precise membership of the SMB will be the local geography. While the Responsible Authority benefits from both the police and probation services having co-terminous boundaries, the same cannot be said for all the partner agencies that assist in the implementation and oversight of MAPPA. Several agencies within MAPPA operate by reference to different configurations such as county, district or unitary authority boundaries. In housing for instance whilst the local housing authority may be formed on a unitary authority basis, the housing providers, eg. housing associations and registered social landlords, may exist entirely within that authority or may spread across several authorities. Responsible Authorities, in developing their SMBs, will need to address this issue of effective representation from the key agencies within MAPPA but avoiding unwieldy management boards.

142. As a general principle the representatives of agencies on SMBs will be those whose seniority and responsibilities enable them to contribute to developing and maintaining strong and effective inter-agency public protection procedures and protocols on behalf of their agency and to address the practical implications of MAPPA. Where they are representing a group of agencies such as with housing then in addition to this they should have the confidence of colleagues to be able to represent their interests and relay decisions taken. It is critically important that members of the SMB have the authority within their own agency to ensure that their public protection arrangements for serious sexual and violent offenders are systematically addressed and adequately resourced. In the police and probation services the appropriate rank for effective SMB membership is generally regarded as Assistant Chief Constable (or equivalent) or Assistant Chief Officer respectively.

143. Eight Areas are piloting arrangements to involve lay members in their respective SMBs. The Criminal Justice Bill will extend these arrangements to all 42 Areas of England and Wales by providing the Secretary of State with powers to appoint two lay advisers to each Area. The purpose of the lay

advisers is twofold. First, they enable the involvement of non-professionals which will provide greater public accountability. Secondly, their role is to contribute views to the monitoring and evaluation of MAPPA.

144. Membership of SMBs should include as a minimum;

<u>Police & Probation</u> – In addition to senior officers both services may wish to include senior operational officers as well as a representative of the MAPPA co-ordination function.

<u>Victim Liaison</u> – The mixture of statutory and voluntary engagement with victims may result in different models of representation on SMBs. It is important however, that the representative is able to bring a broad victim perspective that will help shape the strategic development of MAPPA.

<u>Housing</u> – Representation from the local authority and housing suppliers should be considered.

<u>Health Services</u> (managerial & clinical) – Initial surveys by the Department of Health indicate the value of having both a senior managerial and clinical perspective on SMBs.

<u>Social Services</u> – Although the primary focus for MAPPA engagement is with child protection, social services also offer invaluable input on all dangerous offenders for whom they provide social care be they elderly, disabled, young offenders or have mental health problems. Representation on the SMB should be from a senior manager that is able to communicate with all these spheres of work although there may be particular advantage in securing separate representation from a mental health social services manager.

<u>Prisons</u> – The Prison Service is keen to develop its role within MAPPA and its representation on SMBs, even in those Areas where no prison establishment exists. The precise mechanisms for this if not already in existence will develop during 2003/4.

<u>Youth Offending Teams</u> – The Youth Justice Board has indicated that YOTs should be represented on SMBs and where more than one YOT operates in the Area, YOT managers will need to agree the best way in which they might be represented.

145. The Responsible Authority should make appropriate arrangements to involve others in its work of the SMB as needed. This may involve co-opting or even full membership where there is a significant and sustained engagement with MAPPA, although in most instances it will be sufficient for the Responsible Authority to ensure there is effective dialogue and the agency is aware of MAPPA and pertinent public protection issues. Those with a relevant interest may include;

Treatment providers
Local Authority Education Department
Employment Services
Crown Prosecution Service
Housing Associations
Electronic Monitoring Providers
The Court Service
Other relevant voluntary organisations eg. NSPCC

III. SMB Meetings

146. The SMB will be chaired by the Responsible Authority, either police or probation, and normally by the ACC or ACO representing those services. It is anticipated that such officers will have sufficient standing to command the respect and support of agencies, and have a firm grasp of operational and strategic issues for the Area. In keeping with existing practice, the role of chair may be shared between police and probation, though in a manner that seeks to encourage consistency and develop good practice.

147. The frequency and structure of the meetings will be a matter for the Responsible Authority in discussion with its MAPPA partners and will reflect how the SMB choose to organise itself with regard to active sub-groups. However, full SMB meetings should be no less frequent than quarterly and are expected to actively manage the full remit of the SMB be during the course of the year, as identified above.

148. Where SMBs have been recently formed or where new members join from agencies outside of the criminal justice arena, it will be important that the Responsible Authority considers how best to inform agencies of the full remit of the SMB and to most effectively engage with them so that the SMB becomes an effective mechanism for identifying difficulties within MAPPA, developing solutions and establishing best practice.

149. In addition to organising the arrangements within their own Area, the Responsible Authority may see value from broader discussions with neighbouring Authorities or within regional fora. The regional networking of the probation service, the Association of Chief Police Officers (ACPO), and the annual regional MAPPA seminars offer vehicles for such discussions and the opportunity of sharing best practice and some reciprocal resourcing, particularly in the areas of staff training and accommodation.

Criminal Justice and Court Service Act (2000) Sections 67 & 68

Section 67

(1) In this section –

"relevant sexual or violent offender" has the meaning given by Section 68;

"responsible authority", in relation to any area, means the chief officer of police and the local probation board for that area acting jointly.

(2) The responsible authority for each area must establish arrangements for the purpose of assessing and managing the risks posed in that area by –

(a) relevant sexual and violent offenders, and

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

(3) The responsible authority for any area must keep their functions under subsection (2) under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient.

(4) As soon as practicable after the end of each period of 12 months beginning with 1 April, the responsible authority for each area must –

(a) prepare a report on the discharge by it during that period of the functions conferred by by this section, and

(b) publish the report in that area.

(5) The report must include –

(a) details of the arrangements established by the responsible authority, and

(b) information of such descriptions as the Secretary of State has notified to the responsible authority that he wishes to be included in the report.

(6) The Secretary of State may issue guidance to responsible authorities on the discharge of the functions conferred by this section.

Section 68: interpretation

(1) For the purposes of section 67, a person is a relevant sexual offender if he falls within one or more of subsections (2) to (5).

(2) A person falls within this subsection if he is subject to the notification requirements of Part 1 of the Sex Offenders Act 1997.

(3) A person falls within this subsection if –
- (a) he is convicted by a court in England or Wales of a sexual or violent offence (within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000), and
- (b) one of the following sentences is imposed on him in respect of the conviction –
  - (i) a sentence of imprisonment for a term of 12 months or more,
  - (ii) a sentence of detention in a young offender institution for a term of 12 months or more,
  - (iii) a sentence of detention during Her Majesty's pleasure,
  - (iv) a sentence of detention for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences),
  - (v) a detention and training order for a term of 12 months or more, or
  - (vi) a hospital or guardianship order within the meaning of the Mental Health Act 1983.

(4) A person falls within this subsection if –
- (a) he is found not guilty by a court in England or Wales of a sexual or violent offence (within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000) by reason of insanity or to be under a disability and to have done the act charged against him in respect of such an offence, and
- (b) one of the following orders is made in respect of the act charged against him as the offence –
  - (i) an order that he be admitted to hospital, or
  - (ii) a guardianship order within the meaning of the Mental Health Act 1983.

(5) A person falls within this subsection if the first condition set out in section 28(2) or 29(3) or the second condition set out in section 28(3) or 29(3) is satisfied in his case.

(6) In this section "*court*" does not include a court-martial or the courts – martial Appeal Court.

A sexual or violent offence within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000, Section 161(2), (3) & (4)

(2) In this Act, '*sexual offence'* means any of the following:

- an offence under the Sexual Offences Act 1956, other than an offence under section 30,31 or 33 to 36 of that Act;
- an offence under section 128 of the Mental Health Act 1959;
- an offence under the Indecency with Children Act 1960;
- an offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape;
- an offence under section 54 of the Criminal Law Act 1977;
- an offence under the Protection of Children Act 1978;
- an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit any of the above offences;
- an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit any of these offences;
- an offence of inciting another to commit any of those offences.

(3) In this Act a '*violent offence'* means:

an offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

(4) In this Act any reference, in relation to an offender convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.

LIST OF SEXUAL AND VIOLENT OFFENCES

Offences which fall within the definition of a violent offence:

Common Law

Murder
Manslaughter
Common Assault (only to the extent where there was also a battery leading/ likely or intended to lead to bodily injury)
Battery – Where the offence lead to or was intended or likely to lead to physical injury

Infanticide Act 1938
Section 1 – Infanticide

Offences against the Person Act 1861
Section 18 – wounding with intent to cause grievous bodily harm
Section 20 – malicious wounding
Section 47 – assault occasioning actual bodily harm
Section 21 – attempting to choke, suffocate or strangle
Section 22 – administering chloroform, etc – where either the administering of the chloroform or the indictable offence committed leads or was intended or likely to lead to death or physical injury
Section 23 – administering poison, etc
Section 28 – causing bodily injury by explosives
Section 29 – using explosives etc with intent to do grievous bodily harm
Section 30 – placing explosives with intent to do bodily harm
Section 31 – setting spring guns etc with intent to do grievous bodily harm
Section 32 – endangering the safety of railway passengers
Section 35 – causing bodily harm by wanton and furious driving
Section 37 – assaults on officers saving wreck
Section 38 – assault with intent to resist arrest
Robbery – where the manner of the offence involves death or physical injury to someone or was intended or likely to do so
Aggravated Burglary – where the manner of the offence involves death or physical injury to someone or was intended or likely to do so

Police Act 1996
Section 89 – assaulting a constable in the execution of his duty

Road Traffic Act 1988
Section 1 – causing death by dangerous driving
Section 3A – causing death by careless driving while under the influence of drink or drugs

Theft Act 1968
Section 12a – causing death by aggravated vehicle taking
Criminal Damage Act 1971
Section 1 – Arson
Section 1 – Arson with intent to endanger life
Section 1 – Arson being reckless as to whether life would be dangered
Aiding, abetting, counseling or procuring any of the above offences.

Criminal Law Act 1977
Section 1 – Conspiracy to commit any of the offences above

Criminal Attempts Act 1981
Section 1 – Attempting to commit any of the above offences

Common law
Inciting another to commit any of these offences

Criminal offences which come within the definition of sexual offences are:

Sexual Offences Act 1956
Section 1 – Rape of a woman or man
Section 2 – Procurement of women by threats
Section 3 – Procurement of women by false pretences
Section 4 – Administering drugs to obtain or facilitate intercourse
Section 5 – Intercourse with girl under 13
Section 6 – Intercourse with girl under 16
Section 7 – Intercourse with defective
Section 9 – Procurement of defective
Section 10 – Incest by a man
Section 11 – Incest by a woman
Section 12 – Buggery
Section 13 – Indecency between men
Section 14 – Indecent assault on a woman
Section 15 – Indecent assault on a man
Section 16 – Assault with intent to commit buggery
Section 17 – Abduction of women by force or for the sake of her property
Section 19 – Abduction of unmarried girl under eighteen from parent or guardian
Section 20 – Abduction of unmarried girl under sixteen from parent or guardian
Section 21 – Abduction of defective from parent or guardian
Section 22 – Causing prostitution of women
Section 23 – Procurement of girl under 21
Section 24 – Detention of women in brothel or other premises
Section 25 – Permitting girl under 13 to use premises for intercourse
Section 26 – Permitting girl under 16 to use premises for intercourse

Section 27 – Permitting defective to use premises for intercourse
Section 28 – Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16
Section 29 – Causing or encouraging prostitution of defective
Section 32 – Solicitation by men

Section 128 of the Mental Health Act 1959
Section 128 – Sexual Intercourse with patients

Indecency with Children Act 1960
Section 1 – Indecent conduct towards young children (includes gross indecency with or towards a child, under the age of 16, or someone who incites a child under that age to such an act with him or another)

Theft Act 1968
Section 9 – Burglary with intent to commit rape

Protection of Children Act 1978
Section 1 – Indecent photographs of children

Sexual Offences (Amendment) Act 2000
Section 3 – Abuse of a position of trust

Criminal Law Act 1977
Section 54 – Inciting girl under sixteen to have incestuous sexual intercourse
Aiding, abetting counseling or procuring any of the above offences

Criminal Law Act 1977
Section 1 – Conspiracy to commit any of the offences above

Criminal Attempts Act 1981
Section 1 – Attempting to commit any of the above sexual offences

Common Law
Inciting another to commit any of these sexual offences

Offences subject to the notification requirement under Part I of the Sex Offenders Act 1997 (other than those mentioned above)

Customs and Excise Management Act 1979
Section 170 – penalty for fraudulent evasion of duty etc in relation to goods prohibited to be imported under Section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions) – registration require only if the photographs included indecent photographs of those under 16

Criminal Justice Act 1988
Section 160 – Possession of indecent photographs of children under 16

In addition:
Any attempt, conspiracy or incitement to commit these offences.
Aiding and abetting, counseling or procuring the commission of any offence mentioned in schedule 1 of the 1997 Act.

An offence against a child within the meaning of Part II of the Criminal Justice and Courts Act 2000 (other than those mentioned above where they are committed against a child)

Children and Young Persons Act 1933
Section 1 – Cruelty to children

Child Abduction Act 1984
Section 1 – abduction of child by parent

Offences against the Persons Act 1861 (not covered above)
Section 16 – Threats to kill a child

Sexual Offences Act 1967
Section 4 – procuring a child to commit an act of buggery with any person or a child
Section 5 – living wholly or in part on the earning of prostitution of a child

Misuse of Drugs Act 1971
Section 4(3) – supplying or offering to supply Class A drugs to a child, being concerned in the supply of such a drug to a child, or being concerned in the making to a child of an offer to supply such a drug

Glossary

Abbreviations

ACC	Assistant Chief Constable
ACO	Assistant Chief Officer (Probation)
ACPC	Area Child Protection Committee
ACPO	Association of Chief Police Officers
ACR	Automatic Conditional Release
ASSET	Assessment tool for Young Offenders
DCR	Discretionary Conditional Release
EWS	Early Warning System
HDC	Home Detention Curfew
HMIC	Her Majesty's Inspectorate of Constabulary
HMIP	Her Majesty's Inspectorate of Probation
MAPPA	Multi Agency Public Protection Arrangements
MAPPP	Multi Agency Public Protection Panel
NCIS	National Criminal Intelligence Service
NPD	National Probation Directorate
NSPCC	National Society for the Prevention of Cruelty to Children
OASys	Offender Assessment System
PPU	Public Protection Unit
PSR	Pre Sentence Report
RSO	Registered Sex Offender
ROTL	Release on Temporary Licence
SMB	Strategic Management Board
SOO	Sex Offender Orders
VCO	Victim Contact Officer
ViSOR	Violent and Registered Sex Offender database
YJB	Youth Justice Board
YOI	Young Offender Institution
YOT	Youth Offender Team

Home Office
BUILDING A SAFE, JUST AND TOLERANT SOCIETY

NATIONAL PROBATION SERVICE
for England and Wales

ASSESSMENT OF INDIVIDUALS CONVICTED OF CHILD PORNOGRAPHY OFFENCES

PURPOSE

To provide guidance to staff involved in the preparation of Pre-Sentence Reports in cases involving the making, possessing or distribution of indecent images of children.

ACTION

Chief Officers to ensure that the contents of this Circular are forwarded to all staff involved in the preparation of Pre-Sentence Reports in cases involving these offences.

SUMMARY

This Circular contains a review of the literature concerning the link between use of pornography and other forms of sexual offending.

It provides guidance notes on issues to be explored in interview with the offender and key dynamic risk factors used in the assessment of this offender group.

It makes suggestions for appropriate proposals to Court that should be considered by the PSR writer.

RELEVANT PREVIOUS PROBATION CIRCULARS

None

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Probation Circular

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CC:
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Introduction

This guidance on assessment is written primarily for Probation Officers writing PSRs on individuals convicted of possessing, making, and distributing indecent images via the Internet. Some of the more detailed assessment may be completed following sentence, for example to determine the treatment pathway through an accredited sex offender treatment programme.

Key points

- **Sex offenders, including those convicted of child pornography offences, are not a homogeneous group. Therefore generalisations or characteristics, which may apply to some of these individuals, will not apply to all and care should be taken to provide evidence from each individual case that justifies the assessment made.**
- **Actuarial measures may not be useful in assessing this type of offender since there is relatively little reconviction data on which to base such assessment systems**
- **Greater attention should be paid to dynamic risk factors in these assessments**
- **Indecent images of children are records of coercive and abusive acts against children and those downloading such images are contributing to the perpetuation of child abuse. Individual offenders will often deny this.**
- **Research has been unable to provide clear evidence for a causal link between viewing pornography and committing "hands on" offences. However there is evidence that those assessed with a predisposition to commit other sexual offences will also view pornography. The extent to which predisposing factors for sexual offenders, which are clusters of personality factors some of which are detailed in this briefing, are present, provides an opportunity to assess the likelihood of re-offending. Most of these offenders are likely to benefit from addressing their behaviour through participation in accredited treatment programmes.**

Do pornography users pose a risk to children? - lessons from research

The COPINE Project, based at the University of Cork, is one of the leading European centres engaged in the study of Internet pornography. They categorise 5 Classes of Internet child pornography related offending behaviours namely:

i. Downloading child pornography
ii. Trading child pornography
iii. Distribution and production of child pornography
iv. Engagement with Internet seduction of children

v. Contact offences

The classes are not discrete and each requires particular conditions for expression. For example the production of child pornography necessarily involves the commission of a contact offence, but the latter does not automatically imply the former.

This model does not imply that the person who engages in the downloading of child pornography will *automatically* go on to commit a contact offence against a child. But there is evidence to support the view that there are facilitating factors (environmental, such as access to children, as well as those pertaining to the individual, in terms of past history, etc.), these increase the likelihood of it being the case. There is clearly considerable evidence to support the suggestion that there is a relationship between pornography and sexual aggression, but as yet it is unclear as to what that relationship might be (Quayle, E. in press)

Pornography has been found to be used as an aid in generating inappropriate sexual fantasy which in turn is reinforced through masturbation. (Wyre (1992; Eldridge (2000)) Users of pornography report that it normalises the fantasy and disinhibits the user. As the viewer becomes familiar and bored to the pornography, they seek out more 'intense' content. The combination of disinhibition, increased risk taking, entrenched cognitive distortions and the need to seek more intense experiences suggests the possibility of escalating behaviour into seeking opportunities for 'real-life experiences' and hands-on abuse. (Recognising that many images of child pornography are already images of hands-on abuse).

Research by Marshall (1988) indicates that more than one third of child molesters had at least occasionally been incited to commit an offence by exposure to pornographic material. Such studies often rely on self report by sex offenders however a small scale study in the West Midlands Probation Area found that when asked during a polygraph examination, 86% of sex offenders admitted using pornography as a precursor to offending. (Second only to use of alcohol 93%). Samples of known child pornography users have contained varying numbers of *convicted* "hands-on" child abusers e.g. The U.S. Postal Survey found 40%; New Zealand Censorship Compliance Unit 10%. Given the relatively low rate of conviction for child abuse offences (estimated at 5% of reported incidences) it is reasonable to assume that regular viewers of child pornography will contain substantial numbers of hitherto *unconvicted* abusers.

Check and Gullion (1989) found that "men who are predisposed to aggression are particularly vulnerable to negative influences from pornography". Marshall (2000) states that it is possible to "infer from the available literature that pornography exposure may influence … the development of sexual offending in some men". Such individuals would be those who have experienced childhood development of vulnerability that in turn leads to a variety of problems including "a greater focus on sex, and the need to control events during sex." However Marshall cautions against ascribing a direct causal link between viewing pornography and other forms of sexual offending, rather that viewing pornography may accelerate a process already underway or may further justify an established set of antisocial beliefs.

Itzin (1992) has argued that the research consistently produces correlations between pornography and harm such as negative effects on attitudes, beliefs and behaviour and should therefore be re-conceptualised as evidence of causal – although not solely causal – relationships.

In summary pornography can be used to stimulate, develop and fuel sexual fantasy. Frequent use may be linked to sexual pre-occupation and attitudes that normalise deviant behaviour with potential victims. Many sex offenders appear to use pornography to increase arousal pre-offence. However many men who use pornography do not sexually assault others and assessment needs to focus on the context and meaning of pornography for each individual along with an assessment of other dynamic factors associated with sexual offence behaviours.

What to look for in interview

In assessing individuals who possess indecent images Probation Officers should explore

- The context in which material was accessed, the amount of time spent online and the frequency of downloading material (note that some users set their computer to download lengthy files overnight). An account of the variety of sites, bulletin boards, chat rooms visited with frequency should be obtained, together with information on participation in live sex talk or video link sessions. There are self-report questionnaire formats available to assist this aspect of data collection, which are available on request to NPD. This information is useful in gaining an insight into how entrenched the behaviour has become and the escalation of use.
- The efforts made by the offender to conceal his identity online and to conceal his activity from others. Of particular interest is the resultant deterioration in social relationships. Offenders may not be aware of the effect of increased time spent in isolation pursuing their online sexual interests, or conversely cite a breakdown in social and intimate relationships as the reason for increasing their time online.

Carnes et al (2001) propose that online sexual activity is indicated as problematic for the individual in 3 areas
Compulsivity – entrenched habits and routines; **Continuation despite Consequences** – e.g. effect on relationships and **Obsession** – preoccupied to the exclusion of other parts of life. They suggest the following 10 areas for discussion with the individual to help identify how these factors might apply. Clearly this could be a useful focus for assessment at PSR stage.

1. Preoccupation with sex on the Internet. This is more than just thinking about online sex. It is finding that the offender regularly thinks about how they can arrange their time to spend more time online. Ruminating on past online sex experiences etc. 2. Frequently engaging in sex on the Internet more often and for longer than intended. 3. Repeated unsuccessful attempts to control, cut back on or stop engaging in sex on the Internet 4. Restlessness or irritability when attempting to limit or stop 5. Using sex on the Internet as a way of escaping from problems or relieving feelings such as helplessness, guilt, anxiety or depression 6. Seeking more intense or higher risk sexual experiences 7. Lying to family members, therapists or others to conceal involvement with sex on the Internet 8. Committing illegal acts online 9. Jeopardising or losing a significant relationship, job or educational or career opportunity because of online sexual behaviour 10. Incurring significant financial consequences as a result of engaging in online sexual behaviour

They further suggest that people who have problematic behaviour with sex and the Internet tend to fall into three groups:

i) **Discovery Group** – those who have no previous problem with online sex or any history of problematic sexual behaviour

ii) **Pre-disposed Group** – those who have had their first out-of-control sexual behaviour on the Internet after years of obsessing over unacted upon sexual fantasies and urges

iii) **Lifelong Sexually Compulsive Group** – those whose out-of-control sexual behaviour on the Internet is part of an on-going severe sexual problem.

It may be useful therefore to explore during assessment how far along a continuum an individual has moved in respect of their usage of pornography. Clearly most offenders at this stage will seek to minimise their behaviour and could be expected to wish to be seen as belonging to the Discovery Group.

PSR writers should seek to gain evidence that may suggest a pre-disposition to sexually abuse. This information would cover known dynamic risk factors such as **sexual pre-occupation, sexual entitlement beliefs, distorted attitudes concerning children and sex, emotional congruence with children rather than with adults, sexual arousal to children, poor self esteem, external locus of control, victim stancing (passive or active), impulsivity, poor problem recognition and problem solving skills**. In addition the nature of **sexual fantasy** used by the individual and **how this relates to Internet use**, and possible **contact offences** should be explored. Included in this is an assessment of how the offender views their behaviour and how significant others view the behaviour. Finally writers should be checking for **environmental** factors and **victim access behaviours** that may make escalation of sexually abusive behaviour more likely.

Proposals to the Court

In most cases it is likely that there will be sufficient justification for a recommendation for a **three year Community Rehabilitation Order** with a condition of participation on an accredited sex offender treatment programme. All three of the currently accredited programmes will provide appropriate treatment, although some exercises may need slight adaptation. Discussions have been held with the STEP team to adapt the psychometric assessment tests for such offenders and these are now included in the latest version of the test battery.
For offenders who are sentenced to custody of whatever length there should be a recommendation in the PSR for **extended sentence** to include at least a three year period of post release supervision to enable participation in the full programme on release. Consideration should also be given to the addition of a **Restraining Order** to prohibit activities, or the possession of equipment and materials, in order to protect the public (either in general or particular) from serious harm.

Future Research

Since this is a relatively new offender group it is proposed to take the opportunity provided by the expected increase in prosecutions to gather research data to further inform our assessment and intervention strategy. Further details will be notified in due course.

Contact
Questions or discussion regarding this document should be addressed to
David Middleton, NPD, Public Protection Unit, 2nd Floor, Horseferry House, London, SW1P 2AW or David.Middleton2@homeoffice.gsi.gov.uk

References

Carnes, P., Delmonico, D.L., & Griffin, E. (2001) In the Shadows of the Net Hazeldine, Minnesota

Check, J.V.P. and Gullion, T.H. (1989) Reported proclivity for coercive sex following repeated exposure to sexually violent pornography, non-violent pornography and erotica. In Zillmann, D. and Bryant, J. (Eds) Pornography: Research advances and policy considerations Hillsdale, NJ: Erlbaum

Eldridge, H. (2000) “Patterns of sex offending and strategies for effective assessment and intervention” in Itzin, C. (Ed) Home Truths about Child Sexual Abuse: Influencing policy and practice London: Routledge

Itzin, C. (1992) Pornography and civil liberties: Freedom, harm and human rights in Itzin, C. Pornography: Women, violence and civil liberties. OUP, Oxford.

Marshall, W.L., (1988) “The Use of Sexually Explicit Stimuli by Rapists, Child Molesters and Non-offenders” The Journal of Sex Research Vol.25 (2) 267-288

Marshall, W.L., Anderson, D. & Fernandez, Y. (1999) Cognitive Behavioural Treatment of Sexual Offenders Wiley, Chichester.

Marshall, W.L. (2000) Revisiting the use of pornography by sexual offenders: Implications for theory and practice. The Journal of Sexual Aggression Vol 6 (1/2) Whiting & Birch

Quayle, E. & Taylor, M. (in press) A Model of Problematic Internet Use in People with a Sexual Interest in Children CyberPsychology & Behavior

Wyre, R. (1992) Pornography and sexual violence: Working with sex offenders, in Itzin, C. (Ed) Pornography: women, violence and civil liberties. OUP Oxford

Home Office
BUILDING A SAFE, JUST AND TOLERANT SOCIETY

NATIONAL PROBATION SERVICE
for England and Wales

SHARING INFORMATION TO INFORM DECISIONS ON OFFENDER RELEASE AND RECALL

PURPOSE
To clarify the procedures to be used by Probation Areas to share information with the Secretary of State, the Parole Board and Prison Service to inform decisions on the release and recall of offenders.

ACTION
Chief Officers to draw this to the attention of their appropriate staff.

SUMMARY
Effective information sharing arrangements which have the confidence of those whose information is shared or disclosed to others are an important part of public protection arrangements. This PC explains how information can be shared without disclosing sensitive details.

RELEVANT PREVIOUS PROBATION CIRCULARS
No previous Probation Circulars have been issued on this subject.

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Probation Circular

REFERENCE NO:
13/2003

ISSUE DATE:
21 February 2003

IMPLEMENTATION DATE:
24 March 2003

EXPIRY DATE:
March 2005

TO:
Chairs of Probation Boards
Chief Officers of Probation
Secretaries of Probation Boards

CC:
MAPPA Co-ordinators
Board Treasurers
Regional Managers

AUTHORISED BY:
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ATTACHED:
N/A

National Probation Directorate
Horseferry House, Dean Ryle Street, London SW1P 2AW   General Enquiries: 020 7217 0659 Fax: 020 7217 0660

SHARING INFORMATION TO INFORM DECISIONS ON OFFENDER RELEASE AND RECALL

1. This Probation Circular (13/2003) provides specific instructions and advice for the Probation Areas (acting jointly with police as the Responsibility Authority in the Multi-Agency Public Protection Arrangements (MAPPA) about sharing information with the Parole Board or the Secretary Of State (in practice, Prison Service staff) making decisions on the release of offenders from prison and on their recall. Its purpose is to strengthen public protection by ensuring that the Parole Board or Secretary Of State has a clear and rigorously identified picture of the risk posed by offenders and thus can take decisions on release and recall that are reasonable robust. It is issued with the agreement of the Prison Service, the Parole Board, and the National Probation Directorate.

2. This PC is based on principles of information sharing that apply to many criminal justice processes; however, it focuses on:

Pre-release work, including:
- Parole and Life Licence applications and reviews for offenders serving four years or more
- Release on Home Detention Curfew (HDC)
- Licence conditions for prisoners serving 12 months or more but less than four years
- Release on temporary licence (ROTL)

Recall work, including:
- Requests for recall
- Representations against recall
- Further review of recalled prisoners

Who makes the decisions on release and recall?

(i) Parole Board, or the Secretary of State acting on the Parole Board's recommendation:

- release of offenders sentenced to four years or more
- release of life sentenced offenders
- licence conditions of offenders whom they release
- recall of released offenders (other than those on HDC licence or temporary licence)
- release of recalled offenders

(ii) Governor (or controller of privately managed prison) acting as Secretary of State (without Parole Board recommendation)

- release of offenders on Home Detention Curfew and Temporary Licence
- recall of offenders from temporary licence

- licence conditions of offenders serving less than four years

(iii) Secretary of State (without Parole Board recommendation)

- recall of prisoners from HDC
- immediate recall of prisoners on licence (subject to confirmation by the Parole Board)
- approval of unusual licence conditions for prisoners serving less than four years
- release on parole of prisoners subject to Immigration Service enforcement action ("deport" cases).

3. When deciding (or making recommendations on) whether to release or recall an offender, the Parole Board or Secretary of State has to decide if it is safe for the offender to be at liberty. Their decisions have important repercussions for public protection: if they were to release an offender who in fact posed a high risk of serious harm, the results could be very serious. It is therefore vital to the protection of the public that the Parole Board has before it all relevant information pertaining to risk.

4. In all the procedures outlined in the table above, the Probation Service is likely to be asked to provide some kind of report. This will be either a report describing the risk the offender would pose if at liberty, a request for recall, a request for additional licence conditions, or, in the case of HDC or ROTL, a home circumstances report

5. The Parole Board or Secretary of State is not bound by the normal rules of evidence when making decisions about release, recall or licence conditions. They may receive in evidence any document or information, even if that information would be inadmissible in a court of law. They may receive hearsay evidence and opinion, and they apply the civil test of the balance of probabilities. The decision-maker is likely to place more weight on reports that are objective supported by evidence. In some cases it will be hard or impossible for the decision-maker to reach a realistic view about risk without seeing documentary evidence to which you are privy.

6. Generally all information taken into account in reaching a decision about an offender's conditions of release will be disclosed to the offender. However, the Prison Service (acting for the Secretary of State) the Parole Board have procedures in place for withholding information from offenders and, in some cases, their representatives, where this is necessary. When sharing information with the Prison Service, for its own use or for onward transmission to the Parole Board, you must follow the procedures outlined below, which are similar to those in place for victim information (see Guidance on Victim Contact Work, Section 9, which is under review). This will ensure that sensitive information is protected.

Procedures to be followed

7. If you are a supervising officer or any other person writing a report to the Prison Service in connection with the release or recall of an offender, these are the procedures you should follow for sharing risk information with the Prison Service or Parole Board.

8. Whenever you are providing a parole report or home circumstances report, or a request for recall, you should consider whether you have any material which would shed light for the Parole Board or Secretary Of State on the risk this offender would pose if at liberty. Such material may originate from MAPPA procedures, for example, in the course of a MAPPP, or may be in the form of intelligence provided by the police. If such information exists, it will be considered good practice to provide it unless there are legal reasons that prevent its being shared. It may in some cases be necessary to get permission from the source of the information, e.g. the Police or the MAPPP chairperson.

9. Having decided that in principle the material should be shared, you must then determine the form in which it should be shared. In deciding this, you should consider whether the material, or information contained in it, should be disclosed to the offender and in what form. There are three options:

Option A. Providing the material as it stands, with full disclosure to the offender (see paragraph 10 below);

Option B. Incorporating a sanitised version of the information in the parole report, home circumstances report or request for recall, with full disclosure to the offender (see paragraphs 11-12 below); you should consider this option where there are sensitive details which can be omitted while still telling the Parole Board or governor what they need to know; or,

Option C. Providing the information, whether by sharing the original material or in the form of a report, but making a written application for it to be withheld from the offender on the basis of one or more of the five withholding criteria (see paragraphs 13-16 below). A gist for the offender may be added. NB. The criteria for withholding information from an offender are different if the decision whether to release will be made at an oral hearing - see paragraphs 18-20 below.

Option A. Providing the full information with full disclosure

10. If you are content for the material to be disclosed in full to the offender, you should attach it to the parole report, home circumstances report or request for recall. The governor (or in the case of lifers & recalls the

relevant part of Prison Service HQ) will pass this material to the Parole Board or Secretary of State. He or she will also disclose this material to the offender before any decisions are taken about the offender's release, or licence conditions, to enable the offender to make representations.

Option B. Providing a sanitised version as part of your report

11. If you are content for the core information to be disclosed to the offender, but you do not want to share sensitive details, and if the information that could be shared (and disclosed to the offender) still makes clear the degree of risk, you should write a sanitised version of the information as part of the parole or home circumstances report or request for recall. You may state the source of the material (MAPPP, Victim Contact Officer, etc.) or may simply attribute it to yourself if you prefer.

12. The information will be passed to the Parole Board, or to the person acting as the Secretary Of State, to help them make their decision. The report will also be disclosed to the offender before any decisions are taken about the offender's release, or licence conditions, to enable the offender to make representations.

Option C. Application to governor for non-disclosure

13. If you have information that you want to share with the Parole Board / Secretary of State, but you think it should not be disclosed to the offender, you may apply for the information to be withheld. The application should state clearly the withholding criterion or criteria under which the application is being made (see paragraphs and 18-20), and the reasons. You may use the form attached at Annex B. You must then:

- **mark the application and the material under consideration (in red ink) "NOT FOR DISCLOSURE - SUBJECT TO APPLICATION TO GOVERNOR/PAROLE BOARD/SECRETARY OF STATE":**
- attach it to your report or request for recall;
- forward the three documents to the prison in which the offender is serving his or her sentence, or, in the case of requests for recall, lifer panels, deport cases, ERCG cases, and parole cases where the offender is serving over 15 years, to the relevant part of Prison Service HQ (see notes at Annex A).

14. In order to safeguard sensitive information as far as possible, (and ensure against the possibility of an application being refused even where the information meets one of the withholding criteria,) the application should where possible contain one of the following:

- a sanitised version that could be disclosed to the offender, the original being made available to the Parole Board or Secretary of State (and at an oral hearing, to the offender's representative) only;

- a gist of the information, which could safely be disclosed to the offender, the full version being made available to the Parole Board or Secretary of State (and, at an oral hearing, the offender's representative) only.

15. If you do not want the information to be disclosed in sanitised form or as a gist, you must include reasons in the application. The reasons should clearly and concisely express the concerns you have, including how the disclosure of their information in any form might compromise one of the five interests in paragraph 17 (or, for an oral hearing, the Parole Board Rules test in paragraph 18) below. This will ensure that the governor or other relevant person has all the available information to hand when deciding whether, in the interest of natural justice, the information (in full or limited form) should be disclosed.

16. The application should ask for a decision as soon as possible. The contact name, address, telephone number and fax of the person who should be informed of the governor's decision must be spelled out clearly in the application.

Cases decided without an oral hearing

17. Information used in reaching a decision about release, recall or licence conditions may be withheld from offenders only where this is necessary and proportionate in one of the following interests (but see paragraphs 18-20 below about oral hearings: the criteria are different):

(i) in the interests of national security;

(ii) for the prevention of disorder or crime;

(iii) for the protection of information the disclosure of which may endanger the safety or physical or mental health of any individual;

(iv) if, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and/or physical health of the offender could be impaired;

(v) where the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim, or would generally prejudice the future supply of such information.

Cases to be decided at an oral hearing

18. Where the decision whether or not to release an offender is taken at an oral hearing, material available to the Parole Board will be disclosed to the offender except in the following very limited circumstances laid down in Parole Board Rules:

on the grounds that its disclosure would adversely affect the health & welfare of the offender or others.

19. In practice, this is treated as covering much the same ground as (i) to (iv) in paragraph 17.

20. Any information withheld from the offender will be disclosed to his or her representative, subject to the undertaking that he or she will not disclose it further without permission from the Secretary of State. Information whose disclosure would be likely to put an individual, such as a covert human intelligence source or victim, at risk, will generally be covered. You may well also be able to make out a case for information that might undermine a specific police operation whose failure would put individuals at risk. There may well be other information that would be covered.

21. You should be aware that the offender's representative (who will have sight of all the material) can question you about your evidence at the hearing. You should ask at the start of the hearing for the offender to be excluded from the hearing if you are to be questioned on material that has been withheld from the offender. If at any time it becomes necessary to share information which you have not already shared in written form, and which you do not want to disclose to the offender, you should ask the panel chairperson to exclude the offender from the hearing.

<u>How your application will be considered</u>

22. It is for the Secretary of State or, at oral hearings, the Parole Board panel, to decide whether it is appropriate to withhold any or all of the information from the offender. Even if one or more of these grounds in paragraphs or 17 and 18 apply, the application may still be refused (and the information disclosed in some form) if the contents of the information can be passed on to the offender in another way without damaging the interest being protected. Or, in the case of information falling only within criterion (v) at paragraph 17, there is an overriding public interest in favour of disclosure (for instance, where that information is the sole or main reason for a decision adversely affecting the liberty of an offender, fairness to the offender in being given the reason for that decision may outweigh the duty of confidence owed to the victim). It is for this reason that you are recommended to include a sanitised version or gist with any material that should not be disclosed (see paragraph 15 above).

Annex A

WHO DEALS WITH WHICH CASES?

While the input from Probation Service staff is similar whether the case is a lifer panel, parole review, or request for recall (effectively, an assessment of risk), there is a number of different parts of the Prison Service to whom the information should be sent. Below is a guide.

Type of Request	Part of Prison Service responsible
Recall of offenders serving a determinate sentence	Sentence Enforcement Unit, post release team, 1st Floor Abell House, John Islip St, London SW1P 4LH
Recall of offenders serving an extended sentence	Sentence Enforcement Unit, ESR team, Amp House, Croydon
Recall of offenders serving a Life sentence offenders or a sentence of HMPs	Lifer Unit, 1st floor, Abell House, John Islip St, London, SW1P 4LH
Annual review of recalled extended sentence offenders	Governor of prison where offender is located
Parole applications	Governor of prison where offender is located
Licence conditions for ACR offenders	Governor of prison where offender is located
Life licence conditions	Lifer Unit, 1st floor, Abell House, John Islip St, London, SW1P 4LH
Home circumstances reports for HDC or ROTL applications	Governor of prison where offender is located

Annex B

NOT FOR DISCLOSURE TO OFFENDER

APPLICATION TO WITHHOLD ATTACHED INFORMATION FROM OFFENDER

This application is made for your consideration under Parole Board Rule 5(2) (Oral hearings only) or under PSO 6000 paragraph 5.16, whichever applies in this case.

Offender's name	Prison number

I am supplying the attached information in connection with the above offender's: *(tick one box only)*

Parole application	
Lifer panel	
Representations against recall	
ROTL application	
HDC application	
Proposed ACR licence conditions	
Request for recall initiated by the Probation Service	

I wish the attached information to be made available to the Parole Board / the governor / Secretary Of State making the decision about release, licence conditions or recall. However, I do not wish it to be disclosed to the offender. I understand that it may be withheld in one of the five interests set out below, or, in the case of an oral hearing, under the test in Parole Board Rule 5(2). I have indicated below which of the interests this information engages.

Oral hearings only

For the reasons set out overleaf, its disclosure would adversely affect the health or welfare of (tick either or both boxes):

The offender	
Other persons	

I accept that it will be disclosed to the offender's representative subject to undertakings.

Cases other than oral hearings

For the reasons set out overleaf, the information should be withheld:

Tick relevant box(es)

(i)	In the interests of national security	
(ii)	For the prevention of disorder or crime	
(iii)	For the protection of information the disclosure of which may endanger the safety or physical or mental health of any individual	
(iv)	Because, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and/or physical health of the offender could be impaired	
(v)	Because the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim, or would generally prejudice the future supply of such information	

Reasons why the attached information should not be disclosed: (use extra paper if necessary, mark "not for disclosure")

I have/have not attached a sanitised version/a gist which can safely be disclosed to the offender. If you have not attached a sanitised version or gist:

I have not attached a sanitised version or a gist because:

Please let me know as soon as possible whether you agree to withhold this information from the offender.

My name…………………………………………….

My position…………………………………………..

Contact address:

Contact tel:………………………………………………….

Contact fax:…………………………………………………

Signed ....

Date………………………

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Further Guidance (2)...

...TO POLICE AND PROBATION SERVICES ON THE CRIMINAL JUSTICE AND COURT SERVICES ACT 2000, SECTIONS 67 & 68. (MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS – MAPPA).

THE MAPPA ANNUAL REPORTS FOR 2002-2003

1. This guidance is issued by the Secretary of State to the Responsible Authority in each Area under Sections 67(5)(b) and 67(6) of the Criminal Justice and Court Services Act (2000) and replaces the existing guidance issued in February 2002. Importantly it builds upon that previous guidance and follows the experience of the publication of the first MAPPA annual reports during the summer of 2002 covering the first full year of MAPPA in the 42 areas of England and Wales. This further guidance addresses the requirement for police and probation to prepare and publish jointly an annual report on the arrangements made during the year 1 April 2002 to 31 March 2003 including such information as the Secretary of State determines.

2. The overriding purpose of the annual report is, and will remain, to inform local communities of how arrangements for the assessment and management of the risks posed by certain sexual and violent offenders, who fall under the Act, are operating. It is vital therefore that the reports are both accurate and accessible to the public and assist them to understand the nature of offending behaviour and the considerable efforts and expertise brought together under MAPPA to enhance public safety. To this end, and as with last year's report, Areas should consider the inclusion of contact telephone numbers of professionals who would be able to advise further about public protection concerns raised as a result of this report. In addition to police and probation contacts other statutory or voluntary agencies involved in aspects of public protection may be included.

3. There are a number of significant changes in this year's reports:

- No central MAPPA report will be produced, although a foreword by the Secretary of State and a national overview will be provided for local reports to include. This change from last year is entirely consistent with the legislative requirement (section 67(4) CJ&CS Act) and reflects a keenness that nothing should detract from Areas' ownership of the MAPPA annual reports.
- The statistical information that will be included in the report will build on last year's requirement but will include additional information. In particular it will require the Responsible Authority to detail the number of offenders that were the subject of MAPPP consideration during 2002/3 and of any who were returned to custody through the enforcement of supervision orders or who were charged with serious sexual or violent offences.
- The Responsible Authority must consider how, within the broad structure of the annual report, it can provide a more lively presentation of the range and nature of risk and offending behaviour and how the MAPPA is contributing to enhanced public protection. One proven method that was used to good effect in a number of Areas this year, and should be repeated, was the use of anonymised case studies.

4. Nevertheless, many aspects of the report will remain similar to this year. They include:

- the broad structure and content of the report, as set out below;
- the statistical information showing the number of offenders falling within MAPPA (as per Appendix A).

The publication and dissemination of area reports to the local community will be within an eight week period, currently identified as being between mid-July and mid-September 2003, but to be finalised by Ministers, nearer the date, on advice from the National Probation Directorate (NPD) and the Association of Chief Police Officers (ACPO). Within that period Areas will be asked to nominate a date for publication to be agreed by the NPD, providing that it offers a reasonable spread of reports across the publication period.

5. To aid that process all MAPPA annual reports must be submitted to the Public Protection Unit of the NPD by 1 May 2003 so that the information contained can be considered collectively across England and Wales and feedback given, where necessary (in accordance with Criminal Justice and Court Services Act Sect 67 (5) (b)) to ensure consistency across all Areas. Areas will need to finalise their report by 1 July 2003 prior to the publication of the first reports in mid-July.

6. The costs of production of the MAPPA annual report and of local distribution will be met by the Responsible Authority.

7. The structure of the MAPPA Annual Report 2002/3 should be as follows:

a) Foreword

The Home Secretary or Parliamentary Under Secretary for Community and Custodial Provision will comment on the progress of the MAPPA.

b) The National Picture

A summary of developments across England and Wales which provide the context in which the detail of the Area report can be read and understood. Reference here will be made to any legislative developments as well as to other initiatives and broader themes. (This section will be provided by the Public Protection Unit of the NPD.)

c) Area Summary

The annual report should be a clear and accessible document that informs and reassures the public about the work undertaken for their protection. In this section attention should be drawn to:

- the origins of MAPPA in your Area;
- the principles underpinning public protection including: balancing human rights/civil liberties issues, the importance of developing both 'internal' controls, such as offender treatment programmes and relapse prevention programmes and 'external' controls, such as monitoring and supervision, in the management of risk, and the central importance of effective joint working between agencies; and,
- significant operational events in the last year.

d) Roles and Responsibilities

A succinct description should be provided of the roles and responsibilities of police, probation and other agencies involved in the arrangements in your Area and explain in detail how the MAPPA operate. It will then make the point that the most effective work to protect the public from sexual, violent and other dangerous offenders takes place when other relevant agencies also play their part. The contribution of each agency, including the Social Services, Local Authority Housing, Youth Offending Teams, Health, Prisons and such other agencies as play a key role in your Area, should be summarised.

e) The Operation of MAPPA

In the light of the statistical information provided about MAPPA and MAPPPs, describe the specific MAPPA structure and processes used throughout the Area for the assessment and management of relevant sexual, violent and other dangerous offenders.

- It is important to include in this section anonymised case studies so that practical examples of the MAPPA work can be understood across the spectrum of risk and offending behaviour. Whilst it is appropriate to include the excellent work undertaken through MAPPP the opportunity should also be taken to show that the majority of offenders are effectively managed through normal agency management.
- Specific reference to the 'internal' controls (especially the programmes developed under the 'What Works' agenda) and the 'external' controls should be made, including reference to enforcement action and the relevant National Standards on supervision.
- From the police perspective, reference to the various means used by the police to prevent and detect crime, and to reinforce sex offender registration (for example joint police/probation visits immediately after release).
- Specific reference should be made to the use of disclosure as a risk management option within MAPPA and where appropriate, anonymised examples given of its use.

f) The Strategic Management of MAPPA

Describe the strategic management arrangements that you have introduced in the area, demonstrating that the work of MAPPA is subject to review and monitoring as required by Section 67(3) of the Criminal Justice and Court Services Act 2000. Specific reference should be made to significant issues and decisions taken by the Responsible Authority during the reporting year.

g) Victim work

This section should reflect the vital work undertaken with the victims of sexual and violent crime. It should highlight the measures undertaken locally through MAPPA to minimise re-victimisation and of keeping victims properly appraised of the release of offenders. Whilst referring to the work of police, Victim Support and other agencies that support victims and their families, it should primarily focus on the duty imposed on the probation service under section 69 of the Criminal Justice and Court Services Act 2000. In particular it is important to reflect the direct connections made between victims' concerns and MAPPA around the assessment and managementof risk.

h) Statistical information

The figures required in the 2002/3 report are shown in the attached appendix (Appendix A) and build on the statistics for last year. The Public Protection Unit will again compare registered sex offender totals with population data and liaise with Areas. Additional to the information provided last year is the following:

1. For each of the three main categories of offenders covered by the MAPPA (i.e. 'registered sex offenders'; 'violent and other sex offenders'; and, 'other offenders')[1] identify how many are or have been managed during the reporting year through:

   the MAPPP (NB this figure must be the 'critical few'[2] only).

2. Identify the number of offenders managed by the MAPPP (as identified in 1. above):

   (i) who were returned to custody as a result of enforcement action;

   (ii) who were charged with a serious sexual or violent offence as defined by the Probation Service serious incident reporting system: The offences which trigger notification under the serious incident reporting system are:

   - murder;
   - attempted murder;
   - arson (where there is an intent to endanger life);
   - manslaughter;
   - rape;
   - armed robbery involving a firearm;
   - assault with a deadly weapon;
   - hostage-taking or abduction; and,
   - any other offence which has attracted, or seems likely to attract, significant media interest or which raises wider issues of national interest.

   You should explain the significance of the statistical information and, where you think this is appropriate, provide commentary on the particular features of the statistics as they relate to your Area – for example, statistics likely to generate local interest or concern. The statistics published should be Area totals and must not be broken down further (e.g. into unitary authority, local district or town). (The statistical table provided at Appendix C should be used to present these figures.)

8. Following representations made at this year's MAPPA regional seminars a detailed breakdown of cases falling within MAPPP should not be published. This is because in some Areas of England and Wales the relatively small number of cases may mean that victims and offenders may be recognised. However, this information is still critical for Responsible Authorities and the NPD to understand the nature of cases being dealt with in MAPPP and will assist Areas in responding to queries raised at the time of the publication of the reports. (Appendix B).

   The breakdown of the figures for **h)** 1 above should include:

   (i) index offence; (Using Home Office crime classification);

   (ii) age; (at the point of release from prison);

   (iii) gender;

   (iv) ethnicity (Using the Home Office 16 point ethnicity code);

   (v) sentence for index offence; and

   (vi) whether or not the offender is on statutory supervision to the probation service.

9. For points of clarification or any other queries with regards MAPPA annual reports please contact:

   DCI, Tim Bryan, 0207 217 0747, tim.bryan@homeoffice.gsi.gov.uk

[1] Definitions from CJCS Act for RSOs, violent and other sexual offenders and other offenders.

[2] The criteria for cases suitable for consideration at MAPPP have been described in the "Initial Guidance" and Areas should only include cases that meet one or more of these criteria.
The criteria are: imminence of serious harm, requiring exceptional resource allocation, serious community concerns, serious media implications or other complicating factors such as the involvement of other agencies not usually involved in MAPPA.

APPENDIX A

STATISTICAL INFORMATION FOR MAPPA ANNUAL REPORT 2002/3

i. The number of registered sex offenders on 31 March 2003.

This figure should be the total number of sex offenders registered within the area with the police as a requirement of the Sex Offenders Act 1997 on 31 March 2003.

ii. The number of sex offenders having a registration requirement who were either cautioned or convicted for breaches of the requirement, between 1 April 2002 and 31 March 2003.

The figure required here is for the year 1 April 2002 and 31 March 2003. Only those cautions that have been administered and breaches that have resulted in successful prosecution should be counted.

iii. The number of Sex Offender Orders applied for and given between 1 April 2002 and 31 March 2003.

Three figures are required here, as follows:

a) The total number of sex offender orders applied for, of which
b) The number granted
c) The number not granted.

iv. The number of Restraining Orders issued by the courts between 1 April 2002 and 31 March 2003 for offenders currently managed within MAPPA.

The number of offenders within MAPPA who are or have been subject to a restraining order, whether imposed by a local court or otherwise.

v. The number of violent and other sexual offenders considered under MAPPA during the year 1 April 2002 to 31 March 2003. (as defined by section 68 [3], [4] and [5])

The figure required here is the area total for all of the offenders who fall under the statutory duty as defined, who have been considered under MAPPA during the reporting year, following conviction, whether they are currently in prison or in the community.

vi. The number of "other offenders" dealt with under MAPPA during the year 1 April 2002 to 31 March 2003 as being assessed by the Responsible Authority as posing a risk of serious harm to the public (but who did not fall within either of the other two categories, as defined by s.67 [2b]).

The figure required here is the area total for all of the offenders as defined by s.67 [2b] who have been dealt with under MAPPA during the reporting year, whether or not they currently remain within MAPPA.

vii. For each of the three categories of offenders covered by the MAPPA ('registered sex offenders'; 'violent and other sex offenders'; and, 'other offenders'), identify the number of offenders who are or have been dealt with by:

the MAPPP during the reporting year. (NB this figure must be the 'critical few':[1] even if you refer to your MAPPP other cases only the number of the 'critical few' cases should be quoted here):

a) MAPPP – registered sex offenders
b) MAPPP – violent and other sex offenders
c) MAPPP – other offenders

viii. Of the cases managed by the MAPPP during the reporting year, what was the number of offenders:

a) who were returned to custody for a breach of licence;
b) who were returned to custody for a breach of a restraining order or sex offender order;
c) charged with a serious sexual or violent offence.

For these purposes a serious sexual and violent offence is one of the following:

- murder;
- attempted murder;
- arson (where there is an intent to endanger life);
- manslaughter;
- rape;
- armed robbery involving a firearm;
- assault with a deadly weapon;
- hostage-taking or abduction; and,
- any other offence which has attracted or seems likely to attract significant media interest or which raises wider issues of national interest.

APPENDIX B

STATISTICAL INFORMATION FOR MAPPA ANNUAL REPORT 2002/3

(Not for Publication)

i. Provide a breakdown of the figures shown at Appendix A [vii] (MAPPP – registered sex offenders, MAPPP – violent and other sex offenders, MAPPP – other offenders) in terms of the following:

a) index offence; (Using Home Office crime classification)
b) age; (at the point of release from prison or at commencement of community sentence)
c) gender;
d) ethnicity; (Using the Home Office 16 point ethnicity code);
e) sentence for index offence and,
f) whether or not the offender is on statutory supervision to the Probation Service.

APPENDIX C

STATISTICAL INFORMATION FOR MAPPA ANNUAL REPORT 2002/3

	No. of Offenders
i. The number of registered sex offenders on 31 March 2003	
ii. The number of sex offenders having a registration requirement who were either cautioned or convicted for breaches of the requirement, between 1 April 2002 and 31 March 2003	
iii. The number of Sex Offenders Orders applied for and gained between 1 April 2002 and 31 March 2003	
a) The total number of Sex Offenders Orders applied for	
b) The total number granted	
c) The total number not granted	
iv. The number of Restraining Orders issued by the courts between 1 April 2002 and 31 March 2003 for offenders currently managed within MAPPA	
v. The number of violent and other sexual offenders considered under MAPPA during the year 1 April 2002 and 31 March 2003 (as defined by section 68 [3], [4] and [5])	
vi. The number of "other offenders" dealt with under MAPPA during the year 1 April 2002 and 31 March 2003 as being assessed by the Responsible Authority as posing a risk of serious harm to the public (but who did not fall within either of the other two categories, as defined by s.67 [2b])	
vii. For each of the three categories of offenders covered by the MAPPA ("registered sex offenders", "violent and other sex offenders" and "other offenders"), identify the number of offenders that are or have been dealt with by:	
a) MAPPP – registered sex offenders	
b) MAPPP – violent and other sex offenders	
c) MAPPP – other offenders	
viii. Of the cases managed by the MAPPP during the reporting year what was the number of offenders:	
a) who were returned to custody for breach of licence	
b) who were returned to custody for breach of a Restraining Order or Sex Offender Order	
c) charged with a serious sexual or violent offence	

[1] The criteria for cases suitable for consideration at MAPPP have been described in the "Initial Guidance" and Areas should only include cases that meet one or more of these criteria. The criteria are: imminence of serious harm, requiring exceptional resource allocation, serious community concerns, serious media implications or other complicating factors such as the involvement of other agencies not usually involved in MAPPA.

THE NATIONAL POLICE INTELLIGENCE MODEL

This appendix has been included because the MAPPA must engage effectively with existing and developing systems of analysis and management within MAPPA agencies.

The National Criminal Intelligence Service produced the National Intelligence Model on behalf of the ACPO Crime Committee to professionalise the intelligence discipline within law enforcement. It is currently being implemented by all police forces in the UK. Law enforcement partners wishing to obtain a copy of the model should contact the NIM Team on 020 7238 8103.

Professionalising intelligence
Intelligence has lagged behind investigation in the codification of best practice, professional knowledge and in the identification of selection and training requirements of staff. The model is the collected wisdom and best practice in intelligence-led policing and law enforcement. It provides the picture that drives effective strategy, not just about crime and criminals, but for all law enforcement needs from organised crime to road safety.

It may be used in relation to new or emerging problems within a force or operational command unit, to provide the strategic and operational focus to force, organisation or local command unit business planning.

The model and management
The model recognises the changing requirements of law enforcement managers, highlighting three needs:

- to plan and work in co-operation with partners to secure community safety
- to manage performance and risk
- to account for budgets

The National Intelligence Model gives such managers, individually and collectively, the framework for meeting those needs. In the police context, it sets the requirements for the contribution of patrolling, reactive, proactive and intelligence staff.

For the Police Service, the standards of the model are the intelligence standards endorsed by ACPO and ACPO(S).

How the model works
The model comprises four components:

- tasking and co-ordination
- four key intelligence products
- knowledge products

- system products

Tasking and co-ordination takes account of business planning needs in the context of government and local objectives, performance management issues and business excellence. It identifies priorities and the resources required to deal with them, and directs activity in the most effective way.

To achieve this, law enforcement managers must have a good view of the real problems they face.

There are only four key intelligence products – the strategic assessment, the tactical assessment, the target profile and the problem profile – but they are extensive. A combination of the nine analytical techniques in the model forms their basis.

The tasking and co-ordinating group is dependent upon the production of the four intelligence products. Standardisation of the intelligence products will allow their aggregation to inform a clearer, wider picture, not constricted by local or force boundaries, and can inform management decision-making and direction at a higher level.

Knowledge products and system products underpin the tasking and co-ordination process, as the fundamental enablers of sound law enforcement intelligence work.

Knowledge products (national or local) define the rules for the conduct of the business or the best practice by which skilled processes are completed, and under what conditions work between agencies may take place.

System products relate to the systems and facilities necessary for the secure collection, recording, reception, storage, linkage, analysis and use of the information. There are three types of system product:

- data systems
- intelligence acquisition
- operational security and effectiveness