



Northern Community Justice Authority

MAPPA ANNUAL REPORT

2016/17

We are pleased to present to the Northern Community Justice Authority the tenth Annual Report on the operation of the Multi Agency Public Protection Arrangements (MAPPA) in the NCJA area

FOREWORD

This is the tenth Annual Report on the operation of the Multi Agency Public Protection Arrangements (MAPPA) in the Northern Community Justice Authority (NCJA) area. This is also the final Annual Report to be presented on behalf of the NCJA as the disestablishment of Community Justice Authorities took place on the 31st March 2017. It is not anticipated that this will give rise to any significant changes to the processes and practices for assessing and managing the risks posed by those offenders who are subject of MAPPA. There will be little if any change to the current operational delivery of MAPPA as a result of the redesign of Community Justice across our area, with the duties placed upon Responsible Authorities in the context of MAPPA being unchanged.

Since the establishment of MAPPA in 2007, MAPPA oversight structures have been aligned with the NCJA boundaries. During the reporting year, consideration was given to the future governance and oversight of MAPPA, with a more localised format being proposed and seen as offering opportunity to enhance local accountability.

As the MAPPA have now been in place for some 9 years, the structures, processes and procedures are well developed and much of the work involved in this arena has become “day to day business” for the agencies and professionals involved. This said the efforts undertaken to reduce reoffending and protect the public remain a particular focus for all concerned.

The past year has seen a period of some stability. During the early stages of the year, our MAPPA Coordinators supported the Responsible Authorities in their self-evaluation arising from the seventeen potential Areas for Development reported within the HMIC & Care Inspectorate Joint Thematic Review of the Operation of MAPPA in Scotland 2015 ([web link below](#)). This was considered a valuable exercise that to a considerable extent confirmed our confidence that MAPPA was operating well across our area, whilst also allowing us to make some small changes in the interests of continuous improvement. This ethos of continuous improvement in our practice has been at the heart of our operation of MAPPA over the past decade, and I am confident that it will continue into the next phase of MAPPA under our new and more localised oversight and governance arrangements.

Detective Superintendent Colin Carey
Police Scotland & Chair of the NCJA MAPPA Strategic Oversight Group

WHAT IS MAPPA?

Multi-Agency Public Protection Arrangements (MAPPA) are a set of statutory arrangements of which the primary purpose is to maintain public protection and the reduction of serious harm. The protection of children, adults at risk and other members of the public are paramount. It is a structure by which registered sex offenders, mentally disordered restricted patients and other offenders who, by reason of their conviction, pose a risk of serious harm to the public are managed through the effective sharing of relevant information, and the assessment and management of that risk.

MAPPA was introduced in 2007 under requirements of the Management of Offenders (Scotland) Act 2005, and is delivered under National Guidance. Legislation defines the Responsible Authorities and those with a Duty to Co-operate (DTC).

The Responsible Authorities within the NCJA are:

Aberdeen City Council	Highland Council
Aberdeenshire Council	Orkney Council
Moray Council	Wester Isles Council
Scottish Prison Service	Shetland Council
Police Scotland	NHS Highland
NHS Grampian	NHS Orkney
NHS Eilean Siar	NHS Shetland
The State Hospital	

These agencies are responsible for the assessment and management of risk presented by offenders who are subject to MAPPA. The NHS Boards and The State Hospital are Responsible Authorities in respect of Restricted Patients only, and are deemed DTC Agencies in respect of Registered Sex Offenders.

The Duty to Co-operate (DTC) agencies include:

- Scottish Children’s Reporter Administration
- Electronic Monitoring Providers, i.e. G4S
- Registered Social Landlords
- any person/organisation providing services to, or on behalf of a Responsible Authority

The DTC agencies are required to accept, provide and reciprocally share appropriate information to support the risk management planning of any offender subject of MAPPA.

HOW DO THE Multi Agency Public Protection Arrangements WORK?

MAPPA in Scotland has always been utilised to coordinate the management of those offenders in the community required to notify under the Sexual Offences Act 2003, commonly referred to as Registered Sex Offenders, and those offenders deemed Restricted Patients under Mental Health legislation.

On 31 March 2016 the Scottish Government enacted Category 3 of MAPPA, thereby bringing a further group of offenders known as “Other Risk of Serious Harm Offenders” under the arrangements. This group of offenders is defined as being those who have been convicted of an offence, and by reason of that conviction are required to be subject of supervision in the community by any enactment, order or licence; **and** are assessed by the Responsible Authorities as posing a high or very high risk of serious harm to the public at large; **and** the risk is assessed as requiring multi agency management at MAPPA Level 2 or 3 (see below). This “extension” of the scope of MAPPA has seen the Responsible Authorities and Duty to Cooperate Agencies utilise their established experience and processes to managing those few individuals who are assessed as presenting the greatest risk to our communities.

Offenders eligible for MAPPA are identified and relevant information is shared across those agencies involved, or likely to have a contribution in their management. The nature and level of the risk of harm they pose is assessed and actions are raised within a multi-agency risk management plan in order that those risks can be monitored and minimised to protect the public.

The practical operation of MAPPA is performed within pre-set meeting structures at local authority level. Offender’s subject of MAPPA will be managed at one of 3 MAPPA Management Levels:

MAPPA Level 1: Routine Risk Management - In the vast majority of cases, the offender will be managed under the routine arrangements applied by the agency or agencies with supervisory responsibility, i.e. by the Police alone, or jointly with Criminal Justice Social Work. In the case of a Restricted Patient, the NHS will be lead agency. Level 1 is not applicable to MAPPA Category 3 Offenders, who once identified will only be managed under Level 2 or 3 Review processes.

MAPPA Level 2: Multi Agency Risk Management - This process is implemented where Risk Management Planning requires the active involvement of multiple agencies required to manage and actively reduce the risk of serious harm posed by an offender or where that management is complex and resource intensive. A number of factors will be considered in determining if an offender requires Level 2 management, this decision being the responsibility of the MAPPA Coordinator on receipt of a Referral and in consultation with the Responsible Authorities who consider the risk of serious harm thresholds are met. Those managed at Level 2 will be subject of regular MAPPA Review Meetings through which a Multi-Agency Risk Management Plan is formulated, implemented and monitored.

MAPPA Level 3: Multi Agency Risk Management Panel (MAPPP) - From time to time, as with offenders managed at level 2, cases arise that present such a high level of risk to the public, or where the level of resources required to effectively manage the offender in the community are substantially beyond what could be considered normal. These offenders are often referred to as “the critical few” and, whilst managed under the same processes as Level 2 albeit more frequently, more senior representatives of the agencies involved will be actively involved in the formulation, implementation and monitoring of risk management plans.

Wherever possible, once prisoners have completed their prison sentence they are resettled in the community. An offender will be subject to certain licence conditions on release, depending on their length of sentence and on their offence. We work closely with offenders to ensure they gain access to help and support to tackle their criminal behaviours. This might be providing help with finding accommodation, assisting with employment or offering treatment for drug, alcohol or mental health problems, including sex offender programmes. This also means imposing tough controls. Offenders who are assessed as presenting a high risk of harm to the public are subject to very strict supervision and monitoring to help reduce that risk. This will inevitably mean that they have to live in approved and manageable accommodation and may be subject to Restriction of Liberty Orders (Tagging) for a period of time. It may also mean that they are restricted from visiting certain places, having contact with certain people and must report regularly to the police or their supervising criminal justice social worker as well as receiving random unannounced visits to their home address. However, it is recognised that the vast majority of offenders do not receive custodial sentences and instead are dealt with through the court system by way of a community based disposal/order under the supervision of criminal justice social work (CJSW). In terms of risk or actions required to manage it MAPPA will strive to manage offenders at the lowest possible level relating to assessed risk, therefore, to reflect change in this level of risk offenders can move either up or down levels.

THE OVERSIGHT OF MAPPA

The operation of MAPPA has been directed and overseen by the NCJA MAPPA Strategic Oversight Group (SOG). This Group consists of senior representatives from each of the Responsible Authorities, with representatives of the Duty to Co-operate agencies attending as appropriate or necessary. The group meets three times each year and has operated to a Business Plan for the period 2014-2017. This has served to reinforce the remit of the group and provides a business structure, the key areas being:

- Business Planning, management and resource allocation
- The Publication of an Annual Report
- Significant Case Review
- Training
- Adherence to updated National MAPPA Guidance and other relevant protocols
- Quality assurance and the Review of the Performance of MAPPA

Given the vast scale and diversity of the NCJA area, the operation of MAPPA has been through two management areas, i.e. the Grampian and the Highland & Islands areas. The operation of MAPPA in each of these areas has been driven by a local MAPPA Management Group supported by a MAPPA Coordinator and Administrative Support staff.

MAPPA has been well established across the NCJA area with the reporting year seeing continued refinement of the operation of MAPPA, with on-going review of practice and process in an effort to improve our ways of working.

In addition to operating under National MAPPA and related guidance, the Highland and Islands and Grampian areas had in place Memoranda of Understanding and Information Sharing Protocols that assisted in the operation of MAPPA. These documents are reviewed regularly in order to take account of any changes in guidance or legislation, and to ensure that identified best practice is being adopted.

2016/17 OVERVIEW

- ✚ The Joint Thematic Review of MAPPA in Scotland was published during November 2015 and detailed 10 recommendations and 17 potential Areas for Development across key operational processes. The Report found MAPPA to be effective and that the arrangements made a critical contribution to keeping people and communities safe. Registered Sex Offenders were being managed at the appropriate MAPPA level whilst highlighting the increasing levels of RSOs, partly due to internet offending. The Review Team felt that overall efficiency in the management of risk could be improved by implementing a more proportionate and consistent approach through streamlining operational processes and reducing unnecessary bureaucracy, all of which were likely to be tested by the growing number of offenders becoming subject to MAPPA.
- ✚ The Report indicated an expectation that progression of and response to the 10 Recommendations would be co-ordinated by the Scottish Government in partnership with the Responsible Authorities. The 17 Areas for Development would fall into the remit of Strategic Oversight Groups, with an expectation that areas would undertake a self-evaluation process and develop local Improvement Plans as determined appropriate. Self-evaluation in respect of the 17 Areas for Development was carried out across the NCJA during the early part of this reporting year with a comprehensive Action Log being developed to evidence that work. This record was shared with the Review Team who have since expressed satisfaction with the work undertaken. A full copy of the Joint Thematic Review of MAPPA in Scotland can be accessed at the HMICS and Care Inspectorate websites.
- ✚ The Responsible Authorities across the NCJA have implemented local processes for the introduction of “Other Risk of Serious Harm Offenders” to MAPPA from the commencement of the reporting year. Specific criteria surround the inclusion of these individuals in MAPPA, this intended to ensure that focus and resource is applied to those who present the greatest risk of serious harm to our communities. During the reporting year there have been 13 clients considered as requiring management in this format.
- ✚ Responsible authorities across the area have fully implemented a new document set that is at the core of the management of offenders under MAPPA at Level 2 and 3. This follows in depth consultation and detailed training provided in the main by the Risk Management Authority, and provides an enhanced understanding of the elements of risk and how this can be effectively managed on a multi-agency basis.
- ✚ Representatives from the Responsible Authorities have attended National Risk Practice Training over the reporting year designed to provide a grounding in the principles and processes that should be evident when assessing the Risk of Serious

Harm. The training aimed to equip key staff with skills and confidence in applying these principles in practice. The training content is consistent with the Standards and Guidelines for Risk Assessment and Management published by the Risk Management Authority. For the priority group of Criminal Justice Social Workers, training began in August 2015 and for Offender Management Officers from Police Scotland in January 2016. Revised MAPPA Chairs training has also been delivered within the NCJA area.

- ✚ The introduction of Police Scotland computer software to remotely monitor an offender's internet use through prohibitions set within an offender's Sexual Offences Prevention Order (SOPO). The National Offender Management Unit (NOMU) had overall responsibility for the management and administration of the software system and would act as a gate-keeper for offenders being added and monitored.
- ✚ Police Scotland have implemented a MAPPA Level 1 pilot, whereby police divisional areas have continued to adopt the process, and it is expected to be rolled out incrementally across the country. Feedback has been largely positive. It has generally been considered to be a succinct tool in addressing issues, with a number of benefits being realised, such as quicker review periods for offenders presenting at the lower end of risk assessment. The divisions with MAPPA 1 processes established that it fitted well with local processes, without producing extra work for joint management.
- ✚ The level of further sexual or violent offending committed by Registered Sex Offenders across the NCJA has remained very low, although any further offending is of concern to the Responsible Authorities and our communities. It is recognised that, on occasions, offenders managed under the MAPPA will commit, or attempt to commit, further serious crimes and, when this occurs a process of Case Review is initiated within MAPPA. The level of review undertaken will be determined by the nature and seriousness of alleged further offending and is intended to examine the actions or processes employed by the agencies involved to ensure that all reasonable actions had been undertaken and to capture any potential for learning that may enhance future work. In response to five particular instances of serious further offending during this year's reporting period, the SOG directed that Initial Case Reviews for each incident be undertaken by the Lead Agencies. In all of these cases it was determined that all necessary measures and processes had been in place and that no Significant Case Reviews were required.

The Year Ahead

- ✚ The new model of Community Justice in Scotland commenced in April 2017, this seeing the disestablishment of the NCJA, and with the coordination and oversight of Community Justice now resting at Local Authority level and within Community Planning Partnerships.
- ✚ The Strategic oversight of MAPPA has moved to a structure aligned to the Grampian and the Highlands & Islands areas respectively, each area now having a MAPPA Strategic Oversight Group. The operation of MAPPA at local level will see no notable changes. The Responsible Authorities will continue to work together, and with the Scottish Government, to ensure that any transition from the previous model to the current structure has no adverse implications upon the recognised benefits of MAPPA and wider public protection. Therefore, two area specific Business Plans for 2017-18 have been developed to implement the criteria set out in the “oversight of MAPPA section of this report”.
- ✚ Beyond the foregoing, it is now for the recently formed MAPPA Oversight Groups to determine the work to be undertaken during the coming year and beyond. Whilst this will to a considerable extent be structured around the aforementioned Business Plans, the new MAPPA Strategic Oversight Groups will continue to respond to change and maintain the ethos of continuous improvement that has been held by the NCJA MAPPA SOG for the past decade.

Some Core Statistics

The following tables display the levels at which offenders across the NCJA have been managed during the reporting year:

Period Overview				
Offenders Subject to MAPPA (In the Community)				
On the 31st of March 2017				
MAPPA Levels		Grampian Area	H & I Area	NCJA Area Total
Level 1	Registered Sex Offenders	326	200	526
	Restricted Patient	17	6	23
Level 2	Registered Sex Offenders	11	12	23
	Other Risk of Serious Harm Offenders	6	2	8
	Restricted Patient	0	0	0
Level 3	Registered Sex Offenders	1	0	1
	Other Risk of Serious Harm Offenders	0	0	0
	Restricted Patient	0	0	0

Number of Registered Sex Offenders on Licence /Order	141	110	251
Number of SOPO's in Force	70	36	106
Number of Risk of Sexual harm orders (RSHO's) in Force	2	1	3
Number of 'Wanted' RSO's	0	0	0
Number of 'Missing' RSO's	0	0	0

These statistics represent totals as of 31 March 2017 and it should be noted that all MAPPA offenders are assessed and reviewed regularly throughout the year in relation to their potential risk to cause serious harm to others. One of the principles of MAPPA is that offenders are managed commensurate to the risk they pose. MAPPA is a tiered framework based on three interconnected

levels of risk management and offenders move between these levels of management depending on the identified risk which again can change with changing circumstances. This is a dynamic environment where effective risk assessment and information sharing is vital.

Restricted patients are persons detained in hospital under a compulsion order with a restriction order. This means they have usually committed an offence punishable by imprisonment but as a result of mental disorder are not imprisoned but ordered to be detained in hospital for treatment, without limit of time. They are dealt with through a programme of treatment and rehabilitation - the aim being to prevent recurrence of offending by dealing with the mental disorder.

Offenders Subject to MAPPA (In the Community) Between 1st April 2016 and 31st March 2017			
	Grampian Area Total	H & I Area Total	NCJA Area Total
Number of Offenders Convicted of a further Sexual or Violent offence.	12	4	16
Number of RSO's returned to custody for breaching licence / order	7	4	11
Number of RSO's subject to Formal Disclosure	0	0	0
Number of SOPO's imposed by the courts	11	2	13
Number of Registered Sex Offenders reported for breaching their notification requirement	45	12	57
Number of RSO's convicted of breaching SOPO prohibitions	7	1	8
Number of Foreign Travel orders	0	0	0
Number of Registered Sex Offenders notified to Jobcentre Plus	22	33	55

Number of registered sex offenders within the NCJA area on the 31 st March 2017 (In community and in Custody)	713
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The number of registered sex offenders per 100,000 population still remains within a comparative range across Scotland.

The increase and proactive identification of internet offenders by authorities ranging from online child sexual exploitation, possession of and distribution of indecent images of children, on line grooming and live streaming have predominately led to an increase in RSO's both locally and nationally year on year.

NCJA MAPPA Contacts

The MAPPA coordinators are employed on behalf of all the responsible authorities and play an essential role in the coordination, support and administration of the strategic functions on behalf of the Strategic Oversight Group.

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Further statistics and national information on the subject of MAPPA can be found on the Scottish Government Website at <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/protection>

Explanations of Terms Used

Registered Sexual Offenders (RSOs) – those who are required to notify the police of their name, address and other personal details and notify any changes subsequently. Failure to comply with the notification requirements is a criminal offence which can carry a term of imprisonment.

Restricted Patient – This is an offender defined under the Management of Offenders etc. (Scotland) Act 2005 Section 10, 11 (a-d)

Breach of licence – offenders released into the community following a period of imprisonment of 12 months or more will be subject to a licence with conditions (under Criminal Justice Social Work supervision). If these conditions are not complied with, breach action will be taken and the offender may be recalled to prison. It perhaps would be a mistake to see the number of breaches as “failed cases” – rather they reflect decisive action taken to protect the public when offenders are not complying with the requirements of their licence.

Sexual Offences Prevention Order (SOPO) – A Court may make a SOPO at the time of dealing with certain sexual offenders or when the police make a special application on account of the offender's behaviour in the community. A SOPO can place restrictions and obligations on the offender and will require the subject to register as a sexual offender. If the offender fails to comply with the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment.

Risk Of Sexual Harm Order (ROSHO) – Place restrictions and obligations on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or to children generally. The person's behaviour need not constitute a criminal offence, and s/he need not have any previous convictions. If the person fails to comply with (i.e. breaches) the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment. A conviction for breach of the order also renders the person subject to the sex offender notification requirements.

Notification Order – requires sexual offenders who have been convicted overseas to register with police, in order to protect the public in the UK from the risks that they pose. Police may apply to the court for the order in relation to offenders in or intending to come to the UK.

Foreign Travel Orders – prevent offenders with convictions for sexual offences against children from travelling abroad where it is necessary to do so to protect children from the risk of sexual harm.

Formal Disclosure – if a decision is made to formally disclose, then a letter of disclosure will be drafted on behalf of the Divisional Commander of the relevant Police Division. This letter should be served by the police personally on the person to whom the disclosure is to be made. The disclosure should be limited to the information necessary to minimise the risk. Officers serving this letter should ensure that they do not disclose any further information other than what is stipulated in the letter. Although no

further information should be disclosed, advice and guidance on how the individual should respond to the information in order to protect themselves or others and in particular whether any further action. This procedure will only be advanced as a last resort and will be completed in consultation with partner agencies. There are various other forms of disclosure available in the management of offenders.

Missing Offenders – An RSO should be considered as missing when the current whereabouts of the offender is unknown and police enquiries to establish their whereabouts have been unsuccessful and as a result the risk management process may not be achievable and there exists a requirement to trace the individual and address the risk he/she may pose and establish if further offences have been committed. Those offenders who have left the territorial jurisdiction of the United Kingdom and whose

location abroad is known are not considered as missing. The requirement to comply with the registration process is suspended whilst offenders are out with the UK. Where appropriate, consideration should be given to establishing whether the offender has committed an offence relative to notification of his/her foreign travel. In this situation if an arrest warrant is issued relative to such an offence the offender should be regarded as 'Wanted.'

Wanted Offenders - Where it is known that an offender is actively avoiding police in response to police enquiries to trace that individual relative to offences they may have committed, or in relation to other matters for which it is required that they be interviewed. This may include those occasions where an offender is the subject of an arrest warrant.