



South West Scotland Community Justice Authority

MAPPA Annual Report 2010-11

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Foreword - Chair of the Strategic Oversight Group - Chief Supt Kate Thomson, Dumfries & Galloway Constabulary

Welcome to our 2010/11 Annual Report on Multi Agency Public Protection Arrangements (MAPPA) in the South West Scotland Community Justice Authority area. Now in its 4th year, MAPPA continues to provide a framework for managing the risk of harm posed by offenders to the public. This annual report reflects the commitment and contributions of all agencies in 2010/11 and informs you of our plans for the forthcoming year.

The number of sexual and violent crimes committed in the South West Scotland area represents a small proportion of the total recorded crime in this area, but for victims and families they understandably and inevitably cause a great deal of fear and concern. This is at the forefront of our minds and local agencies within South West Scotland, who are involved in the MAPPA process, have and will continue to focus their efforts on protecting the public from the offenders who carry out these crimes and at the same time support and meet the needs of people who have been victimised by such offenders.

Both as individuals and as members of key agencies we accept that the public expect us to do everything which is legitimately within our powers to reduce the risks posed by sexual and violent offenders, whilst at the same time acknowledging that we must make the most efficient use of our resources. As a Strategic Oversight Group we appreciate that no single agency can tackle these challenges alone and it is vitally important that all agencies continue to support and inform the MAPPA process at all levels. This way, together, we are best able to offer protection to the public within South West Scotland.

This has been a very challenging year in terms of overseeing two significant case reviews and also developing our local governance and performance reporting arrangements to meet the requirements of the four Chief Officer Groups within the Community Justice Authority area. In respect of the significant case reviews which are underway, we acknowledge the impact these events have had on the respective families and recognise the courage, dignity and patience they have shown while these reviews are completed.

I hope that you will find the report informative and it helps answer any questions you may have about community safety and public protection arrangements in South West Scotland Community Justice Authority area.

1. Introduction

The Management of Offenders (Scotland) Act 2005 ¹ introduced a statutory requirement that Local Authorities, Scottish Prison Service, Police and Health Service establish joint arrangements for the assessment and management of offenders who pose a risk of harm to the public. These arrangements have now been in place for four years. This report will explain how MAPPA operates within South West Scotland Community Justice Authority with further additional information being available on the Scottish Government website².

As Responsible Authorities we are required to keep the arrangements under review and to publish an annual report. Our Annual Report offers an opportunity for the agencies involved in MAPPA to account to the local community for our management of those individuals who present a risk to the public. This report provides information regarding the actions being taken to refine and improve practice and procedures and outlines the effectiveness of MAPPA in South West Scotland (SWS) CJA.

This report contains statistical information about the numbers of offenders managed within MAPPA and provides some illustration of how the arrangements work in practice.

MAPPA exists to protect public safety and reduce the risk of serious harm within our communities. In Scotland MAPPA arrangements also include Restricted Patients (RPs) in addition to Registered Sex Offenders (RSOs). It is important to note that whilst all agencies work closely to minimise and manage risk, this cannot be eliminated entirely. All agencies are however highly motivated to ensure that practice and procedures are scrutinised and reviewed to minimise the risk presented to the community.

¹ <http://www.legislation.gov.uk/asp/2005/14/contents>

² <http://www.scotland.gov.uk/Topics/Justice/public-safety/protection>

How Does MAPPA Operate?

Local Authorities, Police, Scottish Prison Service and NHS are required to work together, sharing information to manage known offenders. This process is known as MAPPA (Multi-Agency Public Protection Arrangements). All Community Justice Authorities have local MAPPA arrangements.

The agencies involved in MAPPA use a range of management methods to manage including:

- regular multi-agency meetings to share information, take action and reduce the risk of harm
- police visits and interviews
- continual reviews of the level of risk posed by each offender
- surveillance of high-risk offenders
- treatment to reduce re-offending
- recall to prison for any serious breach of the conditions of release or court order
- provision of supervised accommodation where offenders can be closely watched, tagged or put under an appropriate curfew
- control of the way in which information about specific offenders is shared with the public or key community representatives

All convicted offenders must register with the police within 3 days of their conviction or release from prison. The police and prison service receive notification from the courts following conviction or release into the community. Failure to register is an offence, which can carry a term of imprisonment.

A range of agencies work in close co-operation to manage offenders. These include Local Authority Social Work and Housing Services, Police, Scottish Prison Service and NHS. Each offender is risk assessed following registration and each case is reviewed through MAPPA. Following risk assessment a Risk Management Plan is put in place to ensure the necessary level of management is applied.

Other powers are available to manage the risk offenders present to the community. There are four Civil Orders in Scotland. If offenders fail to comply with the restrictions associated with these orders, they will be arrested and can be returned to prison:

- Sexual Offences Prevention Order - can be used to place all kinds of restrictions on the behaviour of the offender. These might include, for example, preventing a child sex offender visiting children's playgrounds or swimming baths.
- Risk of Sexual Harm Order - designed to protect children (under 16) from those who display inappropriate behaviour towards them.
- Notification Order – used when a person who has been convicted of a relevant sexual offence abroad comes to live in the United Kingdom. The person becomes the subject of the 'sex offenders register'.
- Foreign Travel Orders - to prevent convicted offenders from committing further sexual offences either in this country or against children abroad, police can apply for a foreign travel order. These orders can either ban travel to specific countries or they can be more wide-ranging, banning all overseas travel.

We monitor all offenders, although they do not all present the same level of risk. How much they are monitored may vary between offenders. They are managed according to certain levels to ensure that all individuals receive appropriate supervision. This level depends upon the nature of the offences, the level of risk indicated by assessment tools and the circumstances of the case.

- Level 1 - where an offender can be managed by one agency; although it is often the case that more than one agency is involved in the risk management plan
- Level 2 - where more than one agency is required to implement the risk management plan
- Level 3 - for the 'critical few'. These are cases where a range of agencies are involved at a senior level to ensure that those present have the authority to allocate the necessary resources to manage the case

Assessing and managing risk is not a precise science. While we all put every effort into ensuring the public is protected, it is simply not possible for agencies to precisely predict offending behaviours or when this may happen. This is why we must communicate so closely and share information. Availability of information allows for a fuller assessment of risk allowing an opportunity for agencies to take steps to intervene.

This Annual Report provides more detail about how MAPPA operates in South West Scotland Community Justice Authority. Further information on MAPPA and Public Protection is available on the Scottish Government website³.

³<http://www.scotland.gov.uk/Topics/Justice/public-safety/protection>

2. The National Picture

During this fourth year of MAPPA in Scotland, systems and practice designed to improve the safety of communities have continued to develop.

The National MAPPA Guidance Version 4⁴ is currently subject to substantial amendment, in consultation with the responsible authorities and Risk Management Authority, to reflect changes to legislation and improvements in certain areas of policy and practice.

Staff from all agencies have attended a number of national training events and conferences designed to enhance MAPPA effectiveness. Each CJA area has trainers who give locally based training to those involved in the MAPPA process.

The range of sentencing options available to courts in Scotland was unnecessarily complex and difficult for the public to understand. The Scottish Government has recognised this issue and passed legislation to address this. The Criminal Justice and Licensing (Scotland) Act 2010⁵ introduced streamlined sentencing options. Community Payback Orders (CPOs) were implemented in February 2011 to replace a number of existing community sentences including:

- Community Service Orders
- Probation Orders
- Supervised Attendance Orders

Following the introduction of the 2010 Act, Revised National Outcomes and Standards⁶ were introduced for Community Justice Social Work Services. This is aimed at practitioners and managers who deliver criminal justice social work services, particularly

⁴ <http://www.scotland.gov.uk/Publications/2008/04/18144823/0>

⁵ <http://www.legislation.gov.uk/asp/2010/13/contents/enacted>

⁶ <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards/PracticeGuidance>

Community Payback Orders. It is also useful for other agencies involved in the delivery of CPOs. Effective inter-agency and inter-discipline working is critical to the success of CPOs as a credible and robust community based sentence for appropriate individuals.

We work closely with the Scottish Prison Service (SPS) in conjunction with SERCO, the National Health Service and Special Health Boards to improve public protection and reduce the risks associated with offending behaviour. Across Scotland Criminal Justice Social Work works with the Scottish Government and Risk Management Authority to roll out the Level of Service/Case Management Inventory (LS/CMI), a risk assessment and case management tool.

The State Hospital works with MAPPA throughout Scotland. They provide notification of all restricted patients and referrals to us for those restricted patients where an additional level of risk management is required to assure public safety.

We are currently working between the agencies to make sure that information is disclosed between the Department of Work and Pensions, (Jobcentre Plus), the Child Maintenance and Enforcement Commission and others. This ensures that convicted offenders are not given unsuitable work placements, training or employment.

The Community Sex Offender Groupwork Programme is being revised to reflect current research and meet demanding accreditation standards⁷. This is a long term project. It will be some time until the revised programme is complete.

Following a successful pilot in Tayside, in February 2010, the Justice Secretary, Kenny MacAskill MSP, confirmed that all eight police forces in Scotland are committed to the Community Disclosure process. National implementation was successfully completed in March 2011. Further information on local arrangements is contained within this report.

⁷ <http://www.scotland.gov.uk/Publications/2009/02/10103814/0>

3. Area Summary

Area Profile

The South West Scotland Community Justice Authority (SWS CJA) area combines four local Councils covering Dumfries & Galloway, East Ayrshire, North Ayrshire and South Ayrshire - an area in excess of 3,600 square miles. This includes a diverse population of around 516,090⁸, located in urban, rural and isolated communities, including the island communities of Arran and Cumbrae. Our MAPPA in SWS CJA area incorporates a complex number of responsible authorities, namely; Dumfries and Galloway Constabulary, Dumfries and Galloway Council, East Ayrshire Council, North Ayrshire Council and South Ayrshire Council, the Scottish Prison Service (including HMP Dumfries and the private prison managed by Serco Ltd at HMP Kilmarnock), NHS Ayrshire and Arran and NHS Dumfries and Galloway Health Service and Strathclyde Police.

In SWS CJA, our full time MAPPA Co-ordinator is based in Ayr police station with a second, part-time MAPPA Co-ordinator, based in Dumfries and Galloway Constabulary Headquarters, Dumfries. Within SWS CJA area we have the clear commitment of agencies and staff at all levels to share information about offenders both formally at regular review meetings (called MAPPA meetings or Multi-Agency Public Protection Panels (MAPPPs) and informally, during normal case management processes or reviews.

⁸<http://www.gro-scotland.gov.uk/statistics/at-a-glance/council-areas-map/index.html>

The Governance of MAPPA

The Governance of MAPPA in the South West Scotland Community Justice Authority area consists of a two-tier structure comprising representatives of the responsible authorities at a senior and strategic level to meet the requirements of the legislation to review the operation of the MAPPA. Sections 11(1) and (2) of the Management of Offenders (Scotland) Act 2005 require the responsible authorities to keep the arrangements established under review for the purpose of monitoring the effectiveness of those arrangements and making any changes to them that appear necessary or expedient.

The two-tier structure comprises a MAPPA Operational Group (MOG) and a Strategic Oversight Group (SOG). The MOG attends to operational issues and serves as a conduit for the Strategic Oversight Group. This model of governance requires local arrangements for links with other public protection structures (such as Child Protection and Adult Support and Protection) and a process for consideration of more locality based operational issues. Communication between the MAPPA, Child Protection and Adult Support and Protection structures is the responsibility of the relevant members of the SOG.

Within this Community Justice Authority area, there are four Chief Officers Groups operating within the respective local authority areas; Dumfries and Galloway, East Ayrshire, North Ayrshire and South Ayrshire.

On behalf of the SOG, the chair is responsible for providing the chief officer groups with regular updates on the progress of the implementation process of MAPPA within the CJA as well as within the relevant local authority area.

Summary of Significant Operational Events in the past year

During the year the two significant case reviews are being progressed and overseen by the Strategic Oversight Group. The key learning from these reviews will be reported on in more detail in next year's annual report.

Across the South West Scotland Community Justice Authority area, Criminal Justice Social Work services continue to work in partnership to deliver the Community Sex Offender Group Work Programme.

The introduction of the Criminal Justice and Licensing (Scotland) Act 2010 on 1st February 2011 changed the landscape for community sentencing with the introduction of Community Payback Orders replacing existing community sentences for offences committed after that date. The Community Payback Order is supported by the introduction of the National Outcomes and Standards that replaced National Objectives and Standards. The new legislation and policy focuses on meeting outcomes, both the overall expected outcome of reduced offending and the associated personal outcomes for offenders built around a commitment that requires interventions, Restriction, Rehabilitation, Reparation and Reintegration.

Police and Criminal Justice Social Work services in the South West Scotland Community Justice Authority area are working together to address the impact from the introduction of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2010⁹ which relates to the registration timescale of offenders.

In accordance with National Guidance, the MAPPA Partnership has also implemented the Community Disclosure Scheme across the Community Justice Authority area. The scheme will enable parents, guardians and carers to protect their children

Collaborative working arrangements have been formalised between the Ayrshire Criminal Justice Social Work partnership and Dumfries and Galloway Council Criminal Justice Social Work services in respect of MAPPA, the Programme Delivery Team and the Training and Development Officer.

⁹ <http://www.scotland.gov.uk/Publications/2010/11/03121822/5>

4. Roles and Responsibilities

Responsible Authorities

Joint working and information sharing between agencies is the most effective and productive way to reduce risk to the public. Police Forces and Local Authorities are the lead agencies for the management of registered sex offenders in the community. In prisons the National Health Service, Scottish Prison Service and SERCO are the lead agencies. Within HMP Kilmarnock SERCO operate the prison under the direction of the Scottish Prison Service. The NHS is the principal lead authority for Restricted Patients and a Duty to Cooperate agency for registered sex offenders in the community. A summary of the roles and responsibilities in relation to Multi Agency Public Protection in South West Scotland Community Justice Authority is contained in Appendix 1. In brief the Responsible Authorities consist of:

- NHS
- The Scottish Prison Service/SERCO Ltd
- The Police
- Victim Support
- Local Authorities
 - Criminal Justice Social Work
 - Child Protection
 - Adult Support and Protection
- Community Sex Offender Groupwork Programme

5. Duty to Co-operate Agencies

Duty to Co-operate agencies such as NHS (in respect of registered sex offenders), Housing Providers, SERCO, and other Voluntary or Private Sector Organisations have a responsibility to share information, search records for any involvement with named offenders, and participate and contribute meaningfully on a case by case basis to the Risk Management Plan in accordance with their statutory function.

Electronic Monitoring Services

Currently the Scottish Government contract for the provision of electronic monitoring in Scotland is with SERCO Ltd. SERCO Ltd are a duty to cooperate agency and are a point of contact for advice to the responsible authorities. They attend MAPPA meetings when the circumstances of a particular case dictate. Electronic monitoring has a part to play in supporting and adding robustness to an offender's licence.

Housing Agencies

Housing agencies are Local Authority housing services and Registered Social Landlords. Their role is to contribute to the management of risk identified by Responsible Authorities by providing accommodation; liaising with the Responsible Authorities on the ongoing management and monitoring of the risk of the offender as a tenant, including any tenancy moves or evictions They have regard to community safety and have exit strategies where a property is no longer suitable and/or the offender's safety is at risk.

In SWS CJA area, each local authority has recruited a dedicated sex offender liaison officer (SOLO) acting in accordance with the National Accommodation Strategy for Sex Offenders (NASSO)¹⁰, this person works directly with individuals subject to MAPPA arrangements. These officers are critical to the overall risk management of registered sex offenders.

In SWS CJA area, the location of suitable housing always places victim issues at the forefront of their risk assessment. Following a significant incident in South West Scotland Community Justice Authority, the environmental scanning procedure undertaken by both Housing SOLOs and Strathclyde Police was revised to include annual checks on housing provision and to include both police and Housing databases. Our revised environmental scanning process minimises the potential of an offender being released from custody and being accommodated within the same neighbourhood as a victim thus minimising the risk to potential victims through the close scrutiny applied to the accommodation arrangements.

¹⁰ <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/16342/management/highrisk/sexoffenders>

6. Additional Measures used in the Management of Registered Sexual Offenders

Civil Preventative Orders

Risk management plans increase an individual's capacity to control their behaviour and self-risk manage. This is balanced by the use of restrictive measures, to exercise control over an individual's behaviour. Restrictive measures, or orders, are enforced in accordance within either a statutory or non-statutory framework. A variety of different statutory (i.e. parole licence, non-parole licence, extended sentence and probation orders) and civil preventative orders can be imposed in circumstances where the risk presented by an individual requires additional, enforceable measures.

Risk of Sexual Harm Order (RSHO) - places restrictions on someone behaving in a way which suggests 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 he/she need not have any previous convictions.

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 because of the offender's behaviour in the community. A SOPO will require the subject to register as a sexual offender and can include conditions, for example to prevent the offender loitering near schools or playgrounds. If the offender 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.

Foreign Travel Orders (FTO) - prevent offenders with convictions for sexual offences against children, from travelling abroad to protect children from the risk of sexual harm.

Notification Order (NO) – 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.

ViSOR

The Violent and Sex Offender Register (ViSOR) computer system is a UK Multi-Agency information sharing tool which is accessed and updated by the Police, SPS, local authorities and the Scottish Government Mental Health Directorate. ViSOR ensures that the responsible authorities input, share and store critical information about MAPPA offenders to strengthen communication across the responsible authorities.

ViSOR is a secure database enabling timely sharing of risk assessment and risk management information on MAPPA offenders. It improves our capacity to share intelligence and allows secure and immediate transfer of essential information when these offenders move between areas. ViSOR also provides information for the MAPPA annual reports and will store MAPPA meeting minutes and risk management plans.

Electronic Monitoring

Serco's Electronic Monitoring Scotland contract with the Scottish Government runs until 2013 and is managed by officers within the CJS Division of the Scottish Government.

Electronic monitoring ("tagging") ensures that an offender adheres to his/her curfew order. A transmitter and receiver provide information to the Serco Control Centre confirming that an offender is present at a specified address at specified times. Individuals wear a 'tag' either on the ankle or the wrist and the monitoring unit is installed at the address. It can be used either to restrict a person to a specified address or to restrict a person away from an address, or a combination of both.

Electronic Monitoring can be used:

- As an alternative to custody in conjunction with a range of community sentencing options
- To assist in providing a structure to an individual's day
- To provide support to an individual in the community
- To assist in the transition of an individual from a custodial environment to the community

Electronic monitoring does not provide 'round the clock' information regarding the location or movements of an offender when outwith the home. It simply identifies whether an offender is, or is not, at a specific location at specific times.

Disclosure

Occasionally it may be necessary to disclose information regarding a RSO's status to individuals who may be at risk of harm. We might do this where there are child and adult protection concerns or if an individual's employment brings him/her into contact with children or vulnerable people.

Disclosure of an offender's status can happen in four ways;

- The offender can self-disclose
- Disclosure can be made by a Chief Constable
- Disclosure can be made by Social Workers where there is an overriding concern regarding the safety of a child
- Disclosure can be made through the Sex Offender Community Disclosure Scheme.

Discussion and decisions are made carefully on a case-by-case basis. We take a number of factors into account, such as;

- The type, frequency and pattern of offences
- The extent to which an offender complies with the conditions or restrictions of his sentence
- Behaviours which may indicate further offending is likely
- The harm further offences would cause
- Potential negative consequences of disclosure to an individual, their family and the extent to which they would be considered vulnerable
- The range of conditions on the licence or order
- Whether disclosure could lead to an offender absconding

Community Sex Offender Disclosure Scheme

The Scottish Government implemented the national Community Child Sex Offender Disclosure Scheme in a pilot project launched in Tayside CJA between 21 September 2009 and 31 May 2010. This followed 4 similar pilot schemes implemented in England and Wales.

The Community Disclosures pilot aims to test the effectiveness of giving parents, carers or guardians a more formal mechanism for requesting information about someone involved in their family life, specifically if they are concerned that the person might be a child sex offender.

The Scottish Government's plan to roll out the scheme nationally, following the successful Tayside pilot, gained momentum this year with Northern, Central Scotland Community Justice Authorities and Dumfries and Galloway Constabulary launching their own schemes. Dumfries and Galloway Constabulary began theirs on 31st January 2011, with Strathclyde Police following on 31st March 2011.

The Community Sex Offender Disclosure Scheme¹¹ provides parents, guardians and carers with information to enable them to protect their children. The intention of the scheme is not to create a "Megan's Law" or automatic disclosure to the wider general public. This could cause offenders to abscond, creating a greater risk of harm to children.

Under the Community Disclosure Scheme anyone can make an application about a person who has some form of contact with a child or children. If the person does have convictions for sexual offences against children and poses a risk of causing harm to a child, this information can be disclosed. The disclosure will only be made to a parent, guardian or carer and not always to the person making the application.

¹¹ <http://www.scotland.gov.uk/Publications/2011/04/06091313/0>

7. Case Examples

NHS Case Example (Restricted Patient)

Mr Y is a 43 year old who is subject to the legal provisions the Mental Health (Care and Treatment) Scotland Act 2003 and treated on a compulsion order and restriction order under the Criminal Procedure (Scotland) Act 1995. His criminal history consisted of stalking behaviours, which could have resulted in severe physical/sexual harm to women. Mr Y has a mental health disorder. He was discharged into a community setting from hospital with ongoing health needs and although receives a comprehensive care package he does not trust many of his care providers as he believes that they are responsible for his previous admission to hospital.

Under MAPPA Mr Y is assessed as being a medium risk and is managed at level 2. He receives ongoing support from multiple agencies. He requires frequent reassessment of risk to highlight increasing potential of reoffending due to changes in environment, relationships and mental health. He was discharged from hospital with ongoing health problems and his medication is reviewed regularly. His mental health care and treatment is provided by Mental Health Service staff (Consultant Forensic Psychiatrist, Clinical Forensic Psychologist, Community Forensic Mental Health Nurse and an Occupational Therapist. The Forensic Mental Health Service has contact with Mr Y at least twice per week.

Input is also provided by a Social Worker and a Mental Health Officer. A support package is also commissioned from a provider agency (2 hrs daily, 5 days per week). Although not routinely involved in visiting the Mr Y, Police are fully aware of the challenges surrounding the risk management of this individual through attendance at the CPA and MAPPA meetings.

Due to his specific diagnosis it is very important that a structured, consistent approach is used by all parties involved to address health, offence related and sexual needs. It is also important to identify new ways to engage with Mr Y (due to his changeable attitudes) and frequent updates/discussions are required to ensure continuity of support.

A particularly significant outcome of the positive working within the MAPPA process is the sharing of information between agencies. In Mr Y's case a greater degree of flexibility in response from services has been required given his specific diagnosis. The MAPPA

process has allowed this highly complex individual with multiple needs to be managed with the appropriate intensive level of care and support balanced with the monitoring and management of risk.

MAPPA has been an important vehicle which has facilitated the effective communication and risk management required in this case. In particular MAPPA has supported Mr Y's rehabilitation in several domains utilising the multi agency comprehensive risk assessment and management plans which were developed. The risk assessments shared within the MAPPA process, resulted in more comprehensive and effective risk management plans for Mr Y and his family than could otherwise have been achievable.

Summary

This case highlights the active contribution made by health in conjunction with the partner agencies to deliver safe and effective health care while also providing public protection.

Police Case Example

Mr X is 57 year old who is subject to notification requirements under the Sexual Offences Act 2003. He was convicted of lewd, indecent and libidinous practices and behaviour committed on pre-pubescent females.

Mr X has a long history of sexual offending stretching back many years. Following his most recent offences he was made the subject of indefinite registration requirements and a Sexual Offences Order was applied for and granted which placed a number of prohibitions on him to reduce the risk to members of the community.

Mr X lives a chaotic lifestyle for which he has received treatment however this always ends with him disengaging with the treatment and him returning to consume alcohol in large quantities. Due to the chaotic lifestyle that Mr X lives it brings him in to contact with other people who have similar lifestyles.

Mr X is assessed as being a high risk and is managed at Mappa Level 2. Police are the lead agency for his management although involvement of Criminal Justice Social Work, Children and Families Social Work, Housing and Health are essential partners in his management. Police visit Mr X at least once a fortnight.

Our Mappa process has allowed information to be shared between Police and other duty to co-operate agencies and examples of this would be their frequent contact with a number of departments within the NHS, Psychological Services and Childcare Services to address the issues that arise with Mr X. These include frequent admission to hospital and him actively seeking new relationships, often with vulnerable female adults which can, on occasions, afford him access to children of the females involved. Mr X has also travelled long distances seeking out new partners and this has resulted in collaboration with other Offender Management Units.

His reliance on alcohol has resulted in considerable challenges facing Police and other agencies in looking at measures to address his alcohol consumption. In addition other challenges faced include disclosure considerations, policing the Sexual Offences Order in place for him and finding opportunities to carry out risk assessments with him as he is often found incoherent through alcohol during Police visits.

Summary

This case demonstrates the effective working and information sharing between agencies that the MAPPa process provides to put in place measures to address a challenging individual with complex issues and to minimise the risks that he poses. Despite the challenges faced by staff in the management of this case Mr X has not sexually reoffended.

8. Statistical Information

Table 1: Statistical Information (RSOs)

<u>2009 – 2010</u>		<u>2010 - 2011</u>	
REGISTERED SEX OFFENDERS (RSOs)	NUMBER	REGISTERED SEX OFFENDERS (RSOs)	NUMBER
a) Number of Registered Sex Offenders:		a) Number of Registered Sex Offenders:	
i) At liberty and living in your area on 31 st March 2010:	In Ayrshire: 214 In D & G: 104	i) At liberty and living in your area on 31 st March 2011:	In Ayrshire: 248 In D&G: 99
ii) Per 100,000 of the population on 31 st March 2010:	62	ii) Per 100,000 of the population on 31 st March 2011:	67
b) The number of RSOs having a notification requirement who:		b) The number of RSOs having a notification requirement who:	
i) Complied with notification requirements:	In Ayrshire: 186 In D&G: 97	i) Complied with notification requirements:	In Ayrshire: 217 In D&G: 96

ii) Were reported for breaches of the requirements to notify:	In Ayrshire: 28 In D&G: 7	ii) Were reported for breaches of the requirements to notify:	In Ayrshire: 31 In D&G: 3
c) The number of "wanted" RSOs on 31 st March 2010:	In Ayrshire: 0 In D&G: 2	c) The number of "wanted" RSOs on 31 st March 2011:	In Ayrshire: 0 In D&G: 1
d) The number of "missing" RSOs on 31 st March 2010:	In Ayrshire: 2 In D&G: 0	d) The number of "missing" RSOs on 31 st March 2011:	In Ayrshire: 0 In D&G: 1

The number of RSOs at liberty and living in any one area will always be subject to fluctuation. Whilst there are a number of potential causal factors for the fluctuation, the current year's figures do not indicate a significant trend towards either increase or decrease.

The figures do not indicate an increased level of offending. If it were the case that these figures increased, this could be due to increased reporting of historical offending, rather than recent offences. There are no significant changes in the levels of breach for notification requirements given the number of offenders.

Breaches in the notification requirements could be for the following reasons:

- an individual has made a clear decision not to comply and does not;
- an offender may have cognitive deficits which impact on his understanding of notification requirements;
- there may be a significant change in circumstances which intervenes in this process;

It should not thus be inferred that all non-compliance with notification is due to conscious effort on the part of the offender;

There is no significant change in the number of wanted RSOs. An offender is “wanted” where he/she is actively avoiding police but their whereabouts are known. The figures in both tables may not represent the same individuals.

There is a small increase in the number of “missing” offenders within Dumfries and Galloway and a small reduction in Ayrshire. An offender is “missing” when the whereabouts of an RSO are unknown. It could generally be concluded that an RSO is missing due to a conscious effort to avoid monitoring. Further enquiries continue to locate these individuals.

Table 2: Statistical information

This Table illustrates the number of Civil Orders applied and granted in South West Scotland CJA area in relation to RSOs.

	2009 – 2010		2010 – 2011	
The Number of	Applied for by Police	Granted by the courts	Applied for by Police	Granted by the courts
Sexual Offences Prevention Orders (SOPOs)	In Ayrshire: 4 In D&G: 1	In Ayrshire: 4 In D&G: 1	In Ayrshire: 5 In D&G: 0	In Ayrshire: 5 In D&G: 0
Risk of Sexual Harm Orders (RSHOs)	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0
SOPOS imposed by courts at time of conviction:	N/A	In Ayrshire: 0 In D&G: 0	N/A	In Ayrshire: 0 In D&G: 2

Interim SOPOs	In Ayrshire: 2 In D&G: 1	In Ayrshire: 2 In D&G: 1	In Ayrshire: 3 In D&G: 0	In Ayrshire: 3 In D&G: 0
Interim RSHOs	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0
Full RSHOs	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0
Foreign Travel Orders (FTOs)	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0
Notification Orders (NOs)	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0	In Ayrshire: 0 In D&G: 0

There has been a small increase in the number of SOPOs applied for by the police however examination of this figure does not indicate any significance to that increase. The situation will be the subject of ongoing monitoring.

Table 3: Statistical Information (RSOs)

Statistical Information required for the reporting period 1st April 2009 to 31st March 2010 and 1st April 2010 to 31st March 2011.

	2009 – 2010		2010 - 2011	
REGISTERED SEX OFFENDERS (RSOs)	NUMBER OF OFFENDERS		NUMBER OF OFFENDERS	
a) Number of RSOs managed by MAPPA Category ¹² :				
i) Level 1 – Ordinary Risk Management:	In Ayrshire:	285	In Ayrshire:	278
	In D&G:	84	In D&G:	87

¹² These statistics represent a full year. Offenders can move between levels of management depending on identified risk which can change with changing circumstances. This is a dynamic environment where effective risk assessment and information sharing is vital. Very few offenders remain at level 3 for long periods as the management of risk is usually agreed and settles to allow the person to be managed at level 2 or level 1. Level 3 are the critical few which requires the involvement of senior management due to the high risk involved, or the complexity of the situation which may require unusual resource commitment. Note: The level 1 figure includes all offenders who have been notified to the MAPPA Coordinator by the Responsible Authorities and who have not been managed at either level 2 or 3 between the periods 1st April 2009 and 31 March 2010. The level 2 figure includes those offenders who have not been managed at level 3 at any point between 1st April 2009 and 31st March 2010. Within the current reporting period 41 new notifications were received with 37 RSOs being de-registered a further 7 transferred out of the CJA.

ii) Level 2 – Local Inter-agency Risk Management:	In Ayrshire:	56	In Ayrshire:	70
	In D&G:	18	In D&G:	12
iii) Level 3 – MAPPP:	In Ayrshire:	1	In Ayrshire:	2
	In D&G:	2	In D&G:	0
b) Number of Registered Sex Offenders convicted of a further crime of sexual harm or non sexual violence:				
i) MAPPA Level 1:	In Ayrshire:	4	In Ayrshire:	4
	In D&G:	1	In D&G:	0
ii) MAPPA Level 2:	In Ayrshire:	4	In Ayrshire:	1
	In D&G:	0	In D&G:	0
iii) MAPPP Level 3:	In Ayrshire:	0	In Ayrshire:	0
	In D&G:	0	In D&G:	0
c) Number of RSOs returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of further serious sexual or violent offence):	In Ayrshire:	23	In Ayrshire:	18
	In D&G:	3	In D&G:	2
d) Number of RSOs returned to custody for a breach of SOPO:	In Ayrshire:	4	In Ayrshire:	5
	In D&G:	0	In D&G:	0

e) Number of RSOs returned to custody for a breach of FTO:	In Ayrshire:	0	In Ayrshire:	0
	In D&G:	0	In D&G:	0
f) Number of RSOs returned to custody for a breach of RSHO:	In Ayrshire:	0	In Ayrshire:	0
	In D&G:	0	In D&G:	0
g) Breached their statutory conditions but were not returned to custody:	In Ayrshire:	11	In Ayrshire:	7
	In D&G:	2	In D&G:	1
h) Were subject to formal disclosure:	In Ayrshire:	0	In Ayrshire:	0
	In D&G:	1	In D&G:	1

A breach of statutory conditions may consist of a range of behaviours, i.e. not attending appointments with the supervising officer or non-sexual offending. In recognising the variety of behaviours, the response to breach can differ, ranging from a formal warning through to recall, or revocation of an Order and imposition of a custodial sentence.

The number of RSOs subject to Level 2 management shows some increase. This could be explained by further offences being committed, although there will be a small number of historical offences within any one year. The increase of itself would not necessarily indicate the number of convictions as, in any one year there will be those whose registration period has expired. It should be noted that offenders can move within levels of management in recognition that risk can increase and decrease.

The number of offenders we managed at Level 2 shows an increase. Given the flexibility built into MAPPA processes this could be explained by our supervising officers being increasingly alert to factors indicating escalating risk and submitting Level 2 referrals. The individuals concerned need not remain at Level 2 for a significant period as the referral could be generated at a crisis point which resolves and the individual is quickly reduced to Level 1. Care has to be taken that there is not a trend towards 'defensive' as opposed to 'defensible' decision making maintaining individuals at Level 2 longer than is required to manage risk effectively. We will be evaluating the apparent rise in these figures.

The range of offences committed by RSOs who have been convicted of a crime of sexual or non-sexual violence can be very wide. This figure does not indicate that all who have been re-convicted committed a sexual offence. Within any group of offenders there is recidivism and research indicates that the rates of sexual recidivism are notably less than general offending.

There has been a decrease in the numbers of RSOs returned to custody for a breach of statutory conditions. A further offence is an automatic breach of any supervision order. Not all of these breaches are necessarily a further sexual or non-sexual offence. An individual can be considered in breach for non attendance at appointments with the supervising officer.

There is no notable change in the number of offenders returned to custody for a breach of SOPO.

Disclosure is discussed at all our MAPPA meetings. We consider the best interests of the public balanced against the best interest of the offender. Where it is felt necessary to protect the public, disclosures can be made to relevant people. Generally we undertake these using existing powers, i.e. Child Protection procedures rather than formal disclosure by the Chief Constable. The figures refer only to formal disclosure.

Table 4: Statistical Information

Statistical Information required for the reporting period: Restricted Patients

2009-2010		2010 - 2011	
RESTRICTED PATIENTS (RPs):	NUMBER	RESTRICTED PATIENTS (RPs):	NUMBER
a) Number of RP'S:		a) Number of RP'S:	
i) Living in your area on 31 st March 10:	In Ayrshire: 7 In D&G: 3	i) Living in your area on 31 st March 11:	In Ayrshire: 19 In D&G: 4
ii) During the reporting year:	In Ayrshire: 8 In D&G: 5	ii) During the reporting year:	In Ayrshire: 19 In D&G: 4
b) Number of RP's per order:		b) Number of RP's per order:	
i) Compulsion Order and Restriction Order (CORO):	In Ayrshire: 7 In D&G: 3	i) Compulsion Order and Restriction Order (CORO):	In Ayrshire: 17 In D&G: 3
ii) Hospital Direction (HD):	In Ayrshire: 0 In D&G: 0	ii) Hospital Direction (HD):	In Ayrshire: 0 In D&G: 0
iii) Transfer for Treatment Direction (TTD):	In Ayrshire: 0 In D&G: 0	iii) Transfer for Treatment Direction (TTD):	In Ayrshire: 2 In D&G: 0

c) Number within hospital / community:		c) Number within hospital / community:	
i) State Hospital:	In Ayrshire: 8 In D&G: 0	i) State Hospital:	In Ayrshire: 8 In D&G: 0
ii) Other hospital no suspension of detention (SUS):	In Ayrshire: 1 In D&G: 1	ii) Other hospital no suspension of detention (SUS):	In Ayrshire: 8 In D&G: 1
iii) Other hospital with unescorted SUS:	In Ayrshire: 0 In D&G: 1	iii) Other hospital with unescorted SUS:	In Ayrshire: 1 In D&G: 2
iv) Community (Conditional Discharge):	In Ayrshire: 1 In D&G: 1	iv) Community (Conditional Discharge):	In Ayrshire: 2 In D&G: 1
d) Number managed by category:		d) Number managed by category:	
Level 1 – ordinary risk management:	In Ayrshire: 12 In D&G: 3	Level 1 – ordinary risk management:	In Ayrshire: 15 In D&G: 4
Level 2 – through inter agency risk:	In Ayrshire: 5 In D&G: 0	Level 2 – through inter agency risk:	In Ayrshire: 4 In D&G: 0
Level 3 – MAPPP, (critical few):	In Ayrshire: 0 In D&G: 0	Level 3 – MAPPP, (critical few):	In Ayrshire: 0 In D&G: 0

e) Number of RPs convicted of a further crime of sexual harm or non sexual violence:		e) Number of RPs convicted of a further crime of sexual harm or non sexual violence:	
i) MAPPA Level 1:	In Ayrshire: 0 In D&G: 0	i) MAPPA Level 1:	In Ayrshire: 0 In D&G: 0
ii) MAPPA Level 2:	In Ayrshire: 0 In D&G: 0	ii) MAPPA Level 2:	In Ayrshire: 0 In D&G: 0
iii) MAPPP 3:	In Ayrshire: 0 In D&G: 0	iii) MAPPP 3:	In Ayrshire: 0 In D&G: 0
f) No of RPs on Suspension of detention:		f) No of RPs on Suspension of detention:	
i) who did not abscond or offend:	In Ayrshire: 7 In D&G: 2	i) who did not abscond or offend:	In Ayrshire: 17 In D&G: 3
ii) who absconded:	In Ayrshire: 0 In D&G: 0	ii) who absconded:	In Ayrshire: 0 In D&G: 0
iii) who absconded and then offended:	In Ayrshire: 0 In D&G: 0	iii) who absconded and then offended:	In Ayrshire: 0 In D&G: 0
iv) where absconsion resulted in withdrawal of suspension of detention:	In Ayrshire: 0 In D&G: 0	iv) where absconsion resulted in withdrawal of suspension of detention:	In Ayrshire: 0 In D&G: 0

g) No. of RPs on Conditional Discharge:		g) No. of RPs on Conditional Discharge:	
i) who did not breach conditions, not recalled or did not offend:	In Ayrshire: 1 In D&G: 0	i) who did not breach conditions, not recalled or did not offend:	In Ayrshire: 2 In D&G: 1
ii) who breached conditions (resulting in letter from the Scottish Government):	In Ayrshire: 0 In D&G: 0	ii) who breached conditions (resulting in letter from the Scottish Government):	In Ayrshire: 0 In D&G: 0
iii) recalled by Scottish Ministers due to breaching conditions:	In Ayrshire: 0 In D&G: 0	iii) recalled by Scottish Ministers due to breaching conditions:	In Ayrshire: 0 In D&G: 0
iv) recalled by Scottish Ministers for other reasons:	In Ayrshire: 0 In D&G: 1	iv) recalled by Scottish Ministers for other reasons:	In Ayrshire: 0 In D&G: 0

Table 5: Delineation of RSOs by Age

	<u>AS AT 31ST MARCH 2010</u>		<u>AS AT 31ST MARCH 2011</u>	
Age	RSO Number	RSO Percentage (%)	RSO Number	RSO Percentage (%)
Under 18	4	1.3	7	2.02
18-21	9	2.8	17	4.9
22-31	67	21.1	68	19.6
32-41	56	17.6	60	17.29
42-51	58	18.2	65	18.73
52-61	63	19.8	63	18.16
62-71	41	21.9	47	13.54
72-81	17	5.3	18	5.19
82-91	3	0.9	2	0.58

The information presented in Table 5 indicates that the majority of Registered Sex Offenders within the South West Scotland Community Justice Authority area at 31st March 2009 and 31st March 2010 are aged between 22 – 71 years. Within age categories there is a relatively even percentage spread across the age ranges 22 - 71. The peak age of general offending will be in the late teenage years to mid-twenties. One reason for this even spread amongst RSOs is that sexual offending could be more likely to persist than general offending as an individual grows older. A further explanation can be new allegations relating to historical offences. Victims of abuse, particularly children may not have the ability or confidence to disclose abuse at the time abuse was taking place and therefore do not disclose until adulthood. Thus the figures represent the current age of the offender, not the age when the offences were committed.

Table 6: Delineation of population of RSOs by Gender

	<u>AS AT 31ST MARCH 2010</u>		<u>AS AT 31ST MARCH 2011</u>	
Sex	RSO Number	RSO Percentage %	RSO Number	RSO Percentage %
Male	315	99.06	340	97.98
Female	3	0.94	7	2.02

Table 6 shows that sexual offending is overwhelmingly committed by males. There are some women who sexually offend. This may not reflect the actual rate of offending. Male victims are less likely to disclose than females due to fear of being stigmatised. Culturally there has been a reluctance to accept that females commit sexual offences. This may have result in a fear of disclosure due to concerns about not being believed, combined with the prospect of giving evidence in court. Increased public awareness of female sex offenders it may mean that increased reporting rates in relation to female perpetrators are beginning to emerge. These figures continue to be monitored.

Table 7: Delineation of RSOs by Ethnicity

Ethnic Origin	AS AT 31 ST MARCH 10		AS AT 31 ST MARCH 11	
	RSO Number	RSO %	RSO Number	RSO %
Asian or Asian British Any other Asian	0	0	0	0
Asian or Asian British Bangladeshi	0	0	0	0
Asian or Asian British Indian	0	0	1	0.29
Asian or Asian British Pakistani	0	0	0	0
Black or Black British African	0	0	0	0
Black or Black British Any Other Black Background	0	0	0	0
Black or Black British Caribbean	0	0	0	0
Chinese or Other Ethnic Group Chinese	0	0	1	0.29
Chinese or Other Ethnic Group Other	0	0	0	0
Mixed Other	0	0	1	0.29
Mixed White and Asian	0	0	0	0
Mixed White and Black African	0	0	0	0
Mixed White and Black Caribbean	0	0	0	0
Not Known	0	0	0	0
Subject Declines to define Ethnicity	0	0	0	0
Subject Does Not Understand	0	0	0	0
White British	265	83.3	288	83
White Irish	8	2.5	5	1.44
White Other	45	14.2	51	14.7

The information presented in Table 7 indicates that the majority of Registered Sex Offenders within the South West Scotland Community Justice Authority Region are White and of U.K Origin.

Table 8: Number of RSOs at liberty managed under statutory conditions and/or notification requirements

	<u>AS AT 31ST MARCH 10</u>		<u>AS AT 31ST MARCH 11</u>	
Statutory status	Number	Percentage %	Number	Percentage %
On Statutory supervision:	121	38.1	142	40.92
Subject to notification requirements only:	197	61.9	205	59.08

Table 8 provides a snapshot of numbers of offenders managed under either statutory or non statutory measures across SWS CJA, under MAPPA. The Management of Offenders Act (Scotland) 2003 provides detail regarding notification requirements.

There has been no marked shift in the percentages of RSOs managed under statutory supervision and those subject to notification requirements.

Table 9 : Delineation of RSO victims

No. RSO:	2009 – 2010		2010 - 2011	
	Number	Percentage %	Number	Percentage %
Convicted of a notifiable offence against a child under 16 years:	291	75.2	246	66.49
Convicted of a notifiable offence against a victim over 16 years:	96	24.8	124	33.51

Table 9 provides data on the number of offenders managed under MAPPA who were convicted of a notifiable offence against either a victim under sixteen years old, or against a victim aged sixteen or over. This also illustrates the percentage of those offenders convicted of a notifiable offence against either a victim under sixteen years old, or against a victim aged sixteen or over, of the total number of all those convicted of notifiable offences. Some offenders were convicted of notifiable offences against both victims under sixteen and aged sixteen or over. Thus the combined number of both categories would be higher than the number of offences actually committed. Notably not all the offences committed were contact offences. Statistically those who commit non-contact offences offend more frequently than those committing contact offences and therefore the table above includes a significant proportion of offences against victims of non-contact offences.

9. Forward Plans

A number of developments are on the horizon for SWS CJA over the course of the next reporting year. These would include, but are not limited to, the following:

- The introduction and implementation of MAPPA Guidance Version 5
- The SOG will develop governance arrangements and a 3 year Strategic Plan
- The SOG will develop a performance monitoring framework to allow effective monitoring of the MAPP Arrangements
- The MOG will develop and carry out an agreed plan of work which is aligned to the 3 year strategic plan
- The SOG will disseminate the learning from the Significant Case Review being undertaken in South West Scotland
- The CJA MAPPA Chairs Group will continue to explore procedural and practice issues with the aim of ensuring consistency and responsiveness across South West Scotland
- Developmental work will be undertaken with MAPPA Coordinators and the Single Point of Contact for DWP
- MAPPA Coordinators will undertake a review of the Memorandum of Understanding and Information Sharing Protocol
- MAPPA Coordinators will undergo training appropriate to their role.

Roles and Responsibilities**NHS**

SWS CJA is serviced by 2 Health Boards; NHS Ayrshire and Arran and NHS Dumfries and Galloway. Both have a significant part to play within MAPPA in dealing with offenders who have health difficulties, including mental health problems. NHS is represented at both the SOG and MOG meetings. NHS Ayrshire and Arran have named representatives who attend our MAPPA meetings. Requests for further health information and/or other clinical staff to attend MAPPA meetings are arranged via these representatives or the Single Point of Contact (SPOC) on a case by case basis. As our MAPPA arrangements have become embedded in practice, NHS Dumfries and Galloway has continued to develop its contribution to the MAPPA process. The geographical and demographic differences within Dumfries and Galloway have presented challenges and the system is continually being developed within NHS Dumfries and Galloway.

Within Ayrshire and Arran Health Board senior NHS personnel are invited to all level 2 and 3 initial meetings and to all subsequent reviews. Whilst in all cases NHS assumes a 'Duty to Co-operate' status they adopt a proactive interagency approach to make sure relevant risk information is shared between agencies. We aim to ensure that offenders are able to access the same range of health care opportunities available to the wider public whilst managing any risks appropriately.

Arrangements are made to support offenders who require assessment and treatment in Primary Care, especially General Medical & Dental Practice, Mental Health Services and General Hospitals settings (this includes home health care following discharge where required). NHS Ayrshire & Arran also provides general medical services for specified offenders within a central resource, supported by police officers, to ensure those who are considered the highest risk have appropriate access to a general practitioner and primary care services. This allows us to deliver primary care services safely and effectively. Close monitoring and strategic planning identifies ways in which this can be improved.

For those individuals who are mentally disordered restricted patients, NHS assumes a Responsible Authority role. This was implemented on the 30th April 2008. The Care Programme Approach (CPA) has been adopted as the mechanism for regular review of the management of mentally disordered restricted patients. CPA is a multi-agency initiative which supports and supervises individuals in the community who are suffering from mental disorder, and who are viewed to be at risk to themselves or others.

Although not exclusively used with restricted patients the CPA provides a useful framework for assessing, planning, delivering and evaluating care delivered to those suffering from mental disorder.

Delivering healthcare to those offenders who pose the highest risk to the community is increasingly important within MAPPA. We have developed new guidance on the Care Programme Approach for Restricted Patients (CPA). The Care Programme Approach for restricted patients has been fully implemented within NHS across the CJA. The ability to meet the needs of an increasing number of offenders whose severe and enduring mental health difficulties presents a challenge for existing resources. Our arrangements support the services involved to deliver care and risk management in the most safe, effective and efficient way.

Both NHS Ayrshire and Arran and NHS Dumfries and Galloway are responsible for restricted patients and have a duty to cooperate with all other patients subject to MAPPA. As a small Health Board, there are a very limited number of patients who are restricted at any one time and our MAPPA arrangements have proven helpful together with the very specific and robust Care Programme Approach (CPA) for restricted patients.

In NHS Dumfries and Galloway examination and improvement of the CPA arrangements has been completed. The remit has also been extended to cover other patients who are not restricted but who would benefit from very formal risk management based multi disciplinary assessment which fits very well with the broader issues of MAPPA. The support of other agencies including Housing, Social Services and the Police in MAPPA arrangements for restricted patients has proven helpful and reassuring to the service and indeed to the patients subject to MAPPA.

For the much larger group of individuals subject to MAPPA in Dumfries and Galloway, who are not directly responsible to the NHS there has been a greater challenge in ensuring that the NHS is appropriately involved in Level 2 and 3 meetings regarding their needs. Overall attendance has improved and a specific system to ensure that Health is represented has been implemented during the last 6 months. The system previously relied upon the Mental Health Service within NHS Dumfries and Galloway to identify someone to attend these meetings. This was not always appropriate where there were no Mental Health issues attached to the offender. Where there is a history of Mental Health problems the identification of someone from Mental Health is now relatively straight forward with the new system allowing for an appropriate Locality Manager to attend the Level 2 or 3 meetings and make sure that appropriate communications take place with Primary Care and other relative agencies within Health.

The Scottish Prison Service/SERCO Ltd

The Scottish Prison Service (SPS) is the Responsible Authority for registered sex offenders while they are in custody and works in collaboration with the private sector provider, SERCO Ltd. For all prisoners subject to MAPPA, the SPS, SERCO Ltd and Criminal Justice Social Work (CJSW) carry out risk and needs assessments to assist in determining the most appropriate method of managing the prisoner during sentence and in preparation for pre-release planning and eventual release. SPS, CJSW and SERCO Ltd also work in conjunction with the community based (CJSW) supervising officer during sentence and in preparation for release. This work is carried out under the Integrated Case Management process.

The Police

The Police, like CJSW, are responsible for investigating and reporting criminal offences. They provide the lead in our management of offenders in the community. The complexity of the methods used by some offenders means this can be particularly challenging. Often the Police must use innovative practices and procedures. Public protection remains the key priority. Under the auspices of the Chief Constable, the Police deal with matters of Disclosure in addition to their management of offender duties when the rights of the offender are balanced against the risk posed to the public. This is based on a test of proportionality and necessity. As a critical area of activity this is undertaken by the Force Public Protection Unit which has established a particular expertise in this arena. The Police are also responsible for the application process in respect of Sexual Offences Prevention Orders. These can be a particularly valuable tool in the management of offenders and in support of risk management plans. Police also provide MAPPA chairs for MAPPA meetings and share responsibility for chairing our strategic meetings i.e. MOG and SOG.

Additional Police responsibilities include maintaining ViSOR records of people subject to the notification requirements of the Sexual Offences Act 2003¹³; undertaking enquiries where they fail to comply with the requirements placed upon them; and updating ViSOR regarding unregistered sex offenders whose current behaviour is of concern. Risk assessment is a continual process and it is commonplace for this to be undertaken jointly by police and Local Authority Social Work Services.

¹³ <http://www.legislation.gov.uk/ukpga/2003/42/contents>

The Police are one of the Responsible Authorities within MAPPA. We have a significant role in assessing and managing the risk presented by sex offenders in the community; and a responsibility to develop, with our partner agencies, risk management plans to monitor and manage sex offenders. Where an offender in the community is subject to no other form of statutory supervision, then we assume the role of lead responsible authority for that offender. This includes sharing the responsibility for assessing all Registered Sex Offenders within the community. The assessment is carried out by officers working within the Offender Management Unit who have been trained in the use of specialised risk assessment tools. We also play a role in MAPPA meetings for restricted patients in conjunction with NHS staff, particularly with regard to the assessment and ratification of risk management plans developed from the Care Programme Approach plans of restricted patients.

Victim Support

Victim Support Scotland is a statutory partner in the South West Scotland Community Justice Authority. We have a role in various activities undertaken by the Community Justice Authority. By definition, our role is to provide practical and emotional support to victims of crime, their families and any person who witnesses crime.

In relation to the MAPPA process Victim Support, when requested, can be represented on the MAPPA Oversight Group to advise members of the group on the general effects of its decision making on the victims of offenders being released; housing issues, safety concerns, publicity, community issues etc. Where appropriate, we can provide advice on specific cases and ongoing support to victims and their families.

Local Authorities

Criminal Justice Social Work

Local Authorities provide a range of social work and social care services, including the provision of criminal justice services, child protection and adult protection.

Our core criminal justice social work responsibilities are¹⁴: the provision of reports to the Court and Parole Board; supervision of court orders and post-custodial licences. The Criminal Justice and Licensing (Scotland) Act 2010¹⁵ introduced a variety of measures including Community Payback Orders for offences committed on or after 1st February 2011.

Public protection and the risk management of registered sex offenders is a core responsibility of criminal justice social work services. The primary aims and objectives are those of restriction, rehabilitation reparation and reintegration¹⁶. Criminal Justice Social Work services (CJSW) are responsible for the risk assessment and management of all registered sex offenders subject to court orders and post sentence supervision. This includes updating ViSOR (Violent and Sex Offender Register) system.

The Irving Report¹⁷ recommended that when the risk assessment was undertaken on a registered sex offender this should be done jointly between police and criminal justice social work; information should be shared regarding any change to the risk assessment and at the end of supervision another risk assessment should be undertaken. Such interagency information sharing is central to the effective working of MAPPA. Any action plan includes a risk management plan to reduce the risk of re-offending or serious harm to the public. We base our risk assessment on a number of tools which identify risk of reoffending and risk of harm. You can find further information on the risk assessment tools used by all agencies on the Risk Management Authority website¹⁸.

If a sex offender is subject to statutory supervision in the community by local authority criminal justice social work and is also subject to sex offender registration requirements, the responsibility for the case is shared between both the police and local authority social work services who must put in place appropriate and robust liaison arrangements for risk assessment and management.

When criminal justice social work supervision ends and registration requirements continue, the police become responsible but the offender will continue to be managed within MAPPA for the duration of registration. Local authorities provide services to adult offenders and young people who offend or who are at risk of offending. This covers anyone up to the age of 16 who is offending,

¹⁴ <http://www.scotland.gov.uk/Publications/2010/03/05091627/0>

¹⁵ <http://www.legislation.gov.uk/asp/2010/13/contents/enacted>

¹⁶ <http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/offender/community/16910/Standards/Guidance>

¹⁷ <http://www.scotland.gov.uk/Publications/2005/10/19111606/16070>

¹⁸ http://www.rmascotland.gov.uk/index.php/download_file/view/169/

including registered sex offenders, and may cover those between 16 and 18. It may be that Social Work Services for young people, rather than the Adult Criminal Justice Social Work, supervises young people subject to community supervision.

Child Protection

In addition to the services to adult and young offenders, local authorities and their partners have a duty to promote the well being of children and to identify and respond to abusive or adverse situations. During 2010 new Guidance in relation to child protection was introduced in Scotland. You can view this on the Scottish Government website¹⁹. Every local authority provides guidance on how its staff work with child protection. Senior personnel from Children and Families Social Work Services attend MAPPA meetings and share information with other agencies where there are concerns about children and young people who may be considered to be actual or potential victims, either directly or indirectly. This information contributes to the development of comprehensive risk management plans to ensure victim safety.

Adult Support and Protection

The Adult Support and Protection (Scotland) Act 2007²⁰ came into force on the 29th October 2008. The Act introduces new measures to support and protect adults who are seen to be at risk of harm, whether this is physical or psychological harm, neglect, sexual abuse or financial exploitation. This Act places a duty on Councils to investigate whether or not further action is required to stop or prevent harm occurring. It also introduced a requirement for specific public bodies to co-operate with local authorities and each other about adult protection investigations.

It is important to note that while a victim of a registered sex offender might be classified as a vulnerable adult, it is possible that registered sex offenders can also be classified as vulnerable adults.

¹⁹ <http://www.scotland.gov.uk/Publications/2010/12/09134441/0>

²⁰ <http://www.legislation.gov.uk/asp/2007/10/contents>

Community Sex Offender Groupwork Programme

The Community Sex Offender Groupwork Programme is a programme undertaken by convicted sex offenders in the community and can take over two years for an offender to fully complete. The programme is usually completed whilst the offender is subject to supervision by the local authority and police. It consists of a number of modules which address factors related to sexual offending.

Our Programme Delivery Team (PDT) delivers the Community Sex Offender Groupwork Programme (C-SOGP) across the South West Scotland area. Potential group work participants are assessed using nationally approved risk assessment tools and psychometric tests to identify risk, suitability and treatment needs. If suitable they are then required to commence a programme of work with their Case Manager and also undertake the Induction Module of the programme.

Throughout the programme the Stable and Acute 2007 assessment tool²¹ is used by our Case Manager to monitor potential changes, which may impact on the risk management plan which is then amended to reflect these changes.

The Programme Delivery Team provides advice to Social Enquiry Report authors on assessment and programme criteria in relation to potential participants and contributes to the development of risk management plans through regular feedback to Case Managers.

The Community Sex Offender Groupwork Programme has been delivered in Scotland since 2002 and is currently subject to review by the Scottish Government. Recent research and developments in practice are being explored to ensure that the programme continues to meet demanding accreditation standards²². There is no clear indication when this task will be complete. Delivery of the full programme can last over two years so this is a considerable undertaking. Our staff within South West Scotland Community Justice Authority are actively contributing to the development of the programme.

Ensuring that Criminal Justice Social Work staff are equipped with the skills necessary for a complex and challenging role has continued, with staff receiving training as Facilitators for the CSOGP.

²¹ http://www.rmascotland.gov.uk/index.php/download_file/view/169/

²² <http://www.scotland.gov.uk/Publications/2009/08/19124952/0>

GLOSSARY OF TERMS

Abscinded (restricted patient); absconding is defined as an occasion when a restricted patient is absent without authority.

ACPO(S): the Association of Chief Police Officers in Scotland.

ADSW: the Association of Directors of Social Work.

CPA: Care Programme Approach; a process which organises the multi-disciplinary care and treatment of patients with mental health problems. Regular review meetings are held where needs are identified and plans put in place to meet these needs. Risk assessment and risk management are an integral part of this process.

CJA: Community Justice Authority

CJSW; Criminal Justice Social Work.

CSO: Community Service Order - up to 300 hours unpaid work to be conducted within a set timescale. Commission of further offence is an automatic breach of order. If this breach is established at Court the offender is remitted back to court for sentence for 'new' offence and previous offence.

CO: Compulsion Order - a disposal made by a criminal court where a person has been convicted of an offence or acquitted on account of insanity or found insane in bar of trial. The patient may be detained in hospital (which would usually be the case initially) or subject to compulsory treatment in the community. A compulsion order operates in a similar way to a CTO.

CPO: Community Payback Order

CTO: Compulsory Treatment Order - a civil order under the Mental Health (Care and Treatment) (Scotland) Act 2003 which allows for the compulsory treatment of a person with mental disorder either in hospital or the community.

CD: Conditional Discharge (restricted patient) - the Tribunal is empowered to order CD when a restricted patient no longer requires to be detained in hospital. The Tribunal may impose such conditions as it sees fit. The patient is subject to recall to hospital by Scottish Ministers in the event of any deterioration in the patient's mental disorder and/or breach of conditions.

CORO: A Compulsion Order and Restriction Order - where there is an ongoing risk of serious harm the court may make a restriction order in addition to a Compulsion Order. A patient on a CORO can only be transferred to another hospital or given periods of time outside hospital with the permission of the Scottish Ministers. Where a patient is subject to a CORO they can only be discharged to the community by a Mental Health Tribunal. Usually strict conditions will be placed on a patient on CORO in the community and the Scottish Government closely monitors the management of these patients. While a patient is on a CORO, either in hospital or conditionally discharged to the community, they are a restricted patient.

Custodial Sentence: Short Term Prisoner: custodial sentence less than 4 years imprisonment. Long Term Prisoner: custodial sentence over 4 years.

DTTO: Drug Treatment and Testing Order – A court order aimed at assisting offenders to reduce drug use and related offending. The offender must agree to treatment and submit to frequent and random drug tests, attend court for monthly reviews and be supervised by a DTTO Team.

DWP: Department of Work and Pensions

ESO: Extended Sentence Order - statutory order imposed by Court at time of sentencing to provide for an additional period of supervision on licence in the community over and above that which would normally have been the case. **EXAMPLE:** An offender sentenced to 3 years custodial term and 3 years extension period would be released after serving 18 months in prison but would be on licence for the balance of the custodial period i.e. 18 months plus a further 3 years = 4 years and six months in total on licence.

FTO: 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 Deputy or Assistant Chief Constable of the relevant Police Force. 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. This procedure will be completed in consultation with partner agencies. There are various other forms of disclosure discussed in the body of this document.

HD: Hospital Direction - a disposal which may be made by a criminal court where a mentally disordered offender is convicted on indictment (i.e. a serious offence has been committed). The patient is detained in hospital and a prison sentence is imposed which runs in parallel. If the patient no longer requires treatment in hospital then they can go to prison to serve the rest of their sentence. If they remain in hospital at the end of the prison sentence then they must be released or if they need to be detained in hospital, then an application is made for a CTO. While a patient is on a HD they are a restricted patient.

ICM: Integrated Case Management - a management structure used by the Scottish Prison Service. This approach brings together the prisoner, their family (where appropriate) and other key staff to examine the prisoner's progress through custody. The case conference will consider the actions/interventions that are necessary to help make the prisoner's stay in custody successful. The case conference will also examine the assessed risks the prisoner poses and help decide on appropriate interventions aimed at reducing those risks. This particular approach is useful in (a) keeping the prisoner at the centre of the ICM process, (b) maintaining a focus on issues which are external to the prison as well as internal, (c) the sharing of relevant information across agencies and (d) assessing and managing risk.

Life Licence: those who have received a mandatory life licence (e.g. murder); those who receive a discretionary life licence – imposed in respect of repeat offenders.

MAPPA: Multi Agency Public Protection Arrangements.

MAPPP: Multi Agency Public Protection Panel.

MHO: Mental Health Officer.

Missing: a Sex Offender should be considered as Missing in the following circumstances;

Where the current whereabouts of an offender is unknown and Police enquiries to establish their whereabouts have been unsuccessful. As a result of these actions 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.

NASSO: The National Accommodation Strategy for Sex Offenders.

Non Parole Licence: all long term prisoners, excluding life sentence prisoners, are automatically released on Non Parole Licence when they have served 2/3 of custodial sentence.

OLR: Order For Lifelong Restriction - where the High Court considers that the risk criteria are met, a Risk Assessment Order (RAO) may be made after conviction and the resultant risk assessment report will inform the Court's judgement on whether an OLR should be imposed. Further information can be found on the Risk Management Authority website.

Parole Licence: offenders serving four years or more can apply for parole when they have served half of their custodial sentence. Parole Board for Scotland consider application for early release which includes reports from community social worker, prison based social worker, Personal Officer (SPS), etc.

Probation Order: 6 months to 3 years with conditions attached, i.e. address sexually offending behaviour within the community. Commission of further offence is an automatic breach of order and if breach established at Court, the offender is remitted back to court for sentence for 'new' offence and previous offence.

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

RSO: Registered Sex Offender – This is an offender convicted of an offence specified in the Sexual Offences Act 2003 and therefore subject to the notification requirements of this act.

RLO: Restriction of Liberty Order – A court order requiring an offender to remain within their home at times specified by the court. Compliance is monitored electronically by the person wearing a ‘Personal Identification Device’ (PID) or ‘tag’.

RSHO: Risk of Sexual Harm Order - place restrictions 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.

RMO: the Responsible Medical Officer.

SCRO: Scottish Criminal Records Office.

SER: Social Enquiry Report.

Sexual/Violent Offence: these definitions are used when compiling reoffending statistics for annual reporting purposes.

This includes Crimes of Sexual Harm or Non-Sexual Crimes of violence.

Crimes of Sexual Harm: Rape & Attempted Rape (comprises rape and assault with intent to rape.) Indecent Assault, Lewd and indecent behaviour (Previously titled “Lewd and libidinous practices”) and comprises lewd and libidinous practices against children and indecent exposure. This also includes offences connected with prostitution. For the purpose of this report will also include any Scottish Offence listed within Schedule 3 of the Sexual Offences Act Part 2.

Non-Sexual Crimes of Violence: Includes murder and culpable homicide (including the statutory crime of causing death by dangerous driving or causing death by careless driving while under the influence of drink or drugs). NB an assault is classified as serious if the victim sustained an injury resulting in detention in hospital as an in-patient or any of the following injuries whether or not he was detained in hospital: fractures, internal injuries, severe concussion, loss of consciousness, lacerations requiring sutures

which may lead to impairment or disfigurement or any other injury which may lead to impairment or disfigurement. Robbery - includes offences involving intent to rob. Also includes threats and extortion and cruel and unnatural treatment of children.

SOPO: Sexual Offences Prevention Order - 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 will require the subject to register as a sexual offender and can include conditions, for example to prevent the offender loitering near schools or playgrounds. If the offender 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.

SOLO: Sex Offender Liaison Officer – usually a housing officer.

S.P.S: Scottish Prison Service.

Standard Licence Conditions: Standard Licence Conditions apply to all 'licences' whether on extended sentence, life, discretionary, parole or non parole cases. In addition to standard conditions, the Parole Board can consider additional conditions on submissions made by CJSW.

Statutory Supervision: includes Life Licence, Parole Licence, Non Parole Licence, Extended Sentence Order, Order for Lifelong Restriction, Short term Sex Offender Licence, Probation Order, and Community Service Order. All of which are defined.

SUS: Suspension of Detention (restricted patient) - a period of leave either escorted or unescorted following consent of Scottish Ministers.

TTD: Transfer for Treatment Direction. A procedure under the Mental Health (Care and Treatment) (Scotland) Act 2003 Act which allows a sentenced prisoner with a mental disorder to be transferred to a psychiatric hospital for treatment. If the patient no longer requires treatment in hospital then they can go back to prison to serve the rest of their sentence. If they remain in hospital at the end of the prison sentence then they must be released or if they need to be detained in hospital, then an application is made for a CTO. While a patient is on a TTD they are a restricted patient.

Unescorted Leave (restricted patient): a period of suspension of detention from hospital under specified conditions as part of gradual rehabilitation programme and only following MAPPA consideration and Scottish Ministers' consent.

ViSOR: Violent and Sex Offenders Register.

Wanted: An RSO should be considered as wanted in the following circumstances; 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.