



HM Prison &  
Probation Service



# MAPPA Guidance

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ASSOCIATION OF  
CHIEF POLICE OFFICERS

Probation  
Service



**Produced by the National MAPPA Team  
HM Prison and Probation Services  
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# 1. Introduction

## MAPPA: a basic guide

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

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

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

1.3 MAPPA is not a statutory body in itself but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner. Agencies at all times retain their full statutory responsibilities and obligations. They need to ensure that these are not compromised by MAPPA. In particular, no agency should feel pressured to agree to a course of action which they consider is in conflict with their statutory obligations and wider responsibility for public protection.

1.4 The MAPPA agencies must be free from discrimination and committed to equal access to services for all groups, particularly in relation to race, gender, gender identity, age, religious belief, sexuality, sexual orientation and disability. This means that all actions undertaken or recommended by the MAPPA agencies, and all policies and procedures, will be based on assessments of risks and needs. They will not draw on stereotypical assumptions about groups that will be discriminatory in outcome.

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

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

## Component bodies

### Responsible Authority

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

### Duty to co-operate agencies

1.8 Other bodies have a duty to co-operate with the Responsible Authority in this task. These duty to co-operate agencies (“DTC agencies”) will need to work with the Responsible Authority on particular aspects of an offender’s life (e.g. education, employment, housing, social care). The UK Border Agency became a DTC agency in 2011 – the first addition to the list since the scheme in the CJA 2003 was implemented.

### **Strategic Management Board**

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

### **Lay Advisers**

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

## **Process**

### **Identification and Notification**

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

### **Levels of management**

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

### **ViSOR**

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

### **Information-sharing**

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

### **Disclosure**

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

### **Risk assessment**

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

### **Risk Management Plan**

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

### **MAPPA meetings**

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

### **MAPPA document set**

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

### **Custody**

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

### **Recall**

1.21 This deals with recall to custody; the role of the Public Protection Casework Section in the Public Protection Group (“PPG”); and licence conditions.

### **Transfer of MAPPA offenders**

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

### **Approved Premises**

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

### **Critical Public Protection Cases**

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

### **MAPPA Serious Case Review**

1.25 MAPPA is designed to reduce the risk of further serious violent or sexual offending, but from time-to-time offenders do go on to commit such offences. When the most serious offences are committed, the SMB must consider commissioning a MAPPA Serious Case Review to examine whether the MAPP arrangements

were applied properly, and whether the agencies worked together to do all they reasonably could to prevent the further offending. There may be lessons for the future, or good practice to disseminate.

## **Foreign travel**

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

## **Particular groups**

### **Victims**

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

### **Children and young people**

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

### **Terrorists and domestic extremists**

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

### **Foreign national offenders**

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

### **Mentally disordered offenders**

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

### **Other police forces**

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

## **Regulation and review**

### **MAPPA Co-ordination**

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

## **Complaints**

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

## **Governance of MAPPA**

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

## **Performance monitoring and improvement**

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

## **Annual reports and statistics**

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

## **Interpretation**

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

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

## **Criminal Justice Act 2003 (summary of relevant provisions)**

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



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

This section:

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

### **Section 326: Review of arrangements**

This section:

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

### **Section 327: Section 325 – interpretation**

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

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

This section:

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

### **Section 327B: Section 327A – interpretation**

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

# 2 Responsible Authority and Lead Agency

## Responsible Authority

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

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

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

## Lead Agency

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

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

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

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

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

## **Police**

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

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

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

## **Specialist Police Forces**

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

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

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

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

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

## Probation Service

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

Probation Service responsibilities include:

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

## Prison

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

2.15 The Prison Service will:

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

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

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

## **Youth Offending Team**

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

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

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

## **Mental Health and Learning Disability Services**

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

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

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

2.20 After-care under section 117 MHA 1983 will generally be established and managed via the Care Programme Approach (CPA), which is intended to provide:

- A systematic assessment of health and social care needs.
- An agreed care plan.
- The allocation of a key worker (care co-ordinator).
- A regular review for mentally ill patients who are considered for discharge or accepted by specialist mental health services.

The after-care requirement applies in relation to both restricted and unrestricted patients. When the former are discharged, this will generally be subject to conditions and a Social Supervisor and Clinical Supervisor reporting to the Secretary of State will be appointed to monitor the patient's progress in the community (see 26.10).

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

# 3. Duty to Co-operate Agencies

## Introduction

3.1 Section 325(3) of the Criminal Justice Act 2003 (CJA 2003) requires the Responsible Authority (RA) to co-operate with the list of agencies specified in section 325(6) of the Act. They are known as Duty to Co-operate Agencies (DTC agencies).

3.2 This is a reciprocal duty; the CJA 2003 obliges DTC agencies to co-operate with the RA in establishing arrangements to assess and manage the risks presented by serious sexual, violent and terrorist offenders. This includes co-operating with other DTC agencies. DTC agencies are required to co-operate as far as they can, consistent with the exercise of their statutory functions.

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

3.4 The DTC agencies listed in s.325(6) of the CJA 2003 are as follows:

- Youth offending teams (YOT)
- Department for Work and Pensions (DWP)<sup>1</sup>
- Ministry of Defence<sup>2</sup>
- Education, social services<sup>3</sup> and health<sup>4</sup> functions of local authorities
- NHS England<sup>5</sup>
- The Health Authority
- The Clinical Commissioning Group (CCG)<sup>6</sup> or Local Health Board
- The NHS Trust
- The local housing authority
- Private registered providers of social housing<sup>7</sup> and registered social landlords providing or managing residential accommodation in which MAPPA offenders may reside
- Providers of electronic monitoring services
- UK Visas and Immigration, UK Border Force and UK Immigration Enforcement (Home Office)<sup>8</sup>

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

## What the duty to co-operate means

3.6 The principal responsibility for protecting the public from sexual and violent offenders' rests with the criminal justice agencies. However, the effectiveness of public protection often requires more than just a

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<sup>1</sup> Wording in CJA 2003 is "Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training."

<sup>2</sup> In the capacity of exercising functions in relation to war pensions.

<sup>3</sup> Originally education authority and social services authority amended by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010, Sch.2 s.53.

<sup>4</sup> Added by The Health and Social Care Act 2012, Sch.5 s.124.

<sup>5</sup> Added as the NHS Commissioning Board by The Health and Social Care Act 2012, Sch.5 s.124.

<sup>6</sup> CCG replaced Primary Care Trust by The Health and Social Care Act 2012, Sch.5 s.124.

<sup>7</sup> Private registered provider of social housing added by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010, Sch.2 s.126

<sup>8</sup> Added by Co-operation in Public Protection Arrangements (UK Border Agency) Order 2011, s.2. Wording is "the persons listed in section 48(1A)(a) to (e) of the UK Borders Act 2007 and any person acting pursuant to arrangements relating to the discharge of a function within section 48(1A) of that Act (persons exercising functions as the UK Border Agency)."

criminal justice response. Other agencies, for example those providing help with employment and training, accommodation, and health care, play an important role in helping offenders to resettle and may help to reduce re-offending. The Duty to Co-operate covers all MAPPA offenders, including those managed at Level 1, and DTC agencies must engage with MAPPA for all MAPPA offenders they are involved with. DTC agencies may also be lead agencies (see Chapter 2 Responsible Authority and Lead Agency).

3.7 MAPPA and the duty to co-operate enable different agencies to work together. MAPPA are not a legal entity but are a set of administrative arrangements. Authority rests with each of the agencies involved. Each agency will act in its own sphere and fulfil its own responsibilities but has a duty to share information and co-ordinate action with MAPPA partners. While consensus may be reached and joint action agreed, decisions and actions remain the responsibility of the agency carrying them out. Co-operation between agencies ensures that all agencies involved know what the others are doing, prevents decisions being made in ignorance of other agencies' actions and enables joint working. Without co-operation, there is a risk of collision – agencies unintentionally frustrating or compromising each other's work, sometimes with dangerous consequences.

3.8 Representatives from DTC agencies who are involved with an offender must attend MAPPA meetings. These representatives should be in a position to make an active contribution to the discussion and of sufficient seniority to allocate the appropriate level of resources (Please see Chapter 13 – MAPPA Meetings for further information). Representatives from Children's Services or Adult Safeguarding Teams might not be involved with the offender but will attend the MAPPA meeting because they are involved with a child or adult at risk. In some cases, a DTC agency will submit a written report, however this will not count as attendance for the MAPPA Key Performance Indicator statistics. For more information on attending MAPPA meetings see Chapter 13 – Multi-Agency Public Protection Meetings.

3.9 It is best practice for the Strategic Management Board (SMB) to include representation at an appropriately senior level from each of the DTC agencies in the area (see Chapter 4 – Strategic Management Board).

## The Memorandum

### **Standard: The RA and DTC agencies have a Memorandum of Understanding in place setting out how they will co-operate.**

3.10 s.325(5) of the CJA 2003 requires the RA and each DTC agency in each area to draw up a Memorandum of Understanding (MoU) setting out how they are going to co-operate to ensure effective and appropriate information-sharing. This document articulates the practical arrangements for local co-operation. Although it may reflect local variations, it should be in a standard form and should include the following:

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

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

- Notification of when offenders enter the MAPPA system.
- Invitations to meetings when cases of interest to the DTC agency are to be discussed.
- Notification of changes in the offender's status.
- Provision of an up-to-date risk assessment and other information to ensure that the offender is managed effectively.
- Provision of general advice about an agency's role and the type of services it provides (including advice about how services can be accessed).



- Co-ordination of activities in a way that complements rather than undermines other agencies.

### **Standard: Each MAPPA Area and DTC Agency identifies a SPOC**

3.12 For co-operation to work effectively, the RA and the DTC agency need to establish clear channels of communication so that they can contact each other in both routine and urgent cases. Each MAPPA area should identify a single point of contact (SPOC) for all agencies in the area. This will usually be the MAPPA Co-ordinator (see Chapter – 28 MAPPA Co-ordination). Each DTC agency should also provide a SPOC to receive information and requests from other agencies.

3.13 Although the requirement to prepare an MoU is placed on the RA and each DTC agency, it is not intended that they should work in isolation. To ensure consistency, the National MAPPA Team will prepare national MoUs with national DTC agencies (such as the Home Office) to outline their involvement in the MAPPA process. This will be circulated to the RA and DTC agencies operating at a local level to help them draw up their own MoU.

### **Information Sharing Agreements**

3.14 The SMB is expected to have in place Information Sharing Agreements (ISA) that address how information can be shared with the RA and DTC agencies, so that they are following a common set of rules and security standards as far as possible. A template ISA is available on the MAPPA website and the Data Sharing Code of Practice is available at <http://www.ico.org.uk>. For further information please see Chapter 4 – Strategic Management Board and Chapter 9 – Information Sharing.

### **The Duty to Co-operate Agencies**

**Standard – DTC agencies manage MAPPA offenders in line with their own policies and procedures and co-operate with MAPPA to the extent allowed by their statutory powers.**

3.15 The following agencies have a DTC with MAPPA and may have a role to play in protecting the community from the risks presented by individual MAPPA offenders. This chapter provides a brief overview of what the agency does and how it works with MAPPA offenders. See the appropriate chapter (where applicable) for more detailed guidance on how these agencies engage with MAPPA and fulfil their DTC.

#### **1. Youth Offending Teams (YOT)**

3.16 YOTs are part of the local authority and help young people stay away from crime. YOTs differ from most other DTC agencies in that they have direct supervisory responsibility for all young offenders who are in the community and subject to the sentence of the court, e.g. during the community element of a Detention and Training Order. YOTs are the lead agency for these offenders (see Chapter 3 – Responsible Authority and Lead Agency). YOTs also have a duty to co-operate with MAPPA when they are not the lead agency. This may include occasions when an offender was previously managed by a YOT or when a co-defendant, victim or family member is managed by a YOT. See Chapter 23 – Children for more details.

#### **2. Department for Work and Pensions**

3.17 The (DWP) is a ministerial department with responsibility for welfare, pensions and child maintenance policy. It has three primary functions in relation to managing MAPPA offenders:

- To support offenders into employment or to access suitable training to reduce their risk of reoffending and protect the public.

- To ensure any restrictions on the types of employment and training available to some offenders are taken into account when considering employment and training options.
- To ensure that benefits, such as Universal Credit, are paid.

3.18 This will give offenders the help and support they need to find and retain employment, help them lead law abiding lives, give them the opportunity to contribute positively to their local community and prevent them from accessing unsuitable employment and training that could put the public at risk of serious harm. See Chapter 21 – Accommodation and Employment for more information.

### **3. Ministry of Defence**

3.19 The Ministry of Defence (MoD) is a ministerial department with responsibility for armed forces personnel. They will be involved in the management of MAPPA offenders sentenced to service detention at the Military Corrective Training Centre (MCTC) and those who remain in the armed forces following conviction. The MoD will disclose information regarding MAPPA offenders at key points in their sentence and on release, including their behaviour in custody, any engagement in intervention programmes and employment or education related activities, and contact made with others, either in custody or the community. See Chapter 15 – Armed Forces for more information.

## **4. Education, social care and health functions of Local Authorities**

### **Schools and colleges**

3.20 Schools and colleges provide a helpful contribution to MAPPA.

- They provide pupils with programmes of child protection awareness training. This training can be reinforced at times when there is a particular local risk.
- Their staff are well-placed to be alert and aware of local activities that could provide a threat to pupils.
- In particular situations, and with the authorisation of the police, they are able to warn individuals or groups of pupils, or staff, about possible dangers.
- They can provide a safe environment during the daytime for children and young people.
- They are often the first port of call for parents who want to voice their concerns about worrying activities in the area.

3.21 Every school and college should have a designated senior member of the leadership team to take lead responsibility for dealing with child safeguarding issues. The role and duties of the Designated Safeguarding Lead (DSL) are set out in Department for Education Statutory Guidance: Keeping Children Safe in Education (KCSIE)<sup>9</sup>.

3.22 Please note that independent schools, academies and free schools are not subject to the DTC. However, all schools are obliged to work with other agencies to safeguard children and keep children safe in education. These obligations are set out in DfE Statutory Guidance KCSIE and Working Together to Safeguard Children (WT)<sup>10</sup>. Disclosures to non-DTC agencies are covered in Chapter 10 – Disclosure.

3.23 The Data Protection Act 2018 and General Data Protection Regulation (GDPR) do not prevent, or limit, the sharing of information by schools and colleges for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect

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<sup>9</sup> <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>.

<sup>10</sup> <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

the safety, of children. Early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. Further guidance about data sharing can be found in KCSIE and WT.

## Children's services

3.24 Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. The relevant part of the local authority may be known as Children's Services, Social Services, Children and Families Services, or another variation of these titles. In some local authorities, social services for children and adults are combined within one department. See Chapter 23 – Children for further details.

- They have a number of statutory functions under the 1989 and 2004 Children Acts, which include specific duties in relation to children in need and children suffering, or likely to suffer, significant harm, regardless of where they are found (Ss.17 and 47 of the Children Act 1989).
- Along with the police and health service, they are one of the three safeguarding partners responsible for the arrangements through which local agencies safeguard and promote the welfare of children (s. 16 of the Children and Social Work Act 2017). Other MAPPA agencies are expected to cooperate fully with arrangements specified by the safeguarding partners where regulations specify them as relevant agencies.
- They are the 'corporate parent' of looked after children. The corporate parenting principles, to which local authorities are expected to adhere, are set out in s.1 of the Children and Social Work Act 2017, including: acting in the best interests of and promoting the wellbeing of children and young people; and preparing them for adulthood and independent living.
- Local authorities retain responsibilities towards care leavers (former looked after children) until they are 25 and should offer services to support them in adulthood to support independent living. These can include services relating to health and well-being; relationships; education and training; employment; accommodation; and participation in society (see Chapter 23 – Children).
- In Wales, the Social Services and Well-being (Wales) Act 2014 places a duty on named agencies to inform a local authority if they suspect a child with care and support needs is experiencing or is at risk of experiencing abuse, neglect or other forms of harm.

3.25 Other statutory and practice guidance in relation to safeguarding and child protection includes:

- The *Working Together to Safeguard Children* statutory guidance, sets out how local services should work together to safeguard children, including identifying children in need, and children at risk of abuse or neglect, and assessing their needs.
- The *What to do if you're worried a child is being abused*<sup>11</sup> practice guidance helps practitioners identify the signs of child abuse and neglect and understand what action to take.
- *Information sharing advice for safeguarding practitioners* helps practitioners and their managers decide when and how to share personal information for the purposes of safeguarding children legally and professionally.

## Adult Social Care

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<sup>11</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419604/What\\_to\\_do\\_if\\_you\\_re\\_worried\\_a\\_child\\_is\\_being\\_abused.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)

3.26 The Care Act 2014 sets out the statutory framework for the provision of adult social care and for adult safeguarding in England, including the establishment of Safeguarding Adult Boards (SAB) in each local authority in England. It places a reciprocal duty on local authorities and relevant partners, including some MAPPA agencies, to co-operate with each other in respect of their relevant care and support functions. The aims of co-operation are to:

- promote the well-being of adults needing care and support, and of their carers;
- improve the quality of care and support for adults and support for carers;
- smooth the transition from children to adult services;
- protect adults with needs for care and support who are experiencing, or are at risk of, abuse or neglect; and
- identify lessons to be learned from cases where adults with needs for care and support have experienced serious abuse or neglect and apply those lessons to future cases.

3.27 The Social Services and Well-being (Wales) Act 2014 provides a legal framework for improving the well-being of people with care and support needs, and carers who need support in Wales. It encourages a renewed focus on early intervention and prevention and strengthens powers for the safeguarding of adults and children. It also requires the lead partner to establish a Safeguarding Board (SB) for its area.

## **Public Health**

3.28 Local authorities are responsible for improving the health of their local population and for public health services, including most sexual health services and services aimed at reducing drug and alcohol misuse. Their statutory responsibilities are set out in the Health and Social Care Act 2012 and key indicators for local authorities to work towards are set out in the Public Health Outcomes Framework. Local authorities commission public health services and social care from providers and will hold them to account.

## **5 NHS England**

3.29 NHS England was created by the Health and Social Care Act 2012 and is referred to in legislation as the National Health Service Commissioning Board. Its functions include:

- Setting the priorities and direction of the National Health Service (NHS) in England.
- Commissioning some primary care services in England, such as GPs, pharmacists and dentists as well as some specialised hospital services.
- Supporting CCGs in commissioning other local health care services.

3.30 NHS England has a responsibility to ensure that health providers and CCGs co-operate with MAPPA and to monitor their compliance against statutory requirements; one of which is safeguarding. NHS England does not have contact with individual patients but does hold medical records for individuals who are not registered with a GP. NHS England may also raise awareness of MAPPA among healthcare professionals.

## **6. The Health Authority**

3.31 A special health authority is a type of NHS Trust that operates nationally. They are NHS Blood and Transplant, NHS Business Services Authority, NHS Litigation Authority and NHS Counter Fraud Authority.

## **7. The Clinical Commissioning Group or Local Health Board**

3.32 CCGs commission most of the hospital and community NHS services in England in the local areas for which they are responsible. Commissioning involves deciding what services are needed and ensuring that they are provided by planning, contracting and paying for them. CCGs are assured by NHS England, which retains responsibility for commissioning some primary care services and some specialised hospital services,

like radiotherapy for cancer. The commissioning of some primary care has been delegated by NHS England to some CCGs.

3.33 Local Health Boards operate in Wales and are responsible for planning, funding and delivering primary care services, inpatient and outpatient hospital services and community services, including those provided through community health centres and mental health services.

3.34 CCGs and Local Health Boards should be represented on the SMB and involved in drafting the MoU. They can raise awareness among GPs and other health services they commission about MAPPA and how it relates to their safeguarding responsibilities. They will also hold providers to account for their contractual responsibilities (see 3.49-3.50 for more information about GPs).

## **8. The NHS Trust**

3.35 An NHS Trust provides healthcare services in England in either a geographical area or a specialised function. There are several types of NHS Trusts, including Hospital Trusts (which provide secondary care services), Mental Health Trusts, Ambulance Services Trusts and Community Health Trusts. There may be several Trusts involved in different aspects of healthcare in any geographical area. Accident & Emergency departments are often amongst the first to witness the effects of crime and it is important that the Chief Executives of all Trusts are engaged in drafting the MoU.

### **Mental Health Trust**

3.36 Mental Health Trusts provide health and social care services for people with mental health disorders and learning disabilities in England. They are commissioned and funded by CCGs. Mental Health Trusts may or may not provide inpatient psychiatric hospital services themselves (they may form part of a general hospital run by an NHS Hospital Trust). Various Trusts work together and with local authorities and voluntary organisations to provide care.

### **Standard: Mental Health Trusts identify all MAPPA patients and inform the MAPPA Co-ordinator of them.**

3.37 Mental Health Trusts have a statutory responsibility to provide after-care in relation to certain MAPPA offenders and can be the lead agency (see Chapter 2 – Responsible Authority and Lead Agencies for more details). It is essential that Mental Health Trusts identify all patients who fall within MAPPA (both those in hospital and those in the community) and inform the MAPPA Co-ordinator of them via the MAPPA I. The MoU should include clear standing agreements about these offenders and RA contacts to help Trusts in managing them.

3.38 Further information on mentally disordered offenders and MAPPA can be found in Chapter 26 – Mentally Disordered Offenders.

## **9. The Local Housing Authority**

3.39 Local housing authority (LHA) is the name given to the local authority when acting in their housing capacity. They have two functions that relate to the resettlement of offenders; the allocation of social housing and the provision of housing assistance for people who are homeless. The duty of LHAs to co-operate with the RA does not create a separate duty to accommodate offenders. For more information see Chapter 21 – Accommodation and Employment.

## **10. Private Registered Providers of Social Housing/Registered Social Landlords**

3.40 Private Registered Provider of Social Housing (Registered Social Landlord in Wales) is the statutory name for social landlords who are registered with the Regulator of Social Housing. The majority of private registered providers are housing associations, who do not trade for profit, but there are also for-profit private registered providers. In housing associations, any surplus is reinvested back into the organisation to maintain existing homes and to help finance new ones. Housing associations are the main providers of new social housing.

3.41 Not all Private Registered Providers of Social Housing provide accommodation for MAPPA offenders. It is likely that, as providers of accommodation, the duty to co-operate will only engage when they are considering accommodating a MAPPA offender. However, the precise nature of the duty is determined by Private Registered Providers of Social Housing with the RA in each area and should be reflected in an information-sharing protocol. For more information see Chapter 21 – Accommodation and Employment.

## **11. Electronic Monitoring (EM) providers**

3.42 The EM Field and Service Provider delivers an electronic monitoring service to the Ministry of Justice under contract. Their duty to co-operate with the RA is intended to be synonymous with their contractual responsibilities. In practical terms this may involve the EM provider:

- Providing advice to the RA on the capability and limits of the available technology.
- Attending meetings of the SMB, as and when required, for discussions about policy and practice relating to electronic monitoring.
- Attending MAPPA meetings when the needs of a particular case require.

3.43 The EM provider deals with a variety of order types, including but not limited to prison licences, Community Orders, Youth Rehabilitation Orders and Court Bail. The EM provider will hold data in relation to MAPPA subjects and share it with relevant agencies and others on request.

3.44 The lead agency for each offender should inform the EM provider of every MAPPA offender who is subject to EM, so that the offender's MAPPA status may be recorded on the EM provider's database. The EM provider is then authorised by the Ministry of Justice to release relevant information about the offender to the RA for MAPPA purposes as soon as it is requested.

3.45 The EM provider should be kept informed of the names of the relevant Probation Practitioner and provided with contact details for key agencies, such as the police (including out of hours), and that these are updated when necessary. The EM provider will provide up-to-date progress reports at any time when asked to do so, e.g. for MAPPA meetings.

## **12. Home Office**

3.46 The Home Office is responsible, through UK Immigration Enforcement (also referred to as Home Office Immigration Enforcement or HOIE), UK Visas and Immigration and UK Border Force for the operation of UK immigration controls, the management of applications for asylum or further stay, and enforcement. HOIE aims to protect the public by deporting foreign nationals who commit serious criminal offences (where legislation permits), and by actively monitoring foreign national prisoners who are released into the community.

3.47 As a DTC agency, the Home Office can prioritise enforcement action for the most dangerous sexual and violent offenders and improve the information flow to immigration detention centres in respect of risk

management and safeguarding - for example, avoiding the placement of certain offenders with children and vulnerable adults at the centres. See Chapter 25 – Foreign National Offenders for further information.

3.48 A MAPPA Single Point of Contact will be identified by each Home Office case management directorate and by the operational regions so that requests to exchange information between the Home Office and other MAPPA agencies are handled effectively. Contacts are listed on the MAPPA website at <https://mappa.justice.gov.uk/General/view?objectID=265796>.

## **Non-DTC Agencies**

### **Commissioned Services**

3.49 The Probation Service commissions a number of organisations to provide services in relation to accommodation, education training and employment, personal wellbeing and women's services. These providers do not have a statutory duty to co-operate but must engage with MAPPA as part of their contract. Where they offer services to MAPPA offenders Probation Practitioners may request contributions to MAPPA meetings.

### **Independent Sector Mental Health Providers**

3.50 Independent sector mental health providers can be commissioned and contracted by NHS England, CCGs or Local Health Boards to provide mental health services under the NHS. They can also provide services privately without an NHS contract. NHS contracts require these providers to engage in safeguarding. Independent mental health providers may be the lead agency (see Chapter 2 – Responsible Authority and Lead Agency).

### **General Practitioners**

3.51 GPs are medical doctors who treat acute and chronic illnesses and provide preventive care and health education to patients. GPs can work with offenders to promote health and wellbeing as part of their rehabilitation. Although they do not have a statutory duty to co-operate with MAPPA, GPs have a professional duty to maintain and develop multi-agency collaboration (see [https://www.gmc-uk.org/guidance/ethical\\_guidance/30608.asp](https://www.gmc-uk.org/guidance/ethical_guidance/30608.asp) paragraph 71, which specifically refers to MAPPA). The Care Quality Commission (CQC) ensures that GP practices deliver high quality safeguarding support, work collaboratively and adopt recommendations from serious safeguarding reviews. CCGs and local authorities have local safeguarding teams who monitor the quality of safeguarding at a practice level (or generally within services). GPs are often amongst the first to witness escalating risk and the effects of crime. The offender's medical record may hold important information about the victim, children and/or perpetrator that is relevant to the risk identification and safety planning process. This may include details about their mental health, substance use, clinical history or, in the case of a child, their development. It may also include any disclosures made to GPs about abuse experienced or perpetrated. Consideration should be given to disclosing information to GPs in order to protect staff and other patients (including offenders' partners and children).

# 4 Strategic Management Board

## Introduction

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

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

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

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

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

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

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

## **Effective operation of the SMB**

4.5 To be effective the SMB must:

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



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

## Membership of the SMB

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

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

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

- **Education Services** - the SMB will agree who in education services can represent local education provision.
- **Youth Offending Team** – senior representation at a strategic level. Where there is more than one Youth Offending Team (YOT) operating in an area, the SMB will agree the representation arrangements with the YOT managers to ensure that information is disseminated across the teams.
- **Employment Services** – senior representation from Jobcentre Plus.
- **Electronic Monitoring Providers** - the SMB will need to agree with local representatives how they will participate in the work of the SMB.
- **Home Office Immigration Enforcement (HOIE)** - here too, the SMB will need to agree how HOIE representatives will participate in the work of the SMB.

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

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

## **The SMB and other agencies**

4.10 The Responsible Authority will make arrangements to involve others in the work of the SMB as needed. This may involve co-option (or possibly full membership) where there is a significant and sustained engagement with MAPPAs. But mostly it will be sufficient for the Responsible Authority to ensure that there is effective dialogue and that the agency is aware of MAPPAs and local public protection issues. Those with a relevant interest may include:

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

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

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

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

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

## **SMB Meetings**

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

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

## **Other SMB matters**

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

4.14 See chapter 31 on Performance monitoring.

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

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

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

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

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

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

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

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

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

# 5. Lay Advisers

## Introduction

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

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

## Role of Lay Advisers

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

#### Time Commitment

5.2 A Lay Adviser will:

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

#### Attendance at Meetings

5.3 A Lay Adviser will:

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

5.4 A Lay Adviser will **not**:

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

#### Knowledge

5.5 A Lay Adviser will:

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

## Tasks

5.6 A Lay Adviser will:

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

5.7 A Lay Adviser will **not**:

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

## Confidentiality

5.8 A Lay Adviser will **not**:

- Disclose any information given to them in confidence as members of the SMB, or any other information acquired by them in that role that they believe to be of a confidential nature, without the consent of a person authorised to give it or unless required to do so by law.
- Disclose any information that they receive during the course of being a visitor to any criminal justice premises or at meetings, such as level 2 and 3 MAPPA meetings.

## Equality

5.9 A Lay Adviser will:

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

## Person Specification

5.10 A Lay Adviser must:

- Be able to understand complex information in written and numerical form, although they do not need any formal qualifications.
- Be interested in community and social issues, preferably with a history of involvement in them.
- Be able to make decisions based on and supported by the available information.
- Demonstrate a capacity for emotional resilience, retaining sensitivity whilst dealing with tragic or painful human situations.
- Understand the needs and feelings of both victims and offenders.
- Be able to work effectively with people in groups and informal meetings.
- Have an awareness of, and commitment to, equality and diversity.
- Be able to challenge constructively the views and assumptions of senior professionals.
- Be able to maintain confidentiality appropriate to the circumstances and local protocols.

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

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

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

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

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

- Anyone who is not resident within the RA area. In exceptional circumstances they may, at the discretion of the RA, live just outside the area, but they must still be able to demonstrate strong and sustained connections with the communities within the area.
- Lay Advisers who have served two terms in any area (by this time they may no longer be sufficiently independent).
- Anyone else whose paid employment specifically involves working with offenders who fall within the remit of MAPPAs. A similar exclusion may apply to voluntary work where the primary focus is with MAPPAs offenders.
- Anyone whose personal or family circumstances may give rise to a conflict of interest with the duties and responsibilities of the MAPPAs role.
- Anyone who has been convicted of, or cautioned for, a relevant sexual or violent offence<sup>12</sup>. Other previous convictions will not automatically bar someone from becoming a Lay Adviser, but individual

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<sup>12</sup> As defined by Section 327 of the Criminal Justice Act 2003.

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

## Recruitment of Lay Advisers

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

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

## Governance Code on Public Appointments

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

- The Minister is responsible for the appointment of Lay Advisers. (See 3.1 and 5.5 of the Code.) However, exemptions to the Code mean that it is not necessary to consult the Minister before commencing a recruitment campaign (although the National MAPPA Team must still be informed) or inform the Minister of progress at each stage of the process. It is also not necessary to provide the Minister with a shortlist of appointable candidates and panels can select a single candidate for the Minister to appoint. However, the Minister may still choose not to appoint a selected candidate.
- All public appointments should be advertised openly. Vacancies and the names of panel members must be published on the Public Appointments website via the National MAPPA Team. An exemption to the Code means it is not necessary to publish real time data on the progress of the competition. The names of successful candidates must also be published. This will be done on the MAPPA website (8.2-8.3 of the Code).
- There must be a consistent selection panel, including a Panel Chair and an independent member, to oversee the appointment process. An exemption to the Code means that the independent member can be a RA representative from another MAPPA area. All members of the panel must be competent to fulfil their role and understand the principles and requirements of the Code (5.1-5.2 of the Code).
- The selection process must be agreed with the Minister and designed with diversity in mind. The agreed process is set out in 5.19-5.25 below (5.3 and 7.4 of the Code).
- The panel must satisfy itself that all candidates can meet the standards of conduct set out in The Seven Principles of Public Life<sup>13</sup> and the Code of Conduct for Board Members of Public Bodies<sup>14</sup>. Candidates must be asked to declare potential conflicts of interest in their application and these must be discussed at interview. A potential conflict should not preclude a candidate from being appointed, provided appropriate arrangements are made to manage the conflict. Political activity

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<sup>13</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

<sup>14</sup> <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

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

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

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

## **MAPPAs Public Appointments Guidance**

5.19 In order to attract suitable candidates for selection, the SMB must consider how it reaches out to the diverse communities within its area in order to stimulate people's interest in the work of MAPPAs locally and in the role of the Lay Adviser. Areas may wish to advertise in the local press, including their local free newspaper, local radio, libraries, local authority and RA websites and the MAPPAs website. All vacancies must also be advertised on the Public Appointments website. A template for this is available on the MAPPAs website and must be sent to the National MAPPAs Team for uploading.

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

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



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

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

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

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

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

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

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

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

## **Appointment of Lay Advisers**

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

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

**Expenses**

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

**Induction, support and appraisal**

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

**Induction**

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

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

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

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

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

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

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

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

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

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

## **Support**

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

## **Appraisal**

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

## **Change of circumstances and termination of appointment**

### **Standard - The Lay Adviser informs the SMB of any change of circumstances that may affect their suitability for the role**

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

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

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

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

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

# 6. Identification and Notification of MAPPA Offenders

## Introduction

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

### **Standard - Every MAPPA offender is identified in one of the four MAPPA categories**

**Category 1** – Subject to sexual offender notification requirements.

**Category 2** - Violent offender or other sexual offender.

**Category 3** - Other dangerous offender.

**Category 4** – Terrorist or terrorist risk offender.

6.2 Offenders may be sentenced for offences that fall into more than one category but for the purposes of MAPPA they will only be identified under one category at any one time. Those who meet the criteria for Category 1 or Category 4 will be identified under that Category even if they also meet the criteria for Category 2. Offenders who meet the criteria for Category 1 and Category 4 will be identified as Category 4. Offenders will only be identified under Category 3 if they do not meet the criteria for another category. This is to avoid confusion in administering the arrangements.

6.3 Offenders who cease to meet the criteria for one category can be identified under a different category if they meet the relevant criteria. For example an offender released on licence for a violent offence near the end of the notification period for a previous sexual offence would move from Category 1 to Category 2 at the expiry of their notification period. Offenders in any other category can be identified under Category 3 at the point their eligibility under Category 1, 2 or 4 ends.

### **Category 1 Offenders: Registered Sexual Offenders (RSO)**

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

6.5 A person who is

- convicted of,
- cautioned for,
- found to be under a disability and to have done the act charged, or
- found not guilty by reason of insanity for

an offence listed in Sch.3 of the SOA 2003 will become subject to the notification requirements of Part 2 of the Act. Notification requirements begin at the point of conviction unless there is a sentence threshold in sch.3. The Police will be the lead agency for those bailed prior to sentencing. A young offender subject to a Detention and Training Order (DTO) will only be subject to notification requirements if the custodial element of the DTO meets the sentence criterion set out in sch. 3. For example, if a six-month sentence is required to qualify for registration requirements a young offender will need a 12 month DTO to qualify.

6.6 National arrangements are in place to ensure that the Police are notified in advance of Category 1 offenders leaving prison or youth custody. Separate arrangements are in place for MAPPA patients who have been admitted to hospital through a criminal justice route. It is essential that the police are consulted about any release into the community throughout a patient's detention in hospital and in advance of a patient's discharge into the community or release on a Community Treatment Order (see Chapter 26 – Mentally Disordered Offenders).

## **Category 2 Offenders: Violent Offenders and Other Sexual Offenders**

6.7 This category includes offenders convicted (or found to be under a disability and to have done the act charged, or found not guilty by reason of insanity) of murder or an offence specified under Part 1 or Part 2 of Schedule 15<sup>15</sup> or Section 327 (4A) of the Criminal Justice Act 2003 (CJA 2003) who received a qualifying sentence or disposal for that offence (see paragraph 6.7) and who do not qualify for Category 1 or Category 4.

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

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

6.9 Offenders must receive a single qualifying sentence for a single qualifying offence in order to qualify for Category 2. MAPPA eligibility is therefore determined before sentences are aggregated consecutively or calculated concurrently. For example, an offender with a consecutive sentence made up of 12 months for a MAPPA eligible offence and six months for a non-MAPPA eligible offence would be eligible for Category 2. However, an offender with a consecutive sentence made up of 12 months for a non-MAPPA eligible offence and six months for a MAPPA eligible offence would not be eligible for Category 2. Furthermore, an offender with consecutive six-month sentences for two MAPPA-eligible offences would not be eligible for Category 2 (although they may be eligible for Category 3).

6.10 Most sexual offenders who meet the offence and sentence criteria for Category 2 will also be subject to notification requirements as a sexual offender and therefore listed as Category 1. However, there are a number of sexual offences listed in Sch.15 of the CJA 2003 that do not attract notification requirements. These are listed in Appendix 8. Furthermore, some sexual offences only attract sex offender notification when specified threshold criteria (such as age or sentence length) are met. When an offender is convicted of a schedule 15 sexual offence and receives a disposal listed in paragraph 6.8 above for that offence but the disposal does not reach the threshold for sex offender notification then the offender will be identified as Category 2. They would only remain a Category 2 offender for so long as the sentence for that offence is current.

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

## Category 3 Offenders: Other Dangerous Offenders

6.11 This Category contains offenders who do not meet the criteria for Categories 1, 2 or 4 but who have committed an offence indicating that they are capable of causing serious harm **and** require multi-agency management at Level 2 or 3. The offence does not have to be one specified in Sch.15 of the CJA 2003, does not have sentence requirements, and may have been committed abroad.

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

- a. the person has either:
  - a conviction for any offence (current or historic, within the UK or abroad); or
  - received a formal caution (adult or young person) or reprimand/warning (young person) for any offence; or
  - been found not guilty of any offence by reason of insanity; or
  - been found to be under a disability (unfit to stand trial) and to have done any act charged against them;

### **and**

- b. the offence for which they received the disposal in paragraph 6.12(a) above indicates that the person may be capable of causing serious harm to the public.

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

6.14 In some cases, the offence in paragraph 6.12(a) above will be of a clearly sexual or violent nature, although it need not be listed in Sch. 15 of the CJA 2003. However, in most cases, it will be appropriate to examine the circumstances surrounding the offence in order to establish whether the offender may cause serious harm. Offenders demonstrating a pattern of offending behaviour indicating serious harm (e.g. domestic abuse or gang related violence) or an escalation in risk of serious harm (e.g. deterioration in mental health or escalation in alcohol misuse) that was related to their offence but was not apparent from the charge on which the offender was actually convicted should be considered for category 3 management.

## Armed Forces

6.15 S.42 of the Armed Forces Act 2006<sup>16</sup> (Criminal Conduct) does not fall under Sch. 15 and so offenders sentenced under this section are not automatically MAPPA-eligible (although sexual offenders convicted under s.42 of the Armed Forces Act 2006 may be subject to notification requirements and therefore qualify for Category 1 (see Chapter 16 – Armed Forces). Where the lead agency deems that these offenders pose a risk of serious harm that requires active multi-agency management they should consider referral into Category 3.

## Domestic Abuse and Stalking

**Standard – All domestic abuse perpetrators not managed under Category 1, 2 or 4 are considered for Category 3 management.**

6.16 Domestic abuse can take a variety of forms and can result in a wide range of convictions, some of which are not automatically subject to MAPPA management. For example a conviction for Criminal Damage

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<sup>16</sup> <https://www.legislation.gov.uk/ukpga/2006/52/section/42>

where the offence took place within a relationship could be indicative of more serious risk. Due to the serious harm caused by domestic abuse, all domestic abuse perpetrators not automatically subject to MAPPA must be considered for referral to Category 3 management. Those convicted under s.76 of the Serious Crime Act 2015 (Controlling or Coercive Behaviour in an Intimate or Family Relationship) do not fall under Sch. 15 and so offenders sentenced under this section are not automatically MAPPA-eligible but must be considered for Category 3.

6.17 Those with convictions for stalking or who display stalking behaviours must also be considered for referral to Category 3 if they do not fall into Category 2 management. Those convicted under s.2A of the Protection from Harassment Act 1997 (Stalking) and those sentenced to less than 12 months for offences under s.4A of the Protection from Harassment Act 1997 (Stalking Involving Fear of Violence or Serious Alarm or Distress) do not fall under sch.15 and sentences for these offences may not give an appropriate indication of the true risk of serious harm.

6.18 All available information and intelligence should be assessed when considering a case for Category 3 as the conviction may not give an appropriate indication of the true risk of serious harm and a multi-agency approach could add value to the overall management of that individual and the reduction of risk to actual and potential victims. For more information see Chapter 27 – Domestic Abuse and Stalking.

### **Offenders convicted overseas**

6.19 Offenders convicted of a sexual or violent offence abroad should be considered for Category 3 (other offences may also make an offender a candidate).

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

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

### **Making a referral to Category 3**

6.22 Any agency dealing with an offender in an official capacity (including, but not limited to, Responsible Authority and Duty To Cooperate agencies) may refer a case for consideration as a Category 3 offender by submitting a MAPPA A in line with local referral procedures (see Chapter 7 – Levels of Management for further information), but it is for the MAPPA Co-ordination Unit, on behalf of the Responsible Authority, to determine whether the offender meets the criteria.

## **Category 4 Offenders: Terrorist Offenders**

6.23 A person falls within this category if

- a. they are required to comply with the notification requirements set out in Part 4 of the Counter-Terrorism Act 2008 (CTA 2008) (see paragraph 6.24);
- b. they have been convicted of a relevant terrorist offence and received a qualifying sentence or disposal for that offence (see paragraph 6.25);
- c. they have been found to be under a disability and to have done the act charged/found not guilty by reason of insanity (or equivalents in Scotland and Northern Ireland) of a relevant terrorist offence with a maximum sentence of more than 12 months and received a hospital order (with or without



restrictions) or guardianship order under MHA 1983 for that offence (see paragraph 6.25) (see Chapter 26 - Mentally disordered offenders); or

- d. they have committed an offence and may be at risk of involvement in terrorism-related activity (discretionary Category 4) (see paragraph 6.27).

6.24 A person will be subject to notification requirements under Part 4 CTA 2008 if they are aged 16 or over and have been convicted (or found to be under a disability and to have done the act charged or found not guilty by reason of insanity) of an offence under s.41 or s.42 CTA 2008 and who receive a qualifying sentence (see 6.27), a hospital order or a guardianship order.

6.25 A relevant terrorist offence (see 6.23b and 6.23c) is an offence listed in Sch 19ZA of CJA 2003, a corresponding service offence, or an offence with a terrorist connection. An offence with a terrorist connection is one that the court has determined has been aggravated by having a terrorist connection under s.31 CTA 2008 or the court has determined to have a terrorist connection under:

- s.69 of the Sentencing Code,
- s.238(6) of the Armed Forces Act 2006,
- s.30 of CTA 2008, or
- s.32 of CTA 2008.

6.26 A qualifying sentence (see 6.23b and 6.23c) includes:

- Imprisonment for a term of 12 months or more (including indeterminate sentences). A sentence of 52 weeks is less than 12 months and would not therefore qualify an offender for Category 4.
- Detention in youth detention accommodation for a term of 12 months or more (including indeterminate sentences). The whole term of a DTO is used to determine whether it is a qualifying sentence.
- A suspended sentence with a term of 12 months or more.

6.27 An offender has committed an offence and may be at risk of involvement in terrorism-related activity (discretionary Category 4, see 6.23d) if:

- a. the person has either:
- a conviction for any offence (current or historic, within the UK or abroad); or
  - received a formal caution (adult or young person) or reprimand/warning (young person) for any offence; or
  - been found not guilty of any offence by reason of insanity; or
  - been found to be under a disability (unfit to stand trial) and to have done any act charged against them;

**and**

- b. the Responsible Authority believes that they may be or become involved in terrorism-related activity. This risk does not have to relate to the offence for which they received the disposal in paragraph 6.23(d) above. The offence can be any offence. It does not have to be related to terrorism and may have been committed abroad (see paragraph 6.19-6.21).

6.28 Discretionary Category 4 offenders will be identified by Counter-Terrorism Police and the Probation Service National Security Division.

## **Disqualification Orders (DOs)**

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

## **MAPPA Identification and Recording**

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

6.30 The agencies required to identify MAPPA offenders are:

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

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

6.32 The purpose of identification is to ensure that:

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

### **Standard - A lead agency is identified for all MAPPA offenders**

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

## **Information management by the different agencies**

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

6.34 The Police and Probation Service must enter all relevant cases on ViSOR. MAPPA Co-ordinator's in each area must have access to ViSOR to enable them to draw appropriate management reports to calculate the number of MAPPA offenders in their community.

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

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

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

## **Termination of MAPPA offender status**

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

6.38 The legislation does not provide for an 'end' to an offender's MAPPA status. However, it is not practice to subject offenders to MAPPA indefinitely. Offenders will cease to be MAPPA managed offenders in the following circumstances:

- Category 1 - when the period of notification expires. In the most serious cases, offenders will be subject to lifetime notification requirements.
- Category 2 - when the licence expires, the offender is absolutely discharged from the hospital or guardianship order or when the Community Treatment Order expires. An offender on licence for a consecutive or concurrent sentence will remain subject to MAPPA until the whole sentence has expired. An offender does not remain automatically subject to MAPPA as a result of Post Sentence Supervision.
- Category 3 - when a Level 2 or 3 MAPPA meeting decides that the risk of harm has reduced sufficiently, or the case no longer requires active multi-agency management.
- Category 4 - for offenders subject to notification requirements, when the period of registration expires; for offenders at risk of involvement in terrorism related activity, when they no longer require multi-agency management; for other Category 4 offenders, when the licence expires, the offender is absolutely discharged from the hospital or guardianship order or when the Community Treatment Order expires. An offender on licence for a consecutive or concurrent sentence will remain subject to MAPPA until the whole sentence has expired. An offender does not remain automatically subject to MAPPA as a result of Post Sentence Supervision.

6.39 All Category 1, 2 and 4 offenders managed at Level 2 or 3 who are coming to the end of their notification requirements or period of licence must be reviewed and considered for registration as a

Category 3 or discretionary Category 4 offender. Registration as a Category 3 or discretionary Category 4 offender should only occur if they meet the criteria and continue to require active multi-agency management.

# 7 Levels of Management

## Introduction

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

7.2 The three levels of MAPPA management are:

- Level 1 – Multi-Agency Support
- Level 2 – Multi-Agency Management
- Level 3 – Enhanced Multi-Agency Management

7.3 Regular formal MAPPA meetings must be held for offenders managed at Level 2 or 3. The lead agency may arrange professionals' meetings for offenders managed at any level. The MAPPA meeting may establish a core group for any offender managed at Level 2 or 3. See Chapter 13 – MAPPA Meetings for more details of MAPPA meetings, professionals meetings and core groups.

## Level 1

7.4 Level 1 management is where the risks posed by the offender can be managed by the lead agency in co-operation with other agencies but without the need for formal multi agency meetings. Responsible Authority and Duty to Co-operate agencies have a statutory obligation to engage with MAPPA at all levels, including Level 1, and will be involved in the management of the offender as necessary. Offenders will only be managed at Level 1 where the lead agency is confident that their Risk Management Plan (RMP) is sufficiently robust to manage the identified risks, the circumstances of the case do not require the formal multi agency oversight offered by level 2 or 3 meetings and there are no barriers to the implementation of agreed multi-agency actions. See below for further information on Level 1 management.

## Level 2

7.5 Cases should be considered for Level 2 management where:

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

**and** one, or more, of the following applies:

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

## Level 3

7.6 Level 3 management is for cases that meet at least one of the following criteria:

- Meet the criteria for Level 2 and require senior representation and oversight by the Responsible Authority and Duty-to-Co-operate agencies to commit significant resources at short notice,
- Meet the criteria for Level 2 and require senior representation and oversight in order to maintain public confidence in the criminal justice system. This may be due to high levels of current national media

scrutiny or public interest in the management of the case as a result of the nature of the offence or the identity of the offender or victim,

- Have a national security dimension and require senior oversight by Counter-Terrorism Police (CTP) or the Probation Service National Security Division (NSD). Cases will be identified in line with lead agency case allocation policies relating to CTP and NSD. Discretionary Category 4 offenders, like Category 3 offenders, must be managed at Level 2 or 3,
- Involve high risk offenders involved in serious organised crime.

## Assessment

**Standard - All MAPPA cases are assessed using information from partner agencies to determine the appropriate level of management**

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

7.7 The lead agency is responsible for assessing whether MAPPA offenders should be referred to Level 2 or 3. The decision to make a referral must be informed by up to date multi-agency information gathered by the lead agency.

7.8 The SMB must ensure that lead agency assessment processes are robust, defensible and recorded. Completion of the MAPPA Q is recommended.

7.9 The lead agency will gather information from all agencies working with the offender before deciding whether to make a referral. This will include the prison if an offender is in custody (see Chapter 15 – Custody for details) and the Responsible Clinician if they are in hospital (see Chapter 26 – Mentally Disordered Offenders for details). Contact with the prison must be made using the prison functional mailbox. Any difference in professional opinion about the appropriate level should be escalated through the line management chain.

## Referrals to Levels 2 and 3

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

7.10 If the assessment determines that a referral to Level 2 or 3 is required, the lead agency must complete a MAPPA A and send it to the MAPPA Co-ordinator. **For offenders who are in custody this must take place at least six months before release (or earlier if they are subject to early allocation under OMiC, see Chapter 15 – Custody for details).** Prison/hospital information should be included in the MAPPA A where the offender is in custody or hospital.

7.11 CTP or NSD will identify Category 4 cases and refer in line with lead agency policy. The SMB remains accountable for MAPPA management of Category 4 cases.

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

7.13 While the lead agency has the principal responsibility for referral to Level 2 or 3, any RA, DTC or associate agencies may refer a case to be considered for Level 2 and 3 management. They should discuss consideration for Level 2 or 3 with the lead agency in the first instance, escalating any difference in professional opinion through the line management chain, and then discuss with the MAPPA Co-ordination

Unit. The MAPPA Co-ordination Unit, on behalf of the RA, will determine whether the offender meets the criteria.

7.14 In completing MAPPA A, the referring agency must:

- Set out the reasons for the referral.
- Describe the nature of the risk presented.
- Estimate the likelihood of re-offending.
- Estimate the risk of serious harm (when and to whom).
- Estimate the imminence of serious harm.
- Include the lead agency RMP.

7.15 The referral must include the reason for referral and demonstrate that there are specific issues that require inter-agency involvement, formal meetings, information-sharing, risk assessment, risk management or multi-agency oversight of complex cases beyond that provided by Level 1 management. Where an urgent meeting is required and the case cannot wait until the next scheduled meeting, the lead agency must contact the MAPPA Co-ordinator direct to arrange it.

7.16 The lead agency must also complete the MAPPA B, following the guidance contained in the form.

7.17 The SMB should agree a standard local referral process which;

- includes providing the referring agency with a decision as to whether the case meets the criteria for multi-agency management at Level 2 or 3 within 10 days of receipt of the MAPPA A
- gives the date for the Level 2 or 3 meeting
- explains the reasoning where the decision is that the case does not meet the criteria for Level 2 or 3 management.

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

## **Levels of Management and Risk**

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

7.20 When assessing the appropriate MAPPA Level, the lead agency and MAPPA coordination unit must consider the nature of previous offending, previous compliance with supervision and any previous recidivism, including how quickly re-offending occurred. Certain offending profiles are always likely to benefit from the assurances offered by having formal multi agency discussions and an RMP approved at Level 2 or 3 (such as high risk domestic abuse or terrorism).

7.21 When an offender is released from custody on a life or an indeterminate public protection sentence, it is because the Parole Board has assessed that their risk is manageable in the community. As with any offender who has spent a significant period of time in custody, they will need support to resettle into the community and it may be that they can be managed at Level 1. However, there are cases where the Parole Board releases an offender who requires management at MAPPA Level 2 or 3, including those with exceptional needs or complex risk factors. Particular consideration should be given to referring a case to Level 2 or 3 where

- the offender is released significantly over tariff expiry,

- release was not supported in parole reports,
- there has been a history of non-compliance with licence conditions, or
- there is high public interest and a risk of reputational damage.

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

## **Level 1 Management**

7.23 Level 1 management is used when the risks posed by the offender can be managed effectively by the lead agency with the support of other agencies. Unlike other cases in the criminal justice or mental health care system, there is a shared responsibility for managing the risk posed by MAPPA offenders and other relevant agencies have a legal Duty to Co-operate in the management of Level 1 cases. The lead agency must assess and manage the risk presented by Level 1 offenders in line with their own procedures. See Chapter 11 – Risk Assessment and Chapter 12 – Risk Management Plan for details. Equality, diversity and inclusion must be considered for Level 1 cases, as well as all other MAPPA cases, and any issues related to protected characteristics must be addressed. If any other agency working with an offender has concerns about the effectiveness of the RMP, they must discuss this with the lead agency, and escalate this through the line management chain in cases of disagreement. The lead agency must be able to satisfy themselves that they have taken all reasonable steps to gather information from other agencies, have responded appropriately to the offender's risk and that Level 1 management is appropriate.

7.24 It is essential that information-sharing takes place at all levels of MAPPA management. ViSOR should be used as the primary database for information sharing between Responsible Authority agencies, however single agency systems should also be used for information sharing where appropriate. Discussions and professionals' meetings should be held between agencies as necessary and should take into account any information pertaining to escalating risks. All professionals' meetings should consider if a referral to Level 2 or 3 is necessary. Any disagreement at professionals' meetings must be escalated through the line management chain.

7.25 The lead agency must have arrangements in place to review Level 1 cases regularly to ensure they are managed at the appropriate level. They should always undertake a review when there is a change in circumstances, significant information is received from another agency or where there is an escalation in risk. They should agree defined minimum standards of review with the SMB. The lead agency must actively seek out any relevant new information (including from other agencies), such as a change in circumstances, risk information and/or escalation in risk and revise risk assessments and the RMP accordingly. It is important to re-assess all risk factors before changing a MAPPA Level. For example, certain risk factors may reduce when an offender leaves an approved premises as they have more stable accommodation. However, other risk factors may increase at the same time as they now have more independence and less support. Both need to be considered when re-assessing the MAPPA level. The outcome of the review should be clearly recorded on agency systems.

7.26 It is important that the lead agency, in discussion with others as appropriate, considers whether disclosure to a third party should take place as part of the RMP. Chapter 10 – Disclosure contains



information on the procedures and principles of disclosure. All decisions regarding disclosure must be recorded and dated.

## **Recall**

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

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

- before the 28 day Parole Board review
- 6 months before any subsequent Parole Board review (or as soon as possible if a review is undertaken with less than 6 months notice), and
- prior to any consideration for executive re-release.

7.29 When an offender subject to licence has been recalled, the frequency and timing of MAPPa meetings is subject to local discretion.

# 9. Information-sharing

## Introduction

9.1 This chapter provides guidance on information sharing between Responsible Authority (RA), Duty to Co-operate (DTC) agencies and those that the RA considers may contribute to the assessment and management of the risk presented by MAPPA offenders under MAPPA (Associates, introduced by the Police Crime Sentencing and Courts Act (PCSCA) 2022). This includes sharing information in relation to all categories (1-4) and all levels (1-3) of MAPPA offenders. Sharing information with other agencies and individuals must follow the guidance on disclosing information to third parties provided in Chapter 10 - Disclosure.

9.2 Information that is shared under MAPPA remains the responsibility of the agency that owns it and it will be for that agency to deal with any Subject Access Requests (SAR) under the Data Protection Act (DPA) 2018. See Chapter 14 - MAPPA Minutes for more information on SARs.

9.3 For further information on the sharing of information, see the Data Sharing Code of Practice issued by the Information Commissioner in 2020. It is available from the website of the Information Commissioner's Office (ICO) at <https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/data-sharing-a-code-of-practice/> and the MAPPA website. The code of practice deals with a number of important issues such as Data Sharing and the Law; Fairness and Transparency; Security; Governance; and Individuals' Rights. It is a statutory code and although it is not binding, it can be used in evidence in legal proceedings.

## Principles of information-sharing

9.4 The purpose of sharing information about individuals (data subjects) under MAPPA is to enable the relevant agencies to work together more effectively in assessing risks and considering how to manage them in order to protect the public. Agencies should share all relevant information, so that public protection is not compromised, while respecting the rights of data subjects, which may limit what can be shared. These rights are set out in Part 3 of the DPA 2018 and Article 8 of the European Convention on Human Rights. In summary, the principles derived require that information sharing is lawful, necessary and proportionate. See also Chapter 10 - Disclosure.

### Information-sharing must be lawful

9.5 Information sharing must be in accordance with the law. Sections 325(4) -(4G) of the Criminal Justice Act 2003 (CJA) expressly permit information sharing between RA, DTC and Associate agencies for the purposes of assessing and managing the risks presented by MAPPA offenders.

9.6 These agencies and individuals are considered to be competent authorities in relation to the DPA 2018 when sharing information under MAPPA, even where they would not otherwise qualify as competent authorities (see sections 325(4D) and (4E)). This means that information sharing under MAPPA is always carried out under Part 3 DPA 2018.

9.7 Section 325(4B) provides that disclosure under section 325 will not breach any obligation of confidence owed by a person disclosing information, or any other restriction on the disclosure of information.

9.8 Section 325(4C) provides that information-sharing under MAPPA must be in compliance with the DPA 2018. The sharing of information must comply with the six Data Protection Principles set out in Part 3 of the DPA 2018 (see Chapter 10 – Disclosure). Among other things these principles prohibit sensitive processing (i.e. the sharing of sensitive personal information) unless at least one of the conditions in sch.8 to the DPA is

met.<sup>17</sup> Information shared under MAPPA will usually meet the *statutory etc. purposes* and *administration of justice* conditions and may meet the *safeguarding of children and of individuals at risk* condition. The Data Protection Principles also dictate that the purpose of information sharing must be specified and the information shared must be accurate and up-to-date, stored securely, and not be retained any longer than necessary (each agency should follow its own policy on this). If concerns about the legality of information sharing are inhibiting the effective management of a case SMBs or MAPPA Co-ordinators can contact the national MAPPA team for advice.

### **Information-sharing must be necessary**

9.9 Any interference with the right to private life by a public authority (such as a criminal justice agency) must be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" (Article 8 of the European Convention on Human Rights). The sharing of information by MAPPA agencies for MAPPA purposes satisfies these conditions in so far as it is necessary to prevent disorder or crime or to administer justice.

### **Information-sharing must be proportionate**

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

## **Data Sharing Agreement**

### **Standard - Each Strategic Management Board (SMB) has a Data-Sharing Agreement between all RA and DTC agencies**

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

9.12 The ICO Code of Practice covers the issues that a DSA should cover, including what information is to be shared, with whom, and why; the quality and security of the information; the circumstances governing the length of time for which the information is retained; and what happens if the agreement is breached. An example DSA is available on the MAPPA website at <https://mappa.justice.gov.uk/connect.ti/General/view?objectId=22899781>.

9.13 The exchange of information with Associate agencies must be considered on a case-by-case basis but those that are often involved with MAPPA offenders, such as the Fire and Rescue Service or non-DTC accommodation and education providers, should be included in the DSA. The DSA should pay particular

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<sup>17</sup> Sensitive processing is defined in s.35(8) Data Protection Act 2018.

attention to ensuring the safety and security of the personal information shared. See Chapter 10 – Disclosure for more details on exchanging information with non-MAPPA agencies.

9.14 Information sharing with Associate agencies to manage an identified risk should still take place even if there is no DSA.

## **ViSOR**

9.15 ViSOR is used as the MAPPA shared database by the three constituent bodies of the responsible authority. It should be used for MAPPA eligible nominals in accordance with each agencies policies and procedures and in any case in accordance with the ViSOR Standards and security operating procedures. ViSOR Standards - General - MAPPA ([justice.gov.uk](http://justice.gov.uk)).

# Chapter 10 - Disclosure

## Introduction

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

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

## Decision to disclose

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

10.3 All MAPPA offenders must be risk assessed to identify anyone who may be at risk of serious harm from them. The Risk Management Plan (RMP) must identify how these risks will be managed. As part of this process, consideration must be given in each case to whether the disclosure of information about an offender to others should be made to protect victims, potential victims, staff, and other persons in the community. This applies to all categories and levels of MAPPA case, and consideration is a legal obligation for the RA under s.327A CJA in relation to offenders convicted of child sex offences. The overriding factor is the need to protect the public and safeguard children<sup>18</sup> and adults at risk<sup>19</sup>.

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

### **Level 1**

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

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

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<sup>18</sup> In line with s.11 and s.28 Children Act 2004.

<sup>19</sup> Adults at risk is defined in Section 42(1) of the Care Act 2014 and Section 126(1) of the Social Services and Well-being (Wales) Act 2014

## Level 2 and 3

10.7 Disclosure to a third party must be considered at all Level 2 or 3 MAPPA meetings. Any decision to disclose should be agreed by all agencies at the meeting. If disclosure is agreed it will be carried out in a timely manner by the most appropriate agency. In the unlikely event that an agreement cannot be reached, the agency that holds and owns the information will make the decision in line with its own policies (although see 10.13-10.16 for restrictions). The reasons for either disclosing or not disclosing information must be fully recorded in the MAPPA meeting minutes, along with any disagreements and concerns raised.

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

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

## Legal authority to disclose

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

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

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

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

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

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

- The Police Act 1997 Part 5 requires the police to provide criminal records certificates to potential employers.
- The Criminal Justice Act 2003 (CJA) s.327A places a duty on the RA to consider disclosing information to members of the public about the previous convictions of any child sex offender managed by the RA.
- The Children Act 2004 s.12D and 14B requires the disclosure of relevant information to Children's Trust Boards and Local Safeguarding Children Boards.

- The Domestic Violence, Crime and Victims Act 2004 Part 3 obliges probation to provide victims with information about an offender's licence conditions that relate to contact with the victim and other appropriate information.
- Common law powers to share information for the prevention and detection of crime. Common law powers are the basis for the disclosure schemes listed in 10.27.

**Fair:** For disclosure to be fair, the decision maker must show that they have considered the Human Rights Act 1998 (HRA), which provides a right to respect for private and family life, home and correspondence. Any interference with this right by a public authority (such as a criminal justice agency) must be "**necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.**" The disclosure of information under MAPPA will usually satisfy the prevention of crime criterion, as long as the disclosure is necessary and proportionate (See paragraphs 9.9-9.10).

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

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

## When to disclose

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

- there is evidence or a risk that grooming may be taking place, for example through leisure clubs, churches, employment etc;
- grooming needs to be prevented in schools and colleges. If there is a risk that grooming may be carried out by a young offender, limited and controlled disclosure may be made to school or college staff;
- there is a condition in a civil order/licence excluding an offender from a specific location or having contact with named persons;
- others may be at risk, for example in supported accommodation, where disclosure to staff and managers may be necessary and in some cases disclosure to other residents and offenders may also be necessary;
- there is a need to protect past victims;
- there is a need to protect potential victims, in particular where offenders strike up new relationships with partners who have children or grandchildren. In some cases, this may include friends or neighbours who have children;
- the public may be at risk through the offender's employment, training or education;

- a person may be in a position to actively assist in the risk management of an offender by being briefed about risk factors and scenarios;
- the offender attends a place of worship where children and/or adults at risk are present; or
- the offender attends an event or venue.

## **Risk assessment**

10.12 The likelihood and degree of harm that might arise as a result of the disclosure, including the potential impact on the offender, must be assessed. Information should be disclosed only where this is a necessary and proportionate step to protect the public. Contingency plans to support both victims and offenders must be put in place in relation to any identified negative impacts of disclosure.

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

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

## **Public Order concerns and or disclosure to the media**

10.15 The police must obtain approval to disclose information or photographs to the media in accordance with their local force policy. The police should refer to current policing practice guidance for further information on this.

10.16 Any other significant concerns regarding public order risks as a result of disclosure should also be referred to the police for information in accordance with local police force policy, as they will have to manage any consequences resulting from the decision.

10.17 HMPPS staff should never disclose information to the media and the Ministry of Justice Press Office should be informed before police make any disclosure to the media in relation to an offender under HMPS or Probation Service supervision.

## **Making disclosure**

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



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

## **Involvement of the offender**

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

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

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

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

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

## **Disclosure to victims**

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

- Can the offender safely be asked for representations about the disclosure (see paragraphs 10.20-10.23 above for further information on involvement of the offender)?
- Does the offender pose a risk to the victim?
- Can disclosure be considered necessary for the prevention or detection of crime?
- Is the disclosure necessary and proportionate?
- Will disclosing the information put the offender at risk?
- Is there any indication that the victim will pass the information on to others?
- Would not disclosing the information defeat the purpose of a victim-requested licence condition?

## Photographs

10.24 A victim may request disclosure of an up-to-date photograph of the offender. This may be because they have not seen the offender for many years and want to be reassured that they will not meet them unknowingly or so that they will be able to recognise and report the offender if they enter an exclusion zone. Victim Liaison Officers should refer such requests to a MAPPA meeting as set out in 10.5-10.7 above. A photograph is considered to be sensitive personal data, so there is a presumption that it will not be disclosed unless there is a genuine risk, but each request must be judged on its individual merits.

## Gender Reassignment

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

## Handling complex disclosures

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

## Disclosure Schemes

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

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

# 11. Risk Assessment

## Introduction

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

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

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

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

## Risk assessment tools

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

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

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

## Categorisation of risk

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

11.6 HMPPS defines serious harm as:

"An event, which is life-threatening and/or traumatic, from which recovery, whether physical or psychological, can be expected to be difficult or impossible."<sup>20</sup>

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

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

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<sup>20</sup> Offender Assessment System (OASys)

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

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

- **The public:** either generally or a specific group, such as the elderly, adults at risk (for example, those with a learning disability), future partners, women or a minority ethnic group.
- **Prisoners:** within a custodial setting.
- **A known adult:** such as a previous victim or partner.
- **Children:** who may be at risk of harm, including violent or sexual behaviour, emotional harm or neglect, or because they are in custody.
- **Staff:** anyone working with the offender from any agency. This relates to all forms of abuse, threats and assaults experienced in the course of their employment.

## Information-sharing

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

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

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

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

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

## Risk assessment summary

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

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

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

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

a risk assessment based upon the information provided. This may be an endorsement of the assessment from the lead agency, but additional factors may come to light that require it to be amended, or that strengthen the evidence base for the assessment, and should be adopted by the lead agency. The Risk Framework found at Appendix 9 can assist meetings with making the judgment on risk level<sup>21</sup>.

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

## **Justifying the risk assessment**

### **Standard - All risk assessment are transparent and defensible**

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

11.14 Risk assessment forms part of a set of behaviours that, when taken together, will ensure that the decisions taken on how to manage an offender are defensible<sup>22</sup>.

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

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

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<sup>21</sup> This table draws on the MAPPA Guidance; the OASys Handbook; and current legislation. 'Risk Levels' from Kemshall, Mackenzie, G; Mackenzie, S. and Wilkinson (2011) 'The Risk of Harm Guidance and Training Resources' (2011) NOMS/De Montfort University. Amended May 2012. Amended National MAPPA Team September 2016.

<sup>22</sup> Kemshall, H. (1998) Defensible decisions for risk. *Probation Journal* 45 (2) 67-72.  
Kemshall, H. (2009) Working with sex offenders in a climate of public blame and anxiety: How to make defensible decisions for risk. *Journal of Sexual Aggression* 15 (3) 331-343.

# 12. Risk Management Plan

## Introduction

### **Standard - All MAPPA offenders have an effective Risk Management Plan**

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

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

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

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

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

## **Level 2 and 3 Risk Management Plans**

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

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

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

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

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

12.9 The MAPPA RMP must:

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

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

## Elements of Risk Management

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

12.11 SMBs are not obliged to adopt the MAPPA working arrangements promoted in the Four Pillars of Risk Management<sup>23</sup> but the headings below provide a useful framework for analysing risk and developing the RMP whether or not the Four Pillars framework is used. The headings are:

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

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<sup>23</sup> The 4 Pillars of risk Management is a new approach to the planning and delivery of risk management developed by Prof. Hazel Kemshall at De Montfort University. The model is based on the four pillars of Supervision, Monitoring & Control, Interventions and Treatment and Victim Safety Planning.



- Victim Safety.

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

## **Supervision**

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

12.13 Examples of supervision:

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

## **Monitoring and Control**

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

12.15 Examples of monitoring and control:

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

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

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

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

## Interventions and Treatment

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

12.19 Examples of interventions and treatment:

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

## Victim Safety

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

12.21 Examples of victim safety actions:

- The disclosure of information to third parties (including through the child sex offender disclosure scheme and the domestic violence disclosure scheme).
- Relocation of the victim.
- Safety advice and physical safety measures for victims.
- Action by Children's Services.
- Exclusion zones and non-contact orders and arrangements to monitor them.
- Domestic violence prevention notification (DVPN) and domestic violence protection order (DVPO). Further information can be found at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575363/DVPO\\_guidance\\_FINAL\\_3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575363/DVPO_guidance_FINAL_3.pdf).

## Contingency Plans

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

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

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

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

## Foreign Travel

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

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

## Approved Premises

12.26 Probation Practitioners should consider whether a period of residence in an Approved Premises (AP) would enhance the RMP for all Level 2 and 3 offenders (an AP may also be appropriate for Level 1 offenders). APs provide supported and supervised accommodation for appropriate offenders on licence or community supervision. They provide a structured environment to support offenders' rehabilitation, as well as restrictions, including a curfew, which place controls on their behaviour. AP staff play a significant role both in providing relevant risk information to the Probation Practitioner and in contributing to effective risk management. It is essential that they understand a resident's risks, are involved in the delivery of the RMP and are part of any MAPPA meeting relating to a resident. Consideration should be given to the location of APs in relation to known risk, previous offending and current and previous victims. Guidance on APs is set out in Probation Instruction (PI) 32/2014 – Approved Premises<sup>24</sup>.

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<sup>24</sup> <http://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-32-2014-approved-premises.doc>

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

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

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

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

12.29 It may be helpful to invite the offender to write down, or to tell the Probation Practitioner, information they would like to be discussed at a level 2 or level 3 meeting. (See also 13.24 and 26.48.)

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

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

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

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

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

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

# 13. Multi-Agency Public Protection Meetings

## Introduction

13.1 The purpose of Level 2 and Level 3 MAPPA meetings is to provide a forum for sharing information and intelligence to support multi-agency risk assessments and formulate effective Risk Management Plans (RMP), ensuring action is taken to manage the risk of serious harm posed by the offender. These meetings enable the provision of authority, resources and skills that may be unavailable at Level 1.

## Chairing meetings

**Standard – The SMB is confident that those chairing MAPPA Level 2 and 3 meetings have the necessary skills and are of sufficient seniority to undertake this role.**

13.2 Chairs must be employed by the Police or Probation Service, have undertaken locally approved MAPPA Chairs' training, have enough knowledge and skills as a chair to be effective, and be of sufficient seniority to command respect. Chairs must not be the only representative of their agency at the meeting. Beyond that it is for the SMB to determine any additional criteria for chairing MAPPA Level 2 and 3 meetings locally. Detailed guidance for MAPPA Meeting Chairs can be found in the MAPPA D.

13.3 Counter Terrorism MAPPA meetings must be jointly chaired by representatives at an appropriate level from the Probation Service National Security Division (NSD) and Counter-Terrorism Police (CTP).

## Preparing for meetings

**Standard – All agencies prepare fully so that they can actively participate in the meeting.**

13.4 Before attending a MAPPA meeting, attendees must read the information about the offender, (MAPPA B) the referral (MAPPA A) and the minutes from the previous MAPPA meetings, check their case files on offenders, and prepare an update if the offender is known to them or their agency. Attendees are expected to be fully engaged in the meeting and to add value to the RMP.

## Attending meetings

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

## Agency Representation

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

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

## Police

13.7 The police must attend all Level 2 and 3 meetings. The officer attending the meetings should be of high enough rank to allocate police resources. Best practice involves attendance from Inspector at all Level 2 meetings and Chief Inspector at all Level 3 meetings. However, a lower-ranking officer may attend where necessary if they have experience of the MAPPA process and delegated authority to allocate police resources at the appropriate level. Where Police are the Lead Agency, and where a change in MAPPA area is being considered, the appropriate grade Police Staff should attend from both forces.

13.8 All those convicted of sexual offences and subject to notification requirements should be allocated a suitably trained offender manager from the police. A named officer from the police should also be identified for all violent and other dangerous offenders who are subject to actively coordinated management. These individuals should attend all MAPPA meetings about the offenders they manage or, if not available, agree with their line manager who will attend on their behalf.

13.9 There should also be appropriate police representation from specialist units, e.g. Child Protection, Domestic Abuse, or an officer from the Local Policing Unit to provide local intelligence where the Probation Practitioner is not from one of these units.

## Probation Service

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

13.11 In addition, the **Probation Practitioner** responsible for the case must attend where the Probation Service manages the case or, if not available, agree appropriate cover with their line manager.

13.12 **Victim Liaison Officers** must attend or provide a report where they are actively engaged with the victim or their family under the statutory Victim Contact Service.

13.13 A member of staff from an **Approved Premises** (AP) must attend all pre and post-release meetings where the Risk Management Plan (RMP) includes residence at an AP.

13.14 Other probation staff who are actively engaged with the offender and who can assist in the risk assessment and management should also attend.

## The Prison Service

13.15 A representative from the Prison Service or Youth Custody Service must attend all pre-release MAPPA meetings for prisoners within their establishment and provide a MAPPA F. The prison representative attending a MAPPA meeting must be someone with knowledge of the offender who also has the authority to make decisions (see Chapter 15 – Custody).

## HMPPS Psychology Services

13.16 HMPPS Psychology Services, or Privately Managed Prisons (PMP) equivalent, **must attend all initial pre-release Level 3 MAPPA meetings**. For subsequent Level 3 meetings, a representative from HMPPS Psychology Services, or PMP equivalent, must attend where there is already active involvement, such as case work, psychological risk assessments or Offender Personality Disorder (OPD) consultations. The

representative attending the MAPPA meeting should be familiar with the case in order to contribute effectively. Psychology Services must also attend all MAPPA review meetings where there are any circumstances that may change the risk assessment. The Lead Agency should note the involvement of Psychology Services on the referral form (MAPPA A).

13.17 HMPPS Psychology Services **should be invited to Level 2 MAPPA meetings where their involvement would benefit the management of the case or where they have been previously involved**. The prison Offender Management Unit (OMU) and the Probation Service can request support or assessment from Psychology Services on Level 2 individuals. Psychology Services should prioritise requests on Level 2 individuals over individuals not managed under MAPPA.

## Community Psychology and OPD Pathway Services

13.18 SMBs should engage with local authorities to facilitate provision of community psychology services at MAPPA meetings. SMBs should also engage with OPD Pathway Leads in their area to facilitate OPD input at MAPPA meetings, where relevant. (Further information can be found at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1035881/6.5151\\_HMPPS\\_Working\\_with\\_Offenders\\_with\\_Personality\\_Disorder\\_accessible\\_version\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035881/6.5151_HMPPS_Working_with_Offenders_with_Personality_Disorder_accessible_version_.pdf)).

## Children who have committed offences

13.19 Representatives of Youth Offending Teams (YOT) must attend where the offender is a child or has recently transitioned to adult services. Children's Services should also attend so that they can ensure that the meeting appropriately safeguards and promotes the welfare of the offender as a child as well as managing the risk of harm the young person presents to others. Youth Custody Services should be invited where they are involved with a young person, and are required to attend and contribute in line with guidance for prisons (see 13.14 above and Chapter 15 - Custody). Those attending should have sufficient authority to make decisions and commitments on behalf of their agencies.

## Mental Health Services

13.20 Each borough or MAPPA area should have a standing mental health services representative to fulfil the duty to cooperate requirements. This person should have the authority to commit resources on behalf of their agency and possess relevant experience of risk and needs assessments. There should be continuity of personnel to sustain good working relationships. The standing member may or may not have direct knowledge of the MAPPA case under discussion. Therefore, a **representative of the patient's clinical team should also be invited to attend MAPPA meetings to contribute on individual cases**. Attendance in person is the expectation, particularly when mental health services are the lead agency, but if that is not possible video/telephone conferencing should be considered. Mental Health Trusts and University Health Boards (Wales) should prioritise attendance at MAPPA meetings where they are the lead agency and in cases involving transferred prisoners (see Chapter 26 – Mentally Disordered Offenders).

## Children's Services

13.21 Each borough or MAPPA area should have a standing Children's Services representative with the relevant experience and authority to commit resources. **The lead social worker for the child (or family) should attend where there is a risk to an identified child**. Where the lead social worker does not have the authority to make decisions and commitments on behalf of the local authority and in the absence of a standing representative able to do so, the lead social worker's manager should attend as well or instead.

## Adult Social Care

13.22 Each borough or MAPPA area should have a standing Adult Social Care representative with the relevant experience and authority to commit resources. **The lead social worker for the adult (or family) at risk should attend, both where the offender poses a risk to a vulnerable adult and where the offender has been identified as an adult at risk.** Where the lead social worker does not have the authority to make decisions and commitments on behalf of the local authority and in the absence of a standing representative able to do so, the lead social worker's manager should attend as well or instead.

## Other DTC Agencies

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

13.24 In very exceptional circumstances, Responsible Authority communications officers might need to attend MAPPA meetings to discuss important media handling issues. Normally, however, it will be enough for the relevant meeting attendee to brief them afterwards. The National MAPPA Team should be informed whenever MoJ Press Office, or press offices in other agencies, are involved in a case.

13.25 Where an action is agreed for an agency that is not at the meeting (a DTC agency was not in attendance) the Meeting Chair will identify someone at the meeting to communicate the action to the relevant agency, indicate who the agency should contact with a response and give timescales.

## Associate Agencies

13.26 Representatives from other agencies or individuals that do not have a statutory Duty to Cooperate under MAPPA (Associate Agencies) may be included in part or all of the meeting at the discretion of the Meeting Chair where that agency or individual can contribute to the risk assessment and management of a MAPPA offender, (see s.325(4A)(c) Criminal Justice Act 2003 for details).

## Local Authority Prevent Leads/Coordinators

13.27 Prevent Leads/Co-ordinators may be invited to MAPPA meetings for Category 4 cases and any other cases who pose a risk of or vulnerability to radicalisation. They may be invited once the likely release area is known and continue to be invited at the discretion of the Meeting Chair according to the particulars of the case and whether there is a role for the Prevent Lead/Co-ordinator in the ongoing risk management, re-settlement or reintegration of the case.

## Representing Offenders' Views

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

## Planning MAPPA meetings

13.29 Invitations must be sent to the right people at the right agencies via secure email (for prisons this is the prison functional mailbox). The lead agency referrer should decide who is required at the MAPPA meeting, in conjunction with their line manager. The invitation letter should make clear that all those invited are expected to come to the meeting having reviewed the information available to their agency on the



offender and should make clear the potential consequences of failing to share vital information. The invitation should be sent in enough time to allow agencies to interrogate their systems for all appropriate information. For the prison service, who are required to provide a formal report, this is no later than 15 working days (21 calendar days) in advance of the initial MAPPAs meeting unless it is an emergency meeting or where the MAPPAs coordinator has received the referral later than 6-months pre-release *and* there is insufficient time before the meeting to make this possible. For review MAPPAs meetings, the prison service should be given at least 10 working days (14 calendar days' notice). For other agencies, this should be (i.e., at least 10 working days (14 calendar days) before the meeting unless it is an emergency meeting). If hosting the meeting virtually, the invitation should include the virtual conferencing link. Calendar invitations should only include the name of the offender. All other identifying information must be sent separately by secure email.

13.30 If the meeting is in person, the person organising the meeting should ensure that an appropriate location is booked. SMBs should adopt a paperless approach to MAPPAs minutes, and attendees should access the minutes through their agency's approved electronic devices. Where SMBs do print minutes, there should be enough copies for each attendee (except for those not invited to attend the whole meeting) but they must not be taken away (see Chapter 14 for further guidance on MAPPAs meeting minutes). An appropriate location will be confidential, and will have disabled access, transport links, teleconferencing facilities, information about the availability of parking, and a waiting area. It is the SMB's responsibility to ensure meetings are administered properly.

## **Management of MAPPAs meetings**

### **Standard - The SMB is confident that MAPPAs meetings are managed effectively**

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

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

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

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

13.34 Chairing MAPPAs meetings involves combining the roles of facilitator and leader. Chairs must ensure that the business of the meeting (i.e. the identification and assessment of the risks and the production and appropriate review of the MAPPAs RMP and associated actions) is conducted in an effective and efficient manner.

13.35 The Chair should follow the meeting agenda as laid out in the MAPPAs Document Set. Attendees should be provided with the original referral information prior to the first meeting and the background information document prior to subsequent meetings. Additional information from other agencies must be provided at the meeting.

13.36 Chairs must ensure that the following are covered:

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

13.37 A MAPPAs review meeting date must be set (unless a decision has been taken to manage the case at Level 1). Reviews for offenders managed in the community should be **held at least every 16 weeks for Level 2 cases and at least every 8 weeks for Level 3 cases**, in line with MAPPAs KPIs. MAPPAs meetings should not be cancelled or rescheduled without the approval of the meeting Chair and the Probation Practitioner must record the decision on the relevant agency case management system. If the scheduled meeting is cancelled for any reason, a new meeting date must be set as soon as is practical. A rescheduled meeting for an offender managed in the community must take place within 10 working days for Level 2 Meetings and 5 working days for Level 3 meetings and must not exceed the set time scales for Level 2 and 3 meetings.

13.38 The appropriate level of MAPPAs management should be considered at the end of every meeting. The appropriate level of management should be based on the added value provided by holding Level 2 and 3 meetings, not on the level of assessed risk. However, levels of management should not be reduced where information is missing, where a key partner is not represented at the meeting or where the RMP is not robust. Where the management level is reduced or a Category 3 case is removed from MAPPAs, the

rationale for the decision must be recorded (see Chapter 11.14 for more information on defensible decision making). Equally, where a case is retained at Level 2 or 3, the reasons for deciding on the level of management must be recorded.

13.39 Agencies should always re-refer an individual if they warrant a higher level of MAPPA management because of changing circumstances. Where a Category 3 case is taken out of MAPPA it is particularly important that the process for a further referral and the agency responsible for it is agreed and recorded in the minutes.

### **Standard – Meeting minutes are communicated to attendees effectively**

13.40 The meeting organiser should send the minutes from the previous meeting via secure email. Attendees must confirm safe receipt of minutes and confirm that the minutes are accurate.

### **Remote meetings**

13.41 MAPPA meetings may be conducted remotely using an approved communication and collaboration tool, such as MS Teams. This can be used with or without video. The SMB will determine whether to audio record meetings and identify which tool to use. All agencies must follow their own policies and procedures relating to the use of these tools in addition to the following.

- The meeting should not be recorded by any agency other than the minute taker for the sole purpose of taking minutes, with the agreement of the SMB;
- Any recording of the meeting should be held securely and deleted as soon as the minutes have been approved;
- Documents must not be shared over these tools but attendees can show a document by sharing their screen;
- Calls must not be made public. Attendees must be connected directly using contacts/an address book;
- Attendees must be identified prior to the meeting and only those who are supposed to be at the meeting can be admitted;
- All attendees must:
  - think about their surroundings and make sure they can speak privately by being on their own or using a headset;
  - make sure the meeting cannot be picked up by a smart hub;
  - make sure their monitor cannot be seen by anyone else, including from a window;
  - adjust their background to make sure nothing inappropriate is shown on camera etc..
- Dial in details should be provided for those who do not have access to the communication tool.

13.42 Attendees should also follow these etiquette guidelines:

- Use the mute button when not presenting/speaking to prevent any unwanted interruptions and minimises interference, allowing improved sound quality for all users.
- Use the hands up and chat functions to ask questions to prevent disruption.
- Attendees should participate in meetings with cameras switched on.

- If joining a meeting late, join on mute to avoid disrupting the meeting.
- Using a headset can prevent feedback and interference.

## Audio Recording of MAPPA Meetings

13.43 SMBs are strongly encouraged to record MAPPA meetings for the purposes of enhancing the quality of MAPPA meeting minutes. Where they choose not to do so, they must have a comparable system in place to ensure that minutes of MAPPA meetings are accurate and comprehensive. Where an SMB decides to record meetings, the Chair must obtain consent from attendees at the beginning of the meeting. Should a meeting attendee not wish to be video recorded, they may turn off their camera before recording starts so that they are only audio recorded. Recordings of meetings must be deleted as soon as the minutes have been completed and approved. It is imperative that minutes are approved as soon as possible. Recordings may be requested under Subject Access Request provisions before the minutes are approved.

13.44 For advice on handling requests for recordings, see Chapter 14 MAPPA Minutes.

## MAPPA management of sensitive information

13.45 There will be occasions when MAPPA meetings will need to consider and manage exceptionally sensitive information, e.g., in cases of terrorist offenders, high-profile offenders and offenders or victims under the management of the United Kingdom Protected Persons Service (UKPPS). Advice on managing these cases should be sought from [NSDPS.GeneralEnquiries@justice.gov.uk](mailto:NSDPS.GeneralEnquiries@justice.gov.uk).

13.46 The MAPPA Meeting Chair will need to ensure safe and secure management of any such information between partners. Consideration will need to be given to:

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

13.47 ViSOR records for these offenders should be Restricted Access.

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

## Core Groups and Professionals' Meetings

13.49 The MAPPA meeting may decide that MAPPA management at Level 2 or 3 should be underpinned by a Core Group of professionals involved in the management of the case. A Core Group may consist of both vetted and non-vetted personnel, including representatives from DTC agencies where appropriate. A Core Group will be established by, and accountable to, the MAPPA meeting. Core Groups undertake specific tasks as directed by the MAPPA meeting, and report on progress at subsequent MAPPA meetings.

13.50 The lead agency may also decide that a small group (Professionals' Meeting) will be responsible for reviewing the RMP for MAPPA offenders at any Level. The group will generally comprise three or four people who are actively engaged in working with the offender. It will always include the referrer, who will be responsible for coordinating and managing meetings, and completing meeting notes, which should be stored

on the lead agency's case management system. Information shared at these professionals' meetings is shared under MAPPA but it is important to distinguish them from formal MAPPA meetings.

# 14. MAPPA Meeting Minutes

## Accuracy and Timeliness

### Standard – Minutes are accurate and distributed in a timely manner

14.1 Accurate records of MAPPA meetings must be kept. MAPPA C should be used for this purpose. The use of any other document or alterations to the MAPPA C must be approved by the SMB and a clear rationale for departing from the statutory guidance recorded. The National MAPPA Team is interested in the experience of MAPPA areas and is interested in feedback where SMBs identify things they would like to change. MAPPA minutes must be written in a way that allows those not present at the meeting to understand the nature of the discussion and the issues involved in the case without any prior knowledge of the offender. All decisions made and actions set, as well as the rationale behind them, must be recorded in the minutes. The minutes should accurately reflect all the different viewpoints presented in the meeting. The records must also set out the decisions made and the rationale for them (see Chapter 11.14 for more information on defensible decision making<sup>25</sup>).

14.2 For information on recording meetings to assist with minute taking, see Chapter 13.43.

## Distribution and Security

14.3 The minutes of a **Level 2 MAPPA meeting should be approved by the Meeting Chair for distribution within 10 working days and minutes of a Level 3 MAPPA meeting within 5 working days.**

14.4 MAPPA meeting minutes must be sent via secure email to those who attended the meeting and to those who were invited but did not attend (for prisons, this is the prison functional mailbox). Those emailed must confirm safe receipt of minutes, and attendees will be required to confirm they have read the minutes at the next meeting. Attendees wishing to ask for amendments and corrections must notify the Chair promptly. The minutes must be provided if requested by the National MAPPA Team.

14.5 Any decision not to send the minutes to any of these individuals or to send them to any other party must be made by the Meeting Chair and recorded in the minutes. Where another person who is not party to the Information Sharing Agreement (ISA) attends part of the meeting only, they may be sent agreed action points rather than the full minutes.

14.6 The minutes must be stored on ViSOR. Any amendments and corrections should be approved by the Chair before the ViSOR record is updated. The Chair must also confirm that the minutes are correct at the next meeting.

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

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<sup>25</sup> Kemshall, H. (1998) Defensible Decisions for Risk: Or It's the Doers Wot Get the Blame. *Probation Journal*, 45 (2) 67-72, <http://prb.sagepub.com/content/45/2/67.abstract>, Kemshall, H. (2009) Working with sex offenders in a climate of public blame and anxiety: How to make defensible decisions for risk. *Journal of Sexual Aggression*, 15 (3) 331-343; <http://www.tandfonline.com/doi/abs/10.1080/13552600903031195>

14.8 SMBs should adopt a paperless approach to MAPPA minutes, and attendees should access the minutes through their agency's approved electronic devices with appropriate data security. Where SMBs do print minutes, the minutes should only be printed in a secure environment and never removed from that environment. MAPPA meeting minutes must never be taken to or from meetings by attendees. (Unless absolutely necessary e.g., the location of the meeting does not have printing facilities or secure waste disposal). Where MAPPA minutes are removed, appropriate data security measures must be taken. The MAPPA Administrator should provide numbered copies of the minutes for attendees at the meeting and should collect them in again at the end of the meeting.

## **Onward Distribution**

14.9 An attendee receiving the minutes is entitled to share them within their own agency, if necessary. However, they should not be shared widely within the RA and DTC agencies and must not be shared with anyone outside the agency without the agreement of the MAPPA Meeting Chair. The routine sharing of the MAPPA minutes within an agency should be agreed with the MAPPA Meeting Chair. No agency may include MAPPA minutes in court bundles unless agreed by the MAPPA Meeting Chair. Any breach of these instructions will be treated as a data loss incident and may be referred to the Information Commissioner's Office (ICO) for investigation.

## **Requests for MAPPA minutes**

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

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

14.11 MAPPA is not an official body but a set of arrangements that exist to assess and manage the risks posed by offenders. As a result, MAPPA cannot own the data contained in the MAPPA meeting minutes. Instead, all agencies that retain copies of the MAPPA meeting minutes act as joint data controllers under the Data Protection Act 2018 (DPA). This means that any of them may be required to respond to requests for MAPPA meeting minutes including under DPA or the Freedom of Information Act 2000 (FOIA) .

14.12 Requests for copies of MAPPA meeting minutes can come from a number of sources, including:

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

14.13 Whenever an agency receives a request for MAPPA meeting minutes, they must inform the MAPPA Coordinator. The MAPPA Coordinator will keep a record of all such requests to ensure that they are dealt with appropriately and to identify where any new information sharing protocols are required. A copy of the final reply to the request should also be sent to the MAPPA Coordinator. The MAPPA Coordinator must

have a retention and destruction schedule for these requests and responses in line with the data retention policy of the system used to store the data.

## Subject Access Requests

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

14.15 Any request for a copy of the MAPPAs meeting minutes from the offender (or possibly from the victim if their personal data is contained within the MAPPAs meeting minutes) must be dealt with as a Subject Access Request (SAR) in accordance with the DPA, even if no specific reference is made to DPA or SAR in their correspondence. This includes requests made on behalf of an offender by their solicitor or other representative. An executive summary of the MAPPAs meeting minutes meets the requirements of a SAR under DPA and should be provided in response to such a request.

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

- s45(4) the detection or prevention of crime
- s16(1) information relating to another identifiable individual.

14.17 In applying these exemptions, the potential impact on the data subject, the public and other individuals can be considered. Disclosure can be refused where it would be likely to prejudice the prevention or detection of crime, even where there is no firm suggestion that the offender is involved in any criminal activity. The degree of risk must be such that there "may very well" be prejudice, even if the risk falls short of being more probable than not. For further advice on this please consult the relevant agency's data access compliance colleagues.

14.18 An SAR relating to MAPPAs meeting minutes must be considered within the timescales set out in data protection legislation and must also be dealt with according to the policies and procedures of the agency that receives it.

14.19 SMBs may choose to record meetings solely for the purposes of ensuring the accuracy of the minutes. The recording must be deleted as soon as the minutes are approved by the MAPPAs Chair. The approved minutes are the formal record of the meeting. Where SMBs receive SARs whilst the recording is still held, they should contact the National MAPPAs Team for advice.

14.20 If a request is received by Probation Service or Prison Service staff it should be referred to the Ministry of Justice Branston data protection team immediately, in line with the process for dealing with all SARs. Branston data protection team will then send it to the relevant MAPPAs Coordinator, who may assign it to the relevant Meeting Chair. The Coordinator or Meeting Chair will be responsible for producing the executive summary and returning it to Branston data protection team within 20 days of receipt. If the MAPPAs Coordinator produces the executive summary, it must be approved by the Meeting Chair; if the Chair produces it, it must be copied to the MAPPAs Coordinator. Branston data protection team will then send the executive summary to the data subject along with a covering letter explaining what has been included/excluded and why. The covering letter will be completed by Branston data protection team, but Meeting Chairs (or MAPPAs Coordinator) should tell them about the exemptions engaged in completing the summary. If the request was made to the Probation Service, the Chair (or MAPPAs Coordinator) producing the executive summary should follow the process outlined above even if they are employed by the police.



14.21 Equally if a request is made to the Police, the Chair (or MAPPA Coordinator) will follow the police process even if they are employed by probation. This applies to all agencies, including Mental Health Services and Youth Offending Services. The underlying principle is that it is the agency who receives the SAR whose procedures must be followed and not the agency who employs the Chair of the meeting (or MAPPA Coordinator).

14.22 If an offender specifically requests information under FOIA then clarification should be sought as to whether they want the information under SAR. If they insist on a response under FOIA then a Neither Confirm Nor Deny (NCND) response should be sent as an individual's personal data is exempt under FOIA, even where the individual concerned asks for it.

## **Third Party Requests**

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

14.24 When an official request<sup>26</sup> is made for a copy of the MAPPA minutes the person receiving the request should ask for clarification to determine exactly what information is being sought. As time is often short, it is essential that this is done promptly and, wherever possible, in writing. This will ensure that there is an audit trail. If a specific document from the meeting is being sought, the request should be directed to the agency that provided it. For example, requests for Probation Service risk assessments should be directed to the Probation Service, requests for prison adjudications should be directed to the Prison Service, and requests for mental health assessments should be directed to mental health services. But if the information required can only be provided by the contents of the MAPPA meeting minutes, the request should be sent to either the MAPPA Coordinator or to the Chair of the most recent MAPPA meeting for reply (this should be decided locally and remain consistent). Requests for the minutes of Counter-Terrorism MAPPA meeting minutes should always be sent to the Meeting Chair.

14.25 The response may be drafted by the Chair or the MAPPA coordinator, but it is for the Chair to decide what information it is lawful and appropriate to share. There must be a lawful basis for sharing information and it must be necessary and proportionate to do so. Full guidance on sharing information lawfully is provided in Chapter 9 – Information-sharing and must always be complied with. Information from the MAPPA minutes should not be shared without the involvement of the agency that originally provided it. MAPPA minutes should be shared using an executive summary unless it is absolutely necessary to provide the full minutes. Any reports referencing the MAPPA minutes must be cleared with the MAPPA Meeting Chair prior to publication to ensure that no sensitive material is disclosed.

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

14.27 Chairs of reviews (domestic homicide reviews, child serious case reviews etc.) who request copies of minutes should be asked to clarify what they need to know that is not, or could not be, provided by

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<sup>26</sup> Request received by one of the MAPPA Responsible Authorities or DTC agencies from for example Courts, Parole Board, the Independent Police Complaints Commission, or the Crown Prosecution Service.

information from individual agencies. If the information required is only held in MAPPAs meeting minutes, an executive summary is usually the most appropriate way to respond.

14.28 It may be necessary and proportionate for the Independent Office for Police Conduct to have a full copy of the minutes where they are investigating police management of a MAPPAs case. There should be a clear agreement for each case about how sensitive and third-party data will be protected in such circumstances. All agencies whose information is contained in the minutes should have the opportunity to contribute to that agreement.

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

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

## **Providing an Executive Summary**

14.31 An executive summary for an offender should include:

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

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

## **Referencing MAPPAs information in Reports**

14.33 Reports for recall, courts or the Parole Board must not quote a MAPPAs meeting as a source of information. Where a specific piece of information that has been shared at a Level 2 or 3 MAPPAs meeting is necessary, the report writer must first consult the agency that provided it to seek approval to use the information in a report. The information must be attributed to the agency and the content agreed with the

agency representative who attended the MAPPAs meeting. Where it is known that the report is required, it is helpful for this to be agreed at the meeting. The rationale for any recommendations in reports needs to be clear. Lead agencies need to own decisions taken at MAPPAs meetings (see Chapter 12.7).

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

## **Freedom of Information**

14.35 A Freedom of Information (FOI) request relating to MAPPAs meeting minutes must be dealt with according to the policies and procedures of the agency that receives the request, rather than those of the lead agency or MAPPAs Meeting Chair. The SMB should determine locally which agency's procedures should be followed when a FOI request is received by the MAPPAs Coordinator /Unit. FOI requests must be considered within the timescales set out in the FOIA.

14.36 Although any third party may request information under FOIA, the MAPPAs meeting minutes will include personal data and sensitive personal data, confidential third-party data (including that relating to victims), and operationally sensitive information that will be exempt from being released. Each case must be considered on its merits and the information requested must be fully considered in line with FOIA guidance before any response is issued. However, it will usually be necessary to NCND that the information is held (FOIA s40(5)) for any request where confirming that a meeting took place would confirm that the offender was being managed at MAPPAs Level 2 or 3. This will apply in nearly all cases.

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

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

14.38 There may also be restrictions under the DPA on disclosing this information to others. For further advice on FOI requests please contact the National MAPPAs Team.

# 15 Custody

## Introduction

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

## Offender Management in Custody (OMiC)

15.2 Under the Offender Management in Custody (OMiC) Case Management Model the responsibility for offender management rests with the Prison Offender Manager (POM) for longer term sentenced<sup>27</sup> prisoners. The responsibility moves to a Probation Service Community Offender Manager (COM) during the pre-release or parole phase<sup>28</sup>. The Prison Service must provide information about MAPPA offenders at key OMiC handover dates and in early allocation referrals. The COM will complete the MAPPA Level setting during the handover phase.

## OMiC Early Allocation

15.3 Under OMiC some cases will be allocated to a COM earlier than the majority of cases. Early allocation takes place 18 months pre-release, or when the risk becomes apparent, to allow the COM sufficient time to ensure robust risk management plans are in place. Mandatory early allocation referrals include prisoners with Terrorism Act 2000 (TACT) / TACT connected offences, prisoners who will be managed at MAPPA Level 3, registered Critical Public Protection Cases (CPPC), and National Crime Agency cases with a Serious Crime Prevention Order or High profile Notorious/Noteworthy cases. The Probation Service must accept mandatory early allocation referrals. Discretionary referrals are assessed on an individual basis and may include prisoners identified as terrorist risk or held in separation centres, prisoners assessed as very high risk of serious harm, prisoners who need earlier management at MAPPA Level 2, cases where there is National Crime Agency (NCA), Serious Organised Crime Unit (SOCU) or HM Revenue & Customs involvement, and cases where there is increased need for partnership working in relation to sensitive information that require enhanced vetting levels.

15.4 Early allocation is not a specific MAPPA process. The majority of early allocation cases will be mandatory MAPPA cases. COMs will consider referral for discretionary MAPPA cases as appropriate. MAPPA cases subject to early allocation can also be subject to Level 1 MAPPA management.

15.5 The COM retains responsibility for shorter sentenced prisoners (less than 10 months to serve). In these cases, the POM is allocated in a supporting role and will share information with the COM throughout the sentence and, importantly for MAPPA, during the pre-release planning phase.

## Identification of MAPPA offenders

### Standard - MAPPA offenders are identified on entering custody

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<sup>27</sup> Those who have more than 10 months left to serve after sentence calculation.

<sup>28</sup> The handover process starts 8.5 months before release or 8 months for parole cases. For Early allocation cases the handover starts once the referral is accepted which can be up to 18 months pre-release.

15.6 Prisons must have processes in place to identify all MAPPA prisoners during reception procedures and to place the appropriate alerts<sup>29</sup> on their Prison-NOMIS record. Prison staff should also ensure that they identify the correct offenders from their population as ViSOR nominals, and request partnership to their ViSOR record, as directed by the National ViSOR Standards.

## **Release dates**

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

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

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

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

- Additional Days Awarded (ADA) to a sentence by an Independent Adjudicator, Senior District Judge or deputy as a disciplinary award, and the restoration of days added by a Governor<sup>30</sup>.
- The deduction of days spent on remand by offenders before they were sentenced.
- The addition of the days an offender has spent unlawfully at large, following an escape or abscond from custody or after recall.
- The imposition of a further sentence.
- Variation of the sentence following appeal or judicial review

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

### **Standard - The Prison Service informs the COM, and where relevant the police, at the earliest opportunity of any potential release at short notice**

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

15.12 Prison staff should ensure that the Police in the release area are informed in all cases of a release at short notice at the earliest possible opportunity.

15.13 Parole Board decisions to release prisoners following the parole process will be communicated to the prison and the COM via the Public Protection Casework Section (PPCS). The prison must liaise with the

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<sup>29</sup> Guidance for prisons on recording MAPPA alerts on NOMIS can be found on EQUiP

<sup>30</sup> Please see [Prison adjudications policy: PSI 05/2018](#)

COM once a notification of release is received to establish release plans. The Generic Parole Process (GPP) timetable is set out in the Generic Parole Process Policy Framework<sup>31</sup>.

## **Prison Interdepartmental Risk Management Meetings (IRMM)**

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

15.14 The Interdepartmental Risk Management Meeting (IRMM) is an internal multi-disciplinary prison meeting that should be used to monitor and manage the risk of those prisoners who present the highest level of risk of serious harm in custody. The IRMM makes a valuable contribution to risk assessment, risk management plans and sentence planning. This meeting should be used to share information across prison disciplines which will contribute to pre-release planning activities including;

- OMiC early allocation referrals
- OMiC handovers
- Pre-release discussions and meetings (including release planning for prisoners not managed under OMiC arrangements)
- MAPPA level setting (completed by the COM in consultation with the prison)
- MAPPA F reports for Level 2 and 3 meetings

15.15 The COM may be invited<sup>32</sup> to the IRMM and should be provided with relevant minutes of the IRMM whether or not they attend. The COM should be informed of any behaviours of concern, changes to the level of risk of serious harm, or significant changes in the offender's personal life, such as the end of a significant relationship. If concerns are raised at the IRMM before a COM has been assigned, the prison should consider a discretionary early allocation referral. If the case does not warrant early allocation, or the referral is not accepted by the community Probation Delivery Unit (PDU), the prison must ensure the information is shared at the normal handover stage.

## **MAPPA Level**

### **Standard - The prison contributes to the MAPPA level setting and the COM communicates the confirmed MAPPA level to the prison at least six months before release**

15.16 The MAPPA level is determined by a robust level setting process which includes prison input, and which should have been completed **at least six months before release**. For determinate sentences, this is six months before the release date. For those eligible for parole, it will be at least six months before the parole eligibility date/tariff expiry date, and at each subsequent parole review. The process must begin as soon as possible where an offender has less than 6 months to serve in custody. There may be some cases where the process needs to start earlier due to the complexity and seriousness of the case, including those who are allocated early to the COM under OMIC. The level setting process starts once a COM is allocated.

15.17 The COM must consult with the prison when setting the MAPPA level. The POM must share information relating to the prisoner's time in custody with the COM to inform this process. This includes risk information that could impact the level setting, including any concerns about the proposed level of

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<sup>31</sup> [Generic Parole Process Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<sup>32</sup> When requested, prisons should facilitate the COMs virtual attendance at IRMM

management. If the prison identify concerns after the MAPPA level has been set the POM must report them to the COM immediately to enable the COM to reconsider the MAPPA level.

15.18 The COM should contact the prison using the prison functional mailbox (see 15.25). The prison should record information about the level of management by updating the Prison-NOMIS alert when confirmation is received from the lead agency.

15.19 The COM should communicate the MAPPA level as soon as it is determined and at least six months before release. The POM should make reasonable attempts to establish the level from the COM within the correct timeframe, but if they are not successful, they should refer the matter to the MAPPA Coordinator using the MAPPA S - Escalation form found on the MAPPA website. Any failure to meet the standard can undermine the management of the offender while in custody and on release and impede the Prison Service contribution to the MAPPA meeting. Any difference in professional opinion, or breakdown of communication between the COM and the POM, should be escalated through the line management chain. The COM should not confirm the MAPPA level without information from the prison.

15.20 When a MAPPA offender is recalled to prison on a fixed term recall, their MAPPA management level will be reviewed by the COM before their release.

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

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

## **MAPPA Level 1 management**

### **Standard – The prison will share information with the COM to support release planning for prisoners managed at Level 1.**

15.22 It is essential that information sharing takes place pre-release. Effective Level 1 management is reliant on engagement from other agencies throughout the entire management process. The Prison Service has a duty to share information with the COM and must contribute to release planning for Level 1 offenders.

15.23 Prisoners managed at Level 1 will not be subject to formal MAPPA meetings and there is no mandatory report template (such as the MAPPA F) for sharing information relating to prisoners manage at MAPPA Level 1. Information will be shared via OMiC handover processes and the usual pre-release meetings and continued communication between the POM and COM during the pre-release phase. POMs may also be required to attend professionals' meetings during the pre-release phase. The Probation Service Management of MAPPA Level 1 Cases Policy Framework<sup>33</sup> provides further information on Level 1 MAPPA management.

## **MAPPA Level 2 and 3 management: meetings, invitations, attendance and reports**

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

15.24 As a Responsible Authority agency, the Prison Service must be invited to all pre-release Level 2 and 3 MAPPA meetings for all prisoners. The MAPPA area responsible should send invitations in a timely manner, for the prison service, this is no later than 15 working days (21 calendar days) in advance of the

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<sup>33</sup> Probation Service Management of MAPPA Level 1 Cases Policy Framework

initial MAPPA meeting unless it is an emergency meeting, or where the MAPPA coordinator has received the referral later than 6-months pre-release *and* there is insufficient time before the meeting to make this possible. This is to ensure there is sufficient time to prepare the report, which involves prison staff contacting the different departments within a prison, enabling them to contribute effectively to the meeting. For review MAPPA meetings, the prison service should be given at least 10 working days (14 calendar days' notice).

15.25 Prisons operate secure functional mailbox addresses. MAPPA invitations and related correspondence must be sent to the functional mailbox and not to individual prison personnel. A database of all prison functional mailbox addresses and the MAPPA point of contact for each prison across England and Wales and can be accessed via the General Community of the MAPPA website<sup>34</sup>.

### **Standard - The Prison Service provides a report (MAPPA F) to all MAPPA Level 2 and 3 meetings for all serving prisoners within their establishment**

15.26 A MAPPA F must be completed in line with the guidance found within the report template. A prison contribution via MAPPA F must be made for all Level 2 and 3 meetings to which the Prison Service is invited. The POM should complete the MAPPA F for their allocated prisoners, and a duty or other nominated POM should complete it for remand prisoners. The Head of Offender Management Delivery (HOMD)<sup>35</sup> must countersign all MAPPA F reports providing a level of quality assurance. Prison security departments must provide an intelligence assessment to be included within the MAPPA F.

15.27 If a prisoner is transferred in the time between the meeting invitation being sent, and the meeting taking place, the sending prison is responsible for the MAPPA F and must inform the MAPPA Coordinator of the prisoner's transfer. The MAPPA Coordinator must inform the receiving prison of the prisoner's MAPPA level and forward the meeting invitation.

15.28 The MAPPA F should be returned to the MAPPA Coordinator at least 2 working days prior to the MAPPA meeting.

### **Standard – Prisons are represented at all pre-release MAPPA Level 2 and 3 meetings**

15.29 A representative from the Prison Service must attend all pre-release MAPPA meetings for prisoners within their establishment. There may be more than one pre-release meeting for the same prisoners, including those prior to parole hearings. Prison attendance will be monitored via the MAPPA KPI and the management information collated by the prison performance hub. The prison representative attending a MAPPA meeting must be someone with knowledge of the offender who also has the authority to make decisions. The POM must attend all MAPPA meetings for their allocated prisoners. The author of the MAPPA F must attend MAPPA meetings for remand prisoners who do not have an allocated POM. If a prisoner is transferred in the time between the meeting invitation being sent and the meeting taking place, the author of the MAPPA F report should attend the meeting. The receiving prison should also attend the meeting where possible and will be responsible for any action<sup>36</sup> required by the prison.

15.30 The HOMD should attend all MAPPA Level 3 meetings. If the HOMD is not able to attend a Level 3 meeting, they should provide the reason to the MAPPA Coordinator and the POM should attend as deputy. Any actions or decisions requiring more senior authority will be delegated to the POM to communicate with the relevant prison managers.

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<sup>34</sup> <https://mappa.justice.gov.uk/connect.ti/General/view?objectId=23037029>

<sup>35</sup> In the absence of the HOMD local cover arrangements will be in place, the nominated manager covering the HOMD role should countersign the MAPPA F.

<sup>36</sup> Unless there is a specific action which only the transferring prison/author of the MAPPA F can reasonably complete.



15.31 Representatives from other prison departments should be invited to attend MAPPA meetings as appropriate. The POM, or HOMD, should advise the MAPPA Coordinator when this would be necessary, and invitations should be agreed with the MAPPA Meeting Chair. Prison staff should note the involvement of Psychology Services on the MAPPA F. Further guidance for HMPPS Psychology services attendance at MAPPA meetings can be found in chapter 13 – MAPPA Meetings.

15.32 Attendance at MAPPA meetings can be in person or remotely via video or telephone conferencing<sup>37</sup>.

15.33 Prisons should read Chapters 13 - MAPPA Meetings and 14 - MAPPA Meeting Minutes for further information on attending meetings and accessing minutes.

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

15.34 The HMPPS Release on Temporary Licence Policy Framework (PF)<sup>38</sup> defines those prisoners who are subject to the Restricted ROTL regime, including those assessed as high or very high risk of serious harm on OASys. There will be some MAPPA cases assessed as medium or low risk of serious harm on OASys who will therefore not be subject to restricted ROTL. However, the ROTL procedure requires the Probation Practitioner to consult local police and victim liaison officers and comment on applications for ROTL for **all** MAPPA Nominals.

If an offender has been assessed as requiring management at Level 2 or 3 when they are due to be released on any form of temporary release into the community from prison, the prison must seek the views of the COM as part of the ROTL application process. The Governor authorising the ROTL must be satisfied in advance that the offender does not pose an unacceptable risk of harm before a release is agreed. The COM should discuss Level 2 and 3 cases with key partner agencies, but a MAPPA meeting is not required just for the purpose of deciding whether ROTL should be granted.

15.35 Prison staff must ensure that all periods of ROTL are recorded on ViSOR (where a record exists). The entry must show the days and times when the offender is not within the prison where ROTL is granted for regular work, training or other such activity. For further information on Restricted ROTL refer to the Release on Temporary Licence Policy Framework.

15.36 The COM (where allocated) should also be consulted when an offender serving a determinate sentence is being considered for a move to open conditions.

## **Release at Sentence End Date**

15.37 Prisons will need to be alert to those MAPPA offenders who will be released at the end of sentence and therefore not subject to statutory Probation Service supervision. The prison should inform the COM of any risk issues which may require ongoing risk management from MAPPA partners.

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

15.39 Chapter 6 of the MAPPA guidance (Identification and Notification) contains further information about the termination of MAPPA status.

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<sup>37</sup> Microsoft Teams invitations all contain a telephone dial-in number giving prison staff great access to virtual meetings.

<sup>38</sup> [Release on temporary licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## The Youth Custody Service (YCS)

The YCS should follow the processes set out in this chapter; however, these establishments operate under different arrangements to the adult prison service and use different language. Where the guidance refers to the offender or prisoner, the YCS will refer to the child in their care. Offender management services are coordinated by the establishment's Release and Resettlement Teams and the staff working with children throughout their sentence and planning for release are known as resettlement practitioners. Secure Training Centres (STCs) and Secure Children Homes (SCHs) use the term Caseworker, which replaces the term POM and, the Youth Offending Team (YOT) case manager replaces the COM. The OMiC model does not apply to the YCS therefore sections 15.2 – 15.5 are not relevant to these prisons.

Instructions on temporary release for children are given in PSO 6300<sup>39</sup>, in relation to children detained in Young Offender Institutions, and in separate "Mobilities" guidance for children detained in STCs and SCHs. PSO 6300 states; *'Any offender considered to present a high risk to public safety must not be granted temporary release. It is good practice for consultation with the MAPPA Co-ordinator/Chair to take place where the offender is being managed by MAPPA Level 2 or 3'*

Chapter 23 - Children sets out the process for YOTs and general MAPPA guidance for working with children.

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<sup>39</sup> [PSO 6300](#)

# 16 Armed Forces

## Introduction

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

16.2 Armed forces personnel are subject to the jurisdiction of the Service Justice system as well as the civilian criminal justice system. As such they can be convicted of a 'crime' under s.42 of the Armed Forces Act (AFA) 2006<sup>40</sup> (Criminal Conduct) which applies the criminal law of England & Wales to them wherever they are in the world. Service personnel convicted of criminal conduct under s.42 can be sentenced to a period of detention and serve their sentences at the Military Corrective Training Centre (MCTC) in Colchester. Offenders may be sentenced to up to two years detention under s.42. They can also be sentenced to a term of imprisonment and serve their sentence in a civilian prison (see Chapter 15: Custody) or be given a hospital order and admitted to a civilian hospital (see Chapter 26: Mentally Disordered Offenders). They will usually be discharged from the armed forces if they are given a sentence of imprisonment or a hospital order.

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

## Identification of MAPPA offenders

### Standard - MAPPA offenders are identified on entering custody

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

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<sup>40</sup> <https://www.legislation.gov.uk/ukpga/2006/52/section/42>

## Release dates

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

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

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

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

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

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

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

## MAPPA Level

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

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

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

16.12 The screening process and setting of the MAPPA level should take place **at least six months before release, or as soon as possible depending on sentence length**. There may be some cases where the

process needs to start earlier due to the complexity and seriousness of the case or the shortness of the custodial part of the sentence left to serve before early release is considered. The police offender manager will advise the MCTC if this is the case.

16.13 MAPPA levels should be communicated to the MCTC at least six months, or as soon as possible if sentence length is less, before the release of a qualifying offender. MCTC staff should make reasonable attempts to establish the level from the police offender manager if they have not received the information within the correct timeframe. If the issue persists, the matter should be referred to the MAPPA Coordinator using the MAPPA S - Escalation form found on the MAPPA website<sup>41</sup>. Any failure to meet the standard can undermine the management of the offender while in custody and on release and impede the MoD contribution to the MAPPA meeting.

## **MAPPA meetings: invitations, attendance and reports**

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

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

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

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

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

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

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

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

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

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<sup>41</sup> <https://mappa.justice.gov.uk/connect.ti/MAPPA/view?objectID=58688357>

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

16.21 If an MCTC representative is unable to attend a Level 2 or 3 MAPPA meeting and an action has been set for the MCTC in their absence, a designated person at the meeting will be identified to take forward the action with the MCTC. Where actions are required regarding the interception of an offender's mail and pin phone account, or restricting social visits, a designated person at the meeting will be identified to make this request in writing to the MCTC. The designated person should be of an appropriately senior grade and responsibility to make such a request. The request should clearly explain why the action required from the MCTC is proportionate and necessary to manage the risk of harm the offender poses<sup>42</sup>.

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

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

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<sup>42</sup> Please see The Service Custody and Service of Relevant Sentences Rules 2009, Rule 23. Interception of Communications - <https://www.legislation.gov.uk/uksi/2009/1096/article/23/made>

# 17. Responsibility for MAPPA Cases

## Lead agency case management transfers

17.1 MAPPA cases are owned by the agencies with a statutory responsibility for managing them. These agencies may transfer cases from one agency to another or between departments of the same agency. Such transfers must be conducted in line with the agency's transfer policy and any protocols in place between agencies, including those with agencies in other jurisdictions of the UK. Transfers should be expedited to mitigate risk and minimise disruption to the risk management plan. MAPPA areas have no authority to oblige agencies to transfer cases or prevent them from doing so. Furthermore, the location of the lead agency does not determine which MAPPA area the lead agency will engage with in managing the case. For example, just because a case is managed by London Probation does not mean it will be managed under London MAPPA.

## MAPPA area responsibilities

17.2 MAPPA are a set of arrangements designed to enable criminal justice and social care agencies to manage serious sexual and violent offenders more effectively. The Criminal Justice Act 2003 requires the Strategic Management Board (SMB) in each area to "establish arrangements for the purpose of assessing and managing the risks posed in that area" by relevant offenders. The SMB put the arrangements in place and the lead agencies use them to manage any cases they have in that area.

### **Standard – MAPPA offenders are managed by the appropriate area.**

17.3 Offenders will only be subject to MAPPA in one area at a time. The MAPPA used will be those set up in the area where the overall risk can be best managed. This will usually be the area where the offender is living as that is where the risk is likely to be greatest. However, this may not always be the most effective arrangement, particularly where offenders are only living in an area for a short space of time (i.e. less than three months). In such cases lead agencies *may* use MAPPA in another area to manage the offender, provided that both MAPPA areas agree to the arrangement. If either area objects to such an arrangement the offender will be managed in the area they live in. Any decision for an offender to be managed in an area they do not live in must be defensible and be recorded in the MAPPA meeting minutes and on ViSOR.

## Changes in MAPPA area

### **Standard – Changes in MAPPA area are properly planned and managed.**

17.4 There will be occasions when MAPPA management will need to move from one area to another, either because the offender has moved to a new area or because other factors have affected the location of the risk presented. It is essential that changes in MAPPA area are properly planned and managed to minimise the risks presented and it is important that a robust risk management plan is completed in preparation for the change. However, changes in MAPPA areas should not be delayed in order to hold MAPPA meetings. Sending areas should not delay sending data to receiving areas because they want to hold another meeting and receiving areas should not delay dealing with a new offender because the sending area is planning another meeting. It is good practice for staff from both areas to attend either the last MAPPA meeting before a change in MAPPA area or the first MAPPA meeting afterwards to ensure a smooth transition.

17.5 In Level 1 cases, the sending MAPPA area should complete the MAPPA G and send it to the new MAPPA area. This will confirm that the offender has been screened and sets out the basis on which they have been identified as a Level 1 offender. The new MAPPA area cannot require the sending area to hold a MAPPA meeting or complete a MAPPA referral if the former area do not think it is necessary. If case

management has been transferred, the new lead agency should review and consider the level of management following the transfer.

17.6 In Level 2 and 3 cases, the sending area must send the most recent meeting minutes to the new area. The new MAPPA area must review the level of management required. When the MAPPA area changes for a Level 2 or 3 offender before release from custody or discharge from hospital, a MAPPA meeting should be held involving both MAPPA areas. This should be organised by the sending MAPPA area with the location agreed by both areas. This should take place as soon as possible to allow the new MAPPA area to take responsibility for the risk management plan.

17.7 ViSOR protocols and standards must be followed at all times, with MAPPA areas being changed promptly and all contacts and partners being updated as required, including where offenders move to other jurisdictions in the UK. This will be done by the agency that owns the ViSOR record in the sending area prior to a change in MAPPA area. ViSOR must also be updated with any temporary changes.

## **Approved Premises**

17.8 MAPPA offenders who are accommodated in approved premises will normally be managed under MAPPA in their home area if the placement is for three months or less and under MAPPA in the area they are living in if the placement is for more than three months. However this decision should be based on where the risk presented by the offender can be managed most effectively and is independent of any case management transfer by the lead agency. Any decision to manage a MAPPA offender in an area other than the one they are living in must be agreed by both areas. If either area objects to such an arrangement the offender will be managed in the area they are living in. Approved premises staff should always be invited to MAPPA meetings for offenders in approved premises wherever they are being managed.

## **Cross-border transfers**

**Standard – Cross-border transfer legislation is adhered to when MAPPA offenders move to other jurisdictions within the UK and Islands.**

17.9 MAPPA offenders are subject to cross-border transfer legislation when moving to other jurisdictions within the UK, Isle of Man and Channel Islands. Formal transfer protocols between agencies must be followed where they exist. Where there are no formal transfer protocols, the relevant Responsible Authority agency in the sending jurisdiction will make contact with the equivalent Responsible Authority agency in the new jurisdiction and provide the relevant information. Thereafter, the new Responsible Authority agency will make arrangements for referral to MAPPA (or equivalent) in their jurisdiction.



# 19. Critical Public Protection Cases

## Introduction

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

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

19.3 The Instruction also confirms the purpose, criteria and process for national co-ordination in the management of a very small number of violent or sexual offenders (National CPPCs) who present complex resettlement challenges, often because of their national notoriety.

## CPPC Referral Criteria

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

19.4 The referral criteria for CPPC registration is:

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

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

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

## Assurance to Ministers and MP notification

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

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

19.7 The Head of CPPC is always willing to be contacted to discuss advice and guidance regarding the CPPC referral process, including whether a case meets the threshold for CPPC registration; and, more generally, the management of complex high risk offenders, including those with a high media profile.

Telephone number 020 3334 0550, mobile 07894489662, [Nichola.Whiteley@noms.gsi.gov.uk](mailto:Nichola.Whiteley@noms.gsi.gov.uk) or

[CPPC@noms.gsi.gov.uk](mailto:CPPC@noms.gsi.gov.uk).

# 20. MAPPA Serious Case Reviews

## Introduction

20.1 The risk of serious harm can be managed but it cannot be eliminated. The Responsible Authority (RA) and Duty to Co-operate (DTC) agencies are expected to do all they reasonably can to protect the public from serious harm, but there will be occasions when an offender subject to MAPPA commits a serious further offence. In certain circumstances, the Strategic Management Board (SMB) will commission a MAPPA Serious Case Review (SCR) when this happens.

20.2 The purpose of an SCR is to examine whether the MAPPA were applied effectively and whether the agencies worked together to do all they reasonably could to manage the risk of further offending in the community. An SCR should also establish whether there are improvements to be made, identify them clearly, decide what action to take, and aim to inform the future development of MAPPA policies and procedures. It may also identify areas of good practice. It is not the purpose of an SCR to examine whether agencies followed their internal case management procedures or determine why an offence was committed. Nor is it the purpose of an SCR to apportion blame.

## When to Commission a MAPPA Serious Case Review

### Standard - The Strategic Management Board (SMB) Chair commissions an SCR when mandatory criteria have been met

20.3 The SMB Chair must commission an SCR when both of the following conditions apply;

- the MAPPA offender (in any category) was being managed at Level 2 or 3 when the offence was committed or at any time in the 28 days before the offence was committed; and
- the offence was murder, attempted murder, conspiracy to commit murder, manslaughter, rape, attempted rape or conspiracy to commit rape.

### Standard - The SMB Chair decides whether to commission a discretionary SCR

20.4 Other serious offences may also require an SCR. It is difficult to prescribe discretionary criteria, as much will depend on the circumstances of the case, but an SCR might be commissioned when not to do so would undermine public confidence in MAPPA, where there has been a significant departure from the MAPPA Guidance or there are issues that need to be addressed in the operation of MAPPA and:

- a MAPPA Level 1 offender is charged with an offence listed in 20.3 above;
- an offender being managed at any level is charged with a serious offence listed in Appendix 6; or
- it would otherwise be in the public interest to undertake a review, e.g. following an offence that results in serious physical or psychological harm to a child or adult at risk but is not an offence listed in Appendix 6.

20.5 As an internal review of the lead agency's management of the case is likely to be conducted under these circumstances, careful consideration should be given to the additional value that would be gained by conducting a discretionary SCR. This is especially relevant for Level 1 cases that have never been managed at Level 2 or 3 or where there has been limited multi-agency involvement at Level 1. Agencies should share learning from internal reviews with the relevant SMB Chair.

20.6 The MAPPA N must be used for both mandatory and discretionary SCRs to assist decision making and to keep the SMB and the National MAPPA Team informed.

### Standard - The SMB Chair retains responsibility for the SCR throughout the process

20.7 The SMB Chair is responsible for commissioning the SCR and retains responsibility for both the process and the reports generated.

## **Consultation with the Crown Prosecution Service (CPS) and the Police**

20.8 The timing of an SCR investigation and distribution of the report should be agreed with the CPS and the police Senior Investigating Officer to ensure that the legal process and police investigation are not compromised. If the SCR is undertaken at the same time as a police investigation or legal proceedings, the timing of contact with the victim or other material witnesses will have to be agreed with the CPS or the Senior Investigating Officer as appropriate.

20.9 Where the SCR is not to be undertaken until after criminal proceedings have concluded, individual agency reviews should be carried out to ascertain whether any urgent action is required. If the SCR is delayed, agency representatives on the SMB should ensure that information held by their agency is preserved and persons encouraged to write down their own recollections of the management of the case to ensure that details are not forgotten. The National MAPPA Team should be informed of any delays.

## **Appointing an SCR Author and SCR Panel**

### **Standard – The SMB Chair appoints an appropriate SCR author**

20.10 The SMB Chair will appoint an SCR author. The SCR author can be either an independent author, a member of the SMB or a senior manager from the RA or DTC agencies. If local funding will allow, the SMB Chair should consider using an independent SCR author. Given the confidential nature of the work, the SMB Chair should ensure that appropriate vetting and security checks have been carried out when appointing an independent SCR author. The SCR author will chair the SCR Panel.

20.11 The SCR author should:

- have no connection with the case;
- not be involved in the line management of the staff managing or supervising the offender;
- have sufficient knowledge, experience and skills in relation to offender management or management reviews;
- have sufficient operational and management experience to undertake the role;
- have good investigative, analytical, interviewing and communication skills;
- have or gain an understanding of the role and context of the agencies involved in the review;
- have or gain an understanding and knowledge of MAPPA before commencing the SCR report;
- use the SCR Report template (MAPPA O);
- follow the guidance in this chapter.

20.12 The SCR Panel should consist of the SCR author, a senior nominated person from each agency involved and a Lay Adviser. Lay Advisers provide an independent voice on the Panel, ensure that any community issues are addressed and act as a "critical friend" to the professionals. The Lay Adviser role is voluntary and unpaid. Demands on their time should take this into account. The SMB Chair may also include individuals with specialist knowledge where appropriate.

## **Keeping Victims Informed**

### **Standard - The SMB Chair ensures that the victim and the victim's family are kept informed of developments throughout the process**

### **Standard – The SCR author ensures that the voice of the victim and their family is embedded in the SCR process**

20.13 The SMB Chair must identify a suitably trained person of sufficient seniority and experience (as determined by the SMB for each case) to tell the victim and their family that an SCR is being undertaken and keep them updated with developments in the review. This will include keeping them informed about any

delays and the reasons for them. This contact provides an opportunity to determine whether the victim and their family have concerns or questions that could be addressed by the SCR. It may be appropriate for the SCR author to undertake this task.

20.14 The person nominated by the SMB Chair will liaise with the police Family Liaison Officer (FLO) or probation Victim Liaison Officer (VLO), where appointed, or other appropriate advocate. The person nominated must not be the FLO or VLO. Where other reviews are taking place (for example a Probation Serious Further Offence Review or Domestic Homicide Review), contact with the family should form part of an agreed plan across the agencies to ensure it is sensitive to their needs and to avoid duplication or providing conflicting information. Information about how this was done should be captured in the SCR report.

## Diversity, Inclusion and Equality

20.15 The SMB, SCR author and SCR Panel must ensure that all reviews are undertaken without discrimination in relation to any of the nine protected characteristics set out in the Equality Act 2010 (i.e. age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation) or on any other basis. The SCR must address any issues related to protected characteristics and other diversity, inclusion and equality issues that are relevant to the review. The SCR must also consider the impact of any vulnerabilities and examine any barriers to accessing services. SCR authors must take care not to use discriminatory language. Any diversity issues highlighted by the SCR must be considered by the SMB.

In addition, protected characteristics and vulnerabilities for perpetrators and victims must be recorded on the MAPPA O2, where known, for the purpose of data analysis.

## Process and Timescales

20.16 The following stages of the SCR process should be completed within the identified timescales. However, the commencement of the review may be delayed following advice from the CPS or other prosecuting body.

### STAGE OF MAPPA SCR PROCESS

### TARGET DATE

MAPPA Co-ordinator to be notified by the lead agency of the MAPPA offender being charged with an SFO using the MAPPA N (sections 1-4).

Within 5 days of charge.

MAPPA Co-ordinator to notify the SMB Chair using the MAPPA N. For more complex discretionary cases, the MAPPA Co-ordinator to also hold a discussion with key SMB members.

Mandatory SCR: Within 5 days of being made aware of the charge.

Discretionary SCR: Within 10 days of being made aware of the charge.

SMB Chair to decide whether the case meets the criteria for an SCR.

Within 10 days of receiving the MAPPA N.

The SMB Chair to notify the National MAPPA Team that an SCR is being conducted by completing section 8 of MAPPA N.

Within 5 days of decision being made.

National MAPPA Team to complete section 9 of MAPPA N and return to SMB Chair and MAPPA Co-ordinator.

Within 5 days of receiving notification.

SMB Chair to inform each of the agencies involved in managing the case, that an SCR will take place. The SMB Chair will require

Within 5 days of decision being made to conduct an SCR.

agencies to secure their case records, request an Individual Management Review, agree timescales for providing documents and request nomination of appropriate person to be a member of the review team.

SMB to agree a victim/victim family communication plan, including when they will be notified of the process, who the report will be shared with, who will share it and when.

Within 1 month of decision being made to conduct an SCR.

SCR Panel to meet to provide oversight and challenge. The Panel should consist of the SCR author, a senior nominated person from each agency that was or should have been involved in the case, and a Lay Adviser. The SCR author should chair the meeting. The Panel will meet several times as determined by the SMB Chair to oversee progress and address any issues.

Within 1 month of agencies being notified of the decision to conduct an SCR or 1 month of the CPS agreement to the SCR taking place or 1 month of conviction.

SCR author to produce SCR Report. The other members of the SCR Panel will be given the opportunity to make representations on behalf of their agencies before the SCR Report is finalised. Send to the National MAPPA Team for quality assurance and guidance before the SMB Chair gives final approval.

Within 6 months of the SCR Panel's first meeting

SMB to produce an action plan to address the recommendations in the report.

Reviewed every 4 months until completed.

20.17 All documentation must be marked OFFICIAL SENSITIVE, sent by secure email (or similar), and kept securely.

## Conducting the SCR

20.18 Each case will present different issues and the review should be conducted to suit the complexity of the case. To ensure that a consistent approach is adopted, the following methodology is suggested for the investigation:

- examine the recent MAPPA meeting minutes for the case;
- review the ViSOR record, where one exists (the SMB will need to determine how the SCR author sees the ViSOR record);
- examine the MAPPA F, MAPPA H and/or MAPPA I as appropriate;
- decide what information, if any, is required from other agencies;
- ask those agencies to provide that information through a report;
- identify protected characteristics and vulnerabilities and whether they impact on the review;
- identify potential interviewees;
- conduct interviews, as required;
- examine individual agency findings, where available;
- take account of such findings, where relevant;
- examine other reports and reviews, as available;
- meet with victims and their families and consider their representations; and
- inform the National MAPPA Team if an SCR is discontinued (see paragraph 20.28).

## Terms of Reference

20.19 The purpose of the SCR is to look objectively and critically at whether MAPPA were applied effectively. It is also an opportunity to identify improvements to be made and areas of good practice. The full terms of reference are as follows:

- to examine whether the MAPPA were effectively applied in the management of the offender, from the date when they became eligible for MAPPA, to the date of the last of their serious further offences;
- to determine whether the MAPPA agencies worked together to do all they reasonably could to manage the risk of re-offending in the community effectively;
- to identify any agency variations from agreed policies, processes and statutory requirements relating to MAPPA, which may have had an impact on MAPPA management or contributed to the offender having the opportunity to re-offend;
- to consider why arrangements were not applied, agencies did not work together effectively or varied from agreed policies, processes and statutory requirements;
- to address other relevant concerns raised by victims/victims' families that fall within the scope of the SCR;
- to identify any areas for improvement in how MAPPA were used;
- to provide an action plan showing how the SMB will implement recommendations, so as to improve the operation of MAPPA and inform the future development of MAPPA policies and procedures in order to protect the public more effectively;
- to identify any areas of good practice; and
- to submit the report findings to the relevant SMB.

20.20 The SCR should not investigate the internal case management of offenders by individual agencies unless it is essential to show how the MAPPA were operating. Agencies have their own internal review processes to investigate such matters. The SMB may add to the terms of reference according to the circumstances of the case but should not extend the scope of the review.

## Producing the SCR Report

### Standard - SCR Author Produces the SCR Report for the SMB

20.21 To ensure consistency the SCR author should use the MAPPA O as the template for the report. The MAPPA O can be found on the MAPPA website at <https://mappa.justice.gov.uk/connect.ti/General/view?objectId=17116293>. The report should be written in plain English with minimal jargon and acronyms explained. It should also meet the individual accessibility needs of victims/victims' families, including being translated into their chosen language or altering the font to make it easier to read. Protected characteristics and vulnerabilities must be recorded on the MAPPA O2 where known and used for data analysis only.

20.22 An SCR may include identifiable data about individuals and sensitive details about agency practices. It should therefore be marked OFFICIAL SENSITIVE under the Government Security Classification (GSC) scheme. Such data may need to be redacted before the report is shared with victims and their families (see 20.27). It is good practice not to identify people by name (except the SCR author) and to keep sensitive information to a minimum while making the findings clear. This will reduce the level of redaction required and may remove the need for a redacted version entirely.

20.23 The SCR author should ensure that contributing agencies are satisfied that their information is fully and fairly represented in this report. If there is a dispute over the findings of the report that cannot be resolved by discussion, the final decision will rest with the SMB Chair.

20.24 The SMB may obtain legal advice on behalf of the SCR author if necessary.

20.25 Upon completion the SCR author should send their report to the SMB for comment. Once they are satisfied with the quality of the report the SMB Chair should send a copy to the National MAPPA Team, who will provide formal written feedback, which should be considered before the SMB approve the Report. The

SMB Chair should consult with the National MAPPA Team if any of the recommendations require national action. The National MAPPA Team will formally accept or reject such recommendations, taking action and developing policy as appropriate or providing a rationale for not doing so. The National MAPPA Team may also provide information to Ministers in appropriate cases.

20.26 Completing the review and devising an action plan is only the beginning of the process. Learning must be acted upon and should be disseminated to all of the agencies involved and the National MAPPA Team. SMBs should consider what type and level of information needs to be disseminated, how and to whom and communicate both examples of good practice and areas where change is required. SMBs may wish to consider holding a learning event. The report itself must not be widely distributed and should only be shared with the authority of the SMB. It must not be published.

20.27 The MoJ will lead any media engagement where probation was the lead agency. Other agencies will follow their own media policies where they are the lead agency. The SMB should consult with the lead agency about what information can be released to the media, by whom and when. The SMB should also notify the National MAPPA Team and MOJ Press Office when these consultations occur as they will lead on any issues about MAPPA as a whole.

## **Sharing Findings with Victims**

20.28 The SCR author should redact the approved report (if necessary), removing third party data, sensitive intelligence etc. in line with the Data Protection Act 2018. A record of the redactions made should be recorded in a redaction log and approved by the SMB Chair. The person identified by the SMB Chair should meet the victim and/or their family by personal arrangement at a suitable location to provide them with a redacted copy of the report. It is good practice to deliver the report as a two stage process, with an initial meeting to give the victim and their family a copy of the report and set out the key messages and a follow-up meeting to answer any questions the victim and their family have after they have had time to read the report and reflect. These meetings should build on the previous contact with the victim and their family (see 20.13-20.14 above). The meeting may include the FLO/VLO or other agency/family representative as appropriate. Conversations with the victim and their family should be conducted with honesty and sensitivity. The victim and their family should be reminded that they have been given a copy of the report in confidence. The person identified by the SMB Chair to share the report and its findings should also be aware of any other reviews being conducted and shared with the victim and their family, in order to co-ordinate information sharing and not overwhelm the recipients.

## **Discontinuing an SCR**

20.28 There may be occasions when the case against an offender is discontinued or the charges are reduced, taking the offender outside SCR eligibility. In these cases, the SCR process should be discontinued, unless it has already been completed or is near completion. The SMB Chair may choose to conduct a local learning review if they feel that this would help to improve practice. The National MAPPA Team must be informed when a case has been discontinued.

## **Action Plan**

### **Standard – The SMB Chair monitors progress of the Action Plan**

20.29 The SCR Report should include recommendations from the SCR author and an Action Plan developed by the SMB. Agencies should agree actions and update the SMB Chair with the progress of actions assigned to them. The SMB Chair in turn should monitor the Action Plan and update the National MAPPA Team on progress, including where actions are not completed. The SCR Panel may sign off the Action Plan when it is completed and review how practice has improved. A brief report on the final completion of the Action Plan should be sent to the National MAPPA Team within 12 months of the Action Plan being agreed. The SMB Chair is responsible for the dissemination of any learning across their area. The National MAPPA Team will present learning to the MAPPA Responsible Authority National Steering Group annually.



## Audit

20.30 The SMB should establish audit systems for all mandatory and discretionary SCR cases (covering timescales for completion, action plan progress, etc.) and for cases that are rejected as not meeting the criteria for a mandatory or discretionary SCR.

20.31 The National MAPPA Team maintains a database of all SCRs being undertaken. They will quality-assure the MAPPA SCR Report and provide formal written feedback to the Chair of the SMB before the report is approved by the SMB Chair. The National MAPPA Team will also monitor the progress of the Action Plans via updates from the SMB Chair. The National MAPPA Team will compile an annual report of issues that need to be addressed to highlight the main themes present in SCRs from that year. This will be distributed via the MAPPA Website and will be monitored year-on-year to determine any repeated themes. The findings will influence national policy decision making.

## Other Reviews

20.32 Other reviews may be triggered as a result of a serious further offence, for example:

- Child Safeguarding Practice Reviews [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779401/Working\\_Together\\_to\\_Safeguard\\_Children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard_Children.pdf) (July 2018)
- Safeguarding Adults Reviews <https://www.scie.org.uk/safeguarding/adults/reviews/care-act>
- Domestic Homicide Reviews [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575273/DHR-Statutory-Guidance-161206.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575273/DHR-Statutory-Guidance-161206.pdf) (December 2016)
- NHS Independent Investigations <https://www.england.nhs.uk/patientsafety/wp-content/uploads/sites/32/2015/04/serious-incident-framwrk-upd2.pdf> (March 2015)
- Offensive Weapons Homicide Reviews (Police, Crime, Sentencing and Courts Act 2022).

20.33 These reviews do not specifically look at how agencies work together under MAPPA, but they may cover similar issues to the SCR. To avoid duplication and any misunderstanding, the SMB Chair must identify whether any other reviews are taking place and notify other agencies when an SCR is taking place.

# 21. Housing and Employment

21.1 Settled housing and productive use of time are two of the most important protective factors against re-offending and risk of serious harm. Everyone leaving prison should have somewhere safe and secure to live; accommodation provides a foundation to aid in rehabilitation and enables offenders to hold down a job, access healthcare, and reduces the likelihood of them reoffending. Evidence shows that there is a connection between homelessness and reoffending, with prison leavers released without stable accommodation being almost 50% more likely to reoffend (HMIP 2020). Having a job can be life changing for people leaving prison, it can provide a form of income and sense of self-worth and provide an opportunity for someone to move forward with their life. Having a job helps cut crime; ex-offenders with jobs are between 6 and 9 percentage points less likely to reoffend. However, employment levels for prison leavers are much lower than those of the general population - only one in five prison leavers have a job after six months. It is important that Duty to Co-operate (DTC) agencies involved in these areas are fully engaged in MAPPA and offer support and advice in line with their statutory responsibilities.

## Housing

### Advice and Information

21.2 Under Part 7 of the Housing Act (HA) 1996 Local Housing Authorities (LHA) must ensure that advice and information about homelessness, and preventing homelessness, is available free of charge to everyone in their district. These advisory services must be designed to meet the specific needs of particular groups, including persons released from prison.

21.3 LHAs must also take reasonable steps to try to prevent and relieve eligible applicants' homelessness. These new duties apply irrespective of whether a person has 'priority need' or may be regarded as being 'intentionally homeless'.

21.4 For all applicants that are eligible<sup>43</sup> and homeless or threatened with becoming homeless within 56 days, the LHA must assess:

- The circumstances that have caused their homelessness,
- Their household's housing needs,
- The support they need to have and sustain accommodation.

21.5 The result of the assessment has to be shared with the applicant, and the LHA must then try to agree with them a Personalised Housing Plan (PHP) setting out the 'reasonable steps' the authority will take to prevent or relieve their homelessness. The PHP will include steps the applicant is to take as well.

### The Main Homelessness Duty.

21.6 LHA must also ensure that suitable accommodation is available for people who apply to them for housing assistance and who are eligible for such assistance, who have become homeless through no fault of their own, who fall within a priority need group and have a local connection. This is known as "the main homelessness duty". Authorities must secure accommodation until a settled home becomes available, or some other circumstance brings the duty to an end.<sup>44</sup>

21.7 Those with a priority need for housing include households which include pregnant women, dependent children, care leavers (aged 18-20), someone vulnerable as a result of old age, mental illness or learning disability or physical disability or other specified reason or someone homeless or threatened with

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<sup>43</sup> Certain persons from abroad are ineligible. See s.185 Housing Act 1996 for further details.

<sup>44</sup> The Homelessness (Priority Need for Accommodation) (England) Order 2002

homelessness as a result of an emergency, such as a flood, fire or other disaster<sup>45</sup>. A homeless applicant may be assessed as being vulnerable due to having been in care (aged 21 or over) or having served in the armed forces.

21.8 A homeless applicant will also have priority need if they are vulnerable as a result of having served a custodial sentence, been committed for contempt of court or have been remanded in custody. In assessing whether a person is vulnerable due to having spent time in custody the local authority should take into account all relevant factors including the length of time they have spent in custody, the views of the probation practitioner as to their vulnerability, the length of time since their release and their ability to obtain and maintain accommodation during that time, and the support networks available to them and whether their support networks are likely to be a positive influence in their life.<sup>46</sup>

21.9 The LHA duty to co-operate with the Responsible Authority does not create a new duty to accommodate offenders.

## **The duty to refer**

21.10 In addition, the Homelessness Reduction Act 2017 introduced the duty to refer, which requires various public authorities in England, such as Prisons, Probation Services and Jobcentres, to notify an LHA of service users they think may be homeless or at risk of becoming homeless within 56 days. The public authority must have consent from the individual before referring them, and the individual can choose which LHA they are referred to. The LHA must then assess any applicant that is eligible and homeless or threatened with becoming homeless within 56 days.

## **Allocation**

21.11 Part 6 of the HA 1996 governs the LHA allocation of social housing, either within its own stock or through a nomination to a housing association. LHAs are required to have and to publish an allocation scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation, and they must allocate in accordance with that scheme. Certain persons from abroad specified in regulations are ineligible to be allocated social housing. Otherwise, local authorities may set their own criteria determining who qualifies to go onto their housing waiting list.<sup>47</sup>

21.12 An allocation scheme must be framed in such a way that overall "reasonable preference" for an allocation goes to certain categories of persons. These are:

- People who are homeless within the meaning of Part 7 of the HA 1996.
- People living in unsanitary, overcrowded or unsatisfactory housing.
- People who need to move on medical or welfare grounds, including grounds relating to a disability.
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or to others.

## **Mental Capacity**

21.13 LHAs must comply with the Mental Capacity Act 2005 in relation to everyone involved in the care, treatment and support of people aged 16 or over living in England and Wales who are unable to make all, or some, decisions for themselves. A person's best interests must be the basis for all decisions made and actions carried out on their behalf in situations where they lack capacity to make those particular decisions for themselves. Where an offender lacks capacity, and has no family or friends to support them, the

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<sup>45</sup> <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-8-priority-need>

<sup>46</sup> [Chapter 23: People with an offending history - Homelessness code of guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](#)

<sup>47</sup> Changes introduced by Chapter 7 of the Localism Act 2011.

Responsible Authority agencies must make arrangements for an Independent Mental Capacity Advocate to be available and accessible.

## **Adult Social Care and Choice of Accommodation**

21.14 A local authority discharging its duty under section 117 of the Mental Health Act 1983 (applicable where a person has been compulsorily treated in hospital for a mental disorder), must ensure a person is offered a choice of suitable accommodation that meets their care and support needs. If the accommodation chosen is more expensive than what a local authority would expect to, or is willing to pay, the person or a nominated person acting on their behalf needs to be made aware of the cost implications for them. Raising awareness allows for an informed choice to be made before an official agreement to pay the extra costs ('top-up' payment) is entered into. This avoids a breakdown in the agreement entered into, because if this occurs, the authority would need to review the person's care and support arrangements where it may then be necessary for the person to move to alternative accommodation.

## **Universal Credit and Housing Benefit**

21.15 Housing is now included in Universal Credit for most working age claimants. Universal Credit restricts the level of help for single people aged under 35 who live on their own and live in the Private Rented Sector to the shared accommodation rate of Local Housing Allowance, rather than the one-bedroom self-contained rate. This reflects the rent levels of properties with sole use of a bedroom and shared use of at least a living room, kitchen and bathroom. Level 2 and 3 MAPPA offenders who live in a self-contained property are exempt from the shared accommodation rate in Universal Credit if they are aged under 35. Individuals of pension age or those who are in Temporary Accommodation or supported/sheltered housing claim Housing Benefit from the Local Authority.

21.16 The lead agency must complete a MAPPA P where the criteria for exemption to the shared accommodation rate have been met. This will only contain sufficient detail to enable the claimant to be identified, a statement that the claimant meets the criteria for an exemption and an end date when they will no longer be managed under MAPPA (or its equivalent in Scotland) and therefore no longer meet the conditions for exemption. An offender may reach their 35th birthday before MAPPA management ends and will therefore no longer require an exemption. The MAPPA P should be sent via secure email to the DWP MAPPA SPOC for Universal Credit. Contact details should be agreed in the Memorandum of understanding (see Chapter 3 – Duty to Co-operate Agencies for more details). The sharing and storage of all personal data must comply with data protection legislation (see Chapter 9 – Information Sharing) and these forms must be destroyed when the offender is no longer subject to MAPPA, whether they have made a claim or not.

21.17 The exemption will continue to apply even if a MAPPA Level 2 or 3 offender is re-assessed as level 1, unless the offender changes address. It is advisable to issue a new MAPPA P on a change of address.

21.18 Other MAPPA offenders who do not qualify for the exemption will need to make an application for a Discretionary Housing Payment to the local authority who will consider each request on a case-by-case basis depending upon the needs of the offender and the risk of harm level. They may benefit from support from the lead agency.

## **LHA contribution to MAPPA**

21.19 LHA representatives can make an important contribution to MAPPA given the importance of accommodation in the resettlement of offenders and therefore in the management of risk. They may not have a specific duty to accommodate an offender and the offender may not meet the qualifying criteria for the local allocations scheme, but LHA advice about accommodation, the procedures by which it is allocated and the suitability of particular housing stock is a useful contribution to MAPPA.

21.20 An assessment of the accommodation, its location, the influence of and relationship to other residents etc will need to be made to establish whether this factor is linked to the risk of serious harm and how it is linked. Risk of serious harm to housing staff, including those who work for local housing authorities and private registered providers of social housing, should be managed through the offender's Risk Management Plan (RMP) and details should be provided through the disclosure process.

## **Restrictions on employment**

### **Standard - The Lead Agency notifies DWP of any restrictions on employment and training using the MAPPA J form**

21.21 The Probation Practitioner has a responsibility to help the offender obtain suitable employment and training. **This includes** preventing them from seeking or obtaining employment or training that may increase or trigger the risk of harm they present or from which they are barred or disqualified. Police Offender Managers will also consider employment as part of their risk assessment and risk management plan.

21.22 DWP will seek to place offenders who qualify for Universal Credit into suitable employment or training, according to their personal circumstances. The lead agency must notify the relevant DWP SPOC of any restrictions that would render some types of employment or training unsuitable for the offender. These restrictions could include specific licence conditions, such as exclusion zones and non-contact conditions, Orders, such as SHPOs, or being on a barred list that restricts regulated activity with children or adults or both.

21.23 The lead agency (including YOTs and mental health services) must complete a MAPPA J form whenever such restrictions are in place, notifying DWP of the restrictions and when they will cease. This should be sent by secure e-mail to the DWP SPOC identified in the ISA prior to the offender's release from custody/hospital, once the licence conditions have been set, or as soon as a court makes a community order or a SHPO. A new MAPPA J must be sent whenever the restrictions or lead agency changes. It is the responsibility of the new lead agency to notify DWP of any changes.

### **Standard: The DWP confirms receipt and contacts the lead agency to discuss where necessary**

21.24 When DWP receive a MAPPA J, the identified DWP SPOC should contact the OM within five working days to confirm receipt. When the MAPPA J notifies DWP of changes to the offender's restrictions, the DWP SPOC should also contact the OM to discuss any implications of these changes, if necessary.

21.25 DWP should seek additional clarification from the OM as required, including where necessary and proportionate information needs to be passed onto DWP's providers to enable suitable employment and training to be provided.

21.26 The DWP SPOC must contact the OM immediately if an offender seeks access to employment or training that would contravene any of the restrictions placed on them or self-discloses information about their sexual or violent offending or any other information that raises concern.

### **Standard - Notification to DWP using the MAPPA J is identified in the Risk Management Plan, and relevant details placed on ViSOR.**

21.27 The MAPPA J should also identify whether there is a risk of serious harm to DWP staff, including contracted staff and those dealing with offenders applying for benefits and carrying out medical examinations for work capability assessments. The disclosure process should also be used to inform DWP staff of the risks presented by MAPPA offenders who do not have relevant restrictions. See Chapter 10 – Disclosure for more details.

21.28 No other information about the offender, including previous or current offences or the risk of serious harm the offender presents to the general public, should be shared with DWP on the MAPPA J. The role of DWP is to place an offender into suitable employment or training, being mindful only of any current and relevant restrictions placed on that offender.

21.29 The offender should normally be informed when DWP is notified of the details of any restrictions placed on them. There may be exceptional circumstances when restrictions affecting employment or training are imposed without telling the offender what these restrictions are. This might apply, for example, when there is reason to believe that an offender would become a greater risk, or pose an unacceptably high new risk, if they were informed about the restriction imposed. Given the potential for risk of harm to DWP staff in dealing with these exceptional cases, the MAPPA J should **not** be issued in these circumstances without prior discussion with the relevant DWP SPOC.

21.30 Where there is a ViSOR record, the date the MAPPA J was sent to DWP, the restrictions and when the restrictions end, should be recorded in the activity log.

21.31 Offenders on licence who are not subject to any specific restrictions on their employment or training are nevertheless prohibited from undertaking employment without the approval of their Probation Practitioner. The Probation Practitioner may impose restrictions on employment and training where necessary. These will need to be necessary and proportionate to the risk of serious harm posed and decided on a case-by-case basis. In these cases, the Probation Practitioner should discuss the circumstances with the relevant DWP SPOC before issuing a MAPPA J. The end date for restrictions of this kind will be the date of the end of the offender's supervision, or earlier, should the restrictions be deemed no longer necessary.

**Standard - DWP remove any information about restrictions placed on an offender from their systems on the restrictions' end date, as stated on the MAPPA J.**

## 22. Victims

### Introduction

22.1 All MAPPA Chairs and Probation Practitioners should be familiar with the 2015 Code of Practice for Victims of Crime, which outlines the minimum standards for criminal justice agencies providing specified service to victims.

22.2 Victim safety, preventing re-victimisation and avoiding the creation of new victims are fundamental to public protection. It is essential for decision-making to be informed by effective engagement with previous and current victims, and where practicable and appropriate, with potential victims as well. Lead agencies need to be satisfied that the risk assessment identifies victims and potential victims who may be at risk and that the Risk Management Plan (RMP) provides appropriate measures to protect them under its victim safety section<sup>48</sup>.

22.3 Where the victim has been referred to a Multi-Agency Risk Assessment Conference (MARAC) and the offender is being managed through MAPPA, information relating to the RMP in respect of the victim(s) should be shared in order to avoid duplication of effort. For further information on MARAC please see paragraphs 22.20 - 22.25.

### Identifying victims

#### **Standard - The lead agency identifies any victims of MAPPA offenders**

22.4 It is important for the lead agency to establish:

- Who is in contact with the victim(s)
- Victim safety planning as part of the RMP

22.5 The victim focus of MAPPA includes direct victim(s) and previous victims of the offender who may still be at serious risk of harm and may include others who have been seriously affected by the offence.

#### **Standard - The lead agency develops an effective RMP to protect the victim**

22.6 The lead agency must identify any new or potential victims, or others who may be supporting the victim or potential victim. These may or may not be named individuals - for example, those who are vulnerable by virtue of their location in relation to the offender; their age (where this has been identified as a trigger for further offending); their gender, particularly where women have been targeted; and their race, religion, sexual orientation, disability or other distinguishing characteristic in relation to hate crime. The management of risks posed by an offender to particularly vulnerable people, for example children and adults at risk<sup>49</sup>, will require effective links between the lead agency and other agencies, including Local Authority Children or Adult Services. This is especially important in relation to licence conditions that are directly relevant to children or adults at risk and their families.

### Liaison with victims

22.7 The lead agency needs to consider how it can actively keep victim issues and concerns central to the MAPPA process. Victims or their advocates cannot attend MAPPA meetings, however their involvement should not be limited to the passive receipt of information. Victims need to be given clear information about

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<sup>48</sup> For further information on RMP and the victim safety heading, please see Chapter 12 – Risk Management Plan

<sup>49</sup> Adults at risk is defined in Section 42(1) of the Care Act 2014 and Section 126(1) of the Social Services and Well-being (Wales) Act 2014

how their concerns will be fed into the process. Victims can make an important contribution to risk assessment and they may have a critical interest in the management of risk, but, while active and important, it is not an executive role. The victim is central to the offence and may understand the risk the offender presents, but they inform, rather than decide, the RMP because ultimately they are not responsible for delivering it.

## **The Victim Contact Service**

22.8 The statutory Victim Contact Service (VCS) enables eligible victims (or in the case of a death, bereaved close relatives of the victim) to be informed about key developments in the offender's sentence. To achieve this, the Probation Service has a statutory duty under the Domestic Violence, Crime and Victims Act 2004 (DVCVA 2004) to contact the victims of offenders convicted of a specified violent or sexual offence who are sentenced to 12 months or more imprisonment. In 2005 and 2008 respectively, victims of restricted patients and non-restricted patients became eligible for this service.

22.9 The Probation Service also has some limited discretion to offer the VCS to victims who do not meet the statutory criteria for the service, e.g. where the offence pre-dates the statutory introduction of the Scheme in 2001. MAPPA meetings should not assume that there is no probation Victim Liaison Officer (VLO) involvement just because the victim does not meet the statutory threshold for the VCS. To find out if a victim has contact with a VLO, the OM should contact the local Probation Service Victim Liaison Unit to ask them to check the national Victim Contact Management Service database.

22.10 VLOs working in Probation Service Divisions will provide information to victims about the criminal justice process, what the offender's sentence means, and how decisions are made about how long the offender will remain in prison or hospital. This includes information on tariffs, appeals, parole eligibility, release (including release on temporary licence and escorted or unescorted leave), conditional discharge, and recalls. In relation to unrestricted patients, the information will come directly from the hospital and not the VLO.

22.11 The VCS is an information-giving service that also allows victims to feed in views about certain decisions about how an offender is managed. It is not primarily a safety planning or risk management service. The Probation Service will not offer contact on the sole basis that the victim is at risk from the offender. There will be situations in which an individual who does not meet the criteria for either statutory or discretionary victim contact is assessed as being at risk from an offender. For example, victims who are known to have suffered domestic abuse but where the sentence is for less than 12 months or victims where there has been no relevant conviction. The OM must ensure that information about them is included in any MAPPA or other professionals' meeting to manage the offender's risk. MAPPA meetings must ensure that the RMP contains actions to manage this risk (see Chapter 12 - Risk Management Plans).

22.12 The VCS, through VLOs, helps represent the feelings of victims when cases are discussed at multi-agency meetings and when offenders are being considered for parole, release from prison on licence, or discharge from hospital. Victims under the VCS have a right to make representations about licence conditions, including release on temporary licence, via their VLO. The DVCVA 2004 requires Probation Service to send the victim's representations about licence conditions to the decision maker in each case. These requests are based on the risk of emotional harm to the victim; a separate consideration to the risks of reoffending and serious harm normally considered by the OM, but one that is no less important for the purpose of evidencing the necessity of licence conditions. Depending on the type of case, and whether it is pre or post release, the decision maker can be the governor of the releasing prison (for initial determinate releases from custody), the Parole Board (for indeterminate cases) or an ACO in the Probation Service (for determinate cases undergoing a licence variation). The OM may not prevent such requests, however if they feel that the request is disproportionate or would otherwise cause issues related to the offender's management on licence they can provide feedback to the VLO to see if an agreement can be reached. The



VLO can then relay these to the victim to see if they would be willing to modify their request. If agreement is not reached, then the OM can submit an alternative proposal to the decision maker. While non-contact and exclusion zones are typical conditions to be requested, MAPPA Chairs should be mindful that a victim is not limited to only requesting those conditions.

22.13 If the Parole Board is considering the offender's case, victims with a statutory right to the VCS are also entitled to make a Victim Personal Statement (VPS) setting out the impact the offence had on them and what the impact of release would be. Discretionary victims are not entitled to make a VPS, but where they wish to make representations about conditions, these should be made via the OM as part of the RMP.

22.14 Where an offender is managed at MAPPA Level 2 or 3, VLOs will also represent the victim's views either in person or by way of a report at each appropriate MAPPA meeting.

22.15 Where the victim lives in a different area from the one responsible for managing the offender, it is essential that there is effective communication between the VLO in the area where the victim lives and the OM. The VLO must ensure that they feed information into the MAPPA meeting through attendance or through a report, whether or not it is being held in their local area.

22.16 The victim of one offence may be the perpetrator of another, for example in gang-related offending. It is therefore possible that an offender will be eligible for contact under the VCS at the same time as being subject to statutory supervision by the Probation Service. It is important that there is close liaison between the OM and the VLO in such cases to ensure the offender's rights as a victim are taken into account when planning how their order or licence will be managed. This type of scenario will also affect the type of information that can properly be shared with victims, as there would, for example, be public protection issues in giving information to a victim that could be used to plan retaliation against the offender.

22.17 Some victims may not wish to make requests for licence conditions<sup>50</sup>, particularly exclusion zones, as they are concerned that this could disclose their whereabouts and movements to an offender. In such cases, it is important that the VLO feeds into the MAPPA meeting any information that the victim is willing to disclose about their location and areas where they travel to frequently, such as for work and to see close family, to help inform multi-agency discussions and decisions about the management of the offender.

## **Managing victim information**

### **Standard - The storing of information complies with the Government Protective Marking Scheme**

22.18 Where a probation VLO or Independent Domestic Violence Adviser (IDVA) team has been involved in a MAPPA meeting and has received a copy of the minutes, they must be stored securely, treated as confidential, not placed on the victim's file, and retained in line with the organisation's own policies.

22.19 Any information from the MAPPA meeting that is to be shared with the victim should be agreed at the meeting. The meeting should identify what information should be given to the victim, by whom and by when, and the reason for the information being shared. This decision should be recorded on the minutes, but the

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<sup>50</sup> For further information, please see Prison Service Instruction 2015-12 – Licence Conditions, Licences and Licence and Supervision Notices - <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2015/psi-12-2015-licences-conditions-supervision.pdf>

minutes are **not to be shown** to the victim as they will contain information about the offender or other confidential information (see Chapter 10 - Disclosure).

22.20 Victim information is highly sensitive and should not be shared without the prior agreement of the agency or agencies who supplied it. Careful consideration must be given to the implications for the victim's safety and confidentiality.

## **Multi-Agency Risk Assessment Conference (MARAC)**

### **Standard - MAPPA and MARAC work together to manage the risk of serious harm posed by offenders convicted of domestic abuse**

22.21 The focus of MARAC is the protection of victims who are at a high risk of serious harm from domestic abuse. A meeting is convened to share information to enable an effective RMP to be developed.

### **The link between MAPPA and MARAC**

22.22 To avoid duplicating effort and resources, the work of MARAC and MAPPA should be co-ordinated in such a way as to provide the most effective response to the victim and ensure that a robust RMP is in place. MAPPA is a statutory set of arrangements and a MAPPA meeting at level 2 or 3 should take precedence over the MARAC. All offenders assessed as requiring Level 2 or 3 MAPPA management must be managed through MAPPA meetings. However, it may not be necessary to hold a MARAC where victim safety planning is agreed at the MAPPA meeting. This should be agreed between the MARAC and the MAPPA meeting Chair.

22.23 Where an offender meets the criteria for Level 2 or 3 MAPPA management **and** the victim has been referred to the local MARAC, the IDVA must be invited to the MAPPA meeting, together with any other professionals who have relevant information about the victim. The MAPPA meeting will ensure that the risk assessment and MAPPA RMP effectively identify and put in place actions to protect the victim, but it may also need to address other risks posed by the offender that could not be addressed through the MARAC process. The quality of the MAPPA RMP will be enhanced with the additional information that the IDVA and others can provide. This will support the effective management of the offender and reduce the potential risk of harm to the victim. For Level 1 cases, the lead agency should engage with the IDVA to support MARAC. Further information on MARAC can be found at [www.safelives.org.uk](http://www.safelives.org.uk).

### **Disclosure of MAPPA meeting minutes to a MARAC**

22.24 MAPPA meeting minutes are only provided to those agencies who participated in the MAPPA meeting and who have therefore agreed to the confidentiality statement and disclosure of information arrangements that applied to the meeting. Some of those agencies will also attend the MARAC. The participants in the MAPPA meeting can ask for the MAPPA meeting Chair's permission to share details of key decisions with the MARAC meeting.

22.25 In cases where an offender has previously been managed at MAPPA Level 2 or 3 and there is a further incident of domestic abuse, which is referred to MARAC, the MARAC coordinator can request a MAPPA meeting minutes executive summary. This should be provided within 10 working days, or earlier when it is agreed to be necessary. It may be reasonable to seek the MAPPA meeting Chair's permission to share key details of the relevant decisions made at a MAPPA meeting, to avoid the need to provide an executive summary.

## Disclosure

### **Standard - All disclosures comply with the law, are necessary for public protection and are proportionate**

22.26 Under the DVCVA 2004, the Probation Service must consider, in all the circumstances of the case, what information it is appropriate to give to a victim with a statutory entitlement to the VCS. This means that all requests for information must be considered.

22.27 Where the Probation Service considers that there may be a case for disclosing information that goes beyond the general provisions of the VCS, such a proposal should be discussed at a MAPPAs meeting, as a matter of good practice, to ensure that all relevant information is fed in to the decision making. The MAPPAs meeting must consider whether the disclosure is necessary, lawful and proportionate. Please refer to Chapter 10 - Disclosure, which sets out what needs to be considered when making a disclosure. All decision-making regarding disclosure must be recorded.

22.28 The fact that the victim might be caused distress if they found out information from another source is not usually sufficient justification for disclosing information beyond that provided for under the VCS.

22.29 A victim may request disclosure of an up-to-date photograph of the offender. This may be because they have not seen the offender for many years and want to be reassured that they will not meet them unknowingly or so that they will be able to recognise and report the offender if they enter an exclusion zone. Victim Liaison Officers should refer such requests to MAPPAs as set out above. A photograph is considered to be sensitive personal data, so there is a presumption that it will not be disclosed unless there is lawful reason to do so, but each request must be judged on its individual merits.

22.30 Another increasingly common issue is whether a victim should be told that an offender has completed or is in the process of transitioning to a different gender. Disclosure of this information is covered in Chapter 10 - Disclosure. If there are any queries regarding disclosure that you are unable to resolve locally, in particular in relation to complex disclosures such as gender reassignment or photographs, please contact the National MAPPAs Team at [MAPPAs@noms.gsi.gov.uk](mailto:MAPPAs@noms.gsi.gov.uk).

## 23. Children

### Child Centred Approach

23.1 MAPPA agencies need to take a different approach when managing children. Without dismissing the risk of potential harm to others that the child poses, the Children Act requires them to discharge their functions having regard to the need to safeguard and promote the welfare of children and MAPPA must reflect this. Children involved in criminal activity must be seen as vulnerable children in their own right and not just as offenders. Many children who pose a risk to others have themselves experienced criminal offences, exploitation and abuse. It is important that vulnerable children are identified, safeguarded and supported for as long as they need. Agencies should also have regard for their role in helping the child to create a new pro-social identity and balance risk management actions with those which will support the child to desist from further offending.

23.2 A child is defined as anyone who has not yet reached their 18<sup>th</sup> birthday. In particular:

"The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate does not change their status or entitlement to services or protection."<sup>51</sup>

### Children and the Criminal Justice System

23.3 The age of criminal responsibility in England and Wales is 10 years. This means that any person aged 10 or over can be convicted in the courts of an offence. The sentencing regime for 10 to 17year olds is different from that for adults and requires sentencers to have regard to the welfare of children convicted of crimes<sup>52</sup>.

23.4 Courts have a range of disposals they can give 10-17year olds.

- A Referral Order requires the child to attend a youth offender panel and agree a contract. The aim is for the child to make up for the harm caused and address their offending behaviour. This is generally used for first time offenders who admit guilt. It is unlikely that a child on a Referral Order would qualify for MAPPA management. Failure to comply with the Order may result in a return to court.
- A Youth Rehabilitation Order (YRO) is a community sentence with requirements that the child must comply with, such as a curfew, supervision, unpaid work, electronic monitoring, drug treatment, mental health treatment or education requirements. The YRO has similar requirements to the adult Community Order but also has some that are exclusive, such as an education and intensive fostering requirements. Some requirements can only be imposed on children of a certain age, such as unpaid work and residence requirements. Failure to comply with the Order may result in a return to court.
- A Detention and Training Order (DTO) is a custodial sentence that can last between four months and two years. The first half of a DTO is served in custody, the second half is served in the community. A DTO differs from an adult sentence of imprisonment in that a DTO combines detention with training. By virtue of their age, children are expected to comply with a regime based on education and training that can lead to a recognised qualification.
- A longer term sentence is available under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (PCC(S)A) 2000 if a child is convicted of an offence for which an adult of 21 years or over

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<sup>51</sup> Safeguarding Children Act (1989) and (2004), and the Safeguarding Vulnerable Groups Act (2006)

<sup>52</sup> Section 44, Children and Young Persons Act 1933

could receive a custodial sentence of 14 years or more, or if they commit certain sexual or firearm offences.

- An Indeterminate Sentence of Detention for Life and an Extended Custodial Sentence may be passed under section 226 and 226B of the Criminal Justice Act 2003 respectively, for conviction for a specified offence where the court believes that they are dangerous.
- Detention at Her Majesty's Pleasure is a mandatory life sentence under Section 90 of the PCC(S)A 2000 for children convicted of murder. A minimum term, which must be served in custody, is set by the courts.
- A special sentence for offenders of particular concern consists of a custodial term and a further year on licence.

23.5 Only in the most serious cases will custodial sentences be imposed on a child, with the aim of providing training, education and rehabilitation. Children sentenced to custody are placed within the Youth Secure Estate, which could be a Young Offender Institution (YOI), a Secure Training Centre (STC), a Secure School or a Secure Children's Home (SCH).

23.6 YOIs may accommodate male children only aged between 15-17 years old in addition to their regular population of 18 to 20 year olds; STCs and Secure Schools accommodate male and female children aged between 12-17 years old; while SCHs accommodate male and female children between the ages of 10-17.<sup>53</sup> SCHs are managed by local authorities and can also accommodate children placed on welfare orders via the Department for Education. The responsibility for placing children remanded into custody or sentenced by the courts lies with the Youth Custody Service (YCS).

23.7 A decision about the most appropriate placement will be made after considering each child's individual needs and the YOT placement recommendation against a view of the available accommodation. Placements will be made with the aim of promoting children's safety and ensuring decisions are made in children's best interests.

23.8 The YCS considers a wide range of factors when determining suitability for a placement, which include but are not limited to risk of harm to self and from others, risk to others, welfare and medical history (including mental health). Operational issues within the estate and available capacity are also relevant when making any placement decisions.

## **Looked After Children and Care Experienced Offenders**

23.9 It is the responsibility of YOTs to provide support and interventions to children. However, if the child is in receipt of services from Children's Services e.g. because they are a looked after child, the YOT and Children's Services should liaise with each other to ensure the child's needs are met.

23.10 A child on secure remand (either pre-conviction or pre-sentence) is automatically a looked after child for the period of remand. A period of remand can either

- be the child's first experience of looked after status;
- contribute to the 13week calculation of looked after status (see paragraph 23.22); or
- the child may already be an eligible/category one or relevant/category two child (see paragraph 23.11 – 23.12).

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<sup>53</sup> There may be some circumstances where young people aged 18 remain in the youth secure estate.

The local authority has a duty to support all children on remand.

23.11 A 16 or 17 year old who has been looked after by the local authority for 13 weeks is known as an 'eligible child' in England and 'category one child' in Wales. This can be a continuous period or be made up of several shorter periods, beginning when they are 14 years old and ending before they reach 16 years of age. The local authority has a duty to advise, assist and befriend these children and plan for their care.

23.12 A former 'eligible' or 'category one' child aged 16 or 17 who is no longer being looked after by the local authority is a 'relevant child' in England and a 'category two child' in Wales. The local authority must take reasonable steps to keep in touch and for determining what advice, assistance and support the children require<sup>54</sup>.

23.13 The local authority has responsibilities to all looked after children until they reach 18 years of age. Thereafter they become a care experienced child ('former relevant child' in England/'category three child' in Wales) and are entitled to further support from the local authority up to the age of 25. Research suggests that up to 28% of adult male prisoners and 51% of adult female prisoners are care experienced. It is important that professionals working with children or adults (including MAPPA offenders) who have experienced the care system familiarise themselves with

- the legal rights and specific needs of those transitioning from Children's to Adult Services<sup>55</sup>
- the legal obligations of the local authority<sup>56</sup>; and
- how they can support the implementation of the risk management plan including the support from a designated key worker.

It is essential that the appropriate agency(s) is/are in attendance at all MAPPA meetings, including the local authority leaving care teams.

23.14 Those offenders with experience of the care system and youth justice system could have experienced trauma in many forms, whether witnessing domestic abuse, neglect, surviving sexual abuse and/or witnessing violence. Professionals need to be aware of the potential negative impact this may have had on the child's development and ability to build and sustain relationships. Experience of childhood trauma does not remove the responsibility of offending behaviour but understanding the impact of trauma can support professionals in working with both children and adults.

## Consideration of the needs of the child

23.15 A child who is convicted of a serious sexual or violent offence (as set out in Schedule 3 of the Sexual Offences Act 2003 and Schedule 15 of the Criminal Justice Act 2003) and receives a relevant disposal (as set out in Chapter 6 – Identification and Notification of MAPPA offenders) will be subject to MAPPA. Courts must have regard to both the welfare of the child<sup>57</sup> and the United Nations Convention on the Rights of the Child, which provides that the best interests of the child are to be a primary consideration<sup>58</sup>.

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<sup>54</sup> <https://gov.wales/sites/default/files/publications/2019-05/part-6-code-of-practice-looked-after-and-accommodated-children.pdf>

<sup>55</sup> Prison Reform Trust (2016) In Care, Out of Trouble retrieved from <http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf> and Joint Protocol for Transitions in England [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/703310/Joint\\_National\\_Protocol\\_for\\_Transitions\\_in\\_England\\_for\\_PDF\\_-\\_Final\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703310/Joint_National_Protocol_for_Transitions_in_England_for_PDF_-_Final_version.pdf)

<sup>56</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397649/CA1989\\_Tra nsitions\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Tra nsitions_guidance.pdf)

<sup>57</sup> Section 44, Children and Young Persons Act 1933

<sup>58</sup> Art. 3(1), United Nations Convention on the Rights of the Child 1989

23.16 Under the Children Act 2004, a number of local agencies, including the police, the Prison Service, the Probation Service, health services and YOTs have a statutory duty to make arrangements for ensuring that "their functions are discharged having regard to the need to safeguard and promote the welfare of children"<sup>59</sup>. This includes functions they contract out to others. MAPPA agencies are also required to have regard to statutory guidance regarding safeguarding and promoting the welfare of children.

23.17 Whenever a child is discussed at a MAPPA meeting, the meeting must ensure that it considers its responsibilities to safeguard and promote the welfare of that child and how their life may be impacted by the behaviour of an offender, as well as the risk of harm the child presents to others. Children convicted of an offence or who are alleged to have engaged in offending behaviour are entitled to the same safeguards and protection as any other child and due regard should be given to their welfare at all times<sup>60</sup>. If licence conditions are discussed as part of the MAPPA RMP, it is essential that any additional conditions proposed are proportionate to the level of risk identified and take into account the maturity, special educational needs, safety and well-being of the child. The YOT can submit a request to the Governor (if the child is in a YOI) or the YCS (if the child is in an SCH or STC) to consider additional conditions. The Victim Liaison Officer (VLO) can also make representations for additional conditions on behalf of the victim under the Domestic Violence, Crime and Victims Act (DVCVA) 2004. The meeting should have a child-centred approach and the views of the child should be sought and considered. The concerns of the victims, who may also be children, should also be given adequate weight, including the ability of victims to go about their daily lives without coming across the child who has offended against them. Children's Services and YOT should always be represented at these MAPPA meetings. Considering the needs of the child is not incompatible with the protection of the public and the aims of MAPPA.

23.18 When a child is subject to MAPPA and is also being assessed as a Child In Need or Looked After by the Local Authority, it is essential that the appropriate agencies are in attendance at all MAPPA meetings. The meeting should consider any Child Protection Plan, Child In Need Plan, Education Health and Care Plan (EHCP), Care Plan or Early Help support being provided by the Local Authority or one of its partners. If the child is Looked after by the Local authority their Independent Review Officer (IRO) should be informed.

## **Identification and notification**

### **Standard - Arrangements are in place for the identification and notification of MAPPA eligible children**

23.19 The YOT is responsible for identifying which of its cases are subject to MAPPA. Identification should take place within 3 days of sentence and be recorded on YOT case management systems. They must submit the MAPPA H soon as the relevant assessments have been completed for community sentences and at least 6 months before release for custodial sentences, or as soon as possible if there is less than six months to serve at the point of sentence. For further guidance please refer to Chapter 6 – Identification and Notification. Referral to Level 2 or 3 should follow the guidance set out in Chapter 7 – Levels of Management.

23.20 AssetPlus, the Youth Justice Board (YJB) approved tool, should be used to make risk assessments to inform MAPPA RMPs. It must cover, as part of the minimum requirements, likelihood of reconviction, risk of serious harm to others and safety and wellbeing of the child. YOT practitioners should refer to the YJB AssetPlus Guidance on MAPPA categorisation and recording.

23.21 YOT practitioners and secure estate staff have a responsibility to ensure that resettlement planning takes place from the beginning of a child's sentence and is based upon an accurate assessment, including the child's self-assessment and input from parents/carers, using AssetPlus. The incorporated resettlement

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<sup>59</sup> Section 11 of the Children Act 2004 (for England), Section 28 of the Children Act 2004 (for Wales)

<sup>60</sup> Working Together to Safeguard Children 2018

plan should enable the child's shift from a pro-criminal to pro-social identity in order to secure long term desistance from offending.

## **Custody**

23.22 YOIs, STCs and SCHs must comply with all requirements made on prisons in this Guidance, except those in relation to ViSOR. These establishments can provide important information about the child's behaviour in custody, engagement with activity and contact with other people. They should identify all MAPPA eligible children during reception and inform the Responsible Officer of the release date and any subsequent changes to the release date. They should also inform the police whenever a MAPPA eligible child is released, including on temporary release. A member of staff with sufficient knowledge and authority to make decisions should attend Level 2/3 meetings whenever the establishment is invited. They must also submit a MAPPA F whenever they are invited to attend a Level 2/3 meeting. For further information see Chapter 15 – Custody.

## **MAPPA Management**

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

23.23 The YOT must review all of its MAPPA cases and refer appropriate cases to Level 2 or 3 using the MAPPA A, taking into account the needs of the child, other professional judgements, information from partner agencies and the potential risk of serious harm the child presents to others. Responsible Officers should consult custodial establishments on the appropriate MAPPA level and MAPPA levels should be set at least six months prior to release or as soon as possible if there is less than six months to serve at the point of sentence. For more information please see Chapter 7 – Levels of Management.

### **Standard - ViSOR is accurate in relation to young children in the community**

23.24 The Police will create ViSOR records for Category 1 children and the Probation Service will create ViSOR records for Category 2 children. The police and Probation Service retain this responsibility even when there are no police or probation officers in the YOT.

## **Attendance at MAPPA meetings**

### **Standard – Both the YOT and Children's Services are suitably represented at all Level 2 and level 3 meetings for children**

23.25 The purpose of Level 2 or 3 MAPPA meetings is to identify the risks presented by an offender and to devise an effective MAPPA RMP to mitigate those risks. Relevant professionals working with children subject to MAPPA should be invited to MAPPA meetings, where their input may contribute to risk assessments and plans or ensure the welfare of the child is effectively factored into the RMP. See Chapter 13.15-18 for details of who should attend MAPPA meetings.

23.26 The YOT case manager and the YOT operations level manager must attend whenever a child is referred to Level 2 or 3 by any agency other than the YOT as they may have information relating to the case. YOT representatives should also attend Level 2/3 meetings for offenders aged 18-21 who they have previously been responsible for supervising.

## **Disclosure**

23.27 All of the factors relating to the disclosure of information discussed in Chapter 9 – Information Sharing, and Chapter 10 – Disclosure, also apply to children. It is important to note that victims in the Victim Contact Scheme have the right to be told about key stages of the sentence, such as release, as set out in the



Victims Code. There is, however, an additional factor: harm to the child that could occur because disclosure has taken place.

23.28 For example, when a child who has committed a sexual offence is still of school age, the consideration of whether and how to disclose information must take into account the need of the child to continue with their education while ensuring that others are protected. This type of issue will always need careful consideration. After any initial disclosure to the education services or the relevant Head Teacher, a discussion should take place about who additionally needs to know and how the risks can be effectively managed.

23.29 It is good practice to refer cases to Level 2/3 where disclosure involving a child is being considered. In order to ensure that the proper considerations have been taken into account, no decision about disclosure involving a child can be made at a MAPPA meeting unless a senior representative of both the YOT and Children's Services are present. Decisions made at Level 1 must be made in line with lead agency policy. For more information about who can make disclosure and when see Chapter 10 – Disclosure.

## **Transition to Adult Services**

23.30 The transition between child and adult services should be managed effectively and safely for both the child and the community. Transition must follow the instructions set out in the Joint National Protocol for Transitions in England or the Youth to Adult Transition Principles and Guidance (Wales). Where an individual is being managed at Level 2/3 transfer should be considered at least six months in advance of an offender's 18th birthday. For Level 1 offenders, the MAPPA level should be formally reviewed using the MAPPA Q as part of the transfer process. Staff supervising those transitioning to adult services should be trained to deliver services that are appropriate for the individual's age and maturity.

# 24 Managing Terrorism and Extremism

## Introduction

24.1 This section explains how MAPPA arrangements should apply to the management of offenders convicted under terrorism legislation (TACT), those whose offences are motivated by extremism and those who pose a risk of terrorism.

24.2 The current UK Government definition of extremism is set out at [New definition of extremism \(2024\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/new-definition-of-extremism-2024):

“Extremism is the promotion or advancement of an ideology based on violence, hatred or intolerance, that aims to:

- (1) negate or destroy the fundamental rights and freedoms of others; or
- (2) undermine, overturn or replace the UK’s system of liberal parliamentary democracy and democratic rights; or
- (3) intentionally create a permissive environment for others to achieve the results in (1) or (2).

”24.3 Offenders motivated by extremism may be convicted of a range of offences in different contexts, both violent and non-violent, which are driven by ideologies that run contrary to the values stated above, causing harm to individuals and communities. Some, but not all, will be convicted under specific terrorism legislation i.e., an offence under the Terrorism Act 2000, the Anti-Terrorism Crime and Security Act 2001, the Terrorism Act 2006 or the Counter Terrorism Act 2008, or an offence of conspiring, attempting, aiding, abetting, counselling, procuring or inciting a terrorism legislation offence (known as TACT offenders or terrorism offenders).

24.4 The Sentencing Act 2020 for offenders sentenced in England and Wales, and the Counter Terrorism Act 2008 for offenders sentenced before 29 June 2021, offenders sentenced in other parts of the UK, or service offenders, require courts to determine whether non-terrorism offences have a terrorism connection (TACT connected or terrorism connected offenders). Since 2021 they can find that any non-terrorism offence with a maximum penalty of more than 2 years’ imprisonment has a terrorism connection.

24.5 Other offenders may not be convicted of TACT or TACT connected offences, but their beliefs and engagement with distorted ideologies may drive their offending behaviour and consequent risk to the public (terrorism risk cases).

24.6 The Joint Extremism Unit (JEXU) is run by HMPPS and Homeland Security Group in the Home Office. HMPPS is represented by a specialist counter terrorism team, referred to as the operational network. The operational network is made up of specialist Prison and Probation staff employed within JExU who are based across the country and linked to prisons and Probation Regions. The operational network works closely with relevant Police colleagues and provides expert specialist advice and guidance to HMPPS and other partnership agencies to support information sharing and management, sentence management and risk assessment and management. This includes completing and facilitating access to specialist assessments and interventions. They also provide a briefing and training function. The operational network is supported by Homeland Security Group staff employed within JExU who deliver operational policy, strategy and projects. HMPPS staff and partner agencies (such as Youth Offending Teams and mental health services) may consult with specialist staff within the operational network, such as regional Probation Counter Terrorism Leads (PCTL) and regional Counter Terrorism Specialist Probation Practitioners (CTSP), for advice about all aspects of the management of terrorism and extremism offenders.

24.7 The Probation Service manages TACT and TACT connected offenders, and the most concerning terrorism risk cases, within the National Security Division (NSD). The NSD is a specialist probation division, which provides an enhanced level of management and intervention for the most high-risk, complex and high-profile offenders in preparation for release and in the community. Probation staff work closely with Counter Terrorism Policing (CTP), including with MAPPA nominals who are subject to Part 4 notification requirements. CTP has dedicated, specialist, trained Counter-Terrorism (CT) Nominal Management teams in place in England and Wales that support offender management functions in partnership with other agencies, including under MAPPA.

## Identification

### **Standard - Arrangements are in place for the identification and management of all TACT/Terrorism, TACT/Terrorism connected and terrorism risk offenders**

24.8 **Automatic MAPPA cases:** Offenders subject to Part 4 notification requirements or sentenced to at least 12 months custody or given a hospital/guardianship order for a relevant terrorism or terrorism connected offence will be subject to mandatory MAPPA management under **Category 4**.

**Discretionary cases:** Offenders who have committed any other offence may be considered for discretionary management under Category 4 where the Responsible Authority believes that they may have become, or may be becoming involved in, terrorism-related activity (known as terrorism risk cases). For further details see Chapter 6 – Identification and Notification of MAPPA Offenders.

24.9 Agencies should be mindful of any vulnerability to extremist messaging among other groups of MAPPA eligible offenders. This should be addressed as required by the Prevent Duty (section 26 of the Counter-Terrorism and Security Act 2015), which requires specified authorities to have due regard to the need to prevent people from being drawn into terrorism and includes prisons and probation by virtue of paragraph 1 of Schedule 6.

24.10 The JEXU operational network provides advice on managing those subject to probation supervision who require support because of vulnerability to extremist messaging, but who do not meet the criteria for MAPPA management under Category 4. Probation staff should contact their regional PCTL or CTSP to make a referral to Prevent. These staff will ensure that cases are fully assessed, support the referral process and access any other necessary assessments and interventions as appropriate.

24.11 Given the nature and sensitivity of cases involving terrorism or terrorism risk, decisions on how risk is best managed will always benefit from a multi-agency response, whether or not they are subject to MAPPA.

24.12 In exceptional cases the Probation Service should consider referring the case for CPPC registration. Further information can be found in Chapter 19 – Critical Public Protection Case Registration. Screening and Level Setting

### **Standard - Multi-agency information will be used to consider the most appropriate level of management for terrorism, terrorism connected and terrorism risk offenders**

24.13 TACT and TACT connected prisoners qualify for the Probation Service early allocation process under the Offender Management in Custody (OMiC) model and cases can be handed over to Community Offender Managers (COM) as early as 18 months prior to release. Release planning, including MAPPA level setting, should begin as soon as possible following allocation to the COM. Responsibility for the case transfers to the NSD or Probation Delivery Unit COM at 15 months pre-release.

24.14 COMs review TACT cases in custody 8 months prior to parole eligibility dates as part of specialist arrangements to inform parole reports, share information and identify all risk factors. This review should include a review of the MAPPAs level and confirmation that the case is being managed at the correct MAPPAs level (or a change of level if required) and feed into the release planning process.

24.15 There are relatively few terrorism and extremism offenders in the Criminal Justice System. However, the threats that they pose to the community are significant and serious. The profile of these offences and the need to maintain confidence in the Criminal Justice System should be considered when the MAPPAs level is set. The majority of cases subject to MAPPAs for TACT and TACT connected offences will require initial management at Level 2 or 3.

## **Information Sharing**

### **Standard - All agencies involved in the management of the case must share relevant information**

24.16 It is essential that all Responsible Authority, Duty to Cooperate (DTC) and Associate agencies share all relevant, appropriate information at their disposal in a timely manner so that the lead agency can manage the case in a defensible manner. All agencies managing or in receipt of sensitive information must share and handle it appropriately. This might include the use of handling codes (instructions on the handling of sensitive information), information sanitising, and specific storage facilities according to agency information management policies. For more information see Chapter 9 – Information Sharing.

24.17 Specialist arrangements to address vulnerability to extremism and to share information on the offender may assist with initial and ongoing sentence planning. Such arrangements may be implemented during the custodial period or in the community and would include police, prison and probation staff, as well as the responsible clinician/care team for mental health patients. It is essential that any arrangements feed into MAPPAs and that silos and duplication are avoided.

24.18 A Joint Counter-Terrorism Prisons and Probation Hub (JCTPPH) exists to facilitate, where appropriate, the flow of sensitive information into MAPPAs in relevant cases involving terrorism and terrorism risk offenders. The Hub is a collaboration between HMPPS and partner agencies and part of its role is to facilitate the revealing of sensitive information to key decision makers within the MAPPAs process at an appropriate Government Security Classification. The process of reviewing and sharing this intelligence takes advantage of the JCTPPH's line of sight across all the key intelligence systems in the sector and enables MAPPAs to undertake risk management having considered all the relevant information.

## **Risk Assessment**

### **Standard - All TACT and TACT related offenders will be risk-assessed using relevant risk assessment guidance and approaches**

24.19 As with other MAPPAs cases, it is crucial that relevant information from all partner agencies informs the assessment and management of TACT and TACT connected offenders. Any risks known to any agency engaged in working with the offender should be identified.

24.20 Where the Probation Service is the lead agency the Probation Practitioner will complete an OASys assessment supplemented and enhanced by a specialist risk formulation, the Extremism Risk Guidance (ERG.) The ERG must be completed by a suitably trained and experienced member of staff and the outcome should be recorded on the MAPPAs minutes as well as feeding into the risk management plan.

24.21 As with other high or very high risk of serious harm offenders with few previous convictions, the Offender Group Reconviction Scale (OGRS) within OASys is likely to be low. There were not significant

numbers of this type of offence within the cohort of cases on which OGRS scores have been devised and so its predictions should be treated with caution and not relied on without other evidence. MAPPA meeting Chairs should be aware of the limitations of the tools and the fact that assessing risk is not the function of one particular tool (such as OASys or ERG 22+). Risk assessment depends on pulling together all that is known, and can be inferred, about the individual offender as their case progresses. Nevertheless formal assessments and risk formulations should be available to and inform the first MAPPA meeting (while the majority of offenders will still be in custody) and meetings thereafter. An ongoing focus on risk assessment is essential and OASys and ERG 22+ should both be reviewed regularly.

24.22 The assessment of risk should be informed by information from Police SIOs for the index offending and any relevant comments about future risk made by Judges in summing up. Ensuring continuity of information flows is important over the period an offender is being managed so that key information is not lost over the long term.

24.23 An intervention package known as the Healthy Identity Intervention (HII) should be considered for all TACT and TACT connected cases. The ERG assessment will inform this decision. Some offenders serving longer sentences may have commenced or completed HII in custody and the reports from these interventions should inform the OASys assessment and be available to MAPPA meetings. MAPPA meetings should have access to specialist advisers, probably either forensic psychologists or Counter Terrorism Specialist Probation Practitioners, when assessing the impact of interventions or concerning offender behaviour (see Chapter 13 – MAPPA Meetings for more information on HMPPS Psychology Services attendance at meetings).

24.24 Where the offender is a child, the Youth Offending Team (YOT) will complete an Asset Plus assessment taking into account the issues and additional information outlined in paragraphs 24.21 – 24.25 above and any additional vulnerability factors.

## **MAPPA Meetings**

24.25 Most TACT/TACT connected individuals will be managed under CT MAPPA but they may be managed under local MAPPA where the primary risk does not relate to terrorism. The Lead Agency will determine whether a TACT/TACT connected individual is managed under CT MAPPA or local MAPPA.

24.26 CT MAPPA meetings must be jointly chaired by representatives of NSD and CTP. Probation Service Chairs should be vetted to at least SC level. The MAPPA meeting Chair(s), members of CTP at national and/or local levels and the PCTL (for offenders under probation supervision) may meet ahead of the formal meeting to ensure that the Chairs are fully briefed. Such meetings provide an opportunity to agree levels of intelligence or information-sharing, and to discuss disclosure and any specific issues relating to the management of the offender. MAPPA meeting Chairs should be aware of specific sentencing and release provisions as they apply to those convicted of TACT and TACT connected offending.

24.27 Information-sharing between agencies and security management is likely to be more prominent in TACT, TACT connected and terrorism risk cases because of the national security aspect and the sensitivity of the information involved. Meeting Chairs will need to carefully consider invitations to MAPPA meetings for these offenders, and will need to include CTP. The MAPPA meeting Chairs should agree appropriate attendees, including representation from CT, Probation, local policing and other agencies, on a case-by-case basis. DTC agencies (or others) should be invited to attend Level 2 or 3 meetings where there is an identified benefit from their presence at the meeting. Prevent Leads/Co-ordinators should be invited once the likely release area is known. Meetings provide formal oversight at the right level of seniority (2 or 3) by the agencies responsible for managing risk or contributing the risk management plan and, where necessary, facilitate explanations and assistance from senior representatives of DTC agencies.

24.28 Given the oversight role of MAPPA meetings and the focus on achieving outcomes beyond active case management, agencies must prioritise attendance. Representation from all invited agencies, including the Prison Service (see Chapter 15 - Custody), is essential to ensure the optimum exchange of information. MAPPA meeting Chairs should satisfy themselves that information flows between prison, police, and the Probation Service (and YOTs and care teams where applicable) are agreed by all to be satisfactory for offenders still in custody or hospital. Specialist advice can be obtained from the JExU operational network. Unresolved concerns should be escalated to the SMB Chair who can contact the national MAPPA team for advice.

24.29 As for all MAPPA meetings, at every meeting

- the risk assessment and risk management plan must be considered and agreed by the meeting to be up to date and accurate;
- the minutes must be clear and concise and reflect that consideration and not rely on information pulled through from earlier meetings;
- any uncertainties or missing information should be set out in the minutes and
- significant decisions should be clearly recorded, along with the rationale underpinning them.

## Core Groups

24.30 MAPPA management is not limited to formal meetings but is the totality of action between agencies - brought together in a dynamic risk management plan responsive to changing risk and informed by relevant information from all available sources. For this group of offenders, formal MAPPA meetings should be underpinned by the ongoing active management of the case and by meetings between a concentrated Core Group of professionals involved in the management of the case (chaired by the lead agency). The Core Group performs a similar function to a professionals' meeting but the Core Group will be established by, and accountable to the MAPPA meeting. It may include vetted and non-vetted personnel and representatives from DTC agencies where necessary and as directed by the CT MAPPA Level 2 or 3 meeting. The group will undertake specific tasks/functions as directed by the MAPPA meeting depending on the requirements of the case and will report on progress at subsequent MAPPA meetings. The frequency and focus of Core Group meetings will be dependent on the risk and needs presented by each individual case. Where a licence is due to expire or absolute discharge from hospital is being considered, the Core Group should develop a plan to mitigate terrorism risk after expiry, including signposting or referral to other agencies and referral into other relevant multi agency processes or discretionary MAPPA Category 4 as appropriate.

## Licence Conditions

24.31 The responsibility for requesting licence conditions rests with the Probation Service, but should be informed by consultation with MAPPA colleagues. Licence conditions must be set in line with HMPPS policy and Parole Board direction where applicable. The Regional Probation Counter Terrorism Team and CTP Offender Manager must be consulted to inform decisions on applying additional conditions. Further advice on the suitability of these and bespoke license conditions can be sought from the National Probation Lead in JEXU or Licence Policy Lead in the Public Protection Operational Policy Section (PPOPS) in the HMPPS Public Protection Group (PPG). Bespoke conditions for automatically released cases must also be approved by the Licence Variations team within the Public Protection Casework Section (PPCS) within PPG, while those subject to Parole Board release will be reviewed as part of that release process. Probation and police need to adopt a detailed coordinated approach to the development and management of licence conditions.

24.32 Electronic monitoring (EM), including GPS enabled location monitoring, can be included as a licence condition in eligible cases where this would enhance the management of specific, identifiable risks. It can be used to monitor whereabouts (trail monitoring) or to monitor compliance with specific conditions, such as exclusion zones, curfews etc. Only a limited number of licence cohorts are currently in scope of EM, but

these include MAPPA Level 3 cases identified by NSD. Practitioners must comply with NSD's internal guidance in these cases.

## **Legal Advice**

24.34 Advice on and legal questions relating to HMPS or Probation Service management of a case can be obtained from Government Legal Department by contacting the national MAPPA Team.

24.35 Police should access their own legal advice where they have uncertainty about the application of their powers. Legal advice should be shared at the MAPPA meeting to inform decision making.

## **Media**

24.36 Given the level of public interest in terrorism and extremism, there is potential media interest in all TACT and TACT connected cases. A media handling plan must be established where there are particular issues that make significant media interest in the case probable and measures should be considered to manage any issues of notoriety. The Press Office of the lead agency and the national MAPPA team should be notified.

24.36 In the event of active press enquiries, MoJ Press Officers should be informed at the earliest opportunity and will provide advice and press lines in all Probation Service managed cases or where the offender is in prison. Where initial enquiries are directed to Police or DTC agencies they should also contact MoJ Press Office, who will issue press lines about any Probation Service supervised cases. The national MAPPA team, the National Probation and Prison Extremism Leads in HMPPS, will provide advice and support where needed. The Home Office Press Office will deal with wider press queries about Counter Terrorism issues. All press releases must be cleared by the Government Legal Department.

## **Terrorism Prevention and Investigation Measures**

24.37 There are rare occasions where offenders released on license for MAPPA eligible offences are also made subject to Terrorism Prevention and Investigation Measures (TPIM). Advice should be sought from CTP and PCT team colleagues in these cases. Offenders subject to TPIM who are not automatically eligible for MAPPA should be considered for discretionary management under Category 4. Where an offender is subject to both licence conditions and a TPIM, each set of conditions will exist simultaneously and close liaison between police and probation case managers is vital. These cases may also be made subject to Anonymity Orders in Court. These orders are granted to protect an individual from press intrusion. This should not prevent the necessary sharing of information between relevant agencies to manage risk appropriately. However, it is essential all agencies comply with terms of Anonymity Orders or risk contempt of court. If any concerns exist in relation to anonymity orders and the sharing of information seek legal advice via the National MAPPA Team.

## 25. Foreign National Offenders

### Introduction

25.1 MAPPA processes for Foreign National Offenders (FNOs) who are living in the community are the same as for UK citizens. Foreign national sexual offenders will be subject to notification requirements and offenders released from prison subject to probation supervision will have to abide by their licence conditions.

### Identification of Foreign National Offenders and liaison with the Probation Practitioner

#### **Standard – All Foreign National Offenders who are MAPPA offenders are identified at time of sentence**

25.2 Anyone who is not a British citizen is defined as a foreign national. As nationality is self-declared prison staff will normally establish nationality on the basis of information provided to them by the individual prisoner concerned. Annex J of PSI 52/2011 contains questions that can be used by staff to help them correctly establish nationality.

#### **Standard – Information about Foreign National Offenders is shared with the HOIE**

25.3 Prisons must refer all FNOs to Home Office Immigration Enforcement (HOIE) Criminal Casework using the electronic referral form within 10 working days of sentencing, irrespective of sentence length.<sup>61</sup> It may not always be apparent that an offender is a foreign national. Prisons should refer all cases where an offender's nationality is uncertain to HOIE at the earliest opportunity.

25.4 Prisons must inform the Probation Practitioner at the earliest opportunity that an offender is a foreign national and will therefore be released from custody in line with PSI 29/2014/PI 26/2014 - Release on Licence for Foreign National Prisoners Pending Deportation. The OM must ensure that HOIE has been notified and has the OMs contact details. The OM will then liaise with HOIE about release arrangements and licence conditions.

25.5 A HOIE MAPPA Single Point of Contact (SPOC) is available to ensure the effective exchange of information between HOIE and other MAPPA agencies. They can be contacted at [ImmigrationMAPPASPOC@homeoffice.gsi.gov.uk](mailto:ImmigrationMAPPASPOC@homeoffice.gsi.gov.uk). They will ensure that the allocated HOIE case owner identifies themselves to the prison and keeps the lead agency informed of immigration and deportation procedures where relevant.

25.6 The allocated HOIE case owner should undertake the liaison between HOIE Criminal Casework and MAPPA agencies. However, HOIE Prison Operations and Prosecutions staff can and will attend MAPPA meetings to represent HOIE and provide updates on offenders approaching Early Removal Scheme (ERS) dates/Tariff Expired Removal Schemes (TERS) tariff expiry dates and those that remain in prison environments awaiting deportation action.

25.7 HOIE must be invited to attend all MAPPA Level 2 or 3 meetings about FNOs. Invitations should be sent to the HOIE MAPPA SPOC where the allocated case owner is unknown. HOIE staff may attend in person or via teleconferencing or video conferencing where resources allow, or they can provide a report.

25.8 For more information on the role of HOIE see chapter 3 on Duty to Co-operate (DTC) Agencies, and the Memorandum of Understanding (MOU) between HOIE and the Responsible Authority

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<sup>61</sup> For further information refer to Prison Service Instruction 52/2011 – Immigration, Repatriation and Removal Services.



## **Standard – An assessment takes place to agree an effective Risk Management Plan on release**

25.9 Not all FNOs will be subject to deportation proceedings. HOIE determines whether an FNO is in scope for deportation or removal. It is important to remember that MAPPA Category 1 FNOs are subject to the same registration and notification requirements as UK nationals. This is particularly relevant for foreign travel.

25.10 The decision whether or not to deport an FNO should be made by HOIE during the custodial part of the sentence. Where deportation is being pursued, it will take place on or soon after the prisoner's ERS or TERS eligibility date, wherever possible for those prisoners who are eligible. Deportation may be delayed by ongoing legal proceedings, circumstances in the destination country or issues with travel documents. Please see PSI 18/2012 and PSI 4/2013 for information on ERS and TERS and the legislation governing them. HOIE should notify the OM when an offender is deported from an Immigration Removal Centre (IRC), prison or the community.

25.11 An FNO who is not deported during their ERS period or on completion of the custodial part of their sentence or minimum tariff may continue to be detained under immigration powers either in prison or in an IRC while their deportation is being progressed. (An FNO detained in the Military Corrective Training Centre cannot remain there once their sentence has expired, HOIE will make arrangements to transfer them to either a prison or an IRC if they are detained further under immigration powers).

25.12 Prisons are required to generate licences on all prisoners, including FNOs, prior to their conditional release date and OMs must provide reporting instructions and recommend appropriate licence conditions. These licences must be produced even if it is expected that the offender will be detained under immigration powers. OMs will advise HOIE about the risk of serious harm presented by FNOs to enable them to consider whether the FNO should be detained further in either a prison or an IRC. In some cases this will require a referral to a Level 2 or Level 3 MAPPA meeting in line with MAPPA referral procedures. For more information see chapter 6 on Identification and Notification of MAPPA Offenders.

25.13 If an FNO is placed in immigration detention, even if they remain in the same prison cell, they have technically been released from custody and their licence period has begun. The OM should continue to actively manage the case and liaise with HOIE regularly.

25.14 An FNO who has completed the custodial part of their sentence may be released from an IRC or prison into the community on immigration bail following either an executive decision by HOIE or a decision by an Asylum & Immigration Tribunal. It is essential for effective public protection that an effective Risk Management Plan is in place on every FNO at the end of the custodial part of their sentence in case of release into the community. HOIE should request risk information from the Probation Practitioner before deciding whether to release an FNO from immigration detention through their executive decision or when a bail hearing is due at an Asylum & Immigration Tribunal. HOIE is responsible for informing the Probation Practitioner when an FNO is released from immigration detention.

# 26. Mentally Disordered Offenders and MAPPA

## Introduction

26.1 The term "mentally disordered offender" (MDO) is used to describe a person who has a disability or disorder of the mind and who has committed or is suspected of committing a criminal offence. The term covers a range of offences, disorders and disabilities and may be relevant to the decision to prosecute or divert, fitness to plead, and sentencing/disposal.

26.2 The relevant legislation uses the term "offender", so this chapter refers to "offender" and "patient" interchangeably.

## Available orders

26.3 Under the provisions of the Mental Health Act (MHA) 1983 there are a number of ways in which an offender or suspected offender may be detained in hospital. These can be summarised as follows.

### Unrestricted hospital orders (s.37)

26.4 Unrestricted hospital orders are made under s.37 of the MHA 1983. They can be made either by the Crown Court or a magistrates' court where a person is convicted of an imprisonable offence but where the court considers, having regard to all the circumstances, that the most suitable way of dealing with the offender is to order their admission to hospital. These patients can be granted community leave under s.17 or transferred to other hospitals by their Responsible Clinician. A hospital order cannot be made where the person is convicted of murder.

26.5 Section 37 patients may also be discharged into the community at any time by their Responsible Clinician, hospital managers or the appropriate tribunal (the First-tier Tribunal (Mental Health) in England, or the Mental Health Review Tribunal in Wales) (the Tribunal). They cannot apply to the Tribunal for discharge within the first six months of detention, beginning on the date of the hospital order. In some cases, a discharged patient may be placed on a s.17A community treatment order (CTO), which makes them subject to certain conditions. Patients subject to a CTO are liable to recall to hospital under s.17E if they breach their conditions or if they require medical treatment and there would be a risk of harm to their own or others' health and safety if they are not recalled for treatment.

### Restricted hospital orders (ss.37 and 41)

26.6 Where a s.37 hospital order is made in respect of an offender in the Crown Court, under s.41 of the MHA 1983 the court may also impose a restriction order if, having regard to the nature of the offence, the previous convictions of the offender and the risk of committing further offences, it appears necessary for the protection of the public from serious harm. Restricted hospital orders under ss.37 and 41 can only be made by the Crown Court. However, where a magistrates' court convicts an offender, it may commit the offender to the Crown Court under s.43, so that the Crown Court can consider whether to make a hospital and restriction order.

26.7 Patients subject to ss.37/41 cannot be granted community leave under s.17 or be transferred to another hospital by their Responsible Clinician unless the Secretary of State for Justice consents.

26.8 Restricted patients cannot apply to the Tribunal for discharge within the first six months of detention, beginning on the date of the hospital order.

26.9 Restricted patients can only be discharged by:

- the Tribunal under section 73;
- the Secretary of State for Justice under section 42; or
- the Responsible Clinician with the Secretary of State's consent under section 23 (read with section 41(c)(iii)).

The Tribunal may defer a direction for the conditional discharge of an MDO pending the implementation of arrangements to support, accommodate and supervise the patient (s.73(7)). This means that the patient's actual conditional discharge from hospital is deferred; it does not mean that the decision to discharge, or otherwise, is deferred. The Secretary of State does not have the power to defer a discharge.

26.10 A restricted patient will rarely be granted an absolute discharge direct from hospital. In most cases they will first be granted a conditional discharge, which means they remain liable to recall to hospital (s.42(3) and s.73(4)(a)). The patient will have two supervisors, one clinical and one social, to support them in the community. The supervisors will be required to provide quarterly reports to the Ministry of Justice. After adequate testing in the community, the clinical team may feel that it is appropriate to recommend the patient's progression to an absolute discharge. If a patient is absolutely discharged, there will be no conditions on them. Both the Tribunal and the Secretary of State can grant an absolute discharge (s.42(2) and s.73(1)).

### **Guardianship orders (s.37)**

26.11 A s.37 guardianship order places the person under the guardianship of the local authority social services or other such person as they may approve, who must agree to accept the duty. Guardianship orders are for patients' welfare and protection, rather than medical treatment, and are rarely used. They can authorise the detention of the patient in hospital, although the patient will more commonly be placed in residential accommodation. Patients under guardianship orders do have the right to apply to the Tribunal for discharge within the first six months beginning with the date of the order. Alternatively, a patient's nearest relative can apply within the first 12 months, beginning on the date of the order, and in any subsequent period of 12 months.

### **Hospital and limitation directions (s.45A)**

26.12 Hospital and limitation directions (s.45A) can only be made in the Crown Court. These orders are commonly known as hybrid orders as they combine hospital admission with a custodial sentence. In these cases, the offender is sentenced to imprisonment and then immediately transferred to hospital (note that s.45A cannot be used where the person is convicted of murder). The Secretary of State has the power to remit the patient to prison if they are deemed to no longer require treatment in hospital for a mental disorder or if no effective treatment for the disorder can be given in the hospital in which the offender is detained (s.50(1)). Limitation directions have the same effect as s.41 restriction orders, so the Secretary of State's permission will be required for all s.17 community leave, and for transfers. Patients have the same right to apply to the Tribunal as restricted patients (that is, they may make an application after the first six months of the direction). If the Tribunal decides that the patient no longer meets the criteria for detention under the Act, they will generally be returned to prison.

### **Transfer to hospital from prison during a determinate or indeterminate prison sentence (ss.47 - 49)**

26.13 s.47 of the MHA 1983 provides that convicted prisoners can be transferred to hospital from prison if they meet the criteria set out in the section<sup>62</sup>. Under s.49 the Secretary of State, if they think fit, can also direct that that person will be subject to the restrictions set out in s.41 of the Act as outlined above. This is known as a “restriction direction”.

26.14 Where the Secretary of State is notified that the person no longer requires treatment in hospital for a mental disorder, or that no effective treatment can be given in that hospital, the Secretary of State may direct the patient to be transferred back to prison under section 50(1).

26.15 Where a restriction direction has been made under s.49, the patient cannot be granted leave, transferred or discharged into the community during the period of the sentence without the Secretary of State’s agreement.

26.16 Restriction directions in respect of patients with determinate sentences will lift on the prisoner’s automatic release date (s.50(2)) and the offender will be treated as though they had been admitted to hospital without restrictions on that day. Restriction directions in respect of patients with indeterminate sentences will lift when their release is directed by the Parole Board. Time spent in hospital counts towards the sentence for tariff purposes. In the event that a prisoner is transferred to hospital during any part of the parole review process, that review will be suspended until the individual is remitted to prison. Restrictions on patients on remand will cease or be replaced when their case is disposed of by the court.

26.17 If a patient continues to require hospital treatment after their restrictions have ceased, they can remain in hospital as a “notional 37” patient managed by clinicians and hospital managers. The Secretary of State will have no further involvement in the management of these patients. From this point, all decisions, including discharge, will be made by the Responsible Clinician or the Tribunal. A notional s.37 patient can be made subject to a s.17A community treatment order. The Probation Service Offender Manager retains responsibility for the Risk Management Plan and patients will still be subject to licence conditions if they are discharged before their sentence has expired (in the same way they would be released on licence from prison). This means that the Responsible Clinician must contact the Probation Service when discharge is considered. A breach of licence conditions may result in recall, which will be to prison.

## **Transfers late in sentence**

26.18 The Court of Appeal has observed that, when considering an application for a s.47 transfer right at the end of sentence, the Secretary of State must apply a heightened level of scrutiny to the evidence on which the decision is to be based<sup>63</sup>. Accordingly, the Secretary of State will consider late-in-sentence applications only if the case can be made that admission is urgently necessary for the prisoner’s own health or safety, and it is not safe to wait until after the release date for admission to hospital. If a s.47 transfer does not take place, an alternative may be admission under civil powers in the MHA.

## **Remand to hospital (s.35)**

26.19 Under s.35 of the MHA 1983 an accused person can be remanded to a hospital specified by the Crown Court or a magistrates’ court for a report assessing their medical condition. Under s.35 an offender can also be detained in hospital if a magistrates’ court has convicted them of an offence punishable with imprisonment, or where the court is satisfied that a person charged with the offence did the act or made the

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<sup>62</sup> The same can be done in respect of remand prisoners, civil prisoners and immigration detainees, provided that they meet the same criteria (s.48), but these are not automatically MAPPA-eligible unless they are already a MAPPA case or have a previous conviction and are referred into MAPPA under Category 3.

<sup>63</sup> *R (on the application of TF) v Secretary of State for Justice* [2008] EWCA Civ 1457.

omission but has not convicted them. This will not automatically make a patient subject to MAPPA unless they are already a MAPPA case, for example they are an Registered Sex Offender (RSO).

## **Criminal Procedure (Insanity) Act 1964 (as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and the Domestic Violence, Crime and Victims Act 2004)**

26.20 This legislation deals with those mentally disordered people who, when they appear before the Crown Court, are not convicted either because their mental disorder is such that they are considered unfit to plead (s.4) or because the offence was committed when they were in such a state of mental disorder as to negate criminal responsibility (not guilty by reason of insanity - s.1).

26.21 Where an individual is found unfit to plead, the jury must then determine, on the evidence, whether they are satisfied that the individual did the act or made the omission charged against them as the offence (s.4A). If the Secretary of State is later advised by the patient's Responsible Clinician that the patient is, at any point, fit to be tried, the Secretary of State may direct their remission to Court in order for the prosecution to resume.

26.22 Where an individual is found not guilty by reason of insanity, or was unfit to plead but it was determined that the individual did the act or made the omission, then the court may make a hospital order with or without restrictions (s.5(2))

26.23 Under section 37(3) of the MHA, where a magistrates' court is satisfied that the individual did the act they are accused of, they may choose not to convict them but instead make a hospital order. A restriction order, however, cannot be made.

## **The Secretary of State's responsibilities under the MHA 1983**

26.24 The Secretary of State for Justice is responsible only for MDOs subject to restriction orders (s.41), restriction directions (s.49), and limitation directions (s.45A) under the MHA 1983<sup>64</sup>. Such offenders are collectively known as "restricted patients". In relation to all restricted patients, the Secretary of State's consent is required for:

- Leave into the community.
- Transfer between hospitals.

26.25 The Secretary of State may also:

- Discharge patients into the community (either conditionally or absolutely).
- Direct the remission to prison of a transferred prisoner or a patient subject to a hospital or limitation direction.
- Recall a conditionally discharged patient and add, vary or remove conditions of discharge including those set by the Tribunal.

26.26 Further details of the Secretary of State's powers and responsibilities in relation to hospital orders are provided in the Available Orders section of this chapter (paragraphs 26.3 - 26.23).

26.27 The Mental Health Casework Section (MHCS) in Her Majesty's Prison and Probation Service (HMPPS) takes decisions on behalf of the Secretary of State in respect of restricted patients. Queries about

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<sup>64</sup> The Secretary of State has no involvement with a patient who is subject only to an order made under s.37 and the patient's clinical team has responsibility for risk management.

restricted patients or the transfer of prisoners to hospital should be addressed to the relevant casework team in MHCS. A contact list is available at <http://www.justice.gov.uk/contacts/noms/mental-health-unit>.

26.28 Clinical and social supervisors are required to submit regular reports to MHCS on conditionally discharged patients. These reports must include information on the involvement of other agencies and MAPPA status.

## **Role of the First-tier Tribunal (Mental Health) - in Wales, the Mental Health Review Tribunal (the Tribunal)**

26.29 The Tribunal has a statutory duty to review the case of a patient detained under the Act and order discharge if it is not satisfied that the criteria for detention are met.

26.30 Detained restricted patients have the right to apply to the Tribunal once a year (s.70). The Tribunal is generally required to discharge the patient from hospital under s.73 of the MHA 1983 if it is not satisfied that:

- the patient is suffering from a mental disorder of a nature or degree that makes it appropriate for the patient to be liable to be detained in hospital for medical treatment; or
- the medical treatment is necessary for the patient's health and safety or for the protection of other persons, or
- appropriate medical treatment is available for the patient.

26.31 The Tribunal can impose conditions on the discharge if it is satisfied that the patient needs to be liable to recall for further treatment.

26.32 A restricted patient subject to conditional discharge in the community has the right to apply to the Tribunal for an absolute discharge once every two years (s.75(2)).

26.33 The Secretary of State is a party to proceedings before the Tribunal and can be represented at Tribunal hearings. Generally, however, MHCS submits a written statement on behalf of the Secretary of State.

26.34 Where the Tribunal directs that a patient be conditionally discharged, it may defer that direction until it is satisfied that adequate arrangements have been made for the discharge to take place (s.73(7)). Conditions of discharge should be proportionate and reasonable in all the circumstances. After the Tribunal has directed a patient's conditional discharge, the Secretary of State may vary those conditions (s.73(5)). Current case law in *Secretary of State for Justice v MM* (2017) EWCA Civ 194 holds that the Tribunal cannot impose discharge conditions that amount to a deprivation of liberty. This is an area of ongoing litigation so current case law should be consulted for guidance.

26.35 The duty to discharge does not apply to restricted patients who have been transferred to hospital under ss.47 or 48 of the Act together with a s.49 restriction or who are subject to a hospital and limitation direction under s.45A. In these cases, under s.74 of the Act, the Tribunal may only recommend discharge to the Secretary of State. If the Secretary of State does not agree to the discharge, the patient must be returned to prison, unless the Tribunal recommends that in the event of the patient not being discharged, they should continue to be detained in hospital.

26.36 If a conditionally discharged patient has been recalled to hospital, the Secretary of State must refer the case to the Tribunal within one month of recall.

## Mentally Disordered Offenders who are MAPPA offenders

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

26.38 MAPPA eligibility:

- Patients subject to the notification requirements of Part 2 of the Sexual Offences Act (SOA) 2003 (Category 1); or
- Patients convicted of murder or an offence specified in Schedule 15 or 4A of the Criminal Justice Act 2003 and sentenced to twelve months or more imprisonment or detained in hospital subject to provisions of the MHA 1983, including those found not guilty by reason of insanity or unfit to plead (having done the act) (Category 2).
- Other dangerous offenders (Category 3), please see paragraph 26.40.

26.39 MAPPA eligible MDOs who are subject to MAPPA may be detained in hospital under the MHA 1983 either:

- having been sent there directly by the court making a hospital or guardianship order (s.37), with or without a restriction order (s.41); or
- if detention in hospital was directed by the court combined with a custodial sentence (hybrid orders) (s.45A), with a limitation direction; or
- detention was directed by the Secretary of State for a convicted prisoner serving over 12 months, to be transferred into hospital from prison (s.47), with or without a restriction direction (s.49).

26.40 A patient who does not qualify under Categories 1 or 2 may, however, be subject to MAPPA under Category 3 if the responsible authority considers, by reason of their offences (wherever committed), that they currently pose a risk of serious harm to the public that requires active multi-agency management. Further information on Category 3 can be found in Chapter 6 – Identification and Notification of MAPPA Offenders at paragraphs 6.10-6.16.

26.41 MDOs subject to MAPPA in the community and to the MHA 1983 are:

- offenders who have been conditionally discharged from hospital; or
- offenders under a community treatment order made under s. 17A.

26.42 Other offenders who are subject to MAPPA Category 1 or Category 2 may be simultaneously subject to Mental Health Act powers applied through a non-criminal justice route.

26.43 Mental health practitioners have a duty to co-operate with MAPPA and share information about patients that is relevant to the statutory purposes of assessing and managing risk, even where the patient does not consent. However, patients may be asked to consent to the sharing of other relevant information within MAPPA to assist with their risk management (if they have the capacity to understand what they are consenting to). Further details on information sharing can be found in Chapter 9 – Information-sharing.

26.44 Disclosure of information about the patient to third parties, such as a victim or employer, is possible, but it must be necessary for public protection, proportionate and in compliance with the law. Professional guidance issued to medical practitioners supports necessary and proportionate disclosure and sharing of information (see [https://www.gmc-uk.org/guidance/ethical\\_guidance/30608.asp](https://www.gmc-uk.org/guidance/ethical_guidance/30608.asp)). Issues of disclosure will be discussed at each MAPPA meeting. Further details on disclosure, including disclosure taking place without consent, are covered in Chapter 10 - Disclosure.

26.45 What happens when an offender is no longer subject to MAPPA supervision is contained in paragraphs 26.71 and 26.72.

26.46 Further information on MAPPA can be found at [www.mappa.justice.gov.uk](http://www.mappa.justice.gov.uk). MAPPA professionals, including health practitioners, can join a password-protected community that contains relevant information. Professionals can join these communities by clicking “register” in the top right-hand corner of the website.

## **MAPPA management**

26.47 Agencies retain their full statutory responsibilities and obligations at all times and, although the case is discussed in the MAPPA meeting, responsibility for decisions and for the management of the offender lies with the lead agency. Further details can be found in Chapter 12 - Risk Management Plans. The purpose of Level 2 and Level 3 MAPPA meetings is to share information to support multi-agency risk assessments and to formulate effective MAPPA risk management plans (MAPPA RMPs), in order to ensure action is taken to manage the risk of serious harm posed.

26.48 Patients should know that they are being managed through MAPPA, what MAPPA is, and what this means for them. However, there may be very exceptional cases where information about MAPPA should be withheld from the patient on the grounds that it may increase their risk. This is a decision for the lead agency and must be discussed at a MAPPA meeting. The reason(s) for withholding information about MAPPA management should be clearly recorded in the MAPPA meeting minutes and the case record(s). Neither the patient nor their representatives are allowed to attend MAPPA meetings, as their presence could significantly hinder the core business of sharing and analysing information objectively and making decisions accordingly. The lead agency should seek the offender’s views on their risk management and feed them into the meeting. The MAPPA meeting should also agree what information from that meeting will be fed back to the offender.

26.49 If the patient is dissatisfied with a decision about their management agreed at a MAPPA meeting, all attempts should be made to resolve this informally. This is covered further in Chapter 13 – MAPPA Meetings. If this is not possible, any complaint should be pursued in the first instance through the lead agency’s complaints procedure (see Chapter 29 – Complaints).

## **Lead agency**

26.50 The definition of a MAPPA lead agency is set out in paragraph 2.3 of the MAPPA Guidance.

26.51 If a patient has received a hospital order or guardianship order (s.37 with or without a s.41 restriction), mental health services are the lead agency for their management and the Probation Service has no supervisory responsibilities. If the patient is also a registered sex offender the police need to be consulted throughout the patient’s detention.

## **Transferred prisoners**

26.52 MAPPA patients transferred from custody to hospital will have an allocated Probation Service or YOS Offender Manager who is responsible for co-ordinating the RMP for release, including completing the Victim Liaison Unit referral and ensuring regular updates to the allocated Victim Liaison Officer (VLO). Victim contact is covered further in paragraphs 26.74-26.80. Hospital staff need to consider the effect of their decisions and possible Tribunal decisions on external agencies and must ensure that the Probation Practitioner is kept informed of decision-making processes and their outcomes. Since the date the Tribunal makes a decision cannot be predicted, it is essential that the relevant Mental Health Trust and the Probation Service have developed contingency plans in the event of release, and that the lead agency makes a MAPPA referral if necessary.



## MAPPA and Tribunals

26.53 The lead agency is responsible for ensuring that all relevant information about a patient's risk is presented in its evidence to the Tribunal. The practice directions for the Tribunal in England regarding statements and reports in mental health cases require that the social circumstances report includes information from MAPPA agencies or meetings. Specifically, the following information is required:

- whether the patient is subject to MAPPA supervision
- whether the patient is known to the police, probation or youth offending team (and if so, why and which area);
- the patient's MAPPA level;
- the name of the Chair of any MAPPA meeting concerned with the patient; and
- the name of the lead agency's representative.

26.54 Reports must not quote a MAPPA meeting as a source of information. Where a specific piece of information that has been shared at a Level 2 or 3 MAPPA meeting is necessary, the report writer must first consult the agency that provided it to seek approval to use the information in a report. The information must be attributed to the agency and the content agreed with the agency representative who attended the MAPPA meeting. Requests for MAPPA minutes by Tribunals are covered in Chapter 14 – MAPPA Meeting Minutes.

26.55 A MAPPA agency may have information about a patient's current risk that would be of assistance to the Tribunal. If a MAPPA meeting or agency wishes to put forward evidence of its views to the Tribunal, the information should usually be included in the social circumstances report via the social worker or in the Responsible Clinician's report. If this is not possible or not considered appropriate by the social worker or Responsible Clinician for any reason, it is possible to include additional risk information in the Secretary of State's statement via MHCS. In such cases details should be sent to [MHUTribunalCorrespondence@noms.gsi.gov.uk](mailto:MHUTribunalCorrespondence@noms.gsi.gov.uk) explaining why the information cannot be included in the other reports. An MHCS senior manager will respond to discuss what information is included. Any contribution should take the form of a summary of the relevant views and, where relevant, the police should include a copy of the Police National Computer record of previous convictions.

## Identification of MAPPA offenders

**Standard - All MAPPA offenders are identified by mental health services, including private and independent section providers, within 3 days of sentence, admission or transfer to hospital through a criminal justice route**

26.56 Mental health services should establish procedures to ensure identification within three days of admission or a change in status. As a fail-safe procedure, a designated member of the care team at the first care programme approach (CPA) meeting or equivalent should be nominated as responsible for ensuring that the offender has been marked as a MAPPA offender on the internal management/record-keeping system.

## Notification

26.57 Once a patient is hospitalised through a criminal justice route, they should be identified as a MAPPA case by mental health services, including private and independent sector providers. A formal notification to the relevant MAPPA coordinator for the local area of the patient's home address should be made, using the MAPPA I, which can be found in the MAPPA document set. A full referral to Level 2 or 3 is not required at this stage. Early notification serves to support mental health service providers' awareness of MAPPA, the identification of MAPPA offenders as required by legislation, and the tracking of MAPPA patients.

Notification is necessary because the MAPPA Co-ordination unit does not have routine access to case records of MAPPA offenders detained by mental health services. The MAPPA Co-ordinator will use Part 2 of the MAPPA I to inform the Responsible Clinician of any information held by other agencies that is relevant to the management of the offender's risk. For more details about the role of MAPPA Co-ordination see Chapter 28 – MAPPA Co-ordination.

26.58 Offenders subject to MAPPA as a result of offending that has not led to their hospitalisation may be admitted into a mental health facility through a civil route. These offenders will be known to another agency, who may or may not know they are in hospital. If the hospital is aware that a patient admitted through a civil route is a MAPPA-managed offender, they should contact the lead agency if known, or otherwise the local MAPPA Co-ordination unit. If a patient admitted through a civil route is displaying worrying behaviour and the clinician is concerned about a possible risk to the public, they should contact the police to check whether the patient is a MAPPA offender or has any previous convictions that suggest they may need MAPPA management under Category 3. Active and proportionate information exchange will support the effective management of risk posed by existing and potential MAPPA offenders.

### **Leave and community discharge**

26.59 Part 3 of the MAPPA I should be completed/updated prior to first unescorted leave and after the first CPA meeting in which discharge was discussed for all patients for whom a MAPPA I was submitted. Part 3 should also be completed prior to first escorted leave where there is a high risk of abscond, very high risk of harm or high risk of reputational damage and prior to extended leave of absence. This starts the process of communication and supports MAPPA being factored in to discharge planning.

26.60 Routine notifications to MAPPA about every single leave trip or variation in leave arrangements are unworkable. Information regarding notifying victims of patient's leave is covered in paragraphs 26.74-26.80.

26.61 As forensic patients may be in regional units away from their home areas and initial leave may be in a different MAPPA locality from the final discharge area, multiple MAPPA areas and local police forces may need to be notified. For example, a London patient on a s.37/41 order taking first community leave from a hospital in the Cambridge area would need to be notified to the relevant London borough and to Cambridgeshire MAPPA.

26.62 MHCS makes leave decisions for restricted cases on behalf of the Secretary of State<sup>65</sup>, but MAPPA notification is the responsibility of the mental health team. MAPPA cannot approve or decline leave for restricted patients and leave should not be withheld pending MAPPA notification or reply. However, it is good practice to seek the views of the MAPPA area when making a decision, to ensure robust information sharing and multi-agency collaboration.

### **Making a referral to MAPPA at Level 2 or 3**

26.63 The lead agency is responsible for making a referral to MAPPA at Level 2 or 3 where appropriate (see Chapter 7 –Levels of Management for details). First unescorted leave, or when discharge plans are being made, may be an appropriate time to consider a referral to Level 2 or 3. This will enable the discharge area to be informed of the change in circumstances, and to plan and contribute to risk management as necessary. For reference, a referral to Level 2 or 3 must be considered at least six months prior to release for a MAPPA offender in custody.

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<sup>65</sup> As a matter of course, MHCS will inform the police force for the area where a restricted patient is detained when: they are exceptionally given one-off leave from hospital; their Responsible Clinician is given discretion to give escorted or unescorted leave; they transfer to a different hospital; or they are discharged into the community.

26.64 When planning discharge arrangements for an offender subject to MAPPA, the CPA meeting should consider the appropriate level of MAPPA management. This should be informed by other agencies involved with the offender. All cases must be screened to determine whether Level 2 or 3 management is required. The screening of level 2 and 3 cases is covered in Chapter 7 - Levels of Management. If MAPPA management at Level 2 or 3 is believed to be required, a formal referral must be made using the MAPPA A. The Responsible Clinician or other multi-disciplinary team members can contact the MAPPA co-ordinator for advice before making a referral.

26.65 In imposing a restricted hospital order the court has decided that, having regard to the nature of the offence, a restriction is necessary for the protection of the public from serious harm. An assessment of the current risks and complexities will inform a decision on whether Level 2 or 3 management is required. For non-restricted patients, the risk of serious harm has not been established by the court and the Ministry of Justice may not have been involved with the patient or may no longer be involved. However, some unrestricted cases may be former sentenced prisoners or others with substantial risk histories. In these cases, if there is no current assessment of the risk of serious harm the patient presents, a suitable mental health practitioner will need to assess the risk to consider whether inter-agency discussions and active multi-agency management would benefit the patient's risk management and if so, a referral to MAPPA Level 2 or 3 should be made.

## **Level 1 management**

26.66 If the lead agency considers management at Level 1 to be enough, only a notification needs to be submitted, through an update to Part 3 of the MAPPA I. A professionals meeting should be considered to develop a risk management plan in Level 1 cases. Further information on Level 1 management is provided in Chapter 7 - Levels of Management.

## **Liaison and attendance at MAPPA meetings**

26.67 Mental Health Trusts or University Health Boards (Wales) should prioritise attendance at MAPPA meetings where they are the lead agency and in cases involving transferred prisoners.

26.68 It is good practice for each MAPPA area to have a mental health representative, who is a core MAPPA meeting member to meet the general duty to co-operate. This person should have the authority to commit resources on behalf of the Mental Health Trust or University Health Board and should possess relevant experience of risk/needs assessment, as well as analytical and team-working skills. There should be continuity of personnel in order to sustain good working relationships.

26.69 This core member, however, may not have direct knowledge of the MAPPA case under discussion, so a representative of the patient's clinical team should also be invited to attend to contribute to the MAPPA discussion on individual cases. Attendance in person is the normal expectation, particularly when mental health services are the lead agency; but if that is not possible, video/telephone conferencing should be considered.

26.70 A MAPPA J should be completed in line with the guidance in Chapter 3 – Duty to co-operate agencies for patients applying for work or benefits, identifying restrictions on employment or training. Whether or not there are restrictions that require a MAPPA J, in all cases where there is an identified risk to staff, the risk should be identified in the patient's RMP and actions to manage the risk should be discussed with the DWP.

## **Exit from MAPPA**

26.71 It is important to identify when an offender is no longer subject to MAPPA supervision. The criteria for an offender being discharged from MAPPA are different for each of the three categories:

- Category 1 offenders: when their period of registration expires. In the most serious cases registration is for life. However, following a ruling of the Supreme Court in 2010, RSOs can seek a review of registration 15 years from the date of their first notification.
- Category 2 offenders: when a s.37 patient is absolutely discharged. Where a s.45A or s.47 patient no longer requires treatment in hospital, and they are not remitted back to prison, they may be released on licence. MAPPA ceases to apply when the licence expires (unless referred into category 3).
- Category 3 offenders: where the case no longer requires active multi-agency management at level 2 or 3.

26.72 Part 4 of the MAPPA I should be completed by the Responsible Clinician for Level 1 patients for whom they are the lead agency and forwarded to the relevant MAPPA co-ordinator when the patient is no longer subject to MAPPA supervision.

## **Absconds and escapes**

26.73 Hospital managers are responsible for informing the police whenever a restricted patient escapes from the hospital where they are detained, absconds while on escorted community leave, or fails to return from permitted leave. This information must be passed immediately to the local police force in accordance with local protocols, including information regarding any known victims who may be at risk. The hospital, as the lead agency, should have a contingency plan that covers out of hours absconds and sets out who will be responsible for contacting the VLO. A copy of the absconcion plan should be included in the MAPPA I.

## **Victims of mentally disordered offenders**

26.74 The rights of victims of Mentally Disordered Offenders are set out in the Domestic Violence, Crime and Victims Act 2004 (DVCA 2004). Statutory rights apply only where the sentence was passed on or after 1<sup>st</sup> July 2005. These rights were extended by the Mental Health Act 2007 to include victims of unrestricted patients for sentences passed on or after 3 November 2008. Guidance is provided in the Mental Health Act 1983 Code of Practice published in 2015 and available at:

<https://www.gov.uk/government/publications/code-of-practice-mental-health-act-1983>

26.75 Under the DVCA, a qualifying victim is entitled to know whenever discharge is being considered either by the Secretary of State, the Tribunal (restricted patients), the Responsible Clinician, or hospital managers (unrestricted patients).

26.76 The victim has the right to make representations to the decision-maker about any conditions to be added to any discharge (restricted patients) or CTO (unrestricted patients) for their protection. The victim is not entitled to make representations about whether discharge is appropriate.

26.77 The victim is further entitled to know:

- whether discharge took place (restricted patients) or a CTO was made (unrestricted patients) and, if so
- what conditions are in place for the protection of the victim or the victim's family, including any subsequent changes, and
- when those arrangements end

The victim will not be informed of specific details of where the patient is to be located after discharge.

26.78 For restricted patients there is also a presumption that the VLO will tell victims about community leave unless there are exceptional circumstances, e.g. if the victim is considered to pose a risk to the patient. Victims will be told via their VLO when MHCS agrees to either escorted or unescorted leave, but not of each individual period of leave, which usually remains at the discretion of the Responsible Clinician.

26.79 Where the offender is subject to an unrestricted hospital order, victims have the same statutory entitlement to information as when a restricted hospital order is made, provided the conviction is for a qualifying offence. The decision-makers are the hospital managers, the Responsible Clinician and the Tribunal. The Probation Service Victim Liaison Unit is responsible for passing the victim's details to the hospital, should the victim want this. There will be no further involvement from the Probation Service. The hospital managers have the legal responsibility for passing information to the victim, and the victim will not be allocated a Probation Service VLO.

26.80 Where the sentence was passed before the relevant Act, the victim has no statutory rights. However, common practice in cases involving restricted patients is to give victims who request contact under the Probation Service Victim Contact Service the information to which they would be entitled had the DVCA 2004 been in force.

# 27 Domestic Abuse and Stalking

## Introduction

27.1 This section explains how MAPPA apply to the management of those eligible for MAPPA management under any category who pose a risk related to domestic abuse or stalking. This applies whether or not the index offence(s) relate to domestic abuse or stalking.

## Domestic Abuse

27.2 Domestic abuse has a significant and overwhelmingly negative effect on those who experience it, either directly or indirectly. The Domestic Abuse Act 2021 created a new definition of domestic abuse, as well as introducing Domestic Abuse Protection Notices and new offences involving violent or abusive behaviour. The behaviour of one person towards another person is defined as domestic abuse<sup>66</sup> if they are both aged 16 or over, they are personally connected to each other, and the behaviour is abusive. A child is a victim of domestic abuse if they see, or hear, or experience the effects of the abuse and are related to either party.

27.3 Behaviour is abusive if it consists of any of the following. It does not matter whether the behaviour consists of a single incident or a course of conduct and may be directed at a third party, for example the victim's child:

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse<sup>67</sup>;
- (e) psychological, emotional or other abuse.

Two people are personally connected to each other if any of the following apply:<sup>68</sup>

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child;

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<sup>66</sup> Section 1 Domestic Abuse Act 2021.

<sup>67</sup> Economic abuse means any behaviour that has a substantial adverse effect on an individual's ability to acquire, use or maintain money or other property, or obtain goods or services.

<sup>68</sup> Section 2 Domestic Abuse Act 2021.

(g) they are relatives.

27.4 Agencies should refer to their own guidance on domestic abuse for additional information on how to identify domestic abuse and any specific behaviours.

## Stalking

27.5 There is no statutory definition of stalking, however the police and Crown Prosecution Service have adopted the following description, which appears in the guidance on Stalking Protection Orders: 'a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress in the victim'. Stalking is a form of harassment: the types of behaviours considered to be stalking are set out in the Protection From Harassment Act 1997<sup>69</sup>, including:

- (a) following a person,
- (b) contacting, or attempting to contact, a person by any means,
- (c) publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person,
- (d) monitoring the use by a person of the internet, email or any other form of electronic communication,
- (e) loitering in any place (whether public or private),
- (f) interfering with any property in the possession of a person,
- (g) watching or spying on a person.

27.6 In contrast with domestic abuse, this list is not exhaustive, nor does the offence require a personal connection. Technology-enabled abuse has become a more prevalent characteristic of stalking behaviours, which includes the use of readily available technology (e.g. phones, spyware, tracking devices), previous knowledge of victims' account passwords, to track victims, or the use of fake social media accounts to monitor or threaten / intimidate victims. Even though the actual behaviours exhibited may vary between perpetrators, these behaviours will often share a consistent set of characteristics, using the stalking acronym FOUR:

Fixated  
Obsessive  
Unwanted  
Repeated

27.7 Stalking is often, but not uniquely, a characteristic of domestic abuse, particularly once a relationship has ended. Stalking behaviour can be carried out online, therefore potentially combining online and offline behaviours.

## Identification

27.8 Domestic abuse can occur in any close or intimate relationship. For example:

- women may be victims of men,

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<sup>69</sup> Section 2A Protection From Harassment Act 1997.

- men may be victims of women,
- men or women may be victims in same-sex relationships,
- transgender and non-binary individuals may be victims or perpetrators in relationships where one or both partners is transgender or non-binary,
- parents may be the victims of their children if the children are aged 16 or over,
- individuals may be the victims of any other relatives if both parties are aged 16 or over.

27.9 Domestic abuse is a complex issue that occurs irrespective of age, social background, culture or ethnicity. In some cases, being part of a minority group or specific community can compound the difficulties faced by victims of domestic abuse, and practitioners should be aware of specific risk factors a victim may face.

### **Standard – All automatic MAPPA cases where domestic abuse or stalking may be an issue should be identified**

27.10 There is no ‘offence’ of domestic abuse, however offenders may be convicted of an offence which requires mandatory MAPPA management where the circumstances of the offence involved domestic abuse. These offences include false imprisonment, threats to kill, wounding, assault occasioning actual bodily harm, cruelty to children, putting people in fear of violence, stalking involving fear of violence or serious alarm or distress, strangulation, rape and sexual assault. Probation practitioners should identify all offenders who are subject to mandatory MAPPA management where the circumstances involved domestic abuse.

### **Standard – All other cases where domestic abuse or stalking may be an issue should be considered for referral to MAPPA Category 3 by the lead agency**

27.11 Offenders convicted of an offence under s.76 of the Serious Crime Act 2015 (Controlling or Coercive Behaviour in an Intimate or Family Relationship) or s.2A of the Protection from Harassment Act 1997 (Stalking), or breaches of civil orders (such as restraining orders or Domestic Abuse Prevention Orders) should always be considered for referral to Category 3 by the lead agency. The circumstances of the offence must meet the criteria set out in Chapter 6 – Identification and Notification (i.e. they must indicate that the person may be capable of causing serious harm to the public that requires management at MAPPA Level 2 or 3) to qualify for Category 3. Furthermore, any offender convicted of an offence listed in Schedule 15 of the Criminal Justice Act 2003 that has a domestic abuse element but does not meet the eligibility criteria for Category 1 or 2 (e.g. because of the sentence they received) should be considered for Category 3.

27.12 The offence of coercive and controlling behaviour in the 2015 Act also provides guidance for practitioners in identifying precursor behaviours even where the full offence is not represented as a conviction. Practitioners should familiarise themselves with the government definition of coercive and controlling behaviours.<sup>70</sup> Even though less visible than physical abuse, these behaviours are considered to be a significant indicator of ongoing and future harm to victims. Coercive control can affect a whole family and liaison with partner agencies is necessary to ensure that children, adults at risk and adults with care and support needs are safeguarded. Perpetrators of coercive and controlling behaviour may be adept at manipulating those around them, including professionals. Practitioners should use information sharing and professional curiosity to ensure they have an accurate understanding of an individual’s behaviour and circumstances when managing those who display controlling and coercive techniques. The risk associated with controlling and coercive behaviour should be understood and monitored in each case. Any risk

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/482528/Controlling\\_or\\_coercive\\_behaviour\\_-\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf)



escalations should be shared with partnership agencies and trigger prompt re-consideration of the MAPPA level and a referral into MAPPA Level 2 or 3 using Category 3 where necessary. Practitioners may need to challenge their own thinking and the assumptions of other professionals and managers should provide support in doing so.

27.13 Perpetrators of domestic abuse can be referred to MAPPA even if they have not been convicted of or cautioned for a violent offence. A perpetrator convicted of a relatively minor offence or an offence seemingly unconnected with domestic abuse can be referred to MAPPA as a Category 3 offender if circumstances and behaviours surrounding the offence indicate that the perpetrator is capable of causing serious harm.

27.14 MAPPA should be used to reduce domestic abuse-related reoffending and the risk of serious harm associated with it. Staff must be alert to the possibility that there might be issues relating to domestic abuse in any case, not just cases where there is a direct link between domestic abuse and the index offence. Concerns about domestic abuse might arise at any stage in an offender's progress through the criminal justice system. Staff need to be pro-active in seeking out information to inform ongoing assessment as to whether domestic abuse features in current or previous relationships.

27.15 Stalking behaviours, whether in the context of domestic abuse or non-intimate partner-based stalking, may be prevalent without a specific stalking conviction. Some of the behaviours might appear innocent (if they were to be taken in isolation), but when carried out repeatedly these behaviours could demonstrate that the fixation on their victim is of greater concern to them than the impact of legal consequences upon them. Breaches of orders/sanctions in place to protect a victim may be indicative of stalking.

27.16 Staff will also need to be alert to offenders who are victims of domestic abuse and may need support in accessing services.

## **Screening and Level Setting**

### **Standard - Multi-agency information will be used to consider the most appropriate level of management for domestic abuse and stalking offenders**

27.17 In considering the correct level of management, practitioners must pay particular attention to repeat and high risk domestic abuse perpetrators for MAPPA Level 2 or 3 management, using Category 3 where necessary. A history of domestic abuse toward one or more partners is a significant risk factor within a risk assessment. This can be in the context of a current relationship or following a separation. MAPPA Level 2 or 3 management should be considered as a means of formally establishing information sharing and risk management planning between partnership agencies where necessary, while considering victim safety through protective measures, disclosure of relevant information and establishing appropriate victim support.

27.18 Level 2 or 3 management should also be actively considered for those with convictions for stalking or who display stalking behaviours, using Category 3 where necessary. Practitioners should have an understanding of stalking behaviours, their relevance to a risk of harm assessment, and the impact of these behaviours on victims. Whilst not true in all cases, stalking behaviours may be closely linked to domestic abuse. Approximately 45% of those who stalk target ex-partners<sup>71</sup>. In cases linked to domestic abuse, practitioners should carefully manage individuals in the same way as others perpetrating domestic abuse, factoring the stalking concerns into the overall risk assessment.

27.19 Cases qualify for Level 2 or 3 management where formal multi-agency meetings would add value to the lead agency's management of the risk of serious harm posed. See Chapter 7 – Levels of Management

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<sup>71</sup> <https://www.suzylamplugh.org/what-is-stalking>

for more information on the criteria for Level 2 and 3 management. Where the case is not appropriate for management at Level 2 or 3, the rationale must be evidenced and recorded on agency systems and this does not mean that multi-agency work is not required.

## **Information Sharing**

### **Standard - All agencies involved in the management of the case must share relevant information**

27.20 Practitioners should expect to work with a variety of other agencies to assess and manage the risks posed by domestic abuse and stalking perpetrators and to ensure the safety and wellbeing of victims and children. It is essential that each Responsible Authority and Duty to Cooperate (DTC) agency shares all relevant, appropriate information at their disposal in a timely manner so that the lead agency can manage the risk effectively. The lead agency must take particular care to ensure that information from other agencies both informs the decision on what level of MAPPAs management will best support the risk management plan and feeds into reviews of cases managed at Level 1. Information sharing should not be limited to that which takes place at Level 2 or 3 meetings. Active information sharing should take place outside of formal MAPPAs Level 2 and 3 meetings and agencies should not wait until the next MAPPAs meeting to share important risk information. Professionals meetings should be used as appropriate (see Chapter 13 – MAPPAs Meetings). Active steps should be taken to work with partner agencies to ensure the victim’s perspective has informed the risk management plan in all cases, including those managed at Level 1. All agencies should share appropriate, relevant information to support effective risk assessment and risk management. See Chapter 9 – Information Sharing for further information. Risk information must be updated to and shared via ViSOR for those nominals with a current ViSOR record.

## **Risk Assessment and Risk Management**

### **Standard - All domestic abuse and stalking offenders will be risk-assessed using relevant risk assessment tools and guidance and will have a robust Risk Management Plan**

27.21 In cases where domestic abuse or stalking are identified, staff must be clear about who is at risk (including articulating any safeguarding concerns) and about what measures are in place to protect them. Sentence planning must take account of any children and young people who are at risk from domestic abuse, by the harm caused by living with it and/or as a result of witnessing it.

27.22 Where domestic abuse and stalking is evidently a feature, practitioners should seek information from key agencies such as the police (specifically for domestic abuse call out information or links to multi-agency stalking clinics), Children’s Services, and any other partnership agencies in contact with and relevant to the individual and victim, where the information is not already known. To ensure the victim’s voice is considered, practitioners should specifically identify any involvement with domestic abuse support services, Independent Domestic Violence Advocates (IDVAs) or stalking advocates, such as Independent Stalking Advocacy Caseworkers (ISACs). Where available, practitioners should interrogate ViSOR for current and historical risk information ensuring all relevant recorded risk information is captured and will support robust risk assessments and risk management plans.

27.23 The identification of domestic abuse is not a one-off activity that occurs at the start of the sentence. Throughout sentence all staff need to use an investigative approach, being vigilant and inquisitive in seeking out information from a wide range of sources to inform an ongoing assessment of whether domestic abuse features in current or previous relationships and approaching the issue with professional curiosity. Risk management plans should be updated whenever there is a change in circumstances or in the level and nature of the risk and shared with all agencies involved in the management and supervision of the offender.

To maintain and enhance the offender's engagement with the sentence plan it is important to include changes that reflect genuine progress, as well as emerging risks and needs.

27.24 Probation Practitioners should complete a Spousal Assault Risk Assessment (SARA) in all cases where intimate partner abuse is evidently a feature, to assess both men and women who have committed domestic abuse within, or staking behaviours within the context of, heterosexual, same-sex, transgender or non-binary relationships. SARA should be used to inform OASys risk assessments and risk management plans, and to ensure critical risk factors are considered and assessed.

27.25 The RMP must include measures to support the safety of people identified as being at risk from the offender. Those at risk could include their victim or others such as previous, current or potential partners. The victim safety element of the RMP must contain actions to address the risk to any identified individual not just the victim of the index offence. Proper disclosure will form part of that plan. Where an offender is being released from custody or discharged from hospital the lead agency must address how those at risk will be informed, what information needs to be shared and how this will contribute to safety planning. MAPPAs should be used to ensure that the police and any other individual or organisation with an interest in the case are made aware of the pending release, have enough time to provide information and put measures in place to protect the victim where necessary.

27.26 MAPPAs management does not only take place in formal meetings but is the totality of action between agencies - brought together in a dynamic risk management plan responsive to changing risk and informed by relevant information from all available sources.

## **Multi-Agency Risk Assessment Conferences (MARAC)**

27.27 A MARAC is a meeting where information on high-risk domestic abuse cases is shared between various agencies, including police, probation, health and children's services. Where MAPPAs are primarily concerned with the management of the risks posed by the offender, MARACs are primarily concerned with the protection of victims. Referrals can be made to MARAC as a result of an appropriate risk assessment/screening, such as the Domestic Abuse, Stalking and Honour-Based Violence (DASH) Risk Identification, Assessment and Management Model, or as a result of professional judgement about a case. An adult victim should consent to their case being discussed at a MARAC, however if it is assessed that a victim is at high risk of serious harm or homicide, or if the victim is a child, information can be shared without consent.

27.28 Any agency may refer a MAPPA offender to Level 2 or 3 management (see Chapter 7 – Levels of Management for further details).

27.29 To avoid duplicating effort and resources, the work of MARAC and MAPPA should be co-ordinated in such a way as to provide the most effective response to the victim and to manage the risks posed by the offender. To this end SMB should ensure they link with other strategic partnership arrangements in their area

27.30 The relevant IDVA and any other professionals who have relevant information about the victim (such as a stalking advocate or a MARAC Navigator) must be invited to the MAPPA meeting where a MAPPA offender is being managed at Level 2 or 3 and the victim has been referred to the local MARAC. The quality of the MAPPA risk management plan (RMP) will be enhanced with the additional information that the IDVA and stalking advocate and others can provide. This will support the effective management of the offender and reduce the potential risk of harm to the victim.

27.31 When sharing the RMP with the offender it is important to remember that it must not include information that could either place the victim at continued or increased risk or prejudice any safety plan that

has been put in place. The RMP should not mention MARAC by name and the offender must not be told that the victim's case is being discussed at MARAC.

27.32 Information discussed at MAPPA meetings and executive summaries of the MAPPA meeting minutes may only be disclosed to the MARAC in line with the requirements set out in Chapter 14 – MAPPA Meeting Minutes.

## **Other Multi-Agency Forums**

27.33 Practitioners should also be familiar with child safeguarding case conferences, Integrated Offender Management (IOM), stalking clinics (such as STAC or MASIP) and any other local arrangements that may have bearing on the management of the offender and/or protection of victims. Many local areas are introducing multi-agency perpetrator panels, such as the Multi-Agency Tasking and Coordination meeting (MATAC), which involves data analysis to identify high harm perpetrators who are then referred to a multi-agency panel to coordinate action, including education, diversion, disruption and enforcement to prevent abuse and reduce reoffending. Drive is a national project which partners with local specialist domestic abuse organisations to deliver locally tailored programmes in partnership with statutory agencies such as the police, public health, and children's social care. MAPPA management at Level 2 or 3 may not be necessary if the risk is being effectively managed through another forum. These forums may also be used where perpetrators are not eligible for MAPPA.

## **Custody**

27.34 Prisons have a significant role in identifying and managing domestic abuse and stalking behaviours, which can continue from within prison through phone calls, letters, face to face meetings, or through family members or others third parties. Prisons will be alerted to those offenders who have a Restraining Order or non-molestation order and will implement measures in line with the Public Protection Manual (see PSI 18/2016 chapter 6). They should report any breaches of restrictions to the police and any attempts to circumvent restrictions to the Interdepartmental Risk Management Meeting (IRMM). Victims or potential victims of domestic abuse can also make a no-contact request to the prison (PSI 18/2016 chapter 6).

27.35 The Community Offender Manager (COM, also referred to as the Probation Practitioner) or Prison Offender Manager (POM) will complete OASys and SARA risk assessments in line with agency policies and will identify offenders who pose a risk of domestic abuse. Staff must take extra care when sharing an OASys with a prisoner, to ensure that the victim is not placed at additional risk as a result. Prisons will need to consider the imminence of risk and determine whether measures to monitor communications (PSI 04/2016) are necessary. Prisons also have a responsibility to identify any safeguarding concerns caused by domestic abuse.

27.36 IRMMs and Multi Agency Lifer Risk Assessment Panels (MALRAP) can provide an opportunity for staff from different areas of the prison to work together and share information to inform risk management activities and interventions in custody and in preparation for release. Throughout the custodial term, POMs should use professional curiosity, specifically when there is a known risk of domestic abuse and enquire about personal relationships. Information relating to an offender's personal relationships will be available to staff in prisons, including their visitors and those they are in telephone contact with. The prison will have a gist of written correspondence and telephone calls if communication monitoring (PSI 04/20216) has taken place, which may provide insight into current relationships. If communication monitoring raises concerns of domestic abuse, the information should be discussed in the IRMM and with the COM. In cases where a COM has not yet been identified, the POM must take actions to safeguard any potential victim and share information with the COM at the point of handover. The POM may also request support from a duty probation practitioner in the community.

27.37 Other staff in prisons such as keyworkers, healthcare staff, safer custody departments and chaplaincy, will likely have discussions with offenders about their personal relationships and may notice when a relationship has broken-down or renewed. If these staff become aware of domestic abuse or stalking concerns, they should record them via the Mercury intelligence system and discuss them with the Offender Management Unit (OMU). POMs should review all of the information available to them on prison systems (including ViSOR) when reviewing risk assessments and liaise with other staff who have regular contact with offenders.

27.38 Concerns about ongoing domestic abuse, stalking, harassment or potential future victims raised via security intelligence reports or within the IRMM should be recorded on ViSOR for all offenders with a ViSOR record.

### **Standard: The establishment must provide a MAPPA F to each Level 2 or 3 meeting**

27.39 The MAPPA F is an important source of information for domestic abuse and stalking cases managed at Level 2/3, for instance it can provide details about relationship status, any current concerns about domestic abuse or potential future victims. The POM is responsible for completing the MAPPA F and should liaise with other prison departments and partnership agencies to provide a holistic picture of their current circumstances.

27.40 OMIC handover process and OASys are also important opportunities for the POM to share information with the COM. An offender's relationship status, or their relationship to previous, current and potential victims of stalking behaviours, should be discussed as part of all handover activity and pre-release planning, ensuring any potential victims of domestic abuse or stalking are identified and victim safety planning is considered within the RMP.

27.41 HMPPS Regional Stalking Psychology SPOCs provide assessment support for offenders who have exhibited stalking behaviours and are serving a custodial sentence. Contact details are available at [Stalking Practitioner Support Contact](#).

## **Victims**

27.42 Protecting the public and preventing further harm to current and future victims is a primary purpose of MAPPA (see Chapter 22 – Victims for further details). Working together with local agencies, domestic abuse services and specialist victim services is the most effective way of achieving the safety of partners, ex-partners, children and others affected by domestic abuse and stalking. Practitioners must keep in mind the complex dynamics of relationships and abuse when working with victims. Offenders who are perpetrators may also be or have been victims of domestic abuse. Victims may find it difficult to identify their experiences at the hands of the perpetrator as abuse.

27.43 Victims of domestic abuse are likely to be some of the most vulnerable because in many cases they are still at risk from an abusive ex-partner, whether or not they have separated from them (separation is one of the most significant risk factors in domestic abuse<sup>72</sup>). In some cases, there may be other ongoing contact between the offender and the victim where, for example, agreed or court-sanctioned contact with a child of the relationship is taking place. Certain groups of victims may be affected by particular issues. Resources and advice on victims from different groups can be found at <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/risk-and-vulnerability/>.

27.44 Victims of offenders who have been convicted of a specified sexual or violent offence (including an offence of Coercive Control) and sentenced to a term of imprisonment of 12 months or more have a statutory right to participate in the Victim Contact Service (VCS). Victims who choose to take up the VCS

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<sup>72</sup> <https://safelives.org.uk/policy-evidence/about-domestic-abuse/who-are-victims-domestic-abuse>

service can receive information about the offender's progress through the sentence and can have input regarding licence conditions. In cases where release will be at the discretion of the Parole Board, victims can submit a Victim Personal Statement explaining the impact on them of the offence and of any potential release. The Probation Service also has some limited discretion to offer the VCS to victims who do not meet the statutory criteria for the service, e.g. where the offence pre-dates the statutory introduction of the Scheme in 2001. For further information about the VCS and discretionary VCS see Chapter 22 – Victims. Victims who are not eligible or do not wish to participate in the VCS should be informed of key information, such as the offender's release, through standard disclosure procedures (see Chapter 10 – Disclosure). Where a victim is in the VCS, the Probation Practitioner should keep in contact with the Victim Liaison Officer (VLO), consulting and passing on information at key stages in the sentence as required under the Scheme and as set out in the Guidance Manual (PI 2014-48). VLOs should attend MAPPAs and MARAC meetings as required and in accordance with national and local policies. A VLO must pass on to the Probation Practitioner any information that relates to risk to the victim. This information should then be used to inform the RMP.

27.45 Independent Domestic Violence Advocates (IDVAs) are specialist professionals who work with victims of domestic abuse to develop a trusting relationship. They help victims become safe and rebuild their lives, represent them at MARACs, help them navigate the criminal justice process and work with other agencies to provide support. Stalking advocates are professionals who provide victims of stalking with specialist independent support, advice and advocacy. Partner Link Workers (PLW) work in the community with the victims, current and ex-partners of men attending the Building Better Relationships programme. They keep in regular contact with the Probation Practitioner, contribute to risk management and victim safety planning, ensure that victims and partners are aware of local domestic abuse services and refer them for support, advice and assistance. Information from an IDVA, stalking advocate and PLW should be used to inform the RMP where they are involved.

27.46 Where an offender absconds, prison staff should take steps to alert the police in the area where an at-risk victim resides, to notify them that the offender is unlawfully at large, in order that they can take such steps as might be necessary to secure the victim's safety. For more information see Chapter 22 – Victims.

## **Disclosure**

27.47 Decisions relating to disclosure are especially pertinent in relation to cases of domestic abuse and stalking.

27.48 All MAPPAs offenders must be risk assessed to identify anyone who may be at risk of serious harm from them, including previous victims/partners, children and family members and a risk management plan put in place. Consideration must be given in each case to whether the disclosure of information about an offender to others should be made. The lead agency must review cases being managed at Level 1 in line with their policies and must consider disclosure as part of each review. For cases managed at Level 2 or 3, disclosure must be considered at every MAPPA meeting. All disclosures must comply with data protection legislation. For more information see Chapter 10 – Disclosure.

27.49 The Government has introduced a number of schemes designed to improve disclosure to the public, including the Domestic Violence Disclosure Scheme (DVDS also known as Clare's Law). Guidance on the DVDS is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575361/DVDS\\_guidance\\_FINAL\\_v3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575361/DVDS_guidance_FINAL_v3.pdf). These schemes do not change the law on disclosure but provide a framework for disclosure to take place. Although they often involve MAPPAs offenders, these schemes are police schemes and operate independently of MAPPAs. Referral to MAPPAs should not delay a DVDS application. There may also be exceptional occasions when the risk to the victim or partner is so imminent

that full disclosure of the individual's previous abusive behaviour is required immediately and therefore referral to DVDS may not be appropriate.

27.50 In all instances of disclosure the lead agency should put in place a contingency plan to support both the victim and the MAPPA managed individual in relation to any identified negative effects of disclosure.

## **Strategic Management Boards**

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

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

27.52 The SMB is therefore responsible for managing MAPPA activity in its area (see Chapter 4 – MAPPA SMB for details of the SMB's responsibilities). With regard to Domestic Abuse and Stalking the SMB should;

- Ensure all relevant agencies are aware of this chapter
- Ensure effective liaison with other multi agency partnerships such as MARAC and Child Safeguarding arrangements
- Contribute to local multi agency domestic abuse/stalking/VAWG strategies.

# 28. MAPPA Co-ordination

## Introduction

### **Standard – MAPPA Co-ordination is accountable to the Strategic Management Board.**

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

28.2 In small areas, it may be possible for the role of co-ordination to be undertaken by an individual. In larger areas, co-ordination might be undertaken by several people within the Responsible Authority. Division of responsibility may be determined by geographical area or function.

## Single point of contact

### **Standard – There is a single point of contact for the management of all MAPPA offenders**

28.3 The systematic co-ordination of MAPPA activity is critical in ensuring that the functions of the MAPPA framework are coherent and that they contribute meaningfully to public protection. Even if several people are involved in the co-ordination task, it is recommended that a single individual is allocated overall responsibility for the oversight of the arrangements in any one area – the MAPPA Co-ordinator.

28.4 MAPPA Co-ordinators ensure that the statutory responsibilities in sections 325–327B of the Criminal Justice Act 2003 and MAPPA national policies and procedures are implemented in their local area as agreed by the SMB.

MAPPA Co-ordinators employed by the Probation Service must adhere to the standard MAPPA Co-ordinator Job Description. MAPPA Co-ordinators employed by the Police may have bespoke job descriptions. MAPPA Co-ordinators may be required to Chair MAPPA meetings at the discretion of the SMB. MAPPA Co-ordinators should have access to police and probation case management systems for the identification of MAPPA offenders.

## Responsibilities

### **Standard – MAPPA Co-ordinators implement the MAPPA process as outlined in the MAPPA guidance on behalf of the SMB**

28.5 The MAPPA Co-ordination function is responsible for ensuring compliance with MAPPA processes as agreed by the SMB and encouraging effective practice to ensure that resources are used appropriately to manage risk. MAPPA Co-ordinators must ensure that the following requirements are satisfied, although they do not necessarily have to fulfil them themselves.

## *Strategy and Training*

### **Standard – The MAPPA Co-ordinator implements the SMB Business Plan on behalf of the SMB**

An SMB business plan is developed on behalf of the Responsible Authority (RA) and its delivery is monitored on behalf of the SMB.



## **Standard – The MAPPA Co-ordinator ensures that necessary training is in place for the management of MAPPA offenders**

The SMB has an effective training strategy. Briefings and training are delivered regarding the management of MAPPA offenders as required by the SMB.

The SMB has an effective communications strategy.

### ***Information Sharing***

## **Standard – The MAPPA Co-ordinator ensures effective and appropriate information-sharing**

Relevant information is shared between agencies under MAPPA to manage the risk of serious harm to the public.

All agencies involved in MAPPA are aware of their duty to protect information in accordance with their own agency procedures, including storing securely, sharing safely and processing by appropriate personnel for public protection purposes only.

All agencies at MAPPA meetings are aware of the restrictions and duties in relation to information being shared and are asked to confirm that they are willing and able to abide by them.

A Memorandum of Understanding is agreed with every DTC agency to ensure effective and appropriate information sharing and effective multi-agency working.

RA and Duty to Co-operate (DTC) agencies use MAPPA documents as required in the MAPPA guidance. The SMB authorises and records the reason for any variation in the use of MAPPA documents.

MAPPA minutes are prepared for all MAPPA meetings, clearly showing the status of each offender, the current assessment of the nature of the risk, a clear Risk Management Plan (RMP) and the agencies delivering components of it, timescales and when the offender exits MAPPA.

All MAPPA actions are recorded in the MAPPA minutes and followed up.

All MAPPA minutes are entered on ViSOR.

MAPPA meeting Chairs consider all requests for MAPPA meeting minutes and Executive Summaries and ensure they are provided where appropriate (see Chapter 14: MAPPA Meeting Minutes).

MAPPA co-ordinators should escalate any concerns relating to information sharing via their local line management structure.

### ***Identification and Referral***

Lead agencies identify all MAPPA offenders at sentence.

Youth Offending Services and mental health services (including private providers) notify the MAPPA Co-ordinator of all MAPPA offenders they manage.

Lead agencies refer all MAPPA offenders to Level 2 and 3 where that level of management is considered necessary to manage risk.

All referrals to Level 2 and 3 are screened and assessed to ensure the appropriate level of MAPPA management. The referring agency is informed of the decision within 10 days of receipt of the referral.

All relevant information is sent to the receiving MAPPA area as soon as practicable when a MAPPA offender is transferred by the lead agency.

### ***Attendance at MAPPA Meetings***

RA and DTC agencies are provided with up-to-date information on local arrangements for any core groups and standing membership for MAPPA meetings (see 13.6).

MAPPA meetings are held within required timescales and monitored through MAPPA Key Performance Indicators (KPI).

All relevant partner agencies are identified and invited to MAPPA meetings in order to plan and implement an effective RMP.

All appropriate agencies are represented at MAPPA meetings by staff of the appropriate grade, either in person or via secure information technology. Attendance is recorded and monitored through KPIs.

There is effective communication with the Critical Public Protection and Counter Terrorism Teams where relevant so that pre-meeting arrangements can be made as required.

### ***MAPPA Meetings***

All MAPPA meetings are effectively managed in accordance with the MAPPA Guidance.

All relevant reports and other information (including comprehensive and accurate victim information) are available at every MAPPA meeting and are of suitable quality.

All key decisions and their rationale are effectively recorded

All actions from previous meetings are reviewed and updated.

The risk assessment is actively updated at each meeting and the RMP is reviewed and agreed. Information from previous minutes should not be reproduced without update.

All MAPPA meetings consider whether disclosure to a third party is required as part of the RMP.

### ***Serious Case Reviews***

All cases where a MAPPA Serious Case Review is required are identified and relevant colleagues are notified in line with the relevant chapter of this guidance.

### ***Statistics***

#### **Standard – The MAPPA Co-ordinator ensures that statistical data is collated and reported as required in the MAPPA Guidance**

Data on disclosures made in Level 2 and 3 cases is collected and reported to the SMB.

Statistical data (including diversity data) on all MAPPA offenders in the community by category and level is produced for the SMB as required. These figures are statistical only and will not provide information on individual offenders.

Quantitative and qualitative data is collated, analysed and reported to the SMB, including the area's compliance with MAPPA KPIs.

Performance against MAPPA KPIs is collected and uploaded to the national Probation Performance Hub.

Information is collected and provided for the MAPPA annual report.

### ***Quality Assurance***

#### **Standard – The MAPPA Co-ordinator ensures that necessary quality assurance is in place for the management of MAPPA offenders**

Effective performance monitoring and quality assurance processes are in place in line with the relevant chapter of this guidance.

All complaints received by the SMB are dealt with appropriately and in a timely manner, in line with local policy.

# 29 Complaints

## Introduction

### **Standard - Strategic management Boards (SMBs) ensure there is a complaints procedure for MAPPA in their area**

29.1 Complaints about MAPPA may be received from offenders who have been managed under MAPPA, their legal advisors and their friends and relatives. It is also possible that there will be complaints from external organisations or professionals. Complaints may cover a range of issues including decisions regarding disclosure or the denial of access to meetings or minutes.

29.2 As MAPPA is not a body in itself, it is important to determine whether any complaint received by MAPPA is legitimately a complaint about MAPPA or is about how one of the agencies is managing a case. For example, if an offender is raising a complaint about a licence condition, this should be directed to the relevant Probation Service division. Similarly, complaints about police and prison operations should be directed to the police and prison services.

29.3 The Responsible Authority (RA) and Duty to Co-operate (DTC) agencies will have their own complaints procedures and these will apply if there is a complaint about how an agency is carrying out its work. It is important that complaints are managed in line with the agencies' policies and timescales.

29.4 All complaints should be resolved at the lowest level.

### **Standard - The MAPPA Co-ordinator reports all complaints to the SMB**

29.5 The MAPPA Co-ordinator should report all complaints received, and the findings from them, to the SMB. The SMB should ensure that any agreed actions are taken to avoid a repetition of such a situation in the future. This could form part of MAPPA quality audits. See Chapter 31 – Performance Monitoring and Improvement.

## Suggested process

29.6 A complaint about MAPPA should usually be directed to the MAPPA Co-ordinator. The following process is suggested, although other arrangements are permissible.

- On receipt of a complaint, the MAPPA Co-ordinator consults the Chair of the SMB and they agree how to proceed.
- Where the complaint relates to how one particular agency has operated, the complaint should be passed to the SMB representative for that agency for the complaint to be dealt with through the agency's complaint procedure. The MAPPA Co-ordinator will write to the complainant to advise them of this.
- Where the complaint is levelled against the MAPPA process, or a decision taken by a MAPPA meeting, the SMB Chair will consult with the MAPPA meeting Chair and will, in straightforward cases, respond to the complainant.
- If the complainant is dissatisfied with the response, or the Chair believes that the case is one that requires further consideration, the SMB Chair will organise an investigation.
- A lead investigator should be identified, ideally a member of the RA.
- The investigation can be undertaken in a variety of ways including the creation of a sub-group. This might typically consist of three members: a member of the RA, a Lay Adviser and a DTC member, none of whom should be involved in the case.
- If the complainant is dissatisfied with the outcome of an investigation and wishes to appeal, they may apply to the Chief Constable, Chief Executive of the relevant Probation Service division, or prison MAPPA representative and ask for a review of the process.

29.7 Complaints should be dealt with as quickly as possible and the complainant should be informed of any delays in the process. The SMB Chair should ensure that the complainant and the MAPPA Co-ordinator are kept advised of the progress of the complaint and its outcome.

## 30 National Governance of MAPPA

### Introduction

30.1 This chapter summarises some of the structures that are in place to support the effective operation of MAPPA. The structures, functions and membership of groups listed below may change over time to reflect agency reorganisations or changes in strategic policy.

### Responsible Authority National Steering Group (RANSNG)

30.2 This is the strategic meeting that directs, governs and manages all issues to do with MAPPA, it also:

- Ensures that appropriate MAPPA processes are developed, defined and issued to all components of the Responsible Authority, Duty to Co-operate Agencies and all other relevant partners and stakeholders.
- Promotes the consistent implementation of best practice in MAPPA arrangements throughout England and Wales, to achieve the highest standards in risk assessment and management.
- Advises the relevant Secretaries of State (MoJ, Home Office and any other department that contributes to MAPPA) on arrangements to monitor the efficiency and effectiveness of MAPPA.
- Consults with commissioners and police to advise the Secretary of State and the Police, Prisons and Probation Services on MAPPA resource requirements.
- Promotes the effective use and development of ViSOR.

30.3 Membership includes:

- Head of the Her Majesty's Prison and Probation Service (HMPPS) Public Protection Group (PPG)
- The senior nominated representative of the police
- The senior nominated representative of the Probation Service
- The senior nominated representative of HM Prison Service
- Specialist representatives of the HMPPS PPG
- Representatives of the Youth Justice Board (YJB)
- Representatives of the Department of Health and Social Care
- Representatives of the Parole Board

### National MAPPA team in the HMPPS PPG

30.4 This is a multi-disciplinary team consisting of civil servants and seconded staff from police and HMPPS. Its functions include:

- Issuing MAPPA Guidance on behalf of the Secretary of State.
- Advising and supporting Responsible Authorities (RA) and Strategic Management Boards (SMB) on MAPPA and public protection issues.
- Working with other government departments and agencies to consider the implications of related policy on MAPPA and public protection.
- Maintaining the Prison Public Protection Manual.

- Engaging with public protection leads in prisons and probation to inform policy and practice developments.
- Engaging with other Responsible Authorities including Health, YJB and Youth Custody Services to inform policy and practice developments
- Providing advice, support and quality assurance for MAPPA Serious Case Reviews.
- Producing the national MAPPA annual statistics and giving guidance relating to local MAPPA annual reports on behalf of the Secretary of State.
- Collating Key Performance Indicator (KPI) data, which is shared with RANSG.
- Engaging with the HMPPS Sex Offender Team to inform policy and practice in the management of sex offenders.
- Engaging with the Probation Service domestic abuse lead and the public protection leads in prisons and probation to inform policy and practice on domestic abuse.
- Engaging with the Probation Service Integrated Offender Management (IOM) lead and the Police National Working Group (PNWG) to inform practice and to develop an interface between IOM and MAPPA.
- Engaging with the ViSOR community on behalf of HMPPS and contributing to its development in line with the business needs of HMPPS.
- Managing the appointment/termination of appointment of Lay Advisers on behalf of the Secretary of State.

## **National MAPPA Improvement Group (MIG)**

30.5 The MIG is hosted by the National MAPPA team and chaired jointly by the Heads of the National MAPPA team. Representatives from the RA agencies (prison, police and probation) in different MAPPA areas can attend. In most cases, the MAPPA co-ordinator should attend. The MAPPA Co-ordinator should prioritise attendance and send a suitable deputy if unable to attend. Attendees are expected to disseminate key information from the MIG to local areas.

30.6 Its tasks are to:

- Ensure that appropriate MAPPA processes are developed, defined and issued to all RA and DTC agencies and all other relevant partners and stakeholders.
- Promote the consistent implementation of best practice in MAPPA arrangements throughout England and Wales and to develop cross border co-operation within the UK.
- Promote the effective use and development of ViSOR.
- Discuss new initiatives and share best practice.
- Provide the latest initiatives and updates from across PPG and the police service managing sexual and violent offenders.

## **ViSOR Groups**

### **ViSOR National User Group (NUG)**

30.7 The aim of the ViSOR NUG is to support the development and use of ViSOR at a national level across the different UK jurisdictions in order to ensure that it continues to support MAPPA requirements effectively.

30.8 The NUG meets three times a year. Membership comprises Regional User Group (RUG) Chairs and senior customer representatives. The NUG Chair should be the ViSOR senior responsible officer (National Police Chiefs Council lead for the management of sexual and violent offenders).

### **ViSOR Regional User Group**

30.9 There are currently 10 RUGs. They aim to share good practice and discuss implementation issues and other issues at a regional level. The RUGs also propose change requests on behalf of members to the Change Management Group (CMG).

30.10 Membership comprises representatives from user agencies (one police representative per police force and one probation representative per MAPPA area and prison area (regional) representatives). HMPPS should be represented alongside colleagues from the RA. Meetings can be chaired by representatives from any of the three RA agencies. The Chair should be a senior agency representative to ensure sufficient strategic ownership of ViSOR. RUGs meet three times a year and report to the NUG. RUG chairs sit on the NUG.

30.11 All complaints should be resolved at the lowest level via the ViSOR governance structure.

### **ViSOR Change Management Group**

30.12 The remit of the CMG is to approve or reject proposals for change received from RUGs, PPG and the Police College, and to prioritise the implementation of approved proposals. The group also has a mandate to consider improvements to ViSOR and changes to the Standards as requested by users.

30.13 The CMG is obliged to consult other relevant change management groups where proposed changes may impact on other interfaced systems of customer infra-structures. Similarly, other groups are obliged to consult the CMG in cases where their proposed changes may impact on the ViSOR service.

30.14 Although likely to be reviewed, the current arrangements for CMG membership are two elected representatives from each RUG, one from the RANSG, and one representative of each interfaced system. The CMG meets quarterly (or more often if required). The CMG reports to the NUG and will be chaired by a person identified by the NUG Chair.

30.15 All proposed ViSOR changes should come through the CMG, which will only escalate unresolved issues and proposals to the NUG.

### **ViSOR Training Working Group**

30.16 The ViSOR training working group is a forum for all training issues to be discussed, changes and/or amendments agreed and managed. The group membership consists of ViSOR trainers from each of the RAs and reports to the NUG on all matters relating to ViSOR Training.



# 31. Performance Monitoring and Improvement

## Introduction

**Standard: SMBs should have arrangements in place to monitor and improve the operation of MAPPA and to demonstrate compliance with the MAPPA Key Performance Indicators (“KPIs”)**

31.1 For MAPPA to work effectively, each agency needs to fulfil its legal obligations and to work with other agencies to achieve the robust and defensible risk management of MAPPA offenders. The Responsible Authority, through the Strategic Management Board (“SMB”), needs to be able to demonstrate this empirically through its monitoring and evaluation of its performance.

31.2 Monitoring and analysis of MAPPA operations therefore has the following objectives:

1. To provide evidence that the statutory duties regarding the organisation and delivery of MAPPA are being delivered, including the provision of data for the Annual MAPPA Report and National Statistics.
2. To provide evidence that the defensibility test is being met, i.e. was everything done that could reasonably have been done to prevent offenders from re-offending?

31.3 In order to meet these objectives, it will be necessary to collect and analyse a range of quantitative and qualitative data. This will include compliance with the MAPPA KPIs (see paragraph 21 below).

31.4 It is for local MAPPA SMBs to determine how they will achieve these objectives. Areas may choose to establish a Performance and Review sub-group, but other arrangements are permissible. This section provides guidance on what areas of performance should be measured as part of local MAPPA performance processes. It is particularly relevant to SMBs, Responsible Authority Leads and MAPPA Co-ordinators.

31.5 The SMB will respond to HM Inspectorate of Probation inspections which link to MAPPA and will make appropriate adjustments.

## Analysis of quantitative data

**Standard: SMBs should ensure that quantitative data is used to improve performance**

31.6 Data that is required for the MAPPA Annual report can be reviewed on a regular basis to support the SMB in monitoring and improving the performance of MAPPA. The data, and changes in data over time, will indicate whether further questions need to be asked to identify and address a performance issue. For example, if the numbers of cases managed at level 2 drops dramatically, individual agencies may want to check that they are screening out cases appropriately. Similarly, a marked increase in level 2 cases might suggest that one or more agencies is referring cases into MAPPA through lack of confidence in their ability to manage a case, rather than through a genuine need for active inter-agency management.

31.7 ViSOR was created as a case management system, but it is a rich source of data regarding the operation of MAPPA. All users can run advanced searches that allow them to gather both numerical and case-related information regarding relevant MAPPA offender cases.

31.8 For those people holding the Statistics Token (normally Central Points of Contact – CPCs or delegated others), it can also report via pre-set functionality on a range of relevant measures including:

- The total number of active nominals reconvicted during a given period.
- The total number of active nominals who are MAPPA cases.
- The total number of new, archived and unarchived ViSOR nominals in a given period.
- The number of active nominals who commit a Serious Further Offence in a given period.
- The number of category 1 and 2 recalls to custody.
- The number of Category 1 nominals subject to joint management.
- The number and type of civil and criminal Restrictive Orders applied for, granted and rejected.
- The numbers of breaches of Orders.
- Wanted / missing nominals by the owning agency.

31.9 Each pre-set ViSOR statistical report has a number of variables that users can select including age, gender, ethnicity, occupation, MAPPA category, management level, and risk level.

31.10 There is also a generic nominal record which allows the user to create further reports regarding the number of MAPPA offenders by category and level and other demographic information such as age, gender and ethnicity (except for Category 2, level 1 cases).

31.11 If the data on ViSOR is accurate, it can provide a fast and efficient way of providing much of the data that is required for the MAPPA Annual Report.

31.12 The reports are intended to support local performance management and are not intended for the public domain, with the exception of the data that is used within the MAPPA annual reports. Freedom of Information (“FOI”) requests for data should be dealt with by the owning agencies’ internal processes for managing FOI requests. However, it would be good practice to liaise with relevant partner Responsible Authority agencies and the central MAPPA team or relevant ACPO lead before responding to a local request that might have national implications.

## **Analysis of qualitative data**

### **Standard: SMBs should ensure that qualitative data is used to improve performance**

31.13 Analysis of qualitative data gives a more detailed analysis of how inputs contribute to outcomes. It enables a judgement to be made about the quality of actions undertaken individually or collectively and an assessment of how this contributed to an outcome. Learning points and plans for improvement can then be identified.

31.14 Qualitative information sources include audits of cases managed at MAPPA level 2 and 3, observations of Chairs to ensure that meetings are effectively managed, and considering the learning from MAPPA Serious Case Reviews (“SCRs”).

### **Case Audits**

31.15 An audit of randomly selected level 2 and level 3 cases can assist in monitoring and improving MAPPA operations. The purpose of the audit should be to consider how the MAPPA operated rather than to inspect the work of individual agencies. The document **MAPPA K** can assist with case audits.

### **Audit of level 2 and 3 MAPP meetings**

31.16 To ensure that MAPP meetings are effectively managed, the SMB could put in place a process to support MAPP meeting Chairs through feedback of their performance and the effective conduct of the MAPP meetings. This can be done at an agreed frequency, e.g. quarterly. The document **MAPPA L** can assist with audits of MAPP meetings.

### **MAPPA Serious Case Review**

31.17 Where a MAPPA offender commits an offence which triggers a MAPPA SCR, the SMB will be required to instigate a review using the MAPPA SCR process. Once the review has been completed, the SMB must meet to discuss it and to ensure that the findings and Action Plan are implemented and completed. Lessons learned from other MAPPA areas could also be considered in identifying areas for improvement.

### **Review of Complaints**

31.18 The MAPPA Co-ordinator will report to the SMB on all complaints received and the findings from them, particularly where they affect the operational working of MAPPA. The SMB should monitor complaints received and ensure that any agreed actions are taken to avoid a repetition of such a situation in the future.

## **MAPPA Key Performance Indicators**

**Standard: SMBs must collect data to demonstrate their compliance with the MAPPA KPIs**

**Standard: SMBs should ensure the regular analysis of KPIs**

31.19 Although the MAPPA KPIs measure inputs rather than outputs, they have been designed to ensure that the critical pre-conditions are in place for effective MAPPA operations (e.g. the right people, from the right agencies, meet at the right frequency). If these things are not in place, MAPPA operations are unlikely to be effective.

31.20 Compliance with the KPIs is measured electronically via an existing NOMS procedure (the Probation Hub). Local areas can draw off a summary of the extent to which they comply with each of the KPIs and can also view the performance of other areas. An analysis of areas where compliance is below target will indicate what further information is required in order to undertake remedial action. For example, non-compliance with the KPI regarding 90% attendance at level 2 and 3 MAPP meetings by duty to co-operate (“DTC”) agencies could prompt analysis to identify which agency or agencies are not attending. The reasons for this can then be considered, e.g. are they being invited on time? Are meetings being run to make best use of agency time or have there been changes of staff? Appropriate action to address the problem can then be considered, e.g. sending out invitations earlier, following them up with a phone call or re-ordering the cases to be considered at a MAPP meeting.

31.21 The KPIs are:

1. 90% of MAPPA level 3 cases reviewed no less than once every 8 weeks.
2. 90 % of MAPPA level 2 cases reviewed no less than once every 16 weeks.
3. Disclosure to be considered and the decision to be recorded in the minutes at 100% of level 2 and 3 MAPP meetings.
4. 100% attendance by Youth Offending Teams and Children's Services at level 2 and 3 MAPP meetings where the offender is aged under 18.
5. 75% attendance by each SMB member at SMB meetings.
6. 90% attendance by each invited DTC agency at an appropriate level of seniority at each level 2 and 3 MAPP meetings (if unable to attend, video or telephone conferencing may be acceptable).
7. 90% attendance by each invited Prison Service representative at an appropriate level of seniority at each level 2 and 3 MAPP meeting (if unable to attend, video or telephone conferencing or the provision of MAPPA F to the meeting will be acceptable).
8. 90% attendance by the appropriate grade from the police at each level 2 and 3 MAPP meeting. This is Inspector at level 2 and Superintendent (or equivalent) at level 3.
9. 90% attendance by the appropriate grade from the Probation Trust at each level 2 and 3 MAPP meeting. This is a middle manager from the Probation Trust (Senior Probation Officer or equivalent) at level 2 and ACO (or equivalent senior manager) at level 3.

## 32. MAPPA Annual Reports and National Statistics

### Introduction

32.1 Section 326(5) of the Criminal Justice Act 2003 requires the Responsible Authority in each MAPPA Area in England and Wales to publish an annual MAPPA report as soon as practicable after the 12-month period ending 31 March. Section 326(6) requires the reports to include details of the arrangements established by the Responsible Authority and to contain such information as may be prescribed by the Secretary of State.

**Standard: The Strategic Management Board (SMB) collects and supplies the required data for the MAPPA Annual Report and complies with directions regarding their publication.**

### Data collection

32.2 The National MAPPA Team will write to MAPPA areas by the end of March to specify exactly what data should be supplied to them, in what format and at what time. The details may change from year to year, but every effort will be made to keep data comparable with previous years. The questions asked in previous years are available on the MAPPA website at <https://mappa.justice.gov.uk/connect.ti/Coordinators/view?objectID=18873520>. These figures do not require identifiable data to be supplied; it is a statistical return only.

32.3 Each agency with statutory supervision or care responsibilities (i.e. police, Probation Service, mental health and YOT) must ensure that the MAPPA Co-ordinator has access to, or is supplied with, the relevant data about the offenders they are responsible for. Many offenders will be supervised by more than one agency and areas should avoid double counting where possible. The data collected must be as accurate as possible and the completed data return must be signed off by the Strategic Management Board (SMB) Chair.

### Publication and Restrictions

32.4 The national MAPPA team will prepare a set of national Official Statistics based on the information supplied by areas.

32.5 The MAPPA figures constitute Official Statistics, which means that neither the figures, nor any briefing which indicates the figures or trends behind them, may be shared before the official publication date, other than with those on a previously agreed 24-hour pre-access list. This restriction is explained in the code of practice for official statistics, which can be found at:

<http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html>.

**Standard: Any premature release of the official statistics is reported to the national MAPPA team immediately.**

32.6 The Code of Practice requires all agencies to report any accidental or wrongful release to the National Statistician immediately and to investigate the circumstances (see paragraph 8, protocol 2 in the link above). Any premature or erroneous release of the MAPPA Official Statistics must be reported to the national MAPPA team immediately. The national MAPPA team will inform the National Statistician.

## **Media**

### **Standard: SMBs have an agreed communication strategy for managing the publication of the annual reports**

32.7 Local statistics for the relevant year can be issued to any media from 9:30am on the last Thursday of October. This is when the annual report will be published and all 42 MAPPA annual reports will be made available on the MAPPA website and gov.uk website.

32.8 The MoJ Press Office will lead on media and other enquiries regarding the annual report. They will also supply Q&A briefing on national figures and wider issues to assist other agencies with such enquiries. These can be adapted to local circumstances. A template press release will also be made available for each MAPPA area. If areas require any media handling advice, then they should contact MOJ press office on 020 3334 4872.

# Glossary

ACO	Assistant Chief Officer (of Probation)
BTP	British Transport Police
CAADA	Co-ordinated Action Against Domestic Abuse
CCD	Criminal Casework Directorate
CJA 2003	Criminal Justice Act 2003
CJIA 2008	Criminal Justice and Immigration Act 2008
CJCSA 2000	Criminal Justice and Court Services Act 2000
CMG	Change Management Group
CNC	Civil Nuclear Constabulary
COP	Contracted-Out Prison
CPA	Care Programme Approach
CPPC	Critical Public Protection Cases
CSP	Community Safety Partnership
CTA 2008	Counter Terrorism Act 2008
CTO	Community Treatment Order
DTC	Duty To Co-operate
EM	Electronic Monitoring
EPIC	Electronic Probation Information Centre
FLO	(Police) Family Liaison Officer
FNO	Foreign National Offender
FTO	Foreign Travel Order
GPMS	Government Protective Marking Scheme
HDC	Home Detention Curfew
ICO	Information Commissioner's Office

IDVA	Independent Domestic Violence Adviser
IPP	Indeterminate Sentence of Imprisonment for Public Protection
IRC	Immigration Removal Centre
IRMT	Interdepartmental Risk Management Team
KPI	Key Performance Indicator
MAPPA	Multi-Agency Public Protection Arrangements
MARAC	Multi-Agency Risk Assessment Conference
MDO	Mentally Disordered Offender
MHA 1983	Mental Health Act 1983
MHCS	Mental Health Casework Section
NOMS	National Offender Management Service
NPIA	National Policing Improvement Agency
NUG	National User Group
OASys	Offender Assessment System
OGRS	Offender Group Reconviction Scale
OIS	Offender Information System
PPG	Public Protection Group
OSCT	Office for Security and Counter Terrorism
PCA 2009	Policing and Crime Act 2009
PNC	Police National Computer
PPCS	Public Protection Casework Section
PPO	Prolific (and other) Priority Offenders
PSO	Prison Service Order
RANSG	Responsible Authority National Steering Group
RC	Responsible Clinician
RM2000	Risk Matrix 2000



RMP	Risk Management Plan / Royal Military Police
ROTL	Release On Temporary Licence
RSO	Registered Sexual Offender
RUG	Regional User Group
SARA	Spousal Assault Risk Assessment
SARN	Structured Assessment of Risk and Need
SCR	Serious Case Review
SFO	Serious Further Offence
SMB	Strategic Management Board
SOA 2003	Sexual Offences Act 2003
SOPO	Sexual Offences Prevention Order
SPO	Senior Probation Officer
SPOC	Single Point Of Contact
UKBA	UK Border Agency
VLO	Victim Liaison Officer
VOO	Violent Offender Order
YOI	Young Offender Institution
YOT	Youth Offending Team