

Lanarkshire

M A P P A

Multi Agency Public Protection Arrangements

Multi Agency Public Protection Arrangements

M A P P A

Information leaflet



MAPPA

MAPPA stands for **Multi-Agency Public Protection Arrangements** – a set of arrangements established by Police, Local authorities, National Health Service and Health Boards and the Scottish Prison Service (SPS) (known as responsible authorities) to assess and manage the risk posed by sexual and violent offenders.

The principles that govern MAPPA are simple:

- Identify those who may pose a risk of harm
- Share relevant information about them
- Assess the nature and extent of that risk
- Find ways to defensibly manage the risk effectively, using available resources most efficiently, to protect victims and reduce further harm.

Statutory basis

Sections 10 and 11 of the Management of Offenders etc. (Scotland) Act 2005 (the Act) provide the statutory basis for the operation of MAPPA. MAPPA in itself is not a statutory development but a means of the SPS, Local authorities and Police to “jointly establish arrangements for the assessment and the management of risks posed by certain categories of offenders”. The above agencies are considered “responsible authorities” and have specific responsibilities under the legislation. In addition, the Health Board is also considered to be a responsible authority in relation to mentally disordered offenders.

In terms of the Local authority, although most action will be taken by Justice Social Work (JSW), it is the authority *as a whole* that holds the responsibilities and therefore there is an expectation that different local authority functions will work together to meet the corporate responsibility. This is also true that corporate responsibility is held by the individual responsible authorities and not solely the specialist departments, for example, all police and health staff will take responsibility as and when required.

Sections 10(3) and (4) of the Act stipulates that in establishing and implementing the joint arrangements, the responsible authorities **MUST** act co-operatively with the duty to co-operate agencies, who will be specified by the Scottish Parliament. Co-operation specifically includes the duty to share information.

A variety of agencies have been identified as duty to co-operate, including registered social landlords, SACRO, (an independent sector provider who provide intensive support services to certain offenders) G4S (the company responsible for electronic tagging) and any organisation providing services in respect of risk management on behalf of a responsible authority. The Health Board is also considered a duty to co-operate agency in circumstances where the offender is not mentally disordered.

The Lanarkshire MAPPA Strategic Oversight Group meets regularly and monitors and reviews how the above Public Protection Arrangements are working in this area. Chaired by the Head of Adult and Justice Services, Social Work Resources, or equivalent from partner organisations, permanent members include senior representatives of South and North Lanarkshire Councils, Police Scotland, Lanarkshire NHS, Greater Glasgow & Clyde NHS and the Scottish Prison Service.

Who is subject to MAPPA?

There are different categories of offenders who are subject to MAPPA:

Category 1 - Registered Sex Offenders (RSOs)

Those offenders convicted of an offence listed in Schedule 3 to the Sexual Offences Act 2003 and required to comply with the sex offender notification requirements (SONR) set out in Part 2 of the 2003 Act. Those made subject to a Sexual Harm Prevention Order (SHPO), or are convicted of a breach of a Sexual Risk Order (SRO).

Mentally Disordered Restricted Patients

This category of offender comprises those subject to any of the following orders or directions:

- Patients who are detained following conviction under section 57A and section 59 of the Criminal Procedure (Scotland) Act 1995;
- Patients who are detained under section 57(2)(a) and (b) of the Criminal Procedure (Scotland) Act 1995 Compulsion order with a Restriction Order following a finding of unfitness for trial or acquittal by reason of mental disorder; and
- Prisoners detained in hospital on a Hospital Direction under section 59A of the Criminal Procedure (Scotland) Act 1995 or a transferred prisoner on a Transfer for Treatment Direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Category 3 - Other Risk of Serious Harm Offenders

Offenders not required to comply with the SONR or are a mentally disordered restricted patient; who by reason of their conviction are subject to supervision in the community by any enactment, order or licence; are assessed by the responsible authorities as posing a high or very high risk of serious harm to the public which requires active multi-agency management at MAPPA level 2 or 3. From 2022 onwards, this can also include Terrorist or Terrorism-risk offenders.

How does it work?

MAPPA is a tiered framework, based on three interconnected levels at which risk of harm is assessed and managed. Prior to a referral to MAPPA, joint working arrangements will already be in place.

In the community, there is an expectation that the police and social work will complete a joint risk assessment, which could be used to inform the Social Enquiry Report. A suggested level of entry to MAPPA is required and a referral would be made to the MAPPA Co-ordinator at the point of sentence, if remaining in the community.

Similarly, if in prison, in conjunction with the Integrated Case Management (ICM) process, assessment of the offender will occur and where necessary provide an advance notification to the MAPPA Co-ordinator of suggested level of entry. A referral should be made to the co-ordinator with sufficient time to allow any risk management action plans to be put in place.

Risk management levels

The 3 management levels in MAPPA are:

- **Level 1: Routine Risk Management;**
- **Level 2: Multi-Agency Risk Management;**
- **Level 3: Multi Agency Public Protection Panels (MAPPP)**

The adoption of the three management levels allows for a consistent approach to MAPPA throughout the country. Each area has discretion in deciding which cases to refer at which level based on the experience and expertise of the agencies involved, but every area must establish arrangements based on the three levels.

The risk management structure is based on the principle that cases should be managed at the lowest MAPPA level commensurate with delivering a defensible risk management plan designed to address the risk of serious harm posed by the offender.

Level 1: Ordinary risk management

Used in the vast majority of cases. The risks posed by the offender can be managed by one agency without significant active involvement from other agencies. Notwithstanding this, the expectation for information sharing, joint working and collaboration at an interagency level remains.

Level 1 Management is not applicable to Other Risk of Serious Harm Offenders, as this category requires that a significant risk of serious harm exists which requires active multi-agency management at MAPPA level 2 or 3 only.

However, Level 1 offenders may be appropriately referred to Level 2 meetings if there are aspects of the case which require significant multi-agency collaboration (e.g. notoriety, media interest, threats to the offender, complexity of child protection, vulnerable adult issues).

Level 2: Local inter-agency risk management

Used, usually in high risk cases where the active involvement of more than one agency is required to manage the risks. The operation of level 2 will be organised on behalf of the responsible authorities by the MAPPA Co-ordinator. Meetings will be chaired by a representative of either the Police, NHS or Local Authority Social Work Service and attendees form a permanent membership comprised of agencies playing an active role in risk management. Local case managers from local authority social work and Police should be in attendance with agencies such as housing providers, health services and other social work services where there are issues in relation to vulnerable adults or child protection as required.

Level 3: MAPPP Multi-Agency Public Protection Panel (MAPPP)

The MAPPP is responsible for offenders in level 3, who are expected to be the “critical few”. Referral to the MAPPP should take place when the offender:

- Is assessed as being a high or very high risk of imminent serious harm
- The risks can be managed only by close co-operation at a senior level, due to the complexity of the case or unusual resource requirements
- Although not high/very high risk, where there is a high risk of media scrutiny or public interest in the case

For MAPPA purposes the imminence and likelihood of risk of serious harm is classified as follows:

- **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;
- **High:** there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious;
- **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; and
- **Low:** current evidence does not indicate likelihood of causing serious harm.

The MAPPP is comprised of senior staff members who understand risk assessment and risk management and have the ability to commit significant resources without additional delay. The MAPPP may also consider wider practice issues arising from panel meetings and have a role in disseminating “good practice” within their organisations in relation to offender management.

MAPPA: Key stages

There are 5 key stages to the MAPPA process

Stage 1: Identification of offender

An offender falling within one of the MAPPA categories is identified by the relevant responsible authority.

A stage 1 notification form is then sent to the MAPPA Co-ordinator who is the single point of contact (SPOC) for all stage 1 notifications. The Co-ordinator will then scrutinise the referral and if appropriately level 1, no further action will be taken, other than recording the notification. However, the responsible authority may still engage and share relevant information with other agencies involved in the assessment and management of risk.

Where the notification indicates a higher required level of management, a stage 2 referral is initiated.

For Registered Sex Offenders, referrals are made to the co-ordinator by SPS, the Justice Social Work case manager or the Police. For category 3 offenders, any agency (responsible authority and duty to co-operate agency) can make a referral, although contact should be made with the Police and/or the Justice Social Work contact for the person in the first instance. Once the referral is agreed and made, the co-ordinator will take a professional decision on behalf of the responsible authorities as to the appropriateness of the referral.

On receipt of the referral, the MAPPA Co-ordinator will decide if the offender meets the criteria for inclusion in level 2 / level 3 multi-agency meetings. As the co-ordinator is reliant on information contained within the referral to make this initial decision, it is important that the referral form is fully completed with supporting documentation attached where relevant.

In the event of insufficient information being provided, the co-ordinator will make contact with the referring agency, which may delay the co-ordination of a required meeting. A referral to level 3 must identify those aspects of the Risk Management Plan which cannot be effectively delivered through level 2 meetings.

Both notifications and referrals are made through the use of secure email to mappa.lanarkshire@southlanarkshire.gov.uk or hard copy to the address found at the end of these information sheets. Hard copy is only used when the referring agency does not have a secure email link.

Stage 2: MAPPA Referral

Referral to MAPPA Levels 2 or 3 must be informed by the current risk assessment and the proposed risk management plan.

Multi-agency risk management can require a significant resource and should only be used where this level of collaboration and coordination is necessary and proportionate to the management of the specific risk of serious harm posed. Any decision to refer an offender into Level 2 or Level 3 must be on the basis that a coordinated multi-agency response by senior staff is required, and is proportionate to protect the public.

As outlined previously the lead responsible authority must submit a notification form to the MAPPA Coordinator within three working days of being notified of a community sentence disposal. The form must contain sufficient information to support the rationale for management at the recommended MAPPA Level. Should a decision be made to manage the offender at MAPPA Level 2 or 3 then a referral must be submitted to the MAPPA Coordinator within five working days of submission of the notification form.

For those offenders subject to a community disposal, or under supervision or notification requirements in the community, a referral may be made either by the police or JSW at one of the two following points:

- at the time of the first risk assessment and development of the management plan; or
- at any point where the level of risk appears to have significantly increased.

Referrals from custody

The decision to refer to the MAPPA process at Level 2 or 3 will be discussed and agreed at the pre-release ICM case conference as part of the risk assessment and risk management process. The police, JSW and other agencies can be invited to attend ICM meetings where appropriate.

SPS must send the MAPPA Coordinator a notification/referral as soon as possible and **not less than twelve weeks prior to release**, unless there are extenuating circumstances, following the pre-release ICM case conference.

Practical considerations for MAPPA referrals

The responsible authority will complete the referral form providing all relevant information and submit, within the timescales laid out above, to the Coordinator to allow them to make an informed decision.

If the referral is accepted, the Coordinator will confirm this to the responsible authority and arrangements will be made by the Coordinator to progress the case to the initial Level 2 meeting/Level 3 (MAPPP).

If the Coordinator does not accept the referral then as soon as possible this should be notified to the referring responsible authority outlining the reasons.

In the absence of the Coordinator (e.g. on annual leave), the responsible authorities will ensure that there are mechanisms in place for such decisions to be made.

It should be noted that those offenders who are subject to both the SONR and statutory supervision do not necessarily require management at MAPPA Level 2 or 3, although good Level 1 practice would require the police and JSW to coordinate their respective activities via an agreed risk management plan.

Stage 3: Pre-Meeting Information Sharing

Level 2 / Level 3 (MAPPP) meetings

Prior to Level 2 or 3 meetings the agencies will share information held about the offender and complete the risk assessment and risk management planning documents.

The information sharing process is managed by the Co-ordinator.

The information contained in the Referral will be passed to identified contacts in each of the responsible authorities and relevant DTC agencies directly by the MAPPA Co-ordinator. This requires the receiving agencies to have a single point through which this information can be securely passed. The receiving agency will search their agency records for all relevant information about the offender, or victim, or potential victims. The search should be undertaken and the response completed as a priority task, and in any case, both will be recorded and completed **within five working days** to the MAPPA Co-ordinator.

Those operationally responsible for the management of the offender should liaise with the Local Authority Sex Offender Liaison Officer (SOLO) in relation to accommodation and environmental scanning arrangements as laid out in the National Accommodation Strategy for Sex Offenders (NASSO).

Stage 4: MAPPA Meetings - Initial Level 2 and 3 meetings

For those offenders in the community an initial Level 2 meeting must be held **within 20 working days** of receipt of referral by the Co-ordinator or their Administrator. An initial Level 3 meeting must be held **within five working days** of receipt of the referral.

For those offenders within custody or being managed within the Care Programme Approach (CPA) the initial Level 2 or Level 3 meeting must take place prior to their release/discharge into the community.

The product of pre-meeting information exchanges should be compiled and provided in advance of the meeting to all agencies attending a Level 2 or Level 3 meeting to allow for suitable preparation.

The Risk Management Action plan will be agreed by the meeting, this will include who is responsible for undertaking each specific action including the timeframe in which it is expected the action will be completed. The purpose of the meeting is to:

- Bring additional information or assist agencies to assess the relevance of existing information
- Review and establish agreement regarding the development and implementation of a Risk Management Plan including ensuring:
 - The analysis of the risk of serious harm has identified the risks
 - That the identified risk management strategies and activities are implemented in line with professional role and competency
 - That decisions are taken to address any obstacles to the delivery of the RMP and uninterrupted service provision
- Consider whether the MAPPA level should increase or decrease
- Set a formal review date for the risk management plan

Organising appropriate attendance at Level 2 or 3 Meetings

The MAPPA Coordinator will identify which agencies are central to the delivery of the risk management plan and arrange for their attendance.

As well as senior representatives from the responsible authorities, supervising social workers and police officers can be invited to attend where appropriate.

The MAPPA Coordinator can maximise agency involvement by organised scheduling of meetings and, as appropriate, by the use of video conferencing or virtual meetings. All agencies should be represented by senior personnel who understand the strategies for minimising or reducing risk of serious harm, and who have the authority to implement appropriate strategies agreed at the meeting on behalf of their agency.

The Chair should make sure that the meeting is focused on systematic assessment based on identified risk factors. The Chair should summarise the risk factors and provide direction on the actions and resources required to appropriately manage the case.

A review meeting should be scheduled to assess progress against the risk management plan. The timing of this review will reflect the individual circumstances of the risk management plan and should be agreed at the initial meeting. There are however minimum standards in respect of review periods as follows:

- Level 2 cases will be reviewed no less than once every 12 weeks;
- Level 3 cases will be reviewed no less than once every 6 weeks.

All agencies have a responsibility to report to the MAPPA Coordinator as soon as possible any information that indicates a change in risk whenever that occurs.

It is important to note that MAPPA does not impinge on the statutory responsibilities already held by the responsible authorities.

For all Level 2 / Level 3 cases, review meetings will be set primarily to scrutinise the Risk Management Plan and delivery of the plan. Based on information from the review meetings, levels of management may be changed.

The chair of these meetings ensures that

- All reasonable steps have been taken
- Information has been collected and thoroughly evaluated
- Reliable assessment methods have been used
- Decisions are recorded and subsequently carried out
- Policies and procedures have been followed

All agencies have a responsibility to report any changes in risk at whatever stage to the MAPPA Co-ordinator. In these circumstances an extra review meeting may be called or the offender may be escalated to a higher level of MAPPA Management.

Stage 5: Exit from MAPPA

It is recognised that the notification period has no bearing on the risk presented and the need to manage that risk, however the exit of an offender from MAPPA is determined by the length of the SONR, or alternatively under the provisions of The Sexual Offences Act 2003 (Remedial)(Scotland) Order 2011.

1. The Lead Agency must notify the MAPPA Co-ordinator when an offender is nearing the end of their SONR and about to exit the arrangements. This notice should be provided with sufficient time to allow for a review of the circumstances to confirm whether continued management through MAPPA is justified and necessary. In a small number of cases the offender may be assessed as still posing a significant risk of serious harm at the point where they would normally leave the MAPPA. In these cases, consideration should be given to the application for a Sexual Harm Prevention Order (SOPO) under the terms of Section 11 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, which carries an automatic SONR provision.

An offender managed within the other risk of serious harm offender category will exit the MAPPA arrangements when a change in circumstances results in the relevant offender no longer meeting the criteria detailed earlier.

Record of MAPPA Meetings

All Level 2 and 3 meetings are fully minuted with the minutes being produced and circulated for comment by attendee's within five working days. Minutes are only accessed by those involved in the meeting and are held securely by the MAPPA Co-ordinator and detailed on ViSOR (Violent and Sex Offender Register).

All MAPPA minutes are subject to strict confidentiality, and at each meeting the confidentiality statement must be agreed by all those present at the meeting.

The minutes detail the risk assessment, the critical aspects for risk management and a detailed risk management and contingency plan specifying actions, responsibility and timescales. A timescale for review will also be set at the meeting and minuted.

Further information

If you have any queries or wish additional information please contact the Lanarkshire MAPPA Co-ordinator -

Kenny Dewar
MAPPA Co-ordinator
South Lanarkshire Council Headquarters
Justice Social Work, Floor 9,
Almada Street
Hamilton
ML3 0AA

Email - MAPPA.Lanarkshire@southlanarkshire.gov.uk

Further information can also be found on the Scottish Government Justice Department website:

<http://www.scottishexecutive.gov.uk/Topics/Justice/criminal/16910/mappa>