

ANNUAL REPORT

2016/17



**CUMBRIA MULTI-AGENCY
PUBLIC PROTECTION
ARRANGEMENTS**

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INTRODUCTION

PROTECTING PEOPLE IN CUMBRIA FROM SEXUAL AND VIOLENT OFFENDERS

Welcome to the 2017 annual report on Cumbria's Multi-Agency Public Protection Arrangements (MAPPA).

MAPPA continues to provide a framework for managing the risks to the public presented by sexual and violent offenders.

The number of sexual and violent crimes committed represent a small proportion of the total recorded crime in Cumbria, but for the victims and their families they inevitably cause a great deal of fear and concern.

It is with this in mind that protecting the public from offenders who carry out these crimes, and meeting the needs of victims, remain high priorities in Cumbria for the Police, Probation and Prison Services.

Public protection continues to receive high profile coverage nationally and remains a challenging issue for Cumbria MAPPA. We accept that the public expect us to do everything within our powers to reduce the risks presented by sexual and violent offenders, whilst at the same time recognising that we must make the most efficient use of our finite resources.

By embracing joint working within MAPPA we can communicate more effectively, reduce duplication and ensure a strong corporate response. No single agency can tackle these challenges alone and it is vitally important that agencies continue to support and inform the MAPPA process. This way, together, we believe we are able to offer the best protection for the public of Cumbria.

The working arrangements with partners in Cumbria make a vital difference to the success of MAPPA.

This Annual Report reflects the contributions made by all of the agencies involved in MAPPA across Cumbria, and sets out our commitment to you, to continue to develop strong partnerships and explore new ways of working to face the challenges of protecting the public from serious offenders. We hope you will find the report informative and that it helps answer some key questions about community safety and public protection arrangements in Cumbria.



WHAT IS MAPPA?

MAPPA BACKGROUND

MAPPA (Multi-Agency Public Protection Arrangements) are a set of arrangements to manage the risk posed by the most serious sexual and violent offenders (MAPPA-eligible offenders) under the provisions of sections 325 to 327B of the Criminal Justice Act 2003.

They bring together the Police, Probation and Prison Services in each of the 42 Areas in England and Wales into what is known as the MAPPA Responsible Authority.

A number of other agencies are under a Duty to Co-operate (DTC) with the Responsible Authority. These include Social Services, Health Services, Youth Offending Teams, Jobcentre Plus and Local Housing and Education Authorities.

The Responsible Authority is required to appoint two Lay Advisers to sit on each MAPPA area Strategic Management Board (SMB) alongside senior representatives from each of the Responsible Authority and DTC agencies.

Lay Advisers are members of the public appointed by the Minister with no links to the business of managing MAPPA offenders who act as independent, yet informed, observers; able to pose questions which the professionals closely involved in the work might not think of asking. They also bring to the SMB their understanding and perspective of the local community (where they must reside and have strong links).

HOW MAPPA WORKS

MAPPA-eligible offenders are identified and information about them is shared between agencies to inform the risk assessments and risk management plans of those managing or supervising them.

That is as far as MAPPA extend in the majority of cases, but some cases require structured multi-agency management. In such cases there will be regular MAPPA meetings attended by relevant agency practitioners.

There are 3 categories of MAPPA-eligible offender:

- **Category 1** - registered sexual offenders;
- **Category 2** – mainly violent offenders sentenced to 12 months or more imprisonment or a hospital order; and
- **Category 3** – offenders who do not qualify under categories 1 or 2 but who currently pose a risk of serious harm.

There are three levels of management to ensure that resources are focused where they are most needed; generally those involving the higher risks of serious harm.

- **Level 1** involves ordinary agency management (i.e. managed by the lead agency with no MAPPA formal meetings);
- **Level 2** is where the active involvement of more than one agency is required to manage the offender.
- **Level 3** is where risk management plans require the attendance and commitment of resources at a senior level.

MAPPA are supported by ViSOR. This is a national IT system to assist in the management of offenders who pose a serious risk of harm to the public. The use of ViSOR increases the ability to share intelligence across organisations and enable the safe transfer of key information when high risk offenders move, enhancing public protection measures. ViSOR allows staff from the Police, Probation and Prison Services to work on the same IT system for the first time, improving the quality and timeliness of risk assessments and interventions to prevent offending.

All MAPPA reports from England and Wales are published online at: www.gov.uk



MAPPA IN CUMBRIA

WHO IS IN CUMBRIA MAPPA?

Within Cumbria, the responsibility for chairing the MAPPA Strategic Management Board (SMB) is shared between the three Responsible Authorities (RA's).

The current MAPPA SMB Chair is the Head of Cumbria from the National Probation Service.

The following agencies are represented on the Cumbria MAPPA SMB:

Cumbria Constabulary

Her Majesty's Prison and Probation Service (HMPPS)

Cumbria County Council Children's Services

NSPCC

Lay Advisers

NHS Cumbria

Cumbria Health & Care Services

Cumbria Youth Offending Service

Cumbria Partnership NHS Foundation Trust (Mental Health Services)

Carlisle City Council Housing

Electronic Monitoring Service (EMS)

Department for Work and Pensions

Cumbria Fire & Rescue Service

Copeland Borough Council

Greater Manchester West NHS Foundation Trust

NATIONAL PROBATION SERVICE

In April 2017, the National Probation Service, which has been in place since June 2014 to manage all high risk violent offenders and anyone sentenced to a community order or a custodial sentence for a sexual offence, became part of Her Majesty's Prison and Probation Services, HMPPS. The responsibilities remain the same and it is part of a national programme designed to improve the rehabilitative journey of offenders through the criminal justice system in order to reduce the likelihood of future re-offending. Given the nature of the caseload, there remains a strong emphasis on public protection and the below case studies highlight some of the benefits of managing offenders under the MAPPA arrangements. HMPPS are also responsible for managing the Approved Premises estate, which is where offenders who may be being released from lengthy custodial sentences are required to reside for a specified period of time, to enable monitoring and improve their likelihood of successfully re-settling in the community.

There are 16 approved premises in the North West of England, from Greater Manchester to Cumbria.



Probation Case Study 1

C is a male over the age of 30, who was convicted for Arson. He had set his own property on fire whilst his child was also inside- neither were badly injured and the fire was stopped quickly. He was sentenced to 12 months in custody. An initial Information Sharing Meeting was held where Probation, Police, Children Services and the Community Mental Health Team all attended. It was agreed that the case should be referred for a MAPPA Level 2 meeting to formulate the risk management plan, as C was due to move on from the Approved Premises.

The meeting was well attended and a clear risk management plan was formulated. This involved Children services working with probation to identify risks and manage C's contact with his child. Furthermore, Mental health were also able to feedback rehabilitative work as apart of the supervision of this individual and how he was managing his mental health. Another member of the MAPPA Level 2 meeting was the Fire Service.

They completed a number of safety checks at the victims proposed property and other properties which were identified as potentially being at risk. Due to the joined up approach and working of all the agencies, C successfully moved on from the Approved Premises, where the combination of monitoring and control alongside rehabilitative work have been productive for a positive outcome.

Probation Case Study 2

X is a male in his mid-twenties with a worrying number of sexual offences dating back to his late teens. A category 1 MAPPA case by virtue of his sex offender registration, he was referred and accepted to be managed as a level 2 case in June 2015 following the imposition of substantial prison sentence for numerous breaches of a sexual harm prevention order (SHPO) to which he was already subject.

An initial MAPPA Level 2 meeting was convened prior to X's custodial release date to incorporate the views of police, probation, housing, children's services and mental health to inform a clear and robust risk management which would satisfy the dual needs of public protection and offender rehabilitation. A period of approved premises residence was arranged which was commenced upon his release on licence. The multi agency risk sharing forum of MAPPA then continued following X's return to the community and was crucial in fostering effective working relationships between professionals. Further SHPO breaches in February and December 2016 were swiftly identified and enforced through recall back to custody and subsequent court orders to ensure that X remained accountable for his actions and aware of the need to abide by the restrictions imposed.

The agencies involved in the MAPPA risk management plan continued to regularly review X's case throughout this period, facilitating his interview and acceptance for supported housing and engagement with the Community Personality Disorder Initiative in readiness for his subsequent custodial re-release.

X has achieved numerous milestones throughout his management under the MAPPA arrangements. These include, but are not limited to: securing independent move-on accommodation; accessing training opportunities; entering paid employment; accessing appropriate community resources to manage his mental health; and entering an age appropriate relationship.

Most crucially, it is now over three years since he has been known to perpetrate a sexual or violent offence.

LAY ADVISER – MAPPA

A UNIQUE OPPORTUNITY TO SERVE THE RESIDENTS OF CUMBRIA

The role of a Lay Adviser is to contribute to the monitoring and evaluation of the operation of MAPPA, which for the three successful candidates, David, Stephen and Mark will represent the people of Cumbria.

The Lay Advisers completed the interviews and demanding assessment process. The final decision to appoint the Advisers was the decision of the Secretary of State for Justice.

By November 16, the newly appointed Advisers had started their induction which was being completed in Partnership with Lancashire. This provides the opportunity to share experiences and build a good network within the MAPPA Lay Adviser community.

Stephen said “the assessment process clearly sets out the expectations of a Lay Adviser and the process was undoubtedly demanding. When I was informed that I had been selected as a Lay Advisor, I realised this is a unique opportunity to serve both the Residents of Cumbria and be given the opportunity to see the operation of MAPPA and the steps that are taken to protect and maintain our safe communities”.

It is a role that looks for people who recognise the value of diversity and has a strong conviction for equality and fairness. This is particularly a focal point for Lay Advisers who will be faced with complex issues which need to be understood without applying any form of personal judgement. When asked as to how the newly appointed Lay Advisers will deal with the many issues considered by MAPPA, David said “he had noted from the beginning of the induction process, which had given me many insights into Mental Health, Youth Offending and Probation, the range of issues and the complexities faced by those who fall within the scope of MAPPA need careful and considered management. It is clear to me that MAPPA is an environment where trust and openness, with a strong element of challenge is the norm”.

The focus of the Advisers is to attend appropriate MAPPA meetings within Cumbria and sit on the Strategic Management Board. So the role has a wide variety of operational and strategic matters to be involved with. As an Adviser it means they need to raise questions and challenges to Professional Staff. When asked as to how this is received by the Statutory Bodies, Mark said “I have felt from day one to be part of the team that is MAPPA. Questions and challenges are put on the table and are welcomed as the Advisers can often bring a new perspective to the issues being considered. It’s a series of checks and balances within MAPPA and I certainly see myself as making a contribution to the overall risk management undertaken by MAPPA”.

So from talking with our new Advisers it is clear they have all welcomed the challenge and are here to challenge – all part of the everyday workings of MAPPA.



FOUR PILLARS OF RISK MANAGEMENT

WHAT IS THE FOUR PILLARS APPROACH?

The MAPPA Four Pillars approach is currently being used across the MAPPA meetings in Cumbria.

The Four Pillars approach is designed to build supportive networks for offenders and enhance protective factors to minimise the risk of re-offending. It is a way of managing and assessing risk in a proportionate, transparent and balanced way.

HOW DOES IT WORK?

The Four Pillars approach has four key activities;

1. Supervision – includes structured and focused contact with the offender by all involved MAPPA agencies, contact corresponding to the level of risk, supervised accommodation, protective factors and a focus on compliance and motivation to non-offending.
2. Monitoring and Control - includes all agencies in 'watching and warning', agreeing and monitoring trigger signs, and can involve the use of electronic tagging, additional licence conditions etc.
3. Interventions and Treatment – includes planned interventions, appropriate programmes, and where relevant medication etc.
4. Victim Safety Planning – includes information on known and potential victims, exclusion zones, and safety plans etc.

And the activity is also;

- Sufficient to manage the risk
- Applicable to the offender's situation
- Relevant to risk factors
- Evidence based
- Least restrictive as necessary

In this way, MAPPA management is confirmed as the route to 'add value' to the lead agency's existing Risk Management Plan. The meeting will ensure that all attendees are aware of the early warning signs of risk escalation and how to report these back to the lead agency. It will also promote key messages about the offender's management and will provide a contingency plan should critical protective factors break down i.e. loss of accommodation or the MAPPA offender goes missing.

It is critically important for all agencies working with the MAPPA offender that his/her motivation to change is promoted and that the Risk Management Plan provides them with an incentive, however small, to work towards this change i.e. relaxation in daytime 'signing in' at approved premises in response to agreed and sustained compliance with sentence planning.

WHERE DID IT COME FROM?

In 2011 Her Majesty's Inspectorate of Probation & Her Majesty's Inspectorate of Constabularies carried out a joint inspection on MAPPA. This inspection was called 'putting the pieces together' an inspection of multi-agency public protection arrangements. In this inspection there were a number of recommendations made, including improvements to risk management planning and risk assessment.

In 2012 Leicester & Rutland MAPPA Strategic Management Board undertook a project to improve this area of work, using Professor Hazel Kemshall's Four Pillars model to risk management in MAPPA. She is currently Professor of Community & Criminal Justice at De Montfort University with extensive research interests in risk assessment and management, MAPPA and effective practice with high risk offenders.

More recently Prof Kemshall has developed a new approach to risk management planning and this is now being utilised by a number of MAPPA Strategic Management Boards across England & Wales in their MAPPA meetings.

Cumbria MAPPA Strategic Management Board has also been interested in this practice development and subsequently invited Professor Kemshall to present on this approach at the Cumbria MAPPA Seminar held in October 2013.

Dyfed & Powys MAPPA have also led in the pilot of the Four Pillars approach and assisted Cumbria significantly with our implementation. Since the initial implementation of the Four Pillars approach in Carlisle, this process is used across all MAPPA meetings within Cumbria.



Active Risk Management System (ARMS)

Active Risk Management System, (ARMS) the dynamic risk assessment tool used in conjunction with 'Risk Matrix 2000' (RM2K) is now fully embedded by Cumbria police and Probation. This is the second year of the national roll out. All Registered Sexual Offenders (RSO's) on licence or supervision now have ARMS assessments completed by NPS in conjunction with police and police then continue with ARMS and review as necessary on completion of licence or supervision.

NPS and Police are working together in the use of ARMS which shows a real commitment towards continued multi-agency working and protection of the public in Cumbria.



MANAGEMENT OF MAPPA IN CUSTODY

THE ROLE OF THE OFFENDER SUPERVISOR

HMP Haverigg is a Category C prison located on the site of an old RAF training centre in Cumbria. Recently designated as a Resettlement prison for Lancashire and Cumbria, it holds prisoner serving a range of sentences up to and including Indeterminate and Life Sentences. Offenders are not received directly from the courts but are transferred, following security categorisation, from 'local' prisons or other Category C establishments. Some of these offenders will be managed in custody under Multi Agency Public Protection Arrangements (MAPPA).

Within 24 hours of arriving at Haverigg all prisoners are allocated to an Offender Supervisor whose role it is to co-ordinate the sentence of the court whilst the offender is in custody. Offender Supervisors include Probation Officer grade staff and Prison Service Band 4 Supervision Officers. The Offender Management team includes a wealth of experience, skills and knowledge ensuring that the risks that offenders present are managed at the appropriate level.

It is recognised that key to the effective management of offenders is the development of a positive and effective working relationship with the Offender Supervisor. Offender Supervisors are required to be pro-social role models who are able to demonstrate a genuine interest in the offender, balancing a supportive approach with the requirement for authority. In taking this approach they ensure that the offender understands the expectations of their sentence, including the consequences of failing to comply. Prison Custody provides an opportunity for a level of assessment, monitoring and engagement with offenders, which is not available to Offender Managers in the community.

Offender Supervisors at Haverigg enable offenders to access appropriate interventions such as the accredited 'Challenge to Change' course targeting those offenders assessed as Medium or High Risk of Serious Harm, Restorative Justice, Domestic Violence and engagement with Substance Misuse Services all of which are designed to address risk factors. Part of the Langdale / R5 residential unit has been converted into a drug free wing where prisoners in receipt of methadone prescription can also access supportive group therapy on a regular basis. Resettlement services, such as The Department of Work & Pensions and Shelter, are also based in the prison and can assist prisoners to address practical problems related to debt, benefits and accommodation prior to or upon release. Effective liaison between Offender Supervisors and resettlement staff is key to identifying and making referrals to these services.

In line with national guidelines, MAPPA offenders, who are among those assessed as presenting the highest risk of harm are prioritised for interventions ensuring that resources follow risk. When in prison custody MAPPA offenders are monitored both internally within Interdepartmental Risk Management Meetings (IDRMM) and externally through MAPPA meetings.

IDRM meetings take place monthly at Haverigg with attendance from a range of disciplines including the Security Department, the Mental Health Team, Residential Services, the Police Intelligence Officer and Offender Supervisors. This ensures that information from a range of attending professionals is provided enabling an up to date picture of an offender that can inform decision making and evidence any reduction or increase in risk.

As a MAPPA Responsible Authority prison establishments are required to attend Level 2 and 3 MAPPA meetings whenever possible and on every occasion provide an intelligence report (MAPPA F Report). The Offender Supervisor is tasked with compiling intelligence for the report, sourcing information from a range of departments and information gained from the IDRMM. Throughout the custodial period a range of monitoring measures will be in place that will inform the IDRMM and subsequent MAPPA meetings regarding the risk of harm including correspondence and phone monitoring. Correspondence and telephone monitoring can be an effective tool in measuring compliance with Harassment and Child Protection Orders. The Offender Supervisor closely monitors any information relating to breaches in this area ensuring that they are challenged and dealt with through disciplinary procedures or referred to the Police.

When making assessments, of particular interest to the Offender Supervisor, is behaviour that parallels offending behaviour. This may include involvement in drug or gang culture, affiliation or interest in racist or extremist organisations that continues in custody, evidenced by observation and reporting of associations, with like-minded people. Similarly the monitoring and reporting of interactions with female staff, particularly those in a position of authority, present opportunities for information gathering where there is a history of harassment or domestic violence or abuse.

The Offender Supervisor role is complex and can be contradictory as they balance the need to engage positively with the offender with the requirement to monitor, challenge and supervise. At Haverigg protecting the public is our key priority. We recognise the critical role that all of our staff and especially Offender Supervisors have in ensuring that objective is met. The management of offenders subject to MAPPA is one very important part of this.



YOUTH OFFENDING SERVICE

Cumbria Youth Offending Service (YOS) is a partnership, created by the Crime and Disorder Act 1998, and made up of a range of partners, in particular our statutory partners:

- Cumbria County Council
- National Probation Service
- Cumbria Constabulary
- Cumbria Partnership Foundation Trust

The young people we supervise are aged from 10 to 17 years old, the majority of which are young men, aged 16-17 years old.

A small number of these young people present a risk of serious harm to the public and some of whom also present a level of risk that requires referral to, and oversight by, Cumbria MAPPA.

All young people supervised by YOS are assessed both in relation to criminogenic needs, but also in relation to any safeguarding risks they face and, any risks they pose to others. A comprehensive intervention plan accounting for risks and needs is formulated and, for those presenting risk to self or others will typically involve input and/or oversight by a qualified member of staff such as a social worker, probation officer, or YOS officer. There will also be input from specialist staff including Health Workers, Education Workers and Restorative Justice Workers. All supervision is tailored to address the level of risk posed and the frequency/content of supervision will reflect this.

We will ensure we work with the young person to maximise the opportunities to make more positive choices, such as through education training or employment, but also to minimise risks posed. This will include referral and risk management oversight through MAPPA if they meet the threshold for such intervention.

For those that present the highest risk of reoffending, supervision can entail a range of restrictions such as 25 hours per week monitored activities, electronically monitored curfews, and/or unpaid work.



INTEGRATED OFFENDER MANAGEMENT

JIGSAW is a Cumbrian programme of Integrated Offender Management (IOM) which in itself is an overarching framework that allows local and partner agencies to come together to ensure that the offenders whose crimes cause most damage and harm are managed in a co-ordinated way. They are further supported by localised groups which include restorative justice, county councils, district councils, housing groups, Women's groups, Department for Work and Pensions (DWP), NHS, safeguarding teams, charities, training organisations and employment organisations. The framework ensures that offenders are assisted in their rehabilitation through positive support, whilst also ensuring the prompt targeting and enforcement of those offenders that do not comply.

The JIGSAW approach aims to reduce crime by enhancing and extending the reach of offender management / intervention frameworks, which include:

- Prolific and other Priority Offender (PPO) schemes
- Multi-Agency Public Protection Arrangements (MAPPA)
- Locally defined Cohort (JIGSAW)
- Management of Sexual Offenders and Violent Offenders (MOSOVO)

By reviewing, an individual's drivers to committing crime it is known that offending behaviour can be addressed which can bring about a reduction in the severity of the offending with a view to desistance in due course. The JIGSAW programme approach takes time and commitment and should not be viewed as a soft approach to offender management, rather it is a direct challenge to those who offend to understand the consequences of their behaviour and to seek to address those issues that are triggers to their offending.

The Strategic 'reducing re offending Group' will ensure the delivery of the JIGSAW strategy and that the representative agency lead are held to account. Cumbria Constabulary, Community Rehabilitation Company (CRC), the National Probation Service (NPS), NHS (UNITY substance misuse service) and Youth Offending Service (YOS) are the 5 key agencies responsible for the delivery of this strategy and will have lead professionals who will identify progress and address any barriers to this JIGSAW arrangement within their portfolio.

The Reducing Reoffending Board will also ensure that priorities in their Action Plan are aligned to this strategy and relevant issues reported to Cumbria Constabulary and the Safer Cumbria Delivery Board.

The strategic oversight of this board includes key integrated Offender management including MAPPA, JIGSAW, YOS and Restorative Justice options. This will better facilitate discussion around resourcing, linking up with offenders, identification of good practice and reducing the barriers to integrated offender management across the County.

ELECTRONIC MONITORING EQUIPMENT

Cumbria Police, with funding from MAPPA, have piloted the use of Buddi Electronic Monitoring Equipment. The Buddi Smart Tag is a permanently worn device that is a fully active tracking system. The tag is fitted to the user, on a voluntary basis and provides a GPS tracking capability.

The use of the device is monitored via Web access software. If required this provides real time locations of users . The software will also produce a map of the users movements, over any given time. If the user is subject to exclusion zones these areas can be created on a map. If the exclusion zone is entered, this will trigger an alarm and inform the allocated offender manager and the police control room. Ensuring a timely Police response to any suspect's breach. The software will also alert the allocated offender manager and the control room if the device is tampered with or removed. A matter that can then be addressed by the Police.

The benefits of the system are real time knowledge of the users location. Increased knowledge on the users daily movement for both crime prevention and intelligence purposes. The tags also provide increased reassurance to victims of crime.

Feedback from a previous user was that the tag was very much a deterrent and an added preventative measure to assist with his desistance from future offending. The user did not reoffend during the period that he was wearing the Buddi tag.

What does the future hold? The use of Electronic Monitoring Equipment is to be incorporated into Sexual Harm Prevention Orders or/and licence conditions of suitable offenders. To provide enforceable usage, that if breached, could result in prosecution or recall on licence to prison. The whole aim is to continue to work together to protect vulnerable people, communities and manage offenders.



CIRCLES OF SUPPORT AND ACCOUNTABILITY

NORTH WEST CIRCLES

North West Circles in Cumbria and Lancashire was initially established in Cumbria in 2009 thanks to a generous grant from the Cumbrian Quaker Religious Society of Friends and initially set up 6 operational circles around the county. Subsequent funding and support from Cumbria Probation Trust (National probation service) enabled the project to be sustained across Cumbria and this was further strengthened when a legacy grant from Lancashire Probation Trust enabled a further 3 circles in North Lancashire.

North West Circles is a project of CROPT, Cumbria Reducing Offending Partnership Trust, a registered charity committed to assisting those who have committed criminal offences lead more responsible, positive and offence free lives and establish themselves as a valuable part of their community. The website is cropt.org.uk

A successful Big Lottery bid to extend the circles project around the country has allowed Circles North West to undertake expansion and we are in the process of set up 13 new circles around the county of Lancashire over a 4 year period, to date we have launched 7 of these and will commence the 8th next month.

NEW INITIATIVES IN CUMBRIA

We have recently extended our services to include young people who are exhibiting harmful sexual behaviour and have made links with the youth offending service and social services in order to offer assessment, intervention and groupwork to those they refer to us.

We will be launching a pilot internet sex offender programme in November to take referrals from probation officers who's cases may be of concern but not high enough risk to qualify for the accredited probation internet groupwork programme.

We are actively seeking volunteers in the Cumbria and Lancashire area and would like to hear from those who may have an interest in;

- Helping a sexual offender to reintegrate safely into the community
- Acting as a support and safety mechanism for both the sexual offender and the community
- Being an active element in the public protection framework to enhance the safety of the community as a whole

Anyone interested in volunteering with or wanting to know more about this project please contact:-

janet.mccormick@cropt.org.uk (Lancashire) or maureen.taylor@cropt.org.uk (Cumbria)



Sexual Harm Prevention Order

Sexual Harm Prevention Orders (SHPO) and Sexual Risk Orders (SRO) were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They replaced the previous Sexual Offences Prevention Orders (SOPO), Foreign Travel Orders (FTO) and Risk of Sexual Harm orders (RSHO) which were introduced by the Sexual Offences Act 2003.

These orders are intended to protect the public from the risks posed by sex offenders by placing restrictions on their behaviour. Sexual Harm Prevention Orders can be applied to anyone convicted or cautioned for a sexual or violent offence, including offences committed overseas.

The SHPO also makes the offender subject to notification requirements as set out in Part 2 of the Sexual Offences Act 2003.

A SHPO may impose any restriction the court deems necessary for the purpose of protecting the public from sexual harm, and makes the offender subject to the notification requirements for the duration of the order. SHPOs are available to the court at the time of sentencing for a relevant offence, or on free-standing application to the magistrates' court by the police or National Crime Agency.

An order may prohibit the offender from doing anything specified within it and can include a prohibition on foreign travel. The prohibitions must be necessary 'for the purpose of protecting the public or any particular members of the public from serious harm by the defendant'.

The period of the order must be specified and last for a minimum period of five years. It is a criminal offence to breach a SHPO or interim SHPO, punishable by a fine and/or imprisonment.

Since the implementation in March 2015 Cumbria Police have had many SHPO's issued by the court on conviction and others imposed on a standalone basis.

Also under Anti-Social Behaviour, Crime and Policing Act 2014 which came into practice in March 2015 the Act closes a gap in relation to violent offender orders (VOOs), which can be used by the police to impose restrictions on offenders convicted of a specified offence who pose a risk of serious violent harm to the public. VOOs are designed to protect the public from serious violent harm and also impose restrictions on an offender by prohibiting their access to certain places, premises, events or people to whom they pose the highest risk.

Section 98 of the Criminal Justice and Immigration Act 2008 (the 2008 Act) deals with violent offender orders (VOOs) and was amended in May 2014 to include murder as a 'specified offence'. This includes where the offence of murder was committed overseas.

The Act now also allows the Secretary of State to amend the list of specified offences in section 98(3) of the 2008 Act and to make consequential amendments to section 98(4) which deals with 'relevant service offences'.

Work is ongoing within the Management of Sexual Offenders and Violent Offenders National Working group to establish additional offences

MAPPA CUMBRIA: STATISTICS

MAPPA-ELIGIBLE OFFENDERS ON 31 MARCH 2017				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 1	528	169	-	697
Level 2	1	1	1	3
Level 3	0	0	0	0
Total	529	170	1	700

MAPPA-ELIGIBLE OFFENDERS IN LEVELS 2 AND 3 BY CATEGORY (YEARLY TOTAL)				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Level 2	6	3	6	15
Level 3	0	2	0	2
Total	6	5	6	17

RSOS CAUTIONED OR CONVICTED FOR BREACH OF NOTIFICATION REQUIREMENTS	5
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RESTRICTIVE ORDERS FOR CATEGORY 1 OFFENDERS	
SOPOs, NOs & FTOs imposed by the courts	
SOPOs	84
NOs	0
FTOs	0

LEVEL 2 AND 3 OFFENDERS RETURNED TO CUSTODY				
	Category 1: Registered sex offenders	Category 2: Violent offenders	Category 3: Other dangerous offenders	Total
Breach of licence				
Level 2	2	0	1	3
Level 3	0	0	1	1
Total	2	0	2	4
Breach of SOPO				
Level 2	0	-	-	0
Level 3	0	-	-	0
Total	0	-	-	0

TOTAL NUMBER OF REGISTERED SEXUAL OFFENDERS PER 100,000 POPULATION	118
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This figure has been calculated using the mid-2015 estimated resident population, published by the Office for National Statistics on 25 June 2015, excluding those aged less than ten years of age.

NOTIFICATION REQUIREMENTS

RSOs HAVING HAD LIFETIME NOTIFICATION REQUIREMENTS REVOKED ON APPLICATION	4
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PEOPLE SUBJECT TO NOTIFICATION REQUIREMENTS FOR BREACH OF AN SRO	0
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MAPPA BACKGROUND

EXPLANATORY COMMENTARY ON STATISTICAL TABLES

The totals of MAPPA-eligible offenders, broken down by category, reflect the picture on 31 March 2017 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2016 to 31 March 2017.

- a** **MAPPA-eligible offenders** – there are a number of offenders defined in law as eligible for MAPPA management, because they have committed specified sexual and violent offences or they currently pose a risk of serious harm, although the majority are actually managed under ordinary agency (Level 1) arrangements rather than via MAPPA meetings. These figures only include those MAPPA eligible offenders living in the community. They do not include those in prison or detained under the Mental Health Act.
- b** **Registered Sexual Offenders (RSOs)** – those who are required to notify the police of their name, address and other personal details and to notify of any subsequent changes (this is known as the “notification requirement.”) Failure to comply with the notification requirement is a criminal offence that carries a maximum penalty of 5 years imprisonment.
- c** **Violent Offenders** – this category includes violent offenders sentenced to imprisonment or detention for 12 months or more, or detained under a hospital order. It also includes a small number of sexual offenders who do not qualify for registration.
- d** **Other Dangerous Offenders** – offenders who do not qualify under the other two MAPPA-eligible categories, but who currently pose a risk of serious harm which requires management via MAPP meetings.
- e** **Breach of licence** – offenders released into the community following a period of imprisonment will be subject to a licence with conditions (under probation supervision). If these conditions are not complied with, breach action will be taken and the offender may be recalled to prison.
- f** **Sexual Harm Prevention Order (SHPO) – (including any additional foreign travel restriction)**. Sexual Harm Prevention Orders (SHPOs) and interim SHPOs replaced Sexual Offence Prevention Orders. They are intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public by placing restrictions on their behaviour. It requires the offender to notify their details to the police (as set out in Part 2 of the 2003 Act) for the duration of the order.
- The court must be satisfied that an order is necessary to protect the public (or any particular members of the public) in the UK, or children or vulnerable adults (or any particular children or vulnerable adults) abroad, from sexual harm from the offender. In the case of an order made on a free standing application by a chief officer or the National Crime Agency (NCA), the chief officer/ NCA must be able to show that the offender has acted in such a way since their conviction as to make the order necessary.
- The minimum duration for a full order is five years. The lower age limit is 10, which is the age of criminal responsibility, but where the defendant is under the age of 18 an application for an order should only be considered exceptionally.
- g** **Notification Order** – this requires sexual offenders who have been convicted overseas to register with the police, in order to protect the public in the UK from the risks that they pose. The police may apply to the court for a notification order in relation to offenders who are already in the UK or are intending to come to the UK.

h

Sexual Risk Order (incl. any additional foreign travel restriction)

The Sexual Risk Order (SRO) replaced the Risk of Sexual Harm Order (RoSHO) and may be made in relation to a person without a conviction for a sexual or violent offence (or any other offence), but who poses a risk of sexual harm.

The SRO may be made at the magistrates' court on application by the police or NCA where an individual has done an act of a sexual nature and the court is satisfied that the person poses a risk of harm to the public in the UK or children or vulnerable adults overseas.

A SRO may prohibit the person from doing anything described in it, including travel overseas. Any prohibition must be necessary to protect the public in the UK from sexual harm or, in relation to foreign travel, protecting children or vulnerable adults from sexual harm.

An individual subject to an SRO is required to notify the police of their name and home address within three days of the order being made and also to notify any changes to this information within three days.

A SRO can last for a minimum of two years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, last for a maximum of five years (but may be renewed).

The criminal standard of proof continues to apply. The person concerned is able to appeal against the making of the order and the police or the person concerned are able to apply for the order to be varied, renewed or discharged.

A breach of a SRO is a criminal offence punishable by a maximum of five years' imprisonment. Where an individual breaches their SRO, they will become subject to full notification requirements.

Individuals made subject of a SRO are now recorded on VISOR as a Potentially Dangerous Person (PDP).

i

Lifetime notification requirements revoked on application

legislative response means there is now a mechanism in place that allows qualifying sex offenders to apply for a review of their notification requirements.

Individuals subject to indefinite notification will only become eligible to seek a review once they have been subject to indefinite notification requirements for a period of at least 15 years for adults and 8 years for juveniles. This applies from 1 September 2012 for adult offenders.

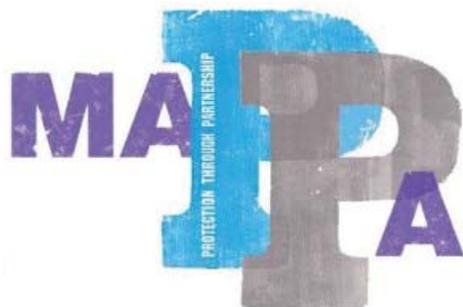
On 21 April 2010, in the case of R (on the application of F and Angus Aubrey Thompson) v Secretary of State for the Home Department [2010] UKSC 17, the Supreme Court upheld an earlier decision of the Court of Appeal and made a declaration of incompatibility under s. 4 of the Human Rights Act 1998 in respect of notification requirements for an indefinite period under section 82 of the Sexual Offences Act 2003. This has been remedied by virtue of the Sexual Offences Act 2003 (Remedial) Order 2012 which has introduced the opportunity for offenders subject to indefinite notification to seek a review; this was enacted on 30th July 2012.

Persons will not come off the register automatically. Qualifying offenders will be required to submit an application to the police seeking a review of their indefinite notification requirements. This will only be once they have completed a minimum period of time subject to the notification requirements (15 years from the point of first notification following release from custody for the index offence for adults and 8 years for juveniles).

Those who continue to pose a significant risk will remain on the register for life, if necessary. In the event that an offender is subject to a Sexual Offences Prevention Order (SOPO)/Sexual Harm Prevention Order (SHPO) the order must be discharged under section 108 of the Sexual Offences Act 2003 prior to an application for a review of their indefinite notification requirements.

For more information, see the Home Office section of the gov.uk website:

<https://www.gov.uk/government/publications/sexual-offences-act-2003-remedial-order-2012>



HM Prison &
Probation Service

