

Cumbria



Annual Report 2022

Introduction

We would like to take this opportunity to update the Cumbrian public about the arrangements which have been put in place to maintain high standards of MAPPA offender management throughout the COVID-19 pandemic.

Up until March 2020 all MAPPA Level 2 and Level 3 meetings were conducted at venues in Carlisle, Barrow and Workington. These meetings were physically attended by professionals from the Responsible Authority (RA) agencies and the Duty-to-Cooperate (DTC) agencies.

When the first lockdown was announced in March 2020 it was necessary to make expeditious, transitional changes to MAPPA practices. Exceptional delivery models were put in place in order to keep National Probation Service (NPS) staff, police offender managers and offenders as safe from Coronavirus as possible as we continued to supervise MAPPA offenders in the community. These models have proved successful and have therefore continued.

MAPPA processes within Cumbria, benefit from an extraordinary level of willing participation from all the statutory multi-agency partners and there is an understanding that public protection is the responsibility of all concerned. This level of commitment within our County has been the case since the initiation of MAPPA, as enacted by the Criminal Justice Act of 2003.

Members of the Cumbria MAPPA Strategic Management Board (SMB), and all professionals involved in the MAPPA processes, have been determined that we would continue to work together to reduce the re-offending of sexual offenders and violent offenders whilst the Coronavirus restrictions were in place.

Investment in technology by key MAPPA partners has enabled meetings of the MAPPA Strategic

Management Board (SMB) to take place, utilising Microsoft Teams as a 'virtual' platform. This has ensured that governance of the MAPPA arrangements has continued as normal.

Similarly, on a practical basis, all Level 2 and Level 3 MAPPA meetings are continuing using the same platform.

There have not been any adverse effects regarding agency attendance at MAPPA meetings held since the enforced changes. In fact, we have seen real benefit from the enforced, rapid rate of technological advancement within the MAPPA agencies. An excellent example of this is the number of professionals from our MAPPA partner agencies who have received foundation training in what MAPPA is, what it does, and their respective roles within MAPPA. We have been able to deliver training to far more agency personnel than was ever possible in using conventional training methods. This extra professional knowledge will further enhance public protection in our communities.

Of course, the transition has not happened without challenges. In Cumbria, we have worked closely with the Ministry of Justice based National MAPPA Team to make sure of our compliance with the latest Government guidance. Details such as data security and confidentiality issues have been treated with due diligence and these issues are addressed by colleagues from the National Probation Service and Cumbria Constabulary on each occasion that they Chair a MAPPA meeting.

Public Protection remains the key priority for us all within MAPPA and that will continue.

Andrea Balderstone and Sam Harrison, MAPPA Coordinators for 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, violent and terrorist 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, Department for Work and Pensions and Local Housing and Education Authorities.

Local Strategic Management Boards (SMB) comprising senior representatives from each of the Responsible Authority and DTC agencies are responsible for delivering MAPPA within their respective areas. The Responsible Authority is also required to appoint two Lay Advisers to sit on each MAPPA SMB.

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 more senior oversight and 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** –subject to sex offender notification requirements;
- **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.

A fourth category for terrorist and terrorist risk offenders was introduced by the Police Crime Sentencing and Courts Act 2022 after the period covered by this report.

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

- **Level 1** is where the offender is managed by the lead agency with information exchange and multi-agency support as required but without formal MAPPA meetings;
- **Level 2** is where formal MAPPA meetings are required to manage the offender.
- **Level 3** is where risk management plans require the attendance and commitment of resources at a senior level at MAPPA meetings.

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 enables 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.

MAPPA and Terrorism

The government published an Independent Review of the MAPPA used to Supervise Terrorist and Terrorism-risk Offenders on 2 September 2020 and published its response on 9 December. Both documents are

available at <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-review>. The report made a number of recommendations, several of which have been implemented via the Counter-Terrorism and Sentencing Act 2021 and the Police, Crime, Sentencing and Courts Act 2022. The Secretary of State has also revised the statutory MAPPA Guidance on terrorist offenders.

The Probation Service, via its National Security Division, has created a specialist dedicated and highly

skilled workforce, which provides an enhanced level of management and intervention for the most high-risk, complex and high-profile offenders in the community. This includes the management of terrorist connected and terrorist risk offenders. The NSD and Counter-Terrorism Policing work closely with local SMBs to ensure the robust management of terrorism cases.

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

MAPPA Statistics

MAPPA-eligible offenders on 31 March 2022

| | Category 1: Registered sex offenders | Category 2: Violent offenders | Category 3: Other dangerous offenders | Total |
|---------|--|-------------------------------------|---|-------|
| Level 1 | 620 | 153 | - | 773 |
| Level 2 | 1 | 4 | 1 | 6 |
| Level 3 | 0 | 0 | 0 | 0 |
| Total | 621 | 157 | 1 | 779 |

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 | 13 | 8 | 7 | 28 |
| Level 3 | 0 | 0 | 0 | 0 |
| Total | 13 | 8 | 7 | 28 |

| | |
|--|---|
| RSOs cautioned or convicted for breach of notification requirements | 9 |
|--|---|

| | |
|--|---|
| RSOs who have had their life time notification revoked on application | 1 |
|--|---|

Restrictive orders for Category 1 offenders

| SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts | |
|---|----|
| SHPO | 58 |
| SHPO with foreign travel restriction | 0 |
| NOs | 0 |

| | |
|---|---|
| Number of people who became subject to notification requirements following a breach(es) of a Sexual Risk Order (SRO) | 2 |
|---|---|

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 | 2 | 1 | 5 |
| Level 3 | 0 | 0 | 0 | 0 |
| Total | 2 | 2 | 1 | 5 |
| Breach of SOPO | | | | |
| Level 2 | 1 | - | - | 1 |
| Level 3 | 0 | - | - | 0 |
| Total | 1 | - | - | 1 |

| | |
|---|-----|
| Total number of Registered Sexual Offenders per 100,000 population | 137 |
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This figure has been calculated using the 21 March 2021 census population estimate, published by the Office for National Statistics on 28 June 2022, excluding those aged less than ten years of age.

Previously, we have based this figure on the mid-year (30 June) population estimate. As such, the current figure may differ from the corresponding figure based on the mid-2021 estimated resident population, which will be published by the Office for National Statistics later this year

Explanation commentary on statistical tables

MAPPA background

The totals of MAPPA-eligible offenders, broken down by category, reflect the picture on 31 March 2022 (i.e. they are a snapshot). The rest of the data covers the period 1 April 2021 to 31 March 2022.

(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 at Level 1 without formal 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) Subject to Sex Offender Notification Requirements – 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.”) These offenders are assessed and managed by the police. They may also be managed by probation or health services if they are subject to licence or a hospital order. 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 and terrorist 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 are not subject to notification requirements. These offenders are assessed and managed by the Probation Service, Youth Offending Team or Mental Health Services.

(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 MAPPA meetings. These offenders are assessed and managed by whichever agency has the primary responsibility for them.

(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 the offender does not comply with these conditions, the Probation Service will take breach action 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 and/or positive obligations on their behaviour. They require 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 on the balance of probability 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, the National Crime Agency (NCA), British Transport Police (BTP) or the Ministry of Defence Police (MODP). The chief officer/NCA/BTP/MODP 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 individuals convicted of qualifying sexual offences overseas to register with the police, in order to protect the public in the UK from the risks that they pose. The police in England and Wales may issue a notification order directly to an offender who is already in the UK or who is intending to come to the UK who has to notify within three days of receipt. Offenders have a right of appeal against notification.

(h) Sexual Risk Order (including 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, NCA, BTP or MODP where an individual has committed 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.

An SRO may prohibit the person from doing anything described in it, including travel overseas, or place positive obligations upon them. Any prohibition and/or obligation 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.

An 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 an 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 an SRO are now recorded on VISOR as a Potentially Dangerous Person (PDP).

(i) Lifetime notification requirements revoked on application

A legal challenge in 2010 and a corresponding legislative response means there is now a mechanism in place that allows qualifying individuals to apply for a review of their notification requirements. Persons do not come off the register automatically. Qualifying offenders may submit an application to the police to review their indefinite notification requirements. The police review the application and decide whether to revoke the notification requirements. This decision is made at the rank of Superintendent. Those who continue to pose a significant risk will remain on the register for life, if necessary.

Individuals 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 applied from 1 September 2012 for adult offenders.

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