Detention Services Order 20/2012

Multi-Agency Public Protection arrangements (MAPPA)

Process**:** To provide instructions to those operating in Home Office immigration removal centres, short-term holding facilities and during in-country and overseas escort on dealing with MAPPA offenders.

Implementation Date**:** December 2011 (re-issued June 2016)
Review Date: June 2018

Contains Mandatory Instructions

For Action: Immigration removal centres, pre-departure accommodation and short-term holding facilities.

For Information: Home Office caseworkers

Author and Unit: Frances Hardy, Operational Practice, Returns Directorate

Owner: Alan Gibson, Head of Detention Operations

Contact Point: Shaun Curd

Processes Affected: Detention and release of MAPPA offenders

Assumptions: All staff will have the necessary knowledge to follow these procedures.

Notes: This DSO rebrands 20/2012, that was originally implemented in December 2011.

Issued: June 2016
Version: 2.0

Detention services order 20/2012

Multi-Agency Public Protection arrangements (MAPPA)

Contents

Introduction 3
Policy on detention of MAPPA offenders 3
Purpose 3
Procedures 3
Safeguarding and MAPPA TSFNOs in IRCs 5
Release of TSFNOs from immigration detention 5

Introduction

1. This detention services order (DSO) provides information for all staff and suppliers on the process for dealing with MAPPA offenders in immigration detention in England and Wales.

2. MAPPA is a set of arrangements which provides a common framework for the identification, assessment and management of certain offenders **in the community.** For those convicted in England and Wales the MAPPA Guidance 2012 (https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2) sets out a list of the relevant sexual and violent offences.

3. This DSO clarifies the procedures to be adopted by all immigration removal centres (IRCs) that receive time served foreign national offenders (TSFNOs) from the Prison Service who have been convicted of offences which bring them into MAPPA.

Policy on detention of MAPPA offenders

4. Chapter 55.10.1 (criteria for detention in prison) of the enforcement instructions and guidance (EIG) states that the Home Office is responsible for assessing an immigration detainee's suitability for detention in an IRC. All immigration detainees held in prison, including MAPPA TSFNOs, should be risk-assessed to determine their suitability for transfer to an IRC. Some MAPPA TSFNOs may be deemed too high a risk to warrant transfer to an IRC.

5. The Home Office is a statutory 'Duty to Co-operate agency' for MAPPA and therefore has a duty to work with the Responsible Authority (police, prison and National Probation Service in each area), which provides a clear legal basis for information sharing about offenders.

Purpose

6. The purpose of this order is to ensure that all TSFNOs subject to MAPPA who are transferred to the detention estate are located appropriately and are only released into the community when the appropriate arrangements are in place for such release and not before.

Procedures

7. Any foreign national offender (FNO) who is imprisoned for an offence which brings them into MAPPA should be flagged as a MAPPA "nominal" on the Prison-NOMIS system. However, being identified as a MAPPA nominal does not indicate the risk of serious harm that the offender poses, or the MAPPA level at which the offender will be managed if released into the community. There are three categories of MAPPA offender, as follows:

Category 1: sexual offenders subject to notification requirements (often called registered sex offenders).

Category 2: violent offenders who have been sentenced to twelve months or more in custody or a hospital or guardianship order. This category also includes some sexual offenders who do not qualify for category 1.

Category 3: other dangerous offenders - who have been cautioned for/ or convicted of an offence which indicates that he or she is capable of causing serious harm AND which requires multi-agency management.

8. The process for the management of MAPPA offenders being released from prison under the supervision of National Probation Service (NPS) Offender Managers is set out in the MAPPA Guidance 2012. A MAPPA offender will have an identified Offender Manager who will assess the level of MAPPA management the offender requires prior to the offender's earliest possible release date from prison. This level of management will continue to apply when the TSFNO is transferred to the detention estate, with the Offender Manager remaining responsible for the case until the licence expires. The three levels of management for dealing with MAPPA offenders are as follows:

   Level 1: ordinary agency management, where the offender can be managed by the lead agency in consultation with other agencies involved.

   Level 2: for cases where active interagency management is required in order to manage the risk of serious harm posed.

   Level 3: for the most complex cases which require active interagency management by Senior Managers from the agencies involved.

9. All adult offenders, including FNOs, who are released before their sentence expiry date will be subject to licence on release and therefore will be managed by the NPS or a Community Rehabilitation Company (CRC). All MAPPA offenders will be managed by the NPS. This will include a number of TSFNOs who, if released from detention, will be subject to licence and/or notification requirements. All young offenders will be subject to either a period of supervision or licence which will be held by a member of the Youth Offending Team. Most offenders sentenced for a sexual offence will be subject to notification requirements when released into the community.

10. All MAPPA offenders, including FNOs, who will be managed at MAPPA level 2 or 3, are identified at least six months before their earliest release date from prison by the NPS Offender Manager in order for the referral, and review of the case, to be undertaken.

11. In cases where the offender is subject to MAPPA management at level 1, the Home Office may be involved in information sharing and risk management planning. For cases managed at MAPPA level 2 or level 3, the Home Office is required to contribute to the MAPPA process by providing information and contributing to effective risk management planning. This will apply in cases when

the FNO would be subject to licence or police management should they be released into the community before their sentence end date. The Criminal Casework (CC) case owner is responsible for providing Home Office input.

12. Requests for information on a MAPPA offender should be tasked through the CC MAPPA co-ordinator to both the Home Office Immigration Enforcement (HOIE) Manager and the Supplier Centre Manager, copied to the Detention Services Intelligence Team (detentionservicesintelligenceteam@homeoffice.gsi.gov.uk). The CC case owner or the HOIE Manager should attend a MAPPA meeting in person, if requested. If the behaviour of a MAPPA offender in an IRC is relevant to their ongoing risk management the Supplier Security team should complete an IS91 Part C and submit to the HOIE manager, who will send to the CC MAPPA co-ordinator (on Poise) and relevant case-owner.

13. The holding prison should provide the DEPMU North risk assessment team with sufficient information around a detainee's MAPPA status to assist them in assessing the risk posed by a detainee by ensuring the information is recorded accurately on NOMIS. The provision of a risk assessment will need to be requested by DEPMU in line with the guidance in PI 52/2014 (also issued as PSI 34/2014). This information, along with a full risk assessment based on criminal conviction, sentence length and custodial behaviour, will inform the Population Management system as to where the TSFNO is best placed to be detained within the detention estate. MAPPA details will be routinely recorded by DEPMU on the Casework Information Database (CID) on the special conditions screen as part of the risk assessment recording.

Safeguarding and MAPPA TSFNOs in IRCs

14. All child visitors to IRCs should be protected by the safeguarding arrangements outlined in DSO 04/2012 'Visitors and Visiting Procedures' and DSO 10/2012 'Detention and escorting safeguarding children policy', to ensure they are safe and protected in any environment for which the Home Office has responsibility.

Release of TSFNOs from immigration detention

15. If a TSFNO is released into the community from an IRC, the IRC supplier is responsible for re-issuing the licence. In cases of sexual offenders, the TSFNO may also be subject to notification requirements and as such the TSFNO should be reissued with the notification requirement. Both of these documents are included in the 2050 Prison Core File or from the allocated Offender Manager. Releases should be facilitated during daytime where possible, unless there are significant operational reasons that mean that release at other times would be unavoidable.

Review date	Reviewed by	Review outcome	Next review
March 2016	Frances Hardy	Rebranded and change to process to information sharing	March 2018

June 2016	Emily Jarvis	Reference to ‘Annex A’ removed	June 2018