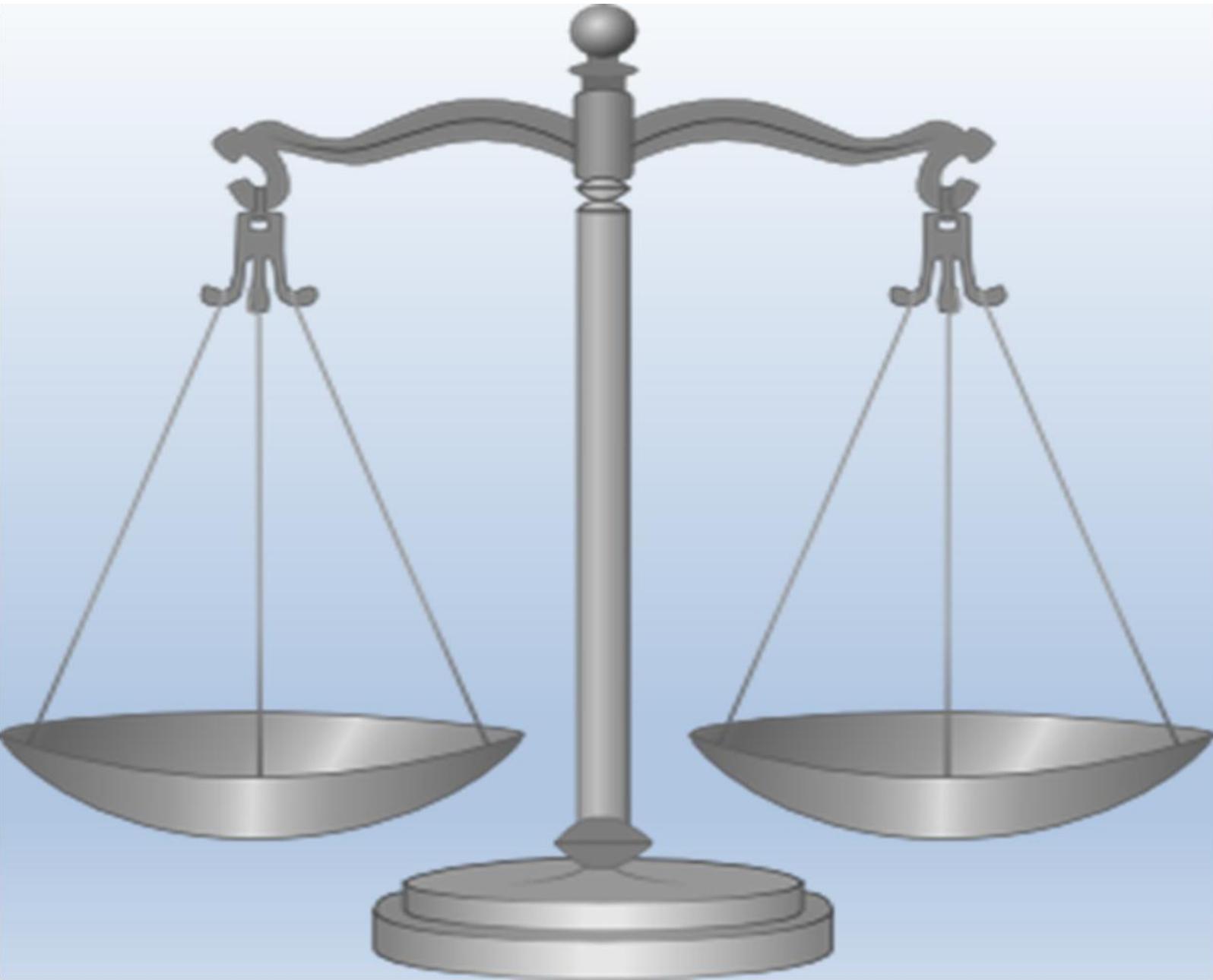




WEST MIDLANDS



Annual Report 2016-17

Intro

Working together for safer communities

This has been another busy year for all agencies involved in the MAPPA process. This report contains as usual the annual statistics for the area and reports on key areas of activity within the Criminal Justice System that contribute to the management of this group of offenders. This includes further piloting of electronic tagging and web based support for offenders and those who work with them. As ever the Strategic Management Board recognises the contribution made by partner agencies at a time of continuing challenge in securing resources to work with this group of offenders.

Government Reforms impacting on both Probation and Prison Services

In November 2016 the White Paper Prison safety and Reform was published. This has a focus on improving practice in prison and ensuring there is a focus on reform, as well as security. Additional staff are being recruited to help support these developments to make prisons safer so that work on reform and rehabilitation is more effective in preparing prisoners for release. A further significant development is a refocusing of offender case management so that instead of a Probation Officer dealing with a prisoner from the outside of a prison they will be based in the prison alongside trained Prison Officers to form a group of Prison Offender Managers. This group

will manage offenders who have more than 10 months to serve at the point of sentence, managing their sentence plan and passing responsibility back to the community based probation officer around 6 months before release. It is acknowledge that for more complex individuals and those requiring the highest scrutiny under MAPPA the hand over is likely to begin significantly earlier to allow for effective joint planning for release. Work on planning for these new arrangements is underway with an anticipated beginning of a roll out across male closed prisons from April 2018.

In April 2017 Probation and Public Sector Prisons Services were launched as a new frontline service of Her Majesty's Prison and Probation Service.

West Midlands Police

West Midlands Police have continued with their Transformation Programme known as WMP 2020 further details of this work can be accessed through their website.

West Midlands Police are also one of eight forces included in the GPS tagging pilot. The pilot is looking at specific groups (pre and post sentence) across the eight forces primarily looking at how the tags are used by decision makers and the impact upon offender behaviour. This pilot is due to end in 2018.

Police Officers have embedded themselves with re-settlement partners and prison offender managers since December 2016 at HMP Oakwood, Birmingham and Hewell. The team have assisted with building the picture of information of inmates and assisted partners in

shaping more appropriate sentence plans to aid their rehabilitation and assist in a more seamless re-settlement back into the community with change and control plans in place. This role is evolving with the re-settlement partners as the benefits of intervention are becoming better understood and embedded within the prisons.

MAPPA Website

If you would like to understand more about MAPPA and national MAPPA guidance this can be found at MAPPA.justice.gov.uk

Supporting Offenders to rehabilitate successfully in the community.

Offenders are managed with two clear broad objectives in mind : prison licence or community order conditions aimed at restricting certain activity and a broad focus on rehabilitation. The latter may include specific programmes or work around one of 7 identified pathways which have been recognised as having the potential to contribute to reducing reoffending.

Impact Pathways West Midlands is an online signposting portal, designed to help people who live and work in the West Midlands to access support they may need. The website allows the public and professionals to search for support services in their local area by pathway or by postcode.

The 9 pathways of support are:

- * Accommodation
- * Alcohol
- * Attitudes, Thinking and Behaviour
- * Children and Families
- * Drugs
- * Education, Training and Employment
- * Finance, Benefit and Debt
- * Mental and Physical Health
- * Domestic abuse, Sexual abuse and Sex work

The site, which allows information to be automatically translated into 50 different languages, also contains a wealth of other information such as: how to access local food banks; how to register with a GP/dentist; how to access night shelters, how offenders can keep

their home if they are imprisoned and much more. You can visit the website here: www.ipwm.org.uk

Accommodation

Access to, and provision of, suitable and sustainable housing contributes significantly to the resettlement and rehabilitation of offenders, at 37% it remains the highest need for support pre-release¹. The housing sector, as a whole, is facing unprecedented pressures; with house-building targets not being met, a chronic shortage of affordable housing, year-on-year increases in homelessness, changes to the welfare benefit system and cuts to public funding all playing a part in narrowing choice and availability of suitable housing for offenders. As we look ahead, pressures on availability of suitable housing are only likely to intensify: proposed restrictions on benefit levels in the social rented sector from 2019 (already applied in the private rented sector) may see even greater affordability issues and reductions in social and supported housing stock, whilst the continuing trend of rising homelessness (both street homeless and the hidden homeless – those that have no permanent accommodation, such as ‘sofa surfers’) will add further pressures to increasingly scarce public funding. Offenders are often disproportionately affected by these issues and concerns are increasing that suitable and safe accommodation will no longer be available for offenders managed through MAPPA. The Strategic Management Board will, therefore, continue to work with local authorities and housing providers in both the social and private rented sectors across the area, as well as liaising with cross-government departments, to ensure the accommodation needs of MAPPA offenders are met and that public protection is maintained

Serious violent and sexual offending make up a relatively small proportion of all recorded crime. Yet, by their nature, they cause the greatest concern for the community. The impact of such offending can be devastating. As with Safeguarding where such incidents occur when

¹ Bromley Briefings – Autumn 2016, Prison Reform Trust

under supervision, all agencies must review their practice and where necessary instigate changes to improve practice. MAPPA cannot entirely remove the risk of harm that offenders present. However, constructive sharing of information, and collaborative approaches to working, mean the agencies operating within

MAPPA can - and do - contribute to reducing that risk through the management of complex and challenging offenders in our community.

Nigel Byford
Chair, West Midlands MAPPA
Strategic Management Board

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 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 | 3153 | 1737 | 0 | 4890 |
| Level 2 | 16 | 21 | 5 | 42 |
| Level 3 | 1 | 1 | 3 | 5 |
| Total | 3170 | 1759 | 8 | 4937 |

| 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 | 21 | 70 | 29 | 120 |
| Level 3 | 4 | 3 | 3 | 10 |
| Total | 25 | 73 | 32 | 130 |

| | |
|--|----|
| RSOs cautioned or convicted for breach of notification requirements | 60 |
|--|----|

| | |
|--|----|
| RSOs who have had their life time notification revoked on application | 19 |
|--|----|

| Restrictive orders for Category 1 offenders | |
|---|-----|
| SHPOs, SHPOs with foreign travel restriction & NOs imposed by the courts | |
| SHPO | 250 |
| SHPO with foreign travel restriction | 0 |
| NOs | 5 |

| | |
|---|---|
| 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 | 9 | 30 | 8 | 47 |
| Level 3 | 4 | 3 | 0 | 7 |
| Total | 13 | 33 | 8 | 54 |
| Breach of SOPO/SHPO | | | | |
| Level 2 | 0 | - | - | 0 |
| Level 3 | 0 | - | - | 0 |
| Total | 0 | - | - | 0 |

| | |
|---|-----|
| Total number of Registered Sexual Offenders per 100,000 population | 129 |
|---|-----|

This figure has been calculated using the Mid-2016 Population Estimates: Single year of age and sex for Police Areas in England and Wales; estimated resident population, published by the Office for National Statistics, excluding those aged less than ten years of age.

Explanation commentary on statistical tables

MAPPA background

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 MAPPA 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 (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 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

A legal challenge in 2010 and a corresponding 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>

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National
Probation
Service

