

## > Introduction

This briefing complements the initial Sacro briefing on the MAPPAs which was published in the Sacro Criminal Justice Update of February 2007.

## > History

The Management of Offenders (Scotland) Act 2005 required the police, local authorities and the Scottish Prison Service (known as the “Responsible Authorities”), to jointly establish arrangements for the assessment and management of risk posed by sex offenders and violent offenders. In practice this will be undertaken by the establishment across Scotland of “Multi Agency Public Protection Arrangements”, or “MAPPAs”. As well as having implications for the responsible authorities (which includes health boards in the case of mentally disordered offenders), the MAPPAs will also have a significant impact and requirement for agencies who have a “Duty to Co-operate”, under the 2005 Act. Sacro falls into this latter category.

## > Duty to co-operate

Agencies with a duty to co-operate<sup>1</sup> include housing providers (including registered social landlords, housing associations etc), and voluntary sector agencies specialising in work with offenders. Agencies with a duty to co-operate are, broadly, required to carry out their responsibilities, where these relate to MAPPA offenders, collaboratively with the responsible authorities and other “duty to co-operate” agencies. The duty to co-operate is reciprocal and, as such, requires the responsible authorities to co-operate with the duty to co-operate agencies and vice versa in relation to assessing the risks posed by MAPPA offenders.

The “responsible authorities” in each CJA area will be required to draw up a “Memorandum of Understanding”, which will spell out how they will monitor, risk assess, share information, and generally “manage” sexual and violent offenders in their area. Sacro, as well as other agencies defined under the duty to co-operate, will be required to sign up to this Memorandum of Understanding.

---

<sup>1</sup> Justice Department Community Services Division Circular 15/2006, Revised March 2007.

## > MAPPA arrangements in practice

The eight CJA areas across Scotland are currently in the process of appointing and orientating “MAPPA co-ordinators”. This is a new role and broadly mirrors those with a similar role in England and Wales where they have had MAPPAs in place for some time. The principal aims of the MAPPA co-ordinators are<sup>2</sup>:

- To **co-ordinate the operation** of the MAPPA on behalf of the responsible authorities
- To bring consistency and focus to the MAPPA process by **providing a single point of contact** for the responsible authorities and other agencies

Most of the CJAs will have one co-ordinator with the exceptions being Northern, Lothian and Borders, Fife/Forth Valley and Tayside CJAs, who will each have two.

There will be three “**key stages**”<sup>3</sup> of MAPPA which are:

- Stage 1: (MAPPA Nominal) **Identification** of an offender falling within the MAPPA category of offence and **notification** of the individuals to the MAPPA co-ordinator. This notification will usually be the responsibility of the local authority, police or Scottish Prison Service.
- Stage 2: (MAPPA Referral) Referral of an offender to Level 2 or Level 3 (see below for details of “levels”). Stage 2 referrals are made by the responsible authorities primarily in respect of Category 1 and 2 offenders i.e. registered sex offenders and violent offenders (see below). However, referral to this stage can be made by any agency (responsible authorities and duty to co-operate) for Category 3 offenders i.e. “other offenders” (see below).
- Stage 3: (MAPPA Graduate) This stage is when an offender is deemed suitable to exit from the MAPPA. An offender in Category 1 or 2 (see below) will exit once they are no longer registered and/ or subject to supervision: Category 3 offenders (see below) will exit when it is considered by the responsible authorities that they no longer pose a risk of serious harm.

MAPPAs have been established on the basis of targeting resources where they are most required, or “resources following risk”. Broadly, there are three **categories** of offender who are, or will be, subject to the MAPPA arrangements<sup>4</sup>. These are:

- Category 1: Registered sex offenders
- Category 2: Violent offenders
- Category 3: Other offenders

As the MAPPAs are new to Scotland it will not be possible or practical to focus on these three categories simultaneously. Initially sex offenders will be considered with the other two categories following in the future. It is envisaged that it will take some considerable time to ensure that all registered sex offenders are subject to the MAPPA process and the initial focus will be on this group.

---

<sup>2</sup> MAPPA Guidance Version 2 March 2007 Annex C page 163.

<sup>3</sup> MAPPA Guidance Version 2 March 2007 Part 2, page 30.

<sup>4</sup> MAPPA Guidance Version 2 March 2007 Part 1, page 9.

As well as the three **categories** of offenders there are also three separate but connected **levels** at which **risk** is assessed and managed under the MAPPA<sup>5</sup>. These levels are

- Level 1: ordinary risk management
- Level 2: local inter-agency risk management
- Level 3: MAPPP – Multi-agency Public Protection **Panels**

## Level 1: ordinary risk management

The vast majority of registered sex offenders within Scotland are currently on no form of statutory (local authority) supervision, but are known to the police who hold the register. As such, in practice, these offenders will usually fall within Level 1. Level 1 management will primarily involve criminal justice social work, the police, or the Scottish Prison Service as the lead agency.

## Level 2: local inter-agency risk management

Level 2 risk management should be used where the *active* involvement of more than one agency is required. The responsible authorities will be responsible for convening and supporting the Level 2 arrangements. Depending on the needs of the case, agencies such as Sacro may well play an active role in Level 2 management. It should be noted that offenders' risk can and will change over time and, as such, individuals may well be managed within the different MAPPA levels throughout their lives. Level 2 arrangements are intended to be more than ad hoc groups, which change with each case. A permanent representation from the key agencies, supplemented by representatives from other organisations as required, will assist in ensuring robust risk management. In practice these forums may well resemble the current multi-agency risk management forums which exist across Scotland.

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

These Panels will consist of senior managers from the responsible authorities and will be chaired by a police superintendent, senior social work manager or equivalent. The MAPPP members must be in a position to understand the requirements and commit resources to the management of Level 3 offenders. Offenders referred to the MAPPP will be the "critical few", and be assessed as being **high or very high risk of serious harm**. For Sacro this may be relevant to some of our ISMS offenders or others within our specialised monitoring and support services, e.g. Fife STS, or those very high risk sex offenders attending a related groupwork programme, e.g. Forth Valley C-SOGP. It should also be noted that these "critical few" offenders tend to attract a higher media interest than others and, as such, all agencies should be aware of this as well as the need to co-ordinate any responses to the media.

---

<sup>5</sup> MAPPA Guidance Version 2 March 2007 Part 2, page 25.

## > **MAPPA referral – some issues for Sacro**

Referral to the MAPPA made by one of the responsible authorities may well require agencies such as Sacro who have knowledge of the offender to supply information. In practice terms this may be requested by local authority social work criminal justice and/ or the police. Sacro could be asked for information in relation to their involvement with a particular offender; details about their “support package” or plan; the environment within which they are being accommodated; response to supervision/ monitoring, etc. There may be implications for Sacro in terms of offenders on home leave or who are released from prison at short notice<sup>6</sup>. Sacro may also be required to participate in the risk management plan following a MAPPA meeting on a particular offender. In practice, it could be that Sacro is required to increase or decrease level(s) of monitoring in line with the plan and the requirements of the responsible authorities.

## > **The National Accommodation Strategy For Sex Offenders In Scotland (NASSO)**

This National Strategy<sup>7</sup> was published as part of the MAPPA guidance. The strategy provides a new national framework for the accommodation of sex offenders in the community. A large part of the strategy refers to the “Practice Guidelines”, which will assist practitioners and managers in the practical application of the strategy. Unfortunately, at the time of writing, this document had not yet been made available. It is anticipated that, once published, Sacro’s Criminal Justice Advisor will provide an internal briefing on the NASSO and associated practice guidelines.

## > **Conclusion and recommendations**

There is little doubt that the implementation of the MAPPA across Scotland will assist in the management of high risk offenders. There will however be variations in the way in which the MAPPA is interpreted and indeed develop locally. Given that Sacro is a national organisation, it follows that these “regional variations” will impact on its services in a variety of different ways. At the time of writing it is too early to foresee exactly how these arrangements will pan out in the various areas. It is important however, that local services make themselves aware and familiar with their local arrangements. In practice this should be undertaken at a variety of levels. For example Senior Manger Ops/ Service Managers should contact their counterparts within the Local Authority, possibly getting a steer from their CJA Chief Officer. Each LA/CJA area will/ should be holding events to explain how the MAPPA will work in their area, and Sacro should endeavour to attend. Sacro should also consider contacting the newly appointed MAPPA co-ordinators in their area to ascertain how they see the MAPPAs evolving.

Should anyone want more detailed information in relation to the MAPPA please contact the Criminal Justice Advisor.

Tim Richley  
Criminal Justice Advisor  
Sacro  
26 April 2007

---

<sup>6</sup> MAPPA Guidance Version 2 March 2007 Part 2, page 22.

<sup>7</sup> MAPPA Guidance Version 2 March 2007 Part 6, page 81.