

**DUNDEE CITY COUNCIL**

**REPORT TO: COMMUNITY SAFETY AND PUBLIC PROTECTION COMMITTEE 13 JANUARY 2020**

**REPORT ON: ARRANGEMENTS FOR MANAGING HIGH RISK OFFENDERS**

**REPORT BY: EXECUTIVE DIRECTOR OF CHILDREN AND FAMILIES SERVICE**

**REPORT NO: 20-2020**

**1.0 PURPOSE OF REPORT**

1.1 This report summarises the 12th annual report on arrangements for managing high risk offenders across Tayside and covers the period 1 April 2018 to the 31 March 2019. A copy of the report is attached as Appendix 1.

**2.0 RECOMMENDATIONS**

It is recommended that the Community Safety and Public Protection Committee:

- 2.1 Notes the content of this report and the ongoing developments in relation to the risk assessment and risk management of high risk of harm offenders.
- 2.2 Instructs the Executive Director of Children and Families to present such reports to Committee on an annual basis.

**3.0 FINANCIAL IMPLICATIONS**

3.1 None.

**4.0 MAIN TEXT**

4.1 The Management of Offenders etc (Scotland) Act 2005 (the Act) introduced a statutory duty on Responsible Authorities - Local Authorities, Scottish Prison Service (SPS), Police and Health - to establish joint arrangements for the assessment and management of the risk of harm posed by certain offenders. The Act also placed a duty on agencies who come into regular contact with high risk of harm offenders to co-operate in risk assessment and risk management processes. These 'Duty to Co-operate' agencies include, for example, Third Sector partners and suppliers of Electronic Monitoring. The Responsible Authorities are required to keep the arrangements under review and publish an annual report.

The introduction of Multi Agency Public Protection Arrangements (MAPPA) in 2007 created a consistent national approach towards the implementation of the Act and initially focused on Registered Sex Offenders (RSOs). In 2008, arrangements were extended to include Restricted Patients who are persons who, by virtue of their mental health, are confined for treatment under current Mental Health legislation and present a risk of harm to the public. In 2016, arrangements were further extended to include 'Category 3' persons, defined as anyone who has been convicted of an offence; who by reason of that conviction is considered to be a high or very high risk of serious harm to the public; and who therefore requires multi-agency management.

In Tayside, a MAPPA Strategic Oversight Group (SOG) oversees developments and consists of the Responsible Authorities and local Duty to Co-operate agencies. Where an RSO subject to Notification Requirements is also subject to a Community Payback Order or License Conditions after serving a prison sentence of 4 years or more, they are managed jointly by the Local

Authority and Police Scotland. Where only Notification Requirements apply, the lead agency is Police Scotland. The lead for Restricted Patients is the NHS and for Category 3 persons, the Local Authority. In all cases, offenders are assessed at Levels 1, 2 or 3 and managed proportionately in accordance with risk. However, the management of MAPPA offenders can be a complex task and constantly involves information sharing, analysis, defensible decision making, collaborative actions, case reviews and case planning.

## **4.2 Developments in MAPPA in 2018-19**

4.2.1 In 2018-19, the responsible authorities continued to work together to maintain and strengthen arrangements for managing offenders in the Tayside area. In our 2017-18 report we said we would:

### **4.2.2 Deliver an agreed programme of Quality Assurance Audits**

A small working group of MAPPA Co-ordinators from across Scotland worked with the Scottish Government, Care Inspectorate and Risk Management Authority to develop a national audit tool to examine the MAPPA process and promote a consistent approach to audits. This tool has recently been finalised and the MAPPA Operational Group (MOG) will undertake an audit of a representative sample of cases across Tayside in January to March 2020. The audit will be used to identify strengths and areas for improvement, from which an action plan will be implemented.

### **4.2.3 Consider and act upon recommendations from Significant Case Reviews**

Over the course of this reporting year, two Significant Case Reviews (SCRs) started across the region. In the context of public protection, SCRs are a multi-agency process for appraising practice and learning lessons from a situation where a person has died or been significantly harmed. They need not comprise of just one significant incident and the specific MAPPA criteria for when the process should be instigated is:

- When an offender managed under MAPPA at any level, is charged with an offence that has resulted in the death or serious harm to another person, or an offence listed in Schedule 3 of the Sexual Offences Act 2003;
- When significant concern has been raised about professional and/or service involvement, or lack of involvement, in respect of the management of an offender under MAPPA at any level;
- Where it appears that a registered sex offender being managed under MAPPA is killed or seriously injured as a direct result of his/her status as a registered sex offender;
- Where an offender currently being managed under MAPPA has died or been seriously injured in circumstances likely to generate significant public concern.

All SCRs should be seen in the context of a culture of continuous improvement and focus on national and local policies, systems, practice and areas for improvement. In both respects, the respective reports were not finalised until after the reporting period, with the first on 1 May 2019 and the second on 26 November 2019. The findings, recommendations and actions have therefore not been outlined in this year's Annual Report but will be reported on within the 2019/20 MAPPA Annual Report.

### **4.2.4 Continued effort to increase the usage of the Violent and Sex Offender Register (ViSOR) database by all relevant agencies**

The ViSOR database is the agreed system provided by the Home Office to facilitate the storage and exchange of secure information on the offenders managed through the MAPPA between the responsible authorities and across geographical boundaries. All Police Scotland Offender Management Officers and relevant Local Authority Community Justice Service Social Workers attend a 3 day training course to authorise them to use the system and are required to be vetted to an enhanced level. The system provided the statistical data for the Annual Report.

The majority of ViSOR records on RSOs are updated by Police Scotland and the Community Justice Service updates the records of those who are subject to statutory orders or license conditions. As the community justice service is also the lead for Category 3 offenders, it is responsible for creating and maintaining the ViSOR record in respect of these individuals. The Scottish Government Restricted Patient Team update the record on restricted patients and the Scottish Prison Service updates the record on serving prisoners, including where they are on temporary Home Leave as part of the resettlement processes.

Nationally, the Joint Thematic Review of MAPPAs in Scotland published in November 2015 identified poor usage in some local authority areas and identified issues relating to the security and location of terminals; Criminal Justice staff being required to update local Social Work record systems; and high level vetting requirements. Locally, record maintenance has always been high, with six terminals accessible to staff in Friarfield House, usage prioritised and efficient systems in place which make best use of all resources.

Nationally, the Scottish Government and Scottish Prison Service were and continue to be engaged in a review of the Moving Forward Making Changes Programme (MFMC) to address those convicted of sexual offences. The aim of the revision is to ensure the future flexibility and sustainability of the programme. This includes a particular focus on ensuring a revised programme can effectively meet the needs of both moderate and high risk offenders in custodial and community settings. As the Dundee based Manager of the Tay Project is a member of the MFMC Advisory Board and the Programme Oversight Board, we are well placed to contribute to the development of this programme.

Statistically, very few offenders subject to MAPPAs processes re-offend. This rarity needs to be balanced with the very serious harm that can result from any single instance of reoffending by such an offender and the legitimate level of public interest generated in such cases. In 2018-19, 8 (2%) individuals subject to MAPPAs in Tayside were reconvicted for sexual offences. All offenders managed under MAPPAs who commit a sexual offence are subject of an Initial Notification Report to the Chair of the MAPPAs SOG to decide if a comprehensive SCR is required.

## 5 KEY DATA

- As of 31 March 2019 there were 380 RSOs within Tayside, an increase of 16 offenders since March 2018.
- This relates to a change in reporting, with RSOs in custody and subject to a MAPPAs review now being included in the figure.
- 130 RSOs are managed jointly by Police Scotland and Social Work, a decrease of 40 from the previous report.
- 34% of RSOs are on statutory supervision involving a Community Payback Order with supervision requirements or License Conditions from custody.
- The distribution of RSOs across the 3 authorities is 156 in Dundee, 102 in Angus and 122 in Perth and Kinross.
- There are 27 Restricted Patients managed by NHS Tayside, the same number from the last report.

## 6 AREA FOR FURTHER IMPROVEMENT - 2019/2020

The following priorities have been identified for 2019/2020:

- Jointly implement all recommendations from the Significant Case Reviews that have recently been published.
- Progress audits of all MAPPAs activity using the new national tool and implement an associated action plan which identified areas for improvement.
- Improve the range and relevance of quantitative and qualitative data reported to the Strategic Oversight Group to help identify themes and support improvement actions.
- Continue to deliver training across the Tayside partnership with a focus on learning from audits and significant reviews to improve our practice.
- Review and streamline the arrangements for undertaking Initial Case Reviews, including

any learning from other Protecting People forums and the potential for integrated approaches.

- Continue to contribute towards the review of the Moving Forward Making Changes Programme with Scottish Government and the Scottish Prison Service.

## **7 POLICY IMPLICATIONS**

This report has been subject to an assessment of any impact on Equality and Diversity, Fairness and Poverty, Environment and Corporate risk. A copy of the Impact Assessment is available on the Council's website at [www.dundee.gov.uk/ia/reports](http://www.dundee.gov.uk/ia/reports).

The effective management of known sex offenders and restricted patients within our communities is in-keeping with the Council's Risk Management Strategy of identifying, evaluating and controlling risk.

## **8 CONSULTATIONS**

The Council Management Team and the Chief Social Work Officer have been consulted in preparation of this report and are in agreement with its content.

## **9 BACKGROUND PAPERS**

None.

PAUL CLANCY  
Executive Director

DATE: 5 December 2019



# MAPPA

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## Annual Report

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# 2018-19



**MAPPA**

Tayside Multi Agency  
Public Protection Arrangements

## **FOREWORD**

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Welcome to the 2018/2019 annual report on Tayside's Multi Agency Public Protection Arrangements (MAPPAs). This report details activity and work undertaken by the Tayside Strategic Oversight Group during 2018/19 who overview the policies, procedures and practice arrangements for the management of MAPPA offenders.

The MAPPA are fundamental to the effective protection of the public, management of offenders and the support of victims. It is recognised that this is not a task that agencies can do alone and effective multi-agency working is crucial. MAPPA is composed of experienced and specialist personnel working together and together we can share significant information, provide advice and training to those managing the risk posed by the most serious and complex offenders.

Public protection remains a challenging area of work for all involved. I acknowledge this and wish to thank all partner agencies for their continued commitment and dedication.

**Elaine Torrance**  
Independent Chair of  
Tayside MAPPA Strategic Oversight Group

## THE LAST 12 MONTHS

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### Multi-Agency Public Protection Arrangements in Tayside

Multi-Agency Public Protection Arrangements (MAPPA) provide a framework to manage the risk posed by registered sex offenders, restricted patients (mainly violent offenders, with a small number of sex offenders) and offenders who by reason of their conviction are subject to supervision in the community and are assessed as posing a high or very high risk of serious harm to the public which requires active multi-agency management at MAPPA Level 2 or 3.

MAPPA brings together professionals from the police, social work, housing, health and the Scottish Prison Service. These agencies are known as the 'responsible authorities'. While the Tayside arrangements are co-ordinated by a central unit based in Dundee, the practical management of offenders remains the responsibility of these agencies at a local level.

The geographic area covered by our arrangements incorporates the local authority areas of Dundee City, Perth and Kinross, and Angus. Services cover a mixture of urban and rural areas.

The responsible authorities represented are:

- **The Dundee City Council**
- **Perth and Kinross Council**
- **Angus Council**
- **Police Scotland**
- **Scottish Prison Service**
- **NHS Tayside**



## PRACTICE DEVELOPMENTS

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Throughout this year the responsible authorities have continued to be involved in working together to strengthen the arrangements for managing offenders in the Tayside area. In 2018/2019 we said we would:

- Deliver an agreed programme of quality assurance audits

Throughout 2018/2019 a small working group of MAPPA Co-ordinators from across Scotland have been working with the Scottish Government, Care Inspectorate and Risk Management Authority to develop an audit tool to examine the MAPPA process and to allow a national approach to MAPPA audits in Scotland. Awaiting the completion of this tool has resulted in a delay in progressing the audit across the 3 local authorities. Now complete, the MAPPA Operational Group (MOG) will undertake an audit of a representative sample of cases across Tayside any learning highlighted from the audit will be used to improve processes and practice across Tayside.

- Examine and action any recommendations from reviews of practice and self-evaluation

Throughout this reporting year there are ongoing investigations into 2 Tayside significant case reviews. The Strategic Oversight Group (SOG) and MOG await the publications of these SCRs and will directly implement or contribute towards the implementation of recommendations.

- Continued effort to increase the usage of the ViSOR database by all relevant agencies

The ViSOR database is the agreed system provided by the Home Office to facilitate the storage and exchange of secure information on the offenders managed through the MAPPA process. All police offender management officers and community justice public protection social workers attend a 3 day training course to authorise them to use the system. The ViSOR database provided the statistical information for this annual report.

With the introduction of Category 3 individuals to MAPPA, Community Justice Services are the lead agency in respect of these offenders and are responsible for creating and maintaining the ViSOR record. Since March 2016, 16 Category 3 records have been created and maintained to the agreed standards. Community Justice Services also update the records of the registered sex offenders who are subject to statutory orders and who are jointly managed with the Police offender management unit.

ViSOR is also used by the restricted patient team at Scottish Government and by the Intelligence unit of the Scottish Prison Service to update records of the restricted patients managed under MAPPA and those offenders serving a custodial sentence.

Whilst all key agencies use the ViSOR system there is ongoing work to seek solutions to improve access to ViSOR by key staff which will continue in the coming year.



## LEARNING AND DEVELOPMENT

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Links with other lead officers in Child and Adult Protection across Tayside continues with the MAPPA Co-ordinator being a member of Protecting People Angus and Protecting People in Dundee groups.

Training is always foremost in the minds of the agencies working within MAPPA and this year the MAPPA Co-ordinator has carried out MAPPA chair training for all personnel from Police, Social Work and Health who are required to chair Level 1, 2 and 3 MAPPA meetings.

Development days were also held across the three local authority areas with Social Work Public Protection teams, Police Offender Management Units and Housing Liaison Officers to jointly improve and standardise the documentation required for the MAPPA meetings as an aid to defensible decision making.

The number of offenders convicted of internet based offences continues to rise nationally, and to increase awareness and skills of staff across the Tayside partnership, Police Scotland Internet Investigations Unit were invited to deliver a workshop at a Tay Project training event focussed on Technology Mediated Sexual Offending. The workshop was very well received with participants reporting increased knowledge to enable them to better assess and supervise people who commit internet offences.

A closer working partnership has developed in Tayside with the staff at HMP Castle Huntly and in the last year HMP Castle Huntly Managers, alongside Tayside MAPPA partners have attended a total of 14 meetings covering a caseload of 6 prisoners.

During this same period HMP Castle Huntly supported Tayside MAPPA to provide a venue over two separate days to facilitate Development day workshops for MAPPA members, on new paperwork. These workshops were delivered by the MAPPA Co-ordinator. The MAPPA Co-ordinator also provided awareness training to HMP Castle Huntly; to managers new to roles which were now involved in MAPPA cases.

## HOUSING

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There are many issues to consider within MAPPA management of people who have committed High Risk Offences and one aspect is housing . MAPPA housing decisions must always consider public protection and where new accommodation is sought for people managed under MAPPA, an Environmental Risk Assessment will be carried out. When housing an offender the Environmental Risk Assessment (ERA) process is vital in every case. An ERA is carried out by the Responsible Authorities to identify whether there are any housing-related risks associated with a particular offender. The assessment brings together information on the offender, proposed property and location and nearby households. This informs the responsible authorities' decisions on housing the offender in a way that can be used in the risk management of that offender to minimise risks to the community.



Environmental risk assessments must be done collaboratively with individual agencies providing the relevant information that they hold. Where an ERA is required all agencies are involved in carrying out the assessment.

Within Tayside housing representatives are core members of all MAPPA meetings and are also members of the MOG and SOG. These members are invaluable as there is a well-evidenced and complex relationship between homelessness and offending. There is evidence that spending time in prison increases the risk of homelessness and a lack of stable accommodation increases the likelihood of (re) offending. The Homelessness & Rough Sleeping Action Group (HARSAG) was set up by the Scottish Government in October 2017 to produce short and long term solutions to end homelessness and rough sleeping. Led by best evidence, the cornerstone of the recommendations, adopted by the Scottish Government's Ending Homelessness Together strategy, is a transition to a 'Rapid Rehousing' approach. Angus, Dundee and Perth & Kinross have each developed their plans in collaboration with partners and stakeholders over a planned and costed phase of 5 years (2019 to 2024), setting out their priorities and actions required to ensure people who experience homelessness reach a settled housing outcome as quickly as possible.

## **TAY PROJECT**

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The Tay Project is responsible for delivering assessments and interventions for men who commit sexual offences and are subject to a Community Payback Order or License Conditions across Tayside.

Interventions are delivered through an accredited programme called Moving Forward Making Changes (MFMC). MFMC is designed to meet the treatment needs of male sexual offenders who have committed either sexual offences, or offences with a clear sexual element. The programme is for medium to very high risk offenders over the age of 18 years.

The MFMC programme is a cognitive behavioural programme that utilises an integrated theory of change approach. The aim of the programme is to reduce reoffending of men convicted of sexual/sexual motivated offences. The length of time an offender will spend in treatment will depend upon their risk and needs which will inform the treatment formulation. This will be individualised for each offender. Tay Project workers are responsible for assessing the suitability of an offender for inclusion on the programme.

During this reporting year 86 assessments were carried out for suitability for inclusion on the MFMC Group and in the same period 40 men completed the course.

## **STRATEGIC OVERVIEW ARRANGEMENTS**

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Tayside Strategic Oversight Group (SOG) continues to have the overview and co-ordination of the Multi-Agency Public Protection Arrangements, ensuring the sharing of best practice and learning from significant case reviews. The group also provides a strategic lead for developing local multi-agency policy and strategy in relation to shared priorities regarding the management of offenders.

A crucial role for the SOG is to consider the circumstances of any re-offending by a person managed under MAPPA. MAPPA Guidance states that the overarching objectives of a SCR are to:

- Establish whether there are lessons to be learned about how best to protect the public from the risk of harm. Reviews should be viewed as a process for learning and improving public protection;
- Where appropriate, make recommendations for action (albeit that immediate action to improve service or professional shortcomings need not await the outcome of a formal review);
- Address accountability, both at the level of the responsible authorities and the professional groups involved;
- Provide public reassurance in relation to the actions of the responsible authorities in the specific circumstances; and
- Identify good practice.

A significant case need not comprise just one significant incident and the criteria when the SCR process should be instigated is detailed below:

- When an offender managed under MAPPA at any level, is charged with an offence that has resulted in the death or serious harm to another person, or an offence listed in Schedule 3 of the Sexual Offences Act 2003;
- Significant concern has been raised about professional and/or service involvement, or lack of involvement, in respect of the management of an offender under MAPPA at any level;
- Where it appears that a registered sex offender being managed under MAPPA is killed or seriously injured as a direct result of his/her status as a registered sex offender;
- Where an offender currently being managed under MAPPA has died or been seriously injured in circumstances likely to generate significant public concern.

Statistically, very few offenders subject to MAPPA processes re-offend. This rarity needs to be balanced with serious harm that can result from any single instance of reoffending by such an offender and the legitimate level of public interest generated in such cases. Eight (2%) individuals subject to MAPPA in Tayside were reconvicted this year.

The MAPPA Strategic Oversight Group considers every reported case to establish whether a review should take place.

As stated earlier two cases have been subject to external scrutiny and the publication dates of both these reports fall outwith this reporting year. However the MAPPA Strategic Oversight Group remain involved with the reviewers and will oversee any recommendations coming from the published reports.

## SUMMARY AND STATISTICS

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The structures and processes that contribute to the operation of MAPPa have continued throughout the past year. The following information is of note:

- The management of over 500 offenders (includes community and custody figures) through all levels of MAPPa arrangements
- The continued development of the MAPPa Operational Group
- Development training days for staff involved in the day to day management of offenders
- Continued involvement with Protecting People in Dundee and Protecting People Angus

As of 31 March 2019 there were 380 Registered Sex Offenders managed in the community in Tayside, an increase of 16 offenders on the previous year. Of these, 130 (34%) were subject to a statutory supervision order with Community Justice Social Work and managed jointly with Police Scotland Offender Management officers.

The number of offenders managed in each area is detailed below;

ANGUS - 102

DUNDEE - 156

PERTH & KINROSS - 122

The offenders that are managed across the three local authorities range in age from under 18 year to over 80 years. The majority of offenders fall in to the age range of 31 – 60 (59%). However 20% of offenders are in the age of bracket of 60 years and over, which over time may have an impact on accommodation issues.

In March 2016, certain high risk offenders became eligible for management through MAPPa (known as Category 3). This year, 8 offenders across Tayside have been considered under the Category 3 processes.

When managing offenders and certain aspects of their behaviour is seen as a concern the Police have the ability to seek for a prevention order through the civil courts. Similarly these orders can also be added at the time of sentencing for a sexual crime. Such orders are known as Sexual Offences Prevention Orders and can be used to manage certain behaviour of concern. In this reporting year 5 orders have been granted by the courts to manage concerning behaviour.



## FORWARD PLANS

The following priorities have been identified for the coming year 2019/2020

- Examine and action any recommendations from the significant reviews that are currently ongoing
- To progress Audits across the 3 local authorities
- Improve data collection and reporting to the SOG
- Continue to deliver training across the Tayside partnership with a focus on learning from audits and significant reviews to improve our practice.
- Review and streamline the arrangements for undertaking ICR's







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**MAPPA**

Tayside Multi Agency  
Public Protection Arrangements

