



# South West Scotland Multi Agency Public Protection Arrangements Annual Report 2020

# Table of Contents

1. Foreword
2. Covid 19 Pandemic
3. Strategic Goals
4. South West Scotland MAPPA review
5. Statistics
6. MAPPA Governance
7. Disclosure
8. Civil Preventative Orders
9. What we have done during the past year?
10. Statistical Report
11. Appendix



# Foreword

On behalf of the Responsible Authorities and agencies with a Duty to Cooperate across South West Scotland, as Chairperson of the South West Scotland MAPPA Strategic Oversight Group, I am delighted to present my first Multi-Agency Public Protection Arrangements (MAPPA) Annual Report as chair of the MAPPA Strategic Oversight Group (SOG).

For the past 3 years Detective Superintendent Jim Kerr has been the chair of the SOG. I would like to take this opportunity to thank him for his leadership, candour and humour throughout this time and to wish him a happy and fulfilled retirement.

The report aims to provide an overview of MAPPA activity from 1 April 2019 until 31 March 2020. In March 2020 the realities of the COVID-19 pandemic were emerging and given the significance of this I will touch upon the challenges that have emerged within the context of MAPPA.

MAPPA has been in place for thirteen years, and is a statutory process that reflects the commitment of key stakeholders involved in Public Protection. All partners work closely together to manage sexual offenders, restricted patients in the community and other Risk of Serious Harm Offenders. The information within this report reflects the commitment and efforts of staff in all agencies to this challenging and complex activity.

In the past year those who work within MAPPA have remained committed to managing the risks posed by people managed under MAPPA arrangements. It is important to recognise that it is never possible to eliminate risk entirely. However, the public expect that all reasonable steps are taken to reduce the risk of harm to the public from those known to pose a risk. Working within MAPPA is difficult, complex and challenging with multi-agency collaboration, joint working and information sharing integral to the success of this work.

In the last year we have reviewed the structure of the MAPPA office, which identified the need for 1.5 coordinators, with one full time coordinator located in Ayr and one part time coordinator in Dumfries.

This annual report reflects the contributions made by all of the agencies involved in MAPPA across South West Scotland. It sets our commitment to continue to develop strong partnership working, explore new ways of working in order to meet the challenge of protecting the public from serious harm.

Finally, I would like to take this opportunity to thank all those members of staff from all agencies, be they Responsible Authorities or under a duty to cooperate, who have, despite the risk to themselves and their families, worked tirelessly throughout the period of lockdown to ensure public safety by supervising and managing the risks posed to the public by those subject to the MAPPA.

## 2. Covid 19 Pandemic

It is important to acknowledge that towards the end of the reporting year we experienced the beginning of the COVID-19 pandemic with a range of significant restrictions implemented by the Government. New arrangements were required in order to adhere to the restrictions, maintain the health of staff across all settings and that of the people who use services whilst fulfilling our responsibilities to protect communities from harm.

Government directive about working from home and only undertaking essential tasks has had a significant impact on the way we operate. Clearly the support and management of people subject to MAPPA is an essential task. With the introduction of social distancing the way in which meetings took place changed, however MAPPA activity and meetings continued.

In South West Scotland we responded by adapting the information sharing process. For meetings we initially used teleconferencing facilities and then moved to video conferencing. The medium through which we were communicating, sharing information, undertaking assessment of risk and multi-agency decision making changed, however we are proud that we continued to manage high risk and vulnerability within the community.

## 3. Strategic Goals

In South West Scotland MAPPA we have been able to make progress on the strategic aims identified in our three year plan. We have developed a tiered training strategy that is applicable to all agencies and partners. We have successfully engaged with the Scottish Government to introduce MAPPA chair training for level 2 and level 3 chairs; we welcome the increased consistency that this approach will lead to. We are focusing on developing a suite of new performance indicators. This work will involve consultation with people who have been subject to MAPPA in order to identify what has been provided to them that they believe has helped them to refrain from further offending. We will work in collaboration with The Centre for Youth and Criminal Justice in developing this work.

## Strategic Goals continued...

### **Provide improved public protection outcomes for our communities and those managed under MAPPA**

*We are currently developing an academically accredited set of performance indicators that aims to accurately reflect the effectiveness of the MAPPA process.*

### **Through targeted learning and development, we will enhance the operational confidence and competence of our staff**

*We have developed a tiered Training Strategy to guide training across all agencies.*

### **By engaging with our communities, our partners and colleagues, we will improve the understanding of the MAPPA process and highlight the steps that can be taken to keep our communities safe.**

*We have provided talks to a variety of agencies and groups across all parts of the region to raise awareness around the MAPPA process and have printed and circulated literature to promote MAPPA*

### **South West Scotland MAPPA SOG will strengthen its Strategic Governance and enhance and develop its links with other public protection partnerships.**

*We have developed strong links to all Child, Adult and Public protection committees and report directly to the local Authority Chief Officers Groups.*

In 2018, the Strategic Oversight Group commissioned an independent review of MAPPA in South West Scotland.

The opening lines of this report state:

***“The South West Scotland Strategic Oversight Group should be reassured that the operation of MAPPA in South West Scotland is operationally sound. This is supported by the standard Key Performance Indicators and stats produced measuring the overall performance of the CJA. There is strong evidence of good working relationships throughout the area at an operational level with excellent self-assessment processes embedded in local procedures.”***

# 4.

## South West Scotland MAPPA review

The review of the MAPPA office arrangements was undertaken by an Independent professional with previous experience working within MAPPA. The work involved benchmarking the South West Scotland arrangements with other comparable areas. Each model was seen to have advantages and challenges but it was clear there was scope for realigning the processes in South West Scotland. A new model for the MAPPA office was agreed by the SOG and has since been implemented.

## What are the Multi-Agency Public Protection Arrangements (MAPPA)?

MAPPA are a set of statutory arrangements to allow for the assessment and management of the risk posed by people convicted of certain sexual and violent offences. In Scotland, MAPPA were established by Sections 10 and 11 of the Management of Offenders etc. (Scotland) Act 2005. The MAPPA brings together the Police, Local Authority Social Work, Justice Services, the NHS and Prison Service. Some other agencies are under a duty to co-operate with the Responsible Authority. These include, local authority housing, the Reporter to the Children's Panel, certain registered social landlords and electronic monitoring providers.

# MAPPA in South West Scotland

Since the enactment of the Management of Offenders etc. Scotland Act 2005, Local Authorities, Scottish Prison Service, Police and Health Boards have worked together to assess and manage people who pose a risk of serious harm to the public. This Annual Report outlines how the MAPPA operates in South West Scotland, provides statistical information about the numbers of people we deal with, explains the MAPPA categories and shows how the arrangements work in practice. While it must be acknowledged that it is never possible to eliminate risk completely, all the agencies involved in MAPPA work tirelessly to ensure that all reasonable steps are taken to reduce the risk of serious harm to the public. The end result of this is that the MAPPA help **keep our communities safe.**

As Responsible Authorities we are required to keep MAPPA under review and to publish an annual report. This report allows us to demonstrate how effectively we manage those people who present a risk to the public. It also outlines the steps being taken to refine and improve our practice and procedures. The protection of the public and management of people convicted of violent and sexual offences is a difficult and challenging task, which is why, by working together and making use of our joint expertise and resources, we deliver a service which is more effective than the sum of its parts.

In Scotland, the MAPPA arrangements encompass the management of Restricted Patients, Registered Sex Offenders and others who pose a risk of serious harm to the public. All the agencies involved in this work are highly motivated to ensure that practice and procedures are scrutinised and reviewed to minimise the risk presented to the community.

## How does MAPPA work?

All Responsible Authorities are required by law (Management of Offenders etc. Scotland Act 2005: <http://www.legislation.gov.uk/asp/2005/14/contents>) to have local MAPPA arrangements in place. These arrangements ensure we share information in order to manage risk (Scottish Government, MAPPA Guidance (<http://www.scotland.gov.uk/Topics/Justice/public-safety/protection/reports>).

# MAPPA Categories

**There are three broad categories of offenders managed under the MAPPA:**

## **Category 1 - Registered Sex offenders (RSO).**

These are people who have been convicted of a specified sexual offence and/or to whom the notification requirements under Part 2 of the Sexual Offences Act 2003

## **Category 2 – Restricted Patients**

Those under: An order restricting discharge under section 59 of the Criminal Procedure (Scotland) Act 1995 (a compulsion order with a restriction order);

- An order under section 57(2) (b) of the Criminal Procedure (Scotland) Act 1995 imposition of special restrictions in disposal of case where accused found to be insane);
- A hospital direction under section 59A of that Act (direction authorising removal to and detention in specified hospital);
- A transfer for treatment direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (transfer of prisoners to a specified hospital for treatment for mental disorder).

## **Category 3 - Other Risk of Serious Harm Offenders**

These are people who do not qualify under Category 1 or 2 but have been assessed as currently posing a risk of serious harm. The link between the offence they have perpetrated and the risk that they pose means that they require active multi-agency risk management.

# MAPPA Management Level

The level of risk posed by those managed under MAPPA varies. The level of risk is assessed using risk assessment tools and analysis of the nature of all previous offending and the unique circumstances of each person. Once the level of risk has been assessed and agreed a person is monitored according to their risk level, to ensure that they receive appropriate supervision and support. Each person subject to MAPPA is risk assessed then reviewed regularly through the MAPPA process. There are three MAPPA management levels, these allow us to effectively deliver a level of service that is appropriate to need.

**Level 1** - Where a person can be safely managed, mainly, by one agency. However it is often the case that more than one agency is involved in compiling the risk management plan. People subject to Level 1 management are managed within the normal arrangements applied by whichever agency supervises them. However information sharing between agencies still takes place and any risk actively and dynamically managed with risk level being escalated if required.



**Level 2** - Where more than one agency is required to implement the risk management plan. The Risk Management Plans (RMP) for such people requires the active involvement of several agencies via regular MAPPA meetings. People managed at Level 2 are usually more complex and may involve risks related to mental health issues, substance misuse, unsuitable or unstable home circumstances and/or domestic abuse.

**Level 3** - Where a range of agencies are involved at a senior level to allocate the necessary resources to manage the case. Some cases require involvement from senior officers to authorise the use of additional resources and provide ongoing senior management oversight. The assessed imminence of re-offending and the potential to cause serious harm together with the complexity of the case are carefully considered before referral to Level 3 is made. Level 3 Multi Agency Public Protection Panels (MAPPP) are chaired by a Senior Manager from the Responsible Authority.

Assessing and managing risk is complex with professional judgement and practice wisdom the key. Whilst the key function of the MAPPA arrangements is to keep the public protected, this is challenged by managing difficult and unpredictable and covert behaviours - multi-agency collaboration and information sharing is a key mitigation. Teamwork and cooperation allows a fuller assessment of risk and offers greater opportunities for agencies to intervene early and when required.

MAPPA agencies use a range of methods to manage people including:

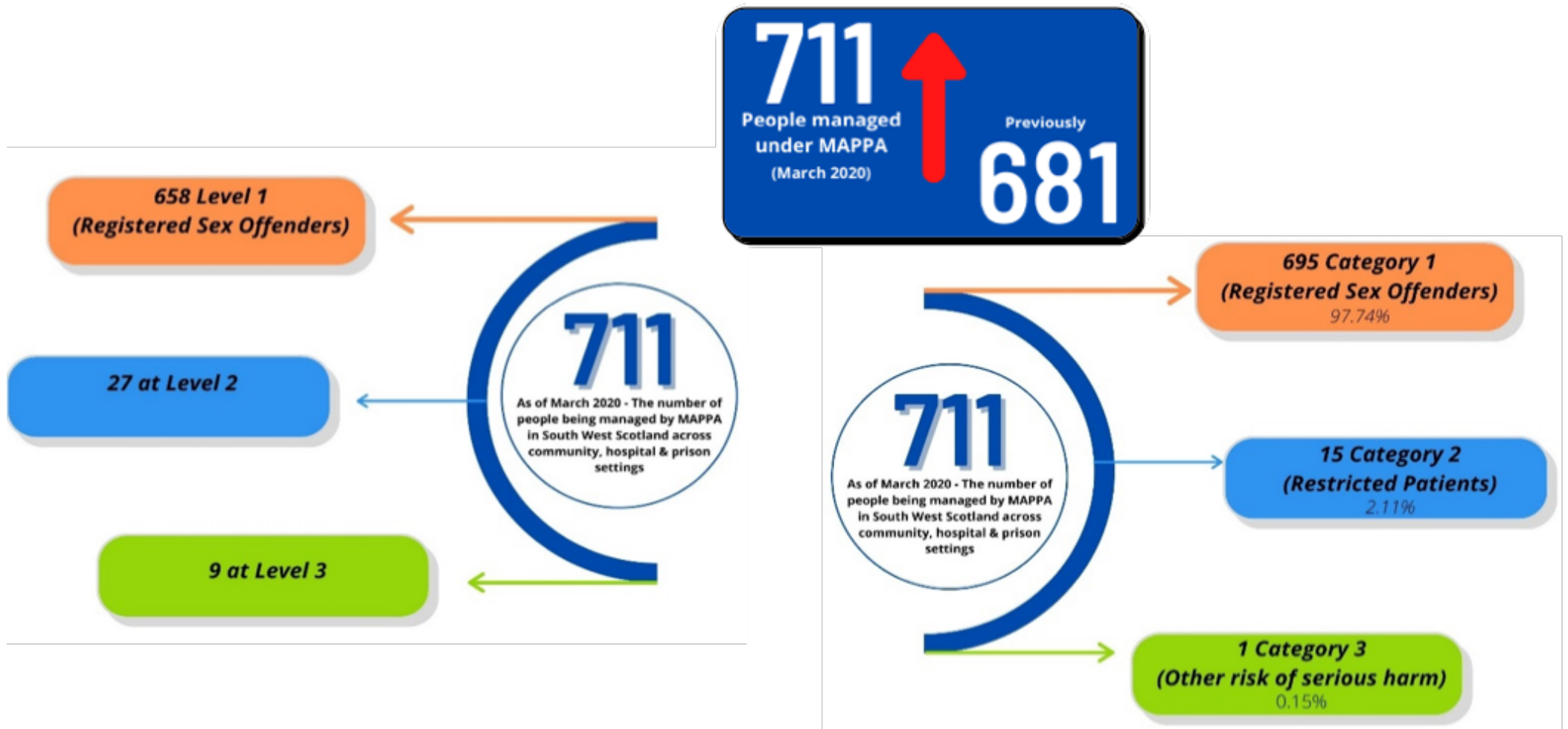
- Regular multi-agency meetings to share information, take action and reduce the risk of harm;

- Police and Criminal Justice social work visits/ interviews, both announced and unannounced;
- Continual reviews of the level of risk posed by each offender;
- Multi agency environmental scanning to inform decisions on accommodation;
- Focused interventions to reduce re-offending;
- Possible recall to prison for any breach of the conditions of release or court order;
- Provision of supervised accommodation where people subject to MAPPA may be closely supervised;
- Use of electronic tagging and conditions such as curfews;
- Control of the way in which information about specific offenders is shared with the public or key community representatives;

The police and prison service receive notification from the courts following conviction. All people convicted of sexual offences and subject to registration, who are in the community must register with the police within three days of their conviction or release from prison. Failure to register is an offence, which can carry a term of imprisonment.

Each person is risk assessed following registration and reviewed through MAPPA. Once a risk assessment has been carried out, we formulate a Risk Management Plan to apply the necessary level of management.

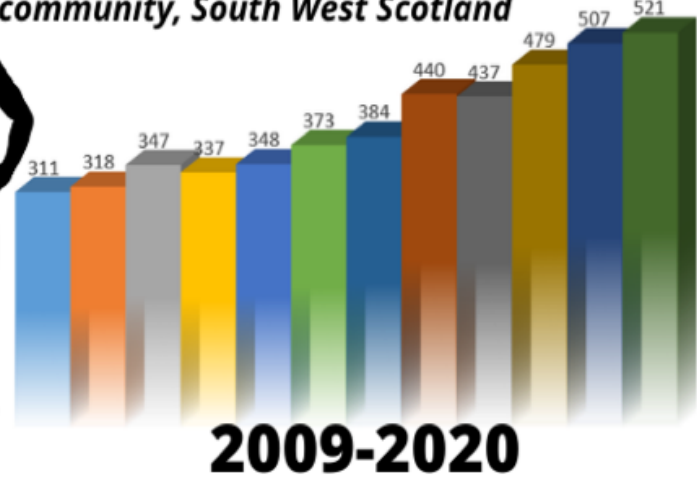
# 5. Statistics:



**↑ 16%**  
Avg. Rate Increase Per year



**Number of RSO living in the community, South West Scotland**

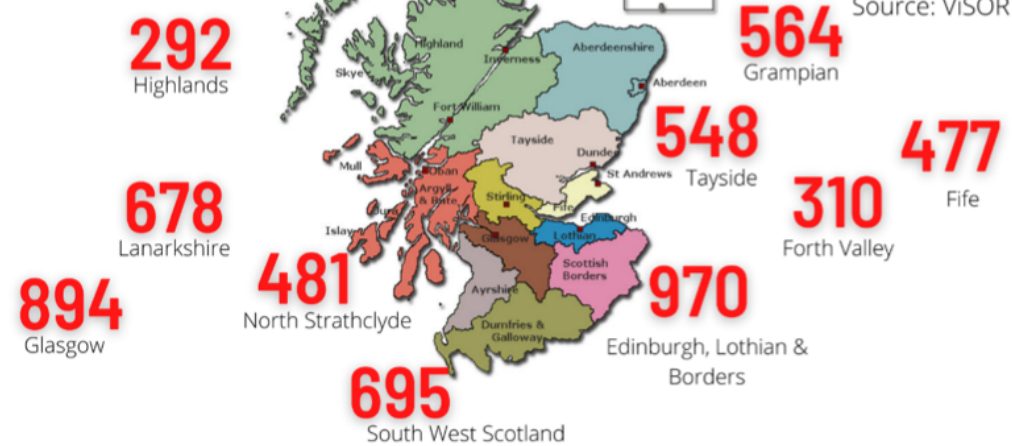


**2009-2020**

**591**  
AVERAGE

**Total Number of RSO by MAPPA Area**

Source: VISOR



# 6. MAPPA Governance

## Roles and responsibilities

MAPPA in South West Scotland (SWS) operates with a two tier structure; operational and strategic. Senior representatives of the Responsible Authorities form the SOG who scrutinise and govern the arrangements. The MAPPA Operational Group (MOG) oversees the day to day operation of the arrangements. The SOG is responsible for the strategic development of MAPPA and monitoring communications between MAPPA and other Public Protection partnerships such as Child Protection and Adult Support and Protection. Joint working and information sharing between agencies is the most critical part of the arrangements. Whilst the Police and Local Authority Justice Services are the principal lead agencies for the management of registered sex offenders in the community, SPS and SERCO are the responsible authority for those offenders within the Prisons estates. Health Boards are the responsible authority for Restricted Patients and held to be under a duty to cooperate”

in respect of other classes of offenders. A summary of the roles and responsibilities in relation to Multi Agency Public Protection in SWS is outlined below.

In the SWS area, there are four Chief Officers Groups operating within the respective local authorities; Dumfries and Galloway, East Ayrshire, North Ayrshire and South Ayrshire. Dumfries and Galloway also operates a Public Protection Partnership, within which the Public Protection Committee incorporates previous responsibilities of the Child Protection Committee, Adult Protection Committee and Domestic Abuse and Violence against Women and Girls Partnership. The Public Protection Committee reports to Chief Officers Group: Public Protection. Further information is available at [www.dgppp.org.uk](http://www.dgppp.org.uk). The chair of the SOG is responsible for providing the chief officer groups with regular updates on the operation of the MAPPA.



# Responsible Authorities

## **Health: Restricted Patients**

The care of all restricted patients within South West Scotland is managed through the Care Programme Approach (CPA), whether they are detained in hospital or living in the community. The mandatory CPA process for restricted patients involves regular multi-disciplinary/multi-agency review meetings (CPA meetings) with standardised documentation for Care Plans incorporating risk issues and contingency plans. The police, and other relevant agencies, are involved in the CPA process.

## **Health Boards**

Dumfries and Galloway Health Board and Ayrshire and Arran Health Board each have nominated a single point of contact for MAPPA in South West Scotland. The single point of contact, who is a senior manager within the Health Board, either chairs or attends the MAPPA meetings for restricted patients. All Restricted Patients have a Mental Health Officer (MHO) and a Responsible Medical Officer (RMO) with specific responsibility in relation to their case. They attend MAPPA meetings, alongside other persons from the clinical team, Housing Services and any other agency that might be involved. The State Hospitals Board for Scotland is also included in the legislation as a Responsible Authority but, as with Health Boards, only in respect of Restricted Patients.

## **The Scottish Prison Service (Including private prisons)**

The SPS, (or private sector provider, Serco Ltd,) is the Responsible Authority for registered sex offenders and other risk of serious harm offenders, whilst they are in prison. While a person is in custody, Prison Based Social Workers will carry out appropriate risk assessments. These tools are crucial in determining how a person should be managed during their sentence and for pre-release planning. The SPS and Serco Ltd also work in partnership with the local justice services supervising officer during sentence and in preparation for release. This process of sentence planning is referred to as Integrated Case Management (ICM).

## **Parole**

Parole is a system that enables people to be released on licence in the community under the supervision of a community based social worker. If a person is released on parole, they are subject to be recalled to prison at any time if they breach the terms of their licence. Parole is only granted where the Parole Board is satisfied that the risk presented by the person can be managed in the community.

The Parole Board for Scotland is a Tribunal Non-departmental Public Body whose members are appointed by the Scottish Ministers. The Board has a number of statutory functions but operates independently from the Scottish Government. Directions made to Scottish Ministers by the Board about early release of a person are binding, with the exception of deportation cases and applications for compassionate release where the Board will offer advice only.

Those people who are sentenced to less than four years in prison, known as “Short Term” prisoners, are released into the community unconditionally at the half way point in their sentence. The Parole Board has no role in these cases. Short term sex offenders are released on licence at the half way point and their licence conditions are set by the Scottish Government Justice Directorate. The Parole Board will only become involved if the person breaches their licence and are recalled or are seeking re-release following recall.

Those serving more than four years are entitled by law to be considered for parole once they have served half of their sentence, this is known as the Parole Qualifying Date. If early release is not directed at the first review then the Board will reconsider the person's case at no more than 12 month intervals until the person reaches their Earliest Date of Liberation; the two thirds point of their sentence or 6 months before the expiry of the sentence depending on when they were sentenced; at which point the Scottish Ministers are legally required to release the person into the community on licence.

Some people have Extended Sentences which means that they are given a custodial part and an extended part of sentence by the court. The Board will deal with two types of extended sentence offenders. Those sentenced to a short term custodial part but the extended part takes the sentence overall to more than 4 years will be referred to the Board for licence conditions only. If the custodial part is more than 4 years they will be considered in the same way as long term determinate offenders. Their licence will run to the end of the extended part of the sentence.

A person sentenced to a life sentence is told at the time of sentencing in the court what the minimum period is that they must spend in prison. This is known as the punishment part of the sentence. They will have their case considered by a

Tribunal of the Board as soon as possible after the punishment part has expired. If they are not released at the first review they are required by law to have a further review within 2 years. Subsequent reviews will be set by the tribunal.

More information on Parole can be found at <https://scottishparoleboard.scot/faq>

### **The Police**

The responsibilities of the Police in relation to registered sex offenders include maintaining the ViSOR records of those persons in Scotland who are subject to the notification requirements of the Sexual Offences Act 2003 and to initiate enquiries where such persons fail to comply with the requirements placed upon them. The Police, as one of the Responsible Authorities within the MAPPAs, has an important role in assessing and managing the risk presented by sex offenders in the community and a responsibility to develop, in conjunction with partner agencies, risk management plans for the purpose of monitoring and managing those people. Where someone in the community is subject to no other form of statutory supervision, then the police assume the role of lead responsible authority for that person. This includes sharing the responsibility for assessing all Registered Sex Offenders, within the community. The assessment is carried out by officers working within the Offender Management Unit, and colleagues within Justice Services, who have been trained in the use of specialised risk assessment tools. The Police also play an important role in the management of restricted patients, and people assessed as other risk of serious harm, particularly with regard to risk assessment and the ratification of risk management plans.

# The Local Authorities

## **Justice Social Work Services**

The Local Authorities provide a range of social work and social care services, including the provision of justice services. The core justice social work responsibilities are:

- The provision of reports to the Court and Parole Board;
- Supervision of probation; community service and supervised attendance orders and;
- Supervision of post-custodial licences

Whilst public protection and the risk management of registered sex offenders is a core objective of justice social work services, the primary aims of justice services are of resettlement and rehabilitation. Justice services have responsibility for the risk assessment and management of all registered sex offenders subject to community supervision. The Irving Report recommended that when the risk assessment was undertaken on a registered sex offender this should be done jointly with the police; the police should be notified of any change to the risk assessment and at the end of supervision another risk assessment should be undertaken. All persons leaving custody are entitled to apply for voluntary aftercare up to 12 months after leaving

custody. National Objectives and Standards for justice services lay down that reports to Court or the Parole Board should include a risk assessment and any action plan for someone on probation or a post-custodial licence should include a risk management plan aimed at reducing the risk of re-offending or the risk of serious harm. Supervision of these orders or licences should be informed by the risk management plan.

In cases where a person subject to sex offender registration is also subject to statutory supervision in the community by local authority, responsibility for the case is shared by police Scotland and local authority justice services. When justice services supervision ends and the risk of serious harm remains, the police will become the responsible authority but the person will still be managed under the MAPPA for the registration period.

### **Child Protection**

The protection of children is the responsibility of all. National guidance is currently under review and each organisation will have procedures distinct to them developed in accordance with national guidance. Senior personnel from Children and Families Social Work Services will attend MAPPA meetings and share information with other agencies where there are concerns about young people who may be considered to be actual or potential victims. This information will be shared for the purpose of developing comprehensive risk management plans of which a robust victim safety plan is a central component.

### **Adult Support and Protection**

The Adult Support and Protection (Scotland) Act 2007 provides measures to support and protect adults who are seen to be at risk of harm, be it physical or psychological harm, neglect, sexual abuse or financial exploitation. The Act places a duty on Local Authorities to make the necessary inquiries and investigations to establish whether or not further action is required to stop or prevent harm occurring and also a requirement for specified public bodies to co-operate with local authorities and each other about adult protection investigations. Where appropriate, Adult Protection legislation will be utilised to protect any adults identified during the MAPPA process as being at risk of harm. It must be remembered that the person subject to the arrangements may, in fact, be an adult at risk.

### **Duty to Co-operate Agencies**

Duty to Co-operate agencies such as Health Boards (in respect of registered sex offenders), Housing Providers, SERCO, and other Voluntary or Private Sector Organisations have a responsibility to share information, search records for any involvement with named offenders, and participate and contribute meaningfully, on a case by case basis, to the Risk Management Plan in accordance with their statutory function.

### **Health Boards**

Whilst Health Boards are a responsible authority in respect of Restricted Patients, they have a duty to co-operate in respect of Registered Sex Offenders and those people identified as posing other risk of serious harm. Registered sex offenders may have contact with the health service in a number of different contexts. The majority of contacts with the NHS are via General Practitioners (GP's) outpatient or inpatient attendance at District General Hospitals, this will also include, for a few individuals, contact with Mental Health Services where people receive treatment voluntarily or under the Mental Health (Care and Treatment) (Scotland) Act 2003 or, for example, addiction services. Where a person has contact with the health service then the health service has a duty to co-operate with other agencies in terms of information sharing and contributing to risk management. Where there are specific issues (i.e. a disability or enduring health diagnosis) that requires the provision of services to people or where there are concerns about risk to staff or



other patients, then this is communicated by the MAPPA Health representative, or single point of contact, to health service staff so that appropriate arrangements to manage any risk to staff or patients are put in place. Equally, where health staff have information that is pertinent to risk management then this is shared with other agencies within MAPPA.

### **Electronic Monitoring Services**

It is recognised that electronic monitoring has an important part to play in supporting individuals to comply with their licence. Electronic monitoring ("tagging") ensures that a person adheres to the curfew component of his/her order or licence. A transmitter and receiver provide information confirming that a person is present at a specified address at specified times. It can be used either to restrict a person to a specified address or to keep a person away from an address, or a combination of both.

Electronic Monitoring can be used:

- as an alternative to custody in conjunction with a range of community sentencing options;
- to provide structure in a person's day;
- to provide support to a person in the community, and;
- to assist in the transition of a person from a custodial environment to the community.

Electronic monitoring restricts the movements of a person within specified times. It should be noted that this measure is only used where appropriate and not for all Registered Sexual Offenders.

The Management of Offenders bill, if enacted without significant amendment, could potentially allow agencies to remotely monitor the physical whereabouts of some people through the use of Global Positioning Satellite (GPS) technology.

### **Housing Agencies**

Housing agencies, under a duty to co-operate, are Local Authority housing services and providers and Registered Social Landlords. Their role is to contribute to the management of risk identified by Responsible Authorities by providing accommodation; liaising with the Responsible Authorities on the ongoing management and monitoring of the risk of the person as tenant, including any tenancy moves or evictions; having regard to community safety and having in place exit strategies where a property is no longer suitable and/or the person's safety is at risk.

In the South West Scotland area, each local authority has recruited a dedicated Sex Offender Liaison Officer (SOLO) / National Accommodation Strategy for Sex Offenders (NASSO) Coordinator who works directly with person subject to the MAPPA arrangements. These officers have proven to be critical to the overall risk management of registered sex offenders. Indeed, the SOLOs / NASSO Co-ordinator have worked closely with the MAPPA Coordinators and the Responsible Authorities in SWS to further strengthen their risk assessment processes to ensure that community safety is at the heart of all procedures.

In South West Scotland, Environmental Risk Assessments (ERA) are carried out on every property that is potentially available (with all partners participating), in order to minimise any risks.

Victim issues are the primary focus of the ERA. SOLOs and the NASSO Co-ordinator are standing members of all MAPPA meetings, with Registered Social Landlords and supported accommodation providers additionally represented where appropriate. This collaborative minimises the potential for a person to be released from custody and accommodated within the same locality as a victim.

### **Initial Case Review (ICR)/Significant Case Review (SCR)**

Re-offending rates of those subject to MAPPA tend to be very low but sadly they are not zero. Whenever any person managed under the MAPPA, goes on to commit a further sexual offence, causes some other form of serious harm or, where, as a result of their status as a Registered Sex Offender, the person themselves become the victim of serious crime, the MAPPA SOG must review the management of that person in order to identify any learning points that may, if acted upon, have prevented such circumstances arising again. The review process is designed to examine the actions or processes employed by the agencies involved to ensure that all reasonable steps had been undertaken and to capture any learning. The level of review undertaken is determined by the nature and seriousness of alleged further offending. South West Scotland Strategic Oversight Group last year introduced a review system that involved peer scrutiny of such cases by personnel from another local authority. Although challenging to administer, this system has been very successful and provides reassurance to the SOG that standards within the four local authorities are consistent and high.

# 7 ● Disclosure

Occasionally it is necessary to disclose information regarding a person's status to protect another person or persons. This may be done in circumstances where there are child and adult protection concerns or if a person's employment brings him/her into contact with children or other vulnerable people – this will be influenced by the nature of their offending.

Disclosure of an offender's status can happen in four ways:

- self-disclosure;
- by a Chief Constable;
- by Social Workers where there is an overriding concern regarding the safety of a child, and;
- through the Sex Offender Community Disclosure Scheme.

Decisions are made carefully on a case-by-case basis. We take a number of factors into account, such as;

- The type, frequency and pattern of offences
- How well an offender complies with the conditions or restrictions of his sentence
- Behaviours which may indicate further offending is likely
- The harm further offences would cause
- Potential negative consequences of disclosure to an individual, their family and whether or not they would be considered vulnerable
- The range of conditions on the licence or order
- Whether disclosure could lead to an offender absconding

Risk management plans increase a person's capacity to control their behaviour and self-risk manage. This requires to be balanced by using restrictive measures to exercise control over that behaviour. These restrictive measures or orders are enforced in accordance within either a statutory or non-statutory framework. A variety of different statutory (i.e. parole licence, non-parole licence, extended sentence, Supervised Release Order, Community Payback Orders and civil preventative orders) can be imposed where the risk presented by an individual makes additional, enforceable measures necessary.

## 8. Civil Preventative Orders

Currently, in Scotland, we have four Civil Orders at our disposal. If offenders fail to comply with the restrictions associated with these orders, they will be arrested and can be returned to prison. The orders are:

- Sexual Offences Prevention Order (SOPO) - this places restrictions on the behaviour of the offender. These might include, for example, preventing a Registered Sexual Offender approaching or communicating with children.
- Risk of Sexual Harm Order (RSHO) - designed to protect children (under 16) from those who display inappropriate behaviour towards them.
- Notification Order – used when a person who has been convicted of a relevant sexual offence abroad comes to live in the United Kingdom. The person is then listed on the sex offenders register.
- Foreign Travel Orders (FTOs) - police can apply for a foreign travel order to prevent convicted offenders from committing further sexual offences either in this country or against children abroad.

These orders can either ban travel to specific countries or they can be more wide-ranging, banning all overseas travel.

# 9.

## What we have done during the past year?

The continuing development of the arrangements in South West Scotland has been driven by a series of three year plans. The plans have identified the Strategic Goals that the SOG wishes to achieve. It then falls to the MOG to drive the work that will lead to these goals being achieved. This is done through four separate work streams.

Following the independent review of arrangements in South West Scotland, the SOG has been engaged in the process of implementing the recommendations made in the report. The new arrangement has 1.5 MAPPAs coordinators: one in Ayr and 0.5 in Dumfries, with both coordinators line managed by North Ayrshire Council's Public Protection Manager.

Another important change in the team supporting the arrangements was the loss of the Training and Development officer (TDO) post. Responsibility for all TDO post were, as a result of changes in legislation, moved from the local authority to Community Justice Scotland. The Training and Development Sub Group has devised a tiered training strategy that will provide guidance to all MAPPAs partner agencies around the way they provide training to staff. It aims to ensure that staff in all agencies

receive appropriate levels of training to allow them to do their job with maximum efficiency but also to provide staff in all agencies with an understanding of the MAPPAs process as a whole, not just their agencies individual responsibility.

The Public Information and Engagement sub group has continued to promote the work of MAPPAs by providing talks to a variety of agencies and groups across all parts of the region to raise awareness around the MAPPAs process and have in addition, circulated literature to promote MAPPAs. This work has become more important as a way to provide a counter narrative to those who use Social Media to stir up hatred against people they identify as Sex Offenders living in their communities and this is addressed in this report.

MAPPAs does not operate in a vacuum, it is a part of the, now well-developed, Public Protection arrangements. The chair of the MAPPAs SOG provides regular reports to all four Public Protection Chief Officers Groups and strong links have been established between MAPPAs and the various Child Protection, Adult Protection and Public Protection Lead officers across the four local authority areas.

The operation of MAPPAs involves a complex interplay between different, and often competing, priorities, cultures and professional objectives. None the less, the South West Scotland MAPPAs SOG have been able to deliver a consistent and effective service across the four areas by dynamically balancing increasing workloads and decreasing resources. It is hoped that the changes



implemented as a result of the independent review of MAPPA will deliver a leaner more responsive set of administrative arrangements.

The MAPPA office provides statistical information to the SOG on a quarterly basis. Basic information such as the number of people managed, in each category, their risk levels and management levels is provided. This information allows the SOG to judge the resources required to manage these risks. It is however recognised that the current statistics do not offer any indication of the effectiveness of MAPPA in terms of effecting change within people thus reducing the risk of re-offending. The Performance sub group of the MOG has been tasked with exploring quantitative and qualitative measures that may provide assurance and evidence that the MAPPA interventions in a person's life are effective and have led to a reduction in risk and those interventions that have been less effective. This work is currently in progress as part of a collaboration with the Centre for Youth and Criminal Justice. In terms of performance management, the performance work group is currently developing an academically accredited piece of research that will shed light on this question. Unfortunately, this work has had to be suspended due to the COVID-19 pandemic however once we are able to progress it, we shall.

One matter that remains outstanding from last year's Annual Report is the adoption of a revised Memorandum of Understanding and an associated Information Sharing

Protocol. These documents are necessary in order to provide our staff with a clear framework upon which to base any decisions regarding information sharing. At the time of writing, the documents remain under consideration by the SOG as not all Legal Departments involved are, as yet, content to recommend their adoption. It is anticipated that this will be concluded in the coming year.

In the last Annual Report, the then Chair of the SOG, Detective Superintendent Jim Kerr commented upon the activities of online campaign groups "outing" people they believe to be subject to MAPPA arrangements. Such actions cause significant difficulties for the MAPPA agencies and a great deal of hurt and distress to those targeted, indeed in some instances people have been incorrectly identified. This is now an ongoing issue. However, the Public Information and Engagement sub group is driving work that aims to provide those engaged in this behaviour with an understanding of the dangerous consequences of their actions which may, in fact, lead to an increase in the risk of harm to the public. The assistance and support of local elected officials is crucial to this and it is hoped that a wider public information campaign may be delivered to try and suppress this disruptive and ill-advised behaviour.

From the point of conviction until, if relevant, the day they are no longer subject to Sex Offender Notification Requirements, the responsibility for the management of

that person's risk passes across a number of Responsible Authorities. If they receive a custodial sentence, the Scottish Prison Service are the Responsible Authority, if they are released from prison on any form of licence, the local authority becomes the Responsible Authority and once the license ends, responsibility then passes to the Police. Each of these Responsible Authorities has a different culture, different values and the level of understanding, among its staff, of current sex offender risk management practice varies. This can mean that, particularly at level three, the person chairing the meeting is navigating high levels of complexity. The level three chairs have expressed a desire to further explore and develop their role in order to make the best possible decisions based on the risks and mitigation presented to them.

In order to explore this further, the MAPPA South West SOG has explored with the Risk Management Authority, Community Justice Scotland and The Scottish Government ways to support level 3 chairs in particular. It is recognised that a national approach for supporting level 2 and 3 chairs would be welcomed and would provide a level of consistency in practice across Scotland. In the next year it is anticipated that MAPPA level 2 and 3 chairs will be offered support and training on Risk Assessment and Risk Practice. The way in which this will be delivered and who the lead agency will be requires to be clarified but it is likely that Community

Justice Scotland and the Risk Management Authority will be key and that the training will be mandatory to all level 2 and level 3 MAPPA chairs.

## MAPPA Going Forward

The Management of Offenders (Scotland) Act 2019 extends the potential for the use of electronic monitoring, both in terms of what other measures it can be combined with, and the use of new technologies. This will increase the options available to manage and monitor those serving all or part of their sentence in the community. The provisions in relation to new technology have yet to be commenced, but following consultation with partners it is anticipated they will become law by the end of 2020.

## MAPPA Guidance Review

The Scottish Government is in the process of updating the MAPPA National Guidance in collaboration with key justice partners and stakeholders. It is intended that this will help to bring greater clarity to MAPPA procedures. However, progress was impacted this year as a result of the need to assist with the national response to COVID-19

# 10. Statistical Report

**Table 1: Registered Sex Offenders**

REGISTERED SEX OFFENDERS (RSO's)	NUMBER
<b>a)</b> Number of Registered Sex Offenders: 1 At liberty and living in your area on 31 March	695
2) Per 100,000 of the population on 31 March	521
<b>b)</b> The number of RSO's having a notification requirement who were reported for breaches of the requirements to notify between 1 April and 31 March:	60
<b>c)</b> The number of "wanted" RSOs on 31 March	reported nationally
<b>d)</b> The number of "missing" RSOs on 31 March	reported nationally

**Table 2: Orders applied and granted in relation to RSOs.**

The Number	Applied for by Police	Granted by the courts
<b>a)</b> Sexual Offences Prevention Orders (SOPO'S) in force on 31 March		106
<b>b)</b> SOPO'S imposed by courts between 1 April and 31 March		30
<b>c)</b> Risk of Sexual Harm Orders (RSHO's) in force on 31 March		1
<b>d)</b> Number of RSO's convicted of breaching SOPO conditions between 1 April & 31 March		15
<b>e)</b> Number of people convicted of a breach of a RSHO between 1 April & 31 March		0
<b>f)</b> Number of Foreign Travel Orders imposed by courts between 1 April & 31 March		0
<b>g)</b> Number of Notification Orders imposed by courts between 1 April and 31 March		1

**Table 3: Registered Sex Offenders**

<b>REGISTERED SEX OFFENDERS (RSO's)</b>	<b>CUSTODY</b>	<b>AT LIBERTY</b>	<b>TOTAL</b>
a) Number of RSOs managed by MAPPA level as at 31 March:			
i) Mappa Level 1:	161	508	669
ii) Mappa Level 2:	7	12	19
iii) Mappa Level 3:	6	1	7
b) Number of Registered Sex Offenders convicted of a further Group 1 or 2 crime between 1 April and 31 March.			
i) Mappa Level 1:			13
ii) Mappa Level 2:			1
iii) Mappa Level 3:			0
c) Number of RSO's returned to custody for a breach of statutory conditions between 1 April and 31 March (including those returned to custody because of a conviction for a group 1 or 2 crime):			20
d) Number of indefinite sex offenders reviewed under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011 between 1 April and 31 March:			
e) Number of notification continuation orders issued under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011 between 1 April and 31 March:			
f) Number of notifications made to Jobcentre Plus under the terms of the Management of Offenders etc. (Scotland) Act, 2005 (Disclosure of Information) Order 2010 between 1 April and 31 March:			165
g) Number of RSO's subject to formal disclosure			0

**Table 4: Restricted Patients**

<b>RESTRICTED PATIENTS (RP'S)</b>	<b>NUMBER</b>
a) Number of RP'S:	
i) Living in your area on 31st March:	11
ii) During the reporting year:	13
b) Number of RP's per order:	
i) CORO	11
ii) HD	0
iii) TTD	2
c) Number within hospital/community	
i) State Hospital	7
ii) Other hospital on suspension of detention (SUS)	2
iii) Other hospital with unescorted SUS	0
iv) Community (Conditional Discharge)	6
d) Number managed by MAPPA level on 31 March:	
i) MAPPA Level 1	9
ii) MAPPA Level 2	2
iii) MAPPA Level 3	0
e) Number of RPs convicted of a further group 1 or 2 crime between 1 April and 31 March:	
i) MAPPA Level 1	0
ii) MAPPA Level 2	0
iii) MAPPA Level 3	0
f) No of RPs on Suspension of detention	
i) Who did not abscond or offend	8
ii) Who absconded	0
iii) Who absconded and then offended	0
iv) Where absconsion resulted in withdrawal of suspension of detention	0
g) No. of RPs on Conditional Discharge:	
i) who did not breach conditions, were not recalled, or did not offend:	6
ii) who breached conditions (resulting in letter from the Scottish Government):	0
h) Recalled by Scottish Ministers due to breaching conditions:	0
l) Recalled by Scottish Ministers for other reasons:	0

**Table 5: Statistical Information -****Other Risk of Serious Harm Offenders**

<b>OTHER RISK OF SERIOUS HARM OFFENDERS (OROSHO'S)</b>	<b>NUMBER</b>
a) Number of offenders managed by MAPPA level as at 31 March:	
i) MAPPA Level 2:	0
ii) MAPPA Level 3:	1
b) Number of offenders convicted of a further Group 1 or 2 crime:	
i) MAPPA Level 2:	0
ii) MAPPA Level 3:	0
c) Number of offenders returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of Group 1 or 2 crime)	4
d) Number of notifications made to DWP under the terms of the Management of Offenders etc. (Scotland) Act, 2005 (Disclosure of Information) Order 2010 between 1 April and 31 March	2



# 11. Appendix 1

**Table 6: Delineation of RSO'S by age on 31 March**

Age	RSO Number	RSO %
Under 18	1	0.14
18 - 21	21	3.02
22 - 25	38	5.47
26 – 30	69	9.93
31 – 40	138	19.86
41 – 50	123	17.70
51 – 60	152	21.87
61 - 70	99	14.24
Older than 70	54	7.77
Total	695	100

**Table 7: Delineation of population of RSO's on 31st March**

Sex	RSO Number	RSO %
Male	688	98.99
Female	5	0.72
Other	2	0.29
Total	695	100

**Table 8: Number of RSO's managed under statutory conditions and/or notification requirements on 31st March:**

Number of RSO's	Number	Percentage
a) On Statutory supervision:	274	52.59%
b) Subject to notification requirements only:	247	47.41%
Total	521	100%

## Statistics:

### Number of People managed under MAPPA by Category on 31 March 2020

On 31 March 2020 711 people were being managed by MAPPA in South West Scotland across Community, Prison and Hospital settings. This is an increase of 30 on last year's total of 681.

The 711 people being managed is broken down as follows:

#### By Category

- 695 (97.74%) were Category 1 (Registered Sexual Offenders);
- 15 (2.11%) were Category 2 offenders (Restricted Patients) and;
- 1(0.15%) was a Category 3 (other risk of serious harm offenders)

## By Risk Level

- 658 registered sex offenders at Level 1;
- 27 at Level 2 and;
- 9 at Level 3.

The number of Registered Sex Offenders managed under MAPPA in South West Scotland on 31 March has continued to increase at an average annual rate of around 6% each year since 2009.

**ViSOR** is the Violent and Sexual Offenders Register, often referred to as the "Sex Offenders Register", which, in Scotland, is used to manage, Registrable Sexual Offenders, Other Sexual Offenders, Offenders who pose a risk of Serious Harm to the community, Restricted Patients, Registrable Terrorist Offenders and other Potentially Dangerous Persons. It allows each agency to share information with relevant partner agencies and contribute to the risk management of people in real time. Information can be drawn from ViSOR to allow analysis of trends and to provide information that will allow more effective resource allocation. The following graph is based upon information drawn from ViSOR and provides a comparison between areas in Scotland.

