

# **PROTECTING THE PUBLIC**

## **LOTHIAN & SCOTTISH BORDERS MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS ANNUAL REPORT 2007-2008**

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## **Section 1 - Introduction**

The Management of Offenders etc (Scotland) 2005 introduced a statutory function for Responsible Authorities - Local Authorities, Scottish Prison Service, Police and Health Service to establish joint arrangements for the assessment and management of the risks posed by certain offenders who pose a risk of harm to the public. These Responsible Authorities are required to keep arrangements under review and publish an annual report - this is the 1st annual report.

The introduction of Multi Agency Public Protection Arrangements (MAPPA) across Scotland in April 2007 introduced a consistent approach to the management of offenders across all local authority and police force areas providing a framework for assessing and managing certain offenders. The fundamental purpose of MAPPA is public safety and reduction of serious harm.

In Scotland the implementation of MAPPA has been phased and currently extends to registered sex offenders. Work is, however, ongoing to agree the operational detail of extending the arrangements to violent offenders but for the purpose of this report the focus will be on registered sex offenders.

There have always been sexual offenders and they are present in every community. There is no typical sexual offence and no typical sex offender - not all sexual offences and offenders are inherently problematic or dangerous to the public. The vast majority of sexual offending is committed by people known to their victim either a family member, friend or acquaintance.

Sexual offences cause considerable anxiety and although reconviction rates are very low the public is understandably concerned about sex offenders and the risk they may present. Managing the risks posed by sexual offenders within the community is a complex task cutting across the organisational boundaries of local authorities, police, prisons, housing and health services. It is recognised that one of the most important partners in public protection are members of the public and it is vital that they are aware of their responsibility to protect vulnerable members of the community and have confidence to report any concerns they may have. Although risk can never be eradicated the authorities are continually strengthening arrangements and are committed to improving public information and it is hoped that this first annual report will improve awareness of how known sex offenders are managed across Scotland and of recent improvements in public protection.

## **Section 2 – National Picture**

### **What is MAPPAs?**

- MAPPAs is a set of arrangements established by Police, Local Authorities, the Scottish Prison Service and the Health Service (responsible authorities) to assess and manage the risk posed by certain sexual and violent offenders;
- The fundamental purpose of MAPPAs is public safety and reduction of serious harm;
- A number of other agencies are under a duty to co-operate with the Responsible Authorities. These are commonly known as Duty to Co-operate agencies and examples include housing providers, the voluntary sector and the Children's Reporter. The duty to co-operate includes sharing of information and is reciprocal in that it is intended as a means of enabling different agencies to work together, within their legitimate or statutory role whilst retaining responsibility for action;
- The Responsible Authorities oversee arrangements locally.

### **How do the MAPPAs work?**

- Information about registered sex offenders is gathered/shared across relevant agencies. The nature and level of the risk of harm they pose is assessed and a risk management plan is implemented to protect the public;
- The majority of offenders will be assessed as presenting a low or medium risk of harm and will be managed by one agency without the significant or on-going involvement of others. A number of offenders, will, however, require active multi-agency management and their risk management plans will be agreed via MAPPAs meetings attended by various agencies;
- Every Community Justice Authority area in Scotland is supported by at least one MAPPAs coordinator whose responsibilities include co-ordinating MAPPAs arrangements, collating information and attendance at meetings for those offenders deemed to present the greatest risks. There are 11 MAPPAs co-ordinators across Scotland.

### **Who are the MAPPAs offenders?**

There are 3 categories of offender eligible for MAPPAs:

**Registered sexual offenders** (Category 1) - sexual offenders who are required to notify the police of their name, address and other personal details and notify any changes subsequently;

**Violent offenders** (Category 2) – offenders convicted on indictment of a crime inferring personal violence and who are on probation or subject to licence following release.

**Other Offenders** (Category 3) – offenders who do not qualify under categories 1 or 2 but who have been convicted of an offence which leads the responsible authorities to believe that they continue to pose a risk of serious harm to the public and require multi agency management.

### **How are they managed?**

There are 3 levels of management which are based upon the level of multi-agency co-operation required to implement the risk management plan effectively. Offenders will be moved up and down levels as appropriate:

**Level 1 - Ordinary Management** - The identified risk can be managed by one agency without significant active involvement by other agencies. There is still an expectation that information will be shared and there will be joint working and collaboration between agencies.

**Level 2 - Multi-agency Management** - The risk management plans for these offenders require the active involvement of several agencies via regular multi-agency public protection meetings.

**Level 3 - Multi Agency Public Protection Panel (MAPPP)** - As with level 2 but these cases additionally require the involvement of senior officers to authorise the use of special resources and/or to provide ongoing senior management oversight. These cases are generally assessed as presenting a high or very high risk of harm and are the critical few.

### **Further Information**

Further detailed information about the National development of MAPPA and related matters can be found on the Scottish Government website.

<http://www.scotland.gov.uk/Publications/2008/04/18144823/0>

### **Section 3 - Area Summary**

Agencies across Lothian and Borders Community Justice Authority (CJA) area involved in public protection have always endeavoured

to share key information that allowed them to assess and manage those persons likely to pose a risk of serious harm to the public. This business was conducted through multi agency meetings and formal and informal information sharing.

On 30 April 2007 two MAPPA Coordinators were appointed, supported by two administration assistants who formed the MAPPA Coordination Unit for the Community Justice Authority Area for Scottish Borders, East Lothian, Midlothian, West Lothian and the City of Edinburgh.

Since the establishment of MAPPA an Operational group has been established with representatives from each of the 5 Local Authorities, Health, Scottish Prison Service and Lothian and Borders Police. This group has been responsible for driving and delivering the new arrangements within each area and agency.

A Roles and Responsibilities document was produced outlining how MAPPA would work in practice. This aims to achieve consistency across the CJA whilst allowing each local authority to develop services responsive to local needs.

A MAPPA information leaflet was produced and circulated to all agencies having a part to play in the MAPPA process within the CJA. The leaflet outlined the three key stages of MAPPA, namely, Stage 1 - Identification of MAPPA offenders, Stage 2 - Information Sharing and Stage 3 - Risk Management.

Also produced locally was a brief guide for NHS Lothian staff, which summarises the MAPPA process.

During a staff survey, involving all agencies,

81% of respondents stated the MAPPA had improved public protection.

Staff comments have included:

*"Better understanding of the multi agency approach to this type of work and more support for operational staff who in the past felt there was little understanding of the dilemmas faced."*

*"I think the MAPPA process is helpful in reviewing risk management action plans at a higher multi agency level and has the ability to make things happen quicker when necessary."*

*"It has provided better communication and inter-agency working"*

Two 'table top' exercises were delivered in relation to Level 3 Multi Agency Public Protection Panel candidates (the critical few who require management at the most senior level), which allowed senior representatives in a multi agency environment, to develop relationships and experience of the more difficult and acute cases presented at this level. Assessment of these exercises received very positive feedback, both in terms of content and outcome.

Each Local Authority has in place a Chief Officer's Group or Critical Services Oversight Group, which will be responsible for the strategic governance of child, adult and public protection within their area. The key strategic leaders of this group are the Chief Executive, Police Divisional Commander and Clinical Director of Health.

Staff from Criminal Justice Social Work Teams and police officers based within Offender Management Units involved in the assessment and management of sex offenders, attend joint agency training for the two nationally accredited risk assessment tools.

The Violent and Sex Offenders Register (ViSOR) is a United Kingdom wide information management system, which provides a computerised intelligence database that can record details of all MAPPA offenders. It has been utilised by Lothian and Borders Police for the last 3 years, and during 2007/8 terminals and training will be delivered to Criminal Justice Social Work. ViSOR will allow far greater collaboration between the services, as it will be used as the key system for sharing information, recording and auditing actions and risk management plans.

## **Section 4 - Roles & Responsibilities**

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

The Responsible Authority for each area is required to involve other key agencies in the management of offenders. Historically this involvement was voluntary, but a statutory duty was placed upon the agencies by Section 10 (4) of the Management of Offenders (Scotland) Act, 2005. This is an important part of MAPPA that involves the exchange of information and the collective knowledge and expertise of numerous agencies.

The purpose of the duty to co-operate is to help strengthen the MAPPA. The principal responsibility for protecting the public from sexual and violent offenders rests in the form of the responsible authorities. However, the effectiveness of public protection often

depends on more than just a criminal justice response. It is well known that other agencies play an important role in helping offenders to resettle and avoid re-offending. For example, research has shown that offenders in employment have one-third to one-half lower rates of re-offending than offenders not in employment. Re-offending among offenders who have stable accommodation on release from custody is similarly lower than for those without. The important contribution other agencies can make is also highlighted in cases where offenders have mental health problems or where they pose a risk of harm to children.

While the professional 'starting points' and 'finishing points' of all the agencies involved in the MAPPA may be different, a formal means of co-operation is required when their responsibilities and expertise cover some of the same ground. Without co-operation we get collision – agencies unintentionally frustrating or compromising, sometimes with dangerous consequences, the work of one another. Preventing that collision and enabling joint working is the essential purpose of the MAPPA duty to co-operate.

Enabling the co-operation of all those agencies, which work with MAPPA offenders, is therefore vital. Placing that co-operation on a statutory basis underpins the good practice that has already developed; and locates it clearly within the framework of the MAPPA. It will complement and reinforce existing arrangements, which require multi-agency joint working. It will also ensure greater consistency across Scotland in the way agencies work together.

The duty to cooperate is **reciprocal** and requires all agencies to work with each other in assessing and managing the risks posed by MAPPA offenders.

## **Section 5 - The Operation of MAPPA**

In Lothian and Borders area the management of MAPPA is structured by a Central Coordination Unit with local supervision of the Registered Sex Offenders.

In the Scottish Borders the police offender management unit and criminal justice social workers are co-located to facilitate information sharing and multi agency working. This has been supported and funded through the Community Justice Authority.

Within the City of Edinburgh, the police offender management unit is co-located with the Sexual and Violent Offender Liaison Officer

(SAVOLO Team). The SAVOLO acts as the conduit for the effective sharing of information between the police and the social work offices within the city.

In West, East and Midlothian, the police offender management units are based independently from the criminal justice social work offices. Each area has a Sexual Offender Liaison Officer based within their respective social work offices.

The 5 Authorities in the Lothian and Borders area all engaged in delivering the new MAPPA guidance, but each have local arrangements in place for the management of sex offenders. These arrangements can differ due to structure, geography and scale.

The following levels illustrate the differing multi-agency management levels within MAPPA in Scotland. Persons who may present a significant risk of harm may be managed by a single agency, as the other agencies have no information to share or no active role to play in the management of the offender. Therefore the level an offender is managed at is not solely dependant on risk, but rather on risk coupled with the ability to manage the risk the offender presents in a multi agency manner.

All agencies are engaged in ensuring the prescribed timescales relative to notification; referral and multi agency meetings are followed. Any offender being managed at Levels 2 and 3 is subject to regular reviews, dependent on the nature of the risk.

However this is a dynamic process and agencies will respond to new intelligence and information by quickly convening a multi agency meeting or re-scheduling the review date to discuss any change that effects the risk the offender presents to the community.

### **Level 1**

Where an individual has been assessed as requiring to be managed at Level 1, local arrangements are in place for each Local Authority.

This is the day-to-day business of managing an offender in the community and staff from each agency may speak on the telephone or meet personally on a daily basis across the Lothian and Borders Area. There is a great deal of inter agency working that does not require formal multi agency meetings. There can be joint agency discussions, joint agency offender home visits, assessment of risks and amendment to risk management plans that reflect the need to manage these offenders in a dynamic, proactive and responsive

manner. Offenders may also be subject to statutory social work supervision that allows further monitoring of their activities.

Scottish Borders have a specific monthly multi agency risk panel where Scottish Borders operational managers and front line staff meet to consider the risk and agree multi agency risk management plans. All Registered Sex Offenders resident in Scottish Borders will be discussed by this panel and are subject of review.

West Lothian similarly holds a monthly multi agency risk panel. All Registered Sex Offenders will either at sentence or release from prison be subject of an initial discussion at a risk management panel and a decision is then taken at that time as to whether a further formal review is necessary.

East Lothian, Midlothian and The City of Edinburgh arrange specific multi agency case conference to discuss individual cases where the assessment of risk coupled with a multi agency requirement to manage that risk, is identified.

Multi Agency Risk Panels or Risk Management Case Conference are the key meetings where information exchange, assessment of risk and development of risk management plans by operational staff working with the offender, are discussed and implemented.

All areas hold regular joint discussions between police and social work to review Level 1 cases.

## **Level 2**

Scottish Borders hold monthly Level 2 meetings where as well as the core group of Senior Representatives from each agency, they also invite the operational staff who are working with the offender. This group collectively considers the assessment of risk and deliver the risk management plan.

The other Authorities have a two-tier system where the key operational staff attend multi-agency risk management meetings to assess the risk and deliver the risk management plan. The minute of this operational meeting is then used to inform the Level 2 Senior Representatives of the operational assessment of risk and the risk management plan. The Level 2 core group then independently ratify, review or amend the risk management plan. If the need arises, then specific operational personnel can also be invited to attend the Level 2 meeting.

The City of Edinburgh has two MAPPA Level 2 meetings per month, and each of the other Local Authorities have one meeting per month.

Level 2 meetings are chaired either by a Detective Chief Inspector, Detective Inspector or Criminal Justice Service Manager dependant on local arrangements.

Each Local Authority area has a core membership of senior personnel from all agencies who have the authority to implement appropriate strategies and agree decisions at Level 2 on behalf of their agency. This includes representatives from police, criminal justice social work, children and families, community care, housing and health.

Where the Level 2 panel have agreed that the current risk management plan has reduced the risk of harm and the offender is being managed appropriately within the community then they may reduce the offender to Level 1. However, this is a dynamic process and any change in circumstances that affects the risk of harm could generate an immediate operational meeting and formal review at Level 2.

### **Level 3**

The Detective Superintendent responsible for Criminal Justice, Lothian and Borders Police who was appointed as the Level 3 MAPPP chair generally chairs these meetings. This allows consistency of delivery of service across the CJA.

When this officer has been unavailable, the Chief Social Work Officer for the Local Authority has chaired the meeting. Senior representatives of core agencies attend and generally operational staff have also been invited to attend these meetings.

### **Police Role**

The police have a primary role in preventing and detecting crime. In particular the police are the sole agency who will have continued involvement and management of sex offenders, in some cases for an indefinite period.

In managing the risk sex offenders present to the public, the police may consider applying for a civil order to assist in the management of an offender. These Orders are termed a Sexual Offences Prevention Order (SOPO) and a Risk of Sexual Harm Order (RSHO).

These Orders may place conditions on an offender's place of residence, employment, movement or contact with children to be prohibited.

This may cause an offender to become subject to the registration requirements of the Sexual Offences Act 2003, place prohibitions on the behaviour or movements of registered sex offenders, or on unconvicted persons where there is evidence of concerning behaviour toward children.

Such orders may require the police to consider utilising directed surveillance to monitor the movements of an offender, in order to ensure compliance.

Directed surveillance may also be considered in the absence of such a civil order, where there are concerns regarding the behaviour of an offender.

Any consideration to undertake such surveillance must be proportionate to the risk presented by the individual and in the interest of public protection. It is therefore subject to the Regulation of Investigatory Powers Act/Regulation of Investigatory Powers (Scotland) Act, which provide governance and scrutiny of all police surveillance operations.

Prior to the implementation of MAPPAs, local information sharing protocols existed to allow the free sharing of information between the police and criminal justice social work within the Lothian and Borders area. The Information Sharing Protocol and Memorandum of Understanding required by MAPPAs guidance encompassing police, local authority, health and SPS, supersede these agreements.

Disclosure to a third party that an individual presents at risk of harm, can be made for the protection of children and vulnerable adults by social work and police.

However, formal disclosure of previous convictions or Registered Status requires the authority of the Chief Constable. The police have on numerous occasions made disclosure to employers, partners, education, leisure and faith organisations, of an offender's specific risk within that environment.

This would have been fully discussed with the offender who, in all but exceptional cases, would have been encouraged to make the disclosure themselves with the support of the police. The police will thereafter liaise with the individual or organisation; advise on the management of this information and a plan for managing the

identified risk. Each organisation has a nominated person who will deal with any disclosure issues.

### **Role of Criminal Justice Social Work**

A key objective of Criminal Justice Social Work is to contribute to public protection by managing high risk offenders. With regard to Registered Sex Offenders, this is managed through the MAPPA.

Criminal Justice Social Workers have responsibilities relating to the provision of reports for the Courts and Parole Board and the supervision of offenders on Probation and post-release supervision. They are required to use tools as agreed by the Scottish Government to assess risk and then to develop plans for the risk management and supervision of offenders in conjunction with a wide variety of agencies.

Criminal Justice Social Workers can request that additional conditions can be placed on orders and licences by the Courts and Parole Board. These can range from restrictions relating to accommodation and employment, to instructions to avoid certain areas or victims or to attend for counselling or groupwork, for example in relation to alcohol, drug or mental health issues. These conditions allow the social workers to monitor and control aspects of the offenders behaviour as breaches will lead to the court or parole board being informed with the resultant possibility of a return to custody.

Each authority within Lothian and Borders has a Sex Offender Liaison Officer who acts as a single point of contact for information relating to both registered and unregistered sex offenders. They have responsibility for chairing Risk Management Case Conferences, liaising with other agencies as appropriate and addressing issues relating to disclosure in conjunction with the police.

### **Role of the Health Service**

During the annual reporting period NHS Lothian and NHS Borders had a **Duty to Co-operate** with other agencies. The duty to co-operate includes the following:

- a. Sharing information, securely and in accordance with the law and guidance, of relevance to managing the risk posed by offenders.
- b. Receiving such information, so, where relevant, risks within health settings can be managed.

- c. Where an individual is in ongoing contact with the health service, particularly mental health services, making sure that the clinicians involved work with the other agencies involved.
- d. Having appropriate representatives involved in MAPPA: to attend MAPPA meetings, to act as points of contact and resources within NHS Lothian and NHS Borders, to act as points of contact and resources for other agencies, and to play a role in the strategic and operational development of MAPPA.
- e. To ensure that appropriate health interventions are available to individuals who come under MAPPA so as to improve their health and decrease the risk of harm to others.

Health representation has been established both in terms of strategic and operational management of MAPPA, and within the MAPPA process itself. In most areas mental health services are providing the necessary input to MAPPA to fulfil the statutory duty to cooperate. Where non-mental health issues of relevance to the NHS arise these are dealt with appropriately. The Sex Offender Liaison Service (SOLS) to support criminal justice agencies in the management of offenders subject to MAPPA has been developed.

The necessary processes and systems for the inclusion of restricted patients under MAPPA from April 2008 have been put in place. Thus NHS Lothian and NHS Borders are in a position to fulfil its statutory duty as a responsible authority from April 2008.

Despite the achievements highlighted above, the following areas need to be addressed:

- It has been difficult to get some mental health services fully engaged
- We need to develop accessible succinct information on MAPPA for all NHS staff, and some staff need to be more aware of MAPPA.

## **Case Studies**

We wish to highlight several cases dealt with during the year which illustrate the high level of intervention and monitoring that is undertaken and the information sharing and support from other agencies, which play such a vital role in underpinning the work of MAPPA. The case studies presented therefore relate to persons who required management at Level 2 or 3.

## Case Study 1

### Background

During the late 1990's offender A was convicted of the rape of a woman in her home. On his release from Prison he was managed by Criminal Justice Social Work on a Non-Parole License, which expired in 2004. He is required to register with the police as a Register Sex Offender for an indefinite period and therefore the police are the 'Responsible Authority'.

During a home assessment visit by the police, offender A disclosed that he was wandering the streets at night, seeking a possible victim. He himself recognised this was extremely worrying behaviour and was concerned that he might commit a sexual crime.

### Risk Assessment

Offender A was assessed as posing a **Very High Risk** (There is imminent risk of serious harm. The potential event is more likely to happen imminently, and the impact could be serious).

### Risk Management

The police applied for and were granted a Sexual Offences Prevention Order (SOPO), which included the following conditions;

- To give Lothian and Borders Police 3 days notice before he starts a new job or a new training/college course.
- He is also to notify the police if he attends a faith organisation such as a church.
- He is only allowed to live in accommodation approved by Lothian and Borders Police.
- He is prohibited from approaching, communicating with, or following any female not known to him in a public place with the exception of permitting the subject to carry out a business transaction or to disengage from communication instigated by any female not known to him.

A Referral was also made to Mental Health Services relating to his current behaviour and his increased sexual fantasising. With the assistance of the police, mental health professionals gained entry to his home and he was subsequently detained under the Mental Health Act due to his deteriorating mental health and psychotic behaviour.

## Outcome

A Consultant Forensic Psychiatrist later examined offender A and confirmed that his psychotic behaviour had been as a result of his drug abuse. He was referred for drug counselling.

### **Key Factors in the successful management of this case:**

- **Prompt identification of an increase in risk due to police home assessment visit.**
- **Pro-active approach by Police in applying for Sexual Offences Prevention Order and referral to ensuring engagement with mental health services.**
- **Good liaison and cooperation across the relevant agencies.**

## **Case Study 2**

### Background

Offender B was convicted of the rape of a young adult female, having lured her to an isolated location where he subjected her to a prolonged sexual attack.

He was sentenced to 8 years in custody plus an extended sentence. The local council would be the "Responsible Authority" and he was subject of supervision and managed by criminal justice social work and police.

He has numerous previous convictions for a range of offences. He first came to the attention of the authorities during his primary school years and was eventually placed in Local Authority accommodation.

### Risk Assessment

Offender B has been assessed as presenting a **Very High Risk** of harm to women.

### Risk Management

Offender B refused to participate in the prison based 'SOTP' treatment programmes, or interact with prison staff. He was denied parole but was subject to statutory supervision on release. As a result Criminal Justice Social Work directed him to reside at a hostel where he would be under 24 hour supervision, where he could be monitored and managed for re-integration to the community.

Shortly after being accommodated within this hostel, he failed to return at the appointed curfew time and the Police were immediately notified. Enquiries traced him to an address where, on being refused access, the police forced entry. He was found in the company of a young woman who was unaware of the risk he presented, and in breach of his licence conditions.

#### Outcome

A report was submitted to the Justice Department and he was recalled to prison.

#### **Key Factors in the successful management of this case:**

- **Criminal Justice Social Work placing him in a 24/7 staffed facility, recognising the risk and placing a curfew on his time of return to his accommodation.**
- **Identifying his breach of curfew and immediate notification to the police.**
- **Pro-active work undertaken by the Police to trace and secure him.**
- **Prompt application for his recall to prison was initiated.**
- **Good exchange of information across agencies.**
- **Additional conditions on his social work licence that allowed close monitoring of his activities**

#### **Case Study 3**

##### Background

Offender C is a pensioner who received a substantial prison sentence for the rape and sexual abuse, of children and young adult women both within and outwith his immediate family.

As is often the case in such situations, family loyalties were divided and therefore several of his relatives believed him to be innocent and may have allowed him access to their own children as they considered he posed no risk.

Prior to his imprisonment this man was active in the community, with close ties to faith and voluntary organisations, which again divided opinion on the risk he presented.

There was concern that having maintained personal contacts with a broad range of people within the community, he would attempt to use these contacts in order to gain access to children. Due to his

conviction, he would be subject of enhanced disclosure checks should he try to involve himself in any official capacity, but it is through 'friendship' with carers and parents he may gain access to children.

Having been denied parole due to the risk he continues to present to women and young children, he was released on a non-parole licence, which placed the following prohibitions on him:

- To reside in accommodation approved by his supervising social work officer.
- To undertake offence focussed work as directed by his supervising social work officer.
- Not to approach or contact directly, or indirectly, the victims of his offences.
- Not to approach, speak or communicate in any way, either directly or indirectly, with a child under the age of 17 years without prior approval by his supervising social work officer.
- Not to enter public parks, children's play areas, children's leisure areas, schools or nursery grounds, or other areas where children habitually resort without the prior approval of his supervising social work officer.
- Not to undertake paid, unpaid or voluntary work without the prior approval of his supervising social work officer.
- Not to have any contact with voluntary or faith agencies without the prior approval of his supervising social work officer.

### Risk Assessment

Offender C has been assessed as presenting a **High** risk of harm (There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact could be serious).

### Risk Management

Offender C was placed in a hostel where he would be under 24 hour supervision. Formal disclosure was made to those individuals within the community whom he had maintained contact with, and advice given as to how the risk could be managed. This resulted in the drafting of a formal contract to minimise the risk he presented. Disclosure was also made to his GP and wider health professionals engaged with his extended family, to ensure additional monitoring of the children was in place for their protection.

Victims were notified of his release to the community, and criminal justice social work visited all family members with children to re-enforce his licence conditions, prohibiting his contact with children. Children and Families Social Work and police child protection officers played a key role in information sharing and decision making in the formulation of offender C's risk management plan.

A referral was made to Mental Health Services requesting consideration of a psychiatric assessment being undertaken, with a view to delivering structured offence focussed work.

Any intelligence to suggest offender C was actively targeting children would instigate consideration of directed police surveillance.

Outcome

A high level of inter-agency commitment to the provision of resources and time in delivering a comprehensive and robust risk management plan.

#### **Key Factors in the management of this case:**

- **Detailed and extensive multi agency research to identify children who may have been targeted previously by offender C, either through family connection or friendships.**
- **Pro-active use of disclosure to re-enforce his licence conditions and engage with families and carers to ensure the protection of children in their care.**
- **The work undertaken with victims to ensure they were fully supported and were aware of the active inter-agency co-ordination in managing the risk presented by offender C.**

#### **Section 6 - Developments in work with High Risk Offenders**

Following an increase in funding from the Scottish Government an accredited programme of work with men who have been convicted of sexual offences has been introduced in Lothian and Borders. The programme is called The Community Sexual Offending Groupwork Programme. It is one of the programmes that have been successfully running in England for a number of years by the Probation Service. It is the only programme that has been passed by the Scottish Accreditation Panel as suitable for use with male sexual offenders over the age of 21.

This programme is delivered by staff from the Community Intervention Service for Sex Offenders. Referrals are taken from all of the criminal justice social work teams in Lothian and Borders. The first group started in August 2006.

Recent evaluations completed in England indicate that the impact of accredited programmes on recidivism is significantly higher than previous estimates. This represents a considerable reduction in sexual victimization and harm.

## **Section 7 - Victim Work**

The victim focus of MAPPA includes not only those who are already victims. Consideration must also include new or potential victims, and it is this, which requires focussed risk assessment. In some cases a victim may not be an individual but may be a group of people who are vulnerable by virtue of their location, age, gender, race, religion, sexuality or other distinguishing characteristic.

The risk an offender may pose to some particularly vulnerable people, such as children, require effective inter agency communication and working. Liaising with victims, particularly those who are most vulnerable requires careful assessment and delivery.

The Police are more likely to be the initial agency that has contact with a victim and therefore in the more serious cases Family Liaison Officers are deployed to assist not only the victim but those persons who have been seriously affected by the offence itself for example, the family of a murder victim. The Police will support the victim until the case has progressed to prosecution where they will liaise and introduce members of the Victim Information and Advice (VIA) which is part of the Crown Office and Procurator Fiscal service who give factual advice and support to victims on progress of the case from the time it is reported to the Procurator Fiscal through to trial.

Victim Support Scotland is the lead voluntary organisation in Scotland helping people affected by crime and is independent from the statutory bodies. It provides: -

- free confidential help when it is needed.
- information about the criminal justice process, compensation, insurance, crime prevention, anti social behaviour.
- emotional support, reassurance and understanding.
- help with practical issues.

- support whether the crime has been reported or not.
- and with consent will refer on to another agency if other support is needed.

Trained and vetted volunteers provide the service through a network of community based services in every local authority area within the Lothian and Scottish Borders.

The Witness Service is part of Victim Support Scotland and helps people through the judicial service by providing practical and emotional support before, during or after trial. The Witness Service as well as Women's Aid and Rape Crisis Centres and other voluntary agencies provide an essential support service to victims.

The Victim Notification Scheme confers on victims from the 15<sup>th</sup> May 2008. In cases where the victim's assailant has been sentenced to 18 months imprisonment or more, the victim has the right to apply to receive information including, the date the person will be released or that the person is unlawfully at large.

From 15<sup>th</sup> May 2008 in cases where the victim's assailant is sentenced to 4 years or more in prison they also have the right to apply to receive information including, if the person has become eligible for temporary release, they can make representations to the Parole Board prior to a decision being taken on the release of the offender.

The challenge for MAPPAs is ensuring that the risk assessment and risk management plans delivered for the offender takes full account of the known concerns of any victims. The plans must be robust to minimise the likelihood of the offender causing further serious harm. There is a commitment by all agencies in seeking to protect identified victim(s) and the community at large by delivering risk management plans at all levels and at all stages of the process.

During the course of every MAPPA meeting there is a discussion central to the victim or potential victim(s), which focuses on reducing the risk of harm presented by the offender.

The range of options being considered may be a variation to the licence conditions, disclosure, Sexual Offences Prevention Order, surveillance, referral into child and adult protection procedures.

Where an individual has been made aware of potential risk then they will be offered support whether from statutory agencies or voluntary and where appropriate they may be afforded advice and practical personal protection.

In Lothian and Borders CJA area Registered Sex Offenders assessed as requiring management at either Level 2 /3 will be discussed by the Panel, prior to their release from prison. This enables the panel to make early checks on the current status of victims, and taking their needs into account, contribute to the request for specific licence conditions. Consideration of risk in the community needs to be addressed when preparing prisoners for release and decisions on appropriate licence conditions should be made within the Integrated Case Conference (ICM) process and through the Parole Dossier. The Criminal Justice Supervising Social Worker, who is frequently accompanied by the Police Offender Assessment Officer, then reinforces these conditions with the offender at the pre- release ICM case conference.

Where circumstances subsequently arise which require a revision to original licence conditions, the request to the Parole Board must only be made by the offender's criminal justice supervising officer and supported by proportionate and justifiable reasons, linked to the risk management plan.

NASSO (National Accommodation Strategy for Sex Offenders in Scotland) has greatly enhanced MAPPA. This strategy allows for the early identification of suitable accommodation for prisoners prior to release, which takes into account their victims' whereabouts and reduces the risk to future victims.

The Community Justice Authority Training Work Group has a remit to develop multi-agency staff awareness raising training around issues for victims and the CJA has allocated funds to support this. We are looking to develop a training programme with the express aim of ensuring victims remain at the forefront of all our work.

**Section 8 - Statistical Information** (Reporting period 1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008)

8. (i) The number of Registered Sex Offenders living in Lothian and Borders area on 31 March 2008

Lothian and Borders CJA	596
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The number of Registered Sex Offenders per 100,000 of Population on 31 March 2008. Source: General Register Office for Scotland (2006 Population Estimate)

Lothian and Borders CJA	65
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The number of Registered Sex Offenders within Lothian and Borders who were wanted on warrant or missing on 31<sup>st</sup> March, 2008.

Wanted on Warrant 5

Missing 2

8. (ii) The number of sex offenders having a registration requirement between 1st April 2007 – 31 March 2008

Complied with registration requirements were 606  
Were reported for breaches of the requirements to register 31

8. (iii) Sexual Offences Prevention Orders between 1 April 2007 – 31 March 2008

<b>Area</b>	<b>Applied For</b>	<b>Interim Granted</b>	<b>Full Order</b>
Lothian and Borders CJA	15	7	5

Total Number of Sexual Offences Prevention Orders Managed at 31 March 2008

<b>Area</b>	<b>Interim Order</b>	<b>Full Order</b>	<b>Pending</b>
Lothian and Borders CJA	2	24	5

There was no Risk of Sexual Harm Orders applied for or granted during this period.

8. (iv) No Foreign Travel Orders applied for during this period.

8. (v) The number of Notification Orders applied for and imposed by the Courts between 1<sup>st</sup> April and 31<sup>st</sup> March was one in total.

8. (vi) Number of offenders in each of the three levels which have been managed between 1<sup>st</sup> April and 31<sup>st</sup> March

Level 1 – single agency management	431
Level 2 – multi-agency management	198
Level 3 – MAPPP	8

8. (vii)

### **Age**

<b>Age Range</b>	<b>% of RSOs</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
Under 18	<b>0.7%</b>	14%	86%	0%
18-24	<b>8.7%</b>	74%	26%	0%
25-35	<b>19.7%</b>	75%	24.5%	0.5%
36-55	<b>45.7%</b>	77%	21.6%	1.4%
56+	<b>25.2%</b>	81.6%	17.9%	0.5%

### **Gender**

There are 4 women registered as RSOs in the Lothian and Borders area and all are managed at Level 1.

### **Ethnicity**

Research of ViSOR records that 73% of RSOs in Lothian and Borders Area describe themselves as White British.

### **Sentence for Index Offence**

Research of ViSOR relative to the sentence for the index offence of all RSOs provides that approximately 56% had received a custodial sentence while the remainder received a mixture of probation and fines.

### **Statutory Supervision**

Of the cases managed in the community between 1<sup>st</sup> April and 31<sup>st</sup> March the following were subject of statutory supervision.

<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
128	112	6

### **Age of Victim**

Research of ViSOR relative to the age of victim on all RSOs managed in Lothian and Borders provides the following. However, the results cannot highlight where there were multiple victims, Breach of the Peace or Possession of Indecent images of children where no age was recorded. Some Public Indecency offences do not have an age recorded. Therefore in 45% of cases the age of the victim is not recorded on ViSOR.

<b>Age Range</b>	<b>% of Victims</b>
Under 16	41%
17-30	8%
31-50	5%
51+	1%

8. (viii) Of the cases managed at Level 2 or 3 between the 1<sup>st</sup> April and 31<sup>st</sup> March

- Were convicted of a further serious or violent offence
- 4
- Were returned to custody for a breach of licence (including above) 18
- Were returned to custody for a breach of SOPO. FTO or RSHO
- 3
- Breached their licence but were not returned to custody
- 7
- Breached their conditions of hospital discharge and recalled to hospital
- 0
- Were subject to formal disclosure
- 1

## **Section 9 – Scottish Prison Service**

The Scottish Prison Service (SPS) is an integral part of the justice system in Scotland. Our communities rely on it not only to keep prisoners in custody but also to prepare them for release.

The SPS is legally required to deliver custodial services for all those sent by the courts. In 2007/08 the average daily population in Scottish prisons totalled nearly 7,400 - an increase of 3% on 2006/07, and the highest annual level ever recorded. Around 700 (9.5%) of these prisoners are sex offenders.

SPS complies with the procedures for MAPPAs as detailed within Sections 10 and 11 of the Management of Offenders Etc (Scotland) Act 2005. This means that information, risk assessments and action plans relating to sex offenders are shared with Police forces, Criminal Justice Social Work (CJSW) and Health. SPS is preparing to play a full part in the forthcoming expansion of MAPPAs to cover violent offenders and other offenders.

Whilst in SPS custody all convicted offenders (not just those subject to MAPPAs arrangements) will go through the Integrated Case Management (ICM) process. This is a multi-agency approach that is

focused on reducing re-offending by ensuring, where possible, risks are identified and a plan is in place for each offender to reduce those risks in a sequenced and co-ordinated manner.

### **MAPPA Audits**

MAPPA audits were carried out in Autumn 2007 by SPS Audit and Assurance services. Five establishments were audited – Barlinnie, Edinburgh, Dumfries, Peterhead and Polmont. Overall, 4 establishments displayed 'reasonable assurance' (i.e. Satisfactory) that MAPPA arrangements had been implemented to a satisfactory level in the establishments. One establishment – Edinburgh – required a second compliance visit in Spring 2008 to obtain a 'reasonable assurance' rating.

### **SPS involvement in local and national MAPPA groups**

SPS plays a major part in MAPPA groups. MAPPA operational and steering groups at Community Justice Authority (CJA) level are attended by senior SPS staff. SPS is also a key player in the Scottish Government-led MAPPA Working Group.

We work closely with the 8 CJAs and have appointed 4 SPS CJA Liaison managers to facilitate partnership working.

There is SPS representation at pre-release MAPPPs for level 3 offenders (and by invitation, where required, to subsequent MAPPPs). Also, there is SPS representation at Level 2 MAPPA meetings where it is viewed to be an appropriate use of SPS resources. This satisfies the legislative requirement for SPS to share information with partner organisations.

### **Formal reporting**

In this Annual report submission we will formally report on:

- Programme completion for registered sex offenders by establishment and by CJA area;
- Number of completed risk assessments on registered sex offenders; and
- National training statistics for SPS staff in key areas for sex offending.

## **Programme Completion**

SPS provides nationally accredited programmes and other interventions which aim to achieve improvements in the attitudes or behaviours which have led to offending in the past. The programmes encourage offenders to accept greater responsibility in managing their own behaviour and the impact this has on victims and on their own families. The main example for sex offenders is the Sex Offender Treatment Programme (SOTP).

The SOTP programmes for sex offenders take place in Barlinnie, Edinburgh, Peterhead and Polmont. Other prisons may send offenders to these establishments to complete the programmes.

A range of additional accredited programmes (termed Approved Activities) including anger management, relationship skills, and alcohol awareness are made available to sex offenders via an assessment of need.

**Altogether, over 200 programmes and approved activities were completed by sex offenders in 2007-08.** Some programmes involve more than 100 hours of group and intervention work.

## **Risk Assessments**

Risk Matrix 2000 and Stable and Acute 2007 are the main risk assessment tools used by SPS for sex offenders.

***Over 750 risk assessments have been carried out on registered sex offenders in Scottish prisons during 2007-08.***

## **Staff Training**

There has been significant training of SPS and Prison Based Social Work (PBSW) staff on the use of the Stable and Acute 2007 (SA07) tools. **83 SPS and PBSW staff were trained in SA07 during 2007-08.** There has already been extensive training in place in SPS on RM2000 in previous financial years, and the training requirement is now less significant. Roleplay training and training on the delivery of the Sex Offender Treatment Programme (SOTP) were other notable events.

The Risk Management Authority's CD Rom 'Assessing and Managing Risk' (Kemshall et al. 2007) was introduced as a pilot to SPS in December 07. It is hoped to roll this out throughout SPS during the Financial Year 2008-09.

## Summary

The financial year 2007-08 has seen the 'bedding in' of MAPPA arrangements across Scotland, not least for SPS as a Responsible Authority. We have worked closely with the 8 Community Justice Authorities (CJAs) and have appointed 4 SPS CJA Liaison managers to facilitate partnership working. SPS is a very active player in MAPPA implementation groups, both at a national and local level. A lot of effort has been made to embed the MAPPA processes in SPS. MAPPA audits have shown that SPS is satisfactorily implementing the MAPPA arrangements.

Intervention and risk assessment work has been undertaken with sex offenders that are in our care, in preparation for re-integration into the community. Stable and Acute 2007 has begun to be embedded in SPS as a key risk assessment tool to support this work.

A more detailed SPS MAPPA report can be found on the SPS website at <http://www.sps.gov.uk>

## **Section 10 - Treatment Programmes**

The Community Sexual Offending Groupwork Programme is organised into seven modules. Men who have not previously completed a group work programme are placed in an Induction Module of approximately 50 hours duration. Using the results from psychometric tests (to establish deviance levels) and taking into account risk of reconviction and harm levels, they are then placed into low or high treatment pathways. Men who have completed programmes in a custodial setting are not required to attend the induction group but go through the same assessment process to identify outstanding treatment needs.

Men assessed as low risk and deviant then undertake a relapse prevention programme. This programme takes place on a weekly basis and lasts for a further 50 hours. At the end of the programme the offender will have an individual relapse prevention programme.

Medium to high-risk individuals complete a further 6 modules. These cover work on: - Cycles and Cognitive Distortions; Relationships and Attachment; Styles Self-Management and Interpersonal Skills; The Role of Fantasy in Offending; Victim Empathy and Relapse Prevention and Lifestyle change. This is a further 190 hours of groupwork

To date the Community Intervention Service has run 3 induction modules. A further Induction Module and a Relapse Prevention Group are due to start in March 2008. To date 24 men have been offered a place, with 23 successfully completing the module. The 24<sup>th</sup> person will be assessed for a place in the March Induction Group.

**Section 11 – Summary and Forward Plans** (Brief overview of key points arising from annual report and outlining proposals for future actions for coming year)

The protection of the public is our highest priority. The Multi Agency Public Protection Arrangements provide the most effective way for all agencies to work together to protect our communities.

In our first annual report, we have sought to provide a valuable insight into this high profile part of local protection activity. We aim to improve public confidence in our Criminal Justice System by being transparent and open in the way we work and by not underestimating the challenges ahead.

The report provides information on how the agencies communicate and a number of relevant case histories that best illustrate the effective management and supervision of offenders managed under the MAPPA.

The effectiveness of the MAPPA relies on the experience, professionalism and dedication of our staff. Within each 'Local Authority' area there will be regular local assessment of management structures and working practices to ensure the arrangements are providing the most rigorous and robust measures to protect the public.

The Community Sexual Offending Group Work Programmes focus on reducing sexual re-offending. Such programmes will never eliminate sexual re-offending, however research indicates they achieve success in reducing re-offending rates.

The statistics within the report indicate that the majority of offenders comply with the Sex Offender registration requirements and associated management.

Agencies work hard in an effective and constructive manner to best safeguard our communities. It is important to acknowledge however, that the Multi Agency Public Protection Arrangements can never offer a completely risk free society.

Looking forward, we are developing a multi agency training strategy that ensures staff are better prepared and equipped to manage offenders in the community.

Key performance indicators, quality assurance processes and serious case review procedures will continue to be refined to improve information sharing and multi agency working within the area.

A staff Roles and Responsibilities guidance document has been prepared specifically to meet the needs of the Multi Agency Public Protection Arrangements. Although each Local Authority area is unique this document delivers a pan-Lothian and Borders common framework for staff.

Efforts will continue to promote the multi agency work undertaken to protect the public and manage offenders, and engage with local communities to improve public confidence in, and awareness of, the Multi Agency Public Protection Arrangements.

We must acknowledge that year on year the number of offenders subject to MAPPA will continue to rise, and all of the agencies involved face continuing challenges to meet the demands placed both on resources and budgets.

## **Section 12 - Glossary of Terms**

<b>CJA</b>	<b>Community Justice Authority</b> – Creating safer communities through a reduction in reoffending, by providing appropriate and timely services to offenders at all stages of the criminal justice process.
<b>CJSW</b>	<b>Criminal Justice Social Work</b>
<b>CSOGP</b>	<b>Community Sexual Offending Groupwork Programme</b> – Accredited community based programme delivered by criminal justice social work.
<b>FTO</b>	<b>Foreign Travel Order</b> – A civil order that can be applied for by the police to prevent certain sex offenders from travelling abroad.
<b>ICM</b>	<b>Integrated Case Management</b> – Scottish Prison Service process through which offenders are managed prior to their release into the community.
<b>MAPPA</b>	<b>Multi Agency Public Protection Arrangements</b>
<b>MAPPP</b>	<b>Multi Agency Public Protection Panel</b>
<b>NASSO</b>	<b>National Accommodation Strategy for Sex Offenders in Scotland</b>
<b>NO</b>	<b>Notification Order</b> – A civil order that can be applied for the police to place an offender, convicted of sexual offences abroad, on to the sex offences register.
<b>OMU</b>	<b>Offender Management Unit</b> – Police unit responsible for the management of sex offenders.
<b>RA</b>	<b>Responsible Authority</b> – For MAPPA, consists of local authority, police, health and prison service.
<b>RM2000</b>	<b>Risk Management 2000</b> – Risk Assessment tool for sex offenders.
<b>RSHO</b>	<b>Risk of Sexual Harm Order</b> – A civil order that can be applied for by the Police to prohibit an unconvicted individual from undertaking certain activity.
<b>RSO</b>	<b>Registered Sex Offender</b>

- SA07**      **Stable and Acute 2007** – Risk assessment tool for sex offenders.
- SAVOLO**   **Sexual And Violent Offenders Liaison Officer** – Criminal justice social worker engaged in the management of sexual and violent offenders.
- SOLO**      **Sexual Offender Liaison Officer** – Criminal justice social worker engaged in the management of sex offenders.
- SOPO**      **Sexual Offences Prevention Order** – A civil order that can be applied for by the Police that can prohibit a convicted offender from undertaking a certain activity.
- SOTP**      **Sex Offender Treatment Programme** – Nationally accredited programme delivered by Scottish Prison Service.
- ViSOR**     **Violent and Sex Offender Register** – A National database shared by police, social work for recording and sharing information about sexual and violent offenders.
- VNS**      **Victim Notification Scheme** – Allows victims to receive information relative to the release of an offender.
- VSS**      **Victim Support Scotland** – Provides practical and emotional support to victims.