

COVERING LETTER

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Justice and Communities Circular

JD/01/2012

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To all copyees as per Annex

STATUS: - IMMEDIATE - ACTION REQUIRED

SECTIONS 10 AND 11 OF THE MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005: - Multi Agency Public Protection Arrangements (MAPPA) National Guidance 2012 Version 1

1. This Circular contains the 2012 version of the MAPPA Guidance issued by Scottish Ministers under section 10(6) of the Management of Offenders etc (Scotland) Act 2005. This Guidance has been developed by the Scottish Government in conjunction with the responsible authorities.

Responsibilities within the Scottish Government

2. Lead responsibility within the Scottish Government for the MAPPA policy and Guidance lies with the Sex Offender Strategy Team (SOST) within the Safer Communities Directorate. The SOST is responsible for policy in relation to sex offenders and works to ensure the delivery of public protection arrangements to protect communities from the risks posed by this group of offenders. The SOST is responsible for keeping the MAPPA Guidance under review to identify areas for further update and to bring forward proposals to enhance current arrangements.

3. Scottish Ministers retain certain responsibilities under the Mental Health (Care and Treatment) (Scotland) Act 2003 in respect of the risk management of restricted patients. Officials in the Reshaping Care and Mental Health Division in the Scottish Government Directorate for Health and Social Care Integration will continue to exercise their responsibilities in support of Scottish Ministers and in addition will be responsible for maintaining information on the ViSOR system in respect of these patients.

4. Responsibility for throughcare policy and work to bring violent offenders (as per s.10(1)(b) of the Management of Offenders etc (Scotland) Act 2005) into the MAPPA continues to be led by Community Justice Services Division within the Criminal Justice Directorate.

Main updates

5. The following areas have been revised or added to the Guidance.

Risk Assessment and Risk Management

6. Chapter 7 of the Guidance has been reviewed and updated by the Risk Management Authority to reflect developments in this field.

National Accommodation Strategy for Sex Offenders (NASSO)

7. Chapter 11 of the MAPPA Guidance reflects the development of the NASSO, the latest version of which has been published on the Scottish Government website.

Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011

8. Chapter 16 details the requirements of the review process for sex offenders required to notify indefinitely under the terms of the 2011 Order.

Significant Case Reviews (SCRs)

9. Chapter 20 and Annex 9 of the Guidance detail the new processes and notification procedures to be followed in respect of SCRs.

Annual reports

10. The MAPPA Guidance now contains, at Annex 3 a revision of the statistics which will be collected annually in line with the requirements of Section 11 (3) (b) of the Management of Offenders etc. (Scotland) Act 2005. These statistics have been revised to reflect the evolution of policy, legislation and practice and to reduce the bureaucratic burden on MAPPA coordinators.

Sexual Offences Prevention Orders

11. Annex 7 of the Guidance reflects the further legislative developments in respect of civil orders such as SOPOs. Section 100 of the Criminal Justice and Licensing (Scotland) Act 2010 brought into effect positive obligations for these orders.

Document set

12. The document set attached to this Guidance has been adapted to enable it to be easily transferred onto ViSOR. The Model Minute Template and Risk Management Plan has been reviewed to reflect updated processes such as FRAME and LS/CMI, albeit the complete document set will be subject to ongoing review by the Risk Management Authority in conjunction with the Association of Chief Police Officers Scotland and the Association of the Directors of Social Work. Similarly, the restricted patient document set is be reviewed by the MAPPA Health leads.

Publication

13. The MAPPA National Guidance 2012 will be published on the Scottish Government website at 2 pm on Thursday, 12 January 2012. This replaces all other versions of the Guidance.

Contacts

14. If you have any queries regarding the MAPPA Guidance, please address these with the Scottish Government SOST at:

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Chief Executive, Mental Health Tribunal for Scotland
Chief Executive, NHS Education for Scotland
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Scottish Commission for the Regulation of Care

Multi Agency Public Protection Arrangements (MAPPA) National Guidance

2012

Version 1

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Version 1

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MAPPA 2012 Guidance

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1 INTRODUCTION

1 This document provides guidance on the operation of the provisions in Sections 10 and 11 of the [Management of Offenders etc. \(Scotland\) Act 2005](#) ('the 2005 Act'). These provisions place a statutory duty on the '[responsible authorities](#)' in a local authority area to jointly establish arrangements for assessing and managing risk. The [responsible authorities](#) are the police, local authorities, health boards or Special Health Boards and the Scottish Prison Service (SPS) (acting on behalf of Scottish Ministers).

2 The 2005 Act also provides for agencies who have a [duty to co-operate \(DTC\)](#) with the [responsible authorities](#) in relation to the management of offenders.

3 The SPS, local authorities and the police are required to jointly establish arrangements for the assessment and management of risks posed by sex offenders subject to the [sex offender notification requirements](#) (SONR) of the [Sexual Offences Act 2003](#).

4 Health boards are required to establish joint arrangements for the assessment and management of risk posed by [mentally disordered restricted patients](#). Mentally disordered restricted patients are reviewed under the [Care Programme Approach \(CPA\)](#) and community risk is managed through MAPPA.

5 The need for a statutory partnership approach to the management of the risk posed by sex offenders has been highlighted by high-profile cases in which it was apparent that the capacity of individual agencies to assess, plan and manage the needs of offenders who pose a risk to the community is diminished because of the natural limit imposed by each agency's statutory function and professional boundaries.

6 The National MAPPA Strategy Group, Chaired by the [Scottish Government](#), with membership from the [SPS](#), the [Association of Directors of Social Work](#), the [Association of Chief Police Officers Scotland](#), and MAPPA Strategic Oversight Group Chairs oversees this guidance.

7 MAPPA have been commenced in Scotland for offenders subject to ([SONR](#)) and mentally disordered restricted patients.

Diversity

8 The MAPPA agencies must be free from discrimination and committed to equal access to services for all groups, particularly in relation to race, gender, gender identity, age, religious belief, sexuality, sexual orientation and disability. This means that all actions undertaken or recommended by the MAPPA agencies, and all policies and procedures, will be based on assessments of risks and needs. They will not draw on stereotypical assumptions about groups that will be discriminatory in outcome.

9 In undertaking their work, the MAPPA agencies will be sensitive and responsive to individual differences and needs. They will integrate this understanding into the delivery of their functions to ensure that nobody is disadvantaged as a result of belonging to a specific social group. To assist in achieving this, each of the [responsible authorities](#) must have in place plans to ensure that issues of diversity are addressed.

MAPPA

10 The fundamental purpose of MAPPA is public protection and the reduction of serious harm. The protection of children, adults at risk and other members of the public is paramount. The MAPPA offer a co-ordinated approach to the management of those people subject to [SONR](#) and certain mentally disordered offenders (restricted patients).

11 The MAPPA reflect the [Human Rights Act 1998](#) principles of necessity and proportionality and this must be considered in all actions carried out by the [responsible authorities](#) and [DTC](#) agencies in their plans to manage offenders.

12 The MAPPA are founded on the basis of targeting resources where they are most required to maximise public safety. There are three Levels of MAPPA management and the [responsible authorities](#), in consultation with their local MAPPA co-ordinator, must evaluate cases to ensure that they are managed at the appropriate Level.

13 The three levels are:

- Level 1: Routine risk management
- Level 2: Multi-agency risk management
- Level 3: Multi Agency Public Protection Panels (MAPPP)

14 Whilst there may be a correlation between level of risk and level of MAPPA management (the higher the risk, the higher the level), the levels of risk do not equate exactly to the levels of MAPPA management. MAPPA acknowledges the complexity of significant reoffending behaviour and provides a mechanism for the [responsible authorities](#) and [DTC](#) agencies to work together to develop and implement a coordinated risk management plan. Cases should be managed at the lowest level consistent with providing a defensible risk management plan. The level at which a case is managed is therefore dependent upon the nature of the risk and how it can be managed; not all high-risk cases will need to be managed by the Multi Agency Public Protection Panel (MAPPP) and equally the complexities of managing a medium risk case might justify a MAPPP referral.

15 Further information on MAPPA levels can be found in the guidance Chapter 6.

2 IDENTIFICATION OF OFFENDERS AND THE RESPONSIBLE AUTHORITY

Identification of Offenders

1 [Section 10 \(1\) \(a – e\) of the Management of Offenders etc. \(Scotland\) Act 2005](#) sets out three broad categories of offender who can be subject to MAPPA:

- Category 1: Sex offenders subject to [SONR](#)
- Category 2: Violent offenders
- Category 3: Other offenders

2 Mentally disordered offenders (restricted patients) who are also sexual or violent offenders and fall within categories 1 to 3 are included in MAPPA. These offenders are also subject to the [CPA](#) arrangements operated by the NHS Health Boards as a [responsible authority](#) in collaboration with the other [responsible authorities](#) and those agencies under a [DTC](#).

3 Restricted patients are defined as those patients who are convicted of an offence and put on a Compulsion Order and Restriction Order (CORO) under sections 57A and 59 of the Criminal Procedure (Scotland) Act 1995, or who have been found insane in bar of trial, or acquitted by reason of insanity, and placed on a CORO under s.57 (2)(a) and (b) of the 1995 Act. A CORO is without limit of time. The definition also includes prisoners on a Hospital Direction (made under s.59A of the 1995 Act) or a Transfer for Treatment Direction (made under s.136 of the Mental Health (Care and Treatment) (Scotland) Act 2003). These orders are defined in the [Management of Offenders etc. \(Scotland\) Act 2005, Section 10 \(11\) paragraphs \(a\) to \(d\)](#).

4 The arrangements for violent offenders have not yet been commenced in Scotland and such offenders are currently managed primarily by the local authority (Criminal Justice Social Work (CJSW)) as part of their statutory responsibilities.

5 It should be noted that Category 1 offenders who require mental health intervention but who are not categorised as mentally disordered restricted patients under the [2005 Act](#) will fall under the NHS Health Boards [DTC](#). Such offenders will be managed by either the local authority or the police as appropriate.

6 The identification of the offenders who will fall within the MAPPA is the critical first step. This guidance provides the [responsible authorities](#) and other agencies with the legislative framework and model to identify such offenders.

Category 1: Those offenders subject to [SONR](#)

7 Offenders who are required to comply with the [SONR](#) set out in [Part 2 of the Sexual Offences Act 2003 \(the 2003 Act\)](#) fall within this category. When a person is convicted of an offence listed in [Schedule 3 of the 2003 Act](#), they automatically become subject to the [SONR](#). Those made subject to a Sexual Offences Prevention Order (SOPO) or are convicted of a breach of a Risk of Sexual Harm Order (RSHO), are automatically required to comply with the [SONR](#).

8 The [SONR](#) are set out fully in Part 2 of [the 2003 Act](#) and the regulations made thereunder.

9 [Section 82 of the 2003 Act](#) sets out the period of time an offender is required to comply with the notification requirements.

10 It is essential that the police are notified in advance of the release/discharge of offenders from prison, whether on remand or at the completion of sentence or a secure hospital who will be subject to the [SONR](#) in the community.

Category 2: Violent offenders

11 Violent offenders are defined as those convicted on indictment of an offence inferring personal violence who are subject to a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995 or who are, or will be on release from prison, subject to statutory supervision in the community. **This category is subject to ongoing development work and such offenders are not yet included within MAPPA in Scotland.**

Category 3: Other offenders

12 This category comprises other offenders not in Category 1 or 2 who have been convicted of an offence and, by reason of that conviction, are considered by the [responsible authorities](#) to be a person who may cause serious harm to the public at large. **This category is subject to ongoing development work and such offenders are not yet included within MAPPA in Scotland.**

The responsibility for managing offenders

13 The [2005 Act](#) clearly sets out the role of the [responsible authorities](#) in relation to the management of offenders.

14 The primary role of each [responsible authority](#) in the MAPPA process is summarised as follows:

SPS

15 The SPS is the [responsible authority](#) for offenders whilst they are in custody, or are the responsibility of the SPS e.g. during periods of home leave.

Local authority

16 The local authority is the responsible authority with primary responsibility for the management of sex offenders subject to statutory supervision. The responsibility for the joint arrangements within a local authority lies primarily with the Chief Social Work Officer, however, other local authority services, such as education and housing, also have key responsibilities in relation to this function.

The police

17 The police are responsible for the operation of the [SONR](#) and will normally be the [responsible authority](#) for those offenders subject to the [SONR](#) who are not subject to statutory supervision by the local authority.

Health

18 The Health Service and Special Health Boards are the primary [responsible authority](#) for mentally disordered offenders (restricted patients).

Identification of primary [responsible authority](#)

19 In cases where a sex offender is subject to statutory supervision in the community, the primary [responsible authority](#) is the relevant local authority albeit the responsibility for the case is shared between the relevant local authority and the police who together must assume joint responsibility for the management of risk under MAPPA.

20 When the local authority supervision ends, but the individual is still subject to [SONR](#), the police will become the primary [responsible authority](#).

21 Identification of the [responsible authority](#) is a priority, particularly in the small number of cases where offenders are itinerant, have no fixed residence or where it is not clear which local authority has responsibility. In cases where the offender is, or will be, subject to supervision by the local authority, the ordinary residence principles laid down in [National Outcomes and Standards for Throughcare](#) apply.

22 In a small number of cases, offenders may legitimately be of concern or interest to [responsible authorities](#) in more than one area, for example, where an offender subject to the [SONR](#) regularly visits an address in another area. In these circumstances, the police force that has registered the offender and in whose area the offender lives has responsibility for liaison with the force in the area the offender visits to ensure that relevant information concerning risk assessment and management is shared and continually updated. This should be reflected, where appropriate by the relevant local authority.

23 Similar issues of co-ordination may also arise where a known victim lives in an area which is different from the home area of the offender. In such circumstances clear lines of communication must be established. It is vital that there is joint planning, risk management and intervention. The level, nature and duration of these actions will vary depending on the needs of each individual case.

Scottish Court Service

24 When an offender is subject to the [SONR](#), the Court is required to issue the offender with a certificate of conviction or finding and a notice of requirement to register. A copy of the certificate together with the notice of requirement must also be copied to the police.

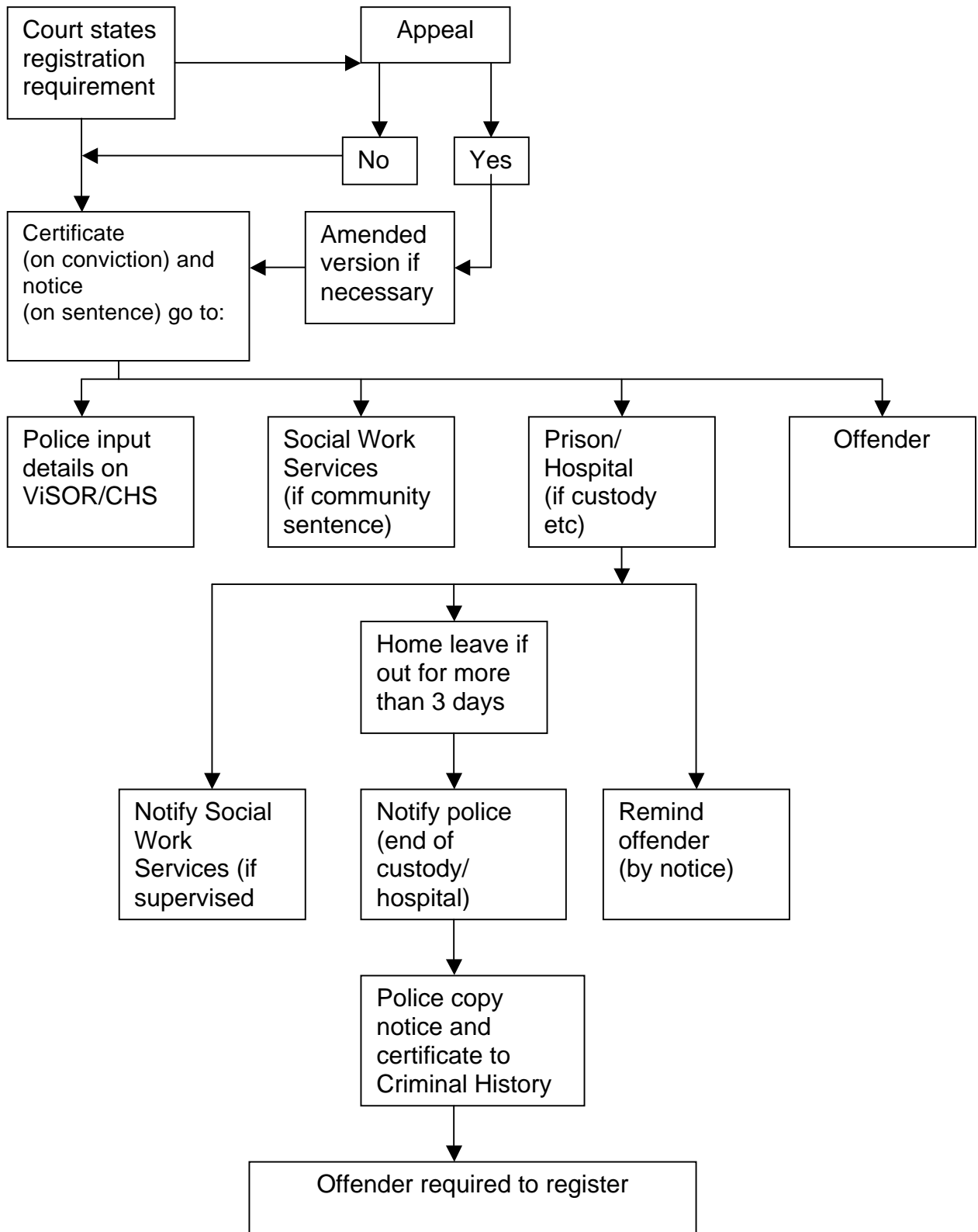
25 In addition, a copy of both the certificate of conviction or finding and the notice must be attached to any extract warrant for imprisonment, or detention in hospital, and given to the relevant local authority (i.e. the [responsible authority](#) for supervising prisoners on licence on release from custody or offenders under 16 sent to secure accommodation, for providing voluntary throughcare, or for supervising community disposals.) if there is a community disposal or if the offender is aged under 16 and has been sent to secure accommodation.

26 Prior to the release from prison or detention in hospital, the relevant [responsible authority](#) (either the SPS or health board) is required to notify the police of the sex offender's date of release, whether this is temporary or final. This notification should be completed as soon as possible and not less than 10 weeks prior to release, unless there are extenuating circumstances.

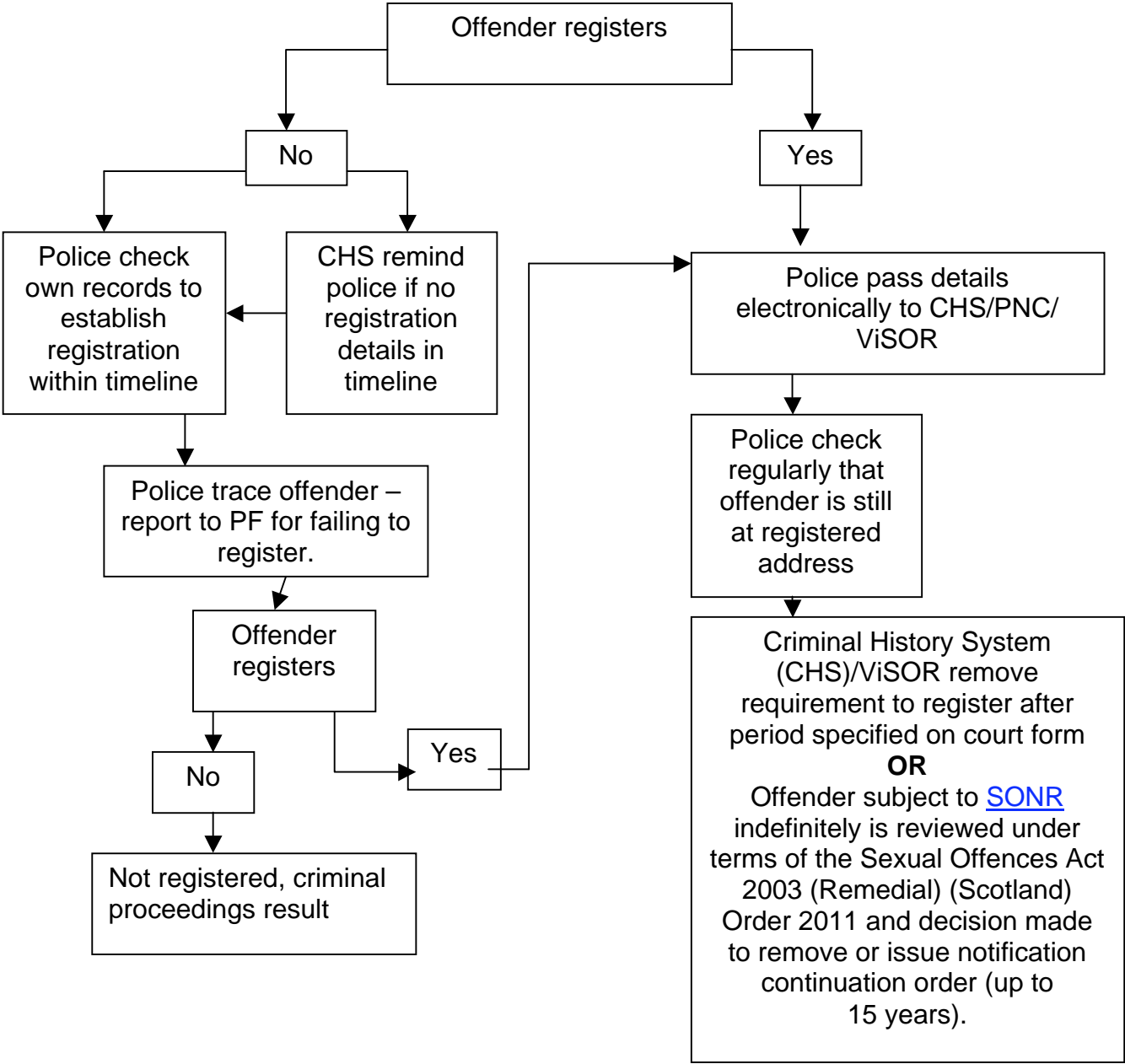
27 Charts 1 and 2 demonstrate the sex offender registration process.

**Sexual Offences Act 2003 Pre-Registration
Process**

Chart 1



Sex Offender Registration Process
Chart 2



3 THE DUTY TO CO-OPERATE

1 [Section 10 \(3\) of the 2005 Act](#) states ‘the [responsible authorities](#) must act in co-operation with such persons as the Scottish Ministers may, by order made by statutory instrument, specify’.

2 In the [2005 Act, Section 1 \(2\) \(a\)](#) states ‘to co-operate may, without prejudice to the generality of that expression, include to exchange information’.

3 The [DTC](#) persons or bodies in Scotland are listed within [The Management of Offenders etc. \(Scotland\) Act 2005 \(Specification of Persons\) Order 2007](#). As Scottish Ministers have prescribed persons or bodies with a [DTC](#) in an order, therefore, the duty can only be extended or removed by amending this order. The [responsible authorities](#) cannot decide to include other persons or bodies within the [DTC](#) arrangements or to exclude those stipulated in the order.

4 The purpose of the [DTC](#) is to strengthen the MAPPAs. The principal responsibility for protecting the public from offenders rests with the [responsible authorities](#). However, the effectiveness of public protection often depends on more than just a criminal justice response.

5 As well as [DTC](#) persons or bodies, others play an important role in helping offenders to resettle and avoid reoffending. The important contribution others can make is also highlighted in cases where offenders have mental health problems or where they pose a risk of harm to children.

6 In order for MAPPAs to work effectively, [responsible authorities](#) must co-operate with a range of other agencies. Co-operation must be compatible with the exercise by those agencies of their other statutory functions and be cognisant of information sharing legislation. This enables different agencies to work together within their legitimate role whilst retaining their responsibility for action.

7 The [DTC](#) is reciprocal, requiring two-way co-operation between [responsible authorities](#) and [DTC](#) agencies. [DTC](#) agencies include registered social landlords, the Principal Reporter to the Children’s Panel, electronic monitoring providers and any persons/organisations providing services to, or on behalf of, a [responsible authority](#) in connection with the assessment and management of the risks posed in a relevant area by any person to whom [section 10\(1\)\(a\) of the 2005 Act](#) applies.

8 There is no legislative requirement to involve other agencies which are not [DTC](#) agencies, however, the [responsible authorities](#) should consider whether the involvement of other agencies is necessary for the effective operation of the MAPPAs.

Health boards and Special Health Boards

9 Health boards and Special Health Boards are a [responsible authority](#) (within the meaning of [section 10 of the 2005 Act](#)) in relation to the assessment and management of mentally disordered offenders and restricted patients who meet the criteria in [section 10\(1\) of the 2005 Act](#); in that regard, health boards and Special

Health Boards have a statutory DTC with other responsible authorities in accordance with sections 10 and 11 of the 2005 Act.

Department for Work and Pensions (DWP) and the Child Maintenance and Enforcement Commission (the Commission)

10 There are reciprocal arrangements between the Secretary of State (effectively the DWP) and the [responsible authorities](#) in relation to the sharing of information. Albeit the DWP and the Commission are not [DTC](#) agencies, [The Management of Offenders etc. \(Scotland\) Act 2005 \(Disclosure of Information\) Order 2010](#) and circular [JD 5/2010](#) allows such information to be shared.

Memorandum

11 The [DTC](#) is underpinned by memoranda prepared by the [responsible authorities](#) and the [DTC](#) agencies in each local authority area and other relevant [DTC](#) agencies (including The State Hospitals Board for Scotland), in accordance with [section 10\(5\) of the 2005 Act](#). The purpose of the memorandum is to enable the practicalities of co-operation to be agreed locally to ensure that there is a clear and agreed understanding by all involved of their roles and responsibilities. This makes good sense because it allows due account to be taken of the variations in the structure and relationships between all the agencies concerned, which differ from one part of the country to another.

12 The memorandum should refer to the [Concordat on Sharing Information on Sex Offenders](#) and be supported by protocols on sharing information. Guidance on developing protocols can be found in the [Scottish Executive Justice Department Circular 15/2005](#). This guidance also covers agencies that are not involved directly in the MAPPA arrangements.

Memorandum of understanding

13 The memorandum drawn up by the [responsible authorities](#) and the [DTC](#) agencies at local level should at a minimum cover the following areas:

- Legislative provision;
- Principles and purposes of the [DTC](#);
- Agencies to which the memorandum applies;
- Roles of agencies involved;
- Local protocol(s) on sharing information;
- Definitions of terms agreed in the Concordat;
- Media handling strategy;

- Disclosure arrangements and responsibilities;
- Annual report review arrangements.

A model memorandum is provided in the Annex 4 attached to this guidance.

The practicalities of co-operation

14 One of the most important means by which co-operation is achieved is by sharing information. Further detail on the subject of information sharing can be found in Chapter 8 of this guidance.

15 The memorandum should describe the ways in which the agencies agree to co-operate, however, the specific activities involved in co-operation will be determined by the circumstances of each case. The type of activities co-operation will involve can be broken down into four areas:

- (i) Providing a point of contact for other agencies; while much of the formal business of co-operation will be conducted at Level 2 or Level 3 (MAPPP) meetings, co-operation will also entail informal contact. To enable that informal contact and to channel the more formal engagement, it is important that each agency provides a single point of contact (SPOC).
- (ii) Providing general advice about an agency's role and the type of services it provides. This can helpfully involve advice about how those services can be accessed.
- (iii) Providing specific advice about the assessment and/or the management of the risks a particular offender poses.
- (iv) Co-ordination: this key partnership function requires each agency to perform its' role and to carry out its responsibilities in a way which complements the work of other agencies.

16 For clarification and reassurance, it may be helpful to refer at each stage to the statutory definition of the duty and the principles outlined above.

4 THE MAPPA IN OPERATION

Introduction

1 The [National Outcomes and Standards for Social Work Services in the Criminal Justice System \(NOS\)](#) set the minimum standards which local authorities are required to meet in respect of these services. Police functions and duties are also clearly defined within the **Association of Chief Police Officers in Scotland (ACPOS) Guidance Protecting Public: Managing Sex Offenders, Potentially Dangerous Persons and Restricted Patients** and it is important that there should be no blurring of statutory roles. The roles and responsibilities of the Health Service in relation to mentally disordered offenders (restricted patients) is explained further within Chapter 14.

Process

2 This chapter describes the process whereby a relevant offender is notified to the MAPPA and, if necessary, referral onward into the Level 2 and Level 3 (MAPPP) arrangements. It also takes into account the Integrated Case Management (ICM) system developed by SPS and local authorities for the supervision of prisoners.

Key Stages of the MAPPA

3 There are five key stages:

- Stage 1 Identification of offender and notification of level.
- Stage 2 MAPPA referral.
- Stage 3 Pre-meeting information sharing.
- Stage 4 MAPPA meeting.
- Stage 5 Exit from MAPPA.

KEY STAGE 1: Identification of offender and notification of level

4 Entry to the MAPPA is decided by the category of offender. The [responsible authority](#) must be clear as to which offenders fall within the remit of the MAPPA at any particular time, regardless of the level at which they will be managed. To ensure that relevant offenders are included within MAPPA, the primary [responsible authority](#) with knowledge of the relevant offender must make a notification to the MAPPA co-ordinator for the owning CJA area not later than three working days of the community disposal being determined by the Court.

5 All relevant offenders will be notified to the co-ordinator for recording, ensuring that no relevant prisoner or offender is missed. The MAPPA co-ordinator will have an accurate record of the numbers of offenders being managed by the [responsible authorities](#) in that area. This is important for planning and reporting purposes. The use of standard notification forms, contained within the MAPPA document set within this guidance, ensures consistency in practice. The notifications should be recorded on ViSOR within an activity log.

Custodial sentences

6 Many notifications result from a sentence of imprisonment. ICM helps to ensure that offenders who will be subject to MAPPA are more readily identified at the point of sentence.

7 For those prisoners subject to [SONR](#), but not to statutory supervision by CJSW in the community (i.e. those serving sentences of less than six months) or serving a custodial sentence for a non-sexual offence, SPS, as the [responsible authority](#) for those in custody, should make a notification to the MAPPA co-ordinator at the earliest opportunity given the limited time available. SPS are also required to notify the police of the prisoner's impending release.

8 For those prisoners subject to statutory supervision by CJSW upon release into the community, SPS will give a notification (and referral where appropriate) to the MAPPA co-ordinator. This will be done immediately after the annual ICM case conference preceding the prisoner's Parole Qualifying Date. A confirmed notification/referral will be sent to the MAPPA co-ordinator immediately after SPS has received notification of the Parole Board's decision. For those who are not granted parole, SPS will send the co-ordinator a confirmed notification/referral as soon as possible following the pre-release ICM case conference.

Community sentences

9 For those subject to statutory supervision, notification should be made by the local authority (CJSW) to the MAPPA co-ordinator. For those offenders who are subject to a fine or community service where there is no active management of the risk by CJSW then the police are the [responsible authority](#). Where, however, an offender is the subject of a Community Payback Order or similar, then that offender would be managed jointly by the police and CJSW.

10 For offenders whose risks are likely to be managed at Level 1 the notification should be made not later than three working days from the receipt of the community disposal.

11 Notifications for those who are deemed to fall into Level 2 or 3 should be made as a matter of urgency to allow arrangements to be made for MAPPA involvement, but in any case not later than three working days from the receipt of the disposal.

12 The MAPPA co-ordinator for the area of the CJA is the SPOC for all notifications.

13 The [responsible authority](#) must still engage and share relevant information with other agencies that may need to be involved in the assessment and management of risk of the offender. The MAPPA co-ordinator will place an entry on ViSOR, recording within an activity log the level the offender will be managed at.

KEY STAGE 2: MAPPA referral

Referral to multi-agency risk management - Level 2 or Level 3 (MAPPP)

Community sentences

14 In each instance referral to MAPPA Levels 2 or 3 must be informed by the current risk assessment and the proposed risk management plan.

15 On being informed of a community sentence the [responsible authority](#) must submit a notification form to the MAPPA co-ordinator within three working days of being notified of this disposal. Should a decision be made to manage the offender at MAPPA Level 2 or 3 then a referral must be submitted to the MAPPA co-ordinator within five working days of submission of the notification form.

16 Multi-agency risk management is an expensive resource and should only be used where this level of collaboration and co-ordination is necessary to manage the risk of serious harm. Therefore a decision to refer an offender into the Level 2 or Level 3 (MAPPP) must be on the basis that a multi agency response is required by senior staff to manage the risk.

17 For those offenders subject to a community disposal, or under supervision in the community, a referral may be made either by the police or CJSW at one of the two following points:

- at the time of the first risk assessment and development of the management plan; or
- at any point during the period of the order, supervision or registration where the level of risk appears to be rising significantly.

18 Failure to refer to the MAPPA process and convene a Level 2 meeting in such circumstances would be held to be indefensible on the basis of the risk assessment and other relevant information currently available.

Referrals from custody

19 The decision to refer to the MAPPA process at Level 2 or 3 will be discussed and agreed at the pre-release ICM case conference as part of the risk assessment and risk management process. The police and other agencies may also be invited to attend ICM meetings where appropriate. SPS will send the MAPPA co-ordinator a confirmed notification/referral as soon as possible and not less than 10 weeks prior to release, unless there are extenuating circumstances, following the pre-release ICM case conference.

20 On receipt of the referral the MAPPA co-ordinator will decide if the offender meets the criteria for inclusion in the Level 2 or Level 3 (MAPPP) based on the information supplied.

21 A referral form is contained within the MAPPA document set attached to this guidance.

Practical considerations for MAPPA referrals

22 In the absence of the co-ordinator (e.g. on annual leave), the [responsible authorities](#) must ensure that there are mechanisms in place for such decisions to be made.

23 Where there is disagreement as to the MAPPA level and this cannot be resolved the final decision should be made by the Chair of the MAPPP, and the reasons for such a decision will be accurately reflected in the minutes. In cases where, after resolution, it is decided that the matter should be managed at Level 1, then the reasons shall be recorded on ViSOR.

24 The [responsible authority](#) will complete the referral form providing all relevant information to allow the MAPPA co-ordinator to make an informed decision. If the referral is accepted, the co-ordinator will confirm this to the [responsible authority](#) and arrangements will be made by the co-ordinator to progress the case to the initial Level 2 meeting/Level 3 MAPPP. If the co-ordinator does not accept the referral then this should be notified to the referring [responsible authority](#) outlining the reasons.

25 It should be noted that those offenders who are subject to both the [SONR](#) and statutory supervision on release do not necessarily require management at Level 2 (MAPPA), although good practice would expect the police and CJSW to co-ordinate their respective tasks.

KEY STAGE 3: Pre-meeting information sharing

26 Prior to Level 2 meetings or Level 3 (MAPPP) it will be essential for agencies to share information held about the offender. Pre-meeting information sharing ensures:

- all [responsible authorities](#) and relevant [DTC](#) agencies are aware of the referral;
- all agencies have an opportunity to identify and share relevant information that they hold;

- all agencies have the opportunity to identify whether they consider themselves a core agency, able to contribute to the risk management plan;
- the amount of time spent exchanging information at Level 2/Level 3 (MAPPP) meetings decreases so that the focus is on issues of risk assessment and risk management; and
- clarification of the threshold for Level 3 (MAPPP).

Information sharing

27 The information included in the referral will be passed to all members of the [responsible authorities](#) and relevant [DTC](#) agencies directly by the MAPPA co-ordinator. This requires the receiving agencies to have a SPOC through whom this information can be securely passed.

28 At point of information exchange, the receiving agency will be required to search agency records for any relevant information on this offender or potential victims. The search and response should be completed as a matter of priority and, in any case within five working days and forwarded to the MAPPA co-ordinator in the following terms:

- If nothing found - no trace/negative reply.
- If material found but not relevant - positive trace/negative reply.
- If material found and relevant - positive trace/positive reply and share the relevant information with either the managing agency or the MAPPA co-ordinator (as directed) for the sole purpose of public protection and reducing the likelihood of reoffending.
- If material found and relevance not clear - positive trace/further consideration required.

29 Those operationally responsible for the management of the offender should liaise with the local authority Sex Offender Liaison Officers (SOLOs) if there is a need to identify housing for the offender under the arrangements set out in the [National Accommodation Strategy for Sex Offenders \(NASSO\)](#).

KEY STAGE 4: MAPPA meeting

Initial Level 2 and Level 3 meetings

30 For those offenders in the community an initial Level 2 meeting must occur within 20 working days of receipt of referral by the MAPPA co-ordinator or their administrator and an initial Level 3 meeting must occur within five working days of receipt of referral.

31 For those offenders in custody or being managed within the [CPA](#) arrangements, the initial Level 2 or Level 3 meeting must take place prior to their release/discharge into the community. Further information about the [CPA](#) is contained within Chapter 14.

32 The product of pre-meeting information exchanges should be available for all agencies attending initial Level 2 and Level 3 meetings. The purpose of the meeting is to:

- bring additional information or assist agencies to assess the relevance of existing information;
- note the outcome of risk assessment tools in terms of likelihood of reoffending, risk of serious harm and imminence and agree aspects of behaviour/circumstances critical to delivering an effective risk management plan;
- consider a risk management plan that addresses these critical factors including any resource issues for agencies. Identify any actions within the plan that should be specific, measurable, achievable, realistic and timed (SMART Criteria). It must also clearly identify ownership;
- consider whether the MAPPA level should increase or decrease;
- set a formal review date for the risk management plan.

Organising appropriate attendance at Level 2 and Level 3 (MAPPP)

33 It will be necessary for the MAPPA co-ordinator to identify which agencies are central to the delivery of the risk management plan and should therefore attend.

34 As well as senior representatives from the [responsible authorities](#), supervising social workers and police officers can attend where appropriate.

35 The MAPPA co-ordinator can maximise agency involvement by organised scheduling of meetings and, where necessary, by the use of video conferencing. All agencies should be represented by senior personnel who understand the strategies for minimising or reducing risk of serious harm and have the authority to implement appropriate strategies agreed by the MAPPA or MAPPP meetings on behalf of their agency.

36 The Chair should ensure that meetings are focused on systematic assessments based on risk factors. The Chair should make a clear summary and provide active steers as to what actions and resources are required to appropriately manage the case.

37 A review meeting should also be convened in order to review the risk management plan. The timing of this review will be dependent on the individual circumstances of the risk management plan but should be agreed at the initial meeting. All agencies have a responsibility to report to the MAPPA co-ordinator any information that indicates a change in risk whenever that might occur. It is of note that the minimum standards are set at Level 3 MAPPA cases being reviewed no less than once every six weeks with MAPPA Level 2 cases being reviewed no less than once every 12 weeks.

MAPPP - Multi Agency Public Protection Panel

38 The MAPPP is responsible for the management of the 'critical few'. The criteria for referring a case to the MAPPP are defined as those in which the offender:

- i. Is assessed as being a high or very high risk of causing serious harm; AND
- ii. Presents risks that can only be managed by a plan which requires close co-operation at a senior level due to the complexity of the case and/or because of the unusual resource commitments it requires; OR
- iii. Although not assessed as a high or very high risk, the case is exceptional because the likelihood of media scrutiny and/or public interest in the management of the case is very high and there is a need to ensure that public confidence in the criminal justice system is sustained.

39 The referral to Level 3 (MAPPP) must identify those aspects of the risk management plan that require the multi-agency collaboration and which cannot be effectively delivered at the Level 2 risk meeting.

40 Membership of the MAPPP must be at a senior level in the [responsible authorities](#) and the [DTC](#) agencies represented. Charing is not dependent on the agency with lead responsibility for managing risks posed by the offender.

KEY STAGE 5: Exit from MAPPA

41 It is recognised that the registration period has no bearing on the risk presented, however, the exit of an offender from MAPPA is nevertheless determined by the length of [SONR](#) or alternatively under the provisions of [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2011](#).

42 [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2011](#) introduced a mechanism for the periodic review of lifetime notification. [Section 88 \(C \) of the Sexual Offences Act 2003](#), as amended by [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2011](#) details the considerations which should be taken into account prior to the offender being released from the [SONR](#) or alternatively being subject to a notification continuation order as detailed within [section 88 \(C\) \(3\) of the Sexual Offences Act 2003](#).

43 The relevant [responsible authority](#) must notify the MAPPA co-ordinator when an offender is about to exit the MAPPA to ensure that records are updated accordingly.

44 A small proportion of offenders may still pose a high risk of serious sexual harm to the public at the point they would normally leave the MAPPA, i.e. at the end of [SONR](#). In these cases consideration should be given for the application of a [Sexual Offences Prevention Order](#) under the terms of [Section 104 of the Sexual Offences Act 2003](#), which carries an automatic [SONR](#) provision.

45 It will be necessary to set a review date for determining whether continued management through MAPPA is justified. The review date may be extended or shortened as a direct result of risk assessment and management action.

Restricted Patients

46 Unless a restricted patient remains subject to MAPPA on account of being subject to the [SONR](#), he/she will cease to be subject to MAPPA in the following circumstances:

- Return to prison of a transferred prisoner ([Section 136 of the Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#))
- A prisoner reaching his Earliest Date of Liberation during detention in hospital
- A Hospital Direction patient being returned to prison ([Section 59A of the Criminal Procedure \(Scotland\) \(Act\) 1995](#))
- A Hospital Direction patient reaching his EDL
- A Mental Health Tribunal revoking the Compulsion Order which has the effect of revoking the restriction order ([Section 57A](#) and [section 59](#) or [section 57\(2\)\(a\) and \(B\)](#) of the Criminal Procedure (Scotland) Act 1995
- A Mental Health Tribunal revoking the Restriction Order but retaining the Compulsion Order

5 MAPPA CO-ORDINATION

1 Co-ordination of MAPPA functions is key to the delivery of public protection and plays a key role in ensuring that the identification and information sharing functions of the framework operate effectively.

2 The main functions of the MAPPA co-ordinator are designed to allow all [responsible authorities](#) who have a statutory responsibility to do the following:

Responsible authorities

- Receive details of all offenders who are subject to the [SONR](#) and those who are restricted patients for whom a multi-agency risk management plan is necessary in order to manage risk.
- Make referrals of sex offenders and restricted patients whose risk of serious harm needs to be managed through a multi-agency meeting at either Level 2 or Level 3 (MAPPP).
- Share information relevant to the management of serious harm with other agencies within MAPPA on the basis that the information will be held securely and used by appropriate personnel within those agencies for public protection purposes only.
- Help determine if their agency is a core partner in terms of the delivery of risk assessment and risk management plans.
- Receive the risk management plans and minutes from all relevant Level 2 and Level 3 (MAPPP) meetings showing clearly the status of each offender, the agencies delivering components of the plan, timescales, review arrangements and the point at which the offender exits the multi-agency risk management process.
- Provide a SPOC and advice on all aspects of MAPPA.

MAPPA co-ordinator responsibility

3 The co-ordinator's role is a dedicated function carried out on behalf of all the [responsible authorities](#), accountable to those operating the joint arrangements, through the MAPPA Strategic Oversight Group (SOG). The post is designed to facilitate multi-agency risk management being focused on the right people in a timely and efficient manner with the aim of delivering robust and defensible management plans that address known indicators of serious harm to others.

4 The remit of the MAPPA co-ordinator will not extend to responsibility for areas that fall within the remit and responsibility of the individual agencies.

5 The role of the MAPPA co-ordinator includes the responsibilities detailed in Annex 5.

MAPPA meetings

6 It is important that MAPPA meetings are well organised and that accurate records of them are made and retained to reflect defensible decision-making. A standard MAPPA meeting template is included within the MAPPA document set attached to this guidance. Incorporating this within ViSOR ensures a consistency of approach to this important part of MAPPA practice and increases the confidence of those attending the meetings. All the written information relevant to the purpose of the meeting should be distributed in good time so that discussion focuses upon the actual assessment and plans to manage risk.

7 There are three broad aims of the MAPPA Level 2 and 3 meetings:

- (i) initial case consideration;
- (ii) case review; and
- (iii) consideration of case-related issues.

8 The record of every meeting must clarify whether it is an initial or a review meeting.

I. Statement of confidentiality

At the beginning of each MAPPA meeting the statement of confidentiality should be agreed by all present. This statement is intended to remind and reassure those attending of the sensitive nature of some of the information shared at the meetings. The actual wording of the statement is contained within the document set.

II. Background information

Information as per the model minute template which can be found within the MAPPA document set in this guidance should be made available to those present at the meeting. This will include the details of the offender and relevant offending information such as the index offence and other sexual or violent offending, *modus operandi*, details of sentence, registration, relevant licence or order conditions and review date, if applicable. Information on victim gender, age and relationship and child or adults at risk should also be recorded.

III. Purpose of meeting

The purpose of the meeting is to share and consider information, reach agreement regarding the assessment of the risks posed by the offender and to review the risk management plan.

Closed session

The meeting will need to ensure that the information to hand is up to date and any unclear issues or information clarified. It should also be confirmed that all those who need to inform the discussion and decision-making are represented or have at least shared the information they have. Risk assessment information should be made available and the following considered.

IV. Risk assessment

- Identify the nature of risks: their seriousness, likelihood and imminence and the relevant offending-related factors
- Consider the full analysis of the risk of serious harm
- Identify who is or might be at risk - it is recommended that victim issues are specifically considered and noted
- Identify the compliance and motivation of the offender and what may affect these
- Previous and current protective factors should also be considered

V. Risk management plan

A structured, easily understood risk management plan is essential to the effectiveness of the management of the offender. Each feature of the risk management plan must relate to, and address the risks identified and should reflect precisely how the managing agencies intend to minimize the risks posed. Further information in respect of risk assessment and risk management can be found within Chapter 7.

Clear definition of each agreed action must be made. Actions should be SMART. The responsibility for each agreed action with the contributory roles of other individuals/agencies, must be clearly identified. This will be noted in the action log, however, details of the action should be sent to the person with responsibility for the action without delay and, in any case, within **two days**.

A SPOC must be identified to ensure the delivery of the management plan, however many agencies it involves, is informed by new information or changes in any of the variables which affect risk and its management. In the most difficult and complex of cases, operational command procedures may replace SPOC arrangements.

Contingency planning is an important element of risk management and should clearly identify what needs to happen if risk increases or an element of the risk management plan does not happen. This should include the identification of early warning signs and the agreed actions in response to these signs.

A review date for the risk management plan should be agreed and consideration should be given as to whether the management level of MAPPA should be increased or decreased.

Risk management plans in relation to offenders subject to an [Order for Lifelong Restriction](#) involve a number of aspects specific to that sentence. The risk management plan must be approved by the RMA, reviewed for its suitability in the light of 'significant change', and an annual report on its implementation must be submitted to the RMA each year.

VI. Diversity issues

Due consideration must be given to diversity issues - whether, in respect of either the offender or the actual or potential victim, there are gender, age, sexuality, racial, religious, disability or any other issues which may lead to unfair and unlawful discrimination which affect the assessment AND the management of risks.

VII. Disclosure

The MAPPA provide a focus at case management level for agencies to actively take disclosure into consideration. To ensure that this forms part of the offender management process, the MAPPA meeting should consider whether disclosure needs to take place. If so, the following should be recorded:

- reason for disclosure/no disclosure
- date when disclosure took place
- to whom the disclosure was made.

Third-party disclosure at MAPPA meetings will, in the main, be in respect of child or adult protection issues.

The ultimate decision on third-party disclosure in relation to the status of registered sex offenders lies with the Chief Constable, however, disclosure does not usually take place without consultation between the police and other agencies responsible for the management of the offender. Within this guidance there is a fuller examination of disclosure matters within Chapter 9.

VIII. Consideration of case-related issues

It is good practice to include time to consider issues which may have arisen from the cases specifically considered, but which have a wider significance. Examples could include the sharing of good practice, significant learning points, etc.

MAPPA minutes

9 The MAPPA are designed to provide a consistent approach to the management of the risk of serious harm posed AND contribute to improved public protection. The provision of minute takers is a matter for all the [responsible authorities](#) and the MAPPA SOG, in consultation with the MAPPA co-ordinator, and should ensure that there is sufficient support in this area. It is important that an accurate record of the discussions and of the decisions reached at MAPPA meetings is made and kept. Whilst not expecting or requiring a verbatim minute, it is important to record the debate and to evidence the reasoning as to why the MAPPA meeting did or did not support a particular course of action. The minute should be able to withstand 'hindsight scrutiny', that would allow an enquiry to consider whether 'all reasonable steps have been taken'. These records will form part of the basis of defensible decision-making. It is advisable for minutes to make clear:

- that they are a record of a meeting held under the auspices of the MAPPA and therefore that those attending understand the basis upon which the meeting is held - including the confidential nature of the proceedings and the minutes;
- who attends the meeting and in what capacity;
- the identity of the offender and whether the meeting is the initial, or further review of the offender;
- those issues which are relevant to the assessment and the management of risk: for each risk factor identified there should be a corresponding response as to how that factor will be managed; and
- the actions it is decided will be taken as a consequence of the discussion, who will take them, in what timescale and how these actions are intended to reduce/manage the risk.

10 Action points from the meeting will be reflected in a focused and clear risk management plan. It is crucial that where there are changes proposed to the plan which require an alteration to existing licence conditions that a report is submitted by the supervising officer to the Parole Unit of the Criminal Justice and Parole Division of the Scottish Government Learning and Justice Directorate for consideration. This should not be submitted directly to the Parole Board. The [responsible authorities](#) cannot change licence conditions. Similarly, if a SOPO is in place, representation should be made to the police to have the SOPO conditions changed.

11 The draft minutes of MAPPA meetings should be produced within **five working days** and following clearance from the MAPPA Chair, sent securely to relevant representatives. Any comments should be returned without delay to allow production of the final minutes within a further **five working days**. This will ensure production of the minutes within a total of **10 working days**.

12 MAPPAs minutes are always 'restricted' and occasionally 'confidential' under the terms of the Government Protective Marking Scheme (GPMS). If agencies do not have access to ViSOR, they must determine how they will store the minutes securely, in line with GPMS, and determine how other agency personnel can access them in the event of an emergency.

13 Further details on the subject of information storage and security can be found within Annex 2.

14 The MAPPAs meeting minutes, including the MAPPAs Risk Management Plan, will be stored on ViSOR, which is a confidential database. An agency cannot decide to share the minutes widely with its personnel unless this has been agreed by the Chair of the MAPPAs meeting.

15 To ensure accuracy of the records of the higher level meetings, these meetings may be tape recorded. The tapes can be used by the person writing the minutes to clarify/confirm what was said. Reference should be made to local procedures in respect of the secure storage of this confidential data. Tapes should NOT be kept but erased once the record has been agreed.

Disclosure of MAPPAs minutes

16 The MAPPAs meeting minutes must not be shared or copied without the prior approval of the Chair of the meeting. Where there is a request for a copy of the minutes from a third party, for example, from the offender, the Parole Board, Mental Health Tribunal or a Court, this must be referred to the MAPPAs meeting Chair and the MAPPAs co-ordinator.

17 For submission to Mental Health Tribunals the following information may be shared: *A MAPPAs meeting was held on [date]. MAPPAs Level is []. The MAPPAs group support the recommendation by the RMO for [unescorted SUS/conditional discharge/revocation of the restriction order].*

18 For those Tribunals considering conditional discharge (CD), revocation of the compulsion order (CO) or revocation of the restriction order (RO) the restricted patient team will e-mail the relevant MAPPAs co-ordinator to request that a Minutes Executive Summary be prepared for lodging at the Mental Health Tribunal (which in turn will be copied to the patient and other parties). The Restricted Patient team will, on receipt of a recommendation for CD, revocation of CO or RO, e-mail the relevant MAPPAs co-ordinator to request that a Minutes Executive Summary be prepared for lodging at the Mental Health Tribunal.

19 Requests for disclosure of MAPPAs minutes by an offender or their legal representative should be treated as a Subject Access Request (SAR) authorised under the [Data Protection Act](#). The co-ordinator and the Chair of the meeting will consult with the other agencies who attended the meeting and consider whether the information can be released on the grounds provided by the [Data Protection Act](#). The lead [responsible authority](#) should always seek advice from their information security officer/data protection officer before responding to such requests.

20 There should rarely be a need to disclose minutes in their entirety to anyone not party to the meeting. All formal requests for the disclosure of MAPPA minutes must be responded to. All requests and decisions relating to disclosure of the MAPPA meeting minutes must be recorded on case management records including ViSOR.

21 Where minutes are to be provided, the MAPPA meeting Chair will complete a Minutes Executive Summary supported by a covering letter. Templates for both these documents can be found within the MAPPA document set attached to this guidance.

22 MAPPA minutes are records made and kept for a specific purpose. They should not be used for any other purpose unless there is a clear and compelling reason to do so, which does not compromise the integrity of professional practice and the law. The minutes may well contain personal information about third parties as well as offenders - including information about members of staff of the agencies involved. There is a requirement for that information to be restricted and not to be disclosed to third parties.

Offender involvement

23 While the offender will not be involved in MAPPA meetings, there should be a clearly stated mechanism for communicating with the offender both before and after risk management meetings. This will fall to the [responsible authority](#), i.e. the supervising officer or police officer with responsibility for the case. Engaging the offender in the reality of risk management can be productive. This reflects the critical contribution which offenders themselves can make to changing offending behaviour and for taking responsibility for their actions. Offenders must be aware that they are being managed through the MAPPA, what the MAPPA are, and what that means for them as individuals.

Review meetings

24 Review meetings will primarily be a review of the risk management plan, whether the actions have been delivered, whether any new information has been received that alters the risk assessment and whether there continues to be a need to manage the risk of serious harm in this multi-agency forum. In addition review meetings should consider whether a revised risk management plan or an annual implementation report should be submitted to the RMA for approval in respect of an offender subject to an OLR.

25 [Responsible authorities](#) and [DTC](#) agencies will continue to have a responsibility to inform the MAPPA co-ordinator of any information they receive that indicates a change in the risk of serious harm posed by an offender, in either a positive or negative manner. Review meetings must be called to ensure that any change is addressed.

26 It is of note that the minimum standards are set at Level 3 MAPPA cases being reviewed no less than once every six weeks with MAPPA Level 2 cases being reviewed no less than once every 12 weeks.

Contingency

27 Contingency plans should be put in place for all offenders. The plans must include relevant contact points for emergency action (including out-of-hours contacts) or instructions for all agencies involved to call a MAPPA or MAPPP meeting at short notice. Public protection is paramount and therefore agencies should not delay if they consider that any action or incident has or could lead to increased risk posed by the offender.

28 Contingency plans should include early warning signs (relapse indicators) which should be graded according to the potential risk of harm. Contingency actions in response to early warning signs should also be recorded.

Chairing of MAPPA meetings

29 The Chair of a MAPPA meeting should be someone who has the necessary skills and ability required to fulfil the role. All new Chairs should receive an induction, which provides a 'buddy system', where they are linked to an experienced Chair in their area and they should also receive appropriate MAPPA Chair training.

30 The expectation is that Level 2 MAPPA meetings will be Chaired at a minimum level of police Inspector or social work equivalent. Level 3 meetings will be chaired at a minimum level of Chief Social Work Officer or a person designated by them or a police Superintendent. The meetings can also be chaired by a SPS Governor or their representative or a suitably qualified health representative.

31 The MAPPA Chair is facilitator, leader and decision-maker, ensuring that the identification of the risks, and the production and appropriate review of the MAPPA Risk Management Plan, is conducted in an effective and efficient manner. The Chair will ensure that:

The agenda is followed and all items are fully discussed:

- Meetings are properly recorded and minutes are circulated within the specified timescales;
- The risk management plan is reviewed;
- Meetings consider a full analysis of the risk of serious harm;
- Meetings run to the time allocated but the time allowed should be sufficient to address the issues;

- Regulations and rules are adhered to; and
- Where agencies fail to attend meetings, and this affects the ability of the meeting to fully assess the potential risks of harm and establish an effective MAPPAs Risk Management Plan, or where agencies have not undertaken agreed tasks, that this is followed up with the respective agency locally and that they are reminded of their statutory [responsible authority](#) or [DTC](#) status. The agency concerned should be clearly recorded to allow for scrutiny in the future in the event of a Significant Case Review or other similar process.

This will involve:

- Enabling appropriate contributions from all participants;
- Summarising key points;
- Testing for consensus;
- Noting areas of disagreement and recording this;
- Deciding options for moving forward; and
- Agreeing a MAPPAs Risk Management Plan.

6 LEVELS AT WHICH RISK IS ASSESSED AND MANAGED

1 Every person subject to the [SONR](#) and restricted patients should be risk assessed and a risk management plan should be completed. The risk assessment and the components of the risk management plan will inform the [responsible authorities](#) of the level at which risk is assessed and should be managed.

2 This part of the guidance provides the framework under which the MAPPA operates, identifying three levels at which risk can be managed. ***This structure of risk management is intended to enable resources to be deployed so that identified risk can be managed in the most efficient and effective manner.***

The levels are:

- Level 1: routine risk management;
- Level 2: multi-agency risk management;
- Level 3: Multi Agency Public Protection Panels (MAPPP).

3 The risk management structure is based on the principle that cases should be managed at the lowest level consistent with providing a defensible risk management plan. The level at which a case is managed is therefore dependent upon the nature of the risk and how it can be managed - thus not all high-risk cases will need to be managed by the MAPPP and equally the complexities of managing a medium-risk case might justify a MAPPP referral.

Defensible decision-making

4 Defensible decision-making is defined by [Professor Hazel Kemshall](#) in the report, 'strengthening multi agency public protection arrangements'. It is imperative that practitioners make defensible decisions in all cases. In practice, this means to make a defensible decision, practitioners must:

- ensure decisions are grounded in evidence;
- use reliable risk assessment tools;
- collect, verify and thoroughly evaluate information;
- record and account for decision-making;
- communicate with relevant others and seek relevant information you do not have;
- work within agency policies and procedures;

- take all reasonable steps to minimise the risk of further offending;
- match risk management interventions to risk factors;
- maintain contact with offenders at a level commensurate with the level of risk of harm; and
- respond to escalating risk, deteriorating behaviour, and non-compliance.

This will ensure that decisions can be evidenced, and defended, if necessary.

5 The adoption of the three levels ensures a consistent approach to the arrangements throughout the country. Areas have discretion in deciding which cases to refer to which level based on the experience and expertise of the agencies involved but every area must establish arrangements based on the three levels described below.

Level 1: Routine risk management

6 The largest proportion of all MAPPA offenders are managed at Level 1. This level of risk management is the level used in cases where the risks posed by the offender can be managed by one agency without actively or significantly involving other agencies (as was the case prior to the commencement of [sections 10 and 11 of the Management of Offenders etc. \(Scotland\) Act 2005](#)). This is an operational matter for the [responsible authorities](#).

7 Level 1 management should include information sharing between the [responsible authorities](#) and [DTC](#) agencies and details of information shared and decisions made should be recorded on ViSOR. This should be core business within the statutory responsibilities of the agencies involved and the arrangements required under the MAPPA for offenders at Levels 2 and 3 will not be required to manage Level 1 offenders.

8 Some Level 1 cases may require a multi-agency meeting to share information to ensure that all the risk factors are identified and the risks are being effectively managed. The lead [responsible authority](#) managing the case will identify when a meeting is necessary and will coordinate it, recording the decisions made on the relevant case management records and ViSOR. If the risk requires more complex multi-agency management then the offender should be referred to Level 2.

9 The vast majority of Level 1 cases in Scotland are managed by the police. They are well placed to identify changes to offenders lifestyle and circumstances which may impact upon risk. That said, it is not the sole preserve of the police to manage Level 1 offenders; it is for all the [responsible authorities](#) to be actively involved in the monitoring of the sex offenders made known to them and they should report changes to the respective lead agency when they become aware of them.

10 If factors change which may affect the risk then it is vital that there are effective information sharing processes in place to ensure that these factors can be taken into consideration by the [responsible authorities](#).

11 It is important that Level 1 cases are reviewed to ensure that the risk management arrangements remain appropriate. The timing of this review should be based on the risks posed by the offender.

Level 2: Multi-agency risk management

12 Level 2 risk management should be used where the active involvement of multiple agencies is required to manage and actively reduce the risk of serious harm posed but where either the level of risk or the complexity of managing the risk is not so great as to require referral to Level 3.

13 It is vital to understand that risk can and will change, so the means of managing risk must react to and reflect risk accordingly.

14 The [responsible authorities](#), through the MAPPA co-ordinator, are responsible for convening and supporting the Level 2 arrangements. Good practice suggests that, depending upon the needs of the case, the following agencies/organisations should routinely play an active role in Level 2 management:

- police;
- local authority: CJSW; children and families or youth justice social work teams; adult services; housing [Sex Offender Liaison Officers \(SOLOs\)](#) and, where appropriate, education;
- the relevant health board, including mental health services; and
- other agencies, e.g. voluntary sector providers.

15 Level 2 arrangements are more than *ad hoc* groups, which change with each case. A permanent representative from the relevant agencies, supplemented by representatives from other organisations as needed, helps to ensure effective oversight of risk management plans.

16 Multi-agency risk management may mean a significant caseload of offenders requiring active management and review by the [responsible authorities](#). To achieve this, the [responsible authorities](#) must ensure that the meetings are effectively managed and supported.

17 The [responsible authorities](#) are charged with the statutory function for ensuring the efficient and effective operation of MAPPA and for this reason it is important that the Level 2 meetings are chaired by a representative of either police, the local authority, SPS or Health.

18 The frequency of these meetings is a matter for the [responsible authority](#), in liaison with the MAPPA co-ordinator, to decide, in conjunction with partner agencies and will reflect the number of cases being managed and their complexity. However, setting regular meetings will allow the opportunity for the systematic review of risk management plans. It is of note that the minimum standards are set at Level 3 MAPPA cases being reviewed no less than once every six weeks with MAPPA Level 2 cases being reviewed no less than once every 12 weeks.

19 Again, the implications of [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2011](#) should be considered.

Level 3: Multi Agency Public Protection Panel (MAPPP)

20 The MAPPP is responsible for the management of offenders falling into the Level 3 category. It is recommended that each CJA area should identify at least one Level 3 Chair. The MAPPP members must be in a position to understand the requirements and commit resources to the management of Level 3 offenders.

21 The criteria for referring a case to the MAPPP are where the offender:

- is assessed as being a high or very high risk of serious harm; and
- presents risks that can only be managed by a plan which requires close co-operation at a senior level. This would be due to the complexity of the case and/or because of the unusual resource commitments required;

OR

- although not assessed as a high or very high risk, the case is exceptional because the likelihood of media scrutiny and/or public interest in the management of the case is very high and there is a need to ensure that public confidence in the criminal justice system is sustained.

22 Although the offenders under Level 3 are not exclusively those assessed as high or very high risk, in almost all cases they will be.

23 While most are offenders being released from prison or already being managed in the community, they may also include:

- an offender on discharge from detention under a hospital order (with the health board as the [responsible authority](#));
- an offender returning from overseas (whether immediately following their release from custody or not); and

- an offender who, having been managed as a medium or even a low risk in the community through referral to the second or third level MAPPA meeting, comes to present a high or very high risk as the result of a significant change of circumstances.

24 The Level 3 MAPPP cases may be referred to Level 2 when for example, the likelihood and impact of risk has diminished or where the complexities of the multi-agency management of the risks have been agreed and firmly established by the MAPPP.

25 Key to the effectiveness of Level 2 and Level 3 (MAPPP) arrangements is the multi-agency representation and involvement. In determining the level of the representation and the nature of that involvement three factors must be considered:

- I. The representatives must have the authority to make decisions committing their agency's involvement and resources. If decisions are deferred then the effectiveness of the multi-agency operation is weakened. It is essential to secure the correct level of seniority of attendees at meetings.
- II. They require relevant experience of risk/needs assessment and management and the analytical and partnership working skills to inform deliberations. This experience and these skills can usefully contribute both to specific case management and more broadly in providing advice on case management.
- III. The effectiveness of Level 2 and Level 3 arrangements depends in large part upon establishing continuity. Multi-agency work is often complex and benefits greatly from the continuity of personnel and their professional engagement.

7 RISK ASSESSMENT AND RISK MANAGEMENT

1 The guidance presented in this chapter aims to provide:

- an initial reference point;
- pointers to further sources of information;
- clarity regarding the definitions, concepts and terminology which underpin risk assessment and management;
- broad indicators of what constitutes good risk assessment and management practice;
- guidance regarding communication of risk within MAPPA; and
- direction regarding the process of multi-agency risk management planning.

2 A broader range of standards, guidelines and guidance resources relating to the assessment and management of risk are also available from the [Risk Management Authority](#).

Risk

3 Risk is a concept that we must understand and respond to; risk is not a description of a person. Risk is the potential for an adverse event to lead to a negative outcome. In assessing risk we seek to estimate how likely it is that the event will occur and what the nature and seriousness of its impact will be.¹ In this context, the 'adverse event' is offending behaviour and the negative outcome is the degree and nature of serious harm that it might cause.

Risk assessment

4 Risk assessment should follow a structured, three step process by which professionals **identify, analyse and evaluate** relevant information about an offender. Assessment should clearly inform decision making and action plans with the aim of reducing the likelihood and impact of further offending.

Identification of relevant information should involve a review of:

- personal, interpersonal and community issues relating to the individual;
- past and current behaviour to identify the pattern, nature and seriousness of previous offending; and

¹ The limitation of some risk assessments to the likelihood dimension is described in the research paper *Serious Violent Offenders: Developing a Risk Assessment Framework* Barry *et al* (2007) available on the [RMA website](#)

- risk and strength factors which support offending or desistance.

This step of the assessment process can be usefully supported by the use of appropriate risk assessment tools.

Analysis of this information should give consideration to:

- the balance of risk and protective factors;
- the likelihood of further offending currently, and in the future;
- the type of offending which might occur;
- the possible outcomes and seriousness of further offending;
- possible victims;
- the situations or scenarios in which offending is likely to occur;
- the triggers for episodes of offending; and
- evidence of possible early warning signs.

The analysis should be summarised in a statement of risk which clearly outlines the pattern, nature, seriousness and likelihood of offending.

Evaluation should consider this analysis in relation to:

- your role and task;
- the various parties who need to understand the risk;
- who needs to be informed and involved, and should communicate;
- a summary of the risk level as appropriate;
- an evaluation of manageability in the appropriate context; and
- what action needs to be taken to manage the risk.

5 It is incumbent on MAPPA Chairs and the [responsible authorities](#) to ensure that decisions are based on a comprehensive risk assessment which is:

- conducted in a structured manner according to agreed evidence-based principles and practice process;
- undertaken by those who are appropriately qualified, skilled, knowledgeable, competent, and supported to undertake assessment at this level;

- based on balanced, verified sources of information;
- communicated using meaningful, shared terminology; and
- translated into proportionate, appropriate interventions and contingency plans; which are then implemented with integrity.

Limitations of risk assessment

6 Risk entails uncertainty; it is not possible to fully eliminate risk or to accurately predict human behaviour. However, it is possible to use the evidence in an individual case, and, alongside what is known about similar offenders from research literature, to identify relevant risk and protective factors. This can contribute to our understanding of previous offending and facilitate the development of plans to limit the potential for future offending. Any deficits in information which might affect the scope or validity of the assessment should be clearly highlighted and the impact of those gaps should be made clear.

7 Risk is dynamic, changing with time and circumstances, so risk assessments must be reviewed on an ongoing basis, particularly in response to any change in circumstances (for example a further offence, change in life or living circumstances, or a move from institution to community). Risk assessments must be tailored to the individual. The risk assessment must be proportionate to the level of risk posed and must have the capacity to inform a reduction or increase in the risk management strategies in response to changes in the risk level. While the three step assessment process described above should be consistent across all cases, the depth and type of risk assessment undertaken will vary to be appropriate to the professional responsibilities of the practitioner and agency.

Risk assessment tools

8 There are a number of instruments or tools which can be used to inform risk assessment. These tools will assist a practitioner to complete a risk assessment, but they are not risk assessments in themselves. Such tools cannot give a full picture of the risk posed by an offender, but within the context of a structured approach to assessment they can help to identify relevant factors on which to base a fuller analysis and evaluation of offending behaviour.

9 Risk assessment tools can inform professional judgments and underpin defensible decision-making. However, in applying such tools, current guidance on the intended use and application of the respective tools must be carefully adhered to, and agency protocols and procedures regarding the approved use of specific tools must be followed.

10 In the multi-agency context, it is important that practitioners have an understanding of the different definitions, purposes, strengths and limitations of the various risk assessment tools used by different agencies to ensure that they are applied proportionately, appropriately and defensibly.

11 Risk assessment tools of various types can help in understanding the risk an offender poses, but it is important when using any instrument that the practitioner is aware of the reliability and validity of the tool, the limitations of its use, the aspects of risk that it can and cannot identify, and the qualifications required to use it. Whichever instrument or set of instruments are used, practitioners must use their judgment in a reasoned way to apply the instrument(s) to a particular case.

12 There are various risk assessment instruments available depending on the type of risk under consideration, e.g. general offending, non-sexual violence, sexual offending, domestic violence, stalking. While it is unrealistic to seek 'one tool to fit all', it is desirable to make explicit and systematic the means by which a tool or method is chosen for the purpose and context of the assessment². These risk instruments fall into three broad categories (the examples given are primarily instruments for use with sexual offenders with the exception of LS/CMI):

- Static actuarial, e.g. RM2000
- Dynamic or conceptual actuarial, e.g. SA07 and LS/CMI
- Structured Professional Judgment, e.g. SVR-20/RSVP

13 It is of note however that many risk assessment instruments are limited to use with certain categories of offenders. For example some tools are not applicable to women, children and internet offenders and users should be aware of the limits of their validity with particular groups.

14 However, the Level of Service Case Management Inventory (LS/CMI) has been adopted nationally as the core social work assessment and case management instrument. It has been implemented within a structured assessment approach consistent with FRAME and is applied through an electronic format. The procedure allows for the completion of routine case management plans and more detailed risk management plans.

² The Risk Management Authority (RMA) has published the [Risk Assessment Tools Evaluation Directory \(RATED\)](#) which lists a number of risk assessment instruments, evaluates the research that has been carried out to validate them and test their reliability, and gives an indication of whether they are appropriate for use when assessing a certain type of risk.

Aspects of risk

15 The risk that a person poses can be broken down into a number of different aspects. These aspects should be given separate consideration when assessing risk³. Key aspects of risk include:

- **Pattern:** how often, since when and how much a particular type of offending has occurred. Numerous patterns of offending may be evident within one case.
- **Nature:** the types of offences (e.g. contact/non-contact, sexual, violent, acquisitive), how many types of offending, and to whom the offending poses a risk.
- **Seriousness:** the degree of harm caused, the degree of harm intended, and the extent of planning involved in the offending. Risk of serious harm is defined as the likelihood of harmful behaviour of a violent or sexual nature, which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, may reasonably be expected to be difficult or impossible.
- **Likelihood:** does the balance of risk and protective factors point towards further offending or desistance? How likely it is that the individual will reoffend in the future?
- **Imminence:** are there early warning signs that indicate that offending is about to occur? How soon is the individual likely to offend and what are the circumstances under which they are likely to do this? This involves identifying triggers, precipitants, circumstances and states that would indicate that an offence might be imminent, and the activities or contingency measures that are required to manage the risk.
- **Time-scale:** what time-scale applies to the identified risk factors, e.g. long term (years); medium term (months); or short-term risk (days to weeks)? Some risk factors are more stable than others and may remain static over a period of time whilst others might be susceptible to change at very short notice. In the context of assigning MAPPA levels the focus is usually on short- to medium-term risk.

³ These points were identified in the report *Serious Violent and Sexual Offenders: The use of risk assessment tools in Scotland* (Scottish Government 2002)

- **Victims:** who is at risk? Is the offending targeted at a specific individual or is there evidence that victims belong to a particular type or group (e.g. women, men, children, unknown adults, vulnerable individuals, ethnic groups?) There may be more than one victim group. The first step in identifying these groups is to look for any pattern in the victims of previous offending, however, consideration should also be given to the potential for diversification in offending behaviour. Also understanding the development of an offender's behaviour may point to a change in the types of victims that may be targeted (e.g. child, family, stranger). Practitioners should consider why a particular victim was targeted and what it is about a particular victim or victim group that is important.

16 Risk assessment should include an understanding of why the offender has offended against the victims that they have harmed and who they may pose a risk to in the future. When drawing up a risk management plan, these considerations will directly inform *victim safety planning*, the type of *treatment* or *intervention* that might be appropriate, and the degree of *management* and *supervision* that is required.

17 **Manageability:** to what extent is the offender likely to respond to risk management strategies? Practitioners should consider whether the individual has the ability and willingness to take steps to manage themselves, as well as the likelihood of compliance with externally imposed measures. An understanding of how they have responded to previous risk management attempts will inform the type of strategies to be used in the future and the way in which they should be used.

Risk factors

18 Broadly speaking 'risk factors' can be categorised in two ways:

- **Static factors** - These are historical factors such as age, gender and previous behaviour that have been shown by research to be predictive of offending behaviour. Whilst these background factors anchor the assessment and can provide long-term indicators of the risk that an individual may pose over the long term, they do not identify current risk or provide guidance about treatment targets.
- **Dynamic factors** - These are current and changeable factors that can fluctuate over time. They can take the form of *stable* factors such as emotional, interpersonal, cognitive or sexual dispositions that can contribute towards offending behaviour, but are amenable to change through treatment or intervention. These factors can contribute to an understanding of why someone offends, and are helpful in identifying targets for treatment or intervention. They also provide a means by which to measure an individual's response to interventions over time.

- Alternatively, they might be *acute* factors which can change rapidly and trigger an offence. Some might result in placing an offender in a situation in which they are more likely to offend (e.g. substance misuse) whilst others might be indicative of a circumstance or state of mind which suggests that reoffending is imminent (e.g. emotional collapse). These factors are important in risk management planning as they indicate the targets for *monitoring* and will inform *supervision* requirements. They can also contribute to *victim safety planning* if offenders, and those close to them are able to recognise these factors and take preventative action to avoid reoffending.

19 It is important to identify all relevant risk factors, both in terms of background (static) factors and current (dynamic) factors, and to understand how these interact and differ so that an informed conclusion about the current risk level can be made. Identifying these factors can also contribute to an understanding of how, why and when offending occurs. This is crucial in directing risk management strategies of monitoring, supervision, treatment/intervention and victim safety-planning in order to reduce the risk of further offending and support offenders to meet their needs in pro-social ways.

Protective factors and strengths

20 It is important to consider protective factors, as well as risk factors, when assessing risk. A protective factor is not the absence of a risk factor or the imposition of external restrictions designed to manage risk. Protective factors are circumstances, relationships or characteristics that act to prevent or interrupt the occurrence of an episode of potentially seriously harmful behaviour. In recent years the role of protective factors in mitigating risk has been recognised and as such is becoming an increasing feature in risk assessment and management practice.

21 The individual's strengths should also be highlighted. Strengths are positive characteristics, relationships and/or circumstances that build resilience and pre-dispose or encourage an offender towards pro-social behaviour or desistance from offending. Some strengths may be life-long, and some may develop with help, support and intervention. A key issue to consider is whether there is evidence the person has the skills, ability and inclination to lead a pro-social life, meeting their needs (for relationships, occupation, friendship, self-worth, acquiring material goods) in a way that does not involve offending.

22 Looking at periods of an offender's life where they have not offended and positive responses to previous risk management can help in identifying protective factors and strengths in a particular case.

Risk levels

23 As outlined above, the risk posed by an individual depends on a complex interaction of factors relating to the potential perpetrator, the potential victim and their circumstances. Labels such as high, medium and low are meaningless unless they are clearly defined and an understanding of that definition is shared by all involved.

24 Before assigning a risk level, practitioners should set out a brief narrative describing their understanding of the risk the person poses in relation to the various aspects of risk set out above. Anticipating the scenarios in which offending may occur will help practitioners to consider risk of serious harm in a practical way that directs the development of proportionate risk management measures.

25 Within MAPPA, offenders who pose a risk of serious harm need to be identified and an appropriate risk management plan needs to be put in place. Risk assessment should determine the level of risk of serious harm that an offender poses. For MAPPA purposes these are defined as follows:

- **Low:** current evidence does not indicate likelihood of causing serious harm;
- **Medium:** there are identifiable indicators of serious harm. The offender has the potential to cause such harm, but is unlikely to do so unless there is a change in circumstances, for example failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse;
- **High:** there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious; and
- **Very high:** there is an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious.

26 These risk levels relate to the short- to medium-term risk of serious harm, and the manageability of that risk. These levels will change as time goes on depending on a number of factors, including the person's response to treatment, supervision and monitoring. These levels do not translate automatically into Levels 1, 2 and 3 – but most Level 2 and 3 cases should be considered to be in the high and very high category.

27 Except in unusual circumstances, only offenders assessed as posing a risk of serious harm should be risk managed at MAPPA Levels 2 and 3.

Risk of serious harm

28 A key aim of MAPPA is to help reduce the reoffending behaviour of sexual and mentally disordered restricted patients in order to protect the public, including previous victims, from serious harm.

29 Risk of serious harm is defined as the likelihood of harmful behaviour of a violent or sexual nature, which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, may reasonably be expected to be difficult or impossible.

30 There is no simple approach to identifying whether the risk of serious harm is a concern in a particular case. Patterns of previous offending and behaviour are important indicators but considering the risk of serious harm must extend beyond simply establishing whether the offender has caused serious harm in the past. Assessing the risk of serious harm necessitates having an individualised understanding of each offender's background and pathway to offending and should involve consideration of a wide range of factors. These factors might include but are not limited to:

- History of perpetrating serious harm;
- Escalation of behaviour/offending;
- Psychopathy;
- Sadism (sexual or non-sexual);
- Disinhibiting effects of alcohol;
- Problems with anger and/or rage;
- Reckless disregard for consequences of actions on others;
- Targeting particular vulnerable groups, e.g. children;
- Use of weapons;
- Diversity of offending behaviour;
- Stated intent to cause serious harm; and
- Homicidal or violent ideas, thoughts or fantasies.

31 For the most serious or complex cases where an in-depth, detailed and individualised understanding of the risk of serious harm is required, consideration should be given to involving other appropriately qualified professionals (e.g. a psychologist or psychiatrist) to contribute to or undertake an assessment.

From risk assessment to risk management

32 Risk assessment is the first step in risk management, and risk assessment should always lead to a plan to manage the risk posed. However, in the context of multi-agency practice, there is a need for a shared set of principles to guide risk management.

33 Risk assessment and management should be:

Rights-based

The overarching purpose of MAPPA is public protection. Rights-based risk management practice recognises human worth and dignity, and pursues transparency, fairness, social justice and inclusion. The two are compatible: a rights-based approach requires that restrictions of liberty are of the least restrictive necessary to protect the rights and wellbeing of others.

Individualised

The risk management process should be tailored to the individual to ensure that the response is commensurate to the level of risk and specific to his/her needs and strengths. When assessing young people under 18, an understanding of the behaviour within its developmental and situational context is necessary. Risk management plans should be responsive to the young person's age and stage of development, and consistent with the assessment of how the young person's developmental needs can most appropriately be met.

Proportionate

Ensuring that the degree of risk management is proportionate to the level of risk posed is vital in ensuring that practice is effective in preventing harm but is not overly restrictive.

Collaborative

Risk management must be collaborative in its approach; involving the individual, the victim and their representatives if appropriate, and other agencies to ensure that plans are transparent, inclusive, and integrated. This shared approach should facilitate continuity within the multi-agency context.

Evidence-based

The strategies which are employed to manage risk must be based on the best available evidence to ensure decision-making is defensible, and that interventions are effective and efficient.

Dynamic

Risk management plans must be based on a clear understanding of the unpredictable and changeable nature of risk, and as such must have the capacity to respond quickly to potential changes in the risk level.

Clearly and meaningfully communicated

Assessments and risk management plans must be easily understood by those whose actions they seek to inform. They should use clearly defined terms, and should identify agreed actions, outcomes and lines of responsibility.

34 An approach which follows the principles outlined above will be **defensible** rather than **defensive**. Decision-making cannot be infallible but should nevertheless be underpinned by 'defensible decision-making' which is defined in Chapter 6 of this guidance.

Risk management

35 Risk management is the process by which the likelihood of an adverse event is reduced and/or the potential impact of that event is minimised. When considering risk of violent or sexual offending, the term 'risk management' is usually used to describe the activities, measures and strategies that need to be implemented in order to minimise the likelihood or seriousness of harm to others.

36 Ethical practice requires that risk management plans and activities are defensible. This necessitates that measures are proportionate to the risk posed by the individual and are informed by, and directly related to, the risk factors identified within the risk assessment. Risk management activities should be clearly co-ordinated in a dynamic risk management plan which has capacity to respond to changes in the level of risk. Risk management strategies must be based on the best available evidence and should be delivered by staff that are appropriately qualified and whose involvement is in keeping with the role and remit of their organisation.

Risk management strategies

37 Relevant risk and protective factors should be attended to using appropriate risk management strategies. In cases where there is heightened concern about risk it is likely that a multi-layered, multi-agency, multi-modal approach will be adopted in order to address the identified risk factors.

38 Risk management strategies fall within four broad categories:

- monitoring;
- supervision;
- treatment/intervention; and
- victim safety planning.

Monitoring

39 Monitoring involves a range of observational activities designed to detect or identify changes in risk over time. These may be factors indicating imminence of offending, a change in the type of risk posed, or a decrease in current risk. Monitoring is an active component of risk management and is central to the development and ongoing review of contingency plans.

40 In keeping with the need for a proportionate response, the degree of monitoring should equate to the level of risk that is posed by an individual. Practitioners should be *actively alert* to critical risk factors which may indicate that the level of risk is escalating or that a serious incident is imminent, and appropriate contingency measures should be identified. There may also be less concerning factors indicating instability, disinhibition or movement towards offending which will require an appropriate level of *attention*, but may merit a less urgent response.

41 Operational decisions in respect of how an offender may be monitored lie with the [responsible authorities](#).

42 To ensure defensibility, there should be an explicit link between the risk or protective factor and the monitoring activity being undertaken. For each factor being monitored consideration should be given to:

- **What** is being monitored?
- **Why** is it being monitored?
- **How** will it be monitored?
- **Who** will monitor it?
- **When** will it be monitored?
- **Where** will it be monitored?
- **What** will happen if the factor being monitored changes? How quickly and to whom should the change be communicated?

Supervision

43 Supervision encompasses strategies that restrict liberty and seek to engage the individual in the process of change.

44 Supervision strategies will vary according to the role and context of the professional and the circumstances of the offender. Supervision of offenders in the community is largely the statutory responsibility of local authorities and in addition to the enforcement of orders, will include enhancing motivation, goal-setting activities, and structured work to support the development of pro-social skills and relapse prevention strategies.

45 However, the vast majority of offenders subject to the [SONR](#) are managed by the police in a single agency, Level 1 capacity and in this context supervision largely involves the enforcement of orders.

46 Examples of the range of supervision strategies might include:

- detention in a secure institution/hospital
- restrictions or obligations in:
 - movement (e.g. curfews, travel bans, electronic monitoring)
 - activity (e.g. substance use, participation in groups/organisations)
 - associations (e.g. criminal associates, previous/potential victims)
 - communication (e.g. telephone, postal and internet access)
- contact with a supervising officer
- licence/SOPO conditions
- Restricted Patients on Conditional Discharge in the community
- developing mutually agreed goals which are SMART
- identifying high-risk situations
- developing, demonstrating and practising pro-social coping strategies
- developing and rehearsing relapse prevention strategies.

47 Bearing in mind the principles that should underpin risk management practice, it is important that the level of supervision is **proportionate** to the risk posed by the individual. Overly restrictive supervision may be unethical and counterproductive, and in some cases may increase the risk posed by the individual. In such cases an individual may become isolated, despondent and resentful, perhaps fuelling anger or perpetuating the use of deviant fantasising.

48 Equally, where there is evidence of positive change which indicates that an individual's circumstances are stable and supportive, and that the individual has some capacity to self-manage the identified risk factors, then the level of supervision should be reduced accordingly.

49 Such decisions need to be informed by a clear understanding of the **dynamic**, uncertain and changeable nature of risk.

50 A balance must be struck between the individual's **rights** and the safety of others, and this can only be done through a detailed **individualised** assessment of risk, leading to tailored and appropriate supervision arrangements. A 'one size fits all' approach is not in keeping with evidence-based principles.

51 Supervision needs to be linked with **monitoring** to ensure that any breach of a supervision requirement is quickly identified and appropriately acted upon.

Treatment/Intervention

52 The aim of treatment or intervention is to address issues or problems in a person's functioning through the provision of (re-)habilitative services, specific programmes, activities or techniques. Research indicates that treatment and interventions prove most effective when they are tailored to the needs of the individual, and are of a type that has been demonstrated to lead to improved outcomes. This involves considering factors such as an individual's learning style, degree of motivation, personality type and level of interpersonal and communication skills.

53 In the context of risk management, intervention is aimed at targeting behaviours or problems which relate to the risk of offending. Interventions can be delivered on an individual or group-work basis and can have a social, medical, psychological or educational/practical focus.

54 Examples might include:

- cognitive behavioural programmes designed to improve problem solving or anger management skills;
- developing and improving interactions with family, friends and partners to encourage pro-social relationships;
- medical treatment (e.g. for mental illness where symptoms have violent or sexual associations);
- psychological treatment, including individual work, group or family treatment. This includes individual or group work to address offending behaviour;
- work that helps an individual to develop occupational skills, and to get and retain employment;
- helping an individual make appropriate use of their leisure time; and
- support to address substance misuse.

Victim safety planning

55 Victim safety planning aims to reduce the likelihood and impact of psychological and physical harm to previous and potential victims by devising preventive or contingency strategies. Victim safety planning as a concept has its origins in the area of domestic violence, but can be applied to other types of offending such as child abuse and stalking. As well as seeking to protect specific known individuals, victim safety planning should extend to include cases in which no named victim is known, but in which possible victims groups are identifiable (e.g. known adult females, unknown adolescent males etc).

56 As with other risk management strategies, victim safety planning should be individualised by tailoring plans to the offender and the potential victims. Where possible a structured victim safety plan should be devised. Safety planning should identify patterns of escalation and should help the victim (where known) to identify potential triggers and early indicators of high-risk situations.

57 Staff safety planning also needs to be considered in all cases, particularly:

- where staff fit the profile of the types of victims chosen by an offender;
- where an offender may react with aggression to having limits placed on them;
- where an offender has been indiscriminate in the types of victims targeted.

58 In conjunction with the development of a robust risk management plan there are a number of issues that need to be given due consideration.

Communication and disclosure

59 A risk management plan should be communicated timeously to all those involved in the management of the case, and there should be agreed processes in place for ongoing communication, updating and feed-back.

60 In some cases consideration may need to be given to disclosing information about an offender's background to others, e.g. family, partners, employers. Such disclosures must be justified in terms of the risk posed by the individual, and only the minimum amount of information necessary to ensure the safety of others should be disclosed. Further information on disclosure can be found in Chapter 9 of this guidance.

Contingency planning

61 Having a contingency plan is a crucial part of managing offenders. Contingency plans are important when risk management measures start to breakdown, or signs that offending is imminent become apparent. Those involved in the case, including where appropriate the offender, his family and potential victims, should know what the key factors are to look out for, and what the response to them should be. There should be a clear plan outlining what action should be taken by whom and how quickly. Emergency contacts should be identified both within and outwith office hours.

Re-assessment and review

62 Risk is dynamic. The management plan needs to take this into account both in terms of gathering new information about risk and protective factors, and adjusting risk management plans appropriately. Consideration should be given to 'filling in gaps' and the provision of additional historical information; changes in the presence, type and degree of dynamic factors; new incidents or offences; and new protective factors.

63 The risk assessment and risk management plan should be amended in light of changes, increasing measures in response to an escalation in risk, or decreasing restrictions in the light of positive progress. There should be regular contact between those involved in managing the case both informally and formally. The question to be asked at such reviews is - In the context of the current understanding of risk and risk management plan, do we need to make any changes?

64 There should be a thorough and comprehensive revision of the risk assessment at regular intervals to allow the risk assessment to be updated in light of new information and progress, and risk management strategies to be revised accordingly. Risk assessments should be reviewed regularly, but particularly in response to a significant change. This may include:

- a significant change in the offenders circumstances (e.g. transfer from institution to community, loss of employment)
- an event which indicates a change in the level of risk (e.g. a further offence, relapse to substance misuse).

Policy and practice context

65 The RMA, in conjunction with the Scottish Government and key partners in Health, Social Work, police and the Scottish Prison Services have recently established the [*Framework for Risk Assessment, Management and Evaluation*](#) ([FRAME](#))⁴. This national, multi-agency initiative seeks to introduce a consistent approach to risk practice across offenders groups and agencies through a shared understanding of roles and responsibilities, practice process, and language of risk. In addition to establishing a set of agreed foundations, and principles to underpin risk practice, the framework introduces key terms and definitions by which agencies can meaningfully communicate about risk. [FRAME](#) also outlines five practice standards that establish a proportionate, tiered approach to risk assessment and management practice.

⁴ <http://www.rmascotland.gov.uk/research-interests/our-current-research/#1>

8 INFORMATION SHARING, CONCORDAT AND PROTOCOLS

1 In 2001, an Expert Panel, chaired by Lady Cosgrove, published a report entitled [Reducing the Risk: Improving the Response to Sex Offending](#). The Expert Panel recognised that a large number of agencies, including the police, prosecutors, courts, prison service, CJSW, as well as housing, health and education authorities play a role in managing the risk posed by sex offenders.

2 The Expert Panel concluded that these agencies (working with voluntary sector partners) have a duty to deliver the safer environment which communities expect and deserve but that there is a tendency for individual agencies to focus their attention on improving their internal procedures rather than working together. This results in gaps in the system which sex offenders can exploit.

3 The Expert Panel therefore called for a programme of action where:

- Each organisation has a clear understanding of its own role and responsibilities in relation to sex offenders;
- Agencies and organisations who work with sex offenders work together to overcome the risks which sex offenders present;
- Institutional barriers which prevent a more effective co-ordination of practices and integration of services are tackled; and
- The practical and operational difficulties which exist are addressed.

4 In particular, the Expert Panel highlighted the importance of sharing information.

National Concordat on Sharing Information on Sex Offenders

5 In order to fulfil the aspirations of the Expert Panel report, a multi-agency Information Sharing Steering Group took forward the information management recommendations of the report to ensure the effective and efficient flow of information between key agencies by developing protocols, guidance and strategies.

6 As a result the [National Concordat on the Sharing of Information on Sex Offenders](#) was developed and published. In signing the Concordat, agencies from all spectrums of the justice system and statutory and non statutory organisations involved in the management of sex offenders agreed to work to a set of principles and working arrangements. This was intended to improve the systems and procedures to ensure that public safety is given the highest priority by ensuring that all relevant information is shared within the tenet of existing legislation.

7 These agencies and bodies include the [responsible authorities](#) and many who are defined under the [DTC](#).

Protocols

8 Importantly, the Concordat requires all agencies involved to use agreed definitions and to develop detailed information sharing protocols under which the flow of information is to be managed. Protocols allow each agency to be clear about, and address their legal obligations, for sharing of information under the [Data Protection Act 1998](#) and other legislation.

9 Guidance on the development and content of protocols can be found in the [Scottish Executive Justice Department Circular 15/2005](#) issued in November 2005 to those agencies and bodies who signed the Concordat. This guidance also covers agencies that are not involved directly in the MAPPA arrangements.

10 Health also issued the Concordat guidance under cover of NHS [HDL \(2006\) 9](#) issued in February 2006 to NHS boards and the State Hospital Board.

11 It should be recognised that most agencies will require to be involved in the development and operation of bi-lateral and multi-lateral protocols. Protocols are a major factor in the [DTC](#) and should be developed as part of the Memorandum under [section 10\(5\) of the Management of Offenders etc. \(Scotland\) Act 2005](#).

12 In 2009, the multi-agency inspection report [Assessing and managing high risk of harm offenders](#), Chapter 4, again reiterated the requirements for agencies to share information in respect of high risk of harm offenders and acknowledged the commitment of agencies to do so.

Communication, record keeping and action

13 The effective management of offenders who pose a risk of harm to the community requires a set of complex arrangements to be put in place by a number of agencies to address individual needs and circumstances and, most of all, to ensure that public protection is maintained.

14 Investigations into high-profile cases have identified poor communication and lack of continuity as major factors in contributing to the failure to properly assess risk and develop management plans at an early stage and to monitor and address changes in risk and adjust management of the offender, as required.

15 The Concordat, protocols and memorandum are intended to provide the basis on which each agency will agree to fulfil its role. These roles can only be delivered effectively if clear lines of communication are established between the [responsible authority](#) and [DTC](#) agencies.

16 ***Whether information should be shared and, if so, what information and to whom, must be decided on a case-by-case basis. That said, the presumption should be that in cases where there is a risk of harm to the public, information should be shared.*** The UK Information Commissioner's Office (ICO) regulates the DPA and provides advice and guidance on data sharing. This includes a statutory [Data Sharing Code of Practice](#) which should be followed.

17 Confident, appropriate and effective sharing of information is a very important part of the [DTC](#). The effectiveness of information sharing arrangements reflect the effectiveness of co-operation within the MAPPAs as a whole. However, not all the information shared will be personal information, that is the information covered by privacy laws (the common law duty of confidentiality, the protection of personal information required by the [Data Protection Act](#) and Article 8 of the [Convention for the Protection of Human Rights and Fundamental Freedoms](#)). This part of the Guidance relates only to sharing personal information.

Data Protection Act 1998

18 The [Data Protection Act 1998](#) requires that personal information:

- i. Must be fairly and lawfully processed
- ii. Must be processed for limited purposes
- iii. Must be adequate, relevant and not excessive
- iv. Must be accurate and up to date
- v. Must not be kept for longer than is necessary
- vi. Shall be processed in line with the data subjects' rights
- vii. Must be secure
- viii. Must not be transferred to other countries without adequate protection.

19 Critical to the justification of information sharing are the twin requirements of necessity and proportionality. The necessity criterion requires that there is a pressing public protection need. The proportionality criterion requires the information shared must be only that information necessary to achieve the purpose for which it is being shared. Further explanation of this is provided below.

20 To identify the purpose of sharing information and to ensure that the agencies' obligations to retain and use the information lawfully are fulfilled, it is helpful to keep the following in mind. The persons with whom information is shared must know:

- Is a [Privacy Impact Assessment \(PIA\)](#) required?
- Is the information personal or otherwise sensitive?
- Is the sharing of the information lawful and fair?
- Is there an existing data sharing agreement?
- Who is authorised to see the information (need to know)?
- Will the data sharing deliver benefits?

21 Clarity about these matters will help instil the confidence of the professionals representing the [DTC](#) agencies.

Management of Police Information (MOPI)/information security

22 Detailed guidance on the management of police information and information sharing with partner organisations can be found within the [Management of Police Information \(MOPI\) Partners version](#).

23 It is vital that information is shared and stored securely as much of the information within the MAPPA process will be of a sensitive nature.

Government Protective Marking Scheme (GPMS)

24 The GPMS sets out common standards for the protection of sensitive documents and other material, including data held on computer and electronic recording systems, against accidental or deliberate compromise. It defines different security classifications and all protectively marked documents should be labelled on the top and bottom of each page with the classification.

25 MAPPA notification and referral forms, minutes and risk management plan documents should be protectively marked as restricted in terms of the GPMS. Dependent on the nature of the information contained on the documents it may be appropriate on occasion to have them marked as 'Confidential' in terms of GPMS.

26 MAPPA documents should **not** be marked with a classification of secret or top secret. A description of GPMS can be found at Annex 2.

Information sharing – health considerations

27 If MAPPA documents are marked as ‘restricted’ in terms of GPMS then NHS net can be used to transmit documents between the NHS and other agencies. Within the NHS, MAPPA documents must be stored in accordance with GPMS either physically or electronically. Within the hospital environment, MAPPA records are held separately from the patients records, however, if considered appropriate, a summary, containing relevant information, may be included within the patients records. This is recognised as good practice and should be reflected in the processes employed by General Practitioners. Documents or letters outlining key points may be useful ways to ensure that relevant information is made available to appropriate health service staff where this is necessary without transmitting full MAPPA documents.

28 If MAPPA documents are shared with staff who do not have access to a method of storing documents in keeping with GPMS, then after the documents have been read they should be destroyed.

Jobcentre Plus (JCP)/Department for Work and Pensions (DWP) and the Child Maintenance and Enforcement Commission (‘the Commission’).

29 There are reciprocal arrangements between the Secretary of State and the [responsible authorities](#) in relation to the sharing of information. Albeit the DWP and the Commission are **not** [DTC](#) agencies in Scotland, there is legislation which allows information to be shared in relation to the management of offenders under the terms of section 10 of the 2005 Act. This sharing of information is facilitated by [The Management of Offenders etc. \(Scotland\) Act 2005 \(Disclosure of Information\) Order 2010](#) and circular [JD 5/2010](#).

30 In practice, there are three ways by which the [responsible authorities](#) can obtain information from JCP/DWP, namely:

- A [Section 29 notice under the terms of the Data Protection Act 1998](#). This is the means by which the police routinely access JCP/DWP information for the prevention and detection of crime;
- The DWP/ACPOS Memorandum of Understanding in relation to tracing missing sex offenders; and
- Notifications under the terms of [The Management of Offenders etc. \(Scotland\) Act 2005 \(Disclosure of Information\) Order 2010](#). This piece of legislation is intended to restrict the placing of offenders in inappropriate employment or training and to provide a legislative mechanism by which the JCP/DWP can make the [responsible authorities](#) aware of employment and training information which may affect the risk assessment of an offender subject to the [SONR](#).

31 Each piece of legislation has its own defined uses and the appropriate legislation should be used when circumstances dictate.

9 DISCLOSURE

1 For the purposes of this guidance, information sharing is the sharing of information between all agencies involved in MAPPA. Disclosure, on the other hand, is the sharing of specific information about a MAPPA offender with a third party (not involved in MAPPA) for the purposes of protecting the public.

2 Examples include where there are child protection concerns or inappropriate employment, where the sex offender may have access to children or vulnerable people. The disclosure of an individual's status as a sex offender can take place in three ways in Scotland, namely:

- The sex offender can self disclose;
- A disclosure can be made by a Chief Constable; and
- A disclosure can be made by social workers.

3 The legal context within which disclosure decisions have to be taken is continually evolving. It is for the courts to give an authoritative statement of the law. Future judgments may throw new light on the balance between the public interests in protecting the public, particularly children and adults at risk, from sex offenders and in maintaining law and order, and the protection of the offenders legal rights and any duty of care to them and their families.

4 There are various areas of law which are relevant to disclosure decisions, including:

- The common law duty of care on the way in which agencies exercise their functions;
- The law relating to confidentiality of information;
- The law on data protection;
- The European Convention on Human Rights, especially the right to the protection of private and family life; and
- The law on defamation.

5 Discussions and decisions to disclose information should be made carefully on a case-by-case basis, taking into account:

- The nature and pattern of previous offender behaviour;
- Compliance by the subject with previous sentences or Court Orders;
- Any behaviour which may indicate a likelihood that the individual will reoffend;

- The risk that further offences will be committed;
- The harm such offences would cause;
- The potential adverse consequence of disclosure to the individual and their family and the need to consider whether the individual is vulnerable;
- The effect of further disclosure on the level of risk posed by the individual and the potential consequences;
- Licence or Community Payback Order conditions to which the individual is subject;
- The possibility of the individual absconding as a result of disclosure; and
- A plan to manage the risks following disclosure.

6 In all cases, practitioners should refer to their own organisations guidance in respect of disclosure matters.

Social Work disclosure

7 Children and families social workers have the authority under the terms of the [Children \(Scotland\) Act 1995](#) to disclose information to parents, carers or guardians when they consider that a child may be at immediate risk.

8 That said, it is the role of MAPPA to bring together the [responsible authorities](#) to discuss the risks posed by the offender, the immediacy of the risk and the best methods to minimise that risk. The decision to disclose information should be within the remit of the MAPPA and part of the risk management plan with the police and social work working collaboratively for the safety of a child or any other member of the public considered to be at risk.

Chief Constable disclosure

9 If it is inappropriate for Social Work to disclose, perhaps for reasons in relation to employment for example, the Chief Constable may take the decision to disclose to an appropriate person. Such a proposal should be discussed and assessed by MAPPA partners before any disclosure takes place in accordance with the usual information sharing protocols (ISPs) unless time does not permit such discussion.

10 IMPACT ON VICTIMS

Impact on victims

1 The primary focus of the MAPPA is the risk posed by, and the behaviour of, the offender. In assessing that risk, account needs to be taken of the possible impact of an offender's behaviour on victims of the original offence or offences, as well as the possibility of there being new victims. There are references to victims throughout the MAPPA Guidance, however, this chapter gives a more general description of victim's issues.

Existing victims

2 The risk posed to an existing victim will depend on a range of factors, including the nature of the original offence, the relationship between the offender and the victim and the current location of the victim. Victims can include not only those most easily identified as the victim(s) but those who, whilst not directly involved with the offence itself, have been seriously affected by it - the family of a murder victim, for example.

3 Where there is, or was, an established relationship between the victim and the offender, great care has to be taken to assess the likelihood of the offender attempting to contact the victim, that assessment needs to consider, amongst other things, the proximity of the victim and offender and the chances of them meeting, inadvertently or otherwise.

4 Even when an offence was apparently random and it is deemed unlikely that an offender will seek to contact a particular victim, the victim may be fearful or distressed about the possibility of meeting the offender. Consequently, as part of the MAPPA process consideration should be given not only to the risks posed by an offender to existing victims, but also taking steps to minimise victims' anxiety and, where appropriate, provide reassurance.

Potential victims

5 The possibility of new victims, or, of course, the possibility of existing victims being targeted once more; needs to be considered; it is this that sharpens the focus of risk assessments, which, if they are to be of any use, need to identify anyone who is at risk. In some cases these may not be any named individual(s) but people who are vulnerable by virtue of their location, age, gender, race, religion, sexuality or other distinguishing characteristic. The risks an offender may pose to some particularly vulnerable people, such as children, will require effective links between the [responsible authorities](#) and other agencies.

Rights of victims

6 Victims already have some rights to be notified about the release of an offender. The Victim Notification Scheme (VNS) introduced by [section 16 of the Criminal Justice \(Scotland\) Act 2003](#), confers on victim's in cases - where the victim's assailant has been sentenced to 18 months or more in prison - the right to apply to be notified:

- of the date the person is to be released (other than temporary release);
- if the convicted person dies before release, the date of death;
- that the convicted person has been transferred outwith Scotland;
- that the convicted person has become eligible for temporary release;
- that the convicted person is unlawfully at large; and
- that the convicted person has, for any reason, in respect of a sentence, returned to a prison or young offenders institution before that sentence has been served in full.

7 In cases where the victims assailant is sentenced to four years or more in prison, they also have the right to apply to:

- receive certain information regarding Parole Board review hearings and licence conditions from the Parole Board; and
- make representations to the Parole Board prior to a decision being taken on the release (and the licence conditions) of the offender and, in certain circumstances, to make representations to the Scottish Ministers prior to a decision being taken by them on licence conditions and to receive certain information concerning licence conditions from the Scottish Ministers.

8 In cases where the victim has died, the VNS allows information to be shared with up to four of the victim's nearest relatives; the list of eligible relatives and the hierarchy of priority is set out in [section 14\(10\) of the Criminal Justice \(Scotland\) Act 2003](#).

9 The legislation provides a lawful basis for the disclosure of information to victims (within the limits set out in the Act). [The Victim Notification \(Prescribed Offences\) \(Scotland\) Order 2004](#) and the [Victim Notification \(Prescribed Offences\) \(Scotland\) Amendment Order 2009](#) prescribe the offences covered by the VNS.

10 It is important to note that not all victims apply to the VNS, and some of those who have done so do not keep SPS informed of any change in address. Moreover, the VNS does not apply to victims whose case has not been proven in court, for example, a serial rapist might be prosecuted for specimen offences and victims of offences that were not prosecuted would not be eligible to join the VNS. Finally, victims of offences where the offender was sentenced prior to 1997 (which was when the SPS introduced an administrative victim notification scheme) although eligible to join VNS may not be aware of their right to do so.

Support and information for victims

11 Even in cases that date back many years, victims may be supported by a support organisation, and may feel it helpful to have that organisation involved if agencies are in contact with them about the MAPPA process. Even if victims are not being currently supported, it may be helpful to consider suggesting the involvement of a support agency when victims are being approached, particularly if the victim is vulnerable. Typically, [Victim Support Scotland](#) or [Women's Aid](#) and [Rape Crisis](#) services offer support to victims, but there are a range of other agencies that might be involved in providing practical and emotional support to victims.

12 In addition to voluntary agencies, [Victim Information and Advice \(VIA\)](#) which is part of the Crown Office and Procurator Fiscal Service, provides factual advice and support to victims of certain crimes including sexual offences and to the families of homicide victims on the progress of their case, from the time that it is reported to the Procurator Fiscal through to the trial. If the offender lodges an appeal, victims will normally be kept informed of developments by the local Procurator Fiscal's office.

Conclusion

13 The challenge for the MAPPA is to ensure that the risk assessment and risk management plan developed by the [responsible authorities](#) for the offender takes full account of the known concerns of any specified victim(s). The [responsible authorities](#) must satisfy themselves that they have thoroughly considered the potential risks to which any victim may be exposed and put in place appropriate robust plans to minimise the likelihood of the offender causing further serious harm. The sharing of information relating to the victim(s) by the [responsible authorities](#) plays a central role in making this aspect of the MAPPA process successful. Such an approach will, for example, minimise the likelihood of an offender being released from custody and being accommodated within the same neighbourhood locality as a victim. Where appropriate, reassurance should be provided, especially to existing victims. Clearly, contacting victims in any circumstances, particularly those most vulnerable, will be a sensitive matter which requires careful handling.

11 NATIONAL ACCOMMODATION STRATEGY FOR SEX OFFENDERS ([NASSO](#))

Housing agencies

1 Housing agencies include both local authority housing services and Registered Social Landlords.

Local authority housing services

2 Local authority housing services form part of one of the [responsible authorities](#).

3 Local authorities (including those who have transferred their housing stock) are responsible for ensuring the development of a strategic response to the housing of offenders subject to the [SONR](#). To do so they must involve and talk to RSLs in their area. This should include an assessment of local need and provision for the range of housing for offenders subject to the [SONR](#) and should clarify the contribution by RSLs in their area.

4 The key housing contact in each local authority is the Sex Offender Liaison Officer (SOLO). The main aim of the SOLO role is to be the initial point of contact for housing enquiries for offenders subject to the [SONR](#) and to be the link between the [responsible authorities](#) and social housing providers under a [DTC](#). In this role, the SOLO will:

- Identify housing providers using information about the sex offender from the [responsible authorities](#).
- Make sure that the liaison arrangements for identifying suitable housing and supporting the management of risk by the [responsible authorities](#) includes the housing provider.
- Liaise pro-actively with [responsible authorities](#) and housing providers on ongoing risk management and community safety issues.

Registered Social Landlords

5 Registered Social Landlords (RSLs) are [DTC](#) agencies and as such they have to co-operate with the [responsible authorities](#). RSLs do not themselves have responsibility for assessing and managing risk. The key housing contacts in each RSL is the Link Officer. The role of each RSL is to contribute to the [responsible authorities](#) management of risk by:

- exchanging information on housing with the [responsible authorities](#);
- allocating housing that has been assessed as suitable by the [responsible authorities](#);

- liaising with the [responsible authorities](#) on their ongoing management and monitoring of the risks the offender may pose;
- having in place arrangements with the SOLO and the other [responsible authorities](#) to deal with situations where a property is no longer appropriate and/or the offender's safety is at risk, or if there are behaviour changes that suggest that the individual poses a risk to the community.

6 Housing providers depend on effective information protocols and a co-ordinated approach by [responsible authorities](#). [Responsible authorities](#) must therefore ensure that:

- they have effective liaison arrangements in place with the SOLO;
- housing providers receive (through the protocols for information sharing) sufficient information to manage tenancies occupied by sex offenders;
- they consider the size and stock profile of landlords when making decisions about housing; and
- they respond effectively to ongoing issues of community safety identified by housing providers.

Environmental risk assessment

7 An environmental risk assessment is used to identify housing-related risk and informs decisions on the most suitable housing for each offender that will minimise the risks to the community. The assessment brings together information on the offender, proposed property and location and nearby households to enable a decision on housing an offender to be made that will minimise the risks to the community.

8 An environmental risk assessment should be done for all offenders managed at MAPPA levels 2 and 3. The lead responsible authority managing an offender at MAPPA level 1 should also consider the need for an environmental risk assessment for such offenders, taking into account the risks the offender may pose, public protection issues or the high profile nature of the case. The need for an assessment should also be considered for housing for prisoners on temporary home leave.

9 When the circumstances of the offender change, the Responsible Authorities may trigger the need for a review of an environmental risk assessment. The Responsible Authorities should agree how often they will review the environmental risk assessment where it is not otherwise triggered. The frequency should be in line with the level of risk the sex offender may pose, and as a minimum the risk assessment should be reviewed on an annual basis.

10 Further information can be found within the [National Accommodation Strategy for Sex Offenders](#).

12 OFFENDERS WITHIN THE PRISON SYSTEM

1 When an offender is sentenced to a period of imprisonment and the conviction requires the person to be subject to the [SONR](#), Multi Agency Public Protection Arrangements are put in place. The SPS acts as the [responsible authority](#) until the offender is released from custody.

2 All convicted offenders are managed via the Integrated Case Management (ICM) process which operates on two levels, Standard and Enhanced. The Enhanced ICM process applies where offenders are subject to post-release supervision (i.e. all sex offenders sentenced to six months or more in prison, all offenders sentenced to four years or more and all offenders sentenced to less than four years in prison whose conviction includes an element of post-release supervision).

3 The Enhanced ICM process represents a joint approach to the assessment and management of risk. Prison staff and Prison-based social workers carry out a joint assessment of the risks presented by offenders and work together to create an individualised action plan aimed at addressing risks through a range of appropriately sequenced interventions. This process is facilitated through a case conference approach (in which the offender's participation is actively encouraged) which involves a range of professionals across the criminal justice system, including community-based social workers and, where appropriate, the police.

4 Prior to progression to less secure conditions or community access, a formal notification should be issued to the police with a request for relevant information which may inform the SPS decision on progression. Early engagement with the police should also take place in cases of high risk of harm to the public.

Progression through the prison system

5 The risk assessments carried out as part of ICM inform decisions on how the offender will be managed both during the custodial period and upon transition to the community. An important element of this transition is progression through the prison system. Offenders may, as they approach their release date, progress to less secure conditions such as a national 'top-end' facility, where controlled access to the community is allowed to help prepare offenders for their release. This controlled access to the community may take the form of work placements and/or Special Escorted Leave.

6 The Open Estate also plays a vital role in preparing offenders for release. When transferred to the Open Estate, offenders can - in addition to work placements and escorted/unescorted leave - benefit from access to the Home Leave Scheme (provided a positive Home Background Report is submitted by community-based Social Work confirming the required community supports are in place).

7 A robust risk assessment is completed prior to progression from the closed estate. In the spirit of partnership working, the decision to allow an offender to progress is made by a multi-agency, multi-disciplinary team, Chaired by the prison's Governor/Deputy Governor.

8 It has been widely recognised that formal arrangements for managing/monitoring offenders commence at the point of release. That said, however, the risk assessment process as offenders gain community access through the progression process prior to the point of release must be viewed as a continuum. Criminal Justice Agencies should ensure that appropriate steps are taken to provide an effective mechanism for ensuring the public are protected from harmful offending.

9 The decision to grant an offender access to the community prior to release from prison is owned by the SPS as the [responsible authority](#). However, to ensure all relevant and appropriate information is taken into account during the decision-making process, SPS welcomes the input of community partners.

10 Prior to consideration of progression, SPS invites input from the police while community-based Social Work is preparing the Home Background Report. This is typically around **six weeks** prior to the progression case conference. At this point, where an offender is being considered for progression to less secure conditions, SPS will issue a formal MAPPA Notification to the MAPPA co-ordinators covering both the area local to the prison and also the area which is considered the home area of the prisoner. The home area is more likely to be aware of the background information on the offender and the local prison area will be aware of the environmental factors which will require to be considered prior to the decision being made in respect of community access. The existing MAPPA Notification form has been updated accordingly.

11 [Justice Directorate Circular 3/2010](#) provides further information in respect of the home leave process.

Pre-release/Release

12 All sex offenders, whether in custody for their index offence or otherwise, sentenced to six months or more in custody are subject to the Enhanced ICM process. Offenders subject to the Parole process are managed in a similar manner with the obvious additional considerations that surround decisions on release (i.e. in such cases, the actual release date is not known until the Parole Board for Scotland reach their decision). In this respect - for the purposes of ICM - the Parole Qualifying Date (PQD) is treated as a release date and used to schedule the pre-release case conference and issue the appropriate MAPPA Referral. Where release on Parole is refused, subsequent review dates are set (the number of reviews will depend upon the length of time between the original PQD and the Earliest Date of Liberation); these review dates will be treated in the same manner, i.e. treated as potential release dates for the purposes of ICM until the Earliest Date of Liberation is reached and the offender is released on non-parole licence. The same process applies to indeterminate sentence offenders.

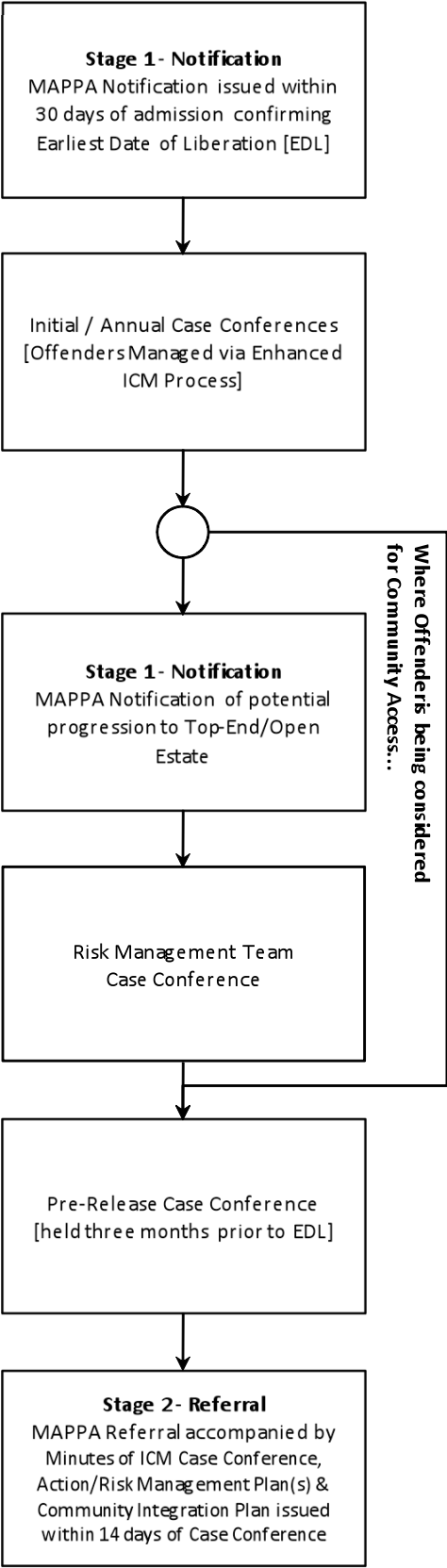
13 Prior to release, the ICM (pre-release) case conference is used to establish the offender's continued level of risk and recommend the level of multi-agency management required upon release (i.e. MAPPA level 1, 2 or 3). Such considerations will be informed by the offender's response to community access (where this has been granted as part of the progression process) and to prison-based interventions.

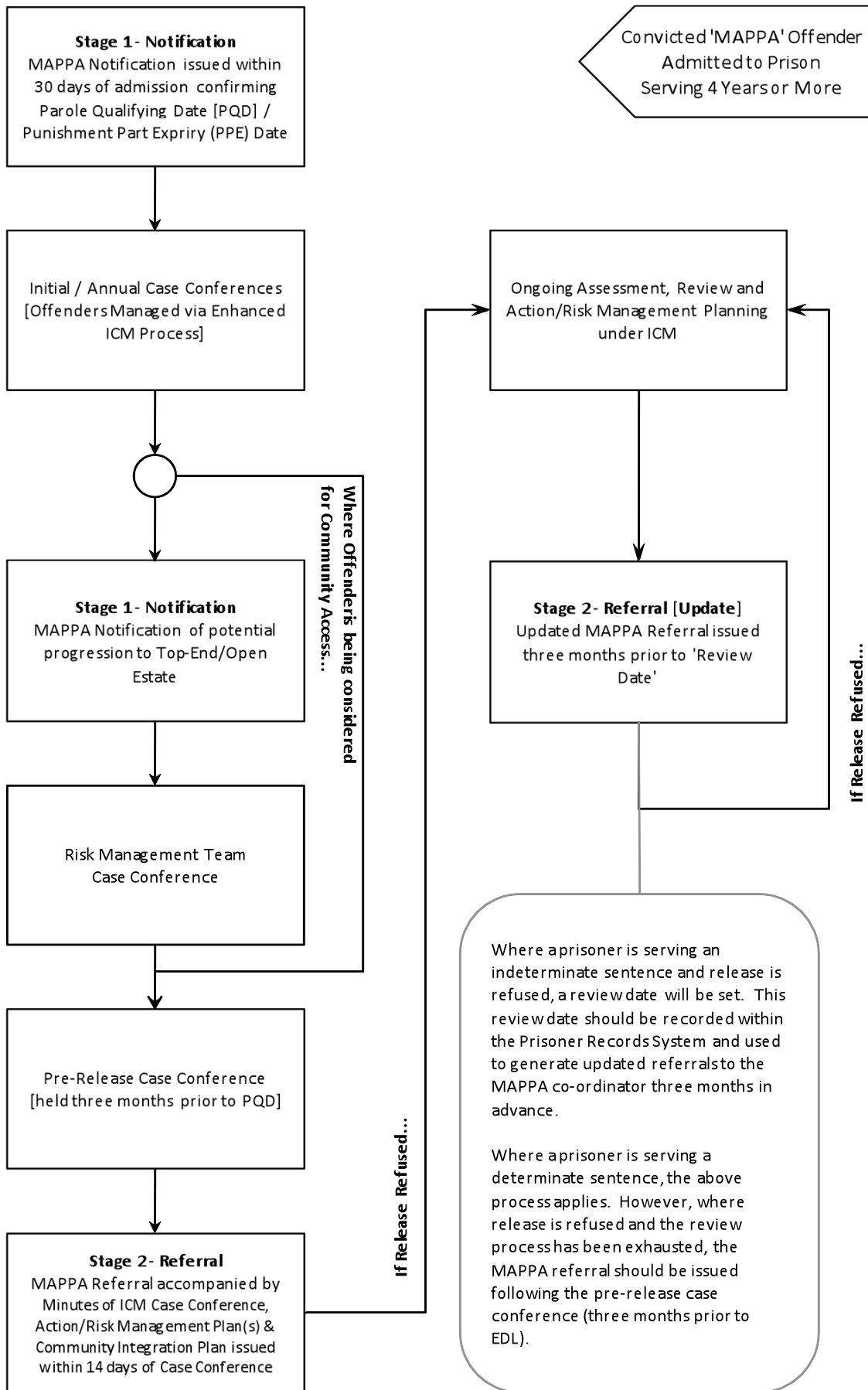
14 Where an offender will be managed at MAPPA level 3, the SPS will attend MAPPP meetings in the community prior to release. In certain circumstances, the SPS may also attend MAPPA Level 2 meetings in the community, although this is not a formal requirement and consideration of whether SPS attendance is required (and appropriate) at Level 2 meetings is on a case-by-case basis.

15 The notification processes for offenders released from prison under MAPPA are detailed on the following pages. Further detail on the ICM process can be found at:

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Convicted 'MAPPA' Offender
Admitted to Prison
Serving Less Than 4 Years





13 THE PAROLE BOARD

Background

1 The relevant legislation in relation to the release of prisoners is the [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#) and applies to prisoners sentenced on or after 1 October 1993. The detailed procedures for parole consideration in relation to these prisoners are governed by [The Parole Board Rules \(Scotland\) 2001](#).

Parole Board for Scotland

2 The Parole Board for Scotland is a Tribunal Non-Departmental Public Body whose members are appointed by the Scottish Ministers. The Parole Board has a number of statutory functions but operates independently from the Scottish Government. The Parole Board has no statutory powers to consider the case of a prisoner unless the case has been referred to it by Scottish Ministers. Directions made to Scottish Ministers by the Parole Board about the early release of an offender are binding, with the exception of deportation cases and applications for compassionate release where the Parole Board will offer advice only. For further information see www.scottishparoleboard.gov.uk.

3 The Parole Board only grants release in cases where the level and nature of risk is deemed to be manageable in the community; this decision is informed by the evaluation of risk assessments.

4 The type of sentence imposed will determine both at which point in the sentence the Parole Board will consider release and under what procedures the review will take place.

Parole Board Executive

5 The Parole Board Executive is responsible for the day-to-day administration of the Parole Board for Scotland. On receipt of cases from the Scottish Prison Service or the Scottish Government Parole Unit, the Parole Board Executive schedules the case for a Casework Meeting or Tribunal based on the type of case and informs all parties of the Parole Board's decision following consideration of the case.

Email: paroleboardcasework@scotland.gsi.gov.uk

Address: Room X5
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Parole Unit

6 The Parole Unit is part of the Criminal Justice and Parole Division within the Learning and Justice Directorate of the Scottish Government. The Unit oversees casework related to parole and recalls to custody, and is responsible for advising Scottish Ministers on policy and procedure governing the release of prisoners. The Unit is directly responsible for setting the release licence conditions for prisoners whose sentences fall between six months and four years and who have been sentenced for a sexual offence.

Email: paroleunit@scotland.gsi.gov.uk

Address: Room GW.15
St Andrew's House
Regent Road
EDINBURGH
EH1 3DG

Tel No - 0131 244 8530

Parole Board – MAPPA Considerations

Information to the Parole Board

7 Six months prior to a prisoner's review date, SPS will write to the MAPPA co-ordinator advising that the prisoner's review has commenced and that the decision of the Parole Board should be known approximately 10 weeks before the review date. This notification will also advise the MAPPA co-ordinator to liaise with CJSW, who have the statutory responsibility for the reporting on the recommendation of licence conditions to the Parole Board. If the [responsible authorities](#) wish to send information to the Parole Board, this information should be passed to the relevant Criminal Justice Social Worker who should ensure that the content is sufficient to support any request.

8 Criminal Justice Social Workers preparing reports for the Parole Board must not quote a MAPPA meeting as a source of information, except with the Chair's permission. If the report writer wishes to use a specific piece of information that has been shared at a MAPPA meeting, they must first consult the agency which provided it to seek approval to use the information in the report. The information must be attributed to the agency and the content agreed with the agency representative who attended the meeting.

9 If the offender has been released on licence, is in custody and serving between six months and four years for a sexual offence or is being considered by a Tribunal of the Parole Board (life sentence prisoners and extended sentence prisoners recalled in the extension period of their sentence) then the information will be processed on behalf of Scottish Ministers through the Scottish Government Parole Unit.

10 Members of the MAPPA group should not contact the Parole Board directly.

Requests for MAPPA minutes

11 If the Parole Board requests a copy of relevant MAPPA minutes in respect of an offender being managed at Level 2 or 3, the matter should be referred to the Chair of the MAPPA meeting concerned and the MAPPA co-ordinator.

12 All requests and decisions relating to the disclosure of the MAPPA meeting minutes must be recorded on case management records including ViSOR. Where information is to be provided, the MAPPA meeting Chair will complete a Minutes Executive Summary and covering letter.

13 Communication in reply to the Parole Board should be through the CJSW.

Parole Board information to the MAPPA

SPS

14 Information about Parole Qualifying Dates and the Earliest Dates of Liberation are held by the SPS. These dates must be passed to the MAPPA co-ordinator and the relevant [responsible authority](#) as soon as they are known. This will allow forward planning in respect of housing and potential risks to public protection. This should be done, even if the SPS consider that there is little likelihood of release. The dates should also be recorded on ViSOR.

Throughcare Licence Breach Report: Role of Parole Unit

15 Circular [JD/4/2008](#) sets out the format for providing throughcare licence breach reports. Subject to the recommendation made by the criminal justice supervising officer, the Parole Unit will reach a decision based upon the full facts of the case; this will include, for example, the nature of the reported breach, the individual's criminal record, history of substance abuse and, current risk assessments. Where the supervising officer makes a recommendation for an immediate recall to custody (Scottish Ministers' recall), a decision can only be made where it is expedient in the public interest to do so and where there is clear evidence to show an immediate risk of harm to the public.

16 Where it is deemed that there has been a serious breach of licence, contact arrangements are available for out of hours emergencies. CJSW Services or the police should contact the Scottish Government Security Staff Control Room (0131 556 8500) who will contact a designated member of the Parole Unit. A discussion can then take place between the supervising officer/emergency duty social worker, police and Parole Unit staff.

14 RESTRICTED PATIENTS/OFFENDERS WITHIN THE HEALTH SYSTEM

Introduction

1 Arrangements to ensure appropriate multi-agency assessment and management of the risk posed by certain offenders introduced in April 2007 for registered sex offenders came into effect in relation to all restricted patients on 30 April 2008.

2 This guidance is intended to explain how restricted patients should be assessed and managed within the MAPPA framework. Health teams caring for restricted patients should ensure that they are familiar with the MAPPA guidance and also the guidance contained in the Memorandum of Procedure <http://www.scotland.gov.uk/Publications/2010/06/04095331/0> and [CEL 19 \(2008\)](#).

3 The term 'restricted patient' is used in this guidance. For clarity any patient subject to any of the following orders or directions comes within the remit of MAPPA legislation and procedures:

- Patients who are detained following conviction under [section 57A](#) and [section 59](#) of the [Criminal Procedure \(Scotland\) Act 1995](#);
- Patients who are detained under [section 57 \(2\) \(a\) and \(b\) of the Criminal Procedure \(Scotland\) Act 1995](#) Compulsion order with a Restriction Order following a finding of insanity in bar of trial or acquittal on grounds of insanity; and
- Prisoners detained in hospital on a Hospital Direction under [section 59A of the Criminal Procedure \(Scotland\) Act 1995](#) or a transferred prisoner on a Transfer for Treatment Direction under [section 136 of the Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#).

4 The legislative provisions requiring the use of MAPPA procedures in relation to these patients can be found at [sections 10 and 11 of the Management Offenders etc. \(Scotland\) Act 2005](#).

5 While patients on remand are detained in hospital for treatment they are managed as restricted patients. However, such patients are not subject to MAPPA management by NHS boards (though of course they may be subject to such management by other agencies as a result of prior offences).

6 While patients on Interim Compulsion Orders are not subject to MAPPA they are included in the [CPA](#) process for their risk assessment and management in anticipation of them becoming a restricted patient and subject to MAPPA in due course.

NHS Health Boards

7 All NHS Boards and the State Hospitals Board for Scotland should identify a senior manager responsible for providing the assurances on the quality of the operation of the [CPA](#) and to provide the statistical information for contributing to the MAPPA Annual Report.

Notification or referral to MAPPA co-ordinator

8 There are three key stages at which a MAPPA referral must take place, using the [MAPPA Referral Form](#):

- when the patient is being considered for unescorted ground parole or unescorted suspension of detention for the first time - following scrutiny of the risk assessment and management plans MAPPA will indicate whether or not they are content with the plans. Once agreement is reached the Responsible Medical Officer (RMO) should submit the request for suspension of detention to the Scottish Ministers in the usual way;
- when suitable accommodation has been identified in the community as part of the planning for conditional discharge - suspension of detention may continue as usual whilst this process is underway; and
- when the RMO is considering recommending the revocation of the compulsion order or the revocation of the restriction order.

9 However, there may be occasions when a MAPPA 2 referral is appropriate. In these exceptional cases a referral to MAPPA level 2 may be appropriate. That said, a police view should be sought before a decision is made to make a MAPPA 2 referral. These include:

- involving transfer or escorted suspension of detention from the State Hospital when the risk is considered to be high;
- first occasion of escorted suspension of detention, where risk is high or patient is very high profile;
- if a patient is approaching their EDL and the care team consider the risks presented by the patient are significant enough to be managed through a risk management plan managed at MAPPA level 2;
- if a patient is already on unescorted suspension of detention or unescorted ground leave and the care team considers the risk presented by the patient might be best managed at MAPPA Level 2 or above; or
- if a patient is on conditional discharge and the clinical team and others involved through the [CPA](#) process consider the risk presented by the patient might be best managed at MAPPA Level 2 or above.

CEL 19 (2008) – Actions, assessment and management of restricted patients within MAPPA framework

10 [CEL 19 \(2008\)](#) provided guidance on the immediate actions to be taken by health boards in relation to restricted patients, and explained both how restricted patients would be assessed and managed within the MAPPA framework as well as the ongoing responsibilities of health boards and patient care teams under the 2005 Act.

11 [CEL 19 \(2008\)](#) provides guidance on:

- Health responsibilities for restricted patients under MAPPA (paras 15-19)
- Application to restricted patients (paras 20-27)
- [CPA](#) for restricted patients (paras 28-33)
- Risk assessment and management of restricted patients (paras 34-38)
- NHS Boards and Clinical Governance (paras 29-41)
- Role of the Responsible Medical Officer (paras 42-44)
- Role of the Mental Health Officer (para 45)
- Procedures for MAPPA Stage 1 (paras 50-56)
- Transfer to conditions of lower security of otherwise (paras 57-60)
- Planning for Suspension of Detention (paras 61-67)
- Planning for Conditional Discharge (paras 68-75)
- Procedures for referral to MAPPA stage 2 and 3 (paras 76-81)
- Transferred prisoners (paras 82-85)
- Absconding by patient on leave (paras 86-88)
- Breaches of conditions of discharge (paras 89-92)
- Revocation of Compulsion Order (Absolute Discharge) or Revocation of Restriction Order (paras 93-99)
- Early Discharge Protocol (para 100)
- Transfer out of Scotland (para 101)
- ViSOR (paras 102-104)

Care Programme Approach (CPA)

12 Guidance on the operation of [CPA](#) for restricted patients was circulated in October 2007 ([CEL 13\(2007\)](#)). Although the same underlying principles of gathering and sharing of relevant information in relation to risk apply, [CPA](#) focuses on the care and treatment likely to minimise the risk posed, whilst MAPPA focuses on multi-agency review and scrutiny of the risk management plan produced through the [CPA](#) process. Within the MAPPA framework, the [CPA](#) process will remain the vehicle for planning a person's care and treatment and for risk assessment and management planning.

13 The underlying concept of MAPPA is to provide systems and processes for relevant agencies to share information about individuals who represent a risk to the community. Where appropriate, the agencies will co-operate to put together plans to assess and manage these risks. It is important to emphasise that MAPPA meeting's remit is scrutiny of risk assessment, information sharing and risk management plans and not direct case management or an opportunity to have a case conference.

Liaison with the police

14 Local MAPPA co-ordinators should help identify police link staff to be invited to pre-[CPA](#) meetings and for liaison about any police issues of relevance to the case including whether a MAPPA Level 2 referral is appropriate. The aim is that the police link should be in place from the start of the [CPA](#) process and not simply introduced when patients are moving towards the community. The police role should include invitation to [CPA](#) meetings in the following circumstances:

- On the admission of the patient to hospital an appropriate police liaison officer is identified who will assist with the gathering and sharing of information to assist the risk assessment process. This person should be invited to the pre-[CPA](#) meeting which takes place shortly after admission and does not normally involve the patient;
- When unescorted leave within hospital grounds is being considered;
- If the patient is high risk or high profile and escorted leave is being considered;
- Prior to accommodation being identified for a patient progressing towards conditional discharge;
- When a breach of condition occurs or if a patient is recalled; or
- Any other occasion when it can be demonstrated that a police representative at the meeting is essential.

MAPPA information relayed to the Mental Health Tribunal for Scotland

15 MAPPA co-ordination, Disclosure of MAPPA minutes for submission to the Mental Health Tribunal indicates that the following information by the Health Directorate will be shared: *A MAPPA meeting was held on [date]. MAPPA level is [state level]. The MAPPA group support the recommendation by the RMO for unescorted suspension of detention. This information will be reflected in the Position Statement when relevant.*

16 For those Tribunals considering conditional discharge, revocation of the compulsion order or revocation of the restriction order the restricted patient team will e-mail the relevant MAPPA co-ordinator to request that a Minutes Executive Summary be prepared for lodging at the MHT (which in turn will be copied to the patient and other parties). Restricted Patient team will on receipt of a recommendation for CD, revocation of CO or RO e-mail relevant MAPPA co-ordinator to request that a Minutes Executive Summary be prepared for lodging at the Mental Health Tribunal.

17 The following further guidance on MAPPA and [CPA](#) in relation to restricted patients has been issued:

NHSHDL (2007)19

http://www.sehd.scot.nhs.uk/mels/HDL2007_19.pdf

Note this has been superseded by NHSCEL (2007)8

NHSCEL (2007) 7

http://www.sehd.scot.nhs.uk/mels/CEL2007_07.pdf

NHSCEL (2007) 13

http://www.sehd.scot.nhs.uk/mels/CEL2007_13.pdf

NHSHDL(2002)85

http://www.sehd.scot.nhs.uk/mels/HDL2002_85.pdf

Memorandum of Procedure for restricted patients

<http://www.scotland.gov.uk/Publications/2010/06/04095331/0>

The wider role of the NHS in MAPPA

18 Reference should be made to the guidance contained within Chapter 3 of this guidance, which sets out the legal position of the NHS in respect of those subject to the SONR.

19 The role of the NHS in MAPPA can be summarised as follows:

- Mentally disordered offenders (restricted patients) – health boards and Special Health Boards are the [responsible authority](#) and have a duty to co-operate with other agencies for non-restricted MDO sex (and violent) offenders;
- Sharing information with other agencies - receiving and giving information so as to help protect the public (including NHS staff and patients) from serious harm;
- Representation and points of contact – there must be involvement of senior staff who can cover both management and clinical issues;
- Involvement in strategic management of MAPPA; and
- Providing clinical knowledge and resources, where appropriate, to help other agencies in the assessment and management of risk of serious harm posed by sexual (and violent) offenders.

15 ViSOR

1 The Violent and Sex Offender Register (ViSOR) is a computer system which provides a UK multi-agency information sharing tool which can be accessed and updated by the police, SPS, local authorities and the Scottish Government Re-Shaping Care and Mental Health Division.

2 ViSOR's main function is to ensure that the [responsible authorities](#) contribute, share and store critical information about MAPPA offenders which enhances communication across the four [responsible authorities](#).

3 ViSOR provides a secure database enabling the sharing of risk assessment and risk management information on MAPPA offenders in a timely way. It improves the capacity to share intelligence and allows for the secure and immediate transfer of key information when these offenders move between areas. In addition, ViSOR provides the opportunity to access consistent management information to support performance analysis and improved working practices. It will also provide information for the MAPPA annual reports and will store the MAPPA meeting minutes and risk management plans.

Security

4 The ViSOR system is classified as CONFIDENTIAL. Due to this classification, [Data Protection Act \(1998\)](#) requests will require to be considered on a case-by-case basis, however, the disclosure of information could adversely affect police activity therefore such request may be denied.

5 In order for ViSOR to be an effective information sharing and risk management tool, information on all MAPPA offenders should be held on the system including those offenders currently serving custodial sentences.

6 Each ViSOR nominal has a manager who has responsibility for the collation and quality assurance of information stored on that record. There can also be a number of partners to a record who have the ability to input information into the nominal record. The accuracy of this information is the responsibility of the person entering it.

Access

7 Currently, ViSOR is accessible by the [responsible authorities](#). All police forces in England, Wales and Northern Ireland, the British Transport Police and the Military Police as well as all English and Welsh Prisons and the Probation Service have a direct link to the information held on ViSOR.

8 Further information for practitioners on the subject of ViSOR can be found within the manual of ViSOR standards which includes agreed responsibility for the input of information and minimum standards.

16 THE SEXUAL OFFENCES ACT 2003 (REMEDIAL) (SCOTLAND) ORDER 2011

1 This legislation provides for a review process for those offenders subject to the [SONR](#) indefinitely. In essence, there are three key dates to be aware of in respect of managing these sex offenders.

- Date of conviction – An offender convicted when they were under 18 years of age will be subject to a review eight years after his/her initial notification date. A person 18 years of age or older will be eligible for a review 15 years after their initial notification date.
- Date of notification – The date when a sex offender first notifies the Police under the [SONR](#) is the date used to set the date of review, i.e. eight or 15 years hence. In cases where the sex offender was released into the community prior to 1 September 1997, however was still subject to statutory supervision on that date, the qualifying date will be the date of release from custody.
- Review date – the date when the review will be due.

2 The legislation requires the Chief Constable to make a decision as to whether a person subject to the [SONR](#) indefinitely should be required to continue to notify, or alternatively, for the notification requirement to cease.

3 Should the Chief Constable be satisfied on the balance of probabilities, that a sex offender poses a risk of sexual harm to the public, or any specific members of the public, then the Chief Constable will issue a notification continuation order, which has the effect of continuing the requirements to notify for a period of up to 15 years. The offender has the right to appeal the Chief Constable's decision to the Sheriff Court and thereafter to the Sheriff Principal.

4 Prior to making the decision, it is best practice for the Chief Constable to engage the other [responsible authorities](#) to ascertain any information which will inform the decision whether to impose a notification continuation order or not. This is reflected within [Section 88C \(4\) \(k\) of the Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2011](#).

5 To facilitate this sharing of information it is accepted that should the initial information trawl reveal matters of concerns a MAPPA meeting should be held where all relevant information can be shared.

17 MISSING/WANTED MAPPA OFFENDERS

1 The primary purpose of the [SONR](#) is to enable the police to know the location of sex offenders, and to manage these sex offenders in an effort to ensure that the protection of the public is maintained by minimising the risk of further offending against the public.

2 It is vitally important that should a sex offender subject to the [SONR](#) go missing, or alternatively become wanted then the matter should be treated with the appropriate seriousness. It is an operational matter for the police and the other [responsible authorities](#) to carry out all possible enquiries to trace the whereabouts of the missing or wanted offender and to re-establish the management required to protect the public.

3 The definitions of 'missing' and 'wanted' are contained within Annex 10.

4 Where an offender subject to the [SONR](#) is discovered to be missing, senior managers of the [responsible authorities](#) should be made aware at the earliest opportunity. This will allow for oversight and the deployment, if necessary of the appropriate resources required to trace the missing offender. If the offender is subject to statutory through care licence conditions the matter should be referred to the Parole Unit, which is part of the Criminal Justice and Parole Division within the Learning and Justice Directorate of the Scottish Government.

5 The MAPPA co-ordinator should be notified of the missing sex offender as a Level 2 offender and consideration should be given, where appropriate for the convening of a MAPPA meeting. This will allow the [responsible authorities](#) to meet, share relevant information and task accordingly. That said, it would be expected that the [responsible authorities](#) would be consulting with each other prior to the formal MAPPA meeting.

Escaped or absconding patients

6 In relation to restricted patients, guidance is contained within the [Memorandum of Procedure on Restricted Patients](#), page 69 and Annex B.

18 STRATEGIC MANAGEMENT

Introduction

1 Scotland's eight [Community Justice Authorities](#) (CJAs) provide a co-ordinated approach to planning and monitoring the delivery of offender services by planning, managing and reporting on the performance by local authorities or groups of local authorities. Their aim is to target services to reduce reoffending and to ensure close co-operation between community and prison services to aid the rehabilitation of offenders.

2 Recommendation 19 of the multi-agency inspection report – '[Assessing and managing offenders who present a high risk of serious harm 2009](#)', provided that:

'MAPPAs [responsible authorities](#) establish local strategic boards to oversee the performance management and quality of local MAPPAs operations and plan for the future improvement and development of the system.'

3 Senior representatives, including the Chief Officer of the [CJA](#) from the local [responsible authorities](#) are represented on the SOGs.

The role of the SOG

4 [Section 11 of the 2005 Act](#) requires the [responsible authorities](#) to monitor the operation of MAPPAs, making changes to improve effectiveness where required. As well as providing local leadership, the SOGs are responsible for performance monitoring and quality assurance of MAPPAs, and for the co-ordination and submission of the annual report for their area.

5 In terms of local leadership, the MAPPAs SOG is responsible for shaping MAPPAs activity in its area. This involves agreeing the role and representation of the different agencies within the SOG and putting in place the necessary protocols and memoranda of understanding which formalise these.

6 It is for the [responsible authorities](#) to determine between them how the strategic management arrangements for MAPPAs will operate and the SOG provides the forum for these discussions. The SOG should also develop a clear understanding of how the local MAPPAs group communicates with other relevant local strategic multi-agency arrangements (for example, Child Protection Committees).

7 It is important that the role of the SOG is consistent across Scotland and SOGs should:

- Provide a strategic structure with oversight of the MAPPA area and representation at Chief Officer level.
- Include key members from the local authority, the police, Scottish Prison Service and Health alongside other representatives, as agreed, to meet local needs.
- Provide a forum where issues between and among [responsible authorities](#) and [DTC](#) agencies can be discussed and resolved.
- Be responsible for local oversight of the following core areas in relation to MAPPA:
 - a) Business planning, management and resource allocation;
 - b) The publication of an annual report on the operation of MAPPA in line with the obligations of [Section 11 of the Management of Offenders etc. \(Scotland\) Act 2005](#);
 - c) Raise public awareness of the management of offenders subject to MAPPA processes;
 - d) Significant Case Review;
 - e) Training;
 - f) Liaison and communication, both within MAPPA and with other local multi-agency structures designed to protect the public;
 - g) Ensure adherence to National MAPPA Guidance and other relevant National Protocols and standards (including ViSOR and data protection);
 - h) Develop and review annually equality impact assessment and diversity plan;
 - i) Identify, implement and share best practice;
 - j) Address any issues around the concentration in particular locations of sex offenders under MAPPA; and
 - k) Liaise with the Scottish Government's MAPPA liaison lead.

8 The SOG should meet quarterly and be supported by one or more operational or steering groups according to local requirements. MAPPA co-ordinators play a key role in supporting the SOG.

Principles of governance

9 The strategic management arrangements should reflect a strong understanding of the mechanisms for effective and efficient public services. The [Good Governance Standard for Public Services](#)⁵ sets out six principles of good governance that are common to all public services:

- a) Focusing on the organisation's purpose and outcomes for citizens and service users;
- b) Performing effectively in clearly defined functions and roles;
- c) Promoting values for the whole organisation and demonstrating the values of good governance through behaviour;
- d) Taking informed, transparent decisions and managing risks;
- e) Developing the capacity and capability of the governing body to be effective;
- f) Engaging stakeholders and making accountability real.

Performance management and quality assurance

10 The [responsible authorities](#) and the SOGs need to be satisfied that the MAPPA in their area are working well and that the risk management arrangements meet the defensibility test. The defensibility test is:

‘Was everything that could reasonably have been done to prevent offenders from reoffending actually done?’

11 This applies to how each individual agency fulfils their obligations and how the agencies work together in achieving comprehensive risk management. The [responsible authorities](#), through the MAPPA SOG, need to be able to demonstrate this empirically through monitoring and evaluation of performance.

12 The monitoring and evaluation activities of the SOG contribute to the MAPPA annual report, drive the business planning process and provide the means of reviewing the effectiveness of MAPPA.

13 This involves the collection and analysis of both quantitative and qualitative data. The MAPPA co-ordinator will provide this information for the SOG. Examples of performance and quality assurance data are included in Chapter 18.

⁵ Published by the Office for Public Management and the Chartered Institute of Public Finance and Accountancy, 2004

Annual report

14 Under the terms of [section 11 \(2\) of 2005 Act](#), each MAPPA area must publish an annual report as soon as practicable after the end of each period of 12 months beginning with the 1 April. The contents of the reports must recognise the terms of [sections 3 \(10\)](#) and [11 \(3\) of the 2005 Act](#). The SOG is responsible for the co-ordination and quality assurance of the report for its area, the preparation and publication of which is an important part of the strategic arrangements for the MAPPA. The intention is for each MAPPA area across Scotland to provide a report which raises public awareness and understanding of public protection issues.

15 The annual reports are to be published on the website of the [CJA](#). Scottish Ministers will publish a statistical bulletin containing the relevant national level statistics on the Scottish Government website with web links to the reports of each [CJA](#).

Intensive Support Packages (ISP)

16 A very small number of offenders are managed in the community through the provision of ISPs. ISPs are intensive sets of monitoring arrangements put in place for high-risk individuals under statutory supervision, including SOPOs, in the community following their release from custody. The level of monitoring is determined on a risk and needs based basis, informed as necessary by the MAPPA process and then notified to the Scottish Government by the relevant [CJA](#). In the majority of cases the monitoring is undertaken by third sector providers; such as SACRO or Apex. Funding is approved in advance on a three-month basis by the Scottish Government, based on updated risk assessments and cost information. ISPs are provided to manage high-risk individuals in the community and the Scottish Government look for advice on how the risk associated with a particular individual is changing over time when applications for continuation of packages are received.

17 Whilst the number of such cases is small, the costs associated with the provision of services can be extremely high. The MAPPA co-ordinator will ensure that the SOG is aware of all ISPs in order that the SOG is aware of the costs being incurred. The MAPPA co-ordinator will also ensure that the MAPPA meeting has given proper consideration to the continuing need for intensive support in light of the assessment of risk of serious harm.

MAPPA co-ordinator

18 The MAPPA co-ordinator is employed on behalf of all the [responsible authorities](#) and plays an essential role in the coordination, support and administration of the strategic functions on behalf of the MAPPA SOG.

19 PERFORMANCE MANAGEMENT AND QUALITY ASSURANCE

1 The monitoring and evaluation activities of the SOG contribute to the MAPPA annual report, drive the business planning process and provide the means of reviewing the effectiveness of MAPPA.

2 This involves the collection and analysis of both quantitative and qualitative data. The MAPPA co-ordinator will provide this information for the SOG.

3 The SOG should review quantitative and qualitative data on at least a quarterly basis to allow it to assess its performance, provide an opportunity for benchmarking and for timely interventions where issues are identified. There are three ways to achieve this:

- Use of quarterly quantitative data reports from ViSOR, some of which address general information contained in the MAPPA annual reports (for example, number of MAPPA offenders by category and level) as well as other information which allows the SOG to identify trends in MAPPA categories and levels and to report diversity information;
- Qualitative data audits of MAPPA Level 2 and 3 managed cases, and observations of Chairs to ensure that meetings are effectively managed; and
- Analysis of Key Performance Indicators (KPIs) data to assess the extent of compliance.

Quantitative data

4 MAPPA co-ordinators on behalf of the SOGs should have arrangements in place to collect performance data. ViSOR is able to produce management reports for the majority of the following ('V' indicates a report available from ViSOR) and these reports can be produced on a monthly, quarterly and annual basis for performance measurement.

- The total number of MAPPA offenders by category and Level who are being managed at Level 2 or 3 in the community (V). This report will provide a snapshot of the number of offenders managed in the community by category and level;
- The total number of registered sex offenders being managed at all levels in the community (V);
- The total number of restricted patients being managed at all levels in the community. This data will have to be obtained by the MAPPA co-ordinator, from the Mental Health Services locally;

- New cases by category and level being managed at Level 2 or 3 in the community for a specific time period (V);
- Cases which are archived by category and level during a specific time period (V);
- Diversity information by category and level showing age, gender, ethnicity (V);
- The number of 'wanted/missing' registered sexual offenders. This refers to those RSOs who have failed to comply with the notification requirements. It would include those RSOs where the Police know where they are, for instance, an offender is abroad but as they have failed to register as required they are counted as 'missing', the length of time they have been missing and the number of cases within a given period that have been found and the number of new cases that have gone 'wanted/missing' in a given period (V);
- The number of MAPPA offenders by category and level who commit a further sexual or violent offence;
- Agency attendance at MAPPA meetings, to include those who were invited and attended, those who were invited and gave apologies, those who were invited and gave apologies but provided a report for the meeting and those who were invited, failed to attend and did not provide apologies;
- The total number of MAPPA meetings held in a given period and, from this, the number of cases where the decision was taken to disclose information, detailing to whom it was made, by whom, whether it was achieved within the timescale agreed by the MAPPA meeting and the number of cases where the decision not to disclose was taken;
- The number of Civil Orders (Sexual Offences Prevention Order (SOPO), Notification Order and Foreign Travel Order) which have been applied for, the number granted, the number refused and the number made by the court at point of criminal conviction (V);
- The number of breaches of SOPO; and
- The number of breaches of licence by category and level who were recalled to prison (V).

5 These reports are to support local performance management and are not intended for the public domain with the exception of the data that is used within the MAPPA annual reports.

Qualitative data

- 6 Qualitative data can be obtained from:
- Case Audit of Level 2 and 3 MAPPA cases;
 - Audit of Level 2 and 3 MAPPA meetings;
 - MAPPA Significant Case Reviews; and
 - Peer review.

Case audit

7 The MAPPA co-ordinator, on behalf of the SOG, should undertake or co-ordinate a random case audit of a selection of Level 2 and Level 3 cases. The purpose of the audit is not to inspect the work of individual agencies, although how they work will affect the overall quality, but how MAPPA itself operated. The frequency of this should be agreed locally but should take place annually as a minimum. The [MAPPA offender audit form](#) within the document set in this guidance can be used for this purpose.

The audit should:

- Review the referral and minutes of the MAPPA meetings;
- Identify whether all agencies were present at all relevant meetings to allow the MAPPA meeting to progress its work effectively;
- Review the MAPPA Risk Management Plan(s);
- Identify if agencies completed the actions assigned to them in a timely manner;
- Identify areas of good practice;
- Identify areas where practice and communication between agencies could be improved; and
- Identify how feedback will be provided to the Strategic Management Group and relevant agencies.

Audit of Level 2 and 3 MAPPA meetings

8 To ensure that MAPPA meetings are effectively managed, the MAPPA co-ordinator should put in place a process to support MAPPA meeting Chairs through feedback of their performance and the effective conduct of the MAPPA meetings. It is suggested that this takes place on a quarterly basis. The [audit form](#) within the MAPPA document set in this guidance can be used for this purpose.

MAPPA significant case review

9 Where a MAPPA offender has been the subject of a significant case review, the SOG should discuss the review findings and ensure that the findings and Action Plan are instigated and completed.

Peer review

10 Many areas use peer review as a method of benchmarking the effectiveness of local MAPPA arrangements and confirming the appropriateness of decision making. This is particularly useful for MAPPA Chairs and regular peer review can be organised by the MAPPA co-ordinator.

MAPPA Key Performance Indicators (KPIs)

11 Every SOG meeting should check its compliance against the following KPIs to measure the effectiveness of their area's work within MAPPA:

- 90% of Level 3 MAPPP cases reviewed no less than once every six weeks;
- 85% of MAPPA Level 2 cases reviewed no less than once every 12 weeks;
- Disclosure to be considered and the decision to be recorded in the minutes at 100% of Level 2 and 3 MAPPA meetings.

Additional minimum standards

12 The following are agreed minimum standards within the MAPPA process which are also relevant and should be recorded by the MAPPA co-ordinator on behalf of the MAPPA SOG:

- If offender is in the community the Level 2 meeting must be held within 20 days of receipt of referral by the MAPPA co-ordinator or their administrator.
- If the offender is in the community the Level 3 MAPPP must be held within five working days of receipt of referral by the MAPPA co-ordinator or their administrator.

- If the offender is in custody or subject to [CPA](#) the Level 2 or 3 meeting must be held prior to release into the community.
- Stage 1 notification for community sentences must be made within three working days of receipt of community sentence.
- Stage 2 referral of a community sentence must be made within five working days of a stage 1 notification.
- Information exchange, search and response within five working days.
- Draft minutes of Levels 2 and 3 meetings should be produced within five working days.

Analysis

13 The analysis of data is to be undertaken, in the first instance by the MAPPA co-ordinator. The analysis of the data will assist the MAPPA SOG in their review and validation of the effectiveness of MAPPA. This will allow for some benchmarking and timely intervention where issues are identified.

14 Findings should be presented to the MAPPA SOG, however, any urgent issues should be raised with the Chair of the MAPPA SOG and relevant agencies without delay.

20 MAPPA SIGNIFICANT CASE REVIEW

1 The fundamental purpose of MAPPA is public protection and managing the risk of serious harm posed by certain groups of offenders. It is understood that the [responsible authorities](#) and their partners involved in the management of offenders cannot eliminate risk – they can only do their best to minimise that risk.

2 It is recognised that, on occasions, offenders managed under the MAPPA will commit, or attempt to commit, further serious crimes and, when this happens, the MAPPA processes must be examined to, firstly, ensure that the actions or processes employed by the [responsible authorities](#) are not flawed and, secondly, where it has been identified that practice could have been strengthened, plans are put in place promptly to do so.

Who is this guidance for?

3 Managing offenders subject to the [Sex Offenders Notification Requirements \(SONR\)](#), through MAPPA, is an interagency and interdisciplinary statutory responsibility for the [responsible authorities](#). They have a specific duty to report incidents which fall within the criteria of this guidance. That said, any agency (including the third sector), profession, or individual can report incidents which meet the criteria for a Significant Case Review (SCR).

4 In every case, it is the local MAPPA Strategic Oversight Group (SOG) which has overall responsibility for the formal review of a significant case. The SOG will decide whether a SCR is warranted in terms of the criteria specified in this guidance; the remit of the review; and the undertaking, or commissioning of the review. **This guidance is therefore targeted at SOGs.**

5 The full guidance in relation to SCRs is contained within Annex 9. The overarching objectives of SCRs are to:

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

6 A significant case need not comprise just one significant incident.

7 In any of the circumstances below a SCR may be required. An Initial Case Review should first determine whether a SCR is merited. The detail, level and experience of the author of any review will depend on, and be proportionate to, the individual case and circumstances. A review should not be escalated beyond what is proportionate taking account of the severity and complexity of the case.

8 The list should not be seen to exclude cases that may not precisely fit the criteria but which have nevertheless triggered significant professional concerns. It is the responsibility of the SOG to decide how to proceed in such cases.

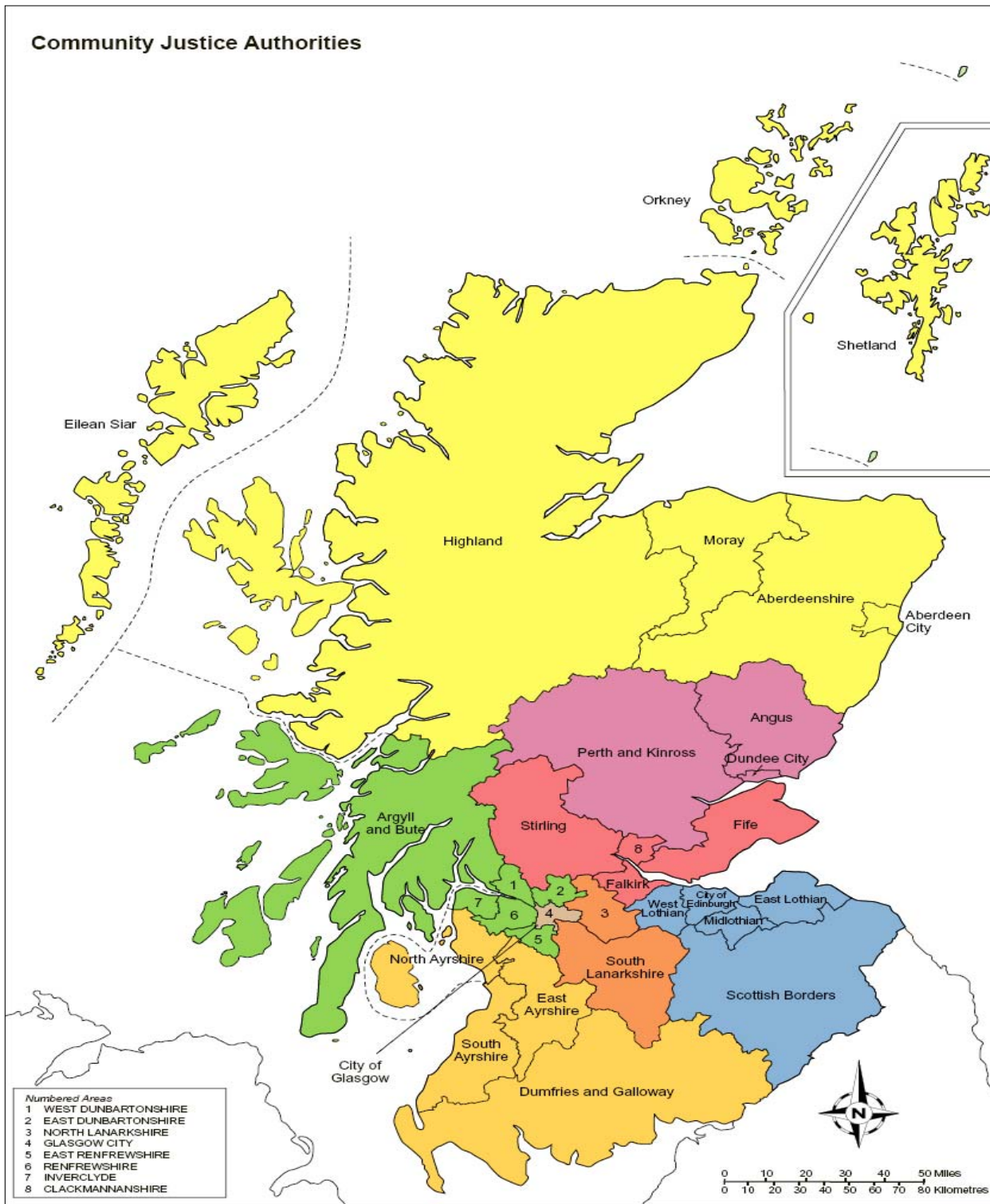
9 The criteria which must be met for the instigation of a MAPPA SCR are:

- When an offender managed under MAPPA is charged with murder, attempted murder or a crime of serious sexual harm⁶;
- Significant concern has been raised in respect of the management of a MAPPA offender which gives rise to serious concerns about professional and/or service involvement;
- Where it appears that an offender managed under MAPPA is killed or seriously injured as a direct result of his/her status as a sex offender becoming known.

Full guidance can be found at Annex 9.

⁶ The definition of serious harm is: '*There is a risk of harmful behaviour which is life threatening and/or traumatic and from which the victim's recovery, whether physical or psychological, can be expected to be difficult or impossible*'. Sexual harm, by definition, will require to have a sexual aspect.

ANNEX 1 - GEOGRAPHICAL MODEL FOR SCOTLAND



| Number of Co-ordinators | Eight CJAs | Police Areas | Health Boards | Unitary Authorities | |
|-------------------------|-------------------------|---------------------|--|---|----------|
| | | | | | |
| Two | Northern CJA | Grampian | NHS Grampian | Aberdeenshire Aberdeen City Moray Highland | |
| | | Northern | NHS Highland | | |
| | | | NHS Orkney | | Orkney |
| | | | NHS Shetland | | Shetland |
| | | NHS W. Isles | W. Isles | | |
| Two | Lothian & Borders CJA | Lothian & Borders | NHS Lothian | L & B Partnership Edinburgh East Lothian West Lothian Midlothian Scottish Borders | |
| | | | NHS Borders | | |
| One | Tayside | Tayside | NHS Tayside | Tayside Partnership Angus Dundee City Perth & Kinross | |
| Two | Fife and Forth Valley | Fife | NHS Fife | Fife Unitary Authority | |
| | | Central Scotland | NHS Forth Valley | Forth Valley Clackmannanshire Falkirk Stirling | |
| One | North Strathclyde CJA | Strathclyde | NHS Greater Glasgow and Clyde and NHS Highland | Argyll, Bute & Dunbartonshires Argyll & Bute East Dunbartonshire West Dunbartonshire | |
| | | | | East Renfrewshire Renfrewshire Inverclyde | |
| One | Glasgow CJA (unitary) | | NHS Greater Glasgow and Clyde | Glasgow City (unitary) | |
| One | Lanarkshire | | NHS Lanarkshire | North Lanarkshire South Lanarkshire | |
| Two | South West Scotland CJA | | NHS Ayrshire & Arran | Ayrshire East Ayrshire North Ayrshire South Ayrshire | |
| | | Dumfries & Galloway | NHS Dumfries & Galloway | Dumfries & Galloway (unitary) | |

East Dunbartonshire and parts of West Dunbartonshire, North and South Lanarkshire are included within NHS Greater Glasgow and Clyde.

ANNEX 2 - GOVERNMENT PROTECTIVE MARKING SCHEME (GPMS)

| Restricted | Your Action | Confidential |
|---|--|---|
| Top and bottom of every page. | Marking | Top and bottom of every page. |
| Protected by one barrier, e.g. a locked container within a secure building. Use secure waste sacks. | Storage of papers | Protected by two barriers, e.g. a locked container in a locked room within a secure building. |
| Use secure waste sacks. Keep in secure location when left unattended. | Disposal of papers | Downgrade by tearing into small pieces and place in secure waste sacks, or use a cross cut shredder. Keep in secure location when left unattended. |
| Securely destroy. Floppy Disk - dismantle and cut disk into quarters (at least), dispose with normal waste. CD ROMS - destroy completely, disintegrate, pulverise, melt or shred. | Disposal of Magnetic Media | Securely destroy. Floppy Disk - dismantle and cut disk into quarters (at least), dispose with normal waste. CD ROMS - destroy completely, disintegrate, pulverise, melt or shred. |
| In a sealed envelope with protective marking shown. A transit envelope may be used if sealed with a security label. | Movement within agency via internal dispatch | In a new sealed envelope with protective marking shown. Transit envelopes may not be used. |
| By post or courier, in a sealed envelope. Do not show protective marking on the envelope. | Movement between partner agencies | By post or courier. Double enveloped and both fully addressed. Protective marking shown on inner envelope only. Return address on outer envelope. |
| May be used. | Force internal and public telephone network | Only if operationally urgent. Use guarded speech and keep conversation brief. |
| Digital cellphones may be used. Only use analogue cellphones if operationally urgent. Use guarded speech and keep conversation brief. | Mobile telephone (voice and text) | Digital cellphones may be used but only if operationally urgent. Use guarded speech and keep conversation brief. |
| Not to be used. | WAP Telephones | Not to be used. |
| Use of police radio network is an essential tool for policing. Criminal elements and other untrustworthy persons continually monitor the network. Care should be taken when disclosing information of a sensitive nature and if not operationally urgent another means of communication must be sought. | Police Radios pre 'AIRWAVE' | Only if operationally urgent. Use guarded speech and keep conversation brief. |
| Not to be used. | Pager Systems | Not to be used. |
| May be used. | Force Data Network/Criminal Justice Extranet | May be used in conjunction with CESG Enhanced Grade Encryption. |
| Government approved encryption required. | Internet | Not to be used. |
| Check recipient is on hand to receive. Send cover sheet first and wait for confirmation before sending. | Fax | Use secure fax machines only. |

ANNEX 3 - ANNUAL REPORT

Sections 3 (10) and 11 of the [Management of Offenders etc \(Scotland\) Act 2005](#) sets out the legislative requirements in respect of the publication of an annual report and the provision of information to Scottish Ministers.

The report is the responsibility of the Community Justice Authority and the report should be made readily accessible to the public. The reporting period is from 1 April to 31 March every year.

The Scottish Government will compile and publish on the SG website an annual statistical bulletin which will also contain a summary of matters or events which have had national significance within the reporting period.

The following tables set out the information required by Scottish Ministers.

Table 1: Statistical information

| REGISTERED SEX OFFENDERS (RSOs) | NUMBER |
|--|---------------|
| a) Number of Registered Sex Offenders : | |
| I. Per 100,000 of the population on 31 March | |
| II. At liberty and living in Scotland on 31 March | |
| b) The number of RSOs having a notification requirement who were reported for breaches of the requirements to notify | |
| c) The number of 'wanted' RSOs on 31 March | |
| d) The number of 'missing' RSOs on 31 March | |

Table 2: Statistical information*. This Table shows Civil Orders applied and granted in relation to RSOs.

| The Number of | Number |
|--|---------------|
| a) Sexual Offences Prevention Orders (SOPOs) in force on 31 March | |
| b) SOPOs imposed by courts between 1 April and 31 March | |
| c) Number of sex offenders convicted of breaching SOPo conditions between 1 April and 31 March | |
| d) Risk of Sexual Harm Orders (RSHOs) in force on 31 March | |
| e) Numbers of people convicted of breaches of RSHO between 1 April and 31 March | |
| f) Number of Foreign Travel Orders imposed by the courts between 1 April and 31 March | |
| g) Notification Orders imposed by the courts between 1 April and 31 March | |

***Unless stated the statistics recorded are for the reporting period 1 April to 31 March.**

Table 3: Statistical Information*

| REGISTERED SEX OFFENDERS (RSOs) | NUMBER OF OFFENDERS |
|--|----------------------------|
| a) Number of RSOs managed by MAPPA Category as at 31 March; | |
| I. Level 1 – Routine Risk Management | |
| II. Level 2 – Multi-agency Risk Management | |
| III. Level 3 – MAPPP | |
| b) Number of Registered Sex Offenders convicted of a further Group 1 or 2 crime; | |
| I. MAPPA Level 1 | |
| II. MAPPA Level 2 | |
| III. MAPPP Level 3 | |
| c) Number of RSOs returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of Group 1 or 2 crime) | |
| 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 | |

Table 4: Statistical Information*

| RESTRICTED PATIENTS (RPs): | NUMBER |
|--|--------|
| a) Number of RPs; | |
| I. Living in Scotland on 31 March | |
| II. During the reporting year | |
| b) Number of RPs per order | |
| I. CORO | |
| II. HD | |
| III. TTD | |
| c) Number within hospital/community; | |
| I. State Hospital | |
| II. Other hospital no suspension of detention (SUS) | |
| III. Other hospital with unescorted SUS | |
| IV. Community (Conditional Discharge) | |
| d) Number managed by category on 31 March; | |
| Level 1 – Routine agency risk management | |
| Level 2 – multi-agency risk | |
| Level 3 – MAPPP | |
| e) Number of RPs convicted of a further crime of Group 1 or 2 crime; | |
| I. MAPPA Level 1 | |
| II. MAPPA Level 2 | |
| III. MAPPP Level 3 | |
| f) Number of RPs on Suspension of detention; | |
| I. who did not abscond or offend | |
| II. who absconded | |
| III. who absconded and then offended | |
| IV. where absconsion resulted in withdrawal of suspension of detention | |
| g) Number of RPs on Conditional Discharge; | |
| I. who did not breach conditions, not recalled or did not offend | |
| II. who breached conditions (resulting in letter from the Scottish Government) | |
| recalled by Scottish Ministers due to breaching conditions | |
| recalled by Scottish Ministers for other reasons | |

Table 5: Delineation of RSOs by age on 31 March

| Age | RSO Number | RSO Percentage |
|------------|-------------------|-----------------------|
| Under 18 | | |
| 18 - 20 | | |
| 21 - 30 | | |
| 31 - 40 | | |
| 41 - 50 | | |
| 51 - 60 | | |
| 61 - 70 | | |
| 71 - 80 | | |
| 81 - 90 | | |
| 91 - 100 | | |

Table 6: Delineation of population of RSOs on 31 March

| Sex | RSO Number | RSO Percentage |
|------------|-------------------|-----------------------|
| Male | | |
| Female | | |

Table 7: Delineation of RSOs by ethnicity on 31 March

| Ethnic Origin | RSO Number | RSO Percentage |
|--|-------------------|-----------------------|
| White Scottish | | |
| Other British | | |
| Irish | | |
| Gypsy/Traveller | | |
| Polish | | |
| Other white ethnic group | | |
| Mixed or multiple ethnic group | | |
| Pakistani, Pakistani Scottish or Pakistani British | | |
| Indian, Indian Scottish or Indian British | | |
| Bangladeshi, Bangladeshi Scottish or Bangladeshi British | | |
| Chinese, Chinese Scottish or Chinese British | | |
| Other Asian | | |
| African, African Scottish or African British | | |
| Other African | | |
| Caribbean, Caribbean Scottish or Caribbean British | | |
| Black, Black Scottish or Black British | | |
| Other Caribbean or Black | | |
| Arab, Arab Scottish or Arab British | | |
| Other ethnic group | | |
| Subject Declines to define Ethnicity | | |
| Subject Does Not Understand | | |

Table 8: Number of RSOs managed under statutory conditions and/or notification requirements on 31 March:

| Number of RSOs | Number | Percentage |
|---|---------------|-------------------|
| On Statutory supervision | | |
| Subject to notification requirements only | | |

The Scottish Prison Service will provide statistics in relation to:

- Programme completion for sex offenders by prison
- Programme completion for sex offenders by CJA
- National Training Statistics for SPS staff in key areas for sex offending programmes and risk assessment
- Number of completed risk assessments for registered sex offenders by prison
- Number of completed risk assessments for registered sex offenders by CJA
- Total number of group work programmes
- Total number of offenders who engaged in treatment

ANNEX 4 - MODEL MEMORANDUM OF UNDERSTANDING

Multi Agency Public Protection Arrangements (MAPPA)

Model Memorandum of Understanding between the Responsible Authorities and the Duty to Co-operate Agencies within the Area of (xx) Community Justice Authority

Statutory Basis

1 Sections 10 and 11 of the [Management of Offenders etc. \(Scotland\) Act 2005](#) (see Annex to this Model Memorandum) require the Scottish Prison Service, local authorities and the Police as [responsible authorities](#) in the area of a local authority to jointly establish arrangements for the assessment and management of risks posed by sex offenders subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

2 In addition, the legislation also provides health boards and Special Health Boards with statutory functions as [responsible authorities](#) to establish joint arrangements for the assessment and management of risk posed by mentally disordered offenders who are restricted patients.

[DUTY TO CO-OPERATE \(DTC\)](#)

3 Sections 10(3) and (4) of the Act provide that in establishing and implementing the joint arrangements, the [responsible authorities](#) must act in co-operation with such persons as Scottish Ministers specify by Order. As a result it will be the duty of those persons and authorities specified in the Order to co-operate with the [responsible authorities](#). Co-operation must be compatible with the exercise by those persons and authorities of their other statutory functions. It is intended as a means of enabling different agencies to work together but within their legitimate role whilst retaining their responsibility for action. The Act also provides that the [DTC](#) is reciprocal and requires agencies to co-operate with each other. The definition of 'co-operate' includes the exchange of information. Both public and other agencies are required to act responsibly and jointly to deliver the requirements of the law and compliance with the [DTC](#) will be reinforced through regulation and inspection regimes.

4 Section 10(5) of the Act requires the [responsible authorities](#) and the [DTC](#) agencies to develop a memorandum such as this, enabling the practicalities of co-operation to be agreed locally.

5 Section 10(7) of the Act defines the '[responsible authorities](#)' who are required by section 10(1) to work together to establish joint arrangements for the assessment and management of risks posed by sex offenders and restricted patients. One of the '[responsible authorities](#)' is the local authority. The primary responsibility for working on the joint arrangements will lie with the Chief Social Work Officer. However, other local authority services, such as education and housing services, will also be required to discharge the corporate responsibility under this function.

6 The following agencies/ bodies in [xx] area with a [DTC](#) are signatories to this Memorandum of Understanding and include:

Example

Serco Ltd (delivering electronic monitoring services)

(XX) Health Board

SCRA

Principles and Purpose of the [DTC](#)

7 This memorandum has been prepared by the [responsible authorities](#) and the duty to co-operate agencies. It is founded on the principles of the MAPPA Guidance and sets out the purpose of the [DTC](#) and how that duty will be delivered by the agencies party to the memorandum.

8 All agencies involved with sex offenders and restricted patients and party to this memorandum are committed to working on a reciprocal basis by:

- sharing relevant information within agreed protocols and the development of good practice in relation to the assessment and management of MAPPA offenders within the area of the CJA;
- the effective use of resources to manage those offenders; and
- co-operating in order to develop and sustain public confidence in the multi-agency public protection arrangements.

9 The purposes of co-operation are to co-ordinate the involvement of different agencies in assessing and managing risk to enable every agency which has a legitimate interest, to contribute as fully as its existing statutory role and functions require in a way that complements the work of other agencies.

10 The [DTC](#) relates only to the operational, case-related work involved in assessing and managing the risks posed by sex offenders and restricted patients as defined by section 10 of the Management of Offenders etc (Scotland) Act 2005.

11 As previously stated the [DTC](#) is reciprocal. It requires the [responsible authorities](#) to co-operate with the [DTC](#) agencies, and those agencies to co-operate with the [responsible authorities](#) in assessing and managing the risks posed by sex offenders and restricted patients.

12 [DTC](#) agencies co-operate only in so far as this is compatible with their existing statutory responsibilities. Therefore, the duty does not require the agencies on which it is imposed to do anything other than what they are already required to do. It does require them to carry out their responsibilities, where these relate to sex offenders and restricted patients, however to do so collaboratively with the [responsible authorities](#) and the other [DTC](#) agencies.

13 The [responsible authorities](#) and the duty to co-operate agencies must set out the ways in which they are to co-operate in this Memorandum. This document constitutes this agreement.

Practicalities of Co-operation (example can be added to or amended locally)

14 Agencies involved in the process agree to work together.

Representatives will:

- be in a position to make decisions which will commit appropriate resources based on agreed levels of risk assessment and management;
- participate in the assessment and management of sexual offenders and restricted patients, for the effective protection of the public;
- develop an understanding and respect for the differences in agency role and service provision;
- co-operate within their agency's role and statutory power. It should be noted that the arrangements do not aggregate the responsibility and authority of the agencies involved, it clarifies the role each agency is to play;
- carry out confident, appropriate and effective information sharing in accordance with the law and in line with local Information Sharing Protocols;
- ensure that diversity issues/equal opportunities for both members of the public and offenders are taken into consideration when assessing risk and formulating risk management plans. Equality before the law is an essential principle in the area of criminal justice and it is important therefore that legal obligations in relation to race, religion, sexual orientation, age, gender and disabilities are recognised;
- attend, where appropriate, MAPPA and other meetings in the delivery of public protection. (In relation to Level 3 MAPPP meetings, each agency will provide appropriate representation at senior level.)

Disclosure of Information

15 Disclosure of information on registered sex offenders is the responsibility of the Chief Constable. The signatories to this memorandum agree that in any situation where the issue of disclosure is a possibility, the case must be discussed with the Police. Issues around disclosure are also covered within the MAPPA Guidance and in the [National Accommodation Strategy for Sex Offenders](#).

16 Disclosure of information on other offenders subject to the MAPPA should only be undertaken following discussion with the [responsible authorities](#) and other [DTC](#) agencies involved.

Information Sharing

17 The signatories to this memorandum agree to work to the principles of the Concordat on Information Sharing for Sex Offenders including:

- the implementation and review of national standards (Annex 2 of the Concordat); and
- the adoption and use of the definitions agreed. (Annex 3 of the Concordat)

18 The protocols appended to this memorandum provide the basis of the information to be shared between each agency which is a signatory to this memorandum. (N.B.: the [responsible authorities](#) and [DTC](#) agencies should develop protocols on information sharing).

Dispute Resolution

19 The primary objective of the MAPPA is public protection. There will be occasions when the [responsible authorities](#) and/or the [DTC](#) agencies cannot reach agreement. The memorandum should therefore contain an agreed protocol for speedy dispute resolution. It should be noted however that the [responsible authorities](#) and [DTC](#) agencies still retain statutory responsibility for discharge of their statutory function.

Annual Report

20 The agencies party to this memorandum agree to co-operate with the [responsible authorities](#) in the preparation of the annual report under section 11 of the [Management of Offenders etc. \(Scotland\) Act 2005](#), e.g. in the provision of statistics, case studies etc.

Risk-Proofing and Quality Assurance

21 Agencies involved in MAPPA should agree to ensure that they have processes in place for risk-proofing and quality assurance of their functions and duties.

Media Handling Strategy (Example)

22 The management of MAPPA offenders requires effective partnerships between all agencies. This includes a joint approach to the media and handling of publicity.

23 The agencies party to this memorandum agree to the following media strategy in relation to the provision of information on individual cases and on the operation of the MAPPA arrangements.

The strategy should include but is not limited to the following:

- The [responsible authorities](#), i.e. Police, local authority, SPS and health board will designate a senior member of staff as a communications or media spokesperson to whom all routine and emergency enquiries or concerns can be referred by the [DTC](#) agencies;
- The [responsible authorities](#) will liaise with [DTC](#) agencies to ensure that they are aware of media attention or impending media reports.

Status of the Memorandum of Understanding

24 This memorandum is a working document and subject to review and may be altered at any time to reflect changing circumstances. Such changes will be subject to the agreement of all parties.

25 The review of this document will take place on: [Set date for review].

26 The parties to this Memorandum are: [List parties].

ANNEX 5 – MAPPA CO-ORDINATOR RESPONSIBILITY

The role of the MAPPA co-ordinator includes the following responsibilities.

- Report to, and be directed by, the MAPPA Strategic Oversight Group
- Provide a central point of reference for [responsible authorities](#) and [DTC](#) agencies in relation to the MAPPA
 - Provide consultancy to agencies, providing advice and direction for MAPPA queries
 - In consultation with relevant organisations, develop policies and procedures to support the implementation and maintenance of MAPPA guidance/requirements
 - Design documents and other methods of information dissemination in support of MAPPA
 - Deliver MAPPA awareness-raising seminars
 - Attend team meetings of relevant agencies to provide information and support re MAPPA processes
- Receive notifications and referrals to MAPPA
 - Act as single point of contact for all notifications
 - Complete quality audit of notifications, maintain records and compile statistics for reporting purposes
 - Act as single point of contact for all referrals
 - Act as a gatekeeper, ensuring that appropriate levels are made at the right level of risk
 - Challenge referral decisions if criteria do not appear to have been met
- Act as a conduit for appropriate links between MAPPA and other public protection forums
 - Consult with child protection agencies to ensure explicit links with MAPPA and child protection systems are made and sustained
 - Consult with adult protection agencies to ensure explicit links with MAPPA and adult protection systems are made and sustained
- Liaise with the SOLO on housing issues

- Identify which agencies are central to the delivery of risk management plans and organise appropriate attendance at meetings
 - Develop and establish local networks with [responsible authorities](#) and [DTC](#) agencies
 - Maintain purposeful ongoing contact with these agencies and negotiate with senior managers whenever necessary
 - Maintain up-to-date list of Single Point of Contact (SPOC) for each agency
 - Call for supporting information from the [responsible authorities](#)
 - Identify which agencies should be core members of a MAPPA
 - Determine whether attendance is vital and call for reports where it is not

- Require Agencies to search records for relevant information/collation of pre-meeting information
 - Send forms requesting information to invitees/agencies for action
 - Provide support to agencies to assist returns within five working days
 - Identify gaps in knowledge and seek additional information where required
 - Check quality of received information and address inadequacies with services
 - Follow up non-returns and report on this to strategic/implementation group

- Arrange meetings, ensuring invitations to attend and supporting documentation are sent out on time
 - Maintain set days for meetings
 - Arrange initial meetings in consultation with attendees to maximise participation
 - Monitor the sending of invites to ensure they are received by agencies at least five working days prior to Level 2 meetings, more where possible
 - Arrange Level 3 meetings as quickly as possible to meet five-day performance indicator
 - Compile pre-meeting information pack and send with invitations
- Provide quality assurance of MAPPA processes and monitor work to ensure a consistency of approach and that informed and appropriate decisions are taken
 - Conduct regular audits of MAPPA systems
 - Maintain and collate statistical information
 - Analyse audit results and feedback to [responsible authorities](#)
 - Ensure information systems and records are up to date and fit for purpose
 - Identify difficulties within systems and work with the [responsible authorities](#) to find solutions
 - Follow up non-attendance at MAPPA meetings
 - Liaise with senior manager colleagues to resolve difficulties in attendance
 - Link with co-ordinators nationally to improve consistency of systems
 - Audit minutes and identify gaps for dissemination to MAPPA Chairs
 - Complete tasks from meetings as set by meeting Chairs
 - Access and, where appropriate, input information on ViSOR

- Attend Level 3 meetings (and Level 2 meetings where possible)
 - Provide relevant input to meetings as required
 - Provide information to panel on behalf of absent agencies where possible
 - Assist the Chair as required
 - Provide panel with information regarding strategies used in other panels, whilst maintaining confidentiality
- Manage the MAPPA administration support staff
 - Continually monitor workload and feedback issues to the [responsible authorities](#)
 - Provide support to staff in relation to confidentiality, dealing with offence related information etc
 - Ensure cover is available for minutes taking/administration requirements
 - Quality assure minutes prior to them being sent out to panel members
 - Liaise with support services to ensure annual and sick leave is managed according to the contingencies of the service
- Draft Annual Report on behalf of the [responsible authorities](#)
- Develop inter-agency liaison including in relation to the development of training on risk assessment and risk management
 - Where appropriate, act as a single point of contact for external agencies in relation to training opportunities, e.g. RMA
 - Disseminate information on training opportunities to partner agencies
 - Collate information from assessing quality of supporting information to identify training needs
 - Attend training courses relevant to the assessment and management of dangerous offenders

- Maintain Links with MAPPAs in other areas
 - Inform other co-ordinators when offenders move to their area
 - Secure co-operation from [responsible authorities](#) in other areas in relation to offenders and victims
 - Attend national co-ordinators meetings as required
 - Form and maintain links with [responsible authorities](#) nationally, e.g. SPS, State Hospital
- Ensure that the principles in relation to information sharing, confidentiality and disclosure are maintained as outlined in the Memorandum of Understanding and information sharing protocols
 - Actively participate in reviewing policy documents in light of legislative changes, and or internal developments, and at set review times
 - Ensure meeting participants are aware of confidentiality requirements and that confidentiality statement signatories are maintained
 - Provide advice to agencies regarding the ongoing receipt and storage of sensitive information
 - Ensure documentation transfer is in line with the government protective marking scheme (GPMS)
 - Obtain, where possible, copies of written consent for information sharing where appropriate
 - Ensure discussions about public disclosure are recorded adequately within meeting minutes
- Actively market the work of the MAPPA
- Undertake other such reasonable duties which may be required from time to time by the MAPPA SOG.

ANNEX 6 – [RESPONSIBLE AUTHORITIES/DUTY TO CO-OPERATE](#) AGENCIES - ROLES AND RESPONSIBILITIES

1 This part of the Guidance outlines the roles and responsibilities of each [responsible authority](#) and [DTC](#) agency. The detail is agreed in the memorandum which the [responsible authorities](#) and [DTC](#) agencies are required by section 10 (5) of the [Management of Offenders etc \(Scotland\) Act 2005](#) to draw up in the area of each local authority, setting out the ways in which they are to co-operate with each other.

LOCAL AUTHORITY SOCIAL WORK SERVICES

Chief Social Work Officer

2 Each local authority has a designated Chief Social Work Officer who is responsible for the ‘oversight’ of social work services.

3 They are responsible for the assessment and management of certain categories of offenders who may pose a risk to the public under the [Management of Offenders etc \(Scotland\) Act 2005](#)).

4 Criminal Justice Social Work is also responsible under section 27 of the [Social Work \(Scotland\) Act 1968](#) (as amended) for:

- provision of reports on offenders to the court, the Scottish Prison Service, Parole Board for Scotland or other agencies; e.g. the Criminal Justice Social Work Report (CJSWR), the Throughcare Assessment for Parole (TAP), Home Leave Reports, Breach Reports etc
- assessment and management of offenders in relation to community sentences, including the Community Payback Order (which replaced probation, community service and supervised attendance orders from 1 February 2011);
- provision of statutory and voluntary throughcare services to prisoners.

5 Different local authorities have different departmental structures, they may provide services themselves or in partnership with other agencies. They also vary in which ancillary services they provide. Different local authorities may be involved in the provision of pilot schemes that are not available throughout the country for example, the provision of specialist courts or various community disposals.

Adult Offenders

6 The local authorities provide a range of social work and social care services, including the provision of criminal justice services. Criminal Justice Social Work is responsible for the statutory supervision of post-custodial licences, including sex offenders sentenced to six months or more. All local authorities provide a voluntary throughcare service for those short-term prisoners (under 4 years) who apply for such a service up to 12 months after leaving custody. Those short-term prisoners

who have substance misuse problems may be referred to the Throughcare Addiction Service (TAS).

7 [National Outcomes and Standards](#) 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.

Children and Young People who Offend

8 Local authorities provide services to young people who offend or who are at risk of offending. This covers anyone up to the age of 16 who is offending, including registered sex offenders, and may cover those between 16 and 18. It may be that the Children's Service rather than the adult service supervises young people on community sentences.

9 Children who offend are considered to be children in need and are governed in the main by the principle that the paramount consideration must be the welfare of the child. However, the [Children Scotland Act 1995](#) (sections 16 & 17) states there may be exceptions to this for the purposes of protecting members of the public from serious harm (whether or not physical harm). In those kinds of situations, a local authority may act or take decisions which are not consistent with affording paramount consideration to the welfare of the child but which place a greater emphasis on public safety; there remains a duty, however, to consider the young person's needs and these cannot be disregarded.

10 Regardless of which system they are in, when assessing young people under 18, an understanding of the behaviour within its development and situational context is necessary. Risk management plans should outline clearly how risk is to be reduced as well as managed, and the plan for risk reduction should link to the assessment of how the young person's developmental needs can most appropriately be met.

11 Further information in relation to children and young people who offend can be found within the Scottish Government documents, [Framework for Risk Assessment Management and Evaluation \(FRAME\) for Local Authorities and Partners for Children and Young People under 18](#) and the [Whole System Approach](#).

Child Protection

12 In addition to the services to adult and young people involved in offending, local authorities have a duty to promote the wellbeing of children, and to identify and respond to situations where children may be at risk of harm. Each local authority will provide child protection guidance on how its staff will fulfil their child protection duties. All agencies, professional bodies, services and individuals which work with children and their families have a responsibility to recognise and actively consider potential risks to a child, irrespective of whether the child is their 'client'. These agencies include the Scottish Prison Service, service providers in prisons and the community, police, local authorities including education. An awareness and

appreciation of the role of others is essential for the effective collaboration between organisations, professional bodies and the public.

13 Specifically, local authorities are required to make enquiries about any children referred to them in order to determine:

- if they are in need;
- if compulsory measures of supervision are required; or
- if emergency child protection measure need to be taken to secure the child's safety.

14 On the basis of information gathered, the social work service will determine if a multi-agency plan is needed for the support and protection of the child. This will be developed as part of a multi-agency case conference and may include a decision to place the child on the Child Protection Register or to refer the child to the Children's Reporter.

15 Where urgent action is needed, social work services may apply to the Sheriff for emergency child protection measures:

- an Exclusion Order against the person who is likely to place the child at risk prohibiting the named individual from residing at a given address and defining contact;
- an Assessment Order requiring a child to be made available for assessment purposes (for example, a health assessment);
- or a Child Protection Order to remove the child to a place of safety.

16 A separate option, and one which in law must be attempted prior to seeking emergency child protection measures, is for social work services to attempt to reach agreement with the parents of the child that the child be looked after by the Local Authority or by another responsible person.

17 In addition, each local authority will be part of a multi-agency approach to child protection, led by a Child Protection Committee. The Committee will issue multi-agency guidance laying out the points of contact, guidance etc.

Getting it Right for Every Child (GIRFEC)

18 Getting it Right for Every Child ([GIRFEC](#)) is the Scottish Government's national change programme aimed at changing the way adults think and act to help all children and young people grow, develop and reach their core potential.

19 GIRFEC is a common, co-ordinated approach across all agencies that supports the delivery of appropriate, proportionate and timely help to all children.

20 This approach is consistent with the principles of early intervention and means that concerns for a child should be identified at an early stage, to ensure that their needs are addressed by a system which supports staff to work together, share information where necessary and with consent and ensure that children get the right support, when they need it, for as long as they need it.

21 Under GIRFEC, risk management plans for young people should flow from an assessment involving child-centred approaches and tools, recognising both risks and needs, and be integrated as part of the 'single' plan.

Adults at Risk of Harm

22 Local authorities have a duty to investigate the circumstances of adults who are unable to protect themselves, are at risk of harm, and who are more vulnerable because of ill health/disability.

23 Identification of any adult meeting the above criteria should be followed by an adult protection referral to the relevant local authority.

24 In the absence of an identified adult protection contact person agencies should contact the Chief Social Work Officer.

THE POLICE

25 The [police](#) have a duty to uphold the law by preventing the committing of offences, by preserving order and by protecting life and property. They have risk assessment procedures in place to ensure the safety and wellbeing of any individual who considers themselves to be in a threatening situation.

26 The responsibilities of the police in relation to people who are subject to the [SONR](#) are:

- to maintain an accurate record of those persons in the police force area who are required to register with the police in terms of sex offender legislation;
- to initiate enquiries where such persons fail to comply with the requirements placed upon them; to participate in the multi-agency process established for assessing and managing the risk presented by sex offenders or other potentially dangerous offenders in the community;
- and to develop, in conjunction with partner agencies, risk management plans for the purpose of managing the risks posed by sex offenders.

27 The police also have a responsibility to keep records on unregistered sex offenders whose current behaviour is of concern.

THE SCOTTISH PRISON SERVICE (SPS)

28 For all prisoners, the [SPS](#) is responsible for carrying out risk and needs assessments to assist in determining the management of the prisoner during sentence and in preparation for pre-release planning and release. SPS is also responsible for pro-active joint working with the CJSW supervising officer during sentence and in preparation for release. This process of sentence planning is referred to as Integrated Case Management ([ICM](#)). A key objective of ICM is to ensure that, along with the police and CJSW, SPS meets statutory requirements to establish joint arrangements for assessing and managing the risk posed by sex offenders, including the sharing of information.

ELECTRONIC MONITORING SERVICE PROVIDERS

29 Electronic monitoring service providers are included in the [DTC](#) in acknowledgement of the important service they can provide as part of a high-risk management plan. Currently the Scottish Government contract for the provision of electronic monitoring in Scotland is with [SERCO Ltd](#).

30 Serco's [DTC](#) is to be understood as being synonymous with their contractual responsibilities.

31 In practical terms this may involve them:

- providing a point of contact for advice to the [responsible authorities](#) on the available technology, explaining what it can and cannot do; and
- attendance by a member of the SERCO Ltd management team at MAPPA or MAPPP meetings when the circumstances of a particular case deem it appropriate for them to do so.

32 It is recognised that electronic monitoring has a part to play in supporting and adding robustness to an offender's licence which may contain a number of specific conditions. SERCO Ltd must ensure that appropriate protocols are put in place to share information about MAPPA offenders. These protocols will shape communication with partner agencies and ensure that information on any failure by the offender to comply will be passed to appropriate agencies within an agreed time scale.

EDUCATION AUTHORITIES

33 Local Authority Education Services must act in co-operation with other [responsible authorities](#) and [DTC](#) agencies in the management of offenders under sections 10 and 11 of the [Management of Offenders etc \(Scotland\) Act 2005](#). This duty will be performed in the context of the local or relevant MAPPA but only insofar as this is compatible with existing statutory responsibilities.

General Responsibilities

34 Education Authorities are statutorily required to 'make adequate and efficient provision of school education' ([Education Scotland Act 1980](#)) for their area. They are further required to develop the 'personality, talents, mental and physical abilities' of children and young people to their 'fullest potential' ([Standards in Scotland's Schools Act 2004](#)). They have a duty to identify and keep under consideration any additional support needs of any kind that children and young people may have and to meet such needs, in co-operation with other authorities and bodies in certain circumstances ([Education Additional Support for Learning Scotland Act 2004](#)), reinforcing their shared, corporate responsibilities under the [Children Scotland Act 1995](#) to make provision for children 'in need'.

35 They have therefore a dual role in providing education, and in developing and nurturing children and young people.

Working Co-operatively

36 Increasingly, education services are working in an integrated way with social work, health, the voluntary sector and other relevant bodies (e.g. the police) in the following areas:

- Planning and delivery of services;
- Assessment and information sharing about individual children and families;
- Ensuring child protection;
- Significant incident review;
- Quality assurance and inspection.

37 Local authorities are required to publish plans for Childrens Services, whilst integrated inspections of these services (initially in respect of child protection) are underway and will soon extend to all services for children.

38 Thus, national and local governance arrangements and practice; frameworks, protocols and procedures for partnership working and co-operation already exist across a number of the [responsible authorities](#) and [DTC](#) agencies.

Disclosure

39 Education authorities already co-operate with relevant bodies in relation to the disclosure of information and the assessment of risk for offenders. A further consideration for education services will be their duties under the [Protection of Vulnerable Groups \(Scotland\) Act 2007](#) to refer onto the list of people disqualified from working with children, anyone with a relevant conviction or anyone who has been dismissed or transferred or moved where there was judged to be risk of harm to children. It is an offence to employ such people. Education authorities have a

similar but wider ranging legal duty to refer matters concerning the conduct of certain staff to the [General Teaching Council \(Scotland\)](#).

VOLUNTARY SECTOR

40 The statutory authorities can commission services from the voluntary sector to support, complement and enhance their own provision.

41 The voluntary sector agencies include the larger organisations such as [SACRO](#) and [APEX](#) that specialise in work with offenders and also those that provide services such as supported accommodation to a range of service user groups.

42 The range of services that are provided to offenders that pose risks include:

- Intensive support and monitoring
- Residential facilities
- Supported flats and tenancies
- Bail supervision
- Services related to alcohol and drug misuse
- Group work programmes
- Voluntary throughcare
- Employability support services

43 Through the provision of these services, voluntary sector staff are in a key position to share information. They observe their service users outwith formal office settings, often when they are relating to other people in the community. Their contact with offenders is often more frequent and intense than is possible for statutory workers. This places them in a strong position to contribute to risk assessment and risk management.

44 By providing information, they can assist the statutory services in their assessment, monitoring and supervision roles. They themselves provide support that can help to reduce risk. Stable accommodation, training and employment are factors that can have a major impact in risk management.

45 Voluntary sector staff expect information sharing to be very much a two way process. They must also receive good information about risk factors in relation to the people they work with. This is necessary not only to ensure the safety of their own staff but also to more effectively monitor behaviour and report potential risks as they may develop.

SCRA - THE ROLE OF THE PRINCIPAL REPORTER

46 The Principal Reporter has a statutory role in relation to the Children's Hearings System.

47 The role relates predominantly to two groups of children:

- children who are the subject of a current referral to the Principal Reporter as they may be in need of compulsory measures of supervision (a 'supervision requirement'); and
- children who are the subject of a supervision requirement.

48 The Principal Reporter delegates to individual Children's Reporter's his or her statutory duties relating to these children. The role of the [Scottish Children's Reporter Administration](#) ('SCRA') is to support the Principal Reporter in the exercise of his or her statutory functions. Although SCRA is a national body, it has a local presence in each local authority area. Each local authority area has an Authority Reporter. In the larger local authority areas there are more than one Authority Reporter.

49 Children are referred to the Principal Reporter for a variety of reasons, but principally because of concerns regarding their care or protection or because they are involved in offending behaviour. In relation to these children, the Principal Reporter has a statutory role to:

- investigate the circumstances of a child who has been referred, if such an investigation is necessary;
- refer a child to a children's hearing if the Principal Reporter decides that the child requires compulsory measures of supervision;
- arrange any children's hearing, ensuring that relevant written material is provided to the children's hearing, and to record the proceedings of that hearing;
- appear in the Sheriff Court in any proof hearing in relation to the reason that a child was referred to a children's hearing; and
- notify certain parties of the outcome of the referral of the child.

50 In relation to children who are the subject of a supervision requirement, the Principal Reporter has a statutory role to:

- arrange any children's hearing to review the child's supervision requirement, ensuring that relevant written material is provided to the children's hearing, and to record the proceedings of that hearing;
- notify certain parties of the outcome of that review hearing; and
- conduct a further investigation and decide whether a children's hearing to review the child's supervision requirement is required in the event of such a child being referred again to the Principal Reporter.

51 It is important to note that where a child is the subject of a supervision requirement, it is the local authority that has the ongoing statutory responsibility to safeguard and promote the child's welfare.

52 Although the Principal Reporter has a statutory role in relation to a children's hearing, the children's hearing is independent of the Principal Reporter. The children's hearing decides whether a child requires compulsory measures of supervision and if so, what form they should take.

53 Under the [Antisocial Behaviour etc. \(Scotland\) Act 2004](#), the Principal Reporter also has a statutory role in relation to:

- considering whether to apply, and then applying to the Sheriff Court for a parenting order; and
- applying to the Sheriff Principal in relation to any duties imposed on a local authority.

54 There are two groups of children in relation to whom the Principal Reporter is likely to have contact with the MAPPAs:

- a child who has contact with an adult offender who is known to the MAPPAs; and
- a child to whom section 10(1) of the [Management of Offenders etc \(Scotland\) Act 2005](#) applies.

55 However, the Principal Reporter will only be involved if the child is one of the children identified above, in relation to whom the Principal Reporter has a statutory role.

56 In these cases the Principal Reporter is likely to:

- request information from one or more of the '[responsible authorities](#)' as part of the Principal Reporter's investigation into the referral of a child;

- provide information to one or more of the '[responsible authorities](#)' as part of that investigation;
- request information from one or more of the '[responsible authorities](#)' when arranging a children's hearing to review a child's supervision requirement;
- provide information to one or more of the '[responsible authorities](#)' regarding the outcome of any referral or any children's hearing; and
- request information (and possibly call a person as a witness) from one or more of the '[responsible authorities](#)' in the course of a proof hearing.

57 Given the nature of the Principal Reporter's involvement in MAPPA cases, there are likely to be limited circumstances in which an Authority Reporter (or a member of his/her team) will attend a MAPPA meeting in relation to a particular case.

ANNEX 7 - CIVIL ORDERS

1 There are four main types of civil orders which are designed to minimise the risk of sexual harm to the public from offenders. These are:

- Sexual Offences Prevention Orders (SOPOs)
- Risk of Sexual Harm Orders (RSHOs)
- Notification Orders
- Foreign Travel Orders (FTO)

SOPO

2 [Section 104 of the Sexual Offences Act 2003](#) provides the legislative base for SOPOs. A SOPO can be made on application to a Sheriff Court by a Chief Constable. This type of SOPO is generally referred to as a Police SOPO. [The Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#) amended the 2003 Act, so as to enable Court SOPOs to be made in Scotland. Scottish Court SOPOs can be imposed only if the offender had been dealt with in respect of an offence listed in [paragraphs 36 to 60 of Schedule 3 to the 2003 Act](#).

Effect of a SOPO

3 A SOPO, whether full or interim, imposes conditions on the offender either prohibiting them from, or requiring them to do, something described in the order. These conditions must be necessary and proportionate to protect the public from serious sexual harm from the offender. As well as the SOPO requiring the offender to comply with prohibitions and obligations, it also renders them subject to the [SONR](#) while the order is in effect.

4 The minimum duration for a full order is five years.

Basic principles for SOPOs

5 There are four basic principles to be kept in mind in relation to SOPOs:

- i. SOPOs can only be made against someone who is a 'qualifying offender'. A qualifying offender will have been convicted, or found not guilty by reason of insanity, or found to be under a disability and to have done the act charged, in respect of an offence listed in Schedule 3 or Schedule 5 (unless only convicted by virtue of any offence listed at paragraphs 64 to 111) to the 2003 Act. Of course, spent convictions can be relied on by the police in applying for SOPOs.

- ii. Given that the fundamental purpose of a SOPO is to protect the public from serious sexual harm, a key factor to be considered is the risk presented by the person. Risk in this context should include reference to:
- the likelihood of the offender committing a sexual offence;
 - the imminence of that offending; and
 - the seriousness of the harm resulting from it.

To secure a SOPO, the police will need to establish that there is a reasonable cause to believe that it is necessary to protect the public, or individual members of the public, from serious sexual harm;

- iii. Care needs to be taken that the prohibitions and obligations in the SOPO can be justified by the assessment of risk. The questions that need to be asked when considering a SOPO are:

- Would it minimise the risk of harm to the public or to any particular members of the public?
- Is it proportionate?
- Can it be policed effectively?

- iv. While there is a difficult balance to be struck between the rights of the offender and the need to protect the community, the need for SOPOs is dictated by the importance of protecting the public, in particular children and adults at risk. As a civil measure, SOPOs enable this to be done without recourse to the criminal law. It must be remembered that the only conditions which can be imposed are those necessary for the purpose of protecting the public from serious sexual harm from the offender. These can, however, be wide ranging. A SOPO may, for example, prohibit someone from undertaking certain forms of employment such as acting as a home tutor to children. It may also prohibit the offender from engaging in particular activities such as visiting chat rooms on the Internet.

6 Examples of obligations might include the requirement to report to a police station more regularly than that prescribed in the 2003 Act and the regulations made thereunder; to inform the police of a change of vehicle usage or mobile telephone number or to inform the police if a person under 18 is resident in the offender's house.

7 The behaviour managed by the SOPO might well be considered unproblematic if exhibited by another member of the public – it is the offender's previous offending behaviour and, subsequent demonstration that they may pose a risk of repeating such behaviour, which will make them eligible for a SOPO.

8 A SOPO or an interim SOPO is a serious matter and breach of any condition contained therein gives rise to criminal proceedings and penalties. Every effort needs to be made to ensure the offender understands this, and that they attend the hearing of the application and are given the opportunity to state their case.

9 [Section 100 of the Criminal Justice and Licensing \(Scotland\) Act 2010](#) provides for SOPOs to be granted on the motion of the prosecutor. This legislative provision allows for the Crown in Scotland to apply for a SOPO at the point of conviction. In order that the conditions contained within such a SOPO motion are informed and achievable it is considered best practice for MAPPA partners to be involved in the decision making processes to address the offenders future conduct.

10 Non-statutory guidance in relation to SOPOs will shortly be available on the Scottish Government website.

RSHO

11 [Section 2 of the Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#) provides the power for the Courts to place restrictions or obligations on someone who is behaving in such a way which suggest that they pose a risk of sexual harm to a particular child (under 18) or to children (under 18) generally. The person's behaviour need not constitute a criminal offence, and they need not have any previous convictions. The Court may impose on the person any restrictions or obligations which are required to protect a particular child or children generally from sexual harm from that person.

12 Where a person has a previous conviction for crimes of a sexual nature, a SOPO should be considered rather than a RSHO.

13 Breach of a RSHO is a criminal offence and criminal procedures and penalties apply. The breach of an RSHO also automatically renders an individual subject to the [SONR](#).

Notification Orders

14 [Section 97 of the Sexual Offences Act 2003](#) provides a power for the Chief Constable to apply to the Sheriff Court for an order making an offender who has been convicted, cautioned or had a relevant finding made against him, in respect of a 'relevant offence' ([defined in subsection \(1\) of section 99](#)) abroad, subject to the SONR.

15 The Chief Constable may apply for an order if the offender resides in their police area or believes that the person is currently in or is intending to come to, his/her police area. A notification order might, for example, be sought in respect of a UK citizen who has been convicted of a sexual offence overseas and who is deported to the UK on release from prison abroad. The police could also apply for a notification order in respect of a foreign citizen who the police know has been convicted of a sex offence in his or her own country and who comes to the UK.

FTO

16 [Section 114 of the Sexual Offences Act 2003](#) provides for FTO, which are civil, preventative orders. A FTO enables the courts to prohibit persons who are 'qualifying offenders' (essentially, those dealt with in respect of certain sexual offences against a child under 18 (either in this country or abroad)) from travelling abroad where and so far as it is necessary to do so to protect a child or children from serious sexual harm outside the United Kingdom.

17 A FTO may be made on application by the Chief Constable to a Sheriff Court and, if made, will place a prohibition on a sex offender from travelling abroad either to a named country or countries, to anywhere in the world other than a named country or to anywhere in the world. The order requires the offender to surrender his or her passport.

18 The police may apply for a FTO at the same time as a SOPO or separately.

ANNEX 8 - TRANSFER OF MAPPA CASES

Offenders subject to the [SONR](#) or statutory supervision transferring within Scotland

1 There will be occasions when those subject to the [SONR](#) choose to move house. If the offender is subject to statutory supervision it will be for the CJSW to manage this move in consultation with their colleagues in the receiving local authority area.

2 The following principles should be followed in all transfer cases:

- The over-riding consideration in relation to case transfers should be the protection of the public.
- The need to consider the wider picture - there may be real benefits in transferring the offender out of a particular area, e.g. victim issues.
- The need to ensure that, where national standards for reporting and enforcement apply, these are maintained regardless of the transfer.
- The provision of seamless supervision of offenders in the community.
- The sharing of relevant information when the offender transfers.

3 MAPPA does not have the authority to refuse transfer. For those subject to statutory supervision, this remains a social work decision. However, where an offender is on an order with restrictive conditions, MAPPA can have an important role to play in ensuring that transfers are conducted in such way that risks are managed as effectively as possible.

4 Other factors to consider:

- Reasons for not approving a transfer - These have to be based on public protection factors and demonstrate that the decision is based upon a thorough risk assessment and is proportionate to the identified risks. It is essential that the decision is well recorded and is communicated clearly to the offender and is reported to Scottish Ministers if required by National Standards.
- Home visits - Whenever an offender changes their address a home visit must be undertaken. This must take place prior to transfer to ensure that it is a suitable address.
- National Standards - It is essential that national standards are followed with cases being allocated as required, appointments being kept as required and breach action being taken if necessary.
- ViSOR - ViSOR protocols and national standards must be followed with cases being transferred promptly between areas and all contacts and partners being updated as required.

5 In respect of transfer of a MAPPA offender subject to supervision, the decision as to whether the case should be transferred will be taken by CJSW. They should consult with colleagues in other agencies to assist in their decision making but it has to be a CJSW service decision. It is important that where the offender is subject to social work supervision as well as the [SONR](#) that the supervising officer ensures that the police are aware of the request to move address and are consulted as part of the decision making process.

6 For example, where an offender is being managed by Area A at MAPPA Level 2 or 3 and a change of address to Area B is being considered, the supervising officer in consultation with their manager in Area A should assess the risks associated with the proposed move and decide whether to approve it in line with the requirements of National Standards. Once the decision has been taken, Area A will consider whether it is necessary to hold a MAPPA meeting prior to transfer to identify the potential risks associated with the change of address and how these could be managed. The supervising officer in Area A will contact the supervising officer in Area B to discuss transfer and where appropriate the issues discussed at the MAPPA meeting. Once Area B has agreed to accept transfer it will hold a MAPPA meeting. The supervising officer or manager in Area A, and if necessary, the police should attend this meeting, either in person or by video/telephone conference.

Individuals subject to the [SONR](#) not subject to supervision

7 Albeit there is an obligation on a persons subject to the [SONR](#) to notify the police of any change of address, when such an offender moves to another police area the receiving police force will notify the managing police force that the offender has moved into their area and notified a change of address. The managing police force will:

- make the receiving police force a partner to the ViSOR record;
- request that a home visit is made to confirm that the person subject to the [SONR](#) is actually living at the address; and
- where relevant, notify the offender manager of the change of address.

8 Once the address has been confirmed, the managing police force will transfer the ViSOR record to the receiving police force. The receiving police force will follow police guidance for the assessment of risk and consideration of referral to the MAPPA within that area.

Cross Border Transfers

9 It is not uncommon for offenders to move between jurisdictions within the United Kingdom, i.e. transfer between Scotland and:

- England/Wales
- Northern Ireland
- Isle of Man
- Channel Islands.

The process is more complex as legislation differs between the jurisdictions involved. General principles relating to cross border transfer of supervision are described below. The guidance then considers the issues around transfer of MAPPA cases between England/Wales and Scotland.

General Principles

10 Schedule 1 of the [Crime \(Sentences\) Act 1997](#) contains the main provisions for transfer of supervision for those offenders subject to release on licence. Transfers of supervision are made on an 'unrestricted' or 'restricted' basis.

11 The distinction between restricted and unrestricted transfers is important because it determines the relevant law that is applicable following the transfer and may affect the duration of supervision and action in the event of breach of licence or any order.

12 A request which meets the transfer criteria and where there is no effect on the sentence (either in terms of a reduction or increase in time to serve) or on any post release supervision requirements, will normally be granted on an unrestricted basis. In an unrestricted transfer, the law of the receiving jurisdiction should apply. The offender is treated as if their supervision period had been the result of a sentence imposed in the jurisdiction to which they have been transferred. The offender will undergo the remainder of the supervision in the receiving jurisdiction as if it had been an equivalent period of supervision directed to be undertaken in the receiving jurisdiction. The supervision will be subject to the statutory and other provisions applicable in the receiving jurisdiction. This is the type of supervision that occurs between areas in England/Wales and in Scotland as it is possible to replicate the original supervision requirements.

13 Where an unrestricted transfer is not appropriate the Secretary of State or Scottish Ministers or other relevant authorities may transfer the supervision of the offender on a restricted basis. In a restricted transfer, the law of the sending jurisdiction will continue to apply and the offender will be subject to the same duration of supervision under the same conditions as they would have been in the sending jurisdiction, as well as to any other conditions specified. The receiving jurisdiction will administer the supervision in the sense that the offender will be

reporting to a supervising officer in the receiving jurisdiction. However, in the case of a restricted transfer, breach proceedings must take place under the legislation of the sending jurisdiction, for example in the case of a transfer from England to Scotland, breach action would follow English law.

14 As legislation now differs quite considerably between England/Wales, Scotland, Northern Ireland, Isle of Man and Channel Islands the vast majority of transfers of supervision must be agreed and made on a restricted basis.

15 If an offender is undergoing or about to undergo supervision in any part of the UK, formal approval must be sought of the Secretary of State or their equivalent (of the sending jurisdiction), or where the sending jurisdiction is Scotland, the Scottish Ministers may, on the offender's application, make an order for that supervision to be transferred to another part of the UK. Serving prisoners may also apply to be transferred.

16 All transfers must be fully discussed and agreed with the receiving area prior to transfer taking place and this must be at Assistant Chief Officer of Probation (or equivalent) and Criminal Justice Service Manager (or equivalent).

17 Before an order for transfer is made, the sending and receiving probation and Local Authority CJSW jurisdictions are required, using the fullest information available, to consider:

- whether or not licence conditions can be enforced; and
- the ability of the receiving jurisdiction to manage the supervision.

[Note: [Scottish Executive Justice Department Circular 6/1999](#) and [Probation Instruction 17/2010 - Case Transfers: For offenders subject to statutory supervision either pre release from custody or whilst completing an order or licence](#) provide full guidance on the arrangements for transfer of supervision.]

18 Key points to remember:

- Check the legislation regarding transfer and refer to the relevant guidance, remember the transfer is likely to be restricted and the process can be time consuming;
- Contact the receiving area to discuss the case with them prior to transfer - this must be at senior manager level - Assistant Chief Officer of Probation and Criminal Justice Service Manager;
- The receiving area must confirm that they are able to manage the case to the necessary requirements prior to transfer being agreed;
- Ensure all appropriate paperwork is sent to the receiving area within **five working days** of transfer being agreed. This should include offender assessment, including risk assessment, risk management plan, sentence plan, pre-sentence report, parole report, victim details and risks to potential

- victims, copy of original licence/ order and requirements as well as the amended licence/order;
- Transfer on licence has to be agreed with the offender manager/supervising officer prior to the transfer taking place and agreement to transfer can be refused;
- An offender subject to the [SONR](#) who moves and does not inform the police of their new address within three days commits an offence;
- Moving without notifying the offender manager/supervising officer constitutes a breach of the order/licence and the appropriate action must be taken;
- MAPPA co-operation and sharing information between England/Wales and Scotland.

19 This section is intended to set out the principles for the liaison and exchange of information between the [responsible authorities](#) and MAPPA in England/Wales and Scotland for offenders who fall within the offender categories defined by sections 327 of the [Criminal Justice Act 2003](#) and 10 of the [Management of Offenders etc. \(Scotland\) Act 2005](#).

Transfers

20 Offenders who are subject to MAPPA arrangements in the community and are under supervision on licence or on a community disposal by the National Probation Service, Youth Offending Team, or Local Authority CJSW in Scotland can only be transferred in accordance with the relevant legislation with the agreement of both the sending and receiving jurisdiction. Given the serious level of risk some MAPPA offenders present, it is essential that the process is followed properly, that full details and information are appropriately shared and that MAPPA meetings involve the sending area, either in person or through video/telephone conferencing.

21 Where a MAPPA offender moving between England/Wales and Scotland is not under supervision by the probation service or CJSW and therefore not subject to the cross border transfer legislation, it will be for the [responsible authority](#) in one area to make contact with the equivalent [responsible authority](#) in another area to provide relevant information. Thereafter it is for the receiving [responsible authority](#) to make the arrangements for referral to the MAPPA in their area.

22 MAPPA offenders have their details recorded on ViSOR and once a transfer has been agreed the necessary transfer must also take place on ViSOR. This will also include all MAPPA documentation relating to Level 2 and 3 meetings which have been held in England and Wales.

International Considerations when Sharing Information

23 It is now common place for persons from out with the UK to travel and reside within our communities. Within the European Union (EU), in recognition of the challenges faced by all EU countries, a number of Framework Decisions and Directives have concentrated on the increased exchange of information and intelligence across Member States. These have set the course for significant progress in the implementation of processes and systems to exchange information and intelligence across borders electronically thus enhancing the protection of EU citizens. Internationally, bi-lateral agreements exist between the UK and a vast number of other countries which facilitate the exchange of information. The sharing of information across borders continues to rise as the migration and travel of individuals continues to increase across the globe.

24 The provisions and processes in place with other countries provide a number of options available to the MAPPA partners in obtaining information on individuals from out with the UK who require to be managed in a multi agency context albeit, in practice the requests for such information is generally the remit of the police.

25 There are two routes available through which details of an individuals previous criminal convictions can be accessed. The first relates to persons who originate from an EU Member State. The information sharing protocols within the EU have provided a single point of contact within each of the Member States for such information. Within the UK the designated point is the [United Kingdom Central Authority for the Exchange of Criminal Records \(UKCA-ECR\)](#) based in the [ACPO Criminal Records Office \(ACRO\)](#) in Southampton. For individuals who originate from countries out with the EU, [Interpol](#) continue to be the conduit through which all requests should be routed. In each of these instances, all requests for information should be put through individual Force Intelligence Bureaus (FIB's) or equivalents who collate all requests and responses from [UKCA-ECR](#) and [Interpol](#) on behalf of the police forces.

26 It should be borne in mind that there is no requirement for countries out with the UK to provide any information when requested in regard to information about their nationals. The Member States of the EU are only required, under the Framework Decisions and Directives to provide previous criminal convictions and MAY if it falls within the remit of their National Law, provide further details such as intelligence and other information which would be of benefit to the MAPPA partners. In regard to countries out with the EU, again they do not have to comply with a request to provide any information, including previous criminal convictions. In practice however, information exchange between countries is increasing and countries differ vastly in their approach and assistance provided.

27 FIBs or equivalents, should assist in compiling documentation to be submitted to [UKCA-ECR](#) or [Interpol](#) when requesting information which is crucial to the management of offenders and information which is believed to be of value should always be requested, detailing the reasons for the request. Such requests will be analysed on their merits. It is imperative that any information received is assessed, managed and shared in a manner acceptable to the providing state.

28 Information sharing across borders continues to increase and processes and procedures are being streamlined in an effort to ensure consistency. In all cases where a foreign national person is being managed under MAPPA, a request for their previous criminal convictions from their country of origin and any other information should be discussed with local FIBs or equivalent at an early juncture to ensure that all relevant information is sought in an effort to understand and manage the risks the individual presents.

ANNEX 9 - MAPPA SIGNIFICANT CASE REVIEW (SCR)

1 The fundamental purpose of MAPPA is public protection and managing the risk of serious harm posed by certain groups of offenders. It is understood that the [responsible authorities](#) and their partners involved in the management of offenders cannot eliminate risk – they can only do their best to minimise that risk.

2 It is recognised that, on occasions, offenders managed under the MAPPA will commit, or attempt to commit, further serious crimes and, when this happens, it is only right that the MAPPA processes are examined to, firstly, ensure that the actions or processes employed by the [responsible authorities](#) and the DTC agencies are not flawed and, secondly, where it has been identified that practice could have been strengthened, plans are put in place promptly to do so.

Who is this guidance for?

3 Managing offenders subject to the [Sex Offenders Notification Requirements \(SONR\)](#) (which includes restricted patients), through MAPPA, is an interagency and interdisciplinary statutory responsibility for the [responsible authorities](#). They have a specific duty to report incidents which fall within the criteria of this guidance. That said, any agency (including the third sector), profession, or individual can report incidents which meet the criteria for a Significant Case Review (SCR).

4 In every case, it is the local MAPPA Strategic Oversight Group (SOG) which has overall responsibility for the formal review of a significant case. The SOG will decide whether a SCR is warranted in terms of the criteria specified in this guidance; the remit of the review; and then either undertakes the review itself or externally commissions (although ownership always ultimately remains with the SOG). **This guidance is therefore targeted at SOGs.**

5 The purpose of this chapter is to describe the process to be followed in relation to SCRs. The overarching objectives of SCRs are to:

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

6 This guidance supports these objectives by setting out the process to enable the SOG to:

- Commission and undertake the review at a level which is necessary, reasonable and proportionate;
- Adopt a consistent, transparent and structured approach;
- Identify the skills, experience and knowledge that will be needed by those undertaking the SCR;
- Address the needs of the many different individuals and agencies who may have a legitimate interest in the SCR; and
- Take account of the evidence.

7 A review may reveal staff actions or inactions or flaws in process which are of sufficient seriousness that they need to be brought to the attention of the appropriate organisation. The reviewing body has a duty to do this, irrespective of the SCR process.

The status of a SCR relative to other linked investigations

8 There may be other processes running concurrently with a SCR and this raises a number of issues including:

- The relationship of the SCR with other processes, such as criminal proceedings or SCRA reports;
- Securing co-operation from all agencies in relation to the release and sharing of information;
- Minimising duplication; and
- Ensuring a sufficient degree of rigour, transparency and objectivity.

10 There may be reasons why a SCR cannot be immediately initiated or concluded, e.g. where there is an ongoing criminal investigation or where there are links to a Fatal Accident Inquiry or Children's Hearings Proceedings. Criminal investigations **always** have primacy. To establish what status a SCR (including the Initial Case Review (ICR)) should have in relation to other formal investigations there should be ongoing dialogue with the Crown Office and Procurator Fiscal Service to determine the scope of the SCR. Issues to be considered include how to:

- Link processes;
- Avoid witness contamination;
- Avoid duplicate information being collected;
- Decide whether a criminal investigation/proceedings or other ongoing processes mean that a SCR should be adjourned; and
- Disclosure.

11 The Crown is obliged to disclose all material information for or against the accused (subject to any public interest considerations). This relates to all information of which the Crown is aware, which would include information which is learned during a SCR. 'Material' means information which:

- would materially weaken or undermine the evidence that is likely to be led by the prosecutor in the proceedings against the accused;
- would materially strengthen the accused's case; or
- is likely to form part of the evidence to be led by the prosecutor in the proceedings against the accused.¹

12 This legal duty persists in perpetuity. This means that the duty exists during the appeal process and even where there is no live appeal, for example, where such information comes to the attention of the Crown after conviction or after an appeal has been refused. Failure to disclose material information risks a miscarriage of justice.

13 This SCR guidance does not replace existing procedures which may apply to the same group of offenders. For example, reporting a serious incident to Social Care and Social Work Improvement Scotland or a breach of licence conditions to the Scottish Government.

¹ As per section 121(3) of the Criminal Justice and Licensing (Scotland) Act 2010

Definition of a MAPPA offender

14 Information on the offenders who are covered by MAPPA legislation in Scotland can be found in [Section 10 of the Management of Offenders etc \(Scotland\) Act 2005](#), but the following defines the offenders to whom this guidance refers:

- is subject to the notification requirements of [part 2 of the Sexual Offences Act 2003 \(c.42\)](#); and
- mentally disordered restricted patients who are also sexual or violent offenders, or who are considered to be a risk of serious harm to the public by reason of their conviction. Restricted patients are defined as those patients who are convicted of an offence and subject of a Compulsion Order and Restriction Order (CORO) under Sections 57A and 59 of the [Criminal Procedure \(Scotland\) Act 1995](#) or who have been acquitted on the account of insanity or found to be insane in bar of trial and placed on a CORO under S57 (2) (a) and (b). A restriction order is without limit of time. The definition also includes prisoners on a Hospital Direction (S59A) or Transfer for Treatment Direction (S136). These orders are specified in the [Management of Offenders etc \(Scotland\) Act 2005, section 10\(11\) paragraphs \(a\) to \(d\)](#).

CRITERIA FOR IDENTIFYING WHETHER A CASE IS SIGNIFICANT

A 'significant case'

15 A significant case need not comprise just one significant incident.

Criteria

16 In any of the circumstances below a SCR may be required. An Initial Case Review (ICR) should first determine whether a SCR is merited. The detail, level and experience of the author of any review will depend on, and be proportionate to, the individual case and circumstances. A review should not be escalated beyond what is proportionate taking account of the severity and complexity of the case.

- When an offender managed under MAPPA is charged with murder, attempted murder or a crime of serious sexual harm²;
- Significant concern has been raised in respect of the management of a MAPPA offender which gives rise to serious concerns about professional and/or service involvement;

² The definition of serious harm is: '*There is a risk of harmful behaviour which is life threatening and/or traumatic and from which the victim's recovery, whether physical or psychological, can be expected to be difficult or impossible*'. Sexual harm, by definition, will require to have a sexual aspect.

- Where it appears that an offender managed under MAPPA is killed or seriously injured as a direct result of his/her status as a sex offender becoming known.

ICR

17 An ICR is the process the SOG are required to initiate following receipt of information about a case that meets the criteria for a SCR.

Stage 1 - Notification

18 Where the circumstances of a case gives concern and appears to meet the criteria, the lead agency responsible for the case must, **within two working days**, submit an Initial Notification (see Annex 4) to the Chair of the SOG. It is understood that sometimes it may not be appreciated immediately that the case is significant.

19 If the lead agency is unable to submit the ICR report within two working days, this should not preclude any actions required to protect member of the public or individual offender, who may be at risk of harm. Where the two-day deadline is not met, reasons for this should be provided to the Chair of the SOG.

Stage 2 - Gathering further information, if required

20 The Chair of the SOG, after considering the information within the ICR, will assess whether they can take a decision to proceed to a SCR or not at this stage or whether there is a need to seek further information before a defensible decision can be taken. In order to decide whether more information is necessary, the Chair of the SOG may find that preparing a key events timeline is helpful.

21 Where the Chair of the SOG decides that more information is required, he/she will specify what is essential and who must provide it. This additional information should be submitted within **11 working days** unless there are extenuating circumstances of which the Chair should be informed. A template is provided at Annex 5 for this purpose.

Stage 3 - Decision on whether or not to proceed to a SCR

22 A SCR should only be commissioned when the criteria in [paragraph 18](#) are met, or the circumstances of the case lead the Chair of the SOG to consider a SCR essential. Once a decision to commence a SCR has been made the process must be initiated as soon as possible.

23 Where there is disagreement within the SOG, the Chair will make the final decision.

24 In cases where the decision is to proceed to commission a SCR, the responsibility to inform the victim (if alive) or nearest relative (spouse, partner, child, parent, sibling or other relation) remains with the SOG.

THE SOG DECIDES NOT TO COMMISSION A SCR

25 Following an analysis of the information submitted by the lead authorities, the SOG may decide that a SCR is not required and may decide to take no further action, or it may decide that specific action is necessary. This section deals with these circumstances.

No further review needed.

26 Where:

- The criteria for a SCR are not met;
- Single agency action is deemed appropriate; or
- The information provided indicates that appropriate action has already been taken.

27 If this is the agreed outcome of the SOG's decision-making process, the Chair will notify the relevant Chief Officers Group and all the agencies involved in the case of the decision and the rationale in reaching that outcome. The decision should be recorded in accordance with the agency procedures and on ViSOR. **The Head of the Sex Offender Strategy Team within the Scottish Government Safer Communities Directorate should be notified of the decision.**

No further review needed but follow-up action required.

28 Circumstances may have been identified that, despite meeting the criteria in [paragraph 30](#), the SOG consider further action is required. For example, misunderstanding or misinterpretation of guidance, or where local protocols/procedures need to be reinforced. The ICR may have identified themes previously highlighted which the SOG consider should be brought to the attention of staff or demonstrate a need for a review of training/protocols.

29 Any agreed action should be recorded with lead agency outcomes and timescales scheduled into the SOG's action plan.

30 The SOG will notify all relevant agencies of the outcome of all ICRs once completed and approved by the SOG. A template is provided in Annex 6.

THE SOG DECIDES TO PROCEED TO A SCR

31 The SOG considers that the criteria have been met and a SCR is required. This section provides guidance on whether to hold an internal or an external SCR.

The SOG decide to commission an internal SCR.

32 The SOG may decide, informed by the ICR, that it is appropriate to commission a SCR from within the [responsible authorities](#).

33 In such cases, the lead officer and staff should be drawn from the SOG's [responsible authorities](#), excluding those departments/agencies directly involved with the case. SOGs should ensure that the review team lead is of appropriate seniority. There may be situations when the SOG considers that an external specialist or consultant is required to undertake certain aspects of the SCR and their costs should be met by the [responsible authorities](#).

The Head of the Sex Offender Strategy Team within the Scottish Government Safer Communities Directorate should be notified of the decision.

34 The SOG will notify all relevant agencies of the outcome of all SCRs once completed and approved by the SOG. A template is provided in Annex 6.

The SOG commissions an external SCR.

35 The SOG agree that the case would benefit from being considered and investigated by an external team. These circumstances may include:

- There are likely to be local recommendations, however, there may also be learning points which will require to be circulated nationally;
- The case is high profile, or is likely to attract considerable media attention;
- MSPs and/or other Elected Members and others have raised their concerns about the case;
- The SOG has commissioned multiple reviews; and/or
- The victim (if alive), their nearest relative or other significant parties may have raised concerns about the actions of the agency/agencies.

36 Where a SCR is commissioned and utilises external experts, the ownership remains with the SOG.

The Head of the Sex Offender Strategy Team within the Scottish Government Safer Communities Directorate should be notified of the decision.

A note on timescales

37 The assumption throughout this guidance is that the SOG requires agencies to work as expeditiously as possible in drafting and submitting information. It is recognised that the complexity or circumstances of certain cases may result in the preferred timescales not being met. Where deadlines have to be extended, this should be recorded and a new deadline agreed by the SOG for appropriate follow up.

38 In every case, the SOG should agree a deadline for the submission of reports taking into account the circumstances and context of the particular case.

39 The SOG will notify all relevant agencies of the outcome of all SCRs once completed and approved by the SOG.

THE SCR PROCESS

40 Research and experience highlight the key areas where preparation and planning are important to ensure the objectives of the SCR are met, namely:

- A. Developing the remit/agree terms of reference
- B. Identify the review team lead and staff
- C. Commission the review team
- D. Resources
- E. Manage the process
- F. Produce, handle and deliver the report
- G. Follow-up and communication protocols
- H. Liaison with victim/nearest relative/family
- I. Staff

SCR COMMUNICATIONS STRATEGY

41 The ICR is an internal document for the SOG, however, the SCR report is a document intended for shared learning and hence requires a communications strategy. It is the responsibility of the SOG to report the outcome of the SCR to their Chief Officers Group and the Scottish Government. However, the SOG has extensive responsibilities and should consider the wider dissemination of the learning from the process and outcomes. The Executive Summary and the recommendations will be published by the [responsible authorities](#).

42 Information within any SCR will be highly sensitive and may be distressing. Individual SOGs should have agreed protocols with local agencies and the Scottish Government with named contacts and their role and responsibilities in the process, i.e. whether it is communication for information or decision-making.

43 Users of this guidance should note that the communications strategy guidance provided in this section is elementary and agencies should prepare their own media and legal guidance for each particular circumstance.

Who needs to be aware of the SCR report?

44 It is acknowledged that each significant case is unique and the SOG will endeavour to identify all who need to be informed and who will be required to provide information at each stage of the SCR process. The distribution list should be proportionate to the individual case.

45 Those with responsibility for local service delivery and review may include:

- The relevant SOG;
- Chief Officers: Chief Executive of Local Authority/Chief Executive of Health Board/Chief Constable/Chief Executive of Scottish Prison Service (SPS);
- Director of Social Work/Chief Social Work Officer/Senior Managers in the police, Education and Health Service, SPS Governor;
- Staff involved in the review;
- Crown Office and Procurator Fiscal Service;
- Scottish Government Justice Directorate - Parole Unit;
- Scottish Government Justice Directorate - Community Justice;
- Parole Board for Scotland;
- The Mental Welfare Commission;
- Children's Reporter/Scottish Childrens Reporter Administration (SCRA);
- Inspectorates/Scrutiny Bodies - HM Inspectorate of Education Services for Children Unit, Social Care and Social Work Improvement Scotland, HM Inspectorate of Constabulary Scotland, Health Improvement Scotland, Mental Health Tribunal for Scotland;
- Victim (if alive);
- Nearest relative and/or immediate family;

- Local councillors/Health board Chairs/Chairs of police authorities;
- Voluntary organisations and independent providers, where they are involved in the case; and
- The MAPPA National Strategic Group.

46 Those with wider interests in the SCR report could include:

- Local authority, health board and police media officers;
- Professional representative bodies;
- Legal representatives; and
- Unions/staff associations.

47 Other key interests are likely to be:

- The general public;
- Elected members, e.g. MSPs, MPs; and
- The media.

When will information become available?

48 In some cases some/selective information may already be widely known because of the nature of the case (e.g. where the media have released information before the review process has been commenced/completed). It also to be noted that once information is shared with members of the public (including victims/relatives) that information is then in the public domain.

49 On completion of the SCR the distribution list should be available to all of the main stakeholders identified plus any other individuals/organisations who may have become involved with the review. In addition, it is important that the victim (if alive), family members and those involved in the review process are regularly briefed and thoroughly understand the process.

Media handling

50 All agencies should refer/comply with their own organisations and/or SOG agreed media strategy. It is to be noted that there are strict guidelines in place for dealing with matters which are sub-judice.

51 In responding to media enquiries, SOGs must have regard to wider interests over which they have no direct control.

52 The importance of reassuring the public through any media statements and reducing alarm or confusion is paramount.

THE SCR AND THE LEARNING CYCLE

53 The primary aim of an ICR/SCR is to establish what lessons are to be learnt from the case and what areas of practice require improvement(s). The changes required may involve:

- Management;
- Policy;
- Protocols;
- Practice;
- Operating conditions; and
- A combination of any of these.

54 SOGs will wish to consider how to promote commitment to change:

- Consider identifying one senior person to champion change;
- Communications to interested parties;
- Support and acknowledge good practice within and between organisations/service areas; and
- Determine the impact on individuals or organisations (risk factors) as a result of change.

55 In addition, SOGs should consider how to:

- Increase public confidence;
- Identify, plan and implement any required training; and
- Produce and implement long- and short-term action plans.

56 SOGs will need to consider how to maintain change by:

- Quality assurance systems including monitoring and evaluation which links into reporting and action planning cycles;
- Engagement with stakeholders; and
- Supporting staff.

57 The SOG should produce a summary of all ICRs referred during the year and, irrespective of the outcome, introduce these into the learning cycle to improve multi-agency learning and development.

58 After some SCRs it may be necessary for other SOGs to review their own guidance and procedures in light of the findings and recommendations from a review. This could be facilitated through the meetings of the quarterly MAPPA National Strategic Group or by specially convened meetings depending on the need for urgency.

59 It is likely that some recommendations from ICR/SCRs may necessitate action that requires to be led/implemented nationally. The findings from ICRs/SCRs will also be important for external scrutiny bodies in future inspections of services.

ANNEX 1 - ICR

Conducting an ICR

- 1 The ICR should address the following issues:
 - A brief description of the case and the basis for referral;
 - Key events timeline;
 - A brief outline of agency/professional involvement role &/or responsibilities;
 - If the victim is alive, what actions have been or will be taken on their behalf;
 - Other ongoing formal proceedings;
 - Evidence of inappropriate practice;
 - Evidence of good practice;
 - Any particular sensitivities (e.g. from COPFS); and
 - Lead contacts for each agency.

Record keeping on ICRs

- 2 An ICR should lead to a written record of the items considered in paragraph
- 3 Each SOG should establish and maintain a register of all ICRs/SCRs in order to:
 - Evidence the decisions made;
 - Monitor the progress of the reviews undertaken;
 - Monitor and review the implementation of recommendations; and
 - Identify contextual trends (e.g. prevalence of substance misuse).
- 4 The ICR may lead to a number of outcomes:
 - No further review;
 - No further review needed but follow-up action desirable;
 - Initiation of local action to rectify an identified issue; or
 - Commission a SCR, whether internal or external.

5 In every case, the SOG should notify the Chief Officers Group and the Scottish Government of the outcome of the ICR, by means of the written record described in paragraph 65.

An operational protocol for managing ICRs

6 SOGs should develop a local operating protocol for handling ICRs to underpin this guidance. It should include who from the SOG structure has delegated authority to accept the initial notification and/or instruct any further information-gathering and/or make a decision on whether to proceed to a SCR. The ICR operating protocol should be agreed with the relevant Chief Officers' Group. It should firmly reflect the principles set out in this guidance but retain sufficient flexibility to suit local structures.

ANNEX 2 - THE SCR PROCESS

A - Developing the remit

1 The outcomes of the review should be to:

- Identify whether working practices can be improved to better protect the public; and
- Contribute robust quality assurance procedures and demonstrate a commitment to continuous improvement.

2 A clear remit is essential to manage the expectations of those involved and the wider audience for the SCR report. It is recognised that the complexity might not become clear until the work has commenced. Consequently, the initial remit may need to be revised during the course of the review. The SOG must agree any changes to the remit and ensure they are recorded appropriately.

3 The remit will outline the purpose of the review. The review should seek to:

- Establish a chronology of relevant contact with the offender and/or victim(s) which should be endorsed by the relevant agencies as accurate;
- Establish the circumstances culminating in the death/serious harm of the victim. It is recognised that this may be difficult if there are parallel inquiries taking place, e.g. a criminal investigation;
- Examine the role of the [responsible authorities](#), [DTC](#) partners and any other agencies involved in the management of the offender. Analyse the available information and identify issues and implications. If the victim or another vulnerable individual is interviewed as part of the review, the involvement of family liaison officers or specially trained interviewers should be considered;
- Establish what lessons can be learned from the case, and how these can be shared;

- Develop and agree an action plan; and
- Report findings to the SOG and the Scottish Government.

B - Identifying the review team

4 The selection of the review team is crucial. SCRs are resource-intensive and require a dedicated lead with the appropriate specialised support from the principal agencies to provide the necessary understanding of procedures and practice. In some cases it may also be necessary to have specialist input, whether as part of the team for the duration of the SCR or to provide advice as required. The review team may also wish to consult other SOGs and agencies.

5 It is important that the review team staff has a broad knowledge of sex offender management and MAPPA as well as the necessary skills to lead/undertake the review. The interviewing of significant witnesses takes time and must be undertaken with perseverance and sensitivity.

6 Members of the review team should have experience of:

- Analysis and interpretation of information from a wide variety of sources;
- Interviewing;
- Decision-making;
- Communication, negotiation and the ability to establish good working relationships;
- Awareness, and sensitivity to, national and local issues; and
- An understanding of the purpose of SCRs and how it differs from other ongoing proceedings.

7 It may be that the review team should include representation from the key professional groups to reflect the individuality of the agencies.

8 The SOG may decide to form a sub-group to direct and manage the SCR.

C - Commissioning the review team

9 Issues for consideration when commissioning a review team:

- Confirm that the remit clear and deliverable;
- Establish reporting lines of accountability;
- Identify milestones and time-scales and agree the various stages in the process;

- Provide appropriate administrative support;
- Agree the method for obtaining additional resources if it becomes clear that these are necessary;
- Confirm that if issues arise that need urgent action, the SOG (and agencies) will be so advised;
- Agree process for managing and reporting of serious issues;
- Require external reviewers to be registered with the Data Protection Office; and
- Identify a named contact person within the team.

D - Resources

10 [Section 11 of the 2005 Act](#) requires the [responsible authorities](#) to monitor the operation of MAPPA, making changes to improve effectiveness where required. As well as providing local leadership, the SOGs are responsible for performance monitoring and quality assurance of MAPPA and this encompasses the need to carry out, when required, any SCRs.

11 Resource issues, which may need to be addressed, are as follows:

- Agree any formal contractual arrangements. The Chief Officers Group will consider which agency will enter into the contract with any external reviewer;
- In the case of an internal SCR, SOGs should consider the potential of an external person to supplement the review team;
- Arrange for any accommodation/space requirements the review team require;
- Provide for secure storage arrangements for files/documents;
- Agree the methodology to be used to record, index and retain documents and evidence in an easily retrievable format;
- Establish a reporting structure, frequency and format; and
- Agree a communications plan.

E - Managing the process

12 Addressing the what, where and when issues of the SCR are vital to its successful operation. The issues to be discussed and agreed may include:

- Over what time period events will be reviewed. The offender and victim history/background information will help to decide this;
- For externally-commissioned SCRs, the contract will reinforce that the SCR is owned by the SOGs who retain the right to proof-read the final draft and to correct factual errors or misunderstandings;
- The agreement of a media strategy;
- The agreement of a communications strategy with external agencies;
- The identification of named contacts in each agency with whom the review team can liaise;
- Confidentiality protocols for the review team;
- Whether there are likely to be issues of access to case records, e.g. ViSOR and how that will be addressed;
- The involvement, if appropriate, of the victim/nearest relatives and how that will be managed;
- Responsibility for liaison with the victim (if alive), and/or for their nearest relatives. SOGs will wish to consider whether it is preferable for this person not to have had prior involvement with the victim or their nearest relatives;
- What briefing will be provided for contributors, and by whom. A briefing will normally be an oral discussion about the purpose of the review. SOGs will need to consider whether contributors should receive information about the areas to be covered in advance of the interview and whether the files should be available to them for reference; and
- What arrangements are in place for feedback to the contributors and what mechanism will be used to enable contributors to check the factual accuracy of any interim and/or final reports.

F - Producing, handling and delivering the report

13 The SCR report should be delivered to the commissioning SOG who will thereafter deliver the report to the relevant Chief Officers Group and the SG.

14 It is important that there is a degree of consistency to the structure and content of reports. This makes it easier for people to identify and use the findings and for read-across to other reports to be made. The report should include:

- An introduction – a summary of the circumstances that led to the review, state the remit and a list of contributors to the review (suitably anonymised);
- A separate executive summary and list of recommendations, which should be few in number, focused, specific and capable of being implemented. It should also identify who these are aimed at and any resource implications (and who the recommendations are for). This summary should be appropriate for publication;
- A chronology of key events;
- The involvement of the victim or nearest relatives in the process;
- Analysis of the circumstances culminating in the incident; and
- Conclusions.

15 The SOG will decide who will receive the report. The findings of SCRs will provide valuable information for the management of sex offenders at a local and national level. It is therefore expected that the executive summary and recommendations will be made public.

16 This summary document should be sufficiently detailed to provide a reasonable overview and analysis of the case.

17 The review team and SOG will wish to take account of the requirements of the Freedom of Information Act and Data Protection Act in both the conduct and reporting of the review.

18 The SOG should propose to the Chief Officers' Group a distribution list for the full report. This proposed list should have regard to the provisions set out in media handling and should consider any internal/external communications or briefing required before publication and decide how best to co-ordinate media handling.

19 The points below, while not exhaustive, highlight the key considerations and responsibilities for clearing and issuing the SCR report.

G - Follow-up

20 Following publication of the SCR report, the SOG will be required to:

- Prepare action and implementation plans and establish a means of monitoring progress; and
- Liaise with the Scottish Government and others as required.

H - Nearest relatives

21 It is important that the review is carried out in good time - not least to reduce stress on the victim (if they are still living), their nearest relatives and the staff of the agencies involved in the SCR.

22 The victim or their nearest relative should be kept informed of the various stages of the review and the outcomes of these where this is appropriate. Clearly, there will be occasions where the nearest relative could be subject to investigation or significantly involved in the case and in such cases the information provided may require to be limited. Close collaboration with the police and the Procurator Fiscal will be vital.

23 There may also be cases where families seek to take legal action against an agency or agencies. Individual agencies complaints procedures should be made available at the outset of the case, and throughout any SCR investigation, as deemed necessary and appropriate.

24 Care should be taken about where and when a victim or their nearest relative is interviewed and members of the review team should be experienced and skilled in working with victims. It may also be useful to assign a member of staff to be a liaison point throughout the review. The person carrying out this liaison role should be fully aware fully of the sensitivities and background of the case. This person's role could include advising of the intention to carry out a SCR and making arrangements to interview the victim and/or their nearest relative or family.

25 The victim (if alive), or the nearest relative should receive a copy of any summary report and recommendations from the SOG in advance of publication. Consideration should be given as to whether an oral briefing in advance of publication is required. This is particularly the case where there is likely to be interest in the case amongst the wider public and media.

I - Staff

26 During the review process staff should feel informed and supported by their managers. There may be parallel processes running which staff are involved in (e.g. disciplinary proceedings) as well as the SCR so sensitive handling is important.

27 Each organisation will have procedures for supporting staff. Line managers should always consider:

- The health and wellbeing of staff involved;
- Provision of welfare or counselling support;
- Communications with staff and keeping people informed of the process in an open and transparent way;

- An agreed procedure to be adopted if the SCR uncovers evidence of criminal acts or civil negligence related, or unrelated to the case under review;
- The need for legal/professional guidance and support; and
- Allowing staff time to prepare for interviews.

28 This guidance should be available to staff involved in a review, together with a copy of the local operational protocols in place in their SOG area. Once the review has been completed the staff involved in the case should be given a debrief on the review and the findings before the report is published.

ANNEX 4

MAPPA Significant Case Review Process

Significant Case Reviews: Initial Notification

(To be submitted to the Chair of the MAPPA Strategic Oversight Group not more than two working days from identification of a significant incident.)

| | |
|---|---------------------------------|
| Date of incident: | |
| Name of offender: | |
| Offender d.o.b: | |
| Name of victim and relationship to offender: | |
| If victim not alive, name of nearest relative: | |
| Name of primary responsible authority: | |
| Index offence: | |
| MAPPA level: | |
| Type of supervision/statutory order offender subject to (if relevant): | |
| Date statutory order imposed/date of release from custody on statutory supervision (if relevant): | |
| Current whereabouts of the offender: | At liberty/in custody/deceased. |
| Brief description of incident (nature and extent of harm/gender and age of victim where appropriate): | |
| Brief description of the offender's relevant history (extent and nature of offending; compliance with supervision; discipline issues in custody): | |
| Is the incident is likely to attract local or national media interest? If yes, state why: | Yes/No |
| Are there charges pending against the offender or, if deceased, against alleged perpetrator? | Yes /No/Not known |
| Name of police Senior Investigating Officer and contact details: | |
| Name and designation of person submitting initial report: | |
| Date signed: | |
| Name and designation of senior manager signing-off notification: | |
| Date signed: | |

ANNEX 5

MAPPA Significant Case Review Process

Significant Case Reviews: Decision of SOG Chair

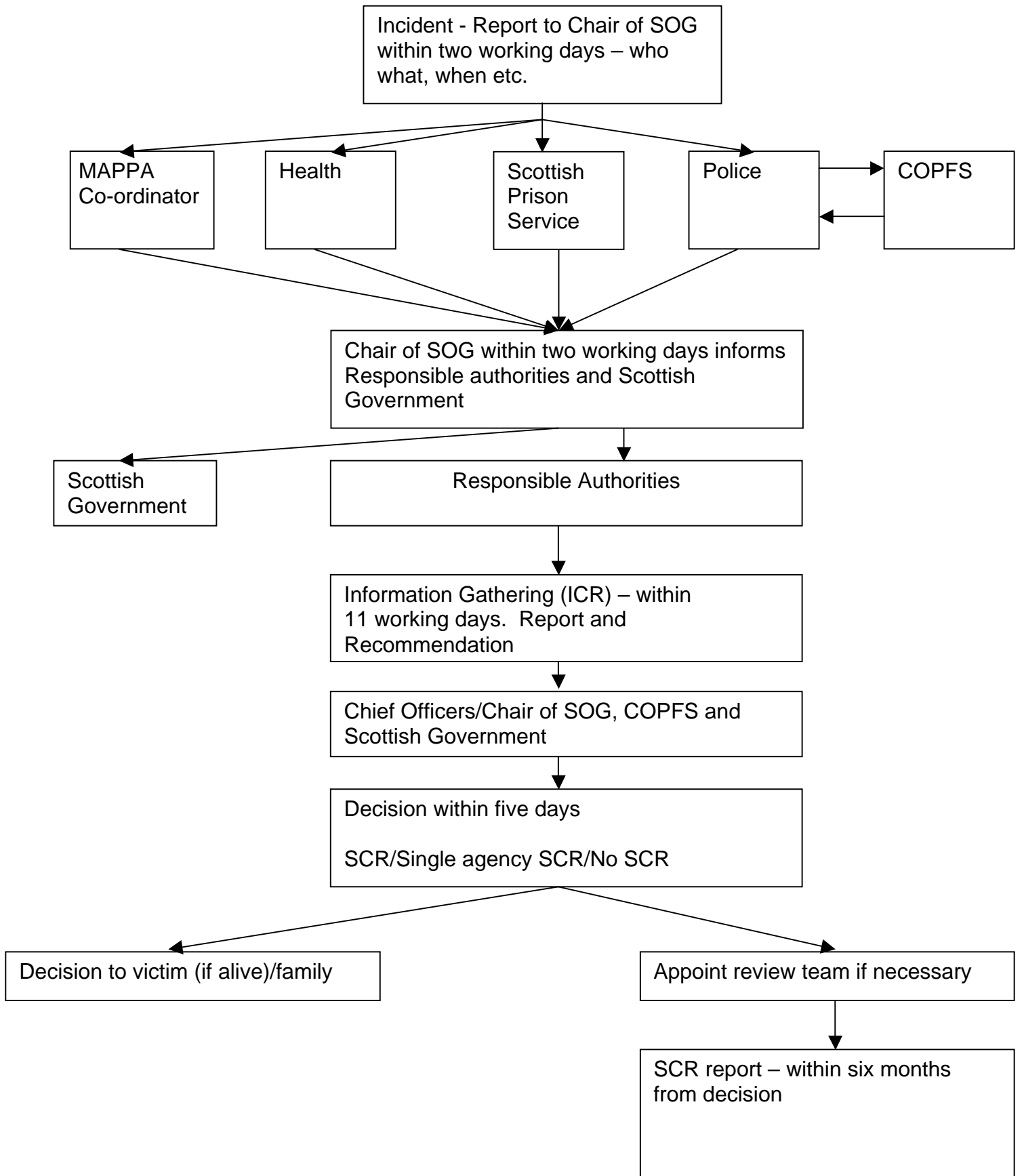
| Decision Summary | |
|---|--------|
| Date of incident: | |
| Name of offender: | |
| Offender's d.o.b: | |
| Name of primary responsible authority: | |
| Index Offence: | |
| MAPPA Level: | |
| Progress immediately to Significant Case Review: | Yes/No |
| If No, what further information is required and what agencies should supply it? (this information should be supplied within 11 working days): | |
| Name of Chair of SOG and signature: | |
| Date signed: | |

ANNEX 6

MAPPA Significant Case Review Process

Significant Case Reviews: Decision Process

| Decision summary | |
|--|--|
| Name of offender: | |
| Offender's d.o.b: | |
| Name of primary responsible authority: | |
| Date of incident: | |
| Index offence: | |
| MAPPA level: | |
| Initial Case Review decision: | |
| <ul style="list-style-type: none"> ➤ No further action required. (Please detail decision-making process.) | |
| <ul style="list-style-type: none"> ➤ No further review needed but follow up action desirable. (Please detail decision-making process and detail the follow-up actions.) | |
| <ul style="list-style-type: none"> ➤ Initiation of local action to rectify an immediate issue. (Detail the local action required to be taken.) | |
| <ul style="list-style-type: none"> ➤ Initiate SCR. | |
| If applicable, will this be an internal SCR or an external SCR? Summarise reasons for choice. | |
| Who is the lead officer/official? (Name, designation/contact no.) | |
| Date for completion of SCR: | |
| Name of Chair of SOG and signature: | |
| Date signed: | |



ANNEX 10 - GLOSSARY OF TERMS

Absconded (restricted patient) - Abscond is defined as an occasion when a restricted patient is absent without authority.

ACPO(S) - The Association of Chief Police Officers in Scotland.

ADSW - The Association of Directors of Social Work.

CPA (Care Programme Approach) – A process for organising the multi-disciplinary care and treatment of patients with mental health problems. Regular review meetings are held where needs are identified and plans put in place to meet these needs. Risk assessment and risk management are an integral part of this process.

CHI (Community Health Index) - A database in wide use throughout NHSScotland. It contains data on patient demographics and some clinical information on aspects of healthcare screening and surveillance. The CHI number is, effectively, an NHS number and its use as a patient identifier makes it increasingly important to the implantation of 'eHealth' (electronic health records (EHR) and other information and communication technologies (ICT) being introduced to healthcare in Scotland).

CHS (Criminal History System) - The Criminal Records system held by the police in Scotland.

CJA (Community Justice Authority).

CJSW (Criminal Justice Social Work).

CSO (Community Service Order) - Up to 300 hours unpaid work to be conducted within a set timescale. Commission of further offence is an automatic breach of order and if breach established at Court, the offender is remitted back to Court for sentence for 'new' offence and previous offence.

CO (Compulsion Order) - A disposal made by a criminal Court where a person has been convicted of an offence or acquitted on account of insanity or found insane in bar of trial. The patient may be detained in hospital (which would usually be the case initially) or subject to compulsory treatment in the community. A compulsion order operates in a similar way to a Compulsory Treatment Order (CTO).

CPO (Community Payback Order) - A [Community Payback Order](#) is an order imposing one or more of the following requirements: (a) an offender supervision requirement; (b) a compensation requirement; (c) an unpaid work or other activity requirement; (d) a programme requirement; (e) a residence requirement; (f) a mental health treatment requirement; (g) a drug treatment requirement; (h) an alcohol treatment requirement; (i) a conduct requirement.

CTO (Compulsory Treatment Order) - A civil order under the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) which allows for the compulsory treatment of a person with mental disorder either in hospital or the community.

CD (Conditional Discharge (restricted patient)) - The Tribunal is empowered to order CD when a restricted patient no longer requires to be detained in hospital. The Tribunal may impose such conditions as it sees fit. The patient is subject to recall to hospital by Scottish Ministers in the event of a deterioration in the patient's mental disorder and/or breach of conditions.

CORO (A Compulsion Order and Restriction Order) - Where there is an ongoing risk of serious harm the Court may make a restriction order in addition to a Compulsion Order. A patient on a CORO can only be transferred to another hospital or given periods of time outside hospital with the permission of the Scottish Ministers. Where a patient is subject to a CORO they can only be discharged to the community by a Mental Health Tribunal. Usually strict conditions will be placed on a patient on CORO in the community and the Scottish Government closely monitors the management of these patients. While a patient is on a CORO, either in hospital or conditionally discharged to the community, they are a restricted patient.

Custodial Sentence - Short-Term-Prisoner: custodial sentence less than 4 years imprisonment. Long-Term-Prisoner: custodial sentence over 4 years.

DTTO (Drug Treatment and Testing Order) – A Court Order aimed at assisting offenders to reduce drug use and related offending. An offender must agree to treatment and submit to frequent and random drug tests, attend Court for monthly reviews and be supervised by a DTTO Team.

DWP - Department for Work and Pensions.

EDL - Earliest date of liberation for offenders in prison.

Escorted Leave (restricted patient) - A period of suspension of detention from the hospital accompanied by a nurse escort and following consent from Scottish Ministers.

ESO (Extended Sentence Order) - Statutory order imposed by Court at time of sentencing to provide for an additional period of supervision on licence in the community over and above that which would normally have been the case.
EXAMPLE: An offender sentenced to 3 years custodial term and 3 years extension period would be released after serving 18 months in prison but would be on licence for the balance of the custodial period, i.e. 18 months plus a further 3 years = 4 years and six months in total on licence.

FTO (Foreign Travel Order) – Civil order imposed by a Court on application of the Chief Constable to prevent offenders with convictions for sexual offences against children, from travelling abroad where it is necessary to do so, to protect children from the risk of sexual harm. The offender must surrender their passport to the police.

Formal Disclosure - If a decision is made to formally disclose, then a letter of disclosure will be drafted on behalf of the Deputy or Assistant Chief Constable of the relevant police force. This letter should be served by the police personally on the person to whom the disclosure is to be made. The disclosure should be limited to the information necessary to minimise the risk. Officers serving this letter should ensure that they do not disclose any further information other than what is stipulated in the letter. Although no further information should be disclosed, advice and guidance may be given about how the individual should respond to the information in order to protect themselves or others and in particular whether any further action should be taken. This procedure will be completed in consultation with partner agencies. There are various other forms of disclosure discussed in the body of this document.

HD (Hospital Direction) - A disposal which may be made by a criminal Court where a mentally disordered offender is convicted on indictment (i.e. a serious offence has been committed). The patient is detained in hospital and a prison sentence is imposed which runs in parallel. If the patient no longer requires treatment in hospital then they can go to prison to serve the rest of their sentence. If they remain in hospital at the end of the prison sentence then they must be released or if they need to be detained in hospital, then an application is made for a CTO. While a patient is on a HD they are a restricted patient.

ICM (Integrated Case Management) - A management structure used by the Scottish Prison Service. This approach brings together the prisoner, their family (where appropriate) and other key staff to examine the prisoner's progress through custody. The case conference will consider the actions/interventions that are necessary to help make the prisoner's stay in custody successful. The case conference will also examine the assessed risks the prisoner poses and help decide on appropriate interventions aimed at reducing those risks. This particular approach is useful in (a) keeping the prisoner at the centre of the ICM process, (b) maintaining a focus on issues which are external to the prison as well as internal, (c) the sharing of relevant information across agencies and (d) assessing and managing risk.

Legally Insane - A small number of mentally disordered offenders are found unfit to plead (also known as unfitness for trial) or are acquitted by reason of special defence. Legally, such individuals are regarded as insane, even though this is not a term used by mental health professionals. In these cases Courts may make a mental health disposal and in most cases individuals are detained in hospital.

Life Licence - Those who have received a mandatory life licence (e.g. murder); those who receive a discretionary life licence – imposed in respect of repeat offenders.

MAPPA - Multi Agency Public Protection Arrangements.

MAPPP - Multi Agency Public Protection Panel.

MDO - Mentally Disordered Offender.

MHO - Mental Health Officer.

Missing - A Sex Offender should be considered as Missing in the following circumstances:

'Where the current whereabouts of an offender is unknown and police enquiries to establish their whereabouts have been unsuccessful. As a result of these actions the risk management process may not be achievable and there exists a requirement to trace the individual and address the risk he/she may pose and establish if further offences have been committed. Those offenders who have left the territorial jurisdiction of the United Kingdom and whose location abroad is known are not considered as missing. The requirement to comply with the registration process is suspended whilst offenders are out with the UK. Where appropriate, consideration should be given to establishing whether the offender has committed an offence relative to notification of his/her foreign travel. In this situation if an arrest warrant is issued relative to such an offence the offender should be regarded as Wanted.'

M.O. (*modus operandi*). The method by which the offender committed the crime or offence.

[NASSO - National Accommodation Strategy for Sex Offenders.](#)

Non-Parole Licence - All long-term prisoners, excluding life sentence prisoners, are automatically released on Non-Parole Licence when they have served two thirds of their custodial sentence.

NO (Notification Order) – Require sexual offenders who have been convicted overseas to register with police, in order to protect the public in the UK from the risks that they pose.

OLR (Order for Lifelong Restriction) - Where the High Court considers that the risk criteria are met, a Risk Assessment Order (RAO) may be made after conviction and the resultant risk assessment report will inform the Court's judgment on whether an OLR should be imposed. Further information can be found on the Risk Management Authority website.

Parole Licence - Offenders serving 4 years or more can apply for parole when they have served half of their custodial sentence. Parole Board for Scotland consider application for early release which includes reports from community social worker, prison-based social worker, Personal Officer (SPS), etc.

PID (Personal Identification Device) – Commonly known as a 'tag', see RLO.

PNC - Police National Computer.

PQD (Parole Qualifying Date) - The date when the offender can qualify for parole.

Probation Order - 6 months to 3 years with conditions attached, i.e. address sexually offending behaviour within the community. Commission of further offence is an automatic breach of order and if breach established at Court, the offender is remitted back to Court for sentence for 'new' offence and previous offence.

RAO (Risk Assessment Order) – An Order from the Court in respect of an Order for Lifelong Restriction.

RP (Restricted Patient) – This is an offender defined under the [Management of Offenders etc \(Scotland\) Act 2005](#) Section 10, 11 (a) to (d).

RSO (Registered Sex Offender) – This is an offender convicted of an offence specified in the [Sexual Offences Act 2003](#) and therefore subject to the notification requirements of this Act.

RLO (Restriction of Liberty Order) – A Court Order requiring an offender to remain within their home at times specified by the Court. Compliance is monitored electronically by the person wearing a 'Personal Identification Device' (PID) or 'tag'.

RSHO (Risk of Sexual Harm Order) - Place restrictions and obligations on someone who is behaving in such a way which suggests that they pose a risk of sexual harm to a particular child or to children generally. The person's behaviour need not constitute a criminal offence, and s/he need not have any previous convictions. If the person fails to comply with (i.e. breaches) the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment. A conviction for breach of the order also renders the person subject to the sex offender notification requirements.

RMO - Responsible Medical Officer.

SCRO - Scottish Criminal Records Office.

SER - Social Enquiry Report.

SOPO (Sexual Offences Prevention Order) - A Court may make a SOPO at the time of dealing with certain sexual offenders or when the police make a special application on account of the offender's behaviour in the community. A SOPO can place restrictions and obligations on the offender and will require the subject to register as a sexual offender. If the offender fails to comply with (i.e. breaches) the requirements of the order, he can be taken back to Court and may be liable to up to 5 years' imprisonment.

Short-Term Sex Offender Licence - All sexual offenders sentenced to 6 months or more but less than 4 years will be released on such a licence. Release will occur after completion of half the sentence subject to licence conditions for the duration of the sentence.

SOLO (Sex Offender Liaison Officer) – Usually a housing officer.

S.P.S. - Scottish Prison Service.

Standard Licence Conditions - Standard Licence Conditions apply to all 'licences' whether on extended sentence, life, discretionary, parole or non-parole cases. In addition to standard conditions, the Parole Board can consider additional conditions on submissions made by CJSW.

Statutory Supervision - Includes Life Licence, Parole Licence, Non-Parole Licence, Extended Sentence Order, Order for Lifelong Restriction, Short-Term Sex Offender Licence, Probation Order, Community Service Order. All of which are defined.

SUS (Suspension of Detention (restricted patient)) - A period of leave either escorted or unescorted following consent of Scottish Ministers.

TTD (Transfer for Treatment Direction) - A procedure under the Mental Health (Care and Treatment) (Scotland) Act 2003 Act which allows a sentenced prisoner with a mental disorder to be transferred to a psychiatric hospital for treatment. If the patient no longer requires treatment in hospital then they can go back to prison to serve the rest of their sentence. If they remain in hospital at the end of the prison sentence then they must be released or if they need to be detained in hospital, then an application is made for a CTO. While a patient is on a TTD they are a restricted patient.

Unescorted Leave (restricted patient) - A period of suspension of detention from hospital under specified conditions as part of gradual rehabilitation programme and only following MAPPA consideration and Scottish Ministers' consent.

Violent Crime or Offence - See Sexual/Violent Offence above.

ViSOR - Violent and Sex Offenders Register.

Wanted - A sex offender subject to the [SONR](#) should be considered as wanted in the following circumstances:

'Where it is known that an offender is actively avoiding police in response to police enquiries to trace that individual relative to offences they may have committed or in relation to other matters for which it is required that they be interviewed. This may include those occasions where an offender is the subject of an arrest warrant.'

MAPPA DOCUMENT SET

1. MAPPA Notification Form
2. MAPPA Referral Form
3. MAPPA Notification Form Restricted Patients
4. MAPPA Referral Form Restricted Patients
5. Model Minute Template and Risk Management Plan
6. MAPPA Notification Form J – Jobcentre Plus
7. Template for Requests for MAPPA Meeting Minutes
8. MAPPA Meeting Minutes Executive Summary
9. MAPPA Case Audit Form
10. MAPPA Meeting Audit Form

1. MAPPA NOTIFICATION FORM

To:
MAPPA Co-ordinator:
CJA Area:
Address:

Offender Details:

Name:

Alias:

DOB:

Age:

Gender - Male/Female:

Race & Ethnic Origin:

If known:

Prison Number:

PNC No:

CHS No:

ViSOR No:

Current Address:

Previous significant address/hospital (for mentally disordered offenders):

Level 1: Routine Risk Management is the level used in cases where the risk posed by the offender can be managed by one agency without actively or significantly involving other agencies.

This is a stage 1 notification of a category 1 registered sex offender

Registration Date:

Expiry Date:

* Please complete as appropriate

* Reason for recommending Level 1 (Please provide evidence as to why individual is to be managed at Level 1.)

MAPPA NOTIFICATION FORM

- * Notification accompanied by referral to Level 2 (should be accompanied by the appropriate referral form).
- * Notification accompanied by referral to Level 3 (should be accompanied by the appropriate referral form).
- * Referral to follow.

Agency Making the Notification

Responsible Authority/Establishment/Agency:

Notified by (Name):

Job Title:

Contact Tel No:

Date of Notification:

Signature:

Date of Completion:

2. MAPPA REFERRAL FORM Level 2/Level 3 (delete as appropriate)

PERSONAL DETAILS

Name:

ALIAS:

DOB:

Age:

Gender: Male/Female

Race & Ethnic Origin:

Prison No:

PNC No:

CHS No:

ViSOR No:

Current Address/Release Address:

Previous Significant Address:

Agency/Establishment Referring:

Referred by:

Job Title:

Contact Tel No:

Date of Referral:

Is the offender aware of the referral? If not, why?

REASON FOR REFERRAL

Please give brief details of reasons for referral, e.g. index offence, behaviour causing concern, rise in risk level, etc.

MAPPA REFERRAL FORM Level 2/Level 3 (delete as appropriate)

COURT AND LICENCE/ORDER DETAILS

Index Offence

Sentencing Court:

Sentence date:

Sentence/Order details:

If in custody earliest release date:

Licence expiry date:

Sentence expiry date:

Details of any other statutory order:
i.e. SOPO, OLR, RHSO, CORO etc

Status in Criminal Justice System – including any outstanding court dates:
Please give details (e.g. Bail, Community Sentence)

Full contact details of Supervising Officer/Police Offender Manager:
Name, Job Title, Address, Telephone, E-mail

Scottish Prison Service
Additional information – associates, sexualised behaviour whilst in custody, substance misuse, access to finance, etc.

SUMMARY OF OFFENDING BEHAVIOUR

1. PATTERN - *Based on previous convictions and other information, outline since when, how often and how much particular types of harmful behaviour have occurred. Highlight violent and sexual offences and any incidents which occurred in prison/hospital. Please attach a record of previous convictions:*

2. NATURE - *Outline what types and how many types of offending that are evident. Give details regarding known or potential victims (specifying any risk to children, vulnerable adults and threats to staff) and any requirements under the terms of the Victim Notification Scheme or engagement with Victim Support Scotland:*

3. SERIOUSNESS - *What is known about the degree of planning and the intended and actual impact of the offending?:*

MAPPA REFERRAL FORM Level 2/Level 3 (delete as appropriate)

4. LIKELIHOOD - *Comment on the balance of risk and protective factors. Is the balance in favour of desistance or further offending? What is the nature and seriousness of further offending likely to be? Refer to current or most recent risk assessment:*

REASON FOR RECOMMENDING LEVEL? (PLEASE PROVIDE EVIDENCE AS TO WHY IT IS BEING RECOMMENDED THIS INDIVIDUAL IS TO BE MANAGED AT LEVEL.)

LIST OF ATTACHMENTS

e.g. CHS record

ANY OTHER INFORMATION IF APPROPRIATE

Signature:

Date of completion:

3. MAPPA NOTIFICATION FORM - RESTRICTED PATIENTS

| | | | |
|---|--|---|--|
| Details from restricted patient care plan dated: | | ..!./.. | |
| Patient name: Date of birth: | | ..!./.. | |
| Restricted patient notification to MAPPA | | | |
| CJA area MAPPA Co- ordinator | Name | | |
| | Address | | |
| | Notification only | | |
| | Notification accompanied by referral to Level 2 (should be accompanied by the MAPPA referral form) | | |
| | Notification accompanied by referral to Level 3 (should be accompanied by the MAPPA referral form) | | |
| | Referral to follow | | |
| Patient details | | | |
| Name | | | |
| Date of birth | | | |
| Permanent address | | | |
| Previous significant address | | | |
| Sex | | Ethnic Origin (Standard Codes) | |
| CHI number | | Unit number | |
| Prison number (if known) | | CHS number (if known) | |
| PNC number (if known) | | ViSOR number (if known) | |
| Notifying service details | | | |
| RMO details (name, address, telephone no.) | | | |
| MHO details (name, address, telephone no.) | | | |
| Police contact details | | (if not known, request for police contact to be identified) | |

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| | | |
|---|---|--------|
| Responsible Local Authority | | |
| Responsible Health Board | | |
| Legal Details | | |
| Legal Status & Section | | |
| Sentencing Court | | |
| Date of Conviction/Insanity Acquittal* | | |
| Date order began* | | |
| Date of previous annual review* | | |
| Date of next annual review* | | |
| MANAGEMENT STAGE | No SUS except urgent clinical/ compassionate Escorted suspension of detention Unescorted suspension of detention Conditional discharge | |
| For determinate sentences - Earliest Liberation Date/ Parole Qualifying Date | | |
| For life sentences | | |
| Punishment part | | |
| Notifiable under part 2, Sexual Offences Act 2003 | | YES/NO |
| If yes to above - Detail offence(s) and period of order | | |
| Schedule 1 Notification Yes/ No | | |

Signature:

Date of completion:

**Copy to Scottish Government Health Directorate, Restricted Patients Branch,
Room 2N.08, St Andrew's House, Edinburgh EH1 3DG**

CONFIDENTIAL WHEN COMPLETE

4. MAPPA REFERRAL FORM – RESTRICTED PATIENTS

| | |
|---|--------------|
| Details from restricted patient Care Plan Dated: | .. / .. / .. |
| Patient Name: Date of birth: | .. / .. / .. |

| | | |
|---|-------------------|--|
| Restricted patient referral to MAPPA | | |
| MAPPA Local Office | | |
| MAPPA co-ordinator | Name | |
| | Contact Number | |
| Suggested Level | | |
| MANAGEMENT STAGE | | |
| Notifiable under part 2, Sexual Offences Act 2003 (2) Yes/No* | | |
| If yes to above - Detail offence(s) and period of order* | | |
| Schedule 1 Notification Yes/No* | | |

| | |
|------------------------------|--|
| Patient Details | |
| Name | |
| Date of birth | |
| Permanent address | |
| Previous significant address | |
| CHI number | |

MAPPA REFERRAL FORM – RESTRICTED PATIENTS

| | |
|---------------|--|
| Unit number | |
| Prison number | |
| PNC number | |
| CHS number | |
| ViSOR number | |

CONFIDENTIAL WHEN COMPLETE

| | | | |
|----------------------------------|-------|-----------------------------|-----------------------------|
| Sex | | | |
| Ethnic Origin (Standard Codes) | | | |
| Referring Service Details | | | |
| Hospital | | | |
| Ward | | | |
| Phone No | | | |
| Responsible local authority | | | |
| Responsible health board | | | |
| Clinical team | | | |
| Useful Contacts | | | |
| Designation: | Name: | Office Hours Contact Number | Out of Hours Contact Number |
| Key Worker/Care co-ordinator | | | |
| RMO | | | |
| MHO | | | |
| General Practitioner | | | |
| CPA co-ordinator | | | |
| Scottish Government | | | |

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MAPPA REFERRAL FORM – RESTRICTED PATIENTS

| | |
|---|--|
| Legal Details | |
| Legal Status & Section | |
| <i>Sentencing Court</i> | |
| Date of Conviction/Insanity Acquittal | |
| Date order began | |
| Date of previous annual review | |
| Date of next annual review | |
| RMO details | |
| MHO details | |
| For Determinate Sentences | |
| Earliest Liberation Date/Parole Qualifying Date | |
| For Life Sentences | |
| Punishment part | |

MAPPA REFERRAL FORM – RESTRICTED PATIENTS

Risk Summary

| | | |
|--|---------------|----------------------|
| Offending history | | |
| Index offence | | |
| Other offences <i>Highlight all violent/sexual offences</i> <i>Highlight all offences or concerns relating to children young persons. Detail any children within or outside the family who may be at risk with names and dates of birth</i> | | |
| History of ... | | |
| | Yes/No | Brief Details |
| Violence <i>Include a list of all known incidents of violence to staff of any agency</i> | please select | |
| Sexual aggression | please select | |
| Fire-raising | please select | |
| Hostage taking | please select | |
| Use of weapons | please select | |
| Alcohol or substance misuse | please select | |
| Absconding/Escape | please select | |
| Self harm | please select | |
| Other factors of relevance <i>(e.g. past child protection referral or vulnerable adult referral)</i> | please select | |

MAPPA REFERRAL FORM – RESTRICTED PATIENTS

| | | |
|--|---|----------------|
| Current Risk Status | | |
| Setting | Likelihood, imminence, frequency & severity of harmful behaviour towards whom & under what circumstances | |
| In hospital <i>List all known concerning incidents whilst in an institution (e.g. prison or hospital)</i> | | |
| Escorted in community | | |
| Unescorted in community | | |
| Other | | |
| Conditional Discharge Conditions | | |
| | | |
| Medication | | |
| | Yes/No/Not applicable | Comment |
| Is the patient prescribed medication without which his/her risk may be increased? | | |
| Is the patient compliant with this medication? | | |

MAPPA REFERRAL FORM – RESTRICTED PATIENTS

| Victim Considerations | | |
|---|--|----------------|
| | Yes/No | Details |
| Is/Are there specific person(s) whom the patient poses a risk to? | | |
| Does the patient pose a potential risk to certain types of people (e.g. children, women, adults at risk of harm)? | | |
| Monitoring & Supervision Requirements | | |
| In Hospital | Nursing observation level | |
| | Restrictions regarding contact with staff | |
| | Restrictions regarding access to indoor areas | |
| | Restrictions regarding access to outdoor areas | |
| | Restrictions on telephone use and letters | |
| | Room searches | |
| | Personal searches | |
| | Alcohol/drug testing | |
| | Access to sharps & other utensils | |
| | Visitors | |
| | Other hospital requirements | |

MAPPA REFERRAL FORM – RESTRICTED PATIENTS

| | | |
|--|--|--|
| In the Community | Escort requirements | |
| | Special considerations for staff visiting patient | |
| | Special consideration for out-patient appointments | |
| | Alcohol/Drug testing | |
| | Other community requirements | |
| Additional Comments | | |
| <p><i>Please give details of any other information held which may assist with public protection (e.g. details of any known violent/sexual behaviour, previous allegations, domestic abuse incidents)</i></p> | | |

5. BASIC MINUTE TEMPLATE

CONFIDENTIAL

MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA) RISK MANAGEMENT MINUTE TEMPLATE (LEVELS 2 & 3)

Confidentiality Statement

In working with offenders, victims and other members of the public, all agencies have agreed boundaries of confidentiality. The agencies within this meeting respect those boundaries and hold the meeting under the shared understanding that:

- it is called in circumstances where it is considered that the risk presented by the subject of the meeting is so great that issues of public or individual safety outweigh those of confidentiality;
- the disclosure of information outside the meeting, beyond that agreed at the meeting, will be considered as a breach of the subject's confidentiality and a breach of the confidentiality of the agencies involved;
- all documents should be marked 'Confidential - not to be disclosed without consent';
- if the consent to disclose is considered essential, permission should be sought from the Chair of the meeting, and a decision will be made on the overriding principle of a public safety, 'need to know'.

OPEN SESSION

INITIAL/REVIEW MEETING
(please delete as appropriate)

DATE:

MEETING LOCATION:

OFFENDER'S NAME:

DATE OF BIRTH:

ADDRESS:

PRESENT:

APOLOGIES:

Are all parties necessary to inform the discussion and decision making represented?
If not, have they provided the necessary information?

BASIC MINUTE TEMPLATE

PURPOSE OF MEETING:

The purpose of the meeting today is to share and consider confidential information; to review an assessment of the risk posed by (NAME).....; and to agree a Risk Management Plan.

REVIEW DATE:

CLOSED SESSION

INFORMATION UPDATES OR CLARIFICATION PROVIDED AT MEETING:

POLICE:

SPS:

CRIMINAL JUSTICE SOCIAL WORK:

OTHER AGENCIES (Health, Housing, etc):

REVIEW OF RISK ASSESSMENT

The risk assessment is based on: *(give brief details of level of contact; professionals contributing to assessment methods applied; availability of file information; extent of collateral information)*

THE FOLLOWING **RISKS** HAVE BEEN IDENTIFIED:

- Non-contact sexual offending
- Contact sexual offending
- Violent offending
- Domestic violence
- Other

BASIC MINUTE TEMPLATE

THIS PERSON PRESENTS A RISK TO:

- the public at large
- known children
- children in general
- specific groups: women/men/vulnerable adults/youths
- peers
- known adult
- staff
- self
- prisoners/patients
- others

Are there any diversity issues in relation to the **offender** which should be taken into consideration?

Are there any diversity issues in relation to the **potential victim(s)** which should be taken into consideration?

THE FOLLOWING **RISK FACTORS** WERE IDENTIFIED:

THE FOLLOWING **PROTECTIVE FACTORS** WERE IDENTIFIED:

SUMMARY OF RISK ASSESSMENT:

The nature and seriousness of the risk/s; how frequently have they occurred over what time span?; what is known of how and when they occur?/are likely to occur?; who may be harmed?; are there identifiable triggers for offending?; are there identifiable warning signs of imminence, and to what degree are they currently apparent?

BASIC MINUTE TEMPLATE

AGREED LEVEL OF RISK

VERY HIGH RISK - There is imminent risk of serious harm. The potential event is more likely than not to happen imminently, and the impact could be serious.

HIGH RISK - There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact could be serious.

MEDIUM RISK - There are identifiable indicators of risk of serious harm. (Name) has the potential to cause harm, but is unlikely to do so unless there is a change of circumstances.

LOW RISK - Current evidence does not indicate likelihood of causing serious harm.

RISK MANAGEMENT PLAN

(The risk management plan should relate directly to the risk assessment: it should demonstrate efforts to manage the identified risk/s by addressing risk factors and supporting protective factors and responding to early warning signs; it should be realistic and legitimate in terms of the current MAPPA level; risks/risk factors/other issues that cannot be realistically or legitimately addressed should be clearly identified.)

(N.B. Where changes are proposed to the plan which require alteration to the existing licence conditions, a report must be submitted by the supervising officer to the Parole and Life Sentence Review Division of the Criminal Justice Directorate for consideration.)

ACTION REQUIRED:

WHAT?

BY WHOM?

WHEN?

What degree of offender involvement is considered necessary/appropriate/achievable?

BASIC MINUTE TEMPLATE

DISCLOSURE ISSUES

N.B. EACH MEETING MUST ACTIVELY CONSIDER WHETHER DISCLOSURE TO A THIRD PARTY IS IN THE PUBLIC INTEREST AND A RECORD MUST BE KEPT OF THE RECOMMENDATION OF THE MEETING.

Following a risk assessment, there are circumstances in which the police may consider that the need to protect children and vulnerable adults will not be fulfilled by disclosing the information to Social Work or other agencies alone. Any decision to disclose further (e.g. to a partner in a relationship) should be made carefully on a case-by-case basis, in consultation with social work and with any other relevant agencies, taking into account a wide range of factors.

Discussions should take place as to all other options prior to any formal disclosure, e.g. self disclosure or child protection disclosure when the offender is a schedule one offender.

Discussion should also take place as to who should be made aware of the disclosure and why.

All decisions to disclose or not to disclose must be recorded.

DETAILS OF DISCLOSURE:
(to whom and why)

ANY REQUIREMENTS TO REFER:
(provide further explanation)

CHILD PROTECTION

VULNERABLE ADULTS

ANY OTHER AGENCY, e.g. Jobcentre Plus, Skills Development Scotland, Housing Benefit, Victim Support Scotland, etc.

CONTINGENCY PLAN:
(Emergency out of hours number, etc)

SHOULD/CAN THE MAPPA LEVEL INCREASE OR DECREASE?

DO ANY OF THE ISSUES ARISING FROM THIS CASE HAVE A WIDER SIGNIFICANCE IN RELATION TO THE STRATEGIC MANAGEMENT OF MAPPA?

KEY SINGLE POINT OF CONTACT:



NOTIFICATION TO JOBCENTRE PLUS

MAPPA J

To be completed by SPS/CJSW/POLICE and sent via secure email to the identified Jobcentre Plus Designated Officer/Single Point of Contact (SPOC) in the area:

- **as soon as restrictions are known:**
- **when there is a change to the restrictions; and**
- **when there is a change of offender manager.**

| 1. THE JOBSEEKER | | | |
|--|-----------------|--|-----|
| Last name: | | | |
| First name: | | | |
| Middle name: | | | |
| Date of birth: | | | |
| Aliases including nicknames: | | | |
| Gender: | | | |
| Current address: | | | |
| Postcode: | | | |
| Telephone number: | (h) | | (m) |
| 2. NOTIFYING AGENCY | | | |
| Notifying agency: | SPS/CJSW/Police | | |
| Name: | | | |
| Grade: | | | |
| Office: | | | |
| Telephone number(s): | (w) | | (m) |
| Email address: | | | |
| Date Jobseeker informed of Jobcentre Plus notification: <i>(In exceptional circumstances where Jobseeker not informed, give date of discussion with Jobcentre Plus Designated Officer/SPOC)</i> | | | |

CONFIDENTIAL WHEN COMPLETE

| | | | | |
|--|-----------------------|--|-----|--|
| Does the offender present a risk of serious harm to Jobcentre Plus staff or other employment and training providers? | YES/NO | | | |
| If YES: Describe the nature of the risk of serious harm and contact the Jobcentre Plus Designated Officer/SPOC to discuss | | | | |
| 3. MAPPA POINT OF CONTACT | | | | |
| Name: | | | | |
| Office: | | | | |
| Telephone number(s): | (w) | | (m) | |
| Email address: | | | | |
| 4. INITIAL RESTRICTIONS/CHANGE OF RESTRICTIONS which will affect the employment/training of the Jobseeker | | | | |
| Initial Restrictions/Change of Restrictions <i>[delete as appropriate]</i> | Date restriction ends | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Date notification emailed to JCP designated Officer/SPOC: | | | | |

CONFIDENTIAL WHEN COMPLETE

| | |
|--|--|
| Date by which JCP Designated Officer/SPOC should contact lead agency to discuss (within five working days, if notification restriction/ change of restrictions): | |
| 5. NO RESTRICTIONS APPLY | |
| Complete only when there is serious concern regarding employment and the need to protect the public from serious harm | |
| Date discussed with Jobcentre Plus Designated Officer/SPOC: | |
| Information shared: | |

7. TEMPLATE FOR REQUESTS FOR MAPPA MEETING MINUTES

Dear **Name of Requestor**,

I have received your letter dated **DD/MM/YYYY** asking for copies of MAPPA Meeting Minutes in relation to:

(Offender name)
(Offender current address)
(Postcode)
(Offender date of birth)

The minutes that you have requested contain third party, confidential, sensitive **(add/delete, as necessary)** information. Therefore, it is not possible to release them in full and, in accordance with MAPPA Guidance, I enclose the Minutes Executive Summary.

Should you require more detailed information provided to the MAPPA meeting by a specific agency, please request that information directly from that agency.

Yours sincerely,

(Name)
(MAPPA Role)
(MAPPA Area)

8. MAPPA MEETING MINUTES EXECUTIVE SUMMARY

Notice

This MAPPA Meeting Minutes Executive Summary will not contain details of any individual agency risk assessment or Risk Management Plan. Where a third party wishes to receive a copy of such a document/report they should apply directly to the individual agency.

1. Offender Information

ViSOR reference:

Family name:

First name:

Date of birth:

Gender:

PNC number:

Current address:

Postcode:

2. Referring Agency and Reason for Referral to a MAPPA Meeting

Date of referral:

Date of meeting:

Venue of meeting:

MAPPA category:

Level of meeting:

3. Summary of Meeting

4. Details of MAPPA Meeting Chair

Name:

Area:

Agency address:

Telephone number:

Fax number:

Email address:

Date of completion:

9. MAPPA CASE AUDIT FORM

Name of auditor:

Date:

Offender's full name:

Referring agency:

Instructions: Please circle the number relating to your finding

| | |
|-----------|-------------------------|
| 1. | Initial Referral |
|-----------|-------------------------|

How timely was the initial referral?

- | | |
|--|---|
| Very timely | 1 |
| Should have been earlier by more than a month | 2 |
| Should have been earlier by three months or more | 3 |

Were all relevant sections completed?

- | | |
|--|---|
| Yes, all the relevant sections completed | 1 |
| No, relevant sections were not completed | 2 |

Was the referral of sufficient quality?

- | | |
|--------------------|---|
| Yes, completely | 1 |
| Yes, good enough | 2 |
| No, not sufficient | 3 |
| No, poor | 4 |

| | |
|-----------|------------------------------|
| 2. | Initial MAPPA Meeting |
|-----------|------------------------------|

| | |
|------------|-------------------|
| 2.1 | Timeliness |
|------------|-------------------|

How timely was the initial MAPPA meeting, after the initial referral?

- | | |
|--|---|
| Very timely | 1 |
| Should have been earlier by a few days | 2 |
| Should have been earlier by more than a week | 3 |
| Should have been earlier by more than a month | 4 |
| Should have been earlier by three months or more | 5 |

2.2 Attendance

Were the nominated people invited to the initial MAPPA meeting? ('Relevant' means general relevance to this type of case)

| | |
|--|---|
| Yes, all the relevant people/agencies were invited | 1 |
| No, one relevant person/agency* was not invited | 2 |
| No, two or more relevant people/agencies* were not invited | 3 |
| Some people* were invited who should not have been | 4 |

*Please list these people/agencies:

Did the nominated individuals attend the meeting?

| | |
|---|---|
| Yes, all the relevant people attended | 1 |
| No, one relevant person/agency* did not attend | 2 |
| No, two or more relevant people/agencies did not attend | 3 |

*Please list these people/agencies:

Did people who did not attend, but were directly involved in the case, provide written reports?

| | |
|----------------|---|
| Yes, all | 1 |
| Yes, some | 2 |
| No evidence | 3 |
| Not applicable | 4 |

Was a report provided from the lead agency?

| | |
|-------------|---|
| Yes | 1 |
| No evidence | 2 |

2.3 Minutes

Were the minutes of the initial MAPPA meeting clear and concise?

| | |
|--------------------|---|
| Yes | 1 |
| Yes, mostly | 2 |
| No, mostly not | 3 |
| No, lacked clarity | 4 |

Do the minutes clearly record the MAPPA category?

| | |
|-----|---|
| Yes | 1 |
| No | 2 |

Do minutes clearly record the initial risk level the case should have been managed at?

| | |
|-----|---|
| Yes | 1 |
| No | 2 |
| N/A | 3 |

Do the initial minutes evidence that a risk assessment tool has been completed by the referring agency?

| | |
|-----|---|
| Yes | 1 |
| No | 2 |

2.4 | Conduct of Meeting

Do the minutes show that the meeting addressed the standard agenda?

| | |
|----------------|---|
| Yes | 1 |
| Yes, mostly | 2 |
| No, mostly not | 3 |
| No, not at all | 4 |

Do the minutes show that there was effective sharing and consideration of information at the meeting?

| | |
|---------------------------------|---|
| Yes | 1 |
| Yes, for most of the meeting | 2 |
| No, not for most of the meeting | 3 |
| No, not at all | 4 |

Do the minutes show that any diversity issues were properly addressed?

| | |
|-----|---|
| Yes | 1 |
| No* | 2 |

*If No, please describe any shortfall:

Do the minutes show that risk was properly assessed?

| | |
|---------------------|---|
| Yes | 1 |
| Yes, mostly | 2 |
| No, not very well | 3 |
| No, not well at all | 4 |

Do the minutes record defensible decisions to if disclosure should or should not be made?

| | |
|---------------------------------|---|
| Yes | 1 |
| Yes, for most of the meeting | 2 |
| No, not for most of the meeting | 3 |
| No, not at all | 4 |

Where it is agreed that disclosure should take place is it clear what information will be disclosed, who to, when by and by whom?

- Yes 1
- Yes, mostly 2
- No, not very well 3
- No, not well at all 4
- N/A 5

Do the minutes show that potential victims were properly informed?

- Yes, awareness of all risk to potential victims informs meeting 1
- Yes, some awareness of risk to potential victims informs meeting 2
- No, not enough 3
- No, not at all 4

Do the minutes show that the compliance of the offender was considered?

- Yes, sufficiently 1
- To some degree 2
- Not addressed at all 3

2.5 Action Plan

Do actions in the plans link well to the identified risks?

- Yes, completely 1
- Yes, well enough 2
- No, not sufficiently 3
- No, links are poor 4

Are there any risks (identified at the MAPPA meeting or evident to you) which are not addressed properly?

- No, none 1
- No, but a risk* could have been addressed better 2
- Yes, some risks* not addressed properly 3
- Yes, major risks* not addressed 4

*Please list those risks if applicable:

Is there mention of involving the offender in actions to be taken and/or arrangement to notify the offender about the MAPPA meeting and relevant outcomes?

- Yes 1
- No 2
- N/A 3

Do the actions plans have SMART objectives?

- Yes, for all actions 1
- Yes, for most actions 2
- No, only for some actions 3
- Not really 4

Are the individuals who are expected to take the actions clearly identified?

- Yes, in all cases 1
- Yes, mostly 2
- No, mostly not 3
- No, never 4

Is there a clear time frame for actions?

- Yes, always 1
- Yes, mostly 2
- No, mostly not 3
- Not usually 4

3.

Only for Cases where there have been review meetings

Did the reviews happen within the frequency required for the case?

- Yes 1
- No 2

Were the nominated people invited to the review meeting?

- Yes, all the relevant people attended 1
- Yes, mostly 2
- No, some relevant absences* 3
- No, consistent relevant absences* 4

*Please list the absent agencies:

Was the action plan reviewed every time?

- Yes, always 1
- Yes, mostly 2
- No, mostly not 3
- No, never 4

Is there evidence that every action has been addressed? (i.e. a real attempt has been made to undertake the action)

- | | |
|--|---|
| Yes, every action, every time | 1 |
| Yes, every action for most reviews or most actions in every review | 2 |
| No, mostly not | 3 |

Do the minutes show that updating information was shared?

- | | |
|----------------------|---|
| Yes, at every review | 1 |
| Yes, at most | 2 |
| No, not at most | 3 |
| No, not at all | 4 |

3.1 Risk Reviewed

Was the need to manage the case at level 2/3 reviewed?

- | | |
|-----|---|
| Yes | 1 |
| No | 2 |

Was there a change to level of management?

- | | |
|-----|---|
| Yes | 1 |
| No | 2 |
| N/A | 3 |

Was the decision appropriate?

- | | |
|-----|---|
| Yes | 1 |
| No* | 2 |

*Please explain why the decision was not appropriate?

Where management at level 2/3 was confirmed was a revised action plan put in place?

- | | |
|-----|---|
| Yes | 1 |
| No | 2 |
| N/A | 3 |

| | |
|-----------|--------------------------------|
| 4. | Management of this case |
|-----------|--------------------------------|

How well has this MAPPA case been managed?

- | | |
|------------------|---|
| Very well | 1 |
| Well enough | 2 |
| Not well enough* | 3 |
| Poorly* | 4 |

*Please provide reasons:

Are all the decisions/actions noted 'defensible'?

- | | |
|-----|---|
| Yes | 1 |
| No* | 2 |

*Please list decisions/actions:

In your view, has the MAPPA process been effective in providing protection for the public?

- | | |
|------------------|---|
| Significantly | 1 |
| To a good degree | 2 |
| Not much | 3 |
| Not at all | 4 |

| | |
|-----------|--|
| 5. | Please add any other comments (e.g. examples of good practice or areas for improvement) |
|-----------|--|

10. MAPPA MEETING AUDIT FORM

Name of auditor:

Date of meeting:

Level 2/3:

Number of cases discussed:

Name of Chair:

Grade/rank:

| |
|--|
| Grades: 4 = Excellent 3 = Satisfactory 2 = Unsatisfactory 1 = Poor |
|--|

1. Arrangements for the Meeting

| | Comments | Grade |
|-----|--|-------|
| 1.1 | Attendees were provided with joining instructions prior to the meeting | |
| 1.2 | Attendees were provided with relevant paperwork (including details of the referral for initial meetings and minutes of previous meetings if this was a review meeting) | |
| 1.3 | Attendees were appropriately welcomed at the venue | |
| 1.4 | Appropriate refreshments were provided | |
| 1.5 | The layout and environment of the meeting room were appropriate | |

2. How the Meeting is Conducted

| | Comments | Grade |
|-----|--|-------|
| 2.1 | The meeting commences at the stated time | |
| 2.2 | The purpose and objectives of the meeting were clearly stated at the outset | |
| 2.3 | Attendees introduced themselves and their role | |
| 2.4 | The Confidentiality Statement was stated at the beginning of each case (if there were now new attendees for different cases, it can be reaffirmed) | |
| 2.5 | Discussion time was allocated to topics in a way which was consistent with their importance, urgency and complexity | |
| 2.6 | Chair encouraged each attendee to contribute effectively | |
| 2.7 | The agenda was followed, unhelpful comments were discouraged and inappropriate digressions were avoided | |
| 2.8 | Where it existed, any dissent is noted with the meeting agreeing on how to proceed and the decision is recorded | |

3. Risk Assessment

| | Comments | Grade |
|-----|---|-------|
| 3.1 | Chair ensured that victim and potential victim issues are identified and assessed | |
| 3.2 | Chair ensured that diversity issues are identified and addressed | |
| 3.3 | Chair presented information and summarises clearly and at appropriate points during the meeting (comprehensively addressing all identified risk of serious harm factors) | |
| 3.4 | The meeting properly considered whether disclosure of information should be made, identifying reasons for the decision reached and showing what alternatives have been considered | |
| 3.5 | The meeting properly considered whether the case requires level; 2/3 management | |

4. Risk Management

| | Comments | Grade |
|-----|--|-------|
| 4.1 | The MAPPAs Risk Management Plan addresses the risk of serious harm factors raised in the meeting | |
| 4.2 | All actions are SMART with identified owners | |
| 4.3 | Review date set, where appropriate | |
| 4.4 | Where previous actions have been allocated and not completed, appropriate remedies sought | |

5. Overall Assessment

| | Comments | Grade |
|-----|--|-------|
| 5.1 | This was a well managed MAPPAs meeting | |
| 5.2 | The right people attend to allow the MAPPAs arrangements to function effectively | |
| 5.3 | The meeting was Chaired effectively | |

6. Additional Comments



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