

18 October, 2011

Rehabilitation of Offenders in Walsall: Role of MAPPA and Approved Premises

Ward(s) All

Portfolios: Cllr Zahid Ali – Communities and Partnerships

Executive Summary:

This report is intended to help Members understand the approach to managing offenders in Walsall and the West Midlands, including the use of Approved Premises such as Stonnall Road. As requested, it will outline where other Approved Premises are located in the Staffordshire and West Midlands Probation Trust area.

As I understand it, Members want to understand, in detail, the role of Multi-Agency Public Protection Arrangements (MAPPA), including:

- Who sits on the MAPPAs?
- How MAPPA completes its work?
- Who holds MAPPA to account?
- How MAPPA engages with local people and the local authority?
- How other MAPPAs engage with local people and local authorities?

The MAPPA are statutory arrangements for managing sexual and violent offenders through the coordinated efforts of key organisations. These organisations are categorised as either Responsible Authorities or Cooperating Bodies. As public bodies, they have a duty of law imposed upon them to engage with the MAPPA process and to discharge their duties in accordance with MAPPA Guidance which is issued by the Secretary of State under Section 325(8) Criminal Justice Act (2003).

Regarding accountability, the MAPPA Strategic Management Board is responsible for shaping MAPPA activity in this region. This refers to agreeing the roles and responsibilities of the various agencies that make up the MAPPA and drawing together the memorandum of understanding and duty to cooperate that underpins the work done to manage MAPPA qualifying offenders.

The MAPPA engages with local people through the publication of an Annual Report and promotion of its work in the local area, through the media and by distribution of leaflets. The local authority has a duty to cooperate with MAPPA through several of its agencies including Social Care and Health, particularly Safeguarding and Youth Justice Services and also through the Housing and Education Departments. Consequently the Local Authority is well represented at MAPPA meetings. The

Strategic Management Board for each area has a Co-ordinator to ensure consistency of operation. The Staffordshire and West Midlands Probation Trust straddles two police areas and so works with two Strategic Management Boards. This, together with the fact that each area is working to the statutory Guidance should make for consistency of operation.

Probation Trusts no longer operate bail hostels as such; this service is now mostly provided by the Bail Assessment and Support Service (BASS). The role of Approved Premises such as Stonnall Road is to provide supervised accommodation for a range of offenders leaving prison on licence or those sentenced to community orders who require enhanced supervision. There are seven Approved Premises in the West Midlands and three in Staffordshire. One of the Approved Premises in West Midlands is specifically for mentally disordered offenders while another is solely for females.

Reason for scrutiny:

To broaden understanding amongst Members of the role of MAPPA and within that, of Approved Premises. It is also to address the issue of accountability.

Recommendations:

That:

- 1. the report be noted;**
- and;**
- 2. Members avail themselves of the opportunity to visit Midland Road Probation Complex in order to familiarise themselves with the work of Staffordshire and West Midlands Probation Trust.**

Background papers:

MAPPA Guidance 2009 Version 3.0 (The Guidance has been compiled through extensive consultation with practitioners, lay advisers, voluntary organisations and interested parties in the Ministry of Justice, the Home Office and other central Government departments. It has been designed to be consistent with the:

Prison Service's Public Protection Manual (2009);
ACPO (2007) Guidance on Protecting the Public: Managing Sexual and Violent Offenders;
Safeguarding Children procedures and guidance).

REPORT

1.0 Multi-Agency Public Protection Arrangements (MAPPA):

1.1 MAPPA are the statutory arrangements for managing sexual and violent offenders. MAPPA is not a statutory body in itself but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner. Agencies at all times retain their full statutory responsibilities and obligations.

1.2 MAPPA are widely recognised as the right way to deal with serious offenders once they have served the custodial part of their sentence. There has been support for MAPPA by professionals working within the field and internationally. Government regularly hosts visits from other countries who want to develop a similar system in their own jurisdictions.

1.3 The Responsible Authority (RA) consists of the Police, Prison and Probation Services. They are charged with the duty and responsibility to ensure that MAPPA is established in a given area and for the assessment and management of all identified MAPPA offenders.

1.4 Under section 325(3) of the Criminal Justice Act (2003), other agencies have a “duty to co-operate” with the RA. They are:

- Local Authority Social Care Services;
- Primary Care Trusts, other NHS Trusts and Strategic Health Authorities;
- Jobcentre Plus;
- Youth Offending Teams;
- Registered Social Landlords which accommodate MAPPA offenders; Local Housing Authorities;
- Local Education Authorities; and
- Electronic Monitoring Providers.

1.5 The purpose of MAPPA is to reduce re-offending of sexual and violent offenders in order to protect the public. It aims to do this by ensuring that all relevant agencies work together effectively to identify relevant offenders, complete risk assessments using information shared across the agencies whilst devising and implementing risk management plans that focus available resources effectively.

1.6 Key to the effectiveness of MAPPA is multi agency involvement and representation at the right level. The representatives must have the authority to make decisions committing their agencies to involvement. The aim is to achieve consensus in all cases.

1.7 The effectiveness of MAPPA in Walsall depends upon close working relationships between the Responsible Authorities, particularly Walsall Police and Walsall Probation and the relationship with local Duty to Co-operate (DTC) Agencies. The Responsible Authorities are also well represented on other local multi-agency forums including the Safer Walsall Partnership Board and Walsall Safeguarding Children Board.

1.8 The Guidance makes clear that the primary focus of MAPPA is to manage

the risk and behaviour of the offender but specific and general victim issues are also central to the effective operation of MAPPA. Victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to the MAPPA agencies' public protection role.

1.9 It is vital that the MAPPA agencies ensure their decision making is informed by effective engagement with current victims and, where practicable and appropriate, with potential victims. This function is mostly discharged by Staffordshire and West Midlands Probation Trust's victim unit and in this way the MAPPA can be satisfied that the risk assessments and risk management plans properly reflect victim concerns and provide appropriate protection measures.

1.11 In brief terms, MAPPA eligible offenders are those living in the community or those detained in hospital or prison who belong to an area who are:

Category 1 offenders: registered sexual offenders;

Category 2 offenders: mainly violent offenders sentenced to 12 months custody or more;

Category 3 offenders: other dangerous offenders who could pose a risk of harm to the public.

1.12 Within these categories there are three levels of management. These are as follows.

1.13 Level 1 management is the level used in cases where the risks posed by the offender can be managed by the agency responsible for supervision of the offender. This does not mean that other agencies will not be involved only that it is not considered necessary to refer the case to a level 2 or 3 MAPPA meeting.

1.14 Cases should be managed at MAPPA level 2 where the offender is assessed as requiring active involvement and co-ordination of interventions from other agencies to manage the factors suggesting risk of harm.

1.15 Level 3 management occurs where it is determined that the risk issues require active management and senior representation from the Responsible Agency and Duty To Cooperate agencies. This may be when there is a need to commit significant resources at short notice and/or where there are significant media and/or public interest issues.

1.16 The MAPPA is held to account through the Strategic Management Boards in each Responsible Authority area. They have the statutory duty to review, monitor and to make required changes to assessment and management of risk as required. The Strategic Management Boards are also required to benefit from the participation of Lay Advisors who are appointed to assist in the review processes but not the operational decision making.

1.17 Lay advisors are not required to be experts in offender management but are empowered to act as critical friends and thereby provide an additional dimension to the challenge that should exist between partner agencies. The Guidance makes it clear that the Lay Advisors role is not that of a local representative so is dissimilar

to the role of an elected member. Yet Lay Advisors bring to the role their understanding of the local area without the expectation that they will report to or brief the community. Each MAPPA agency will have its own complaints and communication strategy through which it will engage with the public.

1.18 All Strategic Management Boards are bound by The Guidance and so there should not be wide variation in the way in which different MAPPA engage with local authorities and local communities. The Responsible Authorities are represented at a national level in the Ministry of Justice. Here, the Responsible Authorities National Steering Group oversees revisions to MAPPA guidance and promotes best practice.

2.0 Approved Premises

2.1. The core purpose of approved premises such as Stonnall Road is to provide enhanced supervision as a contribution to the management of offenders. The admissions criteria reflect this focus on public protection. The delivery of enhanced supervision encompasses security, staffing arrangements, restrictive measures and rehabilitative components.

2.2. Residents are required to comply with house rules which set out the standards of behaviour expected of them. There are rules forbidding them to act in such a way as to cause disruption to neighbours and the immediate community, or to bring the premises into disrepute. Any breach of the conditions of residence or the house rules renders an offender liable to clear sanctions; either eviction; a return to court or their immediate re-call to prison. This policy is stringently enforced and there are a great many examples of offenders being recalled to prison as a preventative measure to avoid the risk of further offences being committed.

2.3. In a June 2011 letter to Councillors Harris, Sears and Flower, Crispin Blunt, Minister for Probation and Prisons, outlined that: In 2000, the Criminal Justice and Court Services Act re-designated probation and bail hostels as Approved Premises. The use of all Approved Premises changed, with a greater emphasis on accommodating and supervising high-risk offenders. This was an improvement on the previous situation, as these offenders were often housed in bed-and-breakfast or private accommodation with much less supervision and, as a result, much greater risk to others.

2.4. The strategic direction that Approved Premises have taken can be summarised in this definition taken from probation service guidance: “a criminal justice facility where offenders reside for the purposes of assessment, supervision and management, in the interests of protecting the public, reducing re-offending and promoting rehabilitation”.

2.5. A shift in the profile of the Approved Premises population has therefore occurred in recent years. The majority of the resident group once comprised of defendants on bail but now the largest group consists of offenders on licence.

The Approved Premises and Offender Housing Strategy, which received Ministerial approval and was published in the autumn of 2004, endorses this trend and confirms that the resources of the Approved Premises estate are most appropriately targeted at a range of clients, including high risk of harm offenders. That said institutions such as Stonnall would still have been taking high risk offenders even when they were described as bail hostels.

2.6. The list of functions expected of Approved Premises is extensive. It includes the delivery of risk management plans, including those agreed within the Multi-Agency Public Protection Arrangements. It also requires provision of enhanced supervision comprising of a planned, structured regime of interventions, including one-to-one key working derived from the supervising probation officer's risk management plan. Where necessary, Approved Premises will contribute to the enforcement of court orders and licences including action to initiate or support recall to prison.

2.7. Staffing arrangements at Staffordshire and West Midlands Probation Trust Approved Premises are similarly robust with a minimum of two members of staff on duty at all times, both of whom will be on waking night duty with a responsibility to conduct checks of the building and residents during the hours of curfew. In addition, SWM Approved Premises are all equipped with CCTV and direct lines to the police. Approved Premises staff are trained to provide assessment and progress reports to courts and MAPPA Panels.

2.8. In his letter Crispin Blunt added that: The presence of an AP in a community is often unwelcome. No-one has ever disputed this. But APs are a vital part of the offender management system. AP residents have been released from prison and so have to be accommodated in the community. They have to be within practical reach of probation staff, offending behaviour programmes and employment opportunities. Because of this, there is nowhere in the country where an AP can be completely isolated from the general population. The rate of re-offending by AP residents is very low, and the supervision that APs provide enables action to be taken much sooner where a risk of re-offending is identified. Put simply, there is no evidence that APs significantly increase the risk of harm to other people in the vicinity, so there is no need to remove them from populated areas in addition those who need the greatest supervision are much better placed in APs than in other accommodation. If there were no APs, these people would be less effectively supervised, and the risk to the public would be greater.

3.0 Resource and legal considerations:

3.1 The MAPPA process requires a significant commitment in time and staff resources from all the agencies concerned.

4.0 Citizen impact:

4.1 The intention of MAPPA and Approved Premises is to reduce the risk of harm to communities.

5.0 Environmental impact:

5.1 No adverse environmental impact is anticipated from this report.

6.0 Performance management:

6.1 The MAPPA's performance management is carried out through the work of the Strategic Management Board and its officers. Performance Management of Approved Premises such as Stonnall in this area is carried out by Staffordshire and West Midlands Probation Trust in accordance with the contract it holds with the National Offender Management Service.

7.0 Equality Implications:

7.1 Has an Equality Impact Assessment been carried out? No.


8.0 Consultation:

8.1 This report has been prepared in conjunction with:

- Nigel Byford Assistant Chief Officer, Head of Public Protection, Staffordshire and West Midlands Probation Trust and Chair, West Midlands MAPPA Strategic Management Board
- Angie Batham West Midlands MAPPA Coordinator

Contact Officer:

Kobina Hall Assistant Chief Officer, Head of Walsall Probation

 . 01922 721341

Kobina.hall@swm.probation.gsi.gov.uk