

# annual report 2023

South West Scotland  
Multi Agency Public  
Protection Arrangements  
Annual Report 2022-2023



# Foreword

2023

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

Firstly, I would like to take this opportunity to thank the outgoing chair, Ms Marion MacAulay who has held this position for the previous four years. During her tenure, the Agencies involved in MAPPA experienced some of their most difficult and challenging circumstances since its inception. Three years ago MAPPA meetings were routinely held in person at locations throughout South West Scotland. However, following the outbreak of covid19, practices were forced to change almost overnight. Physical meetings were no longer viable and all Agencies embraced new technological solutions and ways of working. This highlighted their resilience and ability to adapt under unprecedented pressures.

Under Ms MacAulay's guidance, the arrangements were able to continue without disruption and the level of protection provided to the public remained consistently high. Ms MacAulay also had the challenge of dealing with several community based protest groups who were actively seeking to identify and organise protests outside the homes of those they believed to be registered sex offenders. Ms MacAulay proactively took the step of engaging personally with these individuals and through meaningful dialogue and diplomacy the number of demonstrations reduced significantly.

The aim of this report is to provide an overview of MAPPA activity from 1 April 2022 until 31 March 2023 and to reassure the public that the services involved in the arrangement continue to work effectively and efficiently to manage any risks presented by those who have, in the past, committed violent or sexual offences.

During the past year we have had the privilege of engaging the services of Emeritus Professor Hazel Kemshall. Professor Kemshall is widely recognised as being the author of MAPPA .

At the request of the South West Scotland Strategic Oversight Group (SOG) Professor Kemshall provided a series of masterclasses on best practice when chairing and managing level 2 and 3 MAPPA meetings.

This was made available to all Scottish MAPPA groups with practitioners from across Scotland attending and benefiting

from the Professor's guidance and experience. Such was the success of the event that we will endeavour to utilise the Professor in future training events.

In addition, we have also now implemented a MAPPA Statistical Dash Board which accurately reflects our effectiveness of managing risk. This key management tool was developed over a number of years and, as such, it is hoped that this best practice will be adopted in the near future by other MAPPA areas.

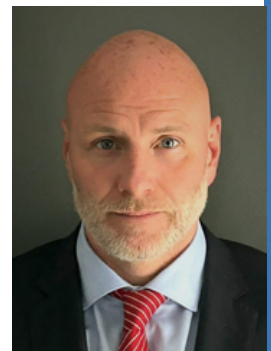
Before closing, I wish to express my sincere thanks to all of the staff from the Agencies involved in MAPPA who, over the last few years, have shown professionalism, dedication and commitment to protecting the public from harm during times of significant challenge.

At a time when public finances are under extreme pressure, all Agencies have evolved and adapted to ensure that service delivery and risk management continues to improve during challenging circumstances.

This Annual Report clearly illustrates the contributions made by all of the Agencies involved in MAPPA across South West Scotland and highlights our ongoing commitment to the development of the service and the strengthening of collaborative working throughout MAPPA partnerships.

With the bar now set at such a high standard and the professional framework for MAPPA firmly established in the South West of Scotland, I now undertake my tenure as Chair with enthusiasm and confidence that, together, we can continue to build on Ms MacAulay's legacy to serve the residents of South West Scotland utilising all our available experience and assets.

Detective Superintendent Derek Cree - Chair of South West Scotland MAPPA Strategic Oversight Group



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# 2. Background

## WHAT ARE THE MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)?

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

### MAPPA IN SOUTH WEST SCOTLAND

Since the enactment of the Management of Offenders etc. Scotland Act 2005, Local Authorities, Scottish Prison Service, Police and Health Boards have worked together to assess and manage people who pose a risk of serious harm to the public. This Annual Report outlines how the MAPPA operates in South West Scotland, provides statistical information about the numbers of people whose risk we manage, explains the MAPPA categories and shows how the arrangements work in practice.

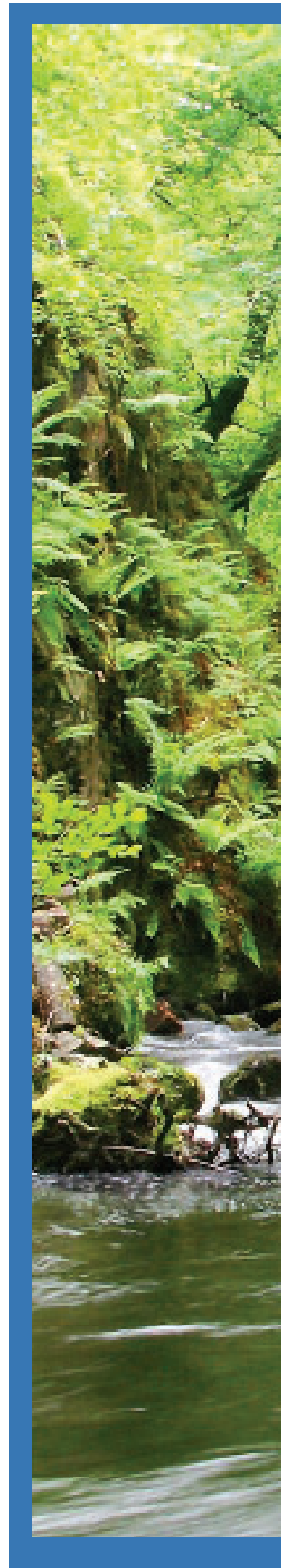
While it must be recognised that it is never possible to eliminate risk completely, all the agencies involved in MAPPA work tirelessly to ensure that every reasonable step is taken to reduce the risk of serious harm to the public. The end result of this is that MAPPA plays a major role in keeping our communities safe. As responsible authorities, we are required to keep MAPPA under review and to publish an Annual Report. This report allows us to publicly demonstrate the effective management of people who present a risk to the public. It also outlines the steps being taken to continuously review our practices and procedures ensuring that these can be adapted in line with changing operational and environmental factors with the pandemic being a recent example.

The protection of the public and management of people convicted of violent and sexual offences is a difficult and challenging task. Through collaborative working and utilising collective expertise and resources, the synergies achieved mean we can deliver a service which maximises the effectiveness of reducing risk. In Scotland, the MAPPA arrangements encompass the management of Restricted Patients, Registered Sex Offenders and others who pose a risk of serious harm to the public. All agencies involved in this key task are highly motivated and focused to ensure that practices and procedures are scrutinised and reviewed to minimise the risk presented to the community.

### AREA PROFILE

The South West Scotland MAPPA area combines four local councils covering Dumfries and Galloway, East Ayrshire, North Ayrshire and South Ayrshire, an area in excess of 3,600 square miles. The area has a diverse population of around 518,000, within urban, rural and isolated communities, including the island communities of Arran and Great Cumbrae. The MAPPA in South West Scotland incorporates a number of responsible authorities, namely: Police Scotland (including U and V Divisions), North, South and East Ayrshire Councils, Dumfries and Galloway Council and the Scottish Prison Service (including HMP Dumfries and the private prison managed by Serco Ltd at HMP Kilmarnock), NHS Ayrshire and Arran Health Board and NHS Dumfries and Galloway Health Board.

All Responsible Authorities are required by law (Management of Offenders etc. Scotland Act 2005) to have local MAPPA arrangements in place. These arrangements ensure we share information in order to manage risk (Scottish Government, MAPPA Guidance).





# 3. MAPPA Categories

The law in Scotland identifies three categories of offenders who must be managed under the MAPPA:



## CATEGORY 1 - REGISTERED SEX OFFENDERS (RSO)

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



## CATEGORY 2 – RESTRICTED PATIENTS

Those under:

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



## CATEGORY 3 - OTHER RISK OF SERIOUS HARM OFFENDERS

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

### POTENTIALLY DANGEROUS PERSONS

Occasionally, following an initial court appearance, people who might have been remanded into custody have been released back into the community, albeit under strict bail conditions, until a trial date can be arranged and their case heard.

Some of these individuals have been assessed as presenting a high risk of serious harm to the public but as they have not been the subject of any trial, they are therefore innocent in the eyes of the law. In order to manage the risk for these scenarios, the Police make use of a provision whereby the MAPPA arrangements can be used to manage people in the community who are considered by the authorities to be Potentially Dangerous Persons (PDP). These individuals are not formally identified in the legislation as being MAPPA qualifying offenders but the Multi-Agency Public Protection Arrangement framework can be utilised to identify and manage any risks they may pose. The safety of the public is at the core of MAPPA arrangements. The information sharing that occurs in relation to MAPPA qualifying offenders is required by section 10 and 11 of the 2005 Act. The information sharing that takes place around a PDP is done on the basis of the overriding principle of public safety.

# 4. MAPPA Risk Levels

Past behaviour is one indicator of potential future behaviour. Nonetheless, some offenders will never be convicted again, whilst others might commit another offence at any time. By compiling a risk profile of an individual offender and their circumstances from the information held by various Agencies, we are able to achieve a more robust, professionally structured Risk Assessment of how likely it is that they will re-offend and the level of harm or potential adverse consequences that might ensue if they do. As the circumstances of people's lives change, the likelihood of re-offending can shift over time too, so risk assessments require to be updated to measure any significant changes in factors associated with the likelihood of re-offending. The outcome of risk assessments and accompanying relevant information are aggregated and a certain level of risk is assigned to each individual:

**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. The individual 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.





# 5. MAPPA Management Levels

The level of risk posed by those managed under MAPPA can vary over time and as a result is continually assessed using risk assessment tools which have been proven to be highly reliable. An analysis of the nature of all previous offending and the current circumstances unique to each person allows us to horizon scan their life with a view to identifying any changes that may affect their risk profile. Once the level of risk has been assessed and agreed and to ensure that they receive appropriate supervision and support, each person is monitored according to their risk level. Each individual subject to the MAPPA is risk assessed and reviewed regularly through the MAPPA process.

There are three MAPPA management levels, which allow us to effectively deliver a level of service that is appropriate to need:

## **Level 1 - Where a person can be safely managed, mainly by one agency.**

People subject to Level 1 management are managed within the normal arrangements applied by whichever agency supervises them. However, information sharing between agencies still takes place and any risk actively and dynamically managed with the risk level being escalated if required.

## **Level 2 - Where more than one agency is required to implement the risk management plan.**

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

## **Level 3 - Where a range of agencies are involved at a senior level to allocate the necessary resources to manage the case.**

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

Assessing and managing risk is complex, with professional judgement and practice wisdom being an essential part. Whilst the primary function of the MAPPA is to ensure, as far as is possible, that the public is protected, this can be challenging to achieve. Many offenders present with difficult and unpredictable behaviours and engage in covert and devious activities. Multi-agency collaboration and information sharing is the key mitigation against many of these complexities. Teamwork and cooperation allows a fuller assessment of risk and offers greater opportunities for early intervention by agencies when required.

MAPPA agencies utilise a range of methods to manage people, including:

- The use of a fully accredited Risk Assessment Tool
- Regular multi-agency meetings to share information, take action and reduce the risk of harm;
- Police and Criminal Justice Social Work visits/interviews, both announced and unannounced;
- Continual reviews of the level of risk posed by each offender;
- Multi-agency environmental scanning to inform decisions on accommodation;
- Focused interventions to reduce re-offending;
- Possible recall to prison for any breach of the conditions of release or court order;
- Use of electronic tagging and conditions such as curfews and
- Control of the way in which information about specific offenders is shared with the public or key community representatives.
- Access to training programmes to improve prospects for offenders to seek employment
- Utilising other agencies to support offenders transitioning into the community to help reduce their risk of re-offending

The Police and Prison service receive a notification from the courts following conviction. All people convicted of sexual offences are subject to registration and those in the community must register with the Police within three days of their conviction and for those who are in prison, within three days of their release. Failure to register is an offence and can lead to a term of imprisonment. Following conviction, each person is risk assessed and reviewed through MAPPA. Once a risk assessment has been carried out, a Risk Management Plan is formulated and the required management level agreed.

# 6. South West Scotland

## MAPPA Statistics 2023

### Number of People managed under MAPPA by Category on 31 March 2023

On 31 March 2023, 746 people were being managed under the MAPPA in South West Scotland. This figure includes all MAPPA categories be they in the Community, Prison or in a Hospital. This is a decrease of 15 (-2%) on last year's total which was 761. The 746 people being managed can be broken down as follows:

#### By MAPPA Category:

**746**

**719** Category 1  
(Registered Sexual Offenders)

**26** Category 2 offenders  
(Restricted Patients)

**1** Category 3  
(other risk of serious harm offenders)

**0** classed as a Potentially Dangerous Person

#### By MAPPA management level (Registered Sex Offenders only)

**719**

**672** at MAPPA Level 1

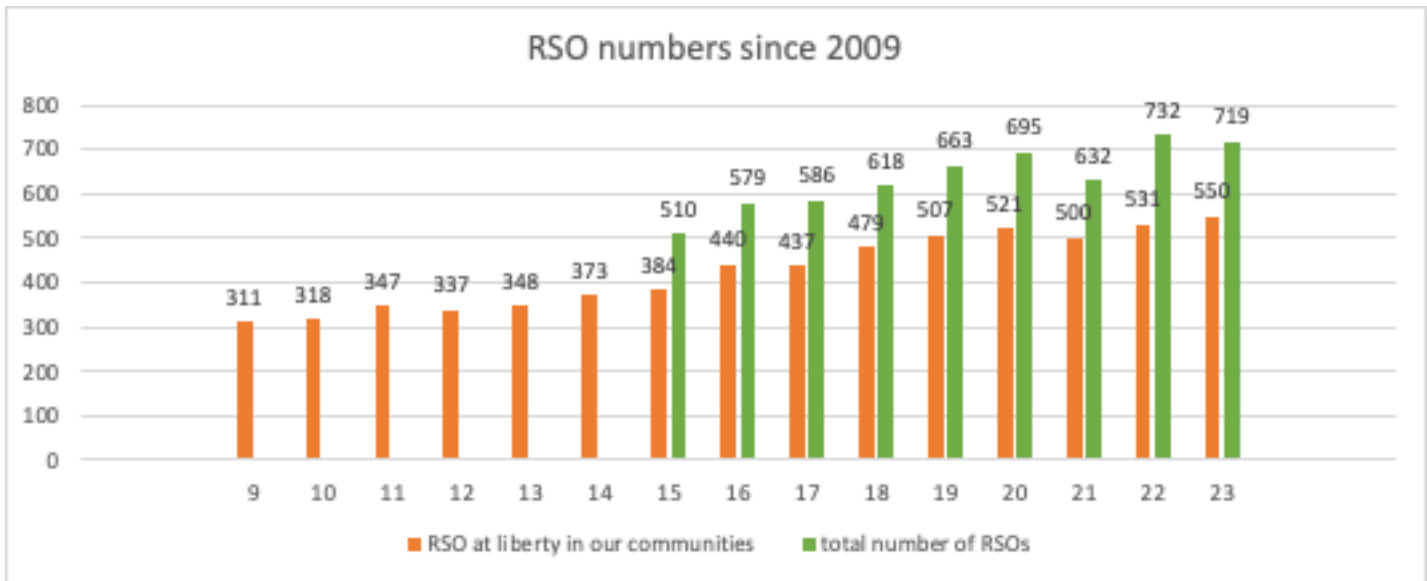
**39** at MAPPA Level 2

**8** at MAPPA Level 3

Since 2009 the number of Registered Sex Offenders managed under MAPPA in South West Scotland had continued to increase since 2009 at an average annual rate of around 6% each year. However in 2021 the number of people placed under Sex Offender Notification Requirements (SONR) reduced by 32, equating to a 4.6% reduction on the previous year. This reduction was almost certainly due to delays in the justice process created by the pandemic. However, in 2022, the number of Registered Sex Offenders managed under the arrangements increased

to 732, amounting to a 10.7% increase. This increase and the previous year's decrease had the effect of returning us to the previous overall upward trajectory of approximately 6% per annum increase. This rise was due to the backlog of cases being processed by the criminal justice system. This current year (2023) has shown a slight reduction in the overall number of offenders managed under MAPPA arrangements: 15 less, (-2%) however the proportion of those at liberty in in our communities has increased slightly (+ 19)





## The effectiveness of the MAPPA.

This year, we have the benefit of a new Data Dash board which provides clarity around our activity and helps us to understand the effect our partnership working has on the risk. The following information illustrates this:

- Of the 173 level 2 or 3 meetings held during 2022/23, 33 (19%) resulted in the MAPPA level being decreased, while 2 meetings (1%) resulted in an increase.
- For 42 offenders who had more than 1 meeting in the year, we can see that the MAPPA risk level remains unchanged for 31 offenders and between the first, and the most recent meeting for 11 of them; for 9 individuals there was a reduction: 3 from 'very high' to 'high' and 6 from 'high' to 'medium'. There were 2 individuals whose MAPPA risk level increased from 'high' at their first meeting this year to 'very high' at their last.
- For Level 2 and Level 3 referrals, there were 54 referrals over the course of the year and 3 of these were not progressed at the suggested level.

Further statistical information relating to South West Scotland MAPPA activity can be viewed at Appendix 1 within this Report.



# 7. Information Systems

ViSOR is the Violent and Sexual Offenders Register, often referred to as the “Sex Offenders Register”, which is used in Scotland as an information sharing tool to manage: Registerable Sexual Offenders, Other Sexual Offenders, and Offenders who pose a risk of Serious Harm to the community, Restricted Patients, Registerable Terrorist Offenders and other Potentially Dangerous Persons. ViSOR is a secure data sharing platform allowing each agency to place information within it that can be viewed by other partner agencies and to contribute to the risk management of people in real time. Information can be drawn from ViSOR to allow an analysis of trends and to provide information that will enable more effective resource allocation.

The ViSOR system will fall into obsolescence soon and will be replaced by a new system Multi Agency Public Protection System (MAPPS). MAPPS will perform similar functions to

ViSOR but will provide an improved user interface with enhanced search-ability and analytical capabilities. It is hoped that the issue of vetting of users which impinged significantly upon the uptake of the Visor system will be resolved in terms of what vetting level is required. Like ViSOR, MAPPS will be a Home Office system and any limitation placed upon access to it will be dictated by Home Office’s security standards. However indications are that a system of tiered access may allow those with end user status to be subject to lower vetting thresholds. It is anticipated that the MAPPS will go live in 2026. In Scotland, all professionals involved in MAPPA are subject to vetting by their own professional organisation and are also subject to Protecting Vulnerable Groups (PVG) clearance so it is hoped that there will be no need for further Police vetting.

# 8. MAPPA Governance

MAPPA does not operate in isolation, it is a part of the wider Public Protection arrangements. The chair of the MAPPA SOG provides regular reports to all four Public Protection Chief Officers Groups and strong links have been established between MAPPA and the various Child Protection, Adult Protection and Public Protection Lead officers across the four local authority areas. The operation of MAPPA involves a complex interplay between different and often competing, priorities, cultures and professional objectives. Nonetheless, the South West Scotland MAPPA SOG have been able to deliver a consistent and effective service across the region by dynamically balancing increasing workloads and decreasing resources.

Within South West Scotland (SWS) there are four Chief Officers Groups operating within the respective local authorities; Dumfries and Galloway, East Ayrshire, North Ayrshire and South Ayrshire. Dumfries and Galloway also operates a Public Protection Partnership within which the Public Protection Committee incorporates the previous responsibilities of the Child Protection Committee, Adult Protection Committee, Domestic Abuse and Violence against Women and Girls Partnership. The Dumfries and Galloway Public Protection Committee reports to Chief Officers Group: Public Protection. The Chair of the SOG is responsible for providing the Chief Officer Groups with

regular updates on the operation of the MAPPA.

## Roles and Responsibilities

MAPPA in South West Scotland (SWS) operates with a two tier structure; operational and strategic. Senior representatives of the Responsible Authorities form the Strategic Oversight Group (SOG) who scrutinise and govern the arrangements. The MAPPA Operational Group (MOG) oversees the day to day operation of the arrangements and take forward any potential practice improvements.

The SOG is responsible for the strategic development of MAPPA and monitoring communications between MAPPA and other Public Protection partnerships such as Child Protection and Adult Support and Protection. Joint working and information sharing between agencies is the most critical part of the arrangements. Whilst the Police and Local Authority Justice Services are the principal lead agencies for the management of registered sex offenders in the community, SPS and SERCO are the responsible authority for those offenders within the Prisons estates. Health Boards are the responsible authority for Restricted Patients and held to be under a “duty to cooperate” in respect of other classes of offenders. A summary of the roles and responsibilities in relation to Multi-Agency Public Protection in South West Scotland are as detailed in section 9 below:

# 9. The Responsible Authorities

## HEALTH: RESTRICTED PATIENTS

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

Currently there is no secure adolescent in-patient service for young people in Scotland. Consequently, there is a population of young people living in Scotland whose complexity of presentation and severity of risk unfortunately is not met within NHS Scotland. This means they require to travel to England to receive care or receive a service that is designed for adults rather than children. However there is a facility with SWS called Foxgrove which is a new 8 bed National Secure Adolescent Inpatient Service based at Irvine Central Hospital which aims to meet that need and provides a dedicated and appropriately skilled multidisciplinary healthcare team to deliver the level of care that these young people require. It is possible that some of these young people will fall under categories that require MAPPA management and proactive engagement with the MAPPA partners has taken place to ensure the success of this new unit.

## HEALTH BOARDS

Dumfries and Galloway Health Board and Ayrshire and Arran Health Board have each nominated a single point of contact for MAPPA in SWS. The single point of contact, who is a senior manager within the Health Board, either Chairs the MAPPA

meetings for restricted patients or attends all level 3 MAPPP (Multi Agency Public Protection Panel) meetings for Category 1 or 3 offenders. All restricted patients have an allocated Mental Health Officer (MHO) and a Responsible Medical Officer (RMO) with specific responsibilities in relation to the case. They attend MAPPA meetings, alongside other relevant persons from the clinical team, housing services or any other agency that are involved. The State Hospitals Board for Scotland is also included in the legislation as a Responsible Authority, however as with Health Boards only in respect of restricted patients.

## THE PRIORY AYR CLINIC

The Priory Ayr Clinic is a 36 bed independent psychiatric hospital providing low secure facilities for men and women with a mental illness, mild learning difficulty, personality disorder or acquired brain injury. The service aims to allow suitable patients, who are not ready to move on, to experience a better quality of life. The hospital has 34 en-suite single bedrooms in a two-storey purpose built facility. It has three wards; Arran, Bellisle and Low Green and a self-contained flat for two patients, known as the transitional assessment service. This is for patients preparing

for discharge. The clinic also operate a separate Low Secure Unit with 8 beds at Lochlea House in Mauchline and an 8 bed step down facility, the Gatehouse, in Ayr. At any time, a small number of patients within these facilities will be Restricted Patients and subject to statutory CPA and, where appropriate, MAPPA. A Senior Member of the clinical team has recently joined the Strategic Oversight Group (SOG).

## THE SCOTTISH PRISON SERVICE (INCLUDING PRIVATE PRISONS)

The Scottish Prison Service (SPS), (or private sector provider, Serco Ltd), is the Responsible Authority for Category 1 registered sex offenders and Category 3 other risk of serious harm offenders whilst they are in prison. While a person is in custody, prison based social workers will apply the appropriate risk assessment tools. These tools are crucial in determining how a person should be managed during their sentence and for pre-release planning. The SPS and Serco Ltd also work in partnership with the local justice services supervising officer during sentence and in preparation for release. This process of sentence planning is referred to as Integrated Case Management (ICM).



## PAROLE

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

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

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

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

person into the community on licence. Some individuals have extended sentences which means that they are given a custodial part and an extended part of sentence by the court. The Board will deal with two types of extended sentence offenders. Those sentenced to a short term custodial part but the extended part takes the sentence overall to more than 4 years, will be referred to the Board for licence conditions only. If the custodial part is more than 4 years, they will be considered in the same way as long term determinate offenders and their licence will run to the end of the extended part of the sentence. A person sentenced to a life sentence is told at the time of sentencing in the court what the minimum period is that they must spend in prison. This is known as the punishment part of the sentence. They will have their case considered by a Tribunal of the Board as soon as possible after the punishment part has expired. If they are not released at the first review, they are required by law to have a further review within 2 years. Subsequent reviews will be set by the tribunal.

## THE POLICE

The responsibilities of the Police in relation to registered sex offenders include

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





# 10. Local Authorities

## JUSTICE SOCIAL WORK SERVICES

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

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

Public protection and the risk management of registered sex offenders is a core objective of Justice Social Work Services, the primary aims of Justice Services are resettlement and rehabilitation. Justice Services have responsibility for the risk assessment and management of all registered sex offenders subject to community supervision.

All persons leaving custody are entitled to apply for voluntary aftercare up to 12 months after leaving custody. National Objectives and Standards for Justice Service's state that reports to Court or the Parole Board should include a risk assessment, and that any action plan for someone on probation or a post-custodial licence should include a risk management plan aimed at reducing the risk of re-offending or the risk of serious harm. Supervision of these orders or licences should be informed by the risk management plan.

In cases where a person subject to sex offender registration is also subject to statutory supervision in the community by the local authority, responsibility for the case is shared by Police Scotland and local authority Justice Services. When Justice Service supervision ends and the risk of serious harm remains, the Police will become the responsible authority but the person will continue to be managed under the MAPPAs for the registration period.

## CHILD PROTECTION

The protection of children is the responsibility of all agencies. Senior personnel from Children and Families Social Work Services will attend MAPPAs meetings and share information with other agencies where there are concerns about young people who may be considered to be actual or potential victims. This information will be shared for the purpose of developing comprehensive risk management plans, of which a robust victim safety plan is a central component.

## ADULT SUPPORT AND PROTECTION

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

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# 11. Duty to Co-operate Agencies

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

## HEALTH BOARDS

Whilst Health Boards are a Responsible Authority in respect of restricted patients, they have a duty to co-operate in regards to registered sex offenders and people identifying as posing other risk of serious harm. Registered sex offenders may have contact with the Health Service in a number of different contexts. The majority of contacts with the NHS are via General Practitioners (GPs), outpatient or inpatient attendance at District General Hospitals. This will also include, for a few individuals, contact with Mental Health Services where people receive treatment voluntarily or under the Mental Health (Care and Treatment) (Scotland) Act 2003, or for example as well as Addiction Services. Where a person has contact with the Health Service, the service has a duty to co-operate with other agencies in terms of information sharing and contributing to risk management. Where there are specific issues (i.e. a disability or enduring health diagnosis) that requires the provision of services to people or where there are concerns about risk to staff or other patients, then this is communicated by the MAPPA Health representative, or single point of contact, to Health Service staff to ensure appropriate arrangements to manage any risk to staff or patients are put in place. Equally, where Health Staff

have information that is pertinent to risk management then this is shared with other agencies within MAPPA.

## ELECTRONIC MONITORING SERVICES

Electronic monitoring is well established as a potential sentencing mechanism, assessed at Criminal Justice Social Work Report stage, via the Restriction of Liberty Order. In addition, the ability to impose a Restricted Movement Requirement has been available as an additional requirement for a Community Payback Order. However, this was only available as a sanction for breaching the terms of the original Community Payback Order and could not be imposed at first instance. The Management of Offenders (Scotland) Act 2019 has now allowed for the introduction of electronic monitoring (EM) on Bail and a Restricted Movement Requirement on a Community Payback Order (CPO) at first disposal.

Electronic monitoring requires assessment to consider the potential impact in terms of likely compliance, supporting risk management plans and in terms of the impact on other householders. Consideration is also required in terms of the ways such monitoring can be targeted and used creatively depending on individual risks, with restriction

hours tailored around the individual's offending behaviour, employment, family commitments and so on. If it is identified that the individual poses a risk of offending during particular time periods, the curfew can be tailored to fit such patterns and this information can be included in the assessment. The Electronic Monitoring Order (EMO) is a common form of order which will also be in place with all court based electronic monitoring and will therefore be imposed in tandem with any Community Payback Order which has a Restricted Movement requirement or alongside EM on Bail. There has for some time been national focus on alternatives to the use of remand with bail supervision and electronic monitoring on bail being considered as credible alternatives. Bail supervision across South West Scotland is delivered by Justice Social Work Services whereby individuals who would otherwise be held on remand are released on bail on the condition that they meet with a Bail Supervisor on a specified number of times per week. While some local authority areas have not fully implemented bail supervision services, given the national focus and additional ring fenced funding, there has been an expectation on all local authorities developing bail supervision schemes and processes for assessment for those appearing in Court.



## HOUSING AGENCIES

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

longer suitable and/or the person's safety is at risk. In SWS each local authority has recruited a dedicated Sex Offender Liaison Officer (SOLO), who works directly with the person subject to the MAPPA arrangements. These Officers have proven to be critical to the overall risk management of registered sex offenders. The SOLOs have worked closely with the MAPPA Coordinators and the Responsible Authorities in SWS to further strengthen their risk assessment processes to ensure that community safety is at the heart of all procedures.

In South West Scotland, Environmental Risk

Assessments (ERA) are carried out on every property that is potentially available (with all partners participating), in order to minimise any risks. Victim issues are the primary focus of the ERA. SOLOs are standing members of all MAPPA meetings, with Registered Social Landlords and supported accommodation providers also being represented where appropriate. This collaborative approach minimises the potential for a person to be released from custody and accommodated within the same locality as a victim.

## WHAT IF SOMEONE COMMITS AN OFFENCE WHILE THEY ARE MANAGED UNDER THE ARRANGEMENTS? INITIAL CASE REVIEW (ICR)/ SIGNIFICANT CASE REVIEW (SCR)

Reoffending rates of those subject to MAPPA tend to be very low but sadly they are not zero. Whenever any person managed under the MAPPA goes on to either commit a further sexual offence or cause some other form of serious harm or where as a result of their status as a registered sex offender, the person themselves become the victim of serious crime, the MAPPA SOG must review the management of that person in order to identify any learning points that may prevent such circumstances arising again. The review process is designed to examine the actions or processes employed by the agencies involved to ensure that all reasonable steps had been undertaken and to capture any lessons learned. The level of review undertaken is determined by the nature and seriousness of alleged further offending. The 2022 MAPPA Guidance (20.3) directs that a significant case should meet one or more of the following broad criteria:

- Where someone currently being managed under MAPPA has been charged with a further offence(s) which has resulted in the death or serious harm of another person.
- Where significant concern has been raised about professional and/or service involvement, or lack of involvement, in respect of an individual being managed under MAPPA.

- Where an individual being managed under MAPPA has been subject to serious harm or died as a direct result of their MAPPA status.
- Where an individual being managed under MAPPA has died or been subject to serious harm in circumstances likely to generate significant public concern.

In circumstances which meet one or more of the above criteria, the SOG should examine the practices and processes employed by the Responsible Authorities (RA) and the Duty to Co-operate (DTC) agencies. The 2022 MAPPA guidance provides information on how to take such a review forward (20.1). Where opportunities for improvement are identified, plans should be promptly put in place to implement these. Where appropriate, all good practice and learnings identified should be considered for local and national sharing. For reoffending that does not meet that threshold outlined in Section 20.3 the SOG has developed a new Reflective Learning process which will provide an opportunity to carry out a review which is proportionate in the circumstances, and will allow for learning and good practice to be captured as appropriate. This Reflective Learning Review will include and document whether the defensibility test of "Was everything done which could reasonably have been done?" met.

Last year, one case met the SCR threshold and is currently under consideration by the SOG. The accused person has yet to go to trial so the matter remains Sub Judice and cannot be discussed further.

## DISCLOSURE

Occasionally it is necessary to disclose information regarding a person's status to protect other people. This may be done in circumstances where there are child and adult protection concerns or if a person's employment brings them into contact with children or other vulnerable people. This will be influenced by the nature of their offending. Disclosure of an offender's status can happen in three ways:

- The individual can self-disclose;
- A Public Interest Disclosure can be made by Police Scotland;
- A disclosure can be made by social workers, in relation to the protection of children and vulnerable adults.

Decisions are made carefully on a case-by-case basis with a number of factors taken into account such as:

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

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# 12. Risk Management

Risk Management Plans increase a person's capacity to control their behaviour and manage the risk they pose to the public. This requires a balanced approach, making use of both restrictive measures and supportive measures. The supportive measures available generally amount to skill building, assisting the individual to seek appropriate employment, securing stable housing, providing treatment for any mental health issues, physical health issues or addictions that may be a factor in their offending. The restrictive measures usually amount to a legal order. A variety of different statutory measures can be imposed (i.e. parole licence, non-parole licence, extended sentence, supervised release Order, community payback orders and civil preventative orders) where the risk presented by an individual makes additional and enforceable measures necessary.

## CIVIL PREVENTATIVE ORDERS

Until 31st March 2023 there has been four civil orders at our disposal.

Sexual Offences Prevention Order (SOPO)

Risk of Sexual Harm Order (RSHO)

Notification Order

Foreign Travel Orders.

However, as of 31/03/2023, sections 10 to 40 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ("the 2016 Act") came into force. These sections introduce two preventative orders which can be applied to relevant sex offenders and those who pose a risk of harm: Sexual Harm Prevention Orders (SHPO), and Sexual Risk Orders (SRO) respectively.

The SHPO is a preventative order designed to protect the public from sexual harm. The order will be available in Scotland, with comparable SHPOs available across the rest of the United Kingdom.

This order replaces Sexual Offences Prevention Orders (SOPOs) and Foreign Travel Orders (FTOs) provided for in sections 104, 105 and 114 of the Sexual Offences Act 2003 ("the 2003 Act").

The SRO is a civil preventative order designed to protect the public from sexual harm. Unlike SHPOs, there is no need for a previous conviction or equivalent.

The order will be available in Scotland and replaces the Risk of Sexual Harm Orders (RSHOs) provided for in sections 2 to 8 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and Foreign Travel Orders (FTOs) provided for in section 114 of the 2003 Act.

As with the previous orders, if people fail to comply with the restrictions provided by these orders, they will be arrested and can be returned to prison.





# 13. What we have achieved in the last year.

Since the last Annual Report was published, MAPPA partnership working has continued to allow us to effectively utilise the expertise of many organisations. MAPPA Administration, which supports the arrangements has continued to improve and develop in response to changing operational environment.

The restrictions placed upon us during the covid 19 pandemic have eased but process improvements continue to be developed. New practices which were put in place during the pandemic have now become “business as usual” and the use of technology such as Microsoft Teams has been a key tool for MAPPA level 2 and 3 meetings. This has resulted in noted efficiency and allowed additional time to focus on operational priorities. Face to face visits with those managed under MAPPA have resumed and remain, without doubt, the best way to assess risk.

## DATA DASHBOARD

Since the inception of MAPPA, the SOG has continually asked for statistical information that can allow it to understand how well, or otherwise, the arrangements are operating in terms of managing and reducing risk. MAPPA admin collected and collated data regarding the numbers of offenders in our area, their risk and management levels and also data on the attendance level of partners at MAPPA meetings. While this information provided the SOG with an understanding of the amount of work that was being carried out on its behalf and by whom, it did not provide any insight into how effective our combined efforts have been. Previously the SOG had requested that the statistics collected be reviewed in order to provide a deeper understanding of these factors but the results produced by various reviews required to be refined. Last year, Mr Stuart Singleton, a Performance Officer from North Ayrshire Council supported the move towards the presentation of MAPPA statistics using a Data Dashboard. For the last year MAPPA admin have collated relevant data which has been used to populate the MAPPA Dash Board. The improvements that the Dash Board has introduced have been recognised and this highly effective management tool has been given the approval by the SOG to be the new mechanism to capture key statistical data to provide clarity on MAPPA management information.

# 14. Training

## MAPPA CHAIR TRAINING

As highlighted in the previous Annual Report, there is a need for MAPPA level 2 and level 3 Chair persons to have an understanding of current risk assessment processes and risk practice. While those MAPPA Chairs who routinely deal with such work are highly competent, other MAPPA Chairs, particularly at level 3, who are all Senior Officers and largely now removed from the operational practice. In particular Senior Police Officers, who do not have a background in risk practice, may feel ill-equipped when faced with key decisions regarding very high risk offenders.

As a result, the SOG has requested that Professor Hazel Kemshall, emeritus professor of Criminal Justice at de Monfort University, who is recognised as the architect of MAPPA, be approached to deliver training to our level 2 and 3 Chairs. This training was made available to professionals from across Scotland with a total of 109 individuals attending from various MAPPA partner agencies.

Two sessions were held in Glasgow and one session in Perth and the training was unanimously evaluated as first class.



# 16. South West Scotland MAPPA Going Forward

## COVID-19

At this time, it would appear that the Covid 19 pandemic is now over. During the pandemic, staff from all MAPPA partner agencies very quickly adapted their working practices to ensure that we continued to manage the risk some people present to the community while at the same time minimising the risk to staff. Consequently, some of these practices have been adopted as the new business as usual. This includes the use of Microsoft Teams and Hybrid working. These developments have undoubtedly made the end to end MAPPA process more efficient and effective.

## ELECTRONIC MONITORING

The Management of Offenders (Scotland) Act 2019 has extended the potential for the use of electronic monitoring both in terms of what other measures it can be combined with and the use of new Global Positioning Satellite (GPS) tracking technologies. This will increase the options available to manage and monitor those serving all or part of their sentence in the community. The provisions in relation to new technology have yet to be commenced but following consultation with partners it is anticipated that they will become law sometime in 2023.

## THE NEW ORDERS

As mentioned earlier, 2023 saw the commencement of sections 10 to 40 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. These sections introduce two new preventative orders which can be applied to relevant sex offenders and those who pose a risk of harm:

- **Sexual Harm Prevention Orders (SHPO)**
- **Sexual Risk Orders (SRO)**

The SHPO is a preventative order designed to protect the public from sexual harm. The order will be available in Scotland with comparable SHPOs available across the rest of the United Kingdom.

This order replaces Sexual Offences Prevention Orders (SOPO) and Foreign Travel Orders (FTO).

The SRO is a civil preventative order designed to protect the public from sexual harm, and unlike SHPOs there is no need for a previous conviction or equivalent.

The new orders have a lower risk threshold than the old orders, allowing both orders to be used to manage risk against adults and vulnerable adults and children in the

UK and abroad. Also, their remit is wider enabling for example, foreign travel restrictions to be applied under either order.

## SEXUAL HARM PREVENTION ORDERS

The SHPO replaces the SOPO and incorporates elements of FTOs. The main differences between an SHPO and a SOPO are:

- The threshold test for a SOPO is a risk of "serious sexual harm" whereas the threshold test for an SHPO is a risk of "sexual harm"
- In relation to children and vulnerable adults, an SHPO can be granted to protect them from sexual harm outside the UK.
- The court will be able to impose conditions which prohibit foreign travel as part of an SHPO without the need for an application for a separate FTO.

## SEXUAL RISK ORDERS

The SRO replaces RSHOs and it too incorporates elements of FTOs. The main differences between an SRO and an RSHO are:

- Only one sexual act (irrespective of timing) will suffice to found an application for an SRO, whereas two acts were required for a RSHO and the application had to be within 3 months of the second act being brought to the attention of the police.
- Whereas RSHOs provide statutory protection to children under 16 only, SROs provide protection to children and adults.
- SROs may be granted to protect children and vulnerable adults from harm occurring outside the UK.
- SROs may be granted to protect a person from harm caused by another person doing an "act of a sexual nature", whereas the approach for RSHOs was to list particular sexual activities or communications which might result in an order being granted. This widens the scope of the protection, giving the court more discretion to determine the sorts of activities which pose a sexual risk requiring an order to be granted.
- The court may impose conditions which prohibit foreign travel without the need for a separate FTO.



# 17. Appendix: South West Scotland MAPPA Statistics 2022/23

**Table 1: Registered Sex Offenders**

<b>REGISTERED SEX OFFENDERS (RSO's)</b>	<b>NUMBER</b>
a) Number of Registered Sex Offenders:	719
1) At liberty and living in your area on 31st March :	550
2) Per 100,000 of the population on 31st March:	140
b) The number of RSO's having a notification requirement who were reported for breaches of the requirements to notify between 1 April and 31 March:	85
c) The number of "wanted" RSOs on 31st March:	reported nationally
d) The number of "missing" RSOs on 31st March:	reported nationally

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

<b>The Number of:</b>	<b>Granted by the courts?</b>
a) Sexual Offences Prevention Orders (SOPO'S) in force on 31 March	87
b) SOPOS granted by courts between 1 April & 31 March	31
c) Risk of Sexual Harm Orders (RSHO's) in force on 31 March	1
d) Number of RSO's convicted of breaching SOPO conditions between 1 April & 31 March	13
e) Number of people convicted of a breach of a RSHO between 1 April & 31 March	0
f) Number of Foreign Travel Orders imposed by courts between 1 April & 31 March	0
g) Number of Notification Orders imposed by courts between 1 April & 31 March	3



**Table 3: Registered Sex Offenders**

<b>REGISTERED SEX OFFENDERS (RSO's)</b>	<b>Custody</b>	<b>At Liberty</b>	<b>Total</b>
a) Number of RSOs managed by MAPPA level as at 31 March:	169	550	719
1) MAPPA Level 1:	141	531	672
2) MAPPA Level 2:	20	19	39
3) MAPPA Level 3:	8	0	8
b) Number of Registered Sex Offenders convicted of a further group 1 or 2 crime between 1st April and 31st March:			9
1) MAPPA Level 1:			8
2) MAPPA Level 2:			1
3) MAPPA Level 3:			0
c) Number of RSO's returned to custody for a breach of statutory conditions between 1 April and 31 March (including those returned to custody because of a conviction for a group 1 or 2 crime):			5
d) Number of individuals subject to the SONR indefinite period review process (under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011) between 1 April and 31 March:			reported nationally
e) Number of notification continuation orders issued for individuals subject to SONR for an indefinite period (under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011) between 1 April and 31 March:			reported nationally
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:			106
g) Number of RSO's subject to formal disclosure:			0

**Table 4: Restricted Patients**

<b>RESTRICTED PATIENTS (RP'S):</b>	<b>NUMBER</b>	<b>To Be Reported As:</b>
<b>a) Number of RP'S:</b>		
1) Living in your area on 31 March	26	Number of RPs "owned" by your Health Board(s) on 31 March 2022 regardless of where they were detained in hospital or living in the community*.
2) Living in your area during the reporting year	27	Number of RPs "owned" by your Health Board(s) between 1 April 2021 and 31 March 2022 regardless of where they were detained in hospital or living in the community.
<b>b) Number within hospital/community as at 31 March:</b>		
1) State Hospital	6	Number reported for a) 1) above broken down into the number of RPs detained in the State Hospital, in other hospitals and those living in the community.
2) Other hospital in your area	7	
3) Community (conditional discharge)	3	
<b>c) Number managed by MAPPA Level as at 31 March</b>		
1) MAPPA Level 1	26	Number reported for a) 1) above broken down into MAPPA Levels.
1) MAPPA Level 2	0	
1) MAPPA Level 3	0	
<b>d) Number of RPs recalled by Scottish Ministers during the reporting year</b>	1	To be provided by the Scottish Government Restricted Patients Team

**Table 5: Statistical Information - Other Risk of Serious Harm Offenders**  
**Other Risk Of Serious Harm Offenders (OROSHO'S)**

a) Number of offenders managed by MAPPA level as at 31 March:	
1) MAPPA Level 2:	1
2) MAPPA Level 3:	0
b) Number of offenders convicted of a further Group 1 or 2 crime:	
1) MAPPA Level 2:	0
2) MAPPA Level 3:	0
c) Number of offenders returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of Group 1 or 2 crime)	0
d) Number of notifications made to DWP under the terms of the Management of Offenders etc. (Scotland) Act, 2005 (Disclosure of Information) Order 2010 between 1 April and 31 March	0

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

Age	RSO Number	RSO Percentage %
Under 18	0	0
18-21	21	2.92%
22-25	40	5.56%
26-30	77	10.71%
31-40	143	19.89%
41-50	131	18.22%
51-60	145	20.17%
61-70	104	14.46%
over 70	58	8.07%
<b>Total</b>	<b>719</b>	<b>100</b>

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

<b>Sex</b>	<b>RSO Number</b>	<b>RSO Percentage %</b>
a) Male	708	98.47%
b) Female	11	1.53%
c) Other DATA Not Held		
<b>Total</b>	<b>719</b>	<b>100</b>

**Table 8: Delineation of RSO's by ethnicity on 31st March:**

<b>Ethnic Origin</b>	<b>RSO Number</b>	<b>RSO Percentage %</b>
White Scottish	543	75.52%
Other British	119	16.55%
White Irish	8	1.11%
White Polish	2	0.28%
Other white ethnic group	14	1.95%
Asian Pakistani, Pakistani Scottish or Pakistani British	2	0.28%
Asian India, Indian Scottish or Indian British	1	0.14%
Asian other	1	0.14%
African, African Scottish or African British	1	0.14%
Other ethnic group	1	0.14%
Not known	5	0.70%
Data Not Held	22	3.06%
<b>Total</b>	<b>719</b>	<b>100</b>

**Table 9: Number of RSO's managed under statutory conditions and/or notification requirements on 31st March:**

<b>Number of RSO's</b>	<b>Number</b>	<b>Percentage %</b>
a) On Statutory supervision:	217	29.89%
b) Subject to notification requirements only:	502	70.11%
<b>Total</b>	<b>719</b>	<b>100</b>



**THANK YOU**

