

# **SOUTH WEST SCOTLAND MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS**

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**Annual Report 2021-2022**





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# 1. FOREWORD

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 third Multi-Agency Public Protection Arrangements (MAPPA) Annual Report.

The report aims to provide an overview of MAPPA activity from 1 April 2021 until 31 March 2022 and it should be noted that during the entire reporting period, our service provision has been affected by the Covid 19 pandemic.

The Multi Agency Public Protection Arrangements have been in place for fifteen years now, and are a set of arrangements that allow us to align and coordinate the efforts of the key stakeholders involved in Public Protection. All MAPPA partners work together closely to manage and reduce the risk posed to the community by sexual offenders, restricted patients in the community and "Other Risk of Serious Harm Offenders". I hope that the information within this report goes some way to reflect the level of commitment and the amount of work carried out by staff in all the partner agencies in this complex and challenging arena.

I am constantly impressed by the level of commitment shown by those who work in the various disciplines operating under the banner of MAPPA and, despite the challenges we have all faced during the pandemic, the professionals involved in managing the risks posed by those who fall under MAPPA, have remained firmly committed to keeping the public safe and have adapted and responded to every challenge

encountered.

One phrase I have used in each of the Annual Reports I have written is this: "it must be acknowledged that it is simply not possible to eliminate risk entirely".

Nonetheless the public, quite rightly, expect that all reasonable steps will be taken to reduce the risk of harm that those who fall under MAPPA may pose and I am confident in stating that by using MAPPA to coordinate our efforts, we are far more effective in doing this than we otherwise would be if operating individually.

It is my hope that this Annual Report will accurately illustrate the contributions made by all of the agencies involved in MAPPA across South West Scotland, and I will seek to highlight our commitment to the development of ever stronger partnerships, and demonstrate how we have implemented new ways of working in order to meet the challenge of protecting the public from serious harm whilst at the same time keeping our staff safe. The difficulties created by the pandemic have forced us to adapt our working practices and find new ways to balance the risks associated with physically meeting with people and finding other ways to engage with them to maintain rapport and relationships

which allow us to identify any factors in their lives that may have a bearing on the risk they present.

Prior to the pandemic, the administration of MAPPA was primarily through face to face meetings with the professionals involved in each case. Such face to face meetings were later deemed unsafe so we have reverted to digital solutions and now routinely use secure on-line video conferencing. A corollary of this has been that we have introduced hybrid working across all partner agencies.

In my two previous Annual Reports, I have highlighted the activities of a variety of internet based Community Activist Groups that use social media to organise demonstrations at the homes of individuals they believe to be sex offenders. This has been challenging for all agencies involved in the MAPPA to deal with. The SOG took the decision to engage with the administrators of the group that were Ayrshire based. This engagement was positive, with those who lead these groups developing an understanding of MAPPA and the processes that go on behind it. Consequently, the number of "outing" incidents has reduced significantly.

Looking forward, the Scottish Government, on the 1st of April 2022, published the refreshed National MAPPA guidance. I look forward to aligning our service provision with the new standards set out in the refreshed guidance. The most significant changes relate to the

thresholds whereby the SOG seeks to review the management of an offender following any serious further offending. It has also broadened the scope for individuals to be referred to MAPPA as Category Three, Other Risk Of Serious Harm Offenders.

Finally, I would like to take this opportunity to thank those members of staff from all agencies, who have continued to work through these difficult years to ensure public safety by supervising and managing the risks posed to the public by those subject to the MAPPA.



**Marion MacAulay** - Chair of South West Scotland MAPPA Strategic Oversight Group



## 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 offender's 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 acknowledged 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 the MAPPA process helps keep our communities safe. As Responsible Authorities, we are required to keep MAPPA under review and to publish an Annual Report. This report allows us to publicly demonstrate how effectively we manage those people who present a risk to the public. It also outlines the steps being taken to refine and improve our practice and procedures, and the way we adapt to changing circumstances, with the pandemic being an obvious example.

The protection of the public and management of people convicted of violent and sexual offences is a difficult and challenging area of work. By working together and making use of our joint expertise and resources, means we can deliver a service which is more effective in reducing risk than it would be if we all worked independently. In Scotland, the MAPPA arrangements encompass the management of Restricted Patients, Registered Sex Offenders and others who pose a risk of serious harm to the public. All the agencies involved in this work are highly motivated to ensure that practice and procedures are scrutinised and reviewed to minimise the risk presented to the community.

### AREA PROFILE

The South West Scotland MAPPA area combines four local Councils and covers 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 520,000, located in

urban, rural and isolated communities, including the island communities of Arran and Cumbrae. The MAPPA in South West Scotland incorporates a number of responsible authorities, namely; Police Scotland V and U 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 people 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 that such people may pose, 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). Such people are not formally identified in the legislation as qualifying for MAPPA, but the Multi-Agency Public Protection Arrangement framework can be used to identify and manage any risks they may pose; the Public would expect nothing less. 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

It is never possible to predict the future behaviour of any person with complete certainty, however at present, every person included under MAPPA within South West Scotland has been convicted of a sexual offence and are subject to registration requirements or they are classified as a restricted patient, an Other Risk of Serious Harm Offender or Potentially Dangerous Person.

Past behaviour is one indicator of potential future behaviour. Nonetheless, some people will never be convicted again, whilst others might commit another offence at any time. By compiling a risk profile of an 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 person:





## 5. MAPPA MANAGEMENT LEVELS

The level of risk posed by those managed under MAPPA varies, and is assessed by trained staff using risk assessment tools and analysis of the nature of all previous offending and circumstances unique to each person. 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 person 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 of this. Whilst the primary function of the MAPPA is to ensure, as far as is possible, 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.

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. For those who are in prison, within three days of their release. Failure to register is an offence which 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.

### MAPPA COORDINATOR

Co-ordination is a crucial element of the MAPPA and ensures that the relevant functions of the framework operate effectively. When an offender is placed under SONR, the MAPPA Coordinator receives a MAPPA notification. Where the offender meets the Level 2 or 3 criteria, a referral is also made. Thereafter, the Coordinator facilitates the responsible authorities in their statutory responsibility to do the following:

- Receive referrals for RSOs, other risk of serious harm offenders and restricted patients who pose a risk of serious harm which needs to be managed at either Level 2 or Level 3;
- Share information relevant to the management of the risk 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;
- Receive the risk management plans and minutes from all relevant Level 2 and Level 3 meetings, showing clearly the status of each offender, the agencies which are delivering components of the plan and review arrangements; and
- Provide a single point of contact for advice on all aspects of MAPPA.

# 6. SOUTH WEST SCOTLAND MAPPA STATISTICS 2022

## Number of People managed under MAPPA by Category on 31 March 2022

On 31 March 2022, 761 people were being managed under the MAPPA in South West Scotland. This figure includes all MAPPA categories, be they in the Community, in Prison or in a Hospital. This is an increase of 75 (10.9%) on last year's total of 686. The 761 people being managed can be broken down as follows:

### BY MAPPA CATEGORY - 761

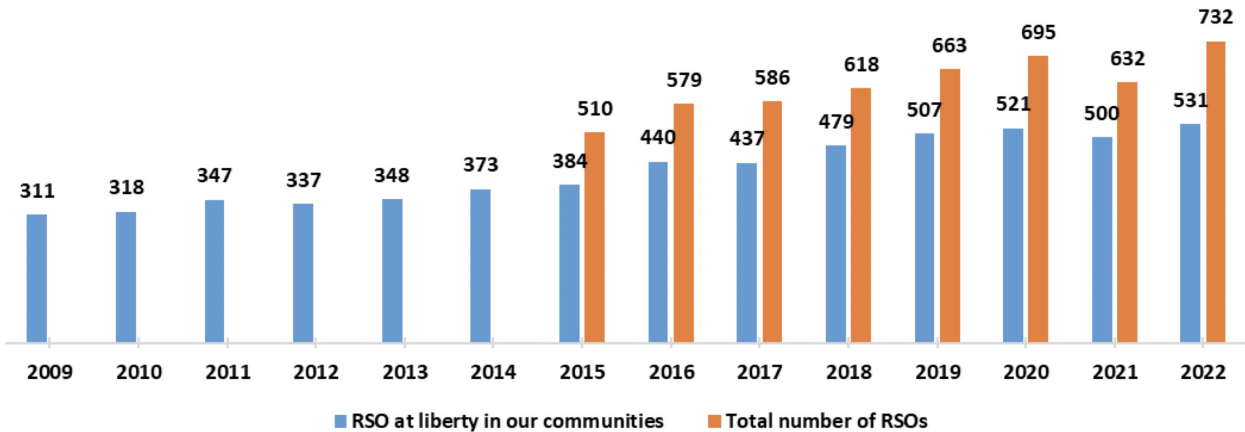
| CATEGORY 1                    | CATEGORY 2<br>OFFENDERS | CATEGORY 3                             | CATEGORY 4                                |
|-------------------------------|-------------------------|--|---|
| 732                           | 19                      | 9                                      | 1   |
| (Registered Sexual Offenders) | (Restricted Patients)   | (other risk of serious harm offenders) | classed as a Potentially Dangerous Person |

### BY MAPPA MANAGEMENT LEVEL (REGISTERED SEX OFFENDERS ONLY) - 732

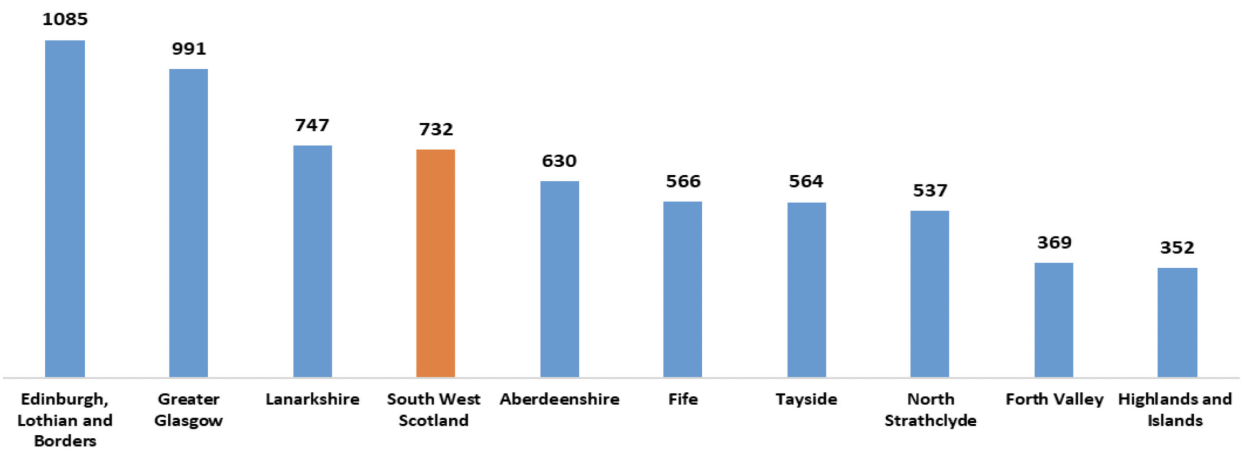


Until last year, the number of Registered Sex Offenders managed under MAPPA in South West Scotland on 31 March had, since 2009, continued to increase at an average annual rate of around 6% each year. However last year, and almost certainly as a result of the delays in the justice process caused by the restrictions imposed to manage the pandemic, the number of people placed under Sex Offender Notification Requirements fell by 32, equating to a 4.6% reduction on the previous year. As predicted, this year, the number of Registered Sex Offenders managed under the arrangements increased to 732, amounting to a 10.7% increase, effectively returning to the previous upward trajectory of approximately 6% per annum increase.

No of RSOs in South West Scotland as at 31st March each year



No of RSOs in each area as at 31/3/22



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, Offenders who pose a risk of Serious Harm to the community, Restricted Patients, Registerable Terrorist Offenders and other Potentially Dangerous Persons. ViSOR allows 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 following graph is based on information drawn from ViSOR and provides a comparison between areas in Scotland.

In addition to ViSOR, MAPPA partners use their own local systems to record information relevant to their involvement in the MAPPA process, and make use of a variety of methods to share information formally at MAPPA meetings and in between meetings via email, phone and face to face, or most commonly since the pandemic, via Microsoft Teams meetings. The governance of these arrangements have historically been documented through regional Memoranda of Understandings (MOU), underpinned by Information Sharing Agreements.

ViSOR is the primary recording system used

by Police forces in relation to MAPPA groups across the United Kingdom, and acts as a means by which Police forces can access all relevant information about individuals, including information from MAPPA partners, in one place. Police Scotland use ViSOR as the primary recording system for MAPPA and they have historically supported partners to access ViSOR via their network. Over the past year there have been challenges around digital security and information sharing in relation to ViSOR. National discussions are ongoing to find a resolution to the challenges experienced, but it is important to highlight that appropriate and proportionate information sharing to keep communities safe continues to take place. Moreover, in South West Scotland we have in place a current Memorandum of Understanding and an associated Information Sharing Agreement. In addition, all four local authorities and all relevant staff have signed the Police Security Operating Procedure document.

It is accepted by all MAPPA partners that personal data can be lawfully shared under data protection legislation for MAPPA purposes. However, Police Scotland has identified risks in relation to the security of the current arrangements, with proposals under consideration around how, when and with whom information may be shared. These proposals, if implemented, will change established information sharing practices.

Discussions in relation to this complex issue are ongoing and it is hoped that an agreement may be reached that will meet the needs of both Police Scotland and partners in respect of the use of ViSOR and the sharing on the information contained within it.

## 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.

### 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.

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 is provided below.

In our area, there are four Chief Officers Groups operating within the respective local authorities; Dumfries and Galloway, East Ayrshire, North Ayrshire and South Ayrshire. Dumfries and Galloway also operates a Public Protection Partnership, within which the Public Protection Committee incorporates the previous responsibilities of the Child Protection Committee, Adult Protection Committee, Domestic Abuse and Violence against Women and Girls Partnership. The 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.



## 9. THE RESPONSIBLE AUTHORITIES

### HEALTH: RESTRICTED PATIENTS

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

Currently there is no secure adolescent inpatient 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 need to travel to England to receive care, or perhaps receive a service that is designed for adults rather than children. Foxgrove, the new 8 bed National Secure Adolescent Inpatient Service based at Irvine Central Hospital aims to meet that need and provide a dedicated and appropriately skilled multidisciplinary healthcare team to deliver the level of care that these young people deserve, closer to home. It is possible that some of these young people will fall under categories that require MAPPA management.

### HEALTH BOARDS

Dumfries and Galloway Health Board and Ayrshire and Arran Health Board have each

nominated a single point of contact for MAPPA in South West Scotland. The single point of contact, who is a senior manager within the Health Board, either Chairs the MAPPA meetings for restricted patients or attends all level 3 MAPPP meetings for Category 1 or 3 offenders. All restricted patients have a Mental Health Officer (MHO) and a Responsible Medical Officer (RMO) with specific responsibilities in relation to the case. They attend MAPPA meetings, alongside other persons from the clinical team, Housing Services or any other agency that might be 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 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 are subject to be recalled to prison at any time if they breach the terms of their licence. Parole is only granted where the Parole Board is satisfied that the risk presented by the person can be managed in the community. The Parole Board for Scotland 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 are recalled or are seeking re-release following recall.

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

Some individuals have Extended Sentences

which means that they are given a custodial part and an extended part of sentence by the court. A person sentenced to 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 those people. Where someone in the community is subject to no other form of statutory supervision, then the police assume the role of lead responsible authority for that person. This includes sharing the responsibility for assessing all registered sex offenders, within the community. The assessment is carried out by officers working within the 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 other risk 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; and
- Supervision of post-custodial licences.

Whilst public protection and the risk management of registered sex offenders is a core objective of Justice Social Work Services, the primary aims of Justice Services are resettlement and rehabilitation. Justice Services have responsibility for the risk assessment and management of all registered sex offenders subject to community supervision. The Irving Report recommended that when the risk assessment was undertaken on a registered sex offender, this should be done jointly with the police; the police should be notified of any change to the risk assessment, and at the end of supervision another risk assessment should be undertaken.

All persons leaving custody are entitled to apply for voluntary aftercare up to 12 months after leaving custody. National Objectives and Standards for Justice Services 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 still be managed under the MAPPA for the registration period.

### CHILD PROTECTION

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

### ADULT SUPPORT AND PROTECTION

The Adult Support and Protection (Scotland) Act 2007 provides measures to support and protect adults who are seen to be at risk of harm, be it physical or psychological harm, neglect, sexual abuse or financial exploitation. The Act places a duty on local authorities to make the necessary inquiries and investigations to establish whether or not further action is required to stop or

prevent harm occurring, and also a requirement for specified public bodies to co-operate with local authorities and each other about adult protection investigations. Where appropriate, Adult Protection legislation will be utilised to protect any adults identified during the MAPPA process as being at risk of harm. It must be remembered that the person subject to the arrangements may be an adult at risk.

## 11. DUTY TO CO-OPERATE AGENCIES

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

### HEALTH BOARDS

Whilst Health Boards are a Responsible Authority in respect of restricted patients, they have a duty to co-operate in 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 (GP's), outpatient or inpatient attendance at District General Hospitals. This will

also include, for a few individuals, contact with Mental Health Services where people receive treatment voluntarily or under the Mental Health (Care and Treatment) (Scotland) Act 2003, or for example. Addiction Services. Where a person has contact with the Health Service, 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 the 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 person's offending behaviour, employment, family commitments and so on. If it is identified that the person 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 people 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 the South West Scotland area, 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.

## 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 commit a further sexual offence, causes some other form of serious harm or, where as a result of their status as a registered sex offender, the person themselves become the victim of serious crime, the MAPPA SOG must review the management of that person in order to identify any learning points that may 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 learning. The level of review undertaken is determined by the nature and seriousness of alleged further offending. The review process employed by the South West Scotland Strategic Oversight Group involves peer scrutiny of such cases by personnel from another local authority. Although challenging to administer, this system has been very successful and provides reassurance to the SOG that standards within the four local authorities are consistent and high. It should be noted that the 2022 MAPPA Guidance has significantly increased the threshold for a Significant Case Review, however work is underway locally to set

our threshold at a lower level in order to capture learning from less serious incidents and 'near miss' scenarios.

## 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 four ways:

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

Decisions are made carefully on a case-by-case basis 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.



## 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 of some description. 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, enforceable measures necessary.

### CIVIL PREVENTATIVE ORDERS

Currently in Scotland, we have four Civil Orders at our disposal. If people fail to comply with the

restrictions provided by these orders, they will be arrested and can be returned to prison. The orders are:

- Sexual Offences Prevention Order (SOPO) - this places restrictions (such as approaching or communicating with children) on the behaviour of the person;
- Risk of Sexual Harm Order (RSHO) - designed to protect children (under 16) from those who display inappropriate behaviour towards them;
- Notification Order – used when a person who has been convicted of a relevant sexual offence abroad comes to live in the United Kingdom. The person is then listed on the Sex Offenders Register; and
- Foreign Travel Orders (FTOs) – the Police can apply for a Foreign Travel Order to prevent convicted offenders from committing further sexual offences either in this country or against those abroad. These orders can either ban travel to specific countries or they can be more wide-ranging, banning all overseas travel.

## 13. MAPPA IN OPERATION: CASE STUDIES

It is never possible to predict the future behaviour of any person with complete certainty, however at present, every person included under MAPPA within South West Scotland has been convicted of a sexual offence and are subject to registration requirements or they are classified as a restricted patient, an Other Risk of Serious Harm Offender or Potentially Dangerous Person.

Past behaviour is one indicator of potential future behaviour. Nonetheless, some people will never be convicted again, whilst others might commit another offence at any time. By compiling a risk profile of an 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 person:

### EXAMPLE ONE

Mr A was convicted of possessing and distributing indecent photographs of a child and of several charges of lewd and libidinous conduct with a child. He was sentenced to serve a two year custodial sentence, indefinite registration requirements and an indefinite Sexual Offences Prevention Order (SOPO). The SOPO contained numerous conditions prohibiting any unsupervised contact with children and young people and restricting his access to the internet, in particular to content relevant to persons under the age of sixteen.

A MAPPA Level 2 referral was submitted prior to Mr A's release from prison and a MAPPA meeting was convened to share information, assess the risks that Mr A posed and to develop a multi-agency risk management plan to manage the identified presenting risks. Mr A was assessed as posing a 'High Risk of Serious Harm' and it was decided that he would continue to be managed

at MAPPA level two. Following his release he failed to attend his first appointment with Criminal Justice Social Work Services and, although he attended subsequent appointments, his response to supervision was assessed as superficial. During the period of monitoring and supervision in the community, information was received and shared that the subject had breached the conditions of his SOPO by attending a local library and using the internet to access sites relative to persons under the age of 16 years. Proceedings were quickly initiated against him in respect of the breach of the SOPO and he was immediately detained in custody and subsequently sentenced to a further period of imprisonment with an extended period of post custodial supervision. His SOPO remains in force indefinitely and his activities will continue to be monitored by the responsible authorities and duty to co-operate agencies under the MAPPA structure, whilst residing in the community.



## EXAMPLE TWO

Mr B had not been convicted of a sex offence, however he has been reported to the Procurator Fiscal for several offences, which subsequently, were either not processed through the Criminal Justice system or for which he had been acquitted following trial. All the offences pertained to crimes against children or were related to his attempts to unlawfully gain access to children through various means for the purpose of pursuing unlawful sexual activity. However, due to the absence of a conviction for a notifiable offence, he was not required to register as a sex offender and thus none of the responsible authorities had sufficient powers to restrict his activities and protect the public.

The offences, when viewed collectively, clearly showed that Mr B had embarked on a deliberate course of action to gain unrestricted access to children in order to have unlawful sexual activity with them. Therefore, the Police requested that an order to protect the public and in particular children, the subject should be prohibited from having any

unsupervised contact with children under 16 years of age. The Risk of Sexual Harm Order (ROSHO) was applied for and granted.

Once the ROSHO was in place, the Police continued to monitor his activities as a non-registered sex offender and his details were placed on ViSOR. Mr B's behaviours clearly illustrated his intention to target children and put himself in positions in order to gain access to them. The ROSHO prohibits Mr B having any contact with male children under the age of sixteen, unless unintentionally, and further enables the Police to monitor Mr B's activities, using various robust measures in partnership with other agencies, such as Housing, Criminal Justice Social Work and Health who have contact with Mr B. A breach of a ROSHO is a criminal offence for which the maximum penalty is a five year custodial sentence. The breach itself constitutes a notifiable offence and thus should Mr B breach the order, he would be required to register for the duration of the ROSHO.

## EXAMPLE THREE

Person C was referred into MAPPA as a Level 2 case prior to their release from custody. Person C is an opportunistic offender, having committed both sexual and violent offences which required multi-agency management. Person C demonstrated a strong dislike of Police and anybody considered to be an authoritarian figure, refusing to cooperate and engage with any of the risk assessments processes prior to release from custody. Person C was encouraged to complete a homeless application prior to release, however Person C refused to cooperate stating that they previously lived a nomadic lifestyle. The multi-agency meeting discussed that encouraging Person C to accept support and a tenancy would be a beneficial risk management tool in reducing their risk. Through excellent partnership working and support for Person C, they were able to complete a homeless application and on release moved into temporary

accommodation. It was agreed by agencies, that housing support, provided by a third sector agency would be crucial in providing support to Person C. Housing support were able to build a rapport with Person C, gaining an insight into their history, their likes, dislikes and daily habits. In turn, this aided agencies to understand Person C better and to offer a more tailored management approach to ensure engagement continued. Agencies were unsure if Person C would be able to maintain this tenancy and remain offence free on release. Person C was able to be reduced from a MAPPA Level 2 case to a Level 1 as a result of the stability and support provided by Housing colleagues, reduction in risky behaviours such as alcohol misuse, and the continued relationship building between Person C, Police Scotland and Criminal Justice Social Work.

## WHAT WE HAVE ACHIEVED SINCE THE LAST ANNUAL REPORT

During the entire time since the last Annual Report was published, staff have been required to work within the constraints of the continually evolving restrictions necessary to control the spread of Coronavirus. The use of a secure online video conferencing application has proved highly successful and has allowed MAPPA meetings to take place securely whenever required. People subject to the arrangements have been visited whenever it was felt necessary and risk assessment and the free flow of highly confidential information has continued without interruption.

The continuing development of the arrangements in South West Scotland has been driven by a series of three year plans. The plans have identified the Strategic Goals that the SOG wishes to achieve. It then falls to the MOG to drive the work that will lead to these goals being achieved. In the past this was done through four separate work streams. However, during the planning of the 2021-24 plan, the effectiveness of the Work Stream model was reviewed and it was decided that, rather than operating predetermined work streams, it would be better to create ad hoc short life working groups as directed by the SOG to take forward any necessary pieces of work. The work achieved by these ad hoc short life working groups will be reported on in the next Annual Report.





# 14. MAPPA ADMINISTRATION REVIEW

In line with its duties under section 11(1) of the Management of offenders Etc. Scotland Act 2005, the South West Scotland MAPPA Strategic Oversight Group (SOG) requested a review of the Administration of MAPPA in the region to determine if the current arrangements and staffing levels are sufficient for the work required to be completed.

## BACKGROUND

The South West Scotland MAPPA area consists of four local authorities, two Police Divisions and two Health Boards. The area also has two Prisons: HMP Dumfries and HMP Kilmarnock, a private low security psychiatric clinic that takes restricted patients from across the UK and a similar NHS low security facility that also houses restricted patients from within South West Scotland and beyond. In the near future, the New National Secure Adolescent Inpatient Service 'Foxgrove', will open at Woodland View in Irvine which may create additional work for the MAPPA office in Ayr due to the potential for an increase in the number of RSOs and restricted patients being managed in the area.

There have been indications that there may be further additional work required from MAPPA Administration staff in the future. A new Adolescent Unit is opening within North Ayrshire where there could potentially be new cases for MAPPA, resulting in more meetings being required. Multi Agency file audits must be completed which require administration support to arrange and collate information.

Over the last 13 years, the number of registered sex offenders managed by MAPPA in South West Scotland has grown every year, with an average rate of growth of around 6%. Last year, and almost certainly as a result of Covid-related delays in the courts systems, the number of offenders reduced by 3.7%. However, this year the growth trend has resumed as before with a 9.7% increase in year 2021/22. We now manage a total of 732 registered sex offenders. As a consequence of the above, the SOG has authorised an additional post of Clerical Officer for the MAPPA Office in Ayr

Following review and taking into account the factors around current and predicted workload of the MAPPA office and the complexity of South West Scotland arrangements an enhanced MAPPA administration structure was agreed and is in the process of being implemented.

This will support with the functions of the MAPPA office, which are to:

- Act as point of contact for all agencies;
- Gate keeping for all MAPPA notifications and referrals;
- Challenge and/or support decisions;
- Arrange MAPPA meetings;
- Ensure appropriate attendance at MAPPA meetings; and
- Record statistics and evidence all MAPPA work with a view to carry out analysis and audit.

The widespread use of Microsoft Teams now means that the issues around distances are no longer valid as MAPPA meetings can be routinely conducted virtually from anywhere, with no need for the administration support to physically attend.

## MAPPA RESEARCH

For a number of years, the SOG has sought to identify ways to use the data we collect to establish the effectiveness of the arrangements. It is clear from figures published by the Scottish Government around reconviction rates that MAPPA works well. In 2018/19 the reconviction rate within one year for general offending in Scotland was 28.3%, representing an average for each offender of 0.5%. In Dumfries and Galloway the rate was 30%, in East Ayrshire 26.8%, in North Ayrshire 26%, and in South Ayrshire 31%.

For sex offenders the reconviction rate across Scotland was 1.8%, meaning the rate amounted to 0.16% per offender within a year. What is less clear is exactly why that should be the case, particularly in relation to the following questions; what is it we do that is so effective and are we doing anything that is less effective or even counterproductive. The Performance sub group has sought to address these issues for some years and has, over time tried various ways to answer these questions. As a consequence, it has become apparent that questions of such complexity require the involvement of academics to provide answers. As a result, Professor Beth Weaver of Strathclyde University was asked to consider these questions. Professor Weaver has developed a research proposal which was submitted to the SOG for consideration, with a decision about whether to proceed expected in 2022-23.





# 15. TRAINING

## LUCY FAITHFUL FOUNDATION

The Lucy Faithful Foundation is the only UK-wide child protection charity dedicated solely to preventing child sexual abuse. They work closely with frontline staff and professionals such as Police Officers, Social Workers and Education staff to ensure children are as safe as they can be. In November 2021 and March 2022, Mike Sheath of The Lucy Faithful Foundation delivered training to Multi-Agency audiences in both Dumfries and Kilmarnock around internet offenders, what motivates these offenders and how best to engage with them to prevent further offending. Feedback from attendees indicated that the training was considered very relevant and useful.

Mike Sheath from the Lucy Faithful Foundation providing training to a Multi-Agency Audience.



## THE THREE SISTERS CONSULTANCY

Over February and March 2022, MAPPA partners were given the opportunity to participate in a series of online training events delivered by the Three Sisters Consultancy and funded by North Ayrshire Council. The Three Sisters Consultancy are a family based organisation that supports

Health, Social Care and Education staff to think differently about how they engage with people who suffer from Autism. The uptake of this training across all MAPPA partner agencies was excellent and the feedback received makes it clear there was and remains a need for such inputs. We hope to develop an ongoing relationship with the Three Sisters to enhance the capacity of all agencies to adapt their practice so to engage more effectively with those on the autistic spectrum.

## REWARD FOUNDATION

In March 2022, Dr Darryl Mead and Mary Sharpe from the Reward Foundation delivered a presentation to a Multi-Agency audience in both Dumfries and Kilmarnock on the effects which the viewing of online pornography can have on people, particularly young people. This training was well received and highly valued.

## MAPPA CHAIRS TRAINING

As highlighted in the previous Annual Report, there is a need for MAPPA level 2 and level 3 Chairs to have an understanding of current risk assessment processes and risk practice. While those MAPPA Chairs who deal with such work on a daily basis are highly competent, other MAPPA Chairs, particularly at level 3, who are all Senior Officers and largely removed from the operational practice. As a result, the SOG has requested that Professor Hazel Kemshall, emeritus professor of Criminal Justice at de Monfort University who is generally held to be the architect of MAPPA, be approached to deliver training to our level 2 and 3 Chairs, and planning for this is underway.

# 16. SOUTH WEST SCOTLAND MAPPA GOING FORWARD

## COVID-19

At the time of writing, Covid-19 infections are increasing. Thankfully, as a result of the vaccination programme, hospital admissions are not showing a corresponding increase. Nonetheless, people are still becoming unwell and having to stay off work. Hybrid working, which has become the norm in recent years, is almost certainly going to continue as the virus moves from pandemic to become endemic.

## POLICE INFORMATION SHARING

As noted in the report there are ongoing discussions at a National level in respect of ViSOR and Information Sharing practice currently and into the future. South West Scotland MAPPA will continue to engage in these discussions at every opportunity and work toward achieving a solution that works for all, but most importantly one that helps us to effectively and safely manage people and keep communities safe.

## CAPACITY

As seen from the statistics presented within this Report, the number of persons being placed under Sex Offender Notification Requirements has increased on an average of around 6% each year, for the past 13 years. It should also be noted that the Scottish Government is actively considering the inclusion of offenders who have committed offences relating to terrorism under the umbrella of MAPPA. This, compounded by the significant reduction in the threshold for inclusion in Category 3 Other Risk of Serious Harm Offenders, has the potential to push the number of individuals being managed under MAPPA to a point beyond our current capacity to deal with them.

## 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. We will monitor the impact of this when it becomes operational in practice.

# 17. APPENDIX: SOUTH WEST SCOTLAND MAPPA STATISTICS 2021/22

TABLE 1: REGISTERED SEX OFFENDERS

| REGISTERED SEX OFFENDERS (RSO'S)  | NUMBER              |
|---|---------------------|
| a) Number of Registered Sex Offenders:  | 732                 |
| 1) At liberty and living in your area on 31st March :   | 531                 |
| 2) Per 100,000 of the population on 31st March:   | 142                 |
| b) The number of RSO's having a notification requirement who were reported for breaches of the requirements to notify between 1 April and 31 March: | 60                  |
| c) The number of "wanted" RSOs on 31st March:   | reported nationally |
| d) The number of "missing" RSOs on 31st March:  | reported nationally |

TABLE 2: ORDERS APPLIED AND GRANTED IN RELATION TO RSO'S

| THE NUMBER OF:   | GRANTED BY THE COURTS |
|--|-----------------------|
| a) Sexual Offences Prevention Orders (SOPO'S) in force on 31 March                   | 84                    |
| b) SOPO'S granted by courts between 1 April & 31 March                               | 21                    |
| 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 | 11                    |
| 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        | 1                     |

TABLE 3: REGISTERED SEX OFFENDERS

| REGISTERED SEX OFFENDERS (RSO'S)   | CUSTODY AT LIBERTY TOTAL |     |                     |
|--|--------------------------|-----|---------------------|
| a) Number of RSOs managed by MAPPA level as at 31 March:   | 201                      | 531 | 732                 |
| 1) MAPPA Level 1:  | 159                      | 515 | 674                 |
| 2) MAPPA Level 2:  | 36                       | 15  | 51                  |
| 3) MAPPA Level 3:  | 6                        | 1   | 7                   |
| b) Number of Registered Sex Offenders convicted of a further group 1 or 2 crime between 1st April and 31st March:  |                          |     | 11                  |
| 1) MAPPA Level 1:  |                          |     | 9                   |
| 2) MAPPA Level 2:  |                          |     | 2                   |
| 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):                               | 8                        | 4   | 12                  |
| 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:                                |                          |     | 160                 |
| g) Number of RSO's subject to formal disclosure:   |                          |     | 0                   |

TABLE 4: RESTRICTED PATIENTS

| RESTRICTED PATIENTS (RPS):  | NUMBER | TO BE REPORTED AS:  |
|---|--------|---|
| a) Number of RPs  |        |   |
| 1) Living in your area on 31 March  | 19     | 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                          | 19     | 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) Number within hospital/community as at 31 March:                       |        |   |
| 1) State Hospital   | 7      | 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:   |        |   |
| 3) Community (conditional discharge)                                      | 9      |   |
|   | 3      |   |
| c) Number managed by MAPPA Level as at 31 March                           |        |   |
| 1) MAPPA Level 1  | 17     | Number reported for a) 1) above broken down into MAPPA Levels.  |
| 1) MAPPA Level 2  |        |   |
| 1) MAPPA Level 3  | 2      |   |
| d) Number of RPs recalled by Scottish Ministers during the reporting year |        | 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:   | 7          |
| 2) MAPPA Level 3:   | 2          |
| 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)                 | 1          |
| 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 | 7          |

TABLE 6: DELINEATION OF RSO’S BY AGE ON 31ST MARCH:

| AGE      | RSO NUMBER | RSO PERCENTAGE |
|----------|------------|----------------|
| Under 18 | 1          | 0.14           |
| 18-21    | 11         | 1.50           |
| 22-25    | 44         | 6.01           |
| 26-30    | 79         | 10.79          |
| 31-40    | 145        | 19.81          |
| 41-50    | 120        | 16.39          |
| 51-60    | 168        | 22.95          |
| 61-70    | 112        | 15.30          |
| over 70  | 52         | 7.10           |
| Total    | 732        | 100            |

TABLE 7: DELINEATION OF POPULATION OF RSO’S ON 31ST MARCH:

| SEX       | RSO NUMBER | RSO PERCENTAGE |
|-----------|------------|----------------|
| a) Male   | 722        | 98.6           |
| b) Female | 9          | 1.23           |
| c) Other  | 1          | 0.14           |
| Total     | 732        | 100            |



TABLE 8: DELINEATION OF RSO’S BY ETHNICITY ON 31ST MARCH:

| ETHNIC ORIGIN  | RSO NUMBER | RSO PERCENTAGE |
|--|------------|----------------|
| White Scottish   | 563        | 76.91          |
| Other British  | 116        | 15.85          |
| Irish  | 8          | 1.09           |
| Gypsy Traveller  |            |                |
| Polish   | 1          | 0.14           |
| Other White Ethnic Group                                 | 14         | 1.91           |
| Mixed or Multiple Ethnic Group                           |            |                |
| Pakistani, Pakistani Scottish or Pakistani British       | 2          | 0.27           |
| Indian, Indian Scottish or Indian British                | 2          | 0.27           |
| Bangladeshi, Bangladeshi Scottish or Bangladeshi British |            |                |
| Chinese, Chinese Scottish or Chinese British             |            |                |
| Other Asian  | 1          | 0.14           |
| African, African Scottish or African British             | 1          | 0.14           |
| Other African  |            |                |
| Caribbean, Caribbean Scottish or Caribbean British       |            |                |
| Black, Black Scottish or Black British                   |            |                |
| Other Caribbean or Black                                 |            |                |
| Other Ethnic Group - Arab, Arab Scottish or Arab British |            |                |
| Other Ethnic Group - Other                               | 1          | 0.14           |
| Subject Declined to Define Ethnicity                     |            |                |
| Subject Does Not Understand                              |            |                |
| Not Known  | 8          | 1.09           |
| Data Not Held  | 15         | 2.05           |
| Total  | 732        | 100            |

TABLE 9: NUMBER OF RSO’S MANAGED UNDER STATUTORY CONDITIONS AND/OR NOTIFICATION REQUIREMENTS ON 31ST MARCH:

|   | RSO NUMBER | RSO PERCENTAGE |
|---|------------|----------------|
| a) On Statutory supervision:                  | 210        | 28.69          |
| b) Subject to notification requirements only: | 522        | 71.31          |
| <b>Total</b>                                  | <b>732</b> | <b>100</b>     |



# 18. GLOSSARY OF TERMS

**Absconded (restricted patient);** absconding is defined as an occasion when a restricted patient is absent without authority.

**CPA:** Care Programme Approach; a process which organises 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.

**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.

**CPO:** Community Payback Order – was introduced via the Criminal Justice and Licensing (Scotland) Act 2010 to replace Probation, Community Service and Supervised Attendance Orders

**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 any 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. The 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 of Work and Pensions.

**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 Orders - 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.

**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. 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.

**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. (Level 3)

**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.

**MOG:** The MAPPA Operational Group (MOG) consist of operational managers from all partner agencies. The MOG meets quarterly and deals with any operational issues that have arisen since its last meeting.

**NASSO:** The 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 2/3 of custodial sentence.

**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 judgement on whether an OLR should be imposed. Further information can be found on the Risk Management Authority website.

**Parole Licence:** offenders serving four years or more can apply for parole when they have served half of their custodial sentence. The Parole Board for Scotland consider application for early release which includes reports from community social worker, prison based social worker, Personal Officer (SPS), etc.

**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 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.

**RMO:** the Responsible Medical Officer.

**SOG:** Strategic Oversight Group. The group that are responsible for the MAPPA in their respective areas. The SOG meets quarterly and consist of Senior Officers from all of the Responsible Authorities.

**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 will require the subject to register as a sexual offender and can include conditions, for example to prevent the offender loitering near schools or playgrounds. 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.

**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, Community Payback Order, Probation Order, and Community Service Order.

**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.

**ViSOR:** Violent and Sex Offenders Register.

**Wanted:** An RSO 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.





**THANK YOU**

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