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JUSTICE

National Offender
Management Service

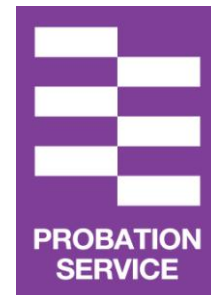


UPDATES to MAPPA Guidance 2012

Version 4



ASSOCIATION OF
CHIEF POLICE OFFICERS



Produced by the National MAPPA Team
National Offender Management Service
Offender Management and Public Protection Group

Introduction

This document consists of the latest MAPPA guidance updates. The purpose is to have collated information in an accessible way released to a specific timetable to replace ad hoc email updates.

In the near future we plan to develop a national MAPPA website where the MAPPA Guidance and associated documents can be updated in real time. Until this platform is created we will issue updates in a collective format which will cover chapter updates, useful information, a pre warning re upcoming changes and document set updates.

We hope that you find this useful and would be grateful for you to make sure that your colleagues in the MAPPA community are made aware of these updates.

OVERVIEW OF CHAPTER UPDATES

Chapter	Changes
6. Identification and Notification of MAPPA Offenders	<ul style="list-style-type: none">• Please see attached amended introduction to Chapter 6 Identification and Notification of MAPPA Offenders
10. Disclosure	<ul style="list-style-type: none">• Please see attached amended Chapter 10 Disclosure
26. Mentally Disordered Offenders and MAPPA	<ul style="list-style-type: none">• Please see attached amended Chapter 26 Mentally Disordered Offenders and MAPPA
Appendix 4. Offences specified in Schedule 15 to the Criminal Justice Act 2003	<ul style="list-style-type: none">• Please see attached amended list of Schedule 15 offences. Amendments have been made to 57, 58, 59, 63A and 143A.
MAPPA Document Set	<ul style="list-style-type: none">• Please see attached amended MAPPA G and MAPPA Q forms in line with the revised guidance in Chapter 6

USEFUL INFORMATION

- **MAPPA Documents and N-Delius**

No MAPPA paper work should be saved to N-Delius. This includes referrals and completed MAPPA minutes. Documents may be saved in protected sections of local secure networks but not on N-Delius itself, as this is a probation case management system which can be accessed by a number of people, including partners. It is not designed for multi-agency documents which support MAPPA. MAPPA minutes should be saved onto ViSOR.

We are currently looking at developing a MAPPA website which will allow guidance and document templates to be updated and accessed. The national MAPPA team will keep MAPPA Coordinators informed of progress.

- **Lead Agency Role in ViSOR**

The lead agency for MAPPA is the agency with the statutory authority and responsibility to manage a MAPPA offender. This management will involve appropriate information-sharing in order to properly identify risk. The lead agency will have primary responsibility for referring the offender to Level 2 or Level 3 MAPPA management or for continuing management at Level 1. This means that when the offender is subject to statutory supervision by the NPS, probation will be the lead agency. Where registered sexual offenders (Cat 1) and RTOs subject to part 4 notification requirements (Cat 2) are subject to supervision by the NPS, probation will be the lead agency until the supervision period expires. Once the statutory supervision has terminated, the police will then become the lead agency. All staff involved in the case should be aware of who the lead agency is. Please see MAPPA Guidance 2012 version 4 section 1.38.

- **Forced Marriage**

Forcing someone to marry against their will is now a criminal offence. The Anti-Social Behaviour, Crime and Policing Act was introduced in 2014. The Act criminalises Forced Marriage and also the breach of a Forced Marriage Protection Order (FMPO). The Home Office announced the legislation on 16 June 2014. The new offence of forcing a person to marry against their will carries a maximum of seven years imprisonment. Forced Marriage Protection Orders can already be made in a civil court against any individual suspected of trying to force an individual into marriage. From 16 June, breach of a FMPO carries a maximum penalty of five years imprisonment and/or an unlimited financial penalty.

The following link will take you to the Home Office announcement on the Government website:

<https://www.gov.uk/government/news/forced-marriage-now-a-crime>

These new offences are not Schedule 15 offences and so registration under MAPPA will be on a discretionary basis under category 3.

- **Domestic Violence Disclosure Scheme**

On 8 March 2014, the Domestic Violence Disclosure Scheme was implemented across England and Wales. Under the scheme an individual has the 'right to ask' about a new or existing partner and an agency is able to apply for disclosure if the agency believes that an individual is at risk of domestic violence from their partner

The following link to the government website gives more information about the scheme and other information in relation to domestic abuse:

<https://www.gov.uk/domestic-violence-and-abuse#domestic-violence-disclosure-scheme>

- **MAPPA KPI Returns 2014-15**

The process for submitting completed MAPPA returns has been amended following TR as follows.

The NPS has introduced Performance and Quality Teams in each Division. The MAPPA Coordinator for each MAPPA SMB will need to forward their returns to their Division's Performance and Quality Team who will be responsible for ensuring that the MAPPA KPIs are uploaded onto the NOMS performance hub. This process is as previously with the role of Trust Information Staff being supplanted by NPS Performance and Quality Teams.

Contacts for Further Information:

For policy advice and any queries relating to the KPIs themselves, and queries relating to operational variations within local MAPPA partnerships and how these may potentially affect KPIs, please contact: MAPPA@noms.gsi.gov.uk

For technical issues relating to the completion of the proforma, upload of data onto the NOMS Performance Hub and data analysis queries, please contact: hubprobation@noms.gsi.gov.uk

Any problems please email the MAPPA Inbox (mappa@noms.gsi.gov.uk)

- **Exemption from the Housing Benefit Shared Accommodation Rate for MAPPA offenders**

We have been contacted by the Department for Work and Pensions (DWP) due to a number of concerns raised by Local Authorities about the exemption from the shared accommodation rate for MAPPA offenders.

As you are aware, a process was put in place for lead agencies within MAPPA to complete a proforma when the criteria for meeting the exemption have been met and then send to the designated single point of contact within the relevant Local Authority.

DWP have advised us that there are some instances where the procedure isn't being followed and Local Authorities are not always being notified when a MAPPA offender meets the criteria for this exemption. This has caused some difficulties getting verification of the MAPPA category, resulting in delays in benefit payments and there have been some cases where an exemption has been incorrectly removed by the Local Authority.

The process is covered in Chapter 3 of the MAPPA Guidance 2012, which states:

3.55 The exemption from the shared accommodation rate will apply to level 2 and 3 MAPPA offenders who are aged 25 to 34 and who live in a self-contained property.

3.58 A proforma (MAPPA P) must be completed by the lead agency within MAPPA where the criteria for meeting the exemption have been met. MAPPA P should then be sent to the Chief Internal Auditor in the local authority that will deal with the individual's claim for housing benefit, preferably via secure email. This personal and sensitive data must be kept confidential and the Data Protection Act 1998 must be complied with. It is advisable to make contact before sending any personal information to find out the recipient's email details and ensure that someone is available to take receipt.

3.59 Even if a MAPPA level 2 or 3 offender is re-assessed, this exemption will continue to apply for MAPPA offenders unless the offender obtains new accommodation. It is advisable to issue a new MAPPA P on a change of address, and this is particularly important where the move entails a different local authority dealing with the individual's housing benefit claim.

During our discussion with the DWP it was agreed that any offender managed at MAPPA level 2 or 3 would continue to be exempt from the shared accommodation rate as long as they are still managed under MAPPA, even if they are subsequently re-assessed as level 1. As such, once an exemption has been granted it should not be removed until the offender no longer qualifies for MAPPA management (i.e. when their period of registration or licence expires or when they are discharged from their hospital or guardianship order).

Offender Managers should ensure that a MAPPA P is completed and sent to the Local Authority for all eligible offenders, i.e. those who are MAPPA levels 2 or 3 (or were previously at these levels but are now managed at level 1). It is particularly important that a new MAPPA P is issued if the offender changes address to ensure that the Local Authority is aware of the exemption as the offender may have moved into a different authority, but also to confirm with the existing authority that the exemption continues to apply in these cases.

Local Authorities should not remove an exemption if they become aware that an offender is MAPPA level 1 without first checking with the Offender Manager that they still meet the criteria. DWP will be refreshing their guidance along similar lines to ensure all Local Authorities are aware of the correct procedures.

CHAPTER 6. IDENTIFICATION AND NOTIFICATION OF MAPPA OFFENDERS

Introduction

6.1 This chapter establishes the requirements for the Responsible Authority to ensure that statutory obligations for identifying all MAPPA offenders immediately after sentence are fulfilled and that the MAPPA Co-ordination Unit is informed of all MAPPA offenders in the community.

Standard – Every MAPPA offender must be identified in one of the three categories outlined below

Category 1 – Registered sexual offender as specified under Part 2 of the Sexual Offences Act 2003.

Category 2 – Violent Offenders and Other Sexual Offenders:

- (a) An offender convicted (or found not guilty by reason of insanity or to be unfit to stand trial and to have done the act charged) of murder or an offence specified under Schedule 15 of the Criminal Justice Act 2003 (CJA 2003) who received a qualifying sentence or disposal for that offence (see paragraph 6.6 parts A and B) or
- (b) An offender subject to a Disqualification Order for an offence listed under Schedule 4 of the Criminal Justice and Court Services Act 2000 (see paragraph 6.6 part C).

Category 3 – Other dangerous offenders: a person who has been cautioned, reprimanded, warned or convicted of an offence which indicates that he or she is capable of causing serious harm **and** requires multi-agency management at level 2 or 3. The offence might not be one specified in Sch.15 of the CJA 2003.

Please note that:

- (a) The full list of Schedule 15 offences is available at Appendix 4 and (in greater detail) at <http://www.legislation.gov.uk/ukpga/2003/44/schedule/15>.
- (b) Offenders can only be identified in one of the three Categories at a time. Offenders can only be considered for Category 3 if they do not meet the criteria for Category 1 or Category 2. Offenders only fall into Category 2 if they do not meet the criteria for Category 1. However, an offender who ceases to meet the criteria of one Category can be identified in a different category if they meet the relevant criteria. For example an offender subject to a Disqualification Order for an offence listed both in Sch. 3 of SOA 2003 and sch. 4 Criminal Justice and Court Services Act 2000 will move from Category 1 to Category 2 at the expiry of his or her registration period.

Category 1 Offenders: Registered Sexual Offenders (RSO)

6.2 This Category includes offenders required to comply with the notification requirements set out in Part 2 of the Sexual Offences Act 2003 (SOA 2003). These offenders are often referred to as being on the “Sexual Offenders’ Register.”

6.3 A person convicted of, cautioned for, or found to be under a disability and to have done the act charged or found not guilty by reason of insanity for an offence listed in Sch. 3 to the SOA 2003 will become subject to the notification requirements of Part 2 of the Act.

6.4 It is essential that the police are notified in advance of the release or discharge of offenders who will be subject to the notification requirements in the community. There are national arrangements in place to make sure this happens for offenders leaving prison or youth custody, but not for those leaving hospital. The MAPPA Co-ordination Unit must therefore inform the police of any notifications from the mental health services of offenders who are about to be discharged from hospital and who will be in Category 1.

Category 2 Offenders: Violent Offenders and Other Sexual Offenders

6.5 It is important to note that a conviction for *a violent offence in Part 1 or a sexual offence in Part 2* of Sch. 15 of the CJA 2003 does not make the offender subject to MAPPA Category 2 unless he or she receives one of the sentences listed below at **A** in respect of that conviction.

6.6 The following offenders should be included in Category 2:

A. Those convicted of a relevant offence (murder or any of the offences in Sch.15 of the CJA 2003) who receive one of the following sentences:

- Imprisonment for a term of 12 months or more (please note that this includes a sentence of an indeterminate term and cases where the sentence is suspended).
- Detention in youth detention accommodation for a term of 12 months or more (please note that this includes a sentence of an indeterminate term and cases where the sentence is suspended).
- A hospital order (with or without restrictions) or guardianship order. See below for details.

B. Those found not guilty of a relevant offence (murder or any of the offences in Sch.15 to the CJA 2003) by reason of insanity or to be under a disability (unfit to stand trial) and to have done the act charged who receive a hospital order (with or without restrictions).

C. Those subject to a Disqualification Order (DO) imposed under sections 28 to 29A of the Criminal Justice and Court Services Act 2000 (CJCSA 2000). The order disqualifies the offender from working with children. The courts' power to impose DOs was repealed by the Safeguarding Vulnerable Groups Act 2006 (SVGA) and no new ones can be imposed as of June 2013. They have been replaced by a barring scheme run by the Disclosure and Barring Service. Those subject to existing DOs did not have them revoked and they continue to be included in category 2.

6.7 In the majority of cases where sexual offenders attract the serious penalties described above (in paragraph 6.6 parts A, B and C), they will also be liable to registration as a sexual offender and therefore listed as Category 1. However, there are a number of sexual offences listed in Sch.15 of the CJA 2003, which do not attract registration. These are listed in Appendix 8. Furthermore, some sexual offences only attract sex offender registration when specified threshold criteria are met. When an offender is convicted of a schedule 15 sexual offence and receives a disposal listed in paragraph 6.6 parts A, B or C above for that offence but the disposal does not reach the threshold for sex offender registration then the offender will be identified as Category 2.

6.8 Those convicted of sexual offences who have served their sentence before the introduction of sex offender registration in 1997 should not be listed under Category 2 on this basis, nor should those offenders who have completed their period of registration (unless they also have a Disqualification Order). If there are concerns about the risk an offender presents, options for consideration are:

Applying for a Sexual Offences Prevention Order.

Considering whether they meet the criteria for Category 3.

6.9 The legislation is not retrospective and therefore only includes those offenders who have been sentenced (or received a Disqualification Order) since April 2001 or who were serving a sentence for a relevant offence on that date. They remain in Category 2 only for so long as the sentence for that offence or Disqualification Order is current.

Category 3 Offenders: Other Dangerous Offenders

6.10 This Category contains offenders who do not meet the criteria for either Category 1 or Category 2 but who are considered by the Responsible Authority to pose a risk of serious harm to the public, which requires active multi-agency management. For example, it could include offenders under the supervision of probation services or youth offending services on a community sentence or order.

6.11 To register a Category 3 offender, the Responsible Authority must establish that:

(a) the person has either:

a conviction for any offence (current or historic, within the UK or abroad); or

received a formal caution (adult or young person) or reprimand/warning (young person) for any offence; or

been found not guilty of any offence by reason of insanity; or

been found to be under a disability (unfit to stand trial) and to have done any act charged against him or her;

and

(b) the offence for which they received the disposal in paragraph 6.11(a) above indicates that the person may be capable of causing serious harm to the public.

6.12 Offenders should not be registered as Category 3 unless a multi-agency approach at level 2 or 3 is necessary to manage the risks they present. The current risks do not always have to relate directly to the offence in paragraph 6.11(a) above. Offenders convicted abroad could qualify for Category 3 on this basis.

6.13 In most cases, the offence in paragraph 6.11(a) above will be of a clearly sexual or violent nature, although it need not be listed in Sch. 15 of the CJA 2003. There may, though, be some cases where only an examination of the circumstances surrounding the offence will indicate that the offender may cause serious harm. This may show, for example, a pattern of offending behaviour indicating serious harm (e.g. domestic abuse or gang related violence) or an escalation in risk of serious harm (e.g. deterioration in mental health) that was not reflected in the charge on which the offender was actually convicted .

6.14 Any agency (including, but not limited to, Responsible Authority and Duty To Cooperate agencies) may refer a case for consideration as a Category 3 offender, but it is for the MAPPA Co-ordination Unit, on behalf of the Responsible Authority, to determine whether the offender meets the criteria.

MAPPA Identification and Recording

Standard – Each responsible agency must identify and record MAPPA offenders under their supervision

6.15 The agencies required to identify MAPPA offenders are:

Probation

Police

Prison Service

Youth Offending Teams (YOT)

Mental Health Services

6.16 Each responsible agency must record MAPPA offenders on their internal case management system.

6.17 In order to assist with correct identification, all agencies should have clear case management coding systems or a flagging process in place. This should ensure that both MAPPA Categories and the level of management can be identified easily.

6.18 The purpose of identification is to:

Ensure that offenders are assessed appropriately and the level of required MAPPA management is agreed before their release into the community.

Ensure that accurate data on all MAPPA cases is recorded for the MAPPA annual report and for other information requests, e.g. Freedom of Information requests.

6.19 Identification of MAPPA offenders should be within 3 days of sentence, by the responsible agency.

Standard – All MAPPA offenders must be managed by an identified MAPPA Lead Agency

6.20 All MAPPA offenders must be managed by the Lead Agency in the relevant MAPPA area.

6.21 Pre-release – Where an offender is serving a prison sentence, the Responsible Authority will be identified by the agency managing the case. If there is any dispute over the location of the Responsible Authority this will be determined by the original committing magistrate's court. ViSOR will indicate the officer, agency and area managing the offender.

6.22 Post-release – When an offender is released on licence or discharged from hospital, the Responsible Authority will be identified by the agency managing the case. If the offender is not returning to live in the original area post-release, the location will be determined by:

The transfer policy of the National Probation Service; or

The Young Offender Service transfer process; or

Registration requirements for sexual offenders; or

Discharge arrangements from hospital.

APPENDIX 8. OTHER SEXUAL OFFENDERS

List of offences contained in Sch. 15 of CJA 2003 but not in Sch. 3 of SOA 2003 to be used in identifying Category 2 Other Sexual Offenders.

NB This is not an exhaustive list of offences that could qualify an offender for Category 2. Furthermore, offenders must still meet the criteria set out in paragraph 6.6 of the MAPPA Guidance to be eligible for Category 2.

1	An offence under section 2 of the Sexual Offences Act 1956 (procurement of woman by threats).
2	An offence under section 3 of that Act (procurement of woman by false pretences).
3	An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse).
4	An offence under section 7 of that Act (intercourse with a defective).
5	An offence under section 9 of that Act (procurement of a defective).
6	An offence under section 11 of that Act (incest by a woman).
7	An offence under section 17 of that Act (abduction of woman by force or for the sake of her property).
8	An offence under section 19 of that Act (abduction of unmarried girl under 18 from parent or guardian).
9	An offence under section 20 of that Act (abduction of unmarried girl under 16 from parent or guardian).
10	An offence under section 21 of that Act (abduction of defective from parent or guardian).
11	An offence under section 22 of that Act (causing prostitution of women).
12	An offence under section 23 of that Act (procuration of girl under 21).
13	An offence under section 24 of that Act (detention of woman in brothel).
14	An offence under section 25 of that Act (permitting girl under 13 to use premises for intercourse).
15	An offence under section 26 of that Act (permitting girl under 16 to use premises for intercourse).
16	An offence under section 27 of that Act (permitting defective to use premises for

	intercourse).
17	An offence under section 29 of that Act (causing or encouraging prostitution of defective).
18	An offence under section 32 of that Act (soliciting by men).
19	An offence under section 33 of that Act (keeping a brothel).
20	An offence under section 128 of the Mental Health Act 1959 (c.72) (sexual intercourse with patients).
21	An offence under section 4 of the Sexual Offences Act 1967 (c.60) (procuring others to commit homosexual acts).
22	An offence under section 5 of that Act (living on earnings of male prostitution).
23	An offence under section 9 of the Theft Act 1968 (c.60) of burglary with intent to commit rape.
24	An offence under section 52 of the Sexual Offences Act 2003 (causing or inciting prostitution for gain).
25	An offence under section 53 of that Act (controlling prostitution for gain).
26	An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).
27	An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).
28	An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).
29	An offence under section 61 of that Act (administering a substance with intent).

Disclosure

Introduction

10.1 This chapter deals with:

- Disclosing information to individuals or agencies in respect of a specific offender under MAPPA as part of a Risk Management Plan (“RMP”), and
- The Child Sex Offender Disclosure Scheme.

10.2 For the purposes of the Guidance, **information-sharing** is the sharing of information between all the agencies involved in MAPPA. **Disclosure**, on the other hand, is the sharing of specific information about a MAPPA offender with a third party (not involved in MAPPA) for the purpose of protecting the public. The third party could be a member of the public such as a victim, an employer, a person forming a relationship with an offender, or a person acting in a professional capacity but not party to the MAPP arrangements.

Whether disclosure should be made

10.3 This section summarises the standards applying to the disclosure of information about a MAPPA offender with a third party.

Standard – Disclosure to a third party must be considered for all MAPPA offenders at each review

10.4 The MAPPA Guidance requires the risk assessment of all MAPPA offenders to identify those persons who may be at risk of serious harm from the offender. The RMP must identify how these risks will be managed. As part of this process, the Responsible Authority must consider in each case whether disclosure of information about an offender to others should be made to protect victims, potential victims, staff, and other persons in the community. This applies to all categories and levels of MAPPA cases. The overriding factor is the need to protect the public and safeguard children.

10.5 Some examples of what could be considered are:

- When there is evidence that grooming may be taking place, for example through leisure clubs, churches, employment.
- If there is a condition in a Sexual Offences Prevention Order / licence excluding offenders from a specific location or having contact with named persons.
- Where others may be at risk, for example in supportive accommodation. This may include other service users, but usually it will be staff and managers who are told for placement purposes and for greater vigilance to be exercised.
- Where there is a need to protect past or potential victims, in particular where offenders strike up new relationships with partners who have children or grandchildren. In some cases, this may include friends or neighbours who have children.

- Where the public may be at risk through the offender's employment, training or education.
- In schools and colleges if grooming needs to be prevented. In the case of young offenders, limited and controlled disclosure may be made to school or college staff.
- Where a person may be in a position to actively assist in the risk management of an offender by being briefed about risk factors and scenarios.

Standard – The disclosure decision must be recorded on the case management system (level 1) or in the MAPP meeting minutes (levels 2 and 3)

Level 1 cases

10.6 Cases being managed at level 1 must be reviewed in line with the lead agency's policy. Part of the review will consider disclosure. It is not necessary to inform the MAPP Co-ordinator about disclosure decisions for level 1 offenders, but details must be recorded on the lead agency's system and must be made available if required. A decision to disclose to a third party may result in a referral for level 2 or level 3 multi-agency management.

Level 2 and 3 cases

10.7 The decision whether to disclose to a third party must be considered for all offenders managed at level 2 or 3. This is essential at the initial MAPP meeting and it must be re-assessed at each review MAPP meeting. Where disclosure is not to take place, the reasons must be fully recorded in the MAPP meeting minutes.

10.8 In the event that, after considering the balance of public protection issues and human rights issues, the MAPP meeting attendees cannot agree whether to make disclosure, the agency that holds and owns the information will make the decision. This should be in line with its own policies and should take account of the relevant legislation and other issues in 10.11 to 10.13 below. Any significant concerns should be referred to the Assistant Chief Constable (or the equivalent in the Metropolitan Police) for information as he or she will have to manage any public order consequences resulting from the decision. In other cases, the meeting will agree on disclosure and the relevant agency will carry it out. All this must be fully recorded in the MAPP meeting minutes.

10.9 In cases where the decision is made to disclose information about the offender to the media, or where it includes the release of the offender's photograph to the media, approval is required from a police officer of Assistant Chief Constable rank (or the equivalent in the Metropolitan Police). The police should refer to the ACPO 2010 Guidance on Protecting the Public: Managing Sexual and Violent Offenders for further guidance on this. If a decision is made to disclose to the media, and the offender is under NOMS supervision, the Ministry of Justice Press Office should be informed.

10.10 If the offender is aged under 18, the Youth Justice Board Policy Unit must be informed. Disclosure for children and young people must be handled sensitively, given that they can be particularly vulnerable.

Standard – Disclosure of the details of MAPP offenders to a third party must comply with the law, must be necessary for public protection, and must be proportionate

10.11 There are various areas of law to consider when making a disclosure decision:

- The common law power for the police to share information for policing purposes (for the prevention and detection of crime).
- The Data Protection Act 1998.
- The Human Rights Act 1998.
- The Children Acts 1989 and 2004.
- The Criminal Justice and Immigration Act 2008.

10.12 In relation to the proportionality requirement, the following criteria should be met before disclosing information about an offender to a third party:

- The likelihood and degree of harm which may arise as a result of the disclosure, including the potential impact on the offender, must be assessed. Information should be disclosed only where this is a necessary and proportionate step to protect the public.
- Correct identification of the individual(s) to receive disclosure.
- Alternatives to disclosure must be considered and reasonably rejected as inappropriate or ineffective in all the circumstances. This must be recorded.
- Preparation and discussion with those third parties receiving the information. This includes checking what they already know; checking that they understand the confidential and sensitive nature of the information they are receiving; and checking that they know how to make use of the information, what to do in the event of anything occurring which they need to report, and whom to contact; and how to access support if required.
- An informed decision (via the level 2 and 3 MAPP meeting) about what level of disclosure is required. For example, this might include risk factors but not necessarily an offence history.
- Details of the key triggers for offending behaviour and the requirements for successful risk management, for example, “This is what you need to look out for...” or “if you see X, you need to do Y.”
- Mechanisms and procedures to support both victims and offenders in case there is a breakdown in the process.
- For offenders under 18, their wellbeing and safety must be taken into account. Except for urgent cases, no decision on disclosure should be made unless a senior member of the YOT and of Children’s Services is present. For more information see chapter 23, Children and Young People.

Even in emergency situations, the decision to disclose without the consent of the offender should wherever possible be made on a multi-agency basis. Single agency decision-making about the disclosure of information on offenders is strongly discouraged.

Involvement of the offender

10.13 Consideration must be given to seeking representations from the offender before a decision is made to disclose, in order to ensure that all of the information necessary to make a properly-informed decision is available. Seeking representations should be the norm, but there might be occasions when it is

not possible or safe to seek representations. Circumstances where it is possible that representations would not be sought might include, but will not be limited to, those where:

- seeking representations would risk prejudicing an ongoing or prospective criminal investigation
- seeking representations would give rise to the risk of harm to children/vulnerable people
- seeking representations would give rise to the risk of harm to a new partner
- seeking representations would risk reinforcing grievance thinking on the part of the offender in a way that would increase the risk presented by the offender generally
- seeking representations would involve informing the offender about information that the offender has not provided, and to do so would risk compromising intelligence sources or putting such sources at risk
- disclosure is necessary to avoid an imminent risk of harm and there is insufficient time to seek representations
- it is not possible to trace the offender and it is therefore not possible to seek representations.

Each decision must be considered on its merits, having regard to the individual circumstances of the case. In particular, when considering the risks referred to in this paragraph (or any other risks that might arise on the facts of an individual case), both the level of risk and the potential impact of that risk should be taken into account.

10.14 All decisions on disclosure must be recorded, especially any decision not to seek representations from the offender.

10.15 On occasion, the offender may make the disclosure himself or herself in the presence of the police or the Offender Manager, or may later confirm or verify the content of the disclosure. If representations are not sought from the offender the person receiving the disclosure should be told that the offender does not know that disclosure has been made.

The Child Sex Offender Disclosure Scheme

10.16 In June 2007 the Government published the Review of the Protection of Children from Sex Offenders. Action 4 of the Review resulted in a process which allows members of the public to register a child protection interest in an identified individual who has access to or a connection with a particular child or children.

10.17 If an individual is found to have convictions for sexual offences against children and poses a risk of causing serious harm, there is a presumption that this information will be disclosed to the person who is best placed to protect the child or children, where this is necessary for this purpose.

10.18 This disclosure process (The Child Sex Offender Disclosure Scheme) builds on existing MAPPA procedures and on the provisions of section 327A of the Criminal Justice Act 2003. It provides a clear access route for the public to raise child protection concerns and to be confident that action will follow.

10.19 It is of paramount importance to all involved in delivering this process that children are being protected from harm. By making a request for disclosure, a person will often be registering concerns about possible risks to the safety of a child or children. For that reason, it is essential to this process that police

forces, local authority children's social care and Local Safeguarding Children Boards work closely together to ensure that any possible risks of harm to the child or children are fully assessed and managed.

10.20 The Child Sex Offender Disclosure Scheme was rolled out across the country in three stages and was implemented throughout England and Wales in April 2011. The scheme is primarily the responsibility of the police, but they may ask other agencies to provide information on the subject(s) of the external enquiry.

10.21 It is important that the current practice of the disclosure of information about previous convictions for offences which are not child sexual offences continues, where necessary to protect others or prevent crime or both. It is not the intention of the disclosure process to restrict access to information which helps to safeguard children.

Guidance on the disclosure of MAPPA minutes is now in chapter 13 on Multi-Agency Public Protection Meetings.

CHAPTER 26. MENTALLY DISORDERED OFFENDERS AND MAPPA

Introduction

- 26.1 **The responsibility for identifying MAPPA eligible offender falls to each agency that has a statutory role in their supervision or care; for mentally disorder offenders this is the mental health services.**
- 26.2 Generally when a court is dealing with a mentally disordered offender, 5 types of disposal are possible which may result in an offender's sentence being served in a hospital:
- Guardianship orders (s.37 of the Mental Health Act 1983 ("MHA 1983")).
 - Unrestricted hospital orders (s.37 MHA 1983).
 - Restricted hospital orders (s.37/s.41 MHA 1983) (Crown Court only, although a magistrates' court may commit for a restriction order under s.43 MHA 1983).
 - Hospital and limitation directions (s.45A and s.45B) (Crown Court only).
 - Transfer to hospital from prison during a determinate or indeterminate prison sentence (during which transfer to hospital is possible under s.47 MHA 1983).

Mentally disordered offenders who are MAPPA offenders

- 26.3 Please refer to chapter 6, paragraphs 6.32 to 6.39, for guidance on the identification and notification of MAPPA mentally disordered offenders.

The Secretary of State's responsibilities under the MHA 1983

- 26.4 The Secretary of State is responsible only for mentally disordered offenders subject to restriction orders, restriction directions or limitation directions under the MHA 1983. Such offenders are generally collectively known as "restricted patients".
- 26.5 In relation to all restricted patients, the Secretary of State's consent is required for:
- Leave into the community.
 - Transfer between hospitals.
- 26.6 The Secretary of State may also:
- Discharge into the community (both conditionally and absolutely); and
 - Direct the remission to prison of a transferred prisoner.
- 26.7 The Mental Health Casework Section ("MHCS") in the Offender Management and Public Protection Group takes decisions on behalf of the Secretary of State in respect of restricted

patients under the MHA 1983. Queries about restricted patients or the transfer of prisoners to hospital should be addressed to the relevant caseworker; a contact list is available at <http://www.justice.gov.uk/contacts/noms/mental-health-unit>.

- 26.8 Psychiatric practitioners and supervisors are required to submit regular reports to MHCS on conditionally discharged patients. These reports must include information on the involvement of other agencies and MAPPA status.

Provisions relevant to the management of restricted Hospital Order patients (sections 37 and 41 of the MHA 1983)

Unrestricted hospital orders

- 26.9 A hospital order made under section 37 of the MHA 1983 authorises the admission of the defendant to a specified psychiatric hospital and his or her compulsory detention there for treatment. The order lapses after 6 months unless it is renewed. The Secretary of State has no responsibility for a patient who is subject only to an order made under section 37 of the Act.

Community Treatment Order

- 26.10 A Responsible Clinician ("RC") also has the power to treat an unrestricted patient in the community subject to conditions, to ensure that he or she continues to receive the treatment he or she needs. This is under a community treatment order ("CTO") made under section 17A of the MHA 1983. The CTO can only be made by the RC, who has sole power to recall the patient to hospital, if necessary to reinstate treatment.

Restricted hospital orders

- 26.11 Section 41 of the MHA 1983 enables the Crown Court to make a restriction order at the same time as it makes a hospital order. The Court may impose a restriction order only when it appears necessary for the protection of the public from serious harm. Restrictions are made without limit of time and have the effect of rendering the hospital order indefinite.
- 26.12 Under section 42 of the MHA 1983, the Secretary of State may discharge a patient subject to conditions at any time while a restriction order is in force. This is known as a conditional discharge. The Secretary of State may recall a conditionally discharged patient to hospital. The Secretary of State also has the power to bring a restriction order to an end at any time if he is satisfied that it is no longer needed for the protection of the public. If the patient is already conditionally discharged, this is known as an absolute discharge. If the patient is still in hospital, the effect is to remove the Secretary of State's involvement and to leave the patient detained as an unrestricted hospital order patient.

Transfer Directions made by the Secretary of State from prison to hospital (sections 47, 48 and 49 of the MHA 1983)

Sentenced Prisoners

- 26.13 Section 47 of the MHA 1983 empowers the Secretary of State in certain circumstances to direct that a sentenced prisoner be transferred to hospital for medical treatment. Under section 49, the Secretary of State may impose restrictions which persist until the prisoner's release date. Where a section 49 restriction direction is in place, if at any time the prisoner no longer requires hospital treatment or no effective treatment can be given, the Secretary of State may remit him or her back to prison to serve the remainder of any custodial sentence.

Transfers late in sentence

26.14 The Court of Appeal has observed that, when considering an application for a section 47 transfer right at the end of sentence, the Secretary of State must apply a "heightened level of scrutiny" to the evidence on which his decision is to be based. Accordingly, the Secretary of State will need to be satisfied that admission is necessary on clinical grounds. If a section 47 transfer does not take place, an alternative may be admission under civil powers.

Remand (and other) Prisoners

26.15 Section 48 of the Act provides similar powers in respect of prisoners awaiting trial or sentence (plus certain civil prisoners and immigration detainees).

Hospital and limitation directions (sections 45A and 45B of the MHA 1983)

26.16 The Crown Court can pass a prison sentence and simultaneously direct the offender's admission to hospital. When making a hospital direction, the Court must always add a limitation direction, which acts like a restriction order. The offender will go to hospital but if he or she no longer requires treatment, he or she may be remitted to prison by the Secretary of State.

Criminal Procedure (Insanity) Act 1964 as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and the Domestic Violence, Crime and Victims Act 2004

26.17 These Acts deal with those mentally disordered persons who, when they appear before the Crown Court, are not convicted either because their mental disorder is too great to permit their trial ("under disability" or, commonly, "unfit to plead"), or because the offence was committed in such a state of mental disorder as to negate criminal responsibility ("not guilty by reason of insanity"). Following either of these findings, the Court may make a hospital order with or without restrictions, provided it has the evidence required to do so under the MHA 1983.

26.18 If, at any time, the Secretary of State is advised by the patient's RC that, although once found unfit to plead, he or she can now be tried, the Secretary of State may direct his or her remission to court in order for the prosecution to resume.

Role of the Tribunal

26.19 Detained restricted patients have the right to apply to the Tribunal once a year. Subject to paragraph 26.20 the Tribunal is generally required by law to discharge the patient from hospital if it is not satisfied that:

- The patient is suffering from a mental disorder of a nature or degree that makes it appropriate for the patient to be liable to be detained in hospital for medical treatment; and
- The medical treatment is necessary for the patient's health and safety or for the protection of other persons, and
- Appropriate medical treatment is available for the patient.

- 26.20 Where the Tribunal directs the conditional discharge of a patient, it may defer that direction until it is satisfied that adequate arrangements have been made for the discharge to take place. It may impose any conditions on discharge unless they amount to a deprivation of liability. After the Tribunal has directed the conditional discharge of a patient, the Secretary of State may vary those conditions.
- 26.21 The duty to discharge does not apply to prisoners who have been transferred to hospital under sections 47 and 48 of the MHA 1983 or who are subject to a hospital direction under section 45A. In these cases, under section 74 of the MHA 1983, Tribunals may only recommend discharge to the Secretary of State. If the Secretary of State does not discharge, the patient is usually returned to prison.
- 26.22 After a conditionally discharged patient has been recalled, the Secretary of State must refer the case to the Tribunal within one month of recall.
- 26.23 A restricted patient subject to conditional discharge in the community has the right to apply to the Tribunal for an absolute discharge once every two years.
- 26.24 The Tribunal is entirely independent of government; this is required by human rights law requires. The Secretary of State is a party to the Tribunal and MHCS makes a statutory statement on behalf of the Secretary of State explaining why he has not used his own power to discharge the applicant. He cannot challenge a Tribunal decision simply because he disagrees with its decision – he must be able to identify an error of law.
- 26.25 The lead agency must take responsibility for ensuring that all relevant information about a patient's risk is presented in its evidence to the Tribunal. The practice directions for the Tribunal in England regarding statements and reports in mental health cases requires that the social circumstances report includes information from MAPPAs or meetings. Specifically the following is required:
- *Whether the patient is known to any Multi Agency Public Protection Arrangements (MAPPA) meeting or agency and, if so which area, for what reason, and at what level –together with the name of the Chair of any MAPPA meeting concerned with the patient, and the name of the representative of the lead agency:*
 - *In the event that a MAPPA meeting or agency wishes to put forward evidence of its views in relation to the level and management of risk, a summary of those views (or an Executive Summary) may be attached to the report; and where relevant, a copy of the Police National Computer record of previous convictions should be attached;*

<http://www.judiciary.gov.uk/Resources/JCO/Documents/Practice%20Directions/Tribunals/statements-in-mental-health-cases-hesc-28102013.pdf>

Information-sharing with the Responsible Authority

26.26 Please refer to process maps at end of this chapter which sets out the process for information sharing and identification and notification.

(For notification to MAPPA, please see chapter 6.)

26.27 Non NHS providers have, through contract, the same duties under MAPPA, as NHS providers.

Absconds and Escapes

26.28 The hospital managers are responsible for informing the police whenever a restricted patient escapes from the hospital in which they are detained; absconds from an escort while on escorted community leave; or fails to return from leave for which the patient had permission. This information should be passed immediately to the local police force in accordance with local protocol.

Victims of mentally disordered offenders

26.29 The rights of victims of mentally disordered offenders are provided by the Domestic Violence, Crime and Victims Act 2004 (“DVCVA 2004”). They were extended by the Mental Health Act 2007 to include victims of unrestricted patients. Statutory rights apply only where the sentence was passed on or after 1 July 2005.

26.30 Where the sentence was passed before that date, the victim has no statutory rights. Common practice in such cases is to give victims who contact them the information to which they would be entitled if the DVCVA had been in force. Victim Liaison Officers (“VLOs”) approached by victims of offences committed by restricted patients who were sentenced before 1 July 2005 should liaise with MHCS so that responses can be co-ordinated. Where the patient is unrestricted, the VLO must inform the hospital managers of any qualifying victims who wish to exercise their rights.

26.31 Where the DVCVA 2004 applies, the Probation Trust are responsible after the sentence for establishing whether there are any victims who would be eligible under the Act. An eligible victim is entitled to know whenever discharge is being considered, either by the Secretary of State, the Tribunal (restricted patients), the RC or the hospital managers (unrestricted patients).

26.32 The victim has the right to make representations to the decision-maker about any conditions to be added to any discharge or CTO for their protection. The victim is not entitled to make representations about whether discharge is appropriate.

26.33 The victim is further entitled to know:

- Whether discharge took place, or a CTO was made, and, if so,
- What conditions, if any, are in place for protection of the victim or the victim’s family.
- When those arrangements end, either because the offender has been recalled to hospital, or he has been absolutely discharged, or the CTO has been lifted.

26.34 It should be noted that the victim has **no** statutory right to know when the patient is allowed out of hospital on leave, where the patient is being detained, or where the patient must live in the event of discharge. From April 2014, there will be a presumption that victims will be told about community leave, unless there are exceptional circumstances such as if the victim was considered to be a risk to the patient. Victims, via the Victim Liaison Officer (VLO), will be told each time the Mental Health Case Work Section (MHCS) agrees to either escorted or unescorted leave, but not of each individual period of leave, which remains at the discretion of the supervising psychiatrist. Victims, again via the VLO, will also be told when leave is rescinded by the MHCS).

26.35 While the VLO, or hospital managers in unrestricted cases, have discretion to give more information than the statutory entitlement, care must be taken to manage the victim’s

expectations. For example, it will in most cases be a breach of the Data Protection Act 1998 to let the victim know the offender's address, and it will usually be counterproductive to give the victim specific details of the patients leave in the community.

- 26.36 Where the offender is subject to an unrestricted hospital order, the decision-makers are the hospital managers, the responsible clinician, and the Tribunal. Victims have the same entitlement to information as when a restricted hospital order is made, provided the conviction is for a qualifying offence. In unrestricted hospital order cases, it is the hospital managers who are responsible for providing the information about discharge decisions, and relevant conditions made in the event that the offender becomes subject to a CTO.
- 26.37 Where the victim concerns are high-profile and local or national media have been involved, co-ordination of the response at MAPPA level 2 or 3 may be advisable.

MAPPA identification and notification

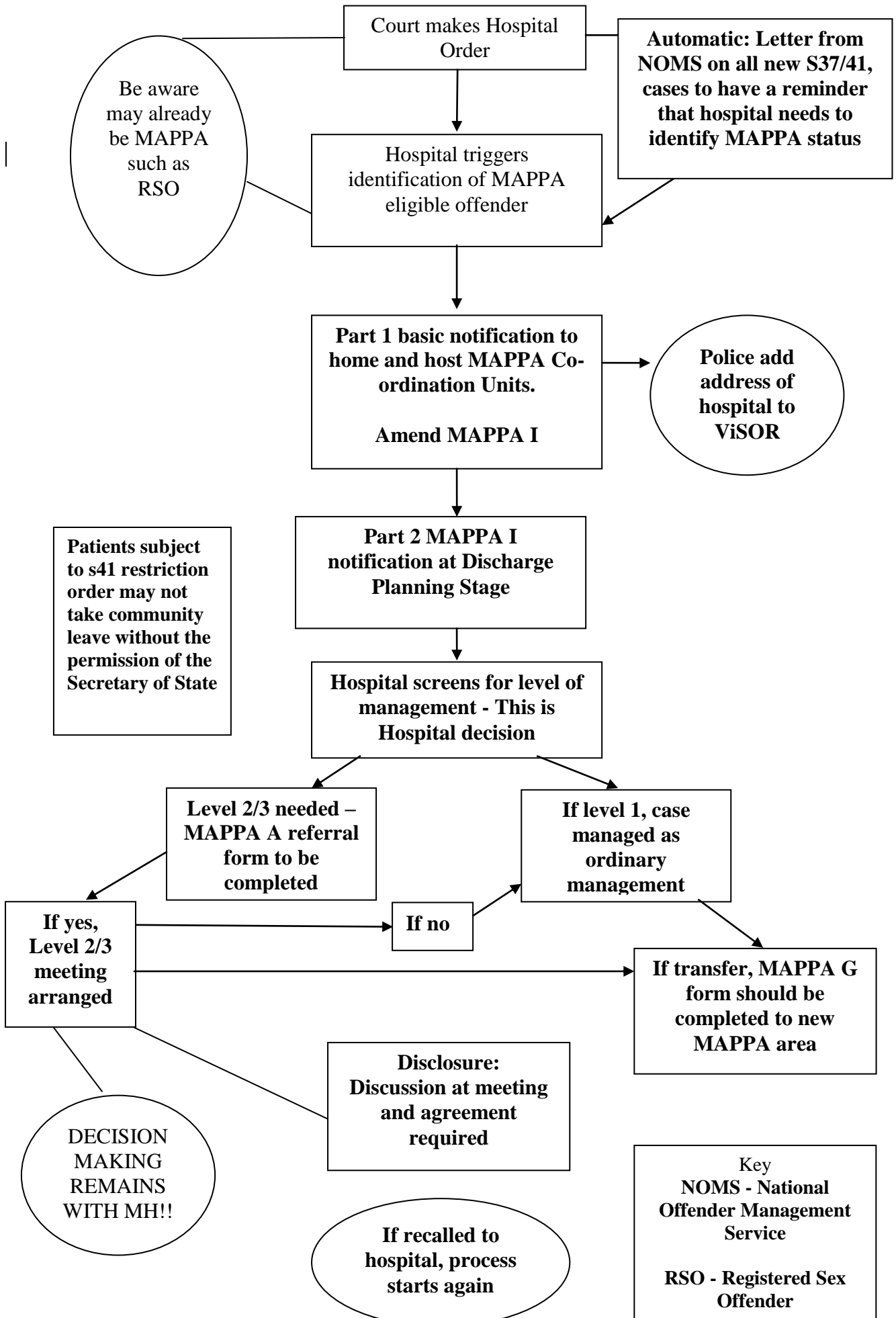
26.38 The Lead Agency is required to complete the MAPPA I identification/notification form when triggers points are reached:

- Part 1 of the form is to be completed to make the MAPPA Coordination Unit aware of a MAPPA nominal. This is undertaken on admission to hospital.
- Part 2 of the form is the notification for discharge planning. This refers to the stage at which the patient is assessed as ready to take unescorted leave.

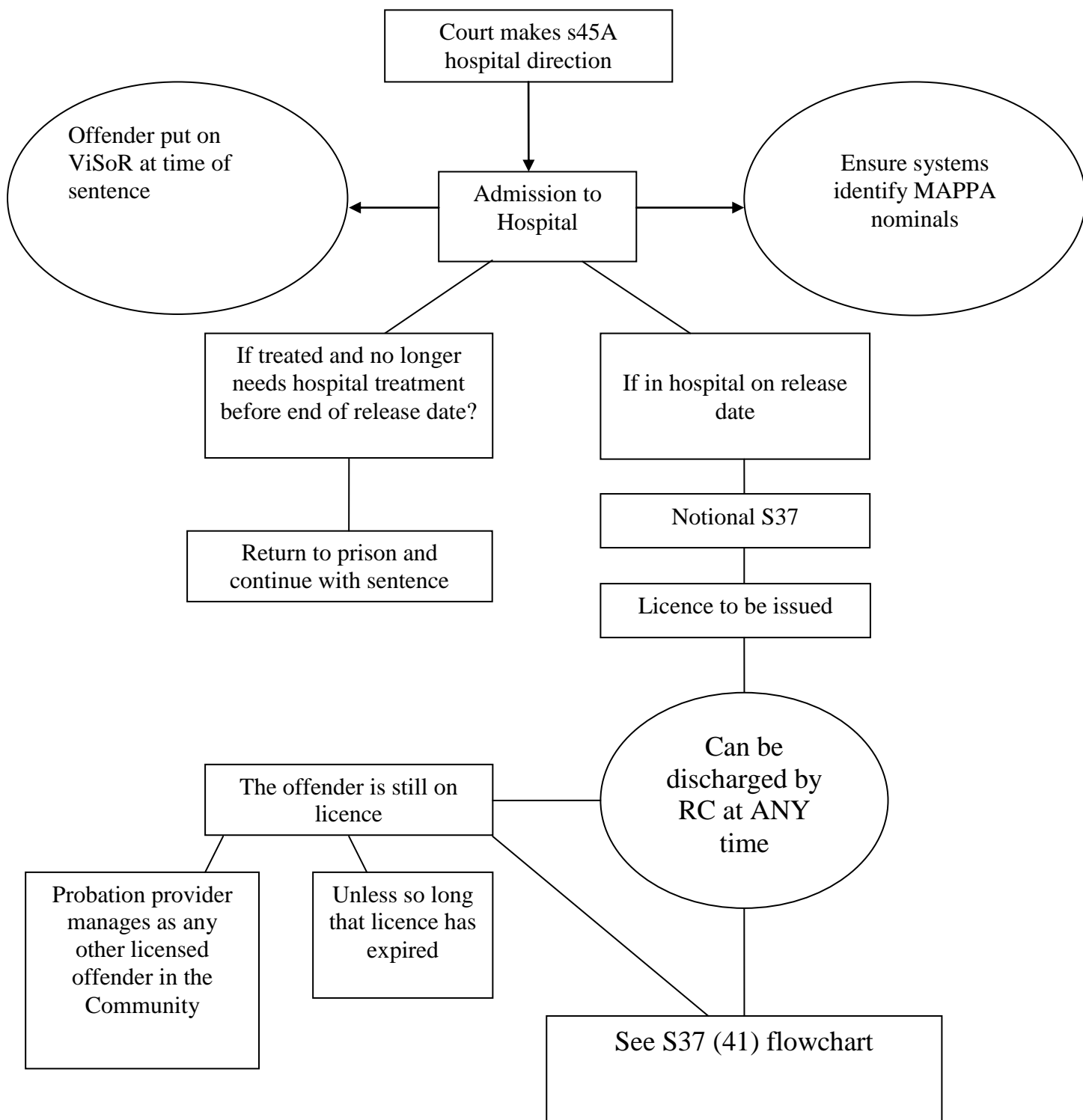
(Please refer to process maps)

FLOWCHARTS

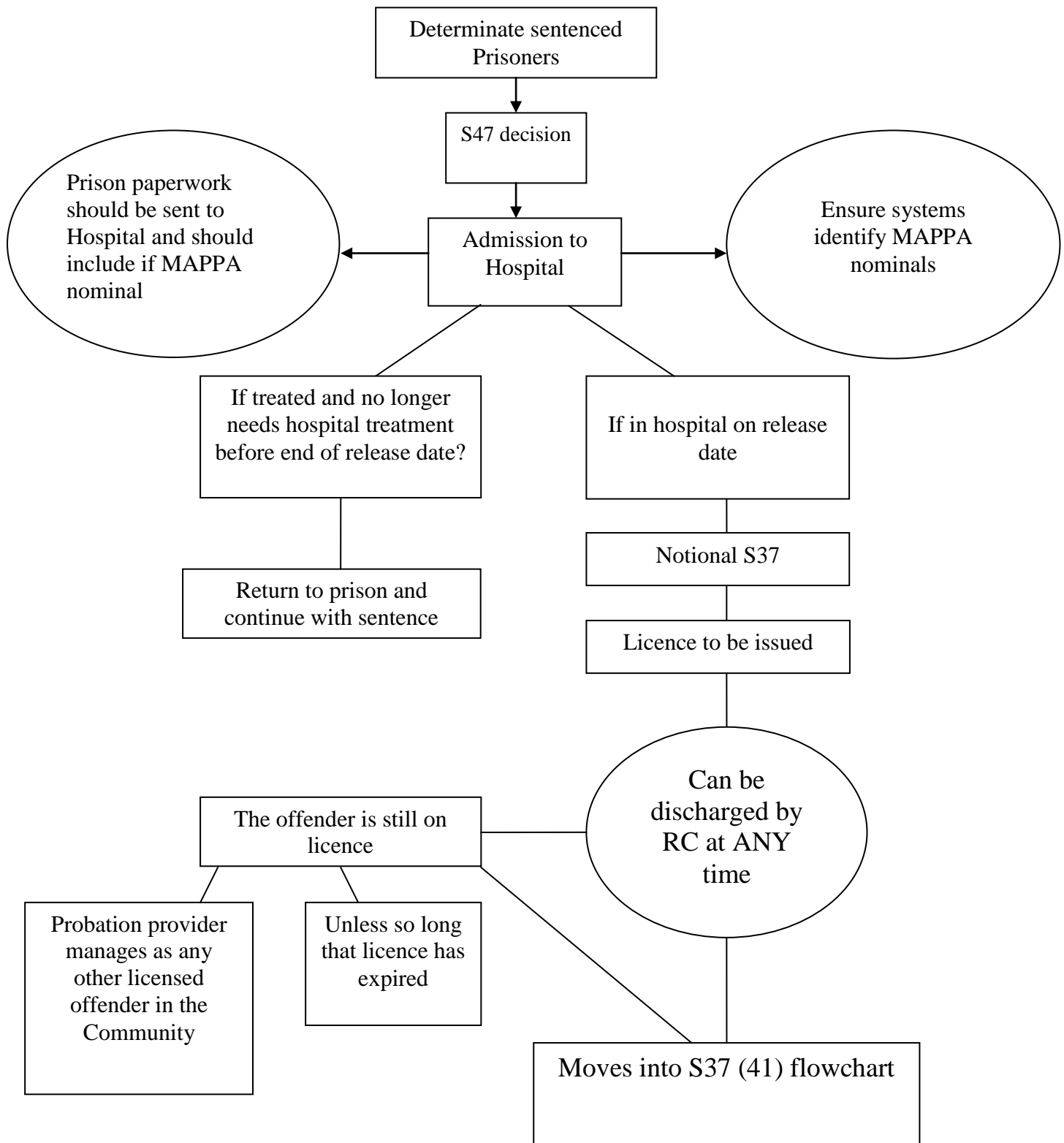
Section 37/(41*)



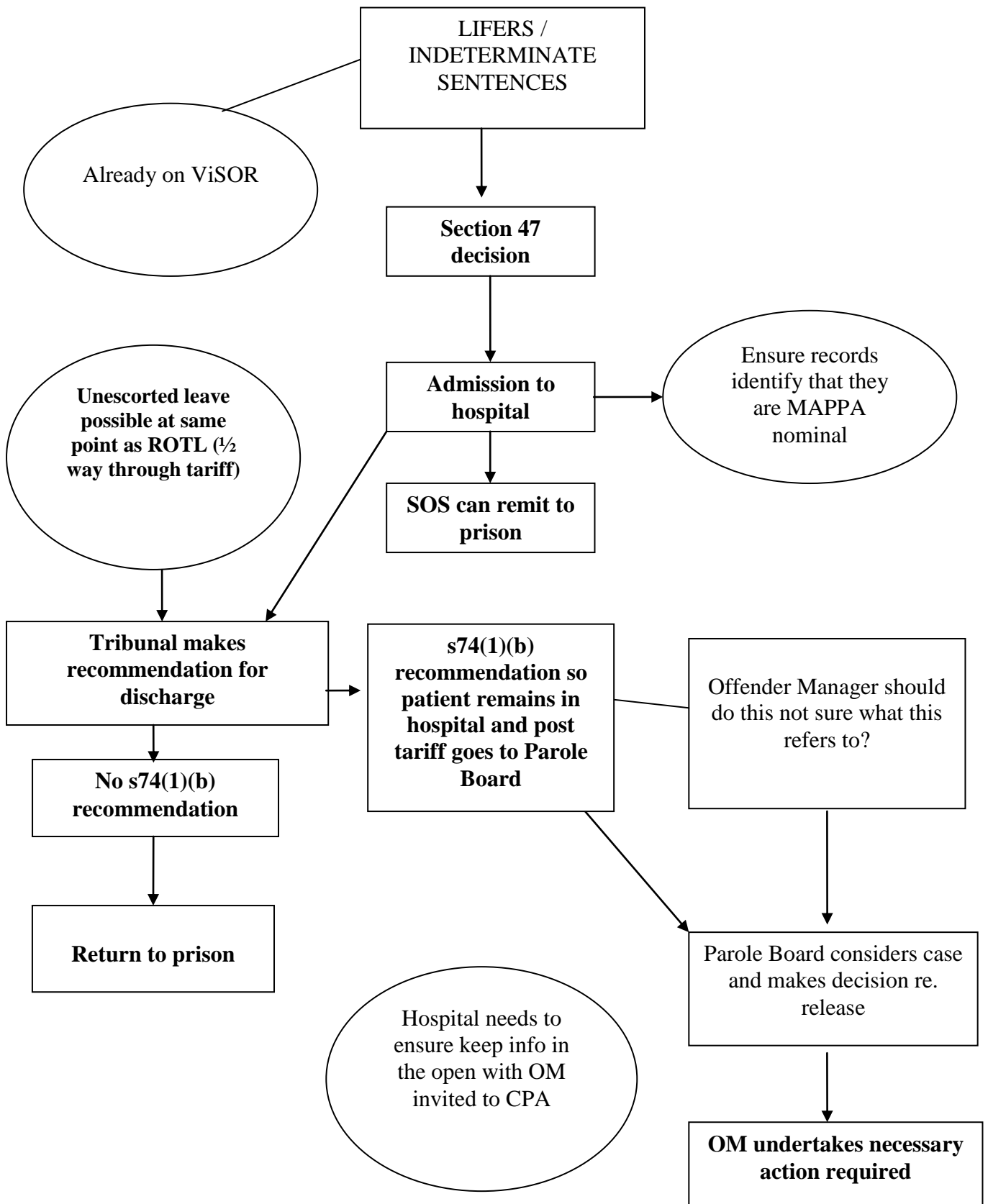
Hospital Direction cases (determinate sentence)



Transfer of Prisoners to Hospital



Transfer of Prisoners to Hospital



APPENDIX 4. OFFENCES SPECIFIED IN SCHEDULE 15 TO THE CRIMINAL JUSTICE ACT 2003

**PART 1
SPECIFIED VIOLENT OFFENCES**

1	Manslaughter.
2	Kidnapping.
3	False imprisonment.
4	An offence under section 4 of the Offences against the Person Act 1861 (c.100) (soliciting murder).
5	An offence under section 16 of that Act (threats to kill).
6	An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
7	An offence under section 20 of that Act (malicious wounding).
8	An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).
9	An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).
10	An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
11	An offence under section 27 of that Act (abandoning children).
12	An offence under section 28 of that Act (causing bodily injury by explosives).
13	An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
14	An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
15	An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).
16	An offence under section 32 of that Act (endangering the safety of railway passengers).
17	An offence under section 35 of that Act (injuring persons by furious driving).
18	An offence under section 37 of that Act (assaulting officer preserving wreck).
19	An offence under section 38 of that Act (assault with intent to resist arrest).
20	An offence under section 47 of that Act (assault occasioning actual bodily harm).
21	An offence under section 2 of the Explosive Substances Act 1883 (c.3) (causing explosion likely to endanger life or property).

22	An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
23	An offence under section 1 of the Infant Life (Preservation) Act 1929 (c.34) (child destruction).
24	An offence under section 1 of the Children and Young Persons Act 1933 (c.12) (cruelty to children).
25	An offence under section 1 of the Infanticide Act 1938 (c.36) (infanticide).
26	An offence under section 16 of the Firearms Act 1968 (c.27) (possession of firearm with intent to endanger life).
27	An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
28	An offence under section 17(1) of that Act (use of firearm to resist arrest).
29	An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).
30	An offence under section 18 of that Act (carrying a firearm with criminal intent).
31	An offence under section 8 of the Theft Act 1968 (c.60) (robbery or assault with intent to rob).
32	An offence under section 9 of that Act of burglary with intent to— (a) inflict grievous bodily harm on a person, or (b) do unlawful damage to a building or anything in it.
33	An offence under section 10 of that Act (aggravated burglary).
34	An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person.
35	An offence of arson under section 1 of the Criminal Damage Act 1971 (c.48).
36	An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.
37	An offence under section 1 of the Taking of Hostages Act 1982 (c.28) (hostage-taking).
38	An offence under section 1 of the Aviation Security Act 1982 (c.36) (hijacking).
39	An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
40	An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
41	An offence under section 4 of that Act (offences in relation to certain dangerous articles).
42	An offence under section 127 of the Mental Health Act 1983 (c.20) (ill-treatment of patients).
43	An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c.38) (prohibition of female circumcision).

44	An offence under section 1 of the Public Order Act 1986 (c.64) (riot).
45	An offence under section 2 of that Act (violent disorder).
46	An offence under section 3 of that Act (affray).
47	An offence under section 134 of the Criminal Justice Act 1988 (c.33) (torture).
48	An offence under section 1 of the Road Traffic Act 1988 (c.52) (causing death by dangerous driving).
49	An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).
50	An offence under section 1 of the Aviation and Maritime Security Act 1990 (c.31) (endangering safety at aerodromes).
51	An offence under section 9 of that Act (hijacking of ships).
52	An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
53	An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
54	An offence under section 12 of that Act (other acts of endangering or likely to endanger safe navigation).
55	An offence under section 13 of that Act (offences involving threats).
56	An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
57	An offence under section 4 or 4A of the Protection from Harassment Act 1997 (c.40) (putting people in fear of violence and stalking involving fear of violence or serious alarm or distress).
58	An offence under section 29 of the Crime and Disorder Act 1998 (c.37) (racially or religiously aggravated assaults).
59	An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986 (c.64)).
59A	An offence under section 54 of the Terrorism Act 2000 (weapons training).
59B	An offence under section 56 of that Act (directing terrorist organisation).
59C	An offence under section 57 of that Act (possession of article for terrorist purposes).
59D	An offence under section 59 of that Act (inciting terrorism overseas).
60	An offence under section 51 or 52 of the International Criminal Court Act 2001 (c.17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
60A	An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).

60B	An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).
60C	An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).
61	An offence under section 1 of the Female Genital Mutilation Act 2003 (c.31) (female genital mutilation).
62	An offence under section 2 of that Act (assisting a girl to mutilate her own genitalia).
63	An offence under section 3 of that Act (assisting a non-UK person to mutilate overseas a girl's genitalia).
63A	An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).
63B	An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts).
63C	An offence under section 6 of that Act (training for terrorism).
63D	An offence under section 9 of that Act (making or possession of radioactive device or material).
63E	An offence under section 10 of that Act (use of radioactive device or material for terrorist purposes etc).
63F	An offence under section 11 of that Act (terrorist threats relating to radioactive devices etc).
64	An offence of— <ul style="list-style-type: none"> (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule, (b) conspiring to commit an offence so specified, or (c) attempting to commit an offence so specified.
65	An attempt to commit murder or a conspiracy to commit murder.

PART 2 SPECIFIED SEXUAL OFFENCES

66	An offence under section 1 of the Sexual Offences Act 1956 (c.69) (rape).
67	An offence under section 2 of that Act (procurement of woman by threats).
68	An offence under section 3 of that Act (procurement of woman by false pretences).
69	An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse).
70	An offence under section 5 of that Act (intercourse with girl under 13).
71	An offence under section 6 of that Act (intercourse with girl under 16).
72	An offence under section 7 of that Act (intercourse with a defective).

73	An offence under section 9 of that Act (procurement of a defective).
74	An offence under section 10 of that Act (incest by a man).
75	An offence under section 11 of that Act (incest by a woman).
76	An offence under section 14 of that Act (indecent assault on a woman).
77	An offence under section 15 of that Act (indecent assault on a man).
78	An offence under section 16 of that Act (assault with intent to commit buggery).
79	An offence under section 17 of that Act (abduction of woman by force or for the sake of her property).
80	An offence under section 19 of that Act (abduction of unmarried girl under 18 from parent or guardian).
81	An offence under section 20 of that Act (abduction of unmarried girl under 16 from parent or guardian).
82	An offence under section 21 of that Act (abduction of defective from parent or guardian).
83	An offence under section 22 of that Act (causing prostitution of women).
84	An offence under section 23 of that Act (procurement of girl under 21).
85	An offence under section 24 of that Act (detention of woman in brothel).
86	An offence under section 25 of that Act (permitting girl under 13 to use premises for intercourse).
87	An offence under section 26 of that Act (permitting girl under 16 to use premises for intercourse).
88	An offence under section 27 of that Act (permitting defective to use premises for intercourse).
89	An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16).
90	An offence under section 29 of that Act (causing or encouraging prostitution of defective).
91	An offence under section 32 of that Act (soliciting by men).
92	An offence under section 33 of that Act (keeping a brothel).
93	An offence under section 128 of the Mental Health Act 1959 (c.72) (sexual intercourse with patients).
94	An offence under section 1 of the Indecency with Children Act 1960 (c.33) (indecent conduct towards young child).
95	An offence under section 4 of the Sexual Offences Act 1967 (c.60) (procuring others to commit homosexual acts).

96	An offence under section 5 of that Act (living on earnings of male prostitution).
97	An offence under section 9 of the Theft Act 1968 (c.60) of burglary with intent to commit rape.
98	An offence under section 54 of the Criminal Law Act 1977 (c.45) (inciting girl under 16 to have incestuous sexual intercourse).
99	An offence under section 1 of the Protection of Children Act 1978 (c.37) (indecent photographs of children).
100	An offence under section 170 of the Customs and Excise Management Act 1979 (c.2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c.36) (indecent or obscene articles).
101	An offence under section 160 of the Criminal Justice Act 1988 (c.33) (possession of indecent photograph of a child).
102	An offence under section 1 of the Sexual Offences Act 2003 (c.42) (rape).
103	An offence under section 2 of that Act (assault by penetration).
104	An offence under section 3 of that Act (sexual assault).
105	An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).
106	An offence under section 5 of that Act (rape of a child under 13).
107	An offence under section 6 of that Act (assault of a child under 13 by penetration).
108	An offence under section 7 of that Act (sexual assault of a child under 13).
109	An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
110	An offence under section 9 of that Act (sexual activity with a child).
111	An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
112	An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).
113	An offence under section 12 of that Act (causing a child to watch a sexual act).
114	An offence under section 13 of that Act (child sex offences committed by children or young persons).
115	An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
116	An offence under section 15 of that Act (meeting a child following sexual grooming etc.).
117	An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child).
118	An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to

	engage in sexual activity).
119	An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child).
120	An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act).
121	An offence under section 25 of that Act (sexual activity with a child family member).
122	An offence under section 26 of that Act (inciting a child family member to engage in sexual activity).
123	An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).
124	An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity).
125	An offence under section 32 of that Act (engaging in sexual activity in the presence of a person with a mental disorder impeding choice).
126	An offence under section 33 of that Act (causing a person with a mental disorder impeding choice to watch a sexual act).
127	An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a person with a mental disorder).
128	An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception).
129	An offence under section 36 of that Act (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder).
130	An offence under section 37 of that Act (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception).
131	An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder).
132	An offence under section 39 of that Act (care workers: causing or inciting sexual activity).
133	An offence under section 40 of that Act (care workers: sexual activity in the presence of a person with a mental disorder).
134	An offence under section 41 of that Act (care workers: causing a person with a mental disorder to watch a sexual act).
135	An offence under section 47 of that Act (paying for sexual services of a child).
136	An offence under section 48 of that Act (causing or inciting child prostitution or pornography).
137	An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).

138	An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
139	An offence under section 52 of that Act (causing or inciting prostitution for gain).
140	An offence under section 53 of that Act (controlling prostitution for gain).
141	An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).
142	An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).
143	An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).
143A	An offence under section 59A of that Act (trafficking for sexual exploitation).
144	An offence under section 61 of that Act (administering a substance with intent).
145	An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).
146	An offence under section 63 of that Act (trespass with intent to commit a sexual offence).
147	An offence under section 64 of that Act (sex with an adult relative: penetration).
148	An offence under section 65 of that Act (sex with an adult relative: consenting to penetration).
149	An offence under section 66 of that Act (exposure).
150	An offence under section 67 of that Act (voyeurism).
151	An offence under section 69 of that Act (intercourse with an animal).
152	An offence under section 70 of that Act (sexual penetration of a corpse).
153	An offence of— <ul style="list-style-type: none"> (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule, (b) conspiring to commit an offence so specified, or (c) attempting to commit an offence so specified.

MAPPA Document Set

Form

Overview of Changes

MAPPA G

- Amended in line with revised guidance on MAPPA Categories

MAPPA I

- Amended in line with revised guidance on Mental Health

MAPPA Q

- Amended in line with revised guidance on MAPPA Categories



MAPPA LEVEL 1 TRANSFER

MAPPA G

Name of MAPPA Area SENDING:	
Name of MAPPA Area RECEIVING:	

To be completed by: Offender Manager / Supervisor Responsible in SENDING area

To be sent via secure email to: Local MAPPA Co-ordination Unit / Co-ordinator

Name of Offender:

Date of Birth:

Step 1: Legality

Is the nominal a MAPPA Offender?

(Please note that offenders can only be identified in one of the three Categories at a time. Offenders can only be considered for Category 3 if they do not meet the criteria for Category 1 or Category 2. Offenders only fall into Category 2 if they do not meet the criteria for Category 1. However, an offender who ceases to meet the criteria of one Category can be identified in a different category if they meet the relevant criteria.)

Category 1. Registered Sex Offender (RSO) (W/M marker shown on PNC)

Schedule 3 SOA 2003:

- convicted/cautioned and within Notification period or
- subject of a SOPO

Category 2. Violent Offender and other Sexual Offender

Murder or Schedule 15 of CJA 2003:

- sentenced to custody for 12 months or more (including indeterminate and suspended sentences) and on licence, or
- detained patient subject of a hospital order (with or without restrictions) or patient managed in the community, conditionally discharged from hospital (Sec 37/41) and subject to a Community Treatment Order or following previous detention under Sec 37 or 47

Subject of a Disqualification Order

Category 3. Other 'dangerous' offender

The offender:

- must have been convicted/cautioned for an offence that indicated they are capable of causing serious harm to the public, **and**
- poses a current risk of serious harm to the public that requires multi-agency management at Level 2 or 3

Step 2: Screening process used to decide level of management

Do two or more agencies need to meet and actively collaborate to develop and implement a Multi-Agency Risk Management Plan? (If Police and Probation are involved, then three or more agencies – unless extra police resources need to be committed and/or actively co-ordinated)

For Mental Health patients: as above and/or does the Care Programme Approach (CPA) process need to be reinforced in order to manage the risk?

Level 2 or 3 (Active Multi-Agency Management) should ‘add value’ to the management of the offender (i.e. Answer the question, “what is it that the increased level of management will additionally provide to the effective management of this case?”)

Issues and questions to be considered regarding L2 or L3 include:

- does the offender/patient pose a current, active risk of serious harm to others?
- is the amount and level of information available within different agencies such that a discussion will facilitate a better understanding?;
- is there a need to explore and reach a consensus (or record a formal difference) between agencies about the level of risk or risk management?;
- does the complexity of the case need a more co-ordinated approach to ensure agencies are clear about their respective roles and responsibilities?;
- would active multi-agency management assist in brokering the engagement of other agencies and services in developing a risk management plan?;
- for mental health patients;
 - is the nature of the risk such that it cannot be effectively managed through the CPA process?
 - is it likely that a tribunal might lead to discharge against the recommendation of the treating team?
- Would multi-agency management improve or expedite referrals for services under other agencies’ procedures?;
- would it support priority access to limited or specialist resources?;
- it is necessary to plan more complex third party disclosure (e.g. where there may be personal or community repercussions?;
- is there a need to plan for media or community impact/interest?;
- does the case require middle/senior management oversight outside normal processes?;
- are there any other issues that warrant a multi-agency approach?

In light of these considerations does this case require active Multi-Agency Management at MAPPA Level 2 or 3?

Yes: proceed to step 3.

No: the case can be managed at Level 1 (Ordinary Agency Management).

This decision should be endorsed by your line manager (or representative)

– see step 4.

Step 3:

Is the case likely to attract a high level of media scrutiny and/or public interest in the management of the case and is there a risk of public confidence being damaged?

If 'yes': consider referral to Level 3

If 'no': does the case

- require input from a senior manager due to complexities (e.g. cross border issues)?, or
- does the likely seriousness and the imminence of the risk or the complexity of the case require input from special or higher level resources, perhaps at short notice, that can only be committed by senior managers?

Yes: consider referral to Level 3.

No: refer to Level 2.

Step 4:

Discuss this transfer with your line manager.

Decision not agreed:
Reason/s

Decision endorsed by line manager

Retain at Level 1, Ordinary agency management. Offender manager should notify the MAPPA administrator that this is a Level 1 case.

Refer into MAPPA (Level 2 or 3). Offender manager should complete the MAPPA referral form and send it to the MAPPA Administrator.

Offender Manager

Date

Line manager

Date

Step 5: Why transferring?

Please ensure you cover in this section, why the risk can be managed better in the receiving area?



INITIAL NOTIFICATION OF MAPPA-ELIGIBLE PATIENT (MENTAL HEALTH)

MAPPA I

Part 1 identification To be completed at admission to hospital

1. CATEGORY OF OFFENDER	
The patient must fall into one of the MAPPA Categories summarised below. Please tick one box below.	
1. Registered sexual offender	
2. Violent or other sexual offender who has been sentenced to 12 months or more custody for a Schedule 15 offence under the Criminal Justice Act 2003 and is transferred to hospital under s.47/49 MHA 1983, or is detained in hospital under s.37 with or without a restriction order under s.41	
2. OFFENDER INFORMATION	
Last name:	
First name:	
Date of birth:	
Aliases:	
Last known address before hospitalisation:	
Gender:	
Ethnicity:	
3. DETAINED IN HOSPITAL	
Name of responsible clinician:	
Hospital:	
Please indicate the relevant section of Mental Health Act	

Part 2 Notification of Discharge Planning to be completed at stage at which the patient is assessed as ready to take unescorted leave.

4. Details of	
Details of community leave arrangements (include dates and addresses)	
Details of permanent release / discharge if known (include dates and addresses)	
Date of next CPA if applicable:	
Date of next tribunal if applicable:	
5. CONVICTION / CAUTION INFORMATION	

Index offence:	
Date of conviction / caution:	
Sentence:	
6. VICTIM CONCERNS	
Has the victim asked to be kept informed of relevant dates and decisions by the Hospital Managers?	YES / NO
If YES:	
Please state what information has been provided	
7. CONTACT DETAILS OF LEAD CLINICIAN	



Name of Offender:

Date of Birth:

Step 1: Legality

Is the nominal a MAPPA Offender?

(Please note that offenders can only be identified in one of the three Categories at a time. Offenders can only be considered for Category 3 if they do not meet the criteria for Category 1 or Category 2. Offenders only fall into Category 2 if they do not meet the criteria for Category 1. However, an offender who ceases to meet the criteria of one Category can be identified in a different category if they meet the relevant criteria.)

Category 1. Registered Sex Offender (RSO) (W/M marker shown on PNC)

Schedule 3 SOA 2003:

- convicted/cautioned and within Notification period or
- subject of a SOPO

Category 2. Violent Offender (and 'other sexual offenders')

Murder or Schedule 15 of CJA 2003:

- sentenced to custody for 12 months or more (including indeterminate and suspended sentences) and on licence, or
- detained patient subject of a hospital order (with or without restrictions) or patient managed in the community, conditionally discharged from hospital (Sec 37/41) and subject to a Community Treatment Order or following previous detention under Sec 37 or 47

Subject of a Disqualification Order

Other sexual offenders, not liable to registration on the 'Sexual Offenders' Register' (NB. This is very rare and relates mainly to historic offences)

Category 3. Other 'dangerous' offender

The offender:

- must have been convicted/cautioned for an offence that indicated they are capable of causing serious harm to the public, **and**
- poses a current risk of serious harm to the public that requires multi-agency management at Level 2 or 3

None of these categories apply: the offender is not a MAPPA nominal.

One of the three categories applies: proceed to step 2

Step 2:

Do two or more agencies need to meet and actively collaborate to develop and implement a Multi-Agency Risk Management Plan? (If Police and Probation are involved, then three or more agencies – unless extra police resources need to be committed and/or actively co-ordinated)

For Mental Health patients: as above and/or does the Care Programme Approach (CPA) process need to be reinforced in order to manage the risk?

Level 2 or 3 (Active Multi-Agency Management) should ‘add value’ to the management of the offender (i.e. Answer the question, “what is it that the increased level of management will additionally provide to the effective management of this case?”)

Issues and questions to be considered regarding L2 or L3 include:

- does the offender/patient pose a current, active risk of serious harm to others?
- is the amount and level of information available within different agencies such that a discussion will facilitate a better understanding?;
- is there a need to explore and reach a consensus (or record a formal difference) between agencies about the level of risk or risk management?;
- does the complexity of the case need a more co-ordinated approach to ensure agencies are clear about their respective roles and responsibilities?;
- would active multi-agency management assist in brokering the engagement of other agencies and services in developing a risk management plan?;
- for mental health patients;
 - is the nature of the risk such that it cannot be effectively managed through the CPA process?
 - is it likely that a tribunal might lead to discharge against the recommendation of the treating team?
- Would multi-agency management improve or expedite referrals for services under other agencies’ procedures?;
- would it support priority access to limited or specialist resources?;
- it is necessary to plan more complex third party disclosure (e.g. where there may be personal or community repercussions?;
- is there a need to plan for media or community impact/interest?;
- does the case require middle/senior management oversight outside normal processes?;
- are there any other issues that warrant a multi-agency approach?

In light of these considerations does this case require active Multi-Agency Management at MAPPA Level 2 or 3?

Yes: proceed to step 3.

No: the case can be managed at Level 1 (Ordinary Agency Management).

This decision should be endorsed by your line manager (or representative)

– see step 4.

Step 3:

Is the case likely to attract a high level of media scrutiny and/or public interest in the management of the case and is there a risk of public confidence being damaged?

If 'yes': consider referral to Level 3

If 'no': does the case

- require input from a senior manager due to complexities (e.g. cross border issues)?, or
- does the likely seriousness and the imminence of the risk or the complexity of the case require input from special or higher level resources, perhaps at short notice, that can only be committed by senior managers?

Yes: consider referral to Level 3.

No: refer to Level 2.

Step 4:

Discuss this case with your line manager.

Decision not agreed:
Reason/s

Decision endorsed by line manager

Retain at Level 1, Ordinary agency management. Offender manager should notify the MAPPA administrator that this is a Level 1 case.

Refer into MAPPA (Level 2 or 3). Offender manager should complete the MAPPA referral form and send it to the MAPPA Administrator.

Offender Manager

Date

Line manager

Date

For more comprehensive information, refer to:

- 'MAPPA Guidance 2012 (Version 4)', Sections 6.1 – 6.14 and Section 7, for details of MAPPA Categories and Management Levels
- NOMS Guidance, March 2011. 'MAPPA Level 1 – Ordinary Agency Management Best Practice'