

Strengthening Multi-Agency Public Protection Arrangements (MAPPAs)

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Strengthening Multi-Agency Public Protection Arrangements (MAPPAs)

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Summary

This report outlines key messages for practitioners based on findings from a study of the developments in multi-agency public protection work following the review of Public Protection Panels (Maguire *et al.*, 2001). The fieldwork was undertaken between December 2003 and August 2004. There is evidence of greater effectiveness and consistency across MAPPAs than was evident in the earlier review and this study has found that areas are meeting the MAPPA guidance specification to a large extent. Arrangements before 1999 were largely based on informal structures, processes and personal networks outside of agreed structures. The picture across England and Wales now clearly shows the adoption of a three-tiered public protection structure – as recommended by Maguire *et al.* and by MAPPA guidance – that relies on the active engagement of a range of partners from key agencies, with the police and National Probation Service acting jointly as the Responsible Authority. This structure has been strengthened by the naming of HM Prison Service as an additional Responsible Authority and confirming a ‘duty to cooperate’ on a range of other agencies through the Criminal Justice Act 2003. The survey revealed that the representatives from agencies involved in the MAPPA process are now able to take decisions and develop risk management plans; where problems existed, areas were taking well-considered steps to address them.

1. Introduction

Background

The role of the police and National Probation Service¹ in the joint management of serious violent and sexual offenders has received increasing attention over recent years. Legislative changes have allowed for improved management of violent and sexual offenders in the community, the most significant being the Criminal Justice and Courts Services (CJCS) Act 2000 (see Kemshall, 2001). Prior to this, two elements of professional practice had been developed in local areas to manage dangerous offenders (Maguire *et al.*, 2001):

- Police registration: The Sex Offenders Act 1997 required convicted sex offenders to notify local police of their names and addresses. It also created an implicit expectation that the police would begin to assess and manage the risk posed by each individual in conjunction with probation.
- With a primary focus on sex offenders, Public Protection Panels were set up to facilitate the sharing of information between partner agencies in assessing and managing the risk posed by potentially dangerous offenders.

1. Under the National Offender Management Service (NOMS) the National Probation Service is moving towards closer, more integrated, working with HM Prison Service. To avoid confusion, in this document probation work is referred to as simply ‘probation’ or as the ‘National Probation Service’.

Home Office Development and Practice Reports draw out from research the messages for practice development, implementation and operation. They are intended as guidance for practitioners in specific fields. The recommendations explain how and why changes could be made, based on the findings from research, which would lead to better practice.

A review conducted by Maguire *et al.* (2001) found considerable variation in the ways Public Protection Panels were being supported and operated. The key recommendations from the study were to:

- produce guidelines to promote greater consistency in terms of the panel name, function and membership, tighter control over referral and risk assessment, and recording of decision-making processes;
- clearly designate resources for public protection work from partner agencies, including the provision of dedicated coordinators; and
- improve accountability, monitoring and overall management, to ensure that all decisions made are justifiable.

Sections 67 and 68 of the CJCS Act 2000 went some way to address the recommendations of the review. The Act introduced a requirement for the police and National Probation Service to act jointly as the Responsible Authority and to make arrangements for assessing and managing risks posed by sexual or violent offenders, and other persons who may cause serious harm to the public; these arrangements became known as Multi-Agency Public Protection Arrangements (MAPPAs). It is also a requirement of the CJCS Act that these arrangements are reviewed and monitored for their effectiveness.

The initial guidance associated with this legislation (Home Office, 2001) set out the minimum requirements for the first year of implementation. This included setting up Multi-Agency Public Protection Panels (MAPPPs), to deal with those offenders in the community that pose a high-level risk, comprising the police and probation – as the Responsible Authority – with other statutory and voluntary agencies as appropriate. The 2001 guidance outlined the role of the MAPPPs as being to:

- share relevant information about targeted offenders;
- assess the level of risk and recommend action to manage this risk; and
- monitor and review this action plan periodically.

Requirements also included managing a media strategy and assessing the need for community disclosure.

More detailed national guidance was issued in March 2003 (National Probation Service, 2003) setting out the principles of public protection and the basic structure of MAPPA. It also developed the key elements of oversight required of the Responsible Authority in each area, and discharged through Strategic Management Boards (SMBs). Revised guidance was then issued by the Home Office and National Probation Service (National Probation Service, 2004a) relating to sections 325-327 of the Criminal Justice Act 2003, which set out to strengthen and extend MAPPAs by:

- including HM Prison Service in the Responsible Authority;
- introducing a 'duty to cooperate' with the MAPPA, requiring a range of statutory and other social care agencies to cooperate with the Responsible Authority; and
- including two lay advisers to assist the Responsible Authority in the MAPPA review function in each area.

These amendments have gone further towards bringing consistency to MAPPA implementation. Examples of good practice have been identified through the annual process reviews in each area, and through the evaluation commissioned by the Home Office, which is the focus of this report. The MAPPA guidance (National Probation Service, 2004a) draws out four features of good practice crucial to the effectiveness of public protection:

- defensible decision-making in the assessment and management of risk;
- rigorous risk assessment, and the importance of the victim focus of MAPPA work;
- robust risk management in coordinating the work of each agency and integrating work to promote the offenders' self management; and
- the strategic management of the MAPPA, with the establishment of Strategic Management Boards within each area.

MAPPAs have additionally a key role in the protection of children. The inter-agency inspection, 'Safeguarding Children' (DoH, 2002) made important recommendations to strengthen and formalise links between MAPPAs and Area Child Protection Committees (ACPC) to improve intra-agency and multi-agency responses specific to child protection.

MAPPA offenders

The MAPPA guidance (National Probation Service, 2004a, s52-68) identifies three categories of offenders who are subject to the MAPPA process, and emphasises the importance of identifying them promptly and accurately:

- Category 1 – Registered sex offenders who have been convicted or cautioned since September 1997 of certain sexual offences (Section 327(2) Criminal Justice Act 2003), and are required to register personal and other relevant details with the police in order to be effectively monitored. The police have primary responsibility for identifying category 1 offenders.
- Category 2 – Violent and other sex offenders receiving a custodial sentence of 12 months or more, since April 2001, a hospital or guardianship order, or subject to disqualification from working with children (Criminal Justice Act 327(3-5) 2003). All these offenders are subject to statutory supervision by the National Probation Service and consequently probation is responsible for identifying category 2 offenders.
- Category 3 – Other offenders who are considered by the Responsible Authority to pose a ‘risk of serious harm to the public’ (Criminal Justice Act 325(2) 2003). Identification is largely determined by the judgement of the Responsible Authority, based on two main considerations:
 - a. The offender must have a conviction that indicates he is capable of causing serious harm to the public.
 - b. The Responsible Authority must reasonably consider that the offender may cause harm to the public.
 The responsibility of identification lies with the agency that deals initially with the offender.

In 2003/04 there were 39,492 offenders who were being managed by MAPPAs (Home Office, 2004a), a decrease of 25 per cent over the previous year, primarily due to changes in the counting rules (that category 2 offenders only included those who were community based, and not in custody). Of the total number of MAPPA offenders, 62 per cent were registered sex offenders (category 1), 32 per cent were violent or other sex offenders (category 2) and the remaining five per cent were other offenders (category 3).

The study

The purpose of the study was to assess the progress that had been made since the original study (Maguire *et al.*, 2001) of the Public Protection Panels that were set up at the end of the 1990s. The research aimed to:

- assess the effectiveness of sections 67 and 68 of the CJCS Act 2000 in improving the structure, processes and performance of MAPPA;
- assess the effectiveness of MAPPA guidance in securing consistency of MAPPA operation nationally; and
- identify areas for development and improvement.

The study also considered consistency in practice and structure and whether there had been discernible improvements in MAPPA function since 1999. The involvement of partner agencies was also looked at, along with the availability of resources. MAPPA effectiveness was determined using the SMART management/evaluation criteria, that plans and objectives are ‘Specific, Measurable, Achievable, Realistic and Timely’ (see e.g. Kemshall 2001, National Probation Service, 2004a). The research considered also the role and development of Strategic Management Boards in ensuring good practice in evaluation and quality assurance.

Method ²

The study was carried out between December 2003 and August 2004 through a questionnaire survey of the 42 MAPPA areas in England and Wales and case studies in six areas chosen to reflect geographical spread and differences in volume of cases, size of area and local MAPPA arrangements and practice. Some of the case study areas were also chosen because they were perceived to be examples of good practice. Further details of the case study areas are given in Appendix A.

2. Throughout the research, the De Montfort University team was committed to clear and consistent ethical principles and frequently communicated that the right to anonymity would be preserved in all cases. Since research team members had access to material of a sensitive and highly confidential nature, the provisions made in the Data Protection Act (1998) were followed throughout.

The survey of the 42 MAPPA areas involved a review of relevant documentation, including annual reports and statistics, area protocols, minutes and local and national guidance. This was backed by questionnaire returns by 30 areas³.

The research in the case study areas involved observations of Strategic Management Boards (SMB) and other meetings – including Level 2 and 3 panel meetings, a review of minutes and visits to public protection teams. Interviews were held with key personnel, including MAPPA co-ordinators, Responsible Authority panel members, other relevant police and probation officers, plus representatives of related agencies including HM Prison Service, Youth Offending Teams (YOTs), members of ACPCs and Victim Liaison⁴. Ten focus groups were held, including eight as part of SMB or Level 3 meetings, one with a public protection team and one with probation officers supervising high-risk cases⁵. A total of 73 people were involved in the focus groups or interviews.

A total of 98 case files (25 at Level 2 and 73 at Level 3) were reviewed in the case study areas identified in discussion with team managers and practitioners.

This report does not fully assess the impact of Sections 325-327 of the Criminal Justice Act 2003 as the full impact of these changes had yet to filter to frontline practitioners at the time of the research (national guidance was released during 2004).

The research did not attempt a formal comparison across the case study and other areas, but rather focused on good practice and those factors that had assisted areas to best meet MAPPA guidance. Those interviewed were also questioned about areas for improvement and future plans.

Structure of the report

The rest of this report is divided into four sections. Firstly, operational issues are considered. This covers organisational and partnership matters relating to MAPP arrangements and structures, how the Level 2 and 3 panels are set up, the role of the MAPPA coordinator and administration issues. The following section then covers the strategic function, looking at the Strategic Management Board, monitoring and evaluation, and training. The report then considers referral, risk assessment and management in practice. Finally, recommendations are given for improvements and future plans.

2. Structure and partnership: operational issues

A key finding of the original evaluation into multi-agency Public Protection Panels (Maguire *et al.*, 2001) was the considerable differences in management structures and processes. Areas differed in the degree of centralisation of panel work, and the extent to which resources were matched to risk. The study identified inconsistencies across areas and a lack of coordination. Maguire *et al.* (2001) recommended the creation of a dedicated coordination role in each area and a tiered approach to risk management with greater emphasis on the ‘critical few’ – those requiring the most intensive management.

Formal partnership arrangements and structures

The Home Office responded to the recommendations made by Maguire *et al.* (2001) in guidance issued in 2003 (National Probation Service, 2003). The guidance recognised the need for national consistency and presented a framework for MAPPAs⁶. SMBs were given over-arching area responsibility for MAPPA work. Below this, a three-tiered ‘pyramid’ operational structure was created to ensure offenders were managed according to their assessed risk and risk management needs. In brief the structure is:

- Level 1 (Ordinary risk management) – Where the agency responsible for the offender can manage risk without the significant involvement of other agencies – only appropriate for Category 1 and 2 offenders who are assessed as presenting a low or medium risk.

3. Respondents did not always answer all of the questions and so the total number varied between 25 and 30.

4. Interviewees had very limited availability and so, in some instances, telephone interviews substituted face-to-face contact.

5. The results from the focus groups were more limited than intended and the method was abandoned following the over-dominance of specific high-profile cases in discussions.

6. Recently updated to incorporate the requirements of the Criminal Justice Act 2003 (National Probation Service, 2004a).

- Level 2 (Local inter-agency risk management) – Where there is ‘active involvement’ of more than one agency in risk management plans, either because of a higher level of risk or because of the complexity of managing the offender. Responsible Authorities should decide the frequency of panel meetings and also the representation and quality assurance of risk management.
- Level 3 (MAPP) – Those offenders defined as the ‘critical few’ who pose a high or very high risk, in addition to having a high media profile, and/or a management plan requiring the resources of more than one partner. The panel is responsible for risk management drawing together key active partners who will take joint responsibility for the community management of the offender. Level 3 cases can be ‘referred down’ to Level 2 when risk of harm deflates.
(National Probation Service 2004a: para 111-116)

Both survey and case study areas included in the research operate the three-tiered ‘pyramid’ structure, with panel arrangements in place at Levels 2 and 3. Survey areas felt they could identify appropriate levels of risk and had procedures in place to manage offenders at each of the levels. However, there continued to be variation in practice, particularly around referral processes, information exchange, management of risk levels and coordination.

Multi-agency working and ownership

The daily organisation and delivery of MAPPAs differs across England and Wales, reflecting differences in area size, character, resources, structures, priorities and volume of cases. Different areas also have different histories of public protection work and multi-agency working. The case study areas adapted models of service delivery to best suit their local circumstances resulting in very different ownership arrangements, as illustrated in Table 1.

Table 1. Organisational models for MAPPAs in the six case study areas

Organisational Model	Area(s)	Key characteristics
Centralised with joint operation	A	<ul style="list-style-type: none"> ● Joint working by police and probation in a central Public Protection Team ● Joint case supervision for Level 3 and Level 2 cases ● The joint organisation of MAPPAs panel meetings at both levels
Decentralised with functional supervision	C, D & F	<ul style="list-style-type: none"> ● MAPPAs located within functional or divisional units of probation (e.g. community supervision and parole) ● Level 3 cases chaired by a designated Assistant Chief Probation Officer ● Case supervision by functional teams within probation or by relevant policing units ● Well developed exchange of information between police and probation at a senior level and through Level 3 panels
Central coordination with division supervision	B & E	<ul style="list-style-type: none"> ● A central unit for coordination of MAPPAs work ● Case supervision by dedicated probation Public Protection Teams or police Offender Management Units ● Varying degrees of information exchange between police and probation at both formal and informal levels

As the MAPPAs areas varied in size and in the volume of offenders⁷ there was no single correct model of working identified from the case study areas. Rather areas adapted practice to fit local circumstances. Some larger or more urban areas opted for divisionally-based panels at Levels 2 and 3 and local supervision of cases. This was sometimes supported by a central unit and coordinator, who tended to adopt a quality assurance role.

7. The difference in the number of MAPPAs offenders being managed in different areas varies widely, from 273 offenders in Warwickshire to 4,094 in London.

Panel arrangements

The work of Public Protection Panels depends very much on the identification and involvement of key partners who can contribute and respond to risk assessment decisions and make risk management commitments. This depends on a number of factors, most notably the appropriateness of representation, the ability of representatives to make decisions and the availability to meet as and when required. Maguire *et al.* (2001) found that, in general, the police and probation were fully committed to partnership working and that relationships were 'broadly close and harmonious', but the commitment and cooperation of other agencies was marginal in some areas. The national survey of MAPPA areas demonstrated that participation in the MAPPA process was far more positive than the position outlined in 2001. There were a greater number of agencies involved at all levels and, even prior to the implementation of the 2003 Criminal Justice Act and the 'duty to cooperate', some areas were bringing other relevant agencies onto MAPPA panels.

Areas where representation could be improved were identified in the survey and interviews. Inconsistency in attendance was addressed in some survey areas by having a 'standing' attendance list at Level 2 meetings, and having senior personnel present who were able to intervene and promote the importance of the MAPPA work. This was also backed by ensuring there were nominated deputies, especially for covering sickness and leave. Sufficient notice of meetings helped to ensure the attendance of senior personnel.

When asked to assess the effectiveness of the representatives attending Level 2 and 3 panels, most areas that responded (27/29) stated that representatives could make immediate decisions about risk management and attended at short notice at both Level 2 and 3. The vast majority of representatives felt that they could commit resources on behalf of their agency at the meetings.

These broadly positive results were supported by the findings from the case study areas: representation problems were increasingly being addressed, although some areas continued to have problems. For example, in one large MAPPA area representatives did not feel they could necessarily speak for multiple authorities. In this instance the problem was overcome through inviting the appropriate authorities to meetings on a case-by-case basis, rather than having a standing member arrangement. In other areas representation was not always at an appropriate grade meaning a reluctance, or in more extreme cases, an inability to commit resources. As with a lot of partnership work, in some areas certain agencies did not always attend panel meetings, with attendance from health-related agencies and Social Services being cited as a problem in five national survey areas.

Members of some panels extended their roles to become more active in the operation of MAPPAs, for instance by forming specialist subgroups. In Area E a Serious Case Review Subgroup met regularly, including senior manager representation from Social Services together with a lay adviser.

Good practice

- Improved attendance at meetings has been achieved through MAPPA coordinators and chairs using briefing notes, awareness training and carefully constructed invitation letters.
- Monitoring attendance can ensure non-attendance is noticed and acted upon before it causes problems.

Challenges

- Difficulties caused by individual agencies not attending meetings as required need to be addressed swiftly.
- Attendance at meetings by an agency representative of an inappropriate grade can lead to an inability or reluctance to make decisions and commit resources.
- In larger areas, there can be some reluctance for representatives to speak on behalf of multiple authorities.

The role of the coordinator

In the national survey 20/29 areas that responded had created a role of MAPPA Coordinator. Most coordinators were at Senior Probation Officer level, or the police equivalent. In 16 of these 20 areas, the role was seen to be well established and effective, and this helped ensure a meaningful and coherent contribution to public protection

(in line with MAPPA guidance, National Probation Service 2004a s38-42). Two areas identified that the lack of the coordinator role had affected the work of the MAPPA, leading to poor chairing and inconsistency in managing referrals.

In the case study areas the benefits of having a coordinator were identified as:

- bringing consistency and focus to the MAPPA process;
- providing quality assurance and monitoring of work, including attendance at meetings and record keeping;
- allowing active information exchange and improved referrals;
- providing a strong linkage allowing greater integration of strategy and operation; and
- acting as a gatekeeper, ensuring the appropriate referrals are made at the correct level of risk.

The coordinator role in some case study areas also included active dissemination and training work amongst all MAPPA agencies, and the preparation of the annual report.

MAPPA coordination tended to be covered by multi-agency resources, although two areas said no position had been established due to lack of funding. The lack of resources for both coordinator and administration roles had in some instances hindered effective multi-agency working.

The increasing complexity of MAPP arrangements has meant that the coordinator role, identified in Maguire *et al.* (2001) as critical, has become even more pivotal in the effective delivery of public protection arrangements. Furthermore, the increased emphasis on quality assurance and evaluation provides strong arguments for areas to review the effectiveness of their coordination arrangements (and associated administration).

Meeting management and administration

In the original evaluation Maguire *et al.* (2001) found that the quality of chairing and the general management of meetings were inconsistent. There was some evidence from the case studies that the overall standard of chairing had improved since the original study. For instance Level 3 Chairs were routinely ensuring that evidence was provided to support decisions made (although variations were evident for Level 2 Chairs, and respondents suggested further training would help to address this). The Chairs in the case study areas that were most proactive focused attention on systematic assessments based on risk factors, rather than on anxieties or anecdote. Guidance provided to improve the structure of meetings appeared to have been well implemented, with 29 of the 30 areas adopting a standing agenda format. At Level 3 all site areas used a well-structured agenda with a designated information exchange period prior to the final confirmation being made on the level of risk management.

Effective minute taking provided an important record of decision-making and was essential to defensibility. The majority of survey areas (22 out of 25 that responded to this question) reported that the quality of meeting records was very good or good. Minutes varied in style, from verbatim accounts of case discussions to précis of key information, risk factors and management actions. Overly detailed accounts may not be necessary. For instance, Area A recorded concise minutes in a risk matrix format, providing a clear audit trail of decision-making and accountability.

A theme of continuing concern was insufficient administrative arrangements. Of the areas surveyed, only half of respondents thought their administrative arrangements were sufficient and well developed. Seventeen out of 28 areas that responded to this question indicated that a lack of administrative support had hindered the working of MAPPA, and 4 areas rated their work as ineffective. In one area the Assistant Chief Officer of Probation responsible for chairing Level 3 meetings had to take on a large administrative burden, including minute taking.

Those areas which reported having dedicated administrative resources were generally more positive about the robustness of their administrative arrangements. This was particularly important for meeting preparation and minute taking (all sites sought to distribute accurate minutes within a few days of the panel meetings). Further benefits were thought to be:

- Consistency and accuracy of written documentation – ensuring the decision making for risk management plans are defensible; and
- Support for the MAPPA coordinator – in areas where administration was not a duty of the coordinator.

One critical issue was the resourcing of administrative support. The study found that administration posts tended not to be financed by dedicated MAPPAs resources. In three areas the administration arrangements were the responsibility of a single Responsible Authority, rather than shared between agencies. This led to a disproportionate resource burden on one agency.

Good practice

- One area provided breaks in Level 3 meetings for attendees to make phone calls to clarify points to avoid the need to defer cases.
- Minutes of meetings in Area A clearly showed risks, decisions made, actions and accountability, recorded in a risk matrix.

Challenges

- Half the areas that responded to the survey did not perceive their arrangements for administration to be robust or effective, hindering the MAPPAs work.
- Administration needs to be adequately resourced to be most effective.

3. Structure and partnership: strategic issues

Initial guidance issued in March 2001 to accompany the implementation of the CJCS Act 2000 required the Responsible Authorities to establish over-arching Strategic Management Arrangements for reviewing and monitoring MAPPAs effectiveness. These have resulted in the establishment of Strategic Management Boards (SMBs) in all areas.

Strategic Management Boards (SMBs)

MAPPAs guidance (National Probation Service, 2004a) stipulates a requirement for SMBs to engage in four specific principles:

- defensible decision-making;
- rigorous risk assessment;
- delivery of risk management plans matching the identified public protection need; and
- evaluation of performance to improve delivery.

The study found SMBs to be, by and large, well attended with excellent representation from all key agencies. In the case study areas those interviewed credited SMBs for their enthusiasm and commitment, with five of the six areas thought to have particularly good attendance and involvement records. Representation at the SMBs tended to be at a senior/managerial level. Police personnel tended to be at Chief Inspector level or above (up to Assistant Chief Constable). Probation was represented at Assistant Chief Probation Officer level or above.

As noted, the Criminal Justice Act 2003 made HM Prison Service a Responsible Authority and placed a 'duty to cooperate' upon a number of other related agencies. In the case study areas HM Prison Service was represented on SMBs by Senior or Regional Managers, or by Prison Governors. All areas responding to the survey (n=29) had other agency representation at SMB meetings, including local authority Housing Departments, Social Services, local Health Services (both managerial and clinical) and YOTs. Some also included Victim Liaison (either in the form of police or probation staff), as victim protection is a central purpose of MAPPAs.

The Home Office also introduced 'lay' representation within MAPPAs (announced June 2002), in response to public concerns around effective public protection following a number of high profile cases, and in order to improve process transparency. Heberton and Thomas (2004) reported that in areas where lay representation had

8. This was in direct response to the *News of the World* campaign to 'name and shame', which called for information about child sex offenders to be made available to local communities. This was strenuously resisted on the basis that it would not enhance public safety and could drive sex offenders underground.

been piloted it was viewed positively by both professionals and lay members, and was thought to focus professionals on providing evidenced and transparent decisions. Only one case study area included lay advisers on the SMB. However, in this instance, this was thought to have strengthened the attendance of other agencies.

A relatively small number of survey areas indicated that a number of challenges still existed at SMB meetings. A problem for 4/29 areas that responded was personnel being unable to make decisions about risk management or allocate resources on behalf of their agency, despite being of an appropriate senior grade. This occurred in areas where liaison across more than one local authority was required. Other problems arose where the MAPPAs area was not coterminous with a local authority area, with communication difficulties and problems of representation where the MAPPAs covered more than one authority area.

Good practice

- All SMB meetings observed by the research teams had a sense of purpose. Some areas were beginning to develop and work to business plans, an approach that could assist with case prioritisation and with workloads. The plans also helped in forward planning.
- In one case study area, the inclusion of lay advisers was thought to strengthen attendance.

Challenges

- One sixth of the areas that responded to the survey (5/29) felt that personnel were unable to meet as frequently as required.
- Representation and communication difficulties were identified by 3/29 areas that responded to the survey where MAPPAs covered more than one authority area.

Strategic partnerships

A positive development in the case study areas was the extent that MAPPAs work was located within a single strategic multi-agency approach to a broad range of public protection issues, rather than as a discrete area on its own. For example in one area an over-arching strategic body coordinated work with child protection, 'vulnerable' adults, domestic violence cases and MAPPAs. In the national survey, in terms of dealing with offenders, positive links were evident in most sites with ACPCs (21/27 respondents), but less developed with Criminal Justice Boards (11/27 respondents) and Crime and Disorder Reduction Partnerships (8/27 respondents). Similarly, for work with children and families, links were stronger with ACPCs, and interviews demonstrated good practice around communication, referrals and victim protection that could be replicated in other public protection initiatives. The survey results did not suggest a strong relationship between having these links and greater effectiveness of MAPPAs coordination and administration; although a keener appreciation of child protection issues was apparent in case study areas where strong links with the ACPC existed.

Good practice

- Good communication and liaison between MAPPAs coordinators and ACPC chairs.
- Cross checking of MAPPAs referrals to the child protection register.
- Increased victim protection and greater integration of MAPPAs risk management plans with care plans for children.

Challenges

- MAPPAs coordinators and SMBs should maintain awareness of related strategies around public protection, offender management and work with children and families through developing stronger links with child protection and domestic violence agencies.
- Better links could be developed with Criminal Justice Boards and Crime and Disorder Reduction Partnerships to improve strategic planning.

Accountability, monitoring and evaluation

The initial evaluation by Maguire *et al.* (2001) noted that partnership arrangements were sometimes informal with key personnel absent from panels. Accountability was on a personal basis, rather than based on agreed structures. Monitoring and evaluation were found to be very limited. At the time of the research, SMBs were still establishing their processes for auditing and quality assurance. The Criminal Justice Act 2003 required the MAPPA Responsible Authority to draw up a memorandum with the 'duty to cooperate' areas. In practice, the research found memoranda and protocols varied in quality and content. However, the national survey found 26 out of 30 areas that responded at least had formal protocols for information exchange between MAPPA agencies.

One way of assessing the extent that areas were addressing accountability was to explore the written policies and documentation drafted to guide the operation/protocols of areas. Relevant documentation for 12 areas (covering 1997 to 2004) was examined in-depth. All these areas covered information exchange and disclosure⁹ but beyond this, coverage was inconsistent. The Criminal Justice Act 2003 and recent guidance has encouraged revision of written documentation, where appropriate, in order to achieve greater consistency. Documentation for the period since 2003 did indeed encompass a broader range of issues, for instance tackling data protection, human rights, media management, annual report preparation and the management of Sex Offender Orders. However, only one of the 12 areas' protocols specifically addressed accountability.

In terms of effective monitoring of cases, just over three quarters (22/28 respondents) stated they had databases that enabled MAPPA work to be monitored. These databases varied with some areas developing their own systems, or accessing those of partner systems. Others used the National Probation Service Case Record and Management System (CRAMS) or the Violent and Sex Offender Register (VISOR).

While the majority of areas (17/27 respondents) indicated that MAPPA data influenced actions and decision-making, some had difficulty in accessing data. Furthermore, at the time of the study, the collection and analysis of data was largely confined to meeting the requirements of the Annual Report. This meant analysis tended to focus on simple measures such as numbers of individuals referred, the MAPPA processes applied, and the category of offender. Data to assist the more systematic evaluation of MAPPAs were not available. Although reconviction data for MAPPA offenders were monitored, current data do not necessarily provide sufficiently detailed information on identifying successful risk management strategies. Two areas recognised that with appropriate data – along with guidance on how to analyse and interpret data – the SMB could be more effective at strategic decision-making.

A related challenge was in developing meaningful key performance indicators for public protection. One area was piloting an audit tool that could provide an opportunity to review outputs and outcomes of MAPPA work. Area A used a 'compliance audit' to identify any process or system failures, for example inappropriate referrals, or the failure to distribute minutes efficiently. Audit results were given to the SMB and corrective actions identified and implemented.

Good practice

- Formal protocols for information exchange between MAPPA agencies (in 26/30 areas that responded) addressed information exchange processes and disclosure.
- Just over three quarters of the survey areas had a database to monitor MAPPA work.

Challenges

- Collection and analysis of data was largely confined to meeting the basic requirements for the annual report, with little data for more systematic evaluation of MAPPA.
- Appropriate data collection could contribute to more effective decision-making by the SMB.
- Only one area addressed accountability in terms of information exchange protocols.

9. Usually with reference to Section 115 of the Crime and Disorder Act 1998

Training

The national survey of areas showed a wide range of training was available, but only one in ten responding were able to describe their training as comprehensive. Training was usually in response to demands from local MAPPAs staff and SMB/panel members and there was no consistent pattern across the country. The type of training available in some of the areas included:

- general MAPPAs awareness training;
- risk assessment and management of sex offenders and/or violent offenders;
- risk assessment planning and use of risk 'tools' (e.g. MATRIX 2000 or OASys);
- administrative duties, including chairing and minute taking; and
- briefing on protocols.

Specific training could be added to by participation in national and regional Public Protection Unit events. In terms of who attended training events, this again varied from area to area, with coordinators and panel members receiving the most training (although in some areas this was still only minimal). Two areas had identified the training needs arising from HM Prison Service becoming a Responsible Authority, both for partners to understand the Service, and for prison staff to appreciate MAPPAs purpose, systems and processes. A lack of training on assessment and management for violent offenders was highlighted by five of the 30 areas that responded.

There was evidence of both good practices in training and of underdeveloped programmes. Training was largely piecemeal with no evidence of systematic programmes. A regularly reviewed training strategy could improve knowledge and understanding of partner agencies, as well as of MAPPAs processes and systems. Such a strategy would be aided by effective sharing of good practice between agencies within MAPPAs areas, and across different MAPPAs areas. This was evident in some regional and national events.

Good practice

- A wide range of training was available, with one in ten areas that responded describing their training as comprehensive.
- Some MAPPAs coordinators met on a regional level to discuss good practice at both an operational and strategic level, and to provide support and possible solutions for problems.

Challenges

- New agencies may have little experience or training in offender risk assessment, and this can lead to inappropriate referral or misuse of risk levels.
- One in six areas that responded highlighted a lack of training on assessment and management of violent offenders.
- There is little evidence of systematic training programmes being developed by SMBs.

4. Referral, risk assessment and risk management in practice

Two core elements of public protection work with MAPPAs offenders are risk assessment and risk management, as described by Maguire *et al.* (2001):

- Risk assessment enables each offender to be classified into a level of risk (generally low, medium or high) and the specific nature of the risk posed, and follows the initial identification through one of the partner agencies.
- Risk management refers to action taken by any partner agency to reduce the risk posed by an offender.

Maguire *et al.* (2001) highlighted diversity in risk assessment and management across the country and a need for greater consistency. There were also problems distinguishing between offenders who were high risk and very high risk. Subsequently, MAPPAs guidance emphasised the need to focus resources on the 'critical few' requiring management at Level 3, who presented a high or very high risk, along with a high media profile and/or the need for joint agency resources beyond those at Level 2. As noted earlier, structures and processes were introduced for managing cases at different levels of risk.

There are essentially two stages to the risk level allocation process. The first is how individuals can be referred to MAPPA; the second is how those assessments are confirmed and refined by the Panels.

Identification and referral

From the national survey, respondents in many areas recognised that the MAPPA guidance had been helpful in assisting them to identify the 'critical few'. The majority of areas considered they were 'effective' or 'very effective' at identifying the 'critical few' offenders and classifying them appropriately (only three of the 28 responding areas felt that they were not doing so for Level 3 offenders).

While this appeared to show a generally positive picture in respect of risk assessment, many areas had occasional problems with inconsistent definitions of offender categories, particularly when agencies that were not Responsible Authorities, such as housing and YOTs, referred individuals into MAPPA.

Gatekeeping

Effective categorisation of offenders depends on an appropriate referral process, as well as efficient management of such referrals once received into the MAPPA system, to ensure the appropriate level of action is taken. The national survey responses and site visits indicated that this gatekeeping role was carried out by the MAPPA coordinator (where they existed), by the referring agency's panel representative (e.g. probation ACOs) or by panel Chairs at Levels 2 and 3.

Twelve of the 20 survey areas that had a coordinator commented that the coordinator role contributed effectively to consistent referrals and appropriate management of risk levels. Conversely, two areas noted that the lack of a coordinator contributed to inconsistency in the management of referrals.

The gatekeepers' experience was identified as a critical factor in the management of referrals. Where more experienced MAPPA personnel were undertaking the gatekeeping role, this appeared to ensure referrals were correctly assessed, rejecting those referrals that did not meet the appropriate risk criteria. In the case study areas, coordinators, Level 3 Chairs, and panel representatives all stated that MAPPA coordinators provided greater consistency than alternative systems of gatekeeping, which, due to the number of personnel involved, could result in variation over time. It was frequently stated that, with experience, coordinators developed a 'feel' for levels of risk over time.

While this may work for smaller areas, it is impractical in larger areas to route all referrals through a central coordinator due to sheer volume, and areas need to run a number of divisionally-based panels. This presents larger areas with greater problems over maintaining consistency and quality assurance. This was addressed through a more proactive quality assurance role for the MAPPA coordinator, who could then visit Level 2 and 3 panels to ensure consistency and to reiterate risk management levels with local Chairs (in Area E).

Level of initial referral

The levels to which offenders are allocated (Levels 1 to 3) refer not only to the risk posed, but also to the extent of inter-agency work needed to manage the risk of serious harm posed by the offender. If no inter-agency work is required, offenders are allocated to Level 1. Offenders are allocated to Level 2 or 3 if multi-agency case management is required. The level of initial referrals differed across the sites visited. For example, in Area A the presumption was that most cases could be managed at Level 2. Responsibility was placed on the referring agency to state what was required for effective risk management, and to provide the rationale for convening a panel meeting. Only in exceptional cases were referrals subsequently made to Level 3, resulting in significant 'managing down' of cases that in other sites may have been managed at Level 3.

In all case study areas, the Level 2 panel Chairs – who were either police or probation – could receive referrals from the MAPPA coordinator, their own or partner agency representatives on the Level 3 panel, or from their own staff. One area (Area E) also had referrals at Level 2 from the Youth Offending Team.

No comprehensive monitoring system had been established for referrals at Level 2, leading to inconsistencies in the referral criteria and an unknown volume of cases at Level 2. This was particularly evident for Area E.

Information required at referral

Reliable risk assessment is essential for the appropriate identification and allocation of offenders to the MAPPA (National Probation Service, 2004a). The referring agency needs to carry out some initial risk assessment using the appropriate tools. The national survey indicated a more consistent approach to the use of assessment tools had been adopted since the work carried out by Maguire *et al.* (2001) (e.g. OASys was used by probation in 29/30 areas that responded to the survey and MATRIX 2000 by the police in 28/30 areas).

In all six case study areas referral forms and an 'information package' were required for referral of an offender to MAPPA, which could include the following:

- A full risk assessment by the referring agency (using OASys and/or MATRIX 2000);
- Key characteristics of the offender including any 'local knowledge' about the offender (based on evidential rather than anecdotal information);
- Prison information, if available (e.g. discipline record, response to treatment programmes, key contacts and correspondence, psychologist report, parole report); and
- Previous response to supervision and any previous convictions noted by the police.

Good practice

- Detailed referral information enabled more thorough panel preparation, especially at Level 3, and three case study areas (A, C and D) found this helpful in facilitating discussion of cases.
- Referral forms in some areas were accompanied by completed risk assessment forms. This was mandatory for referrals to be processed in Areas A and C.

Panel risk assessments

The initial risk assessments, including the use of OASys or Matrix 2000 assessment tools, by the referring agency are refined through multi-agency panel assessments and the pooling of additional information. As with the initial referral process, Maguire *et al.* (2001) found many variations in the way panels managed risk assessment in practice, with some areas looking at all cases in detail, and others concentrating just on those posing highest risk. In the limited time available this inevitably meant there were differences in the quality of the assessments.

The survey indicated a generally positive response to assessment in panel meetings, with panel chairs ensuring the level of risk allocation was defensible. There was variation in the extent to which the meetings drew on formal risk assessment scores to guide the decision-making – Areas A and C integrated OASys and MATRIX 2000 scores into the panel assessment process, whereas this information was not routinely provided in Area E.

The case studies provided evidence that some cases could be more appropriately managed at a different level to that allocated by the panel. Case study areas, in particular those with decentralised panels, reported too many cases allocated to Level 2 rather than Level 1 due to a liberal interpretation of the 'active involvement' of other agencies in the MAPPA guidance. In Area E the 'active involvement' was interpreted as an information exchange between police and probation staff (about offenders on probation supervision and on the Sex Offender Register). As a consequence, Level 2 meetings were lengthy. Area B used a more rigorous definition of 'active involvement' and was able to streamline Level 2 meetings, securing the participation of other agencies when they were called. Strict criteria should be set for justifying why the active involvement of other agencies is needed.

Some cases were being graded at Level 3 instead of Level 2 to obtain quick access to resources. This was reported by all case study sites, and seen as a problem in taking away focus and resources from the 'critical few'. Whilst there will be variations across the country due to local circumstances and access to services, 'risk inflation', where offenders are allocated to a higher risk level than necessary, needs to be addressed.

Good practice

- Chairs ensured decision-making at the assessment stage was defensible.
- One area appointed a police intelligence analyst to MAPPA to provide additional information at the assessment stage, in particular around identification of behaviour patterns and networks.
- Formal risk assessment tools were used alongside the professional judgement of panel members in risk level and resource allocation, with two areas integrating OASys and MATRIX 2000 scores into the panel assessment process.

Key challenges

- Although the use of risk assessment tools had become more standardised over the last five years, problems can arise when 'routine' risk assessment tools produce different risk levels for the same offender. For instance, MATRIX 2000 and OASys do not necessarily place the same offender in the same risk band, particularly for the high risk and very high risk bands (although they are designed for different purposes – the Guidance states that Matrix 2000 takes priority over OASys where there are discrepancies). This was reported by MAPPA coordinators and Level 3 panel Chairs across the case study sites and confirmed by survey respondents.
- Probation officers in all case study areas did not always complete the OASys risk assessment, particularly the 'risk of harm' section, which should be considered during effective risk assessment.
- Since experience is critical in assisting coordinators to make appropriate referrals, support mechanisms, such as links with other MAPPA areas and coordinators could be put in place to support inexperienced or new coordinators to grow quickly into their roles.

Risk management planning

According to the MAPPA guidance risk management planning must be linked explicitly to the risk assessment, and actions must link to specific risk factors. All case study sites identified the importance that risk management plans were realistic, achievable and practical, and should also be informed, assertive, proactive and intensive.

Respondents to the national survey indicated a generally positive picture of risk management planning and action:

- all but three areas' (22/25 that responded) risk management plans were perceived as matching identified risk factors in individuals cases;
- all but one area out of the 26 areas that responded felt that risk management plans identified key actions and activities; and
- 22/28 areas that responded thought risk management plans had a 'high' or 'very high' impact in reducing harmful behaviour.

The site visits and review of cases identified a number of factors leading to effective risk management planning:

Good practice in risk management planning

- Site areas have been proactive in exchanging relevant information prior to panel meetings.
- The full picture of the offender's circumstances was required to make fully informed assessments.
- A systematic review of risk factors (Area A listed risk factors in the minutes and plotted actions against them) to identify potential triggers and circumstances under which risk might escalate.
- Clear summaries from Chairs and active 'steers' as to what is required to appropriately manage the case. The minutes of the meeting provide a clear risk assessment followed by well matched risk management strategies, rather than a long 'case story'.
- Clearly defined actions identified to match the presenting risk factors with expected outcomes (to either reduce or contain the risk factors).
- Clear agency/personal responsibility was in place for actions with timescales.
- Contingency plans were in place in the event of breakdown.

Delivering risk management

Maguire *et al.* (2001) found that risk management practice was generally sound and well organised when dealing with high-risk offenders, but more variable for offenders considered medium or low risk.

Delivery

A number of risk management interventions were identified as being particularly effective in practice, focusing in particular on the critical few at Level 3 (as listed below).

Risk management at Level 3: examples from case study areas

- Proactive planning before release from prison enabled appropriate licence/parole conditions to be made, accommodation to be secured, victim protection and support work to take place and surveillance and reporting requirements to be set up.
- Use of police intelligence helped to recognise potential victims or grooming activities, to identify offender networks.
- Clear boundaries and swift enforcement of conditions: One area established written contracts¹⁰ with offenders to reinforce conditions and hold offenders to account for actions and attendance at treatment programmes.
- Targeted surveillance established key contacts and movements, and provided evidence of further offending and breach of licence conditions.
- Access to supervised accommodation (approved probation hostels or voluntary sector provision) was thought crucial for risk management – often combined with CCTV surveillance, high levels of staff supervision and contact, and the use of electronic monitoring.
- Accredited programmes were used with some positive effect with high-risk offenders (see Kemshall, 2001), but it was thought involvement in group work must be done with care, and as part of an overall risk management strategy. Offenders can present a false compliance and on occasion a false reassurance to supervising officers. In some cases offenders will have experienced similar programmes within prison and have 'learnt the responses'.
- Working with unmotivated offenders or 'false compliers': Risk management in such cases is almost entirely about containment in the community, restriction of opportunities to re-offend, and protection of known or likely victims. Surveillance and police intelligence are usually the key components of such plans, along with rapid recall procedures. Three areas (A, C and D) adopted an investigative approach to such offenders, and emphasised the joint working between police and probation in establishing a stable surveillance net around the offender.
- Victim protection had a high profile in all the panel meetings observed. In three areas (A, B and F) victim mediation and victim support officers attended panel meetings to provide key information and to keep victims informed. Personal alarms, rapid response police telephone numbers, and restraining orders were all used where appropriate to increase victim protection.
- Ensuring the needs of high-risk offenders are supported: On release from custody, a failure to meet the basic needs of the offender (for example benefit claims and accommodation) can undermine the risk management plan. In Area A offenders basic needs were addressed by probation staff not directly engaged in offender risk management.

A package of interventions used for an individual case would be determined by the assessment of individual circumstances for each offender.

10. Though not legally binding, such contracts may engender a stronger commitment by the offender and can be used in conjunction with a clear warning system and swift enforcement. The area established procedures for rapid parole recall, including out of hours contact between police and probation.

Typical risk management package for a known paedophile from Area A

- Electronic tagging
- Supervised accommodation
- Restriction of access to school locations
- Identification and intensive one-to-one work on key triggers e.g. mood change, attitudes to and sexualisation of children
- Use of local police for surveillance and police intelligence networks
- Victim empathy work

Review meetings

Review meetings to assess progress and changes with cases were set at varying intervals (quarterly, six-monthly or annually), largely dependent on the level of risk and management activity of the cases. All areas set shorter review periods in highly active cases where risk levels were changing, such as on release from prison and in the early stages of a case. They also had contingency plans for speedy reviews in the event of unforeseen changes in risk or risk management breakdown.

In the current study, the volume of cases for each panel meeting was found to be high, with up to 70 cases being dealt with at one time. This volume of cases caused problems for panels, including deficiencies in the monitoring of decision-making and action planning, and difficulties in evaluating the impact on individual cases and on the overall risk management strategy. Two areas managed the volume of cases by sharing and updating information outside of the meetings, or by providing a chronology of recent events to bring panel members up to speed quickly.

Case management

The 98 case files reviewed for this study provided a useful illustration of how risk management action was monitored and recorded. In approximately two out of three cases there was a clear and structured risk assessment.

Reviewing assessment levels

The research team applied the MAPPA criteria for 'critical few' management to the 73 Level 3 cases, and concluded that 26 were clearly identified as Level 3. However, four cases should have been graded at Level 2 and, in the remaining 42 cases, the record was not sufficiently clear for a judgement against the criteria to be made. It is difficult to conclude whether this reflects deficiencies in practice or poor record keeping. However, there were implications for auditing and evaluating practice, and in demonstrating defensibility in response to potential failures in risk management.

Managing case records

In the majority of cases examined, accountability for actions was clearly vested with one agency (usually police or probation), and dates for MAPPA reviews were set and largely met. Case records only rarely stated the desired or actual outcomes of the risk management plan, making evaluation difficult. However, site areas were beginning to format panel minutes (especially at Level 3) in a more outcome-orientated way to facilitate case reviews and overall audits of impact.

For most areas there was no integrated case record system for MAPPA cases, with duplicate copies of records being held by the MAPPA coordinator, the police and probation¹¹. One area used a joint police/probation record in the Public Protection Unit, which became the responsibility of the police on case closure. Larger urban areas with a higher volume of cases may find such a system difficult to manage and in such areas attention needs to be given to systematic record keeping on the 'critical few'.

Probation case records were particularly difficult to audit. Tracking progress through dense paper records was difficult and time consuming and it was not always clear how the MAPPA minutes and the resultant risk planning had been integrated into case supervision. Some areas had attempted to improve this situation by placing a summary of the case at the front of the file, and collating MAPPA minutes into a separate section.

11. ViSOR should enable areas to integrate data on police Sex Offender Register offenders and probation Level 2 and Level 3 offenders reducing duplicate records. There is a future intention to interface OASys with ViSOR.

The full OASys assessment was incomplete in around two thirds of probation cases reviewed. In one area the level and standard of completion of the electronic version, e-OASys, was better than earlier handwritten OASys forms, suggesting that with the full roll-out of e-OASys and its linkage to ViSOR this will become a more practical tool.

Good practice

- Most areas (22/25) that responded to the national survey had risk management plans that matched the identified risk factors in individuals cases.
- Electronic versions of assessment tools – such as e-OASys – could assist the process of completing and managing the information available.
- The high volume of cases was managed by developing mechanisms to share updated information prior to meetings, or by providing a chronology of recent events to panel members.
- Panel minutes were formatted in a more outcome-oriented way to facilitate case reviews.

Key challenges

- Most panels were found to have a high volume of cases for each panel meeting. This may lead to poorly monitored decision-making and action planning, and difficulties in evaluating impact.
- Poor quality record keeping can lead to auditing and evaluation problems, and in demonstrating defensible decision-making throughout the risk management process.
- Duplication of records occurred in most areas with no integrated case record system. Duplicate copies were being held by the MAPPAs offices, probation and police. A systematic method of record keeping needs to be developed, especially for the 'critical few'.
- Case records need to be outcome-focused to facilitate case reviews and overall audits of impact.
- Clear and structured risk management plans need to become a mandatory feature of case management.

Impact of risk management plans

All case study areas noted that measuring the impact of risk management plans was a key issue for their work, but that little had been done on this. Whilst 22 respondents to the national survey reported the positive impact of risk management on outcomes, actual evidence to support this claim was lacking. Providing statistical or audit-based evidence about impact, and measuring the effect of interventions such as treatment programmes, was considered difficult. Two areas used the absence of, or reduction in, further offending as an indicator of impact, and one area suggested that sanctions and external controls ensured effectiveness. Whilst full evaluation had not been carried out in any of the case study areas, two sites had carried out audits on MAPPAs cases using the minutes as a key source of information, and in one area, reviewing the fit between local practice and procedures and the MAPPAs guidance.

In the absence of full-scale evaluations, it would appear that audits of a sample of cases might be useful in establishing effective future actions. They may help identify the type of plans that are most often delivered, the types of cases that can be held in the community at a reasonable level of risk, and the types of cases and plans that most often break down. An audit can also provide a broad overview of what is working, and establish the average time cases remain successfully managed in the community and what resources are required to achieve this. Using audits to better understand cases that break down can help in the development of future contingency plans.

Case-based audits should be carried out regularly, and contribute to the annual report (Area A had annual audits). These should cover the following criteria, as adapted from Area A:

Area A criteria for case-based audits

- Check whether the amount of contact with the offender corresponds to the risk of harm they currently pose and that the case file demonstrates the appropriate targeting of resources at the highest risk offenders.
- Assess whether the documentation within the case file clearly demonstrates the systematic, well-informed and timely review of the offender's status and, if subject to probation supervision, their supervision plan objectives.
- Ensure that case files are comprehensively, accurately and well maintained in order that information is consistently and readily accessible.
- Ensure that all National Standards are adhered to under probation supervision.
- Ensure that where a Public Protection Meeting has been held, any action required by the action plan has been evidenced as being carried out within the timescale indicated in the plan.
- Establish whether the appropriate risk assessment tool has been appropriately completed and this information used at the Public Protection Meeting.
- Establish whether review dates are documented in the case file and are appropriately and timely completed.
- Ensure case files are well structured and accessible.
- Establish a contingency plan is evident and is periodically reviewed.
- Ensure essential resources are available.

A full audit of local procedural compliance with central guidance is likely to be time consuming and should be limited to key developmental stages of the MAPPA, or to a periodic operational 'fitness check'.

Information sharing

Information sharing within the MAPPA process is critical for making effective risk assessment and management decisions (National Probation Service 2004a). Information sharing and appropriate disclosure have received significant attention, not least from the Bichard Inquiry (2004). The inquiry raised important issues about information and intelligence storage, collation and exchange, in relation to all people who pose risk of serious harm to others, and not just those convicted of a sexual or violent offence. The earlier research by Maguire *et al.* (2001) had identified disclosure and information exchange as two problematic areas for public protection work (pp: 42-43), and the MAPPA guidance (2004a) also addressed these issues.

The MAPPA guidance states the key information sharing must:

- have lawful authority;
- be necessary;
- be proportionate;
- be done in ways which ensure the safety and security of the information shared; and
- be accountable.

(National Probation Service, 2004a: 83.)

The majority of respondents (25/30) reported that information sharing arrangements between MAPPA agencies was effective or very effective. Fewer – though still the majority – thought this was the case internally within MAPPA agencies (20/30) and externally with agencies not involved in MAPPA (18/30). The main problems identified were around obtaining information from health-related services and, more specifically, potential conflict between patient confidentiality and the need for public protection.

Site visits indicated that forensic mental health services appeared to have a better understanding of the issues of risk and the compelling need for public protection for Level 3 cases. In three of the case studies the MAPPA relationship with local forensic health services had been considerably improved by the inclusion of senior forensic personnel on the Level 3 MAPPP standing membership (Area B), by the inclusion of personnel from the relevant community mental health team (Area C) or by reciprocal training arrangements (Area D). These personnel provided information and risk analyses in key mental health cases, and also general information on the processes of the mental health system and mental health legislation.

Information exchange protocols

All but four areas that responded to the national survey (26/30) had formal information exchange protocols in place, based around Home Office information sharing principles. Protocols from 12 areas were analysed in depth. The necessity and proportionality of information sharing was emphasised in all areas, and all had stringent procedures for disclosure to third parties. Confidentiality was also well covered, with confidentiality statements used widely in paperwork, letters, and minutes of meetings, and arrangements in place for the secure storage of paper-based documents. MAPPA coordinators in the case study areas had been key to building confidence in the data sharing process, and accountability for the flow and use of information.

A number of areas had developed 'proformas' for information requests and disclosures, creating a record ensuring information exchange was based on a 'need to know' principle. For instance, forms in one area required: the purpose of the request; which individuals needed access; and how information was going to be used.

The inclusion of other 'duty to cooperate' agencies within MAPPAs meant that more agencies had to sign up to the agreements, and many areas revised their information sharing protocols in light of this.

Good practice

- Multi-agency training on the principles of information sharing, public protection and disclosure included appreciation of different partner agencies' functions and approaches.
- Explanatory leaflets were issued to 'duty to cooperate' agencies outlining the MAPPA process and the importance of information sharing.
- Some areas involved forensic mental health specialists on MAPPs.

Challenge

- Health professionals may be unwilling to share confidential information. The Royal College of Psychiatrists (2004) suggests that being a 'duty to cooperate' agency does not always imply a duty to share information.¹²

Sharing information for risk management

Good practice in information sharing – ensuring the responsible exchange between agencies – is informed by a shared understanding of the legal frameworks, 'so that police officers, social workers and other professionals can feel more confident in using information properly' (Bichard 2004: 4). Concern to 'get it right' was apparent in all the site areas. One area made a brief summary of the Human Rights Act 2003 available to MAPPA staff for ease of reference. In another area, panel participants signed an attendance sheet headed by a statement about the Human Rights Act 2003 and the Data Protection Act 1998. All Level 2 and 3 meetings observed began with the Chair reading a statement concerning human rights and data protection.

To ensure panel meetings had sufficient information to run efficiently, and make appropriate decisions, site areas were found to be proactive in seeking additional information prior to the meetings, particularly at Level 3. This information included:

- Police National Computer (PNC) checks and verification of previous convictions;
- where appropriate, checks with the Sex Offender Register;
- Social Services checks on the Child Protection Register for known victims or other children potentially at risk from the offender;
- where appropriate, information from Victim Support; and
- where an offender is in custody, the discipline record and other relevant information (e.g. the response to treatment programmes).

This information was in addition to the MAPPP referral information and was used by MAPPA coordinators and Level 3 panel Chairs to confirm that the risk posed justifies a Level 3 meeting or, where appropriate, to revise the risk level down to Level 2. This ensured the meeting time was better used as initial assessments were well informed

12. http://www.rcpsych.ac.uk/members/membership/public_protection.htm

and fewer cases were 'put off' for review to find out key facts or carry out agency checks. In some case study areas attending agencies also used 'information feedback forms' to ensure they presented accurate and useful information to panel meetings, providing a clear agency record of what was disclosed.

Outside meetings, agency databases increasingly used systems to flag issues to be raised in MAPPAs – for example risk flags in probation, or child protection flags in local authorities. These were still being developed, and problems still existed with cross-referencing victim-based databases in one agency with perpetrator-based databases in another, (linked to an over-restrictive interpretation of the Data Protection Act 1998, and some agencies' reluctance to share personal information). Delays in taking appropriate action have resulted from a lack of awareness in considering potential risks; in one particular case, this resulted in a convicted sex offender being housed in accommodation alongside vulnerable families for several days.

The study highlighted a need for further guidance and clarity on sharing information between agencies, covering detailed and specific examples of common problems and solutions. This may be especially useful for those in agencies with a 'duty to cooperate' whose systems may be less well developed for work of this nature. Similar guidance has been produced for those working in the field of domestic violence (Home Office, 2004b).

HM Prison Service, as a result of becoming a Responsible Authority, issued guidance on information sharing (2004) and, in one case study area, this was seen as resulting in improved information exchange. In this area a programme of activities was set up to have a positive impact on their role in information sharing:

- quarterly meetings of SMB representatives;
- a pilot study for ViSOR in the context of improving risk management;
- monthly risk management meetings; and
- production of a 'public protection manual' and revised public protection standards.

These have been supported by the creation of Prison Liaison Officer roles, to attend monthly risk management meetings for the prisoner, help assess the MAPPA level, and to pass on relevant information to police and probation. If appropriate, prison personnel will attend a Level 3 MAPPAs (HM Prison Service, 2004)¹³.

Good practice

- A liaison officer or coordinator from HM Prison Service facilitated information sharing with the police and probation, enhancing the risk assessment process.

Transfer of cases between areas

Problems were highlighted with information sharing in relation to the transfer of cases across areas (i.e. when offenders move areas), with 11 of 27 areas that responded to this question saying the procedures for this were ineffective. The main concerns were as follows:

- cases were transferred without sufficient time or notice to put in place appropriate risk management arrangements (n=4);
- areas were not committed or were unwilling to take cases and may have delayed transfer (n=5), with one area threatening disclosure to the media if transfer occurred;
- differences in local area protocols or arrangements meant there were inconsistent procedures for transferring cases (n=9); and
- there was uncertainty about which agency was responsible for approving transfer or whether MAPPA as a whole could take responsibility for this (n=1).

The case study areas identified similar problems with the appropriate risk assessment forms not being forwarded, or differences in the information collected and used in different areas. Partial information on offenders and differing expectations about what documentation should be provided (or received) can hinder appropriate risk assessment locally, and hamper risk management planning. This was particularly the case when timescales for transfer were short. Some of these difficulties have been addressed in the recent guidance for case transfer for general cases and public protection cases (*National Probation Service, 2004b and 2004c*), although further guidance may be welcomed.

13. http://pso.hmprisonservice.gov.uk/PSO_4745_public_protection.doc

Disclosure to third parties

Disclosure of information, or 'community notification' (which refers to passing on information about sex offenders to individuals or organisations) is a highly controversial issue. Maguire *et al.* (2001) found a lack of clarity about third party disclosure, but an overwhelming view that full disclosure was invariably undesirable, and limited disclosure to specific individuals (such as neighbours or schools) should be undertaken as a last resort, and only after careful consideration of the consequences. This study found greater clarity, with the majority (24 of 30 areas that responded) reporting very effective third party disclosure arrangements, based on the MAPPA guidance (*National Probation Service, 2004a: 93-95*).

A few isolated problems were described with third party disclosure, for instance: wider circulation of information without consent; breach of confidentiality or procedures outlined in protocols; and reported anxiety concerned with level of risk. In one case, a school wanted to disclose information to all parents.

Respondents also provided examples of what they felt was good practice for resolution to such problems. These included the use of formal written procedures and liaison with senior officers (n=3); discussion with MAPPA partners (n=1); and wider reassurance to MAPPP agencies that are not Responsible Authorities about key issues associated with risk awareness, the MAPPA process and public protection (n=3).

A well considered multi-agency protocol can have a positive impact on misunderstandings around third party disclosure. In one area, the information sharing protocols were developed by partner agencies working together, and this built considerable understanding and trust. Similarly, the involvement of non-MAPPA agencies in awareness training was believed to have resolved some difficulties. In another area, school staff were invited to the MAPPA meeting and a protocol was developed which provided named school staff with the necessary child protection information whilst ensuring a level of confidentiality that satisfied the MAPPA agency.

Good practice

- Four-fifths of respondents in the survey had very effective disclosure arrangements. Five areas had developed their own local protocols alongside national guidance.
- Involvement of non-MAPPA agencies in awareness training had improved trust. In one area, school staff worked with MAPPA staff to draw up a system for sharing confidential information.

Challenges

- In two-fifths of areas that responded, processes for transfer of cases between areas were ineffective.
- Short timescales for notification of transfer of cases and insufficient information resulted in difficulties in risk management planning.
- Third party disclosure in some cases resulted in breach of confidentiality and wider disclosure than intended.

Young offenders within MAPPA

MAPPAs have an important role to play with the management of young offenders who fall within the three categories of offender. Youth Offending Teams (YOTs) use the ASSET assessment tool (as opposed to OASys) in their assessment of young offenders. The core ASSET assessment currently incorporates a section entitled 'indicators of serious harm'. If indicators of serious harm are identified a 'full risk of harm assessment' is required. This classifies risk as: low, risk aware and risk concern. Previous research on ASSET has identified confusion around the purpose of the 'full risk of serious harm' section with many YOT staff seeing it as a method of indicating a young person's vulnerability rather than the risk posed by the young person to others (Baker *et al.*, 2003). Further guidance on MAPPA and young offenders has been provided by the Youth Justice Board (2005)¹⁴.

14. <http://www.youth-justice-board.gov.uk/PractitionersPortal/PreventionAndInterventions/DangerousOffenders/>

Level 2 and MAPPA management of young offenders

Evidence of formalised structures to work with young offenders at Level 2 of the MAPPA framework varied between the YOTs included in the case study areas. In two of the six areas there was a lack of formal structures between the YOT and Level 2, although there was evidence that all the YOTs employed 'enhanced supervision' with young people identified as posing a high risk. There was also evidence that all the YOTs used a range of multi-agency expertise in managing cases that they identified as high risk. Two YOTs with clear Level 2 structures had much more transparent processes in relation to their assessment and risk management procedures of young people.

Level 3 and MAPPA management of young offenders

In the case study areas the number of YOT cases registered at Level 3 varied with two YOTs having no young people registered and one of the larger YOTs having over 30. Representation at MAPPP meetings varied – one YOT was represented at all Level 3 meetings irrespective of whether YOT cases were being discussed; two attended the Level 3 meetings only when YOT cases were being heard. One of the YOTs who referred young people to Level 3 on the basis of offence category, rather than on risk assessment (and consequently had the highest number of YOT cases at Level 3 of all the case study sites), was exploring the possibility of setting up a parallel Level 3 panel for young people. This YOT lacked a Level 2 framework, instead prioritising engagement with Level 3.

Good practice

The structure in Area B YOT incorporated multi-agency risk strategy meetings as part of the management of cases that were identified as a 'risk concern'. These meetings were chaired by an Intensive Supervision Team manager and followed a core agenda that included:

- confidentiality statement;
- information exchange;
- risk assessment – who is at risk, how likely is the risk, how serious is the risk;
- whether risk can be managed at Level 2 and whether a referral to Level 3 is necessary;
- risk management strategy;
- actions; and
- review date.

These were Level 2 meetings and the minutes were fed into the Dangerous Persons Management Unit.

Challenges

- There was some confusion amongst YOT practitioners about the use of ASSET to identify the appropriate level of risk for young offenders.
- There was a lack of formal arrangements for inclusion of YOTs at Level 2.

People with mental health/learning disability within MAPPA

The integration of mental health agencies into MAPPAs remains patchy, with problems particularly around attendance at panel meetings. The national survey indicated that psychiatrists were sometimes members of Level 3 panels. In the case study areas there was an increasing use of forensic psychologists and community psychiatric nurses. These members were beginning to play an active role in risk assessment and offender management. Where a lack of mental health and particularly forensic mental health involvement was evident, this had repercussions for those few cases referred to MAPPA from secure hospitals and special units (particularly acute in Area B). One area benefited from a designated Probation Officer for mental health attending Level 3 meetings and providing advice and support on individual cases. This role was supported by a protocol between police, probation and mental health services. This protocol supported the disclosure of patient information, if justified by the level of risk, although the emphasis was on gaining the offender's consent if possible.

Two areas identified a lack of service and supervision for people with learning disabilities as well as for those with personality disorders. However, another area had a more positive engagement with this client group, benefiting from the high engagement of a Mental Health Criminal Justice team in the MAPPA. Personnel from this team provided risk assessment and case management advice – including assessment pre-release – and contributed to community care plans. The benefits in another case study area included members of the Mental Health team visiting offenders in prison and liaising with their prison medical colleagues and reporting back to MAPPA. Mental health care planning and MAPPA can positively work together, but nationally this is not always the case. Similarly, more provision may be needed for MAPPA offenders with learning disabilities.

Good practice

- Inclusion of a Mental Health Criminal Justice team within MAPPA.

5. Summary and recommendations

Operational issues

- All MAPPA areas have adopted the tiered ‘pyramid’ structure from the guidance and arrangements for Level 2 and 3 are largely well developed, although the daily operational management of the MAPPA process is varied. A good part of the continuing variation reflects the fitness for purpose of structures to different settings, depending upon area size, geography and volume of cases.
- The survey suggests that Level 2 and 3 panels had good representation from key agencies. Where problems of representation or attendance existed, areas have been proactive in addressing them.
- Two thirds of areas that responded had a dedicated MAPPA coordinator, providing a greater level of consistency, quality assurance and a stronger link between operational and strategic work in local MAPP arrangements. The coordinator assumed a gatekeeping role in ensuring that referrals and subsequent risk level allocations are appropriate.
- Administrative support still varied considerably across the different areas, with particular concern over the resources available for this function. This had an impact on the quality of minutes and other documentation, and the monitoring processes associated with MAPPA.
- Critical success factors for effective panel meetings included having: competent and proactive Chairs; standing agendas in line with the MAPPA guidance; the active participation of all attendees; and practice standards for the conduct of meetings.

Strategic issues

- SMBs were established in all areas, with good representation from Responsible Authorities and ‘duty to cooperate’ agencies. Some areas also had lay members who strengthened attendance.
- Most SMBs were able to operate effectively in decision-making and resource allocation.
- SMBs were developing their roles in monitoring and evaluation, with good examples of quality assurance mechanisms featuring in local arrangements. It was recognised that more systematic data collection and monitoring could assist strategic decision-making.
- Areas were seeking to underpin accountability with protocols, with more recent documents reflecting the requirements of the MAPPA guidance.
- Whilst links to other public protection agencies were not always well developed, links with ACPCs were positive and good practice was identified in site visits.
- Training throughout the areas was inconsistent. Some areas had adopted innovative regional good practice-sharing arrangements; others cited a lack of fundamental training as impacting negatively on MAPPA development.

Referral, risk assessment and risk management in practice

- Where evident, effective coordination and gatekeeping ensured offenders were referred to the appropriate level.
- Areas that were successful in managing the risk levels have adopted a broad range of approaches: a clear definition of active Level 2 involvement; the active downgrading of cases where appropriate; and a recognition that the level of referral depends on the extent of inter-agency work needed to manage the offender as well as the risk level.
- Risk management planning was greatly aided by proactive information exchange mainly in anticipation of Level 2 and 3 meetings, the systematic review of risk factors, clear actions and timescales, together with the presence of contingency plans in case of breakdown.
- A range of effective interventions arose from risk management planning. These included proactive planning; use of police intelligence and surveillance; swift enforcement of conditions; supervised accommodation; and the use of accredited programmes.
- There was no integrated case record system for MAPPA cases and paper-based probation case records in particular were difficult to audit. The full OASys assessments were often incomplete, and records rarely contained a clear risk plan meeting the SMART criteria.
- Case-based audits offered a number of benefits, to check whether the level of intervention matched the level of risk, and also to ensure that appropriate procedures had been followed and adequate records maintained throughout the process.
- Misallocation of offenders to the wrong levels was still a problem, with a higher volume of cases at Level 3 than necessary, which resulted in resources being diverted from those who posed the highest risk.
- Areas reported that they conducted timely and targeted approaches to case reviews.
- The majority of areas that responded to the survey reported that information-sharing arrangements were either effective or very effective, and indicated that formal protocols were in place. A more in-depth analysis showed inconsistency both in terms of coverage and terminology.
- Information sharing with health services remained difficult, although there were examples of integration of forensic and community mental health into local arrangements.
- The transfer of cases between areas was problematic in many areas, although this is being addressed through guidance from the National Probation Service.
- Arrangements for third party disclosure were well developed with effective use of national guidance and other principles to inform consistent decisions.
- MAPPAs have an important role to play with the management of young offenders, although formal arrangements were not always in place between Level 2 and 3 panels and YOTs.
- More provision may be needed for MAPPA offenders with mental health problems or learning disabilities.

Main recommendations for policy and practice

Lessons for policy makers and practitioners are referred to throughout the report. However, there are a number of targeted recommendations for improvements in policy and practice.

Policy: Home Office and NOMS

- Further guidance should be provided setting out minimum expectations for what information needs to be available at a MAPPA meeting to provide consistency across areas.
- Further guidance on information sharing and disclosure protocols should be provided – useful guidance has been provided by the Home Office (2004b) for dealing with Domestic Violence.
- Further guidance should be provided for case transfer across areas to ensure consistency of risk assessment and management.
- Level 2 panels would benefit from re-definition in national guidance to provide a clearer statement of meaningful and active involvement of two or more agencies, as part of an inter-agency risk management strategy.

- A requirement should be made for Level 2 cases to be monitored and numbers reported in the annual report.
- Standards for the conduct of Level 3 risk management cases should be developed nationally based upon the good practice identified in this report and elsewhere.
- Further guidance and good practice should be provided on a core portfolio of mandatory training for those working in MAPPA, to ensure greater consistency across all areas.
- A standard template with minimum requirements for minute-taking and requests for information could be developed and provided to all SMBs.

Policy: Strategic Management Boards

- SMBs should produce annual business plans to assist with prioritisation of workloads and forward planning.
- Strategic planning and working may benefit from areas locating MAPPA work alongside other public protection work, such as child protection or domestic violence.
- Numbers of Level 2 offenders should be collated and reported in the annual report. Level 2 cases should be monitored at a local level to ensure there is management of the volume of offenders, and that the referral criteria at this level are consistent.
- SMBs should review their databases and consider developing evaluation techniques for the work of MAPPA locally, including the use of case audits. This can then feed into future contingency planning work and a better understanding of the effects of the risk management strategies put in place.
- A full audit of local procedural compliance with central government should be carried out at key developmental stages of the MAPPA, or on a periodic 'fitness check' cycle.
- SMBs should formulate a training strategy appropriate to local needs and review it annually.

Practice: Responsible Authorities and 'duty to cooperate' agencies

- With the increasingly complex nature of MAPPAs, areas may need to review their coordination and administration arrangements.
- All MAPPAs should be reviewed as to whether they are using their current coordination role to best effect, or whether changes are required to respond to increased demands. This may include the appointment of a dedicated person to this role where appropriate.
- Appropriate resources for administrative support should be allocated to all areas as a priority.
- Pre-meeting information requirements should be developed and implemented, setting out minimum expectations for what information needs to be available from all partner agencies at a MAPPA meeting.
- Local information sharing and disclosure protocols should be reviewed and developed with 'duty to cooperate' agencies to ensure consistency in understanding and implementation. Such protocols should be agreed and signed by all agencies.
- Case recording requires urgent attention including the appropriate format and completion of records and the avoidance of inappropriate duplication.
- Referrals to MAPPA from probation should include a full OASys form with the risk of harm section completed.
- A standard template with minimum requirements for minute-taking and requests for information could be adopted.
- Areas should be encouraged to meet the SMART criteria and consider the appropriateness of contingency planning in more cases.

Appendix A: The six site areas

	Area A	Area B	Area C	Area D	Area E	Area F
Character of area	Mixed rural shire and city areas	Mixed rural shire and city areas	Mid-size metropolitan area	Mixed urban and coastal	Large metropolitan area	Urban, compact
Total MAPPA population ¹	Low	Mid-range	Mid-range	Mid-range	Very high	Mid-range
Percentage of MAPPA population at L3	2.4%	2.2%	5.5%	3.2%	15.5%	6.1%
MAPPA Co-ordinator	2 MAPPA Co-ordinators	2 MAPP Managers (policy/operations)	ACO MAPP Chair	MAPPA Coordinator	MAPPA Co-ordinator and Sex Offender Registrar	MAPPA coordinator
Structure	Central public protection team, police/probation joint working. Central organisation of Levels 2 and 3. Level 3 chaired by ACO.	Central unit for co-ordination of MAPPA work, case supervision with dedicated police and probation public protection units. Level 3 chaired by MAPPA co-ordinator.	Managed within divisions of probation, Level 3 chaired by ACO. Supervision by probation and police in separate units.	Central public protection team, police/probation joint working. Central organisation of Levels 2 and 3.	Central unit co-ordinates SO register with supervision carried out at locally based probation and police units.	Managed within divisions of probation, Level 3 chaired by ACO. Supervision by probation and police in separate units.
Key research activities ²	Observation of 1 SMB. Observation of 1 Level 2 and 1 Level 3 meeting. Interviews with YOT, YOS, ACPC and Victim Liaison. Visits to PP teams.	Observation of 1 SMB. Observation of 1 Level 2 and 2 Level 3. Interviews with YOT, ACPC. Visits to PP teams.	Observation of 1 SMB. Observation of 1 Level 2 and 2 Level 3. Interviews with YOT.	Observation of 1 SMB. Observation of 1 Level 2 and 1 Level 3. Interviews with YOT, ACPC, Victim liaison.	Observation of 2 SMB. Observation of 4 Level 2 and 1 Level 3. Interviews with YOT, Visit to PP team.	Observation of 1 SMB. Observation of 2 Level 2 and 1 Level 3. Interview with YOT, Victim liaison.

1. Figures based on 2004 Annual Report data. Actual figures not included to protect anonymity of areas.

2. All observations were supported with follow up interviews, some with focus groups and analysis of documentary evidence.

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Glossary

ACPC	Area Child Protection Committee
ASSET	Structured assessment tool used by Youth Offending Teams
CJCS	Criminal Justice and Court Services
CRAMS	Case Record Management System
MAPPA	Multi Agency Public Protection Arrangements
MAPPP	Multi Agency Public Protection Panel
MATRIX	Police risk assessment tool
NOMS	National Offender Management Service
OASys	Offender Assessment System (used by Probation and Prisons)
PPCU	Public Protection and Courts Unit
SMART	Specific, Measurable, Achievable, Realistic, Timely
SMB	Strategic Management Board
ViSOR	Violent and Sex Offender Register
YOT	Youth Offending Team

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