

The operation and experience of Multi-Agency Public Protection Arrangements (MAPPA)

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Home Office Online Report 12/07

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Executive summary

This research was undertaken as part of the Home Office's review of the way in which offenders convicted of sexual offences against children are managed.

The research had two primary aims.

1. To identify and assess specific operational practices in relation to sexual offenders subject to Multi-Agency Public Protection Arrangements (MAPPA) Level 2 and 3 in terms of risk assessment, supervision, surveillance, interventions, enforcement, compliance, breach, recall and so on.
2. To identify and assess the experience of subjection to MAPPA Level 2 and 3 and the impact of this on offending-related behaviour of Registered Sexual Offenders (RSOs) convicted of offences against children. To be explored from the viewpoint of both offenders and those working within those agencies represented at MAPPA Level 2 and 3.

The study was qualitative in nature and included interviews with a range of practitioners involved in the MAPPA process, and offenders, and a number of focus groups with members of Level 2 and 3 panels and Strategic Management Boards.

The study was small-scale, conducted within three MAPPA Areas and therefore does not represent a comprehensive examination of MAPPA effectiveness. Rather, it is an exploration of current practices within MAPPA across the three Areas and how these are understood and experienced by those involved.

Key findings

- Areas routinely made use of *external* controls to restrict offenders, including: licence conditions, behavioural restrictions, the use of police home visits and contact restrictions.
- The impact of these controls varied. When they were clearly rationalised by supervision staff, offenders indicated a greater readiness to comply.
- Supervision and treatment programmes were used to enhance an offender's *internal* controls. These were used by the offender to limit problematic behaviour and to avoid key triggers and risky situations. Successful supervision relationships were seen as key to the understanding and development of these controls.
- Offenders interviewed claimed to engage with programmes, and most reported them as beneficial in enabling them to think about risk factors, victim empathy and to self-report behaviour of concern. There was evidence of behavioural change including: indications of self-risk management, clear articulation of victim empathy, the use of 'distraction techniques' and greater openness about feelings. Remorse and motivation to change were seen as the two key factors that influenced whether programmes would be effective.
- Areas were using their discretionary powers to disclose information, using the MAPPA guidance to inform decision-making. In most cases, the offender had consented to this.
- This was seen to be effective in enhancing child protection and disclosures had been made to a range of agencies including accommodation providers, employers, voluntary groups and other services providers.
- Discretionary disclosure was also used selectively to inform specific members of the public, e.g. prospective partners, if they or their children were considered to be potentially at risk.
- 'Public' disclosure, understood to represent a UK version of 'Megan's Law' was described as 'counter-productive', offering 'no benefit' to MAPPA. Participants were concerned about: public disorder issues arising from 'outing', offenders disengaging from supervision and the cost of administering and policing public disclosure.
- Offenders also felt that public disclosure would make supervision more difficult, and would not encourage them to co-operate with their registration requirements.

- This research makes a number of recommendations to improve practices within MAPPA in relation to the management of child sex offenders, supporting those made in previous reports.

1. Introduction

Multi-Agency Public Protection Arrangements

Public protection from sexual and violent offenders remains a high profile issue and in recent years there has been growing public and media concern over the effective management of high-risk offenders in the community.

Multi-Agency Public Protection Arrangements (MAPPA) were formally created by Sections 67 and 68 of the Criminal Justice and Court Services Act 2000, although they had evolved from multi-agency arrangements in the late 1990s for the assessment and management of sex offenders subject to the sex offender register. These arrangements were consolidated by the Criminal Justice Act 2003 which made the Police, Probation and Prison Services 'responsible authorities' (RAs) giving other agencies a 'duty to cooperate' in each of the 43 police/probation areas. The arrangements are overseen by a Strategic Management Board (SMB) in each area which has responsibility for the strategic development of arrangements, together with the development of monitoring and evaluation systems (see Kemshall *et. al.*, 2005, for a review of the work of SMBs).

Statutory responsibility was placed on the three main agencies to establish arrangements for the assessment and management of sexual and violent offenders, who are categorised as follows.

Category 1 – Registered sex offenders who have been convicted or cautioned since September 1997 of certain sexual offences (Section 327(2) CJA 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 sexual offenders who received a custodial sentence of 12 months or more since April 2001, a hospital or guardianship order, or who are subject to disqualification from working with children (CJA 2003 327(3-5)). These offenders are subject to statutory supervision by the National Probation Service or the Youth Offending Teams (YOTs), consequently they are responsible for their identification.

Category 3 – Other offenders considered by the responsible authority to pose a 'risk of serious harm to the public' (CJA 2003 325(2)). Identification is largely determined by the judgement of the responsible authority based upon two main considerations.

- The offender must have a conviction that indicate she or she is capable of causing serious harm to the public.
- 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.
(Home Office 2004)

Agencies used a three-tiered system that helps them target resources at offenders posing the highest level of risk, known as the 'critical few'.

- Level 1 (Ordinary risk management) – the agency responsible for the offender can manage the risk without significant involvement of other agencies. This Level is only appropriate for category 1 and 2 offenders assessed as presenting a low or medium risk of harm.
- 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 of harm 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 (Multi-Agency Public Protection Panels, MAPPPs) – designed for management of the ‘critical few’ who pose a high or very high risk of serious harm. They will often have a media profile, and their management plan will consist of collaboration between key agencies in the delivery of an agreed plan for the community management of the offender.

NB: offenders can be escalated/de-escalated in terms of level of management when risk increases/decreases, since risk is dynamic (see Home Office, 2004: para 111-116).

The MAPPA were extensively evaluated by Kemshall *et al.*, (2005) and demonstrated substantial improvements since the previous evaluation reported in 2001 (Maguire *et al.*, 2001). Two significant legislative developments aided consistency in practice across Areas and increased levels of inter-agency co-operation. Firstly, the Criminal Justice and Court Services Act (2000) established the Police and Probation Services as responsible authorities for delivering multi-agency public protection arrangements. Thus, MAPPA agencies have a statutory duty to identify high risk offenders, carry out risk assessments and ensure that such offenders are appropriately managed within the community. Comprehensive guidance was issued to areas which set out in detail the expectations of these formalised arrangements (see Home Office, 2003; 2004).

Secondly, the Criminal Justice Act (2003) continued the formalisation of these arrangements by extending the role of responsible authority to the Prison Service, and a duty to co-operate to a range of agencies (Local Health Authorities and Trusts; Primary Care and Mental Health Trusts; Strategic Health Authorities; Housing Authorities and registered social landlords; Social Services departments; Local Education Authorities; Youth Offending Teams; Job Centre Plus and electronic monitoring providers). The integration of the Prison Service into MAPPA recognises the key role of prisons in the pre-release planning of high-risk offenders and the management of risk throughout the sentence including setting appropriate licence conditions, and exchanging information with police and probation to assist with the appropriate community management of offenders.

In their process evaluation, Kemshall *et al.*, (2005) found that Areas were, in the main, following the MAPPA guidance, with the adoption of a tiered pyramid structure across areas, and good evidence of different agency representation. However, despite improvements, a number of key issues were identified that warranted further attention.

- Greater effectiveness and appropriateness in the allocation of offenders to the appropriate level of risk management.
- Full completion of risk assessment tools in all cases.
- Clearer mechanisms for recording risk assessments and risk management decisions, particularly in the case of panel minutes.
- A case review system matched to risk management plans.
- Appropriate, dedicated resources for co-ordination and administration of MAPPA (Kemshall *et al.*, 2005).

Similarly, the joint Police and Probation Inspectorate report, *Managing sex offenders in the community* (2005), identified a number of areas which were proving problematic for MAPPA.

- Provision of accommodation for sex offenders.
- Clarity about the responsibility of probation areas for sex offenders who were no longer subject to an order or licence but continued to be supervised as Registered Sex Offenders by the police.
- The demand for accredited sex offender programmes exceeded supply which led to unacceptable delays.

Following this report, in 2006 the Police, Prisons and Probation Inspectorate published a thematic report into the work of MAPPA - *Putting Risk of Harm in Context* – which uncovered a number of areas for concern, including the following.

- That different criteria were being applied in different Areas in determining the levels at which offenders would be managed. There were also variations in processes and terminology.
- A need for clear, shared definitions and understanding. For example, some housing departments were evicting or accepting tenants with no reference to MAPPA, indicating a clear gap between criminal justice and other services.
- Substantial variation in the structure and frequency of MAPPA meetings.
- Varying quality of MAPPA meeting minutes and action plans. Slow turn-around times for minutes was a problem in a number of Areas.

Finally, two Independent Reviews of serious further offending published by the Probation Inspectorate in 2006, on Damien Hanson and Elliot White in February and on Anthony Rice in May, highlighted issues in case management and procedures. For example, in the case of Rice (who committed murder in August 2005 while being supervised on a life licence for offences including attempted rape), the MAPPA concerned could not demonstrate that any disclosure had been made to Rice's employer concerning the nature of his convictions.

Subsequent to the various reviews and reports published in recent years relating to MAPPA and the community management of offenders, and following the Home Secretary's announcement in 2006 of a review of the way in which child sex offenders specifically are managed, a need was identified to explore in depth how the MAPPA are currently operating and how they are experienced, by both staff working within them and the offenders managed by them.

2. Methodology

Aims and objectives

The research had two primary aims.

1. To identify and assess specific operational practices in relation to sexual offenders subject to MAPPA Level 2 and 3 in terms of risk assessment, supervision, surveillance, interventions, enforcement, compliance, breach, recall and so on.
2. To identify and assess the experience of subjection to MAPPA Level 2 and 3 and the impact of this on offending-related behaviour of registered sexual offenders convicted of offences against children. To be explored from the viewpoint of both offenders and those working within those agencies represented at MAPPA Level 2 and 3.

This research is small-scale in nature and does not represent a comprehensive examination of MAPPA effectiveness. Rather, it is an exploration of current practices within MAPPA and how these are understood and experienced by those involved. Four key objectives were examined.

1. **The overall aims of MAPPA level 2 and 3**
Including how MAPPA processes support agencies to deliver public protection through intensive supervision and inter-agency involvement.
2. **The supervision and management practices**
Including an assessment of the supervision and management methods used, 'what works' in relation to these and how supervision can be enhanced.
3. **The experience and value of MAPPA**
Including the perceptions of professionals of value, how 'outcomes' are defined, the impact of MAPPA on the life of offenders and the risk of reoffending.
4. **Public disclosure of offender details**
Including under what circumstances third party disclosure is used, how it is understood, whether this supports the work of MAPPA and to what extent it should be applied.

Design

The research was qualitative in nature and comprised a series of focus groups and depth interviews with practitioners, MAPPA members, Strategic Management Board (SMB) representatives, and offenders both in custody (following recall) and in the community under MAPPA supervision. Interviews were conducted in three Areas and in addition to interview data, a number of documents were examined, including annual reports and treatment programmes. Areas were included on the basis of their rural and urban catchments, and are not intended to be representative. Rather, they provide sites for in-depth investigation that illustrate elements of good practice and areas for development. Interviews were audio-recorded by the research team and transcribed. Analysis of the transcripts was undertaken by Wood, Kemshall and Mackenzie using consistent coding techniques to identify common themes across the four research objectives.

Participants

Potential participants were contacted by local co-ordinators for inclusion in the study. The eventual sample comprised:

- Four focus groups with mixed Level 2 and 3 panel members with two featuring SMB members.
- Two focus groups with Level 2 and 3 panel members and SMB members.
- One focus group solely with SMB members. The core agencies represented in all focus groups were: police, probation, prisons, youth offending services, social

services and housing providers. Health services were represented at all but one of the focus groups in one Area.

- Twenty-three interviews with probation and police supervision staff.
- One interview with a prison officer seconded to a multi-agency team.
- Four interviews with MAPPA co-ordinators.
- One interview with an Assistant Chief Officer (probation) in charge of public protection.
- Four interviews with offenders in custody, recalled following breach of their licence conditions.
- Eleven interviews with offenders in the community being managed by MAPPA. Offenders in each area were selected by supervision staff or the MAPPA co-ordinator, based on the criteria that they should be 'those convicted of a sexual offence against children and currently managed under MAPPA level 2 or level 3'. For interviews with those in custody, this included 'those who have been recalled by MAPPA following breach of their licence conditions'.

Following consent from participants to be interviewed, their right to confidentiality was highlighted, and all individual and Area-identifying characteristics have been removed in reporting the research findings. The Areas studied have been referred to as A, B and C.

Limitations of methodology

The qualitative nature of this small-scale study means that it does not intend to provide generalisations about the operation and experience of MAPPA across all Areas. Rather, this report provides a case-study approach to understanding the work of the three Areas studied. Throughout this report, the perceptions of participants are drawn upon to illustrate good practice and challenges. These in turn inform the research recommendations.

3. Findings

The following three sections present the research findings in three key areas.

1. Stakeholder views of the overall aims of MAPPA.
2. Supervision and management practices employed within MAPPA.
3. Disclosure practices within MAPPA.

The overall aims of MAPPA

The seven focus groups enabled individuals from a range of agencies, operating at different levels, to discuss what they felt were the key aims of MAPPA and what contribution the arrangements made to the management of sex offenders in the community. These were supplemented with interviews conducted with supervision staff and MAPPA co-ordinators.

Public protection

Across all three Areas, the primary aim of MAPPA was identified as 'public protection', achieved through inter-agency risk assessment and risk management. The imposition of both internal and external 'control' measures was seen as a key element of management (defined and discussed further in Section 3). It was recognised across all Areas that MAPPA cannot eradicate risk entirely, but must do all it can to ensure that reasonable steps are taken to reduce the likelihood of harm.

Risk assessment processes have continued to develop as Areas build in more robust and consistent ways of offender risk identification. The use of tools was consistent with all areas citing the use of OASys and Risk Matrix 2000 as their main risk assessment tools. Area B had access to specialist psychological assessment in some cases, and benefited from additional expertise in panel assessments and risk management planning by having a psychologist's input. As noted below, effective information exchange from different agencies was felt to be leading to more thorough risk assessment and management plans.

Offender rehabilitation

Also investigated was the extent to which Areas saw MAPPA as a process by which offenders could be 'rehabilitated'. While the key aim of public protection was very clearly articulated, the issue of offender rehabilitation was less clear. Focus group participants did not identify this as a core aim of MAPPA without prompt, suggesting the prioritisation of public safety in the collective MAPPA consciousness. In addition, supervision staff on the whole prioritised containment and control in Areas A and C over offender rehabilitation efforts.

For Area B, an equal balance between rehabilitation and public protection was more readily acknowledged. One participant described this as a 'carrot and stick' approach to offender management, seeing treatment programmes as essential to successful rehabilitation of offenders.

Inter-agency co-operation

Inter-agency co-operation was perceived to be a key aim of MAPPA; indeed, it was seen as the *distinctive contribution* that MAPPA makes to public protection. It was felt to be particularly well developed with offenders managed at Level 3, with minimal inter-agency difficulties reported.

In Areas A and B, effective inter-agency work preceded the introduction of MAPPA, but both the Criminal Justice and Court Services Act (2000) and the Criminal Justice Act (2003) have strengthened these arrangements and have, to an extent, clarified the responsibilities of partnership agencies. However the co-ordinator in Area A felt that greater clarification of the 'duty to co-operate' was required in order to strengthen the active involvement of other

agencies. This was felt to be potentially beneficial in better engaging both health and housing in the MAPPA process (see Section 3).

Overall, there were minimal problems reported in relation to engaging other agencies, especially when Level 3 Multi-Agency Public Protection Panel (MAPPP) commitments were required. Indeed, for supervision staff in Areas A and B, Level 3 arrangements provided access to resources and expertise that was not available in any other forum.

A much cited benefit of the multi-agency arrangements is the effectiveness of information exchange and the sharing of intelligence. All Areas described processes for information exchange as effective and useful in building up a comprehensive risk assessment and risk management plan for offenders. This was of particular benefit to the lead agency responsible for day-to-day management of the offender.

While MAPPA is recognised by practitioners as enhancing child protection, with well developed links with social care (see Section 3), the view was also expressed that both criminal justice staff and child protection staff could benefit from greater familiarity with the knowledge, skill and structural frameworks within which the other discipline operates.

Areas A and C commented that the interface between MAPPA and health remained in some cases problematic, with issues of effective communication and the appropriate balance of risks against patients' rights continuing to present as key tensions (see Kemshall *et al.*, 2005). For Area A, this was less acute at Level 3 where links with a local forensic psychiatric unit had established a better working relationship. However, this relationship did not always apply in the wider region. The MAPPA co-ordinator suggested the authority of the SMB could be 'better used' to tackle these difficulties.

Information exchange and inter-agency co-operation were strengthened in all areas by well developed protocols setting out clear expectations of partners.

Offender understanding of MAPPA

For offenders who could define MAPPA, the following responses illustrate the range of understanding:

- *"I understand they have a responsibility to the public to ensure that I do not cross any boundaries".*
- *"I know they are part of the sex offender team but they didn't really go into it too much".*
- *"Basically it is to monitor people like myself, it is to do with a risk assessment and stuff like that".*
- *"A risk management panel".*

More commonly, offenders simply associated MAPPA with the individual members of staff and individual agencies involved in their supervision.

Box 3.1: Key findings – overall aims of MAPPA

- The primary aim of MAPPA is identified as 'public protection' by participants across the three Areas.
- Inter-agency co-operation through access to resources and effective information exchange were seen as the distinctive contributions of MAPPA.
- Offenders were less able to define MAPPA but associated it with the individual staff and agencies that they came into contact with.

Supervision and management practices

Data from the focus group and depth interviews were supplemented with the collection of 'desk' material, including copies of treatment programme manuals, offender 'supervision contracts', and MAPPA referral forms.

MAPPA contribution to the supervision of sex offenders

Staff across all grades were positive about the contribution of MAPPA to the supervision of sex offenders in the community. The following themes emerged as particularly important.

- **Effective communication among police, probation and prisons** – important for release on parole and for successful management of high risk cases and those most likely to attract media attention or public disquiet.
- **The systematic exchange of information** – enabling the lead agency to manage the offender with the best possible intelligence.
- **Access to housing and accommodation** – especially key in difficult cases. However, there was variation across Areas and appropriate accommodation was a key issue. For example, Area A reported problems in ensuring representation from housing associations at panel meetings. Similarly, the city housing authority was routinely represented at Level 3 meetings whereas the county housing authority was notably absent. This had led to an uneven responsibility for the city authority to secure accommodation. Area C had developed a protocol that ten district councils had signed up to with a commitment to sharing accommodation responsibilities across the different authorities.
- **Access to specialist supervised accommodation is uneven** – Area B had successfully used an Approved Premise in a neighbouring area which offered specialist supervision and support to sex offenders. However, specialist supervised accommodation was patchy and some participants identified this as a key gap in service provision.
- **Link to Social Services** – particularly valued for child protection issues, including identification of 'at risk' children and potential victims. Social Services representatives in all three Areas similarly cited MAPPA processes as being effective in providing better identification and management systems for at risk children.
- **Victim liaison for victim issues** – including the appropriate relocation of offenders. This included a focus on victim protection measures when needed.
- **MAPPA approved discretionary disclosure** – especially important in consideration of employment, residence near schools and suspected grooming activities.
- **Rapid response in cases of escalating risk or deteriorating behaviour** – for example by calling an emergency MAPPP, reviewing risk management plans, assisting workers in finding additional or alternative services (e.g. accommodation, mental health services). Similarly, a rapid response was required when high-risk offenders themselves were at risk and strategies were needed to maintain public order and prevent the commission of offences targeted at the offender.
- **Option to facilitate supervision of high risk offenders beyond end of licence** – through registration requirements and placement of supervision functions with the police. (Note: see below for issues arising from this policy).
- **MAPPA can facilitate access to additional resources** – e.g. accommodation, police surveillance and treatment programmes (Area B regularly uses a treatment programme in an adjoining area). For offenders managed at Level 3, in all areas, this access was more pronounced with cross-agency recognition of the resource priorities associated with the 'critical few'.

Effectiveness of MAPPA supervision in preventing sexual re-offending

The definition of 'effectiveness' within MAPPA was underdeveloped, partly because it is difficult to clarify and measure, especially in terms of what flows from joint MAPPA partnerships and what stems from individual agency responsibilities. However, police and

probation staff directly responsible for supervision identified the following factors as key to effective practice with MAPPA cases in partnership and as individual agencies.

- **Timely and focused pre-release work.** Facilitated in Area B through joint visits by police and probation to prisoners pre-release, and by regular attendance of prison personnel at MAPPP Level 3 meetings. Specific risk management plans were reported to be developed pre-release with appropriate conditions and restrictions and areas operated swift recall policies.
- **Panel attendance of victim liaison workers.** This enabled presentation of victim issues and a focus on victim protection strategies (e.g. rapid response phone contact, alarms, and so on).
- **Early identification of need and referral to relevant treatment/group work programme, supported by relevant one-to-one work.** Communication between programme tutors and the MAPPA co-ordinator had assisted in presenting more informed progress reports at MAPPA meetings in Area A. In Area B, information was passed on from programme tutors within 24 hours. In both Areas, there was a suggestion that treatment providers could attend MAPPA meetings more often.
- **Offence-focused individual work,** for example working with offenders to develop internal controls and recognise and avoid triggers to offending.
- **Attention in one-to-one-supervision to relapse prevention,** especially following completion of treatment. This varied across the three Areas, appearing to be excellent in Area B but less often implemented in Area C.
- **Probation officers working with offenders to jointly manage risk** with the goal of engaging offenders in their own regulation. This participatory approach was felt to be effective in ensuring offenders could better self-risk manage post-supervision.
- The use and enforcement of **appropriate external controls** (curfews, exclusion zones, and so on).
- Use of **home visits to check and be 'lifestyle vigilant'** – in Area B visits were jointly made by police and probation while other areas conducted police visits.
- **Police surveillance.**¹
- **Swift and appropriate information exchange** (e.g. between police and probation especially when offenders were breaching licence conditions).
- The **specialist multi-agency teams of police and probation** in Areas B and C showed very well developed specialist expertise and prompt information-sharing practices. Similarly, the specialist police team in Area A was well developed, with excellent links with the MAPPA co-ordinator.

Post-licence supervision

In all Areas examined, Sexual Offence Prevention Orders (SOPOs) were used to manage high-risk, low-compliance offenders, although the extent of national consistency has not been examined. Those offenders who remained a high risk following the end of their licence or supervision period were dealt with in a variety of ways including applications for SOPOs, continued supervision by police using sex offender registration conditions, and in some cases by probation on a 'voluntary' basis. Here, offenders were given the option to engage with the Probation Service by voluntary consent. However the decision to offer voluntary supervision and indeed, its take up, was uneven. Most staff interviewed considered this to be unsatisfactory, and the research noted inconsistencies in practice locally.

In Area A, the police had recently initiated post-licence risk assessment panels for cases managed at Level 2. The effectiveness of this cannot yet be determined as the arrangement is in its infancy. However, the specialist police unit were confident that such a system would provide a more consistent approach to risk assessment of offenders post-licence. Whether the Sexual Offences Act 2003 provides a right of entry for police officers into the home of a

¹ Details have been withheld in order to avoid compromising current and future operations.

sex offender remains unclear among supervision staff, and one police officer said it would be useful to have the right to access computers to check for internet pornography.

The voluntary probation arrangement in all Areas raised questions about consistency. In essence, it was not clear what the key drivers were (other than 'level of risk') for maintaining probation involvement post-licence, nor was there any indication of duration. In resource terms, this was not a sustainable arrangement and may need careful monitoring, particularly as numbers on the sex offenders register continue to rise.

The use of Circles of Support and Accountability (CSA) to support supervision and community reintegration (Bates, 2005) was viewed positively and has been used successfully in Area C to provide an ongoing accountability and support system for offenders, post-licence.

CSA provide a small 'community' of between four and six volunteers to a sex offender assessed as having high risks and needs with little or no support from friends/family (Hudson, 2005). The offender is referred to as the 'core member' and he meets with his Circle once a week and at least one member is in touch daily. The premise is that by 'forging relationships', the offender will be deterred from reoffending (Silverman and Wilson, 2002). Moreover, Circles assist in an offender's management through enabling information-sharing between volunteers and statutory agencies involved in supervision and rehabilitation. Silverman and Wilson (2002), for example, describe one instance in a Canadian Circle where volunteers facilitated an offender's return to jail following concerns about his relapse into drinking. There is some support for the use of Circles in terms of their effectiveness in managing sex offenders – research in Canada, where Circles were originally developed, has indicated a positive effect on recidivism among a group of 60 high-risk sexual offenders. When compared to a matched group of 60 offenders who had not been involved in a Circle, the Core Members demonstrated significantly lower rates of general, violent and sexual reoffending over an average follow-up period of four and a half years (Wilson, Picheca and Prinzo 2005).

External and internal controls

The balance between external and internal controls was seen by staff as important in case management, a point highlighted made by Her Majesty's Chief Inspector of Probation in the *Serious Further Offence Review of Hanson and White* (HMIP 2006).

External controls

External controls are those imposed, in keeping with legal requirements, by bodies making decisions about conditions of release/living in the community, (e.g. the Parole Board) and those agencies tasked with supervision in the community, (e.g. the Probation Service).

The most frequently used external controls were identified as:

- licence conditions (e.g. curfews, exclusion zones, accommodation restrictions);
- behavioural restrictions (e.g. restriction of leisure activities to limit grooming behaviours);
- police home visits;
- contact restrictions (limiting contact with past or potential victims).

These were more prevalent with offenders managed at Level 3, although many were also used at Level 2. While Area B tended to deliver and monitor such controls through a clear police-probation partnership (e.g. through joint visits and supervision), Areas A and C tended to have a more distinct division of role and responsibility between police and probation, despite the co-location in Area C.

Internal controls

Internal controls are those that individuals employ themselves to manage their own behaviour. For sex offenders this equates to learning how to recognise and avoid key triggers and risky situations, and how to use relapse prevention techniques.

Cognitive-behavioural sex offender treatment programmes, supported by focused one-to-one work were perceived by staff to be the most effective method of promoting internal controls, although access to such programmes was variable (long waiting times in Area C). Recent research evidence suggests these types of programmes can have a small but significant effect on reducing reoffending (Lösel and Schmucker, 2005). The programme in Area B was supported by an 11-week relapse prevention programme, and supervision staff were clear about their role in supporting this. They received detailed feedback from programme sessions within 24 hours, and any disclosures of potential reoffending were 'picked up on' in individual sessions. Unannounced and announced home visits were also made to monitor 'lifestyle' and the success or failure of internal controls, e.g. to assess any potential grooming behaviours (e.g. toys and material used to attract children into the home).

Box 3.2: Case study A – offender subject to Level 2 supervision

Released on licence, offender X resided at an Approved Premise prior to finding his own accommodation. Now at the end of his licence, he has periodic contact with a named police officer, and had prior contact with probation. His restrictions included to reside as directed, to avoid contact with children under the age of 18 and to adhere to curfews. He completed the Sex Offender Treatment Programme successfully and is currently undergoing a Relapse Prevention Programme. These have enabled him to develop victim empathy and to talk openly about the risk factors associated with his offending behaviour. He now uses a daily checklist to remind himself about the activities he needs to do and the things he needs to avoid. When he was approached by a 14-year-old girl asking him to buy cigarettes for her, he contacted the police straight away to report the encounter and talk through what had happened. At the time of interview, he had successfully moved into employment.

'Successful' supervision relationships

Staff in Area B felt that supervision was particularly successful. The importance of strong relationships between probation, police and offenders was articulated by all parties interviewed and underpinned by an assumption that offenders, if given opportunities to engage effectively, *can* and *will* change behaviours in most cases. This had resulted in what staff call '*a readiness to disclose*' and talk through issues prior to any potential escalation in risk. Each of the supervision staff interviewed described this as a key measure of their effective management practices.

Promoting change in offenders has been recognised as a key task for the Probation Service (HMIP, 1998). Trotter examined how the supervisory relationship can promote and reinforce change (1993; 1999; 2000). His work emphasised the key characteristics of both supervisors and supervision practices that promote change. This approach has been characterised as 'pro-social modelling' (Trotter, 1999), and comprises the following.

- Clarity about the supervisory role, including purpose and expectations of supervision, the appropriate use of authority, and the role of enforcement.
- Pro-social modelling and reinforcement, involving clear expectations about required values and behaviours and their reinforcement through the use of rewards. Challenge and confrontation of undesirable behaviours and the discouragement of pro-criminal attitudes and values.
- Negotiated problem-solving, clear objective-setting, monitoring and accountability of the offender's progress.
- Honest, empathic relationship with an emphasis upon persistence and belief in the offender's capacity to change.

(Adapted from McNeill and Batchelor, 2002: 38; Trotter, 1999; 2000).

Pro-social supervision has been linked to subsequent falls in recidivism, and while most often associated with the supervision of 'young, high-risk, violent and drug-using offenders' (McNeill and Batchelor, 2002: 38), it was being used with sex offenders in Area B and was felt by supervisors and the co-ordinator to be playing a key role in the prevention of further offending.

Rex (1999) has also indicated that the following factors play a significant role in the supervisory relationship and in subsequent desistance from offending. These were found to be used to good effect in Area B.

- Negotiating engagement and partnership in problem-solving (the use of contracts with offenders in Area B is a good example of this).
- Support and encouragement (particularly through home visiting).
- Efforts to improve offender reasoning and decision-making (via treatment programmes, intensive relapse prevention work, and one-to-one supervision).
- Personal and professional commitment of workers to the change process and to the recommended programme (exemplified in Area B by prompt supervisor responses to issues identified in treatment and relapse prevention).
- Attention to the personal and social problems of offenders (in Area B by Probation Support Officers and supported more generally by Circles of Support and Accountability).
- Feelings of loyalty, commitment and accountability that offenders have to the probation officer (offenders in Area B reported positive contact and relationships with supervising staff).
- Reinforcement of pro-social behaviour (probation and police staff communicate expectations clearly and hold offenders accountable).
- All staff display a genuine interest in the well being of offenders.
(See also Rex and Matravers, 1998).

Balancing internal and external controls

A key success factor in risk management was the appropriate balance between internal and external controls. The focus on each was made on a 'case-by-case' basis so, for example, some cases required prioritisation of external controls, particularly where offenders were not ready to acknowledge the seriousness of their offence. As one practitioner noted:

"[...] if somebody has a sexual disposition to children I don't know whether or not we can actually change their thinking on that. I am not yet convinced that we can stop somebody who finds children sexually attractive. But what we can do is work with people who don't want to keep on offending and want to get out of that cycle of offending to put coping strategies and safety mechanisms in place whereby they chose not to offend, as opposed to [reliance on] losing their sexual attraction [to children]. Now some people are going to want to offend... therefore it becomes an enforcement issue and we put them in a position whereby they can't."

Monitoring and intensity of supervision

All practitioners and participants in focus groups agreed that two key drivers helped determine the level and intensity of supervision and management.

Risk assessment

This was seen as a 'continuous process' involving close monitoring and reassessment of dynamic factors. The relationship between this assessment process, the allocation to MAPPA management levels and the responsive risk management plan was well developed in all Areas. Thus, offender supervision was, in the main, matched to the level of risk that the offender had been assessed as presenting.

Resources

The second driver concerned resources. All Areas operated minimum police visit times for very high/high-risk cases (between one and three months), with medium- and low-risk cases subject to fewer visits (six months). Similarly, the level of risk guided the extent to which probation engaged in supervision work with the offenders, i.e. at the levels required by National Standards or greater.

A key concern for areas was how to respond to the inevitable growth in the numbers of offenders subject to registration and there were grave concerns, particularly in Area B, that resources were not increasing as the registration list does. The implication of this for the Areas considered was that fewer low- and medium-risk visits were taking place within the time frame, consequently this was being expanded to 12 months. This extension reduced opportunities for observing behaviours and attitudes that may indicate an increase in risk.

Resource gaps

Staff across all areas identified resource and service gaps in three key areas, all of which were perceived to be a hindrance to effective supervision.

1. Accommodation

There was a severe shortage of Approved Premises or supervised housing for sex offenders in all Areas taking part in the research.

2. Treatment programmes

Issues were identified with both provision/access and format of programmes. In some cases, insufficient programmes were running, although, where possible, arrangements had been made to send offenders to neighbouring areas to attend treatment. There were also problems with access due to extensive waiting times (a particular problem reported by offenders in Area C). Rolling programmes with swift access by the offenders seem to reduce attrition and can help with access – but not all Areas were able to provide this. Secondly, the group format of programmes was reported not to suit all offenders, e.g. those with low intellectual functioning and learning difficulties. It was suggested that programme adaptation to allow one-to-one delivery would be more appropriate with certain categories of offender.

3. Resources

Increasing sex offenders case loads were not being matched by increased resources.

Offender perceptions

Experience of treatment programmes

With the exception of one offender in custody, all offenders interviewed (N = 15) had undertaken some form of sex offender treatment programme or supervision work around behaviours. Case study A (Box 3.2) provides a positive example of where these programmes can be successful in enabling an offender to think about risk factors, develop victim empathy and self-report behaviour of concern. Offenders recognised these programmes as aiding them to develop their capacity to build up their own self-risk management strategies, including monitoring their own behaviour. Various tools were reported by offenders in the study to measure their feelings and anxieties, including those developed by psychologists. For example, an offender in Area C completed a scoring sheet relating to feelings and anxieties related to behaviour, so that close monitoring by his psychologist could be maintained.

One offender who had not engaged in programmes was very dismissive of their potential impact. In his interview, he implied that the offenders he knew who had undergone the programmes were not really seeking to change, but instead were looking for ways to manipulate and circumvent the system. In particular, those offenders undergoing the programme while in custody were, he suggested, “...more likely to receive an early release”. There were, however, some contradictions in his views. On the one hand he suggested that the programmes offered an “easy way” through the criminal justice system. When asked why he had not undertaken it, he suggested that the required disclosure of offences and behaviour to other offenders was too emotionally demanding.

The group approach to sex offender programmes was reported to pose challenges more widely, centring on the disclosure of offences, feelings and anxieties while other participants challenge and engage in a process of critical questioning. The rationale for this is that in confronting problems and identifying potential issues relating to risk, offenders work together to identify management strategies. This can prove difficult for participants since it requires honesty and self-exposure to the group, although for two interviewees it was seen as critical to understanding how best to manage their inappropriate desires and to support them in monitoring their own behaviour.

Work around victim empathy was also noted as particularly valuable; for example, in Area B offenders described undertaking exercises that enabled them to imagine being the child they had offended against. In reflecting on why the programme had been useful, one offender described this exercise as the most crucial.

Evidence of behavioural change

Techniques used to promote behavioural change were described by offenders in most cases, and included:

- indications of self-risk management, including the use of 'contracts' and reporting to police and probation if an individual felt at risk of breaking conditions;
- clear articulation of victim issues, including recognition of the impact of sexual offending on children;
- the use of 'distraction techniques' to avoid inappropriate sexual thoughts when seeing children;

In Area B in particular, offenders described being less secretive and opening up to family and supervision staff about their feelings, anxieties and behaviour.

One offender who described no behavioural change had also indicated that treatment programmes had not been successful, despite his reported engagement with them. This was possibly linked to his unwillingness to acknowledge the severity of his offence. Indeed, he disputed almost every aspect of the risk management strategy, suggesting that he had been wrongly classified as a higher risk than he believed himself to pose. Probation staff in Areas A and C indicated that remorse and motivation to change were usually critical success factors in responses to sex offender programmes and enhanced the effectiveness of such interventions, thus the lack of change in this individual was not surprising.

Impact of external controls

Offenders were all subject to a range of restrictions and external controls, and in the main were compliant, excepting those interviewed in custody who had been recalled for breaching their requirements. Specific restrictions included the following.

- To reside as directed: usually in an Approved Premise post-release, and with curfew restrictions.
- Restriction of access to family members, in particular where previous offences had taken place within the family.
- Restriction of access to people defined as *potential victims*, in all cases children under the age of 18 but in some cases, particular social groups. For two offenders, this impacted on their employment opportunities. For another, disclosure was made to the employer and the necessary measures put in place to avoid the offender coming into contact with young people.

Offenders reported varying impact of these restrictions. For one, the chance to live in a new area provided him with a 'fresh start' so his frustration about being unable to visit his home town was minimised. For another, he was unable to see the "majority of his friends and family" as a result of not being allowed into a certain area.

A key point to note was that offenders displayed a greater readiness to comply when they felt that the restrictions imposed upon them were clearly explained by supervision staff, and were reasonable in relation to their offending behaviour. Those offenders who felt a strong reluctance to comply tended to report a lack of understanding about the reasons for the restrictions imposed; this was particularly evident in Area A.

Similarly, where offenders recognised the seriousness of their offence and the impact on their victim(s), they were more likely to accept the restrictions set in place by MAPPA. Those expressing extensive frustration usually related this to all aspects of their situation and an unwillingness of others to recognise that they were 'not a great risk'. This feeling was

particularly acute for one offender in the community who described his restrictions as potentially 'illegal' and for one in custody, who was contesting the recall decision by MAPPA.

Staff perceptions of the 'effectiveness' of MAPPA

This study was not an evaluation of the efficacy of MAPPA, nor did it include a reconviction follow-up. However, views of effectiveness were gathered from all staff and offenders interviewed.

Staff considered effectiveness to mean reduced reoffending among offenders they were responsible for; their managers considered it to mean a reduction in reoffence and reconviction rates in the overall MAPPA case load.

Effectiveness was also described as: 'holding difficult and high risk offenders' in the community for longer, reducing victim risk, and avoiding Serious Further Offences. Prompt recall in the face of escalating risk, deteriorating behaviour, or breach of restrictive conditions was also presented as an effectiveness measure – in effect, preventing further serious harm before it could occur.

The decision to recall offenders sometimes posed critical questions about how best to respond to risk, exemplified by a practitioner in Area A. An offender managed at Level 3 and categorised as 'very high risk' disclosed that he was *actively thinking* about offending against children. For an offender who had previously not co-operated with supervision, this was a positive step towards honest engagement (which can be a major step to reducing risk). However, given the detail involved in his expressions of intent, the probation officer made the decision to propose recall.

Areas were publishing reconviction rates for MAPPA cases in their annual reports and saw reconviction rates as a key evaluation of their MAPPA work.²

However, when asked to explore opportunities for further measuring effectiveness, all areas cited this as an ongoing challenge. In particular, participants in Areas A and B described a need to better explain the work of MAPPA to the public. At present, in the absence of performance indicators outside of reconviction rates, MAPPA rely on case studies of work with particular offenders. For Areas, this makes it very difficult to assess and evaluate the performance of MAPPA, a situation reflected in earlier research (Kemshall *et al.*, 2005).

The SMB focus group in Area A lamented a lack of understanding and media co-operation in reflecting the realities of MAPPA work. For Area B, the SMB felt they could do more work around planning for evaluating effectiveness. In Areas A and C, lay advisers indicated that they would like to see their roles develop beyond attendance at strategic management level – the adviser in Area C suggested a particular focus of the role could be on communicating with the public about the work of MAPPA.

Offenders stated that MAPPA effectiveness depended greatly on the relationship formed with supervision staff. In Area B, two offenders stated that the ability to contact police or probation staff to discuss concerns or general progress was critical to understanding their restrictions. Offenders, like probation staff, saw supervision contracts and other techniques that enabled them to 'own' their risk management plans and to comply with licence conditions as particularly helpful. In addition, the aspect of MAPPA enabling timely access to the appropriate support for interconnected problems was cited as particularly important for offenders. One offender had previously experienced difficulties with alcohol misuse, and received prompt referral to a substance misuse service. In his interview, he suggested that alcohol had been a key trigger factor in his offending behaviour and that the support he received in addressing this had contributed to his behavioural change.

One offender in Area A found it difficult to assess effectiveness citing the secrecy of MAPPA. He was aggrieved that decisions were taken outside of his control by agency representatives

² These figures have been withheld to protect the anonymity of the Areas.

he was not able to make a case to. While it is not clear from this research that there is any discernible benefit from the attendance of offenders at MAPPPs,³ the policy in Area B of providing detailed and accessible leaflets explaining MAPPA, supported by individualised 'contracts' of supervision, did assist offenders to understand the role of MAPPA and the obligations placed upon them. Offenders in Area B seemed to have a clearer understanding of the role and function of MAPPA, and an ability to see the line of decision-making as not entirely vested in supervision staff. This good practice should be extended more widely.

Box 3.3: Key findings – supervision and management practices

- Staff across all grades were positive about the contribution of MAPPA to the supervision of sex offenders in the community.
- Key themes included: effective communication and systematic information exchange, better access to additional resources and services, links to social care, victim liaison, and a rapid response in cases of escalating risk or deteriorating behaviour.
- MAPPA effectiveness remains difficult to clarify and measure, but staff were able to identify a number of key factors that contributed to effective practice.
- The issue of post-licence supervision varies across areas with differences in police supervision practices and inconsistent use of 'voluntary' supervision.
- MAPPA routinely made use of external controls to restrict offenders. These most commonly included: licence conditions, behavioural restrictions, the use of police home visits and contact restrictions.
- Supervision and treatment programmes were used to enhance an offender's internal controls. These are used by the offender to limit problematic behaviour and to avoid key triggers and risky situations. Successful supervision relationships were seen as key to the understanding and development of these controls.
- Two key drivers influence the level and intensity of supervision – a continuous process of dynamic risk assessment and appropriate targeting of resources to risk level, particularly through standard police visiting times. However, increasing workloads (due to rising numbers on the sex offender register) were not being matched by increased resources.
- Staff identified access to Approved Premises and treatment programmes as significant resource gaps.
- Almost all offenders interviewed had engaged with treatment programmes, and most found them to be beneficial in enabling them to think about risk factors, victim empathy and to self-report behaviour of concern. There was evidence of behavioural change including: indications of self-risk management, clear articulation of victim empathy, the use of 'distraction techniques' and greater openness about feelings. Remorse and motivation to change were seen as the two key factors that influenced whether programmes would be effective.
- The impact of external controls on offenders varied. When these were clearly rationalised by supervision staff, offenders indicated a greater readiness to comply.

Disclosure

This section draws upon the interviews and focus groups in the study, and therefore represents their perceptions and the practices employed in the three Areas under study. Two key dimensions were explored: 'discretionary disclosure' and 'public disclosure'.

Discretionary disclosure

This was understood by participants as the 'limited' disclosure of information about a sex offender by MAPPA to third parties based on the Home Office MAPPA Guidance (2004: paras 93-95), which outlines the following criteria to be applied in MAPPA Level 2 and 3 cases.

- The offender presents a serious risk of harm to the person.

³ The authors were unable to observe such attendance or compare areas that had such a policy with those that did not.

- There is no other practicable, less intrusive means of protecting the individual(s), and failure to disclose would put them in danger.
- The risk to the offender should be considered although it should not outweigh the potential risk to others were disclosure not to be made.
- The disclosure is to the right person.
- Consider consulting the offender.
- Ensure that whoever has been given the information knows what to do with it.
- Before disclosing, ask them what they know about the offender.

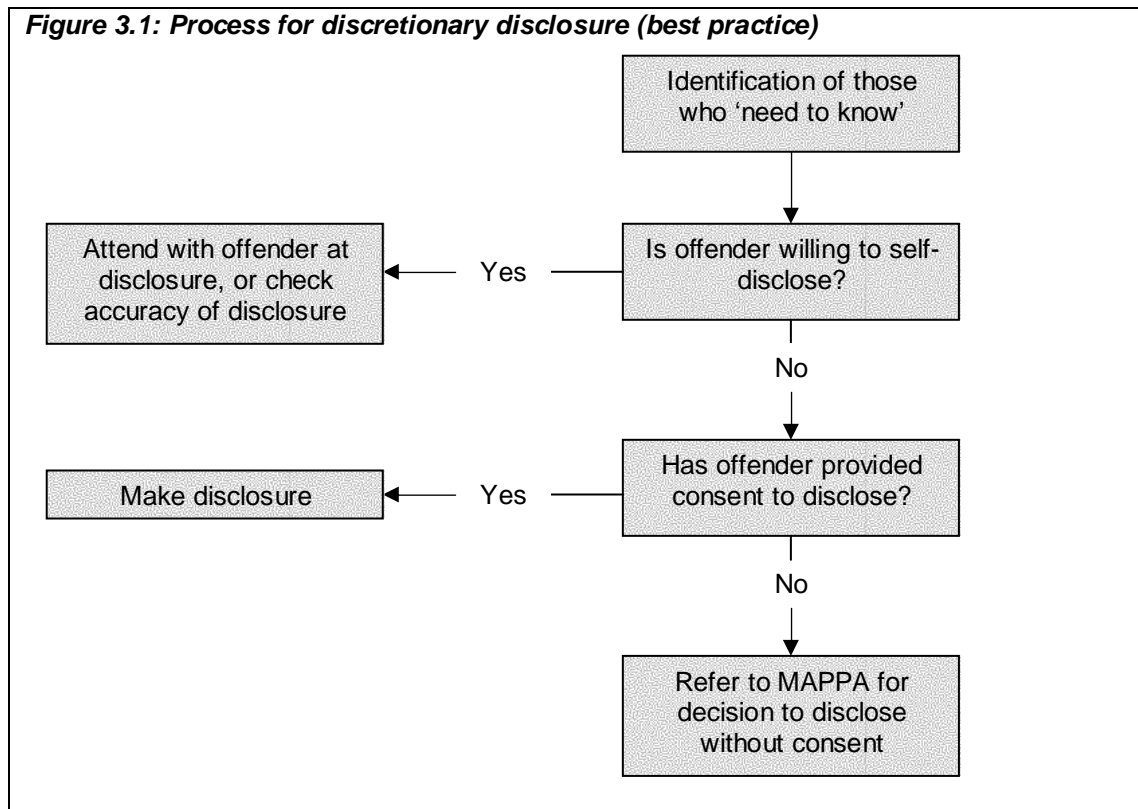
How is it currently working?

All Areas included were using their discretionary powers to disclose under the discretionary disclosure model. For the MAPPA leads in Area B, disclosure remained at the forefront of all risk management decisions and was a standing item in Level 3 meetings. Areas A and C also frequently used the mechanism to enhance risk management.

Areas reported that most disclosures were undertaken with the consent of the offender, and were, therefore, handled at the level of the supervisory relationship. It was usual practice to encourage the offenders to make the disclosure themselves, with a follow-up contact made by either police or probation to check for accuracy. In cases where offenders do not want to undertake the disclosure themselves, supervision staff would either accompany them or carry out the disclosure on their behalf.

In the event that offenders did not consent to disclosure, police made a referral to the MAPPA where meetings consider whether disclosure is required. Decisions were recorded as part of the MAPPA minute-taking processes, and where the MAPPA makes a recommendation for disclosure this was usually approved by the Assistant Chief Constable. Figure 3.1 summarises a process used and described by supervisory staff in each of the three Areas. There were exceptions to this process in Area A, where 'emergency disclosure' requests were fielded directly from supervision staff for ACC approval. Wherever possible, following a consistent and well planned process helped ensure effective risk management planning.

Figure 3.1: Process for discretionary disclosure (best practice)



Discretionary disclosure was made to a range of personnel and agencies where circumstances justify it, for example to accommodation providers (including social landlords); employers; voluntary groups working with the offender and other service providers on a 'need to know' basis. In Area C, disclosure to employers was almost routinely undertaken:

"[They] always have to disclose to employers. I had a MAPPA Level 2 case yesterday who turned up for supervision and said I have got a job starting tomorrow. I phoned up the employer and said can you just let me know what he told you, do you know what he has been to prison for, yes he said it was a sexual offence. And the work that person is doing, the nature of that work, that was enough of a disclosure. In some cases you would say you need to do a full disclosure and a sexual offence is not good enough."

Disclosure took place most notably under the following circumstances:

- There was evidence that grooming behaviours were occurring (e.g. through leisure clubs, churches, employment).
- Where others (including other service users) may be at risk (e.g. in supportive accommodation). It was extremely rare for other service users to be told, but staff and managers were told in order to enable more appropriate placements and for greater vigilance to be exerted.
- To protect past or potential victims. This was routinely used where offenders had struck up new relationships with partners who had children or grandchildren. In some cases, neighbours with children had been notified.
- Grooming behaviours need to be prevented in relation to schoolchildren or college students. In the case of young offenders, limited disclosure had been made to school or college staff.

Central to decisions for discretionary disclosure was the wish to enhance rather than undermine the risk management plan, protect victims and communities, and avoid public disorder and vigilante action.

Areas reported that disclosures needed to be handled sensitively, requiring:

- preparation and discussion with those third parties receiving the information;
- an informed decision (via the MAPPA) as to what level of disclosure is required, for example this might include risk factors but not necessarily an offence history;
- details of the key triggers for offending behaviour and the requirements for successful risk management, e.g. "This is what you need to look out for...", "If you see X you need to do Y";
- mechanisms and procedures for support (e.g. rapid telephone contact with key personnel/supervising officers via mobile phones).

MAPPA personnel and supervising officers in police and probation were consistent in their view that this discretionary approach was effective. In particular, it was seen to reduce anxiety for third-party recipients who were clear as to what to do and why, and who else they could or could not disclose to. Disclosure also engaged other agencies and professionals (including personnel from the voluntary sector) in the effective management of sex offenders.

Behavioural 'contracts'

These were documents used in Area B to clearly set out the licence conditions and expectations relating to appropriate behaviour, restrictions and disclosure requirements. In Area B, disclosure was regularly made to the child protection liaison officer for the local churches. This helped prevent grooming behaviours and lessened opportunities for offenders to target children through church attendance. Disclosure in this instance was supported by a behavioural contract with the offender (see Box 3.4).

Box 3.4: Specimen behavioural contract (from Area B)

- I will attend church only at the 8.30am and 6.30pm services.
- I will ensure that I sit apart from children and young people in the church.
- I will ensure that I am never alone with children and young people at church or at church groups/activities.
- I will not involve myself in any way with children and young people.
- I accept that certain people within the church will need to be aware of this contract and this will be on a 'need to know basis.' I understand that I will be aware of the people who are given this information and the reason why they need to have this information.
- I understand that if these conditions are broken the church will have no alternative but to prohibit me from attending and will have a responsibility to report this to my probation officer.

Similar contracts had been used for employment, college attendance and leisure activities and in some cases this resulted in young sex offenders returning to college safely, helping achieve both public protection and offender rehabilitation.

Difficulties with discretionary disclosure

For practitioners in the three Areas, a key issue lay in the fact that it is difficult to assess how third parties use the information they are given. As a result, there had been occasions where well planned, controlled discretionary disclosures had resulted in public disorder issues. One case was discussed where the police had carefully planned a disclosure to neighbours who subsequently went on to notify the entire local estate. This resulted in a violent assault against the offender and damage to property. The policing resource implications of this were profound and emergency accommodation needed to be secured, followed by the implementation of a rapid re-housing strategy for the offender.

How offenders perceived discretionary disclosure

In general, those strategies which actively involved the offender were the most accepted. In the case of disclosure, this usually meant the offender being given the opportunity to disclose first and with the support of a probation or police officer. Most offenders interviewed had experienced disclosure in this way and all accepted it was justified in certain situations.

Public disclosure

Public disclosure was, in most cases, understood as the American community notification process, or more popularly as 'Megan's Law'⁴ or 'Sarah's Law' (as proposed by the *News of the World* newspaper), which goes some way beyond discretionary disclosure.

MAPPA staff

In contrast to discretionary disclosure, staff saw public disclosure as counter-productive with particular concerns relating to:

- public (dis)order issues arising from 'outing' (some very difficult instances were described);
- offenders going 'underground' and not co-operating with supervision and management strategies;
- the cost of administering and policing public disclosure;
- anxieties that such disclosure would make the professionals' task more difficult;
- doubts whether public disclosure would improve risk management strategies or merely make them more difficult to deliver.

⁴ For further information on Megan's Law see: www.apbnews.com/safetycenter/family/kanka/sooo/03/28/kanka0328_ol.htm, accessed 10/11/2006.

MAPPA resources were already considered to be overstretched, and participants expressed concern about increases in workload which they felt would be an inevitable consequence of any public disclosure requirements. Of particular concern was the potential impact on police resources and the diversion that issues such as offender 'outing' and subsequent rapid re-location of offenders to places of safety, and other related public disorder might mean for the supervision of cases. The quotations below represent practitioners' views across the Areas studied:

"I think that would be an absolute nightmare to manage. When I have spoken to people, when the whole Megan's Law issue came up in the press, I had a percentage of my offenders who are in employment, disclosed, doing well and comfortable and getting on with their life and working really hard. They were really concerned about the impact that something like this would have on their life."

"I don't know how on earth it is workable. As it is offenders are absolutely terrified of people knowing anyway, and it is a huge hurdle for them to get over having to tell employers. Ultimately they do have to be able to live in the community safely."

Public disclosure was perceived to have no benefit to MAPPA. One police officer discussed its potential limited use in finding high-risk sex offenders who had 'gone missing', although suggested that this would need to be approved at Chief Constable level and anticipated no more than two or three cases per year. Indeed, such disclosure has since been adopted nationally to assist in locating those very high-risk offenders who have failed to comply with registration requirements. The Child Exploitation and Online Protection Centre (CEOP) 'Most Wanted' list can be found at <http://www.crimestoppers-uk.org/ceop/> (accessed 20/11/06).

While there was limited acknowledgement that public disclosure might initially reassure the public, a distinction was drawn between positive outcomes and reassurance. Public disclosure was seen as a potential hindrance to effective risk management, and the current discretionary disclosure model was seen as more useful and perceived to be working well.⁵

Evidence available elsewhere (see Fitch, 2005) suggests that public disclosure, as embodied in Megan's Law in the United States, has not reduced sexual assaults on children (although there are methodological difficulties in proving any correlation).

Offenders

The view that public disclosure would cause greater difficulties was reinforced by interviews with offenders. They were unanimous in their belief that public disclosure would be likely to make supervision more difficult. Two indicated that they would not find it difficult to 'fail to register' (on the sex offenders register) and one stated bluntly: "I would disappear". There was also a sense that public disclosure would lead to seemingly unending persecution, disallowing sex offenders the opportunity to re-engage with employment, for example.

Research among sex offenders conducted by Hudson (2005) supports these findings. She suggested that community notification might further discourage offenders from disclosing their true risk of reoffending, driving them underground and increasing the likelihood of them failing to register on the Sex Offenders Register.

⁵ In October 2006 Gerry Sutcliffe, Home Office Minister announced that the UK would not be adopting Megan's Law.

Box 3.5: Key findings – disclosure

- Areas are using their discretionary powers to disclose using the MAPPA guidance to inform decision-making, and in most cases with the consent of the offender.
- Discretionary disclosure was seen as effective, and is made to a range of agencies including accommodation providers, employers, voluntary groups and other services providers on a 'need to know' basis.
- It is also used selectively to inform certain members of the public, e.g. prospective partners if they or their children are considered to be potentially at risk.
- Behavioural contracts were used in one Area to clearly set out licence conditions and expectations, including the requirements for disclosure.
- Public disclosure, understood to represent a UK version of Megan's Law was described as 'counter-productive' offering 'no benefit' to MAPPA. Staff expressed concerns about: public disorder issues arising from 'outing'; offenders disengaging from supervision; and the cost of administering and policing public disclosure.
- Offenders were also unanimous in their belief that public disclosure would make supervision more difficult, encouraging offenders to fail in their registration requirements.

4. Conclusion and recommendations

All participants in this research expressed the view that MAPPA contributed effectively to the community supervision and management of sex offenders. Increased accountability, inter-agency working and access to key resources were cited as the most helpful factors. At Level 3 management, additional resources and packages comprising external controls, restrictive conditions, offender behaviour programmes and relapse prevention were provided, and MAPPA enabled greater access to costly resources. Area B had the greatest balance between rehabilitation and public protection, and enhanced their community supervision of sex offenders through the tight integration of case management and programme work, and pro-social modelling techniques in individual supervision.

Levels of supervision and contact were linked to risk levels in most cases, but resource constraints and a lack of national standards for contact did impact on the frequency of contact, particularly for cases managed at Level 2. Continued supervision post-licence was seen as particularly problematic by the three Areas who took part in the research, supporting findings in the Joint Inspectorate report (2005) and differing solutions were being implemented ranging from SOPOs for the highest risk, to the use of voluntary contact with probation and reliance on registration requirements by the police to maintain a 'watching brief'. National consistency and clarification on the authority, role and focus of police and probation in maintaining contact would be welcome.

While all staff viewed their supervision of sex offenders under MAPPA as effective, the lack of formal key performance indicators for effectiveness was seen as a significant gap, particularly in gaining credibility with the public and in garnering appropriate resources. The most significant resource gaps were identified as: provision of Approved Premises and supervised housing, and availability of sex offender treatment programmes and relapse prevention work. Again, this finding supports those from the Joint Inspectorate report (2005).

Offenders had a limited understanding of MAPPA (although this was increased in Area B by the use of a leaflet), and perhaps not surprisingly associated their MAPPA requirements with the supervision obligations placed on them by the individual members of staff with whom they had contact. Where offenders felt that restrictions were not clearly explained, they expressed greater frustration.

There was no support for public disclosure as based on the American 'Megan's Law', and the research found evidence of regular, consistent and appropriate use of discretionary disclosure. The use of offender 'contracts', clear guidelines, and support for those who received information was particularly well done in Area B, providing the basis for a possible national model. This position would be significantly strengthened if a mechanism could be found to place a clear obligation on those receiving information to respect the bounds of confidentiality placed upon them and a mechanism to hold them to account should such a boundary be breached.

Recommendations

- Ensure national consistency in registered sex offender supervision practice post-licence. This should include consistency about the circumstances and risks required for SOPO applications and the arrangements for police and probation supervision for offenders post-licence. It could also include a review of current legislation to assist police in their home visits. A 'right of entry' without warrant would be considered helpful in this.
- Areas should consider wider, longer-term intervention strategies for work with sex offenders. These could include extending the use of, for example, Circles of Support and Accountability.

- Ensure, through revised MAPPA guidance and training events, that the best practice on discretionary disclosure highlighted above is more widely disseminated. It is also recommended that a voluntary contract mechanism is developed to enable the receiver of such information to respect confidentiality boundaries (e.g. who they may or may not tell).
- Explore ways of ensuring national consistency for police contact with sex offenders managed at both Levels 2 and 3.
- Promote greater integration of individual supervision and sex offender programme work. This should include increased attention to relapse prevention work in individual supervision. Further guidance on the case management of sex offenders subject to MAPPA could address this.
- Extend the use of voluntary supervision and disclosure 'contracts' for offenders nationally. Area B provides a useful format for this and these 'templates' could be extended nationally through MAPPA guidance.
- The use of information leaflets for offenders subject to MAPPA should be developed nationally.
- In reviewing strategies to extend provision of both specialist accommodation and treatment programmes, attention should be paid to the fact that in this research, managers and field staff ranked problems in accessing these as a major obstacle to even more effective public protection.
- Develop key performance indicators to better enable Areas to measure the effectiveness of MAPPA work.

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