



NATIONAL PROBATION SERVICE
for England and Wales

National Directorate

SEX OFFENDER STRATEGY FOR THE NATIONAL PROBATION SERVICE

SEPTEMBER 2004

Table of Contents

Executive Summary	1
Principles.....	2
Context for this Strategy.....	2
Objective One: Timely Assessment using evidenced based tools	3
NPD will.....	3
Regional Managers will	3
Areas will	3
Case Managers will use the following assessment tools	3
Objective Two: Interventions to reduce risk	4
NPD will.....	4
Regional Managers will	4
Areas will	4
Objective Three: Interventions to manage risk.....	5
NPD will.....	5
Areas will	5
Objective Four: Develop a range of accommodation options commensurate with risk and need	6
NPD will.....	6
Regional Mangers will	6
Areas will	6
Achieving strategic objectives	7
Achieving timely assessment using evidenced based tools.....	7
Achieving interventions to reduce risk.....	7
Sex Offender Treatment Programmes in Probation & Prison	7
Working together with HM Prison Service.....	8
Reducing risk through partnership interventions	9
Links with Health	11
Achieving Interventions to manage risk	12
MAPPA & Sex Offenders	13
ViSOR Database	15
Polygraph	15
Electronic monitoring.....	16
Internet monitoring programmes	16
New methods of assessing deviant sexual preference	16
Co-operation with other jurisdictions	17
Services for victims of sex offences	17
Developing a range of accommodation options commensurate with risk and need ...	19
Appendices	21
Appendix 1: What is the volume of sex offence crime?.....	22
Appendix 2: Sex Offenders & the Probation Caseload	23
Appendix 3: Workload Projections arising from Criminal Justice Act.....	25
Appendix 4: Recent Sex Offender Legislation	26
Appendix 5: Process Flowchart.....	31

Executive Summary

1. This document has been produced by the Public Protection Unit, NPD, to assist in the planning of work with sexual offenders from 2004 to 2006.
2. Four strategic objectives are identified to meet the aim of protecting the public from sexual offenders living in the community. These are:
 1. **Timely assessment using evidenced based tools**
 2. **Interventions to reduce risk**
 3. **Interventions to manage risk**
 4. **Developing accommodation options commensurate to the assessed risk**
3. These objectives provide the framework for the national strategy. Regions and Areas of the National Probation Service will need to review their practice against these objectives. It is recognised by NPD that the risk posed by an individual sex offender is best managed at the local level, however the achievement of the objectives outlined in this strategy will form the cornerstone of effective practice within each Region.
4. This strategy has been developed against the background of the Carter Review of Correctional Services. The strategy reflects the existing close working relationship between Probation and Prison Services in relation to the management of sex offenders. In certain aspects it anticipates the formalisation of these working practices through the development of the National Offender Management Service.
5. The principles that underpin the work are detailed and the Strategy is placed within the context of the Home Office and NPD Business Plans
6. Each of the objectives is outlined followed by an explanation of the mechanism for achieving the objective.
7. A “Supporting Information” document provides more detail on the practical implications of achieving these objectives. In addition the legislative context in which work with sex offenders takes place is summarised. An examination of the 30% growth in caseload, over the last five years, is made together with some projections for future growth and a flow chart, which indicates how sex offenders are processed in both custody and the community.

Principles

- ◆ The protection of the public is the first consideration of any intervention with sex offenders
- ◆ All sex offenders will be subject to high standards of monitoring of their behaviour during the course of supervision and will reflect the assessment of the risk they pose.
- ◆ Sex offenders who meet the suitability criteria for accredited treatment programmes will be offered the opportunity to attend the programmes
- ◆ Treatment is not offered as a cure for sexual offending but can assist in gaining self-control over behaviour and developing a non-abusive lifestyle. Treatment is offered in addition to, and not instead of, external controls on the offender to protect the public
- ◆ The most effective protection for the public will be achieved when the appropriate agencies share information and combine their activities in managing high risk offenders in the community

Context for this Strategy

The “New Choreography for the Probation Service” (2001) included Stretch Objective 1: to provide “More accurate and effective assessment and management of risk and dangerousness” and in particular 1.2: “Better management and oversight of potentially dangerous offenders in the community”. This document outlines the steps taken so far to achieve this objective in respect of sex offenders and the further work that is required.

This strategy will contribute to the following Home Office aims:

Aim 1: To reduce crime and the fear of crime

Aim 4: To deliver effective custodial and community sentences to reduce re-offending and protect the public.

In addition it contributes to the achievement of the following objectives of the NPD Business Plan 2003-04

Priority Objective 1: To develop and introduce new effective offender behaviour interventions, and support probation areas in achieving targets for existing accredited programmes, to reduce re-offending.

Priority Objective 2: Play a full part in realising the benefits of the new sentencing framework, by developing plans in collaboration with the police & prison services, to implement the provisions within the Criminal Justice Act.

Priority Objective 6: Obtain and allocate adequate resources for the service, including funding, accommodation and staffing, both in year and as part of the 2004 Spending review.

Priority Objective 9: To build upon the achievement of the multi-agency public protection arrangements, integrating housing/accommodation issues and complex/high profile case management.

Objective One: Timely Assessment using evidenced based tools

Probation Areas are required to undertake assessments, using recognised assessment tools, which determine the anticipated risk of re-conviction, risk of harm and treatment needs for each individual sex offender. The supervision plan and intervention strategy will be determined by the risk assessment. Assessments should consider the need for additional statutory orders to enhance the protection of the public.

In order to achieve effective practice: -

NPD will

- Provide a training framework for proven risk assessment methods to be implemented in Areas
- Provide the relevant risk assessment documentation in IAPS
- Review annually for advances in risk assessment techniques or applications
- Ensure that assessment systems provide consistency within the NOMS framework
- support research into new methods of assessing sexual interest
- co-operate with other jurisdictions to enable the introduction of common risk assessment tools, risk definitions and risk management practice

Regional Managers will

- Ensure that the training requirements for Probation staff to make these assessments are reviewed annually.

Areas will

- Ensure that resources are provided for risk assessment training
- Ensure all appropriate staff attend training
- Conduct quality audits on risk assessments

Case Managers will use the following assessment tools

- OASys,
- Risk Matrix 2000
- Structured Risk Assessment (SRA) for dynamic risk factors
- Acute Risk Checklists
- Risk Prediction Monitoring Form (RPM Form), which is related to the known dynamic risk factors identified through the (SRA) used in both Prison and Probation sex offending accredited programmes

Objective Two: Interventions to reduce risk

Changing the attitude and behaviour of the offender can reduce risk. Such interventions will require all Probation Areas to provide accredited treatment programmes and for offenders to be placed on the programme most suited to their treatment needs. Currently about 30% of sex offenders in prison or subject to NPS supervision in the community, are on treatment programmes. Maximising the number of sex offenders who can benefit from treatment will require a broad range of programmes.

NPD will

- Consolidate the implementation of existing programmes to achieve 2000 treatment places by Dec 2004
- Obtain accreditation for new sex offender treatment programmes to increase the overall numbers of sex offenders in treatment
- Manage the Change Control process to maintain programme integrity
- Provide the initial training for implementation of new programmes
- Ensure that new programmes are compatible with existing HM Prison Service programmes and the NOMS structure
- Together with the Prison Service, undertake a research exercise which will examine the effectiveness of the post-treatment arrangements
- Identify factors which influence the maintenance, or degradation, of treatment gains made in custody
- Provide funding for partner organisations to contribute to reducing risk
- Work with the Dept. of Health to progress work on dealing with DSPD offenders, psychopathy and the role of medication in sex offender treatment

Regional Managers will

- Require reports from Areas on current sex offender caseload and quality audits on programme treatment
- Agree with Areas the targets for the number of sex offenders to be in treatment, the number of completions and reports on attrition

Areas will

- Review Implementation Plans submitted at the time of SOTP implementation
- Assess the number of treatment places required
- Provide adequate resourcing to meet the agreed level of provision
- Conduct quality audits to ensure programme integrity
- Identify and support staff to act as Regional Trainers

Objective Three: Interventions to manage risk

This objective recognises that attempting to change behaviour, with the co-operation of the individual is not always possible, or sufficient. Additional action may be necessary to place external controls on the offender to manage the current level of risk presented and protect the public from that risk. The Multi Agency Public Protection Arrangements (MAPPA) are essential for this purpose.

NPD will

- Provide the strategic management of the MAPPA
- co-ordinate the Duty to Co-operate provisions of the CJA 2003
- Provide advice on cases which fall within a national remit
- Evaluate for effectiveness of MAPPA
- Inform the development of the statutory MAPPA Guidance
- Co-ordinate the publication of the MAPPA Annual Reports
- Establish pilot schemes for both tagging and tracking of sex offenders.
- facilitate management information through the use of the Visor Database
- investigate the use to which polygraph examinations can assist in the monitoring of sex offenders in the community
- investigate the use of monitoring software for offenders convicted of internet related offences who continue to have access to computers
- Develop protocols to manage movement of offenders between jurisdictions
- Monitor Area targets in achieving the duty to consult victims within 8 weeks of sentence and the notification of victims of sexual or other violent offences about release arrangements
- Work with colleagues in the Department of Health on extending victim contact work to include all victims of those sentenced under the Mental Health Act,

Areas will

- Implement the most appropriate strategy for individual offenders.
- Management strategies may include
 - Regular Office based Supervision sessions, backed up by home visits
 - Monitoring of movements, activities and associations
 - Assessment and monitoring of relationships with significant others
 - Restrictions on associations
 - Restrictions on residence
 - Restrictions on movement e.g. curfew
 - Restrictions on activities and possessions which have formed part of the offence behaviour
 - Electronic monitoring
 - Surveillance
- Work with the various agencies whose statutory functions require them to engage with the individual. In practical terms
 - attending case conferences;
 - providing advice about the assessment and management of particular cases

- sharing information – about particular offenders and about broader issues so as to enable the Responsible Authority and the ‘Duty to Co-operate’ bodies to work together effectively.

Objective Four: Develop a range of accommodation options commensurate with risk and need

Areas will be required to place offenders in appropriate accommodation, commensurate with assessed risk and the protection of the local community. Areas will need to develop a range of accommodation, including approved premises, use of Local Authority and Social Landlords. NPD will develop a national capability for the exchange of offenders between areas and the provision of residential treatment facilities. Our analysis suggests that approximately 500 sex offenders could benefit from long term residential treatment.

NPD will

- develop an Offender Housing and Accommodation Strategy focussing on the high risk offender group and to include a review of the role of Approved Premises
- Provide an over-arching framework for the future, recognising other relevant strategies and policies and that initiatives which respond locally to local need remain essential.
- Facilitate a ‘National Exchange Scheme’ to assist safe and effective resettlement ‘out of area’ for use when regional arrangements are inappropriate
- ‘Encourage the development of floating support’ provision in the accommodation sector which combine tenancy and resettlement with surveillance and monitoring from a risk management perspective
- Develop specialised residential sex offender treatment (RSOT) facilities for sex offenders who require longer treatment programmes and more intensive supervision to reduce their risk
- Such residential treatment facilities should be regionally based
- NPD to raise with the Office of the Deputy Prime Minister on how the risk management of sex offenders can be assisted by greater access to appropriate accommodation.

Regional Managers will

- Ensure that regional arrangements are in place for meeting sex offender accommodation needs and out of area resettlement.

Areas will

- Engage in discussions with housing providers and local authorities to develop an understanding of why provision is so important.
- Ensure that Strategic Management Boards of MAPPA have local strategies in place in which accommodation can be accessed, both routinely and on an emergency basis if required.

Achieving strategic objectives

Achieving timely assessment using evidenced based tools

In order to achieve best practice, Case Managers should use

- OASys,
- Risk Matrix 2000
- Structured Risk Assessment (SRA) for dynamic risk factors
- Acute Risk Checklists
- Risk Prediction Monitoring Form (RPM Form), which is related to the known dynamic risk factors identified through the (SRA) used in both Prison and Probation sex offending accredited programmes

The Checklists and RPM Form are provided through training to Case Managers and Facilitators as part of the accredited sex offender roll-out. However they have utility for all sex offenders, not just for those who are engaged in the treatment programmes. These forms are included in IAPS release 3.

At the time of the Pre-Sentence Report Probation Officers will need to consider

- The gravity of the offence
- whether the risk posed by the offender is able to be contained within the community
- any conditions which could be added to the community sentence which would enhance the protection of the public e.g g residence conditions, curfew conditions etc
- The need for a Sex Offence Prevention Order (Sexual Offences Act 2003)
- The need for a Disqualification Order (CJA 2003)
- The need for Extended Sentence (C&D Act 2001)

In most cases the community sentence should be of three years duration to allow for sufficient time to complete the treatment programme and be monitored for the period which research has shown sex offenders are most at risk of re-conviction.

For offenders sentenced to imprisonment, the licence period should be a minimum of three years for the same reason as above. Note that these are minimum periods and consideration should be given to longer licence periods for high risk offenders.

In the light of new research which will emerge on the assessment of risk, the NPD will review annually the current provision to ensure it remains fit for purpose, and advise Regions accordingly.

Regions need to ensure that the training requirements for Probation staff to make these assessments, are reviewed annually.

Achieving interventions to reduce risk

Sex Offender Treatment Programmes in Probation & Prison

The NPS has three accredited sex offender treatment programmes. They are designed for adult male offenders within the average range of literacy and

comprehension. Each programme is compatible with the Prison Service treatment programme to enable seamless transition from custody to the community. Each Area has been assigned to take one of these programmes and training for all Areas to meet initial roll-out of the programmes has been completed, and programmes implemented, since the end of 2003.

Each Area has been required to compile an Implementation Plan that includes a projection of offender involvement on the programmes. From current estimates the Areas will build towards the inclusion of 2000 offenders in treatment by March 2005.

Not all sex offenders are suitable for the existing programmes, and in some cases they will require additional input in order to reduce their risk. In order to increase the number of these sex offenders in treatment NPD will need to develop new programmes. All new developments will be undertaken jointly with the Prison service. Example of the new programmes include:

- The current Prison Service “Adapted Programme” for sex offenders with learning disabilities will be revised and will be available for implementation in the community.
- For sex offenders who have completed SOTP in custody but who have a long gap before their eventual release, there will be a new “Booster” and Maintenance programme to be completed towards the end of their time in custody.
- One of the high risk factors which research consistently correlates with reconviction is the maintenance of deviant sexual arousal. Whilst both Prison and Probation programmes address this, it is considered that a new programme to work with individual offenders through behaviour modification techniques should be developed. There is a need to begin this work in custody but arguably an even bigger need to address this with high risk offenders in the community. Therefore work has begun to design the “Healthy Sexual Functioning” programme.
- The assessment and treatment of offenders convicted of Internet related offences are an increasingly important area of work. Whilst existing programmes will be applicable for most of these offenders, the volume of new convictions is likely to place a strain on the places available. With this in mind an individualised programme specifically designed for low deviant Internet offenders is being produced.

These programmes will be piloted in 2003/04 with a view to submission to the correctional services accreditation Panel in due course. Each programme will require resources for the production of materials and training. However they should add an additional 1,000 offenders in accredited programmes by 2006/07.

Once programmes are implemented they require maintenance through support to Areas, Change Control procedures, training to counter the effects of staff attrition and monitoring of implementation.

Working together with HM Prison Service

The Carter review has outlined a major restructuring to create a National Offender Management Service. In anticipation of this development work has been undertaken to bring into alignment sex offender work undertaken in both the Probation and Prison Services. The document “The Treatment and Risk

Management of Sexual Offenders in Custody and in the Community” published in January 2003 (and available on the NPS website) details how the “seamless sentence” concept is applicable to sex offending work because

- Treatment programmes in both services share a common theoretical basis
- Treatment begun in prison can be continued on release
- Assessment systems such as OASys, Risk Matrix 2000, Structured Risk Assessment (for dynamic risk) are common to both Services
- There is close alignment between the psychometric test instruments used
- The introduction of an accredited programme in each Probation Area ensures greater consistency in following up treatment gains made in Prison
- Probation Officers attend post-programme review meetings to identify ongoing treatment needs and how risk management issues will be addressed, in addition to other resettlement needs such as housing and employment

The NPD and OBPU have agreed to undertake a research exercise which will

- examine the effectiveness of the post-treatment arrangements
- Identify factors which influence the maintenance, or degradation, of treatment gains made in custody

The research will be conducted between 2003/4 with a report in early 2005.

In furtherance of the aim of harmonising working practices, NPD and OBPU commissioned training in 2002 to enable staff from both agencies to deliver training in the use of the Risk Matrix 2000 assessment tool. This was the first formal joint training initiative. Further consideration to arranging joint training exercises for new programmes and core skills will be undertaken.

Reducing risk through partnership interventions

Not all the work in reducing the risk posed by sex offenders needs to be undertaken by the statutory services. NPD has been able to recognise the opportunities for innovation and development afforded by the voluntary sector and has funded a number of important projects to assist in achieving this objective. The following are all three year pilot projects, the majority of which are due to end on 31 March 2005, however NPD is currently evaluating the projects with a view to extending those which have met performance criteria:

- **Wolvercote Outreach**: This pilot project, managed by the Lucy Faithfull Foundation, emerged through a desire to continue to work with former residents of the Wolvercote Clinic. It provides a re-offence prevention programme for between 10 and 15 men discharged from the clinic. It also provides Probation Areas with a specialist assessment, intervention and support service for female sex offenders in custody and in the community and for complex cases involving adult male sex offenders who present a high risk to children. Between 50 and 75 such cases can be supported each year. Total funding for 2003/4 has been set at £335k.

- **Young People who Sexually Abuse:** Under this pilot project the Lucy Faithfull Foundation provides a specialist assessment and intervention service for young people under 21 who have caused sexual harm to others and who fall outside existing provision. Following assessment, LFF provide support through consultancy work with Probation Areas or direct work with the young persons using a structured programme of intervention. Included under the project are pilots working with Youth Offending Teams in the Thames Valley and with three Young Offender Institutions. Total funding for 2003/4 has been set at £305k.
- **Stop It Now!:** This was first developed in Vermont, USA some 10 years ago. It is a public education campaign aimed at preventing child sexual abuse by increasing public awareness of how abusers operate and encouraging abusers and those in close contact with them to come forward and seek help. A central co-ordinator for the UK, funded by the NPD, is co-ordinating a range of pilot projects through a National Steering Group which includes representatives from charities who helped develop the project (NSPCC, LFF, Barnados, Childline etc) and the pilot projects. Surrey and Derby/Derbyshire are the most advanced of the pilot projects. PPU is providing funding of £226k in 2003/4 to LFF for the Surrey pilot, which has developed the national telephone helpline.
- **Circles of Support and Accountability:** This project is based on a Canadian initiative designed to tackle the problem of how to safely integrate sexual offenders into society. It trains carefully selected volunteers from the community to support and hold to account sexual offenders. Each circle, normally consisting of four to six volunteers, is set up for an individual offender who has high support needs and represents a high risk to the community. PPU is providing funding of £209k in 2003/4 for three circles projects in England, two of which are geographically based (Hampshire and Thames Valley) and the other (managed by LFF) runs Circles throughout the UK for former residents of the Wolvercote Clinic.
- **The Derwent Initiative:** This is a charitable organisation based in the north-east specialising in promoting an inter-agency approach to preventing sex offending. Its most advanced project is Leisurewatch, which trains leisure staff to identify suspicious behaviour on the part of potential child abusers and sets up procedures between leisure sites and the police to deal with such incidents. *(Repeated below)* The other major TDI pilot is the Learning Disabilities Project. This deals with sexual offenders with learning difficulties, aiming to bring the risk management plans produced by probation/police and the care plan developed by social services together into one coherent community management plan. PPU is providing funding of £220k in 2003/4 for these pilot projects.
- **Incest and Sexual Abuse Survivors:** This a charitable organisation that provides one-to-one and telephone counselling for adult male and female survivors of childhood sexual abuse in the Nottinghamshire area. Under a pilot project PPU is granting funding of £38k to recruit and train a co-ordinator and up to 10 volunteer counsellors to provide an assessment and counselling service in HMP Whatton for about 40 sexual offenders who have been subject to sexual abuse themselves. This counselling work is designed to enable

these offenders to fully engage with the Prison Service programmes, particularly the Sex Offender Treatment Programme.

- **Staffordshire Accommodation Project:** Under this pilot project PPU are granting funding of £74k for Staffordshire Probation Area to provide an intensive floating support scheme delivered by Heatun Housing Association through 2 project workers. It provides an enhanced level of surveillance and support to approximately 30 offenders in Staffordshire who are a high risk to the community and require support with re-housing

All of the above pilot projects have a requirement for evaluation to be undertaken in order to assess their effectiveness and the desirability of considering roll-out on a wider scale. In respect of Leisurewatch, success on the initial 3 pilot sites in Northumbria has already led to an extensive roll-out in the rest of Northumbria and there are current plans to roll-out across the rest of the north-east and other areas such as Greater Manchester, London and Surrey. Although the Surrey pilot of Stop It Now is still to be evaluated, the telephone helpline has been very well received and other pilot projects are being developed in areas such as Northern Ireland, Thames Valley, West Midland and Wales.

All the other pilot projects are either in the early stages of evaluation or could fairly readily be provided by other suppliers following a competitive tender action.

Links with Health

The Department of Health and the Prison Service are setting up pilot projects in prison and high secure hospital settings to identify, assess and treat people who meet the DSPD criteria. The programme is committed to spending significant sums (£70m) over the coming years on the establishment and day-to-day running of 300 high security places at four pilot sites across the country by the end of 2004. HMP Whitemoor will have 92 places, 80 at HMP Frankland, 70 places at Broadmoor Hospital plus a ten bed pilot, which opened in April 2003, and 70 places at Rampton Hospital. A comprehensive research programme has been set up to independently and rigorously evaluate the pilots, the results of which will determine how the programme develops.

Under NHS and Criminal Justice step-down provisions, the programme will also be funding places in medium secure and community settings. The intention is that those who have been through the programme will have a high level of aftercare facilities when they are ready to move on from a high secure setting. It is proposed that as a person progresses, the level of clinical intervention decreases and the level of risk monitoring, management, and maintenance increases. The person continues to be managed within a structured regime. Within all step-down regimes there will be:

- Work/vocational training
- Staff trained re PD, risk and crisis management
- Joined up working with referring prison and community provision
- Collaborative and transparent working arrangements
- Acclimatisation and increasing normalisation for remaining sentence and release
- Flexibility to move in both directions

- Congruence of treatment provision at all stages of intervention

The NHS plans to

- Refine the step-down model and circulate to stakeholders.
- Discuss with prison service operational management how this fits with service development, especially graduates of OBPs.
- Map out prisoner throughput from pilot sites to contribute to cost modelling.
- Discuss with NPD key stakeholders and develop a community based step-down model.

The NHS and Prison Service are also co-operating on developing an intervention programme to address psychopathy. Previous research consistently indicates that psychopaths present a range of treatment interfering behaviours. In addition, the majority of the literature on therapeutic outcome with psychopaths is fairly pessimistic. The Psychopathy team has identified evidence based treatment targets and a set of intervention strategies. Two pilot sites, Rampton Hospital and Frankland Prison, will pilot these strategies. In due course there will be a need to develop step-down provision for these offenders, together with risk management and community supervision. Clearly the NPS will benefit from this programme of research and intervention by adapting the methods to existing psychopathic offenders on the Probation caseloads.

Achieving Interventions to manage risk

Wherever possible the National Probation Service will work to reduce the risk posed by sex offenders in the community. However it is recognised that

- A reduced risk does not mean “no risk”. Sexual offence behaviour has usually developed over a long period of time and may be well entrenched; for others their risk may be under control until circumstances of individuals change in a way which may increase their risk. For these reasons research would suggest that some individuals assessed as “low risk” will, in certain circumstance re-offend.
- There are some individuals who do not wish to cease offending or who feel that they have no control over their behaviour. Some offenders may refuse treatment or remain in denial of their behaviour. There are also some offenders for whom, at the present time, there is no suitable treatment intervention.

For the reasons outlined above the most appropriate strategy for certain offenders will be to manage, rather than reduce, the risk they pose to the public. Management strategies may include: -

- Regular Office based Supervision sessions, backed up by home visits
- Monitoring of movements, activities and associations
- Assessment and monitoring of relationships with significant others
- Restrictions on associations
- Restrictions on residence

- Restrictions on movement e.g. curfew
- Restrictions on activities and possessions which have formed part of the offence behaviour e.g. computing, photography, communal swimming
- Electronic monitoring
- Surveillance

Decisions on the most effective combination of these strategies to be used will be made after assessment of each individual case. Whilst the responsibility will lie with the Case Manager for many of these decisions, it is also likely that information will need to be shared with other agencies in order to manage the risk successfully.

Case Managers and their line managers, should have cognisance of the concept of “defensible decision” when deciding on the level of contact to be maintained with the offender. This will in most cases require a level of contact in excess of the minimum requirements of the National Standards for other types of offenders. They should also be aware that sex offenders attending the accredited treatment programmes require support and monitoring in the pre-programme, during the programme and in the post-programme phase. The evidence on effective reduction of attrition rates also supports the position that the continued and active support of Case Managers is crucial to the achievement of successful completions on accredited programmes.

There has been considerable development in the field of managing sex offenders in the community. Many of the monitoring tools used in this process are evidence-based and will be evaluated further for their effect in reducing reconviction rates. In particular those tools that focus on monitoring dynamic and acute risk factors appear to have a significant contribution to make in this process.

MAPPA & Sex Offenders

The multi-agency public protection arrangements (the MAPPA) grew out of the closer working relationship between the police and probation (and increasingly other agencies) in the late 1990s. The Criminal Justice and Court Services Act (2000) formalised this by placing a statutory duty on police and probation, working jointly as the Responsible Authority in each area, to establish arrangements for the assessment and management of the risk posed by sexual and violent offenders. These arrangements were required to be monitored and reviewed and an annual report published. The MAPPA have been further strengthened by the Criminal Justice Act 2003, s325 – 327, which extends the Responsible Authority to include the Prison Service, establishes a reciprocal “Duty to Co-operate” between the Responsible Authority and a range of other authorities and social care agencies such as social services, housing, health, youth offending teams and requires the Secretary of State to appoint two lay advisers to assist with the strategic review of the MAPPA in each area.

National Guidance on the MAPPA was published in March 2003. It clarifies that there are three categories of offender who fall within the MAPPA

- (i) Registered Sex Offenders (RSOs), that is those sexual offenders required to register under the terms of the Sex Offender Act (1997) and its amendments;

- (ii) violent offenders and other sexual offenders not required to register; and,
- (iii) any other offender who, because of the offences committed by them (wherever they have been committed) are considered to pose a risk of serious harm to the public.

The table below contains the total MAPPA offenders across England & Wales for 2001/2 & 2002/3.

Category of offenders	Numbers of Offenders 2001/2	Numbers of Offenders 2002/3
Registered sex offenders	18,513	21,413
Violent and other sex offenders	27,477	29,594
Other potentially dangerous offenders	1,219	1,802
TOTAL	47,209	52,809

The purpose of the MAPPA is to increase public safety by the reduction in serious re-offending. However, while there is a need to make defensible decisions in relation to the risk management of all MAPPA offenders, the primary focus of the MAPPA is on those offenders who pose the highest risk of serious harm or who present particular difficulties in their management. Based upon figures for 2002/3 only about five per cent (2,843) (of the MAPPA population met this criteria. They are commonly referred to as the 'critical few'.

The focus on those who present a risk of serious harm is sharpened by the three level structure of case referral in the MAPPA:

- Level 1: MAPPA activity at Level 1 involves a single agency, most commonly the probation service, managing an offender without the active or significant involvement of other agencies.
- Level 2: Referral to this level is made where the active involvement of more than one agency is required. Some offenders posing the highest risks can be managed through referral at Level 2 where the management plans are not complex and do not the commitment of resources at a senior level. No one term is used to describe meetings to consider cases at Level 2.
- Level 3: Level 3 activity meetings are known in all Areas as the **Multi-Agency Public Protection Panel (or MAPPP)**. The few (the 'critical few') cases referred to the MAPPP are those of offenders who pose the highest risks of causing serious harm or whose management so problematic that multi-agency co-operation at a senior level is required.

However, it is important to clarify that the MAPPA is a set of administrative arrangements and has no authority itself. The authority rests with each of the agencies involved. This is why co-operation is important: at least to avoid a conflict of authority and at best to achieve co-ordination of risk management in which the whole is greater than the sum of its parts.

The MAPPA is therefore essentially a set of national arrangements that provide a framework to enable better joint working. Neither the MAPPA nor one of its

meetings takes responsibility for cases – the responsibility remains with the various agencies whose statutory functions require them to engage with that individual. In practical terms the type of co-operation envisaged would involve:

- attending case conferences;
- providing advice about the assessment and management of particular cases or more generally; and,
- sharing information – again, about both particular offenders and about broader issues so as to enable the Responsible Authority and the 'Duty to Co-operate' bodies to work together effectively.

Early indications suggest that through the MAPPA agencies have had a positive impact on public protection, however it is intended to continue this process of evaluation with two new research projects. One, to be conducted in-house by RDS, concerns establishing measures of MAPPP effectiveness. The other piece of research being conducted by Prof Kemshall and others will replicate the Kemshall/Macguire research (2001) and look more broadly at the development and consistency of MAPPA processes across England and Wales. Both pieces of research are due to report in autumn 2004.

ViSOR Database

A significant development in the management of sex offenders is the development of the ViSOR database, jointly developed by police and the probation and due for national roll-out during 2004. The ViSOR project creates a single national database for registered and non-registered sex offenders, violent, dangerous and potentially dangerous offenders. It will be accessed by NPS and Police to improve the quality, timeliness and accuracy of information available to both Services. The data capture will enable the production of local and national reports on offenders, the recording of minutes of MAPPA meetings, and the ability for each agency to update when action is taken. The establishment of this database should also facilitate better management information regarding the national sex offender caseload, since this information is currently inconsistently recorded both within and between Probation and Police.

Polygraph

The NPD has investigated the use of polygraph examinations to assist in the monitoring of sex offenders in the community. The proposal will be to use polygraph in conjunction with attendance on accredited sex offender treatment programmes. Offenders will be examined every six months in relation to their adherence to individual treatment goals, which by their nature, will be indicative of how the offender is behaving in relation known risk factors. Comparisons will be made between offenders in treatment not required to undertake polygraph examination. The extent to which this information influences supervision arrangements and allows for better targeting of resources in risk monitoring will be assessed in the research. Early results from pilot programmes suggest significant improvements in the formation and monitoring of risk assessments. The research began in late 2003 and will report by 2005.

Electronic monitoring

There has been limited use of electronic monitoring of sex offenders, since they are excluded from the Home Detention Curfew arrangements. However a small number of sex offenders have agreed to voluntary “tagging” as part of an overall risk management plan. Pilots started in September 2004 to test the value of tracking to assist in the management of sex offenders. For example electronic monitoring could be used to enforce exclusion orders or conditions under a SOPO. The tracking of offenders consists of

- The offender wears a battery-operated tag and receiver unit (either separately or as part of the same item). The location of the receiver unit would be tracked either by satellite or by the network of mobile phone masts. Location data would be communicated to a control centre staffed by the electronic monitoring contractor.
- The data would either be communicated in real time through mobile phone technology, or downloaded retrospectively at the end of the day when the unit was placed in a docking station connected to the monitoring centre by a landline. Alternatively a hybrid system could operate whereby the location data was downloaded retrospectively but with real-time alerts if the offender entered an exclusion zone.

Internet monitoring programmes

When offenders have used computers and internet connections to obtain or create indecent images it may be possible to impose prohibitions (through CRO conditions, Licence conditions or Sex Offence Prevention Orders) which prevent ownership or access to computers. Each case would be assessed individually in order to demonstrate that the order was necessary for the protection of the public. It may be that in some cases such an order would not be deemed commensurate with the risk posed by the offender, or be successfully challenged under the Human Rights Act. An alternative approach might be to impose a condition in which the computer is installed with monitoring software. Programmes are now available which can for example capture text used in chat rooms, bulletin boards and e-mails and send the text to the computer or mobile of the supervising officer or a monitoring centre. Similar programmes offer the function for images and websites visited. It may be that if such a condition were made at time of sentence the offender would be required to pay for the installation of such software himself.

New methods of assessing deviant sexual preference

The development of the new Healthy Sexual Functioning programme (see paragraph 6.6) requires assessment of sexual preference and arousal. In the Prison Service this will be done by use of the Penile Plethysmograph (PPG), however this technique may not be appropriate for community use. Alternative methods of assessing sexual interest are in research, based on the way that attractive or interesting images or information are processed in individuals. A seminar has been hosted by NPD to explore the possible use application of this process. The studies so far are promising but require further validation on larger samples of offenders and non-offenders. If such techniques can be successfully developed they may have larger application to other offender groups, as well as offering a less intrusive assessment method.

Co-operation with other jurisdictions

The NPS and HM Prison Service are increasingly seen by other jurisdictions as leading developers of effective practice with sex offenders. Requests have been received from a number of countries for access to programmes and assessment systems. Of necessity NPD has decided to ensure that our own needs for training and implementation must take precedence in the short term. However an agreement has been reached between NPD, the Scottish Executive and the Probation Board of Northern Ireland to introduce one of the sex offender programmes into their jurisdiction. Whilst this will help with the risk management of offenders in these countries, it is also a recognition of the movement of sex offenders between jurisdictions.

Such co-operation will enable the introduction of common risk assessment tools, risk definitions and risk management practice which meets the interests of all parties to the agreement. Further work is being undertaken on protocols for managing the movement of offenders between the jurisdictions referred to above and also with the Irish Republic. It is hoped that such protocols will be agreed before Ireland assumes the European Union Presidency in 2004.

The Council of Europe has also expressed an interest in the development of common risk management approaches to sex offending in member states and it is likely that NPD will be asked to contribute to this work. It is also important that NPD is able to examine practice in other jurisdictions, which may further improve our own work with sex offenders.

Services for victims of sex offences

From 1st April 2001, the National Probation Service's work with victims was placed on a statutory footing by the Criminal Justice and Court Services Act 2000.

The Probation Service now has a duty to consult and notify victims of sexual or other violent offences about release arrangements in all cases where the offender receives a custodial sentence of 12 months or more. All probation areas are working to a target of making initial contact with all eligible victims within 8 weeks of sentence in 85% of all cases. Average national performance against this target increased dramatically during the first two years of the new statutory duty from around 30% prior to the introduction of the new duty to around 87% by March 2003, the end of the second year of the duty.

The total new victim case load in the period to March 2003 was nearly 31,000. Just under 18,000 of these victims would not previously have been eligible for contact because the sentence length was less than 4 years. These new cases are in addition to existing victims, with whom the service continues to work.

Performance varies from area to area but nationally, the service is now achieving the 85% target for initial contact within 8 weeks. This follows incremental improvements during the first two years of the statutory duty and is a position we hope to improve on. We hope to see all areas achieving the national standard for victim contact during 2003/4.

Tremendous work has gone into implementing the victim contact scheme over the last two years and we have a strong platform on which to build. However, we also want to develop the service and will be working on the following:

- A training and development strategy for victim contact
- Work with colleagues in the Department of Health on extending victim contact work to include all victims of those sentenced under the Mental Health Act, in line with proposals within the White Paper, the Review of the Mental Health Act 1983.
- Working with others across the Criminal Justice System to improve and maintain confidence in the CJS. NPS victim contact work provides key opportunities to raise awareness, manage expectations and change perceptions of the system. This may also lead to improved outcomes for victims through achieving a better match between their expectations at the outset and their experiences of the process.

Developing a range of accommodation options commensurate with risk and need

The Probation Service has a good track record of managing high risk offenders successfully and using its Approved Premises as an integral part of its resources. There has been a progressive increase in the use of Approved Premises for high and very high -risk sex offenders as probation areas have sought to use their approved premises as part of risk management. However, over-reliance on this provision could jeopardise the facility as Approved Premises have not been designed, equipped, or staffed to deal either exclusively, or largely, with high risk sex offenders. It should be recognised that Approved Premises are not the answer to the management of all high-risk cases. Demand will outstrip resources and for some offenders, enforced communal living will increase risks and problems of eventual resettlement not control or decrease them. A range of provision is therefore necessary.

Generally speaking, high-risk sex- offenders are more appropriately resettled in their 'home' area where they are well known to police, probation and the other key agencies and where this knowledge is a positive contributor to risk management. However, accommodation may be very difficult to provide. Such offenders may be unsuitable or not accepted in Approved Premises or other hostel accommodation. They may be unskilled at living on their own. There may be significant rent arrears, which bar new tenancies or independent living may increase the level of risk to others unacceptably.

In addition to the above are a similar category but for whom a return to the home area is unacceptable or inadvisable. This is because of victims' concerns or wishes risks to victims, community reaction or media attention. Many probation areas report there is still difficulty experienced with the transfer of these cases because of the implications for the receiving area, agency relations and resource provision.

NPD is currently working on an Offender Housing and Accommodation Strategy focussing on the high risk offender group and to include a review of the role of Approved Premises. It is recognised that many areas and some regions already have accommodation strategies, resettlement strategies or both and the national strategy is not intended to replace local plans. Rather the strategy will provide an over-arching framework for the future, recognising other relevant strategies and policies and that initiatives to respond locally to local need remain essential.

Local Chief Officers, MAPPP SMBs, Probation Regional Managers, etc, all have a role in ensuring cooperation with housing providers and local authorities - including the arrangements for out of area resettlement, and understanding the reasons why provision is so important. Probation Areas should have regional agreements about appropriate accommodation arrangements for those offenders who cannot be held within their original area for valid reasons (victim risk or preference, media interest etc), so that the resettlement can be unproblematic. Discussions led by Probation should ensure that local authorities and police areas understand the arrangements and why they exist.

NPD is also considering the facilitation of 'national exchange scheme' to assist safe and effective resettlement 'out of area' where the regional arrangements

mentioned above are inadequate or inappropriate and normal negotiations for resettlement elsewhere in England and Wales are either not appropriate or would be difficult. This would require each probation area to be ready and willing to receive a case when required to do so by the NPD. Strict criteria would have to inform access to the scheme with MAPPP registration/ registration under 27/2000 for example, as being the minimum requirement. It might be possible for this to be scaled down to a regional version located with, and managed by, Regional Managers.

There has been a demonstrable increase in 'floating support' provision in the accommodation sector as an alternative to investing in 'bricks and mortar'. This is in recognition of the evidence that many offenders allocated accommodation are unable to sustain it and that each breakdown of a tenancy is very costly. Some areas have developed a variation on this principal with a focus on high risk cases. The role of the worker is still to maintain contact and support the offender to ensure that everything possible is being done to ensure a successful tenancy and resettlement but there is a further aim of surveillance and monitoring from a risk management perspective. In such schemes the high risk support workers are likely to work in pairs and maintain an involvement under MAPPP or MAPPPA arrangements beyond the period of supervision

NPD has also been examining the role that specialised residential sex offender treatment facilities may play in the range of provision for managing these offenders. It is believed that such residential facilities may be best used for those offenders who require longer and more intensive treatment programmes to reduce their risk. It is recognised that a number of options could form an effective spectrum of provision. Whilst they would not meet all need, investment in this form of provision would be justified in terms of acceptability to the public, effectiveness of accommodation and treatment, cost and value for money.

Whilst the Probation Service has access to specialised accommodation, it is not in itself a major accommodation provider. Clearly many offenders will require access to local authority and housing association property. This access can be made more difficult if authorities adopt policies that seek to restrict or disqualify sex offenders from acquiring tenancies. There may be a role for NPD and the Office of the Deputy Prime Minister to discuss with local authorities how the risk management of sex offenders can be assisted by greater access to appropriate accommodation.

Appendices

Appendix 1: What is the volume of sex offence crime?

Recorded sexual crime trends and the Probation Caseload

There has been a **13% fall in sex offender convictions** in recent years. Custodial sentences and convictions for indictable sexual offences in England & Wales over the past 4 years are given below.

Year	Custodial Sentences	Convictions
2000	2,431	3,943
1999	2,615	4,304
1998	2,687	4,567
1997	2,458	4,523

Over the same period the number of **recorded sexual offences has increased by 21%**

Year	Recorded cases
2001/02	41,425
2000/01	37,311
1999/00	37,792
1998/99	36,174
1997/98	34,151

(Source: Crime In England and Wales: A Statistical bulletin. Home Office Statistical Bulletin 7/02)

It should be remembered that sexual offences are significantly under reported, although recent action to support victims of sexual assaults is likely to have increased the number of such incidents being brought to the attention of the police. Trends in the number of recorded sexual offences are therefore unlikely to reflect real experience of such crimes.

Within the total of 41,425 sexual offences, the police recorded 21,765 cases of indecent assault on a female, and 1,665 cases of gross indecency with a child. There were also 3,613 recorded cases of indecent assault on a male. The number of recorded rapes was 9,743 of which 92% were of a female. Sexual offences accounted for five per cent of police recorded violence and 0.7 per cent of all police recorded crime.

Appendix 2: Sex Offenders & the Probation Caseload

The numbers of sex offenders on Probation supervision have risen by 31%, from just over 7,000 in 1996 to 7,717 in 1999 and is now (2001 latest figures available) 10,094. This figure includes those offenders who are in prison (5,600) with the remaining 4,494 offenders being supervised in the community, either as a condition of their release following imprisonment, or as an alternative to imprisonment. The increase in the Probation sex offender caseload (whilst still only 6% of the overall Probation caseload) is due to longer terms of imprisonment and subsequent post-release licence periods, principally following the introduction of Automatic Conditional Release (ACR) licences in the Criminal Justice Act 1991.

The projections for the effect of the **Sexual Offences Act 2003** suggest a minimal increase in the overall number of sex offenders on the Probation caseload in the short term. The Act will commence in May 2004 so the impact on the numbers who fall to probation as a condition of their release from prison before 2006 will be small. It will also take time for the impact on the number of prison sentences/community sentences to take effect.

More importantly, although the Act introduces new sexual offences such as grooming, voyeurism and exposure it is not thought that convictions for these offences will be high - estimated at a maximum of 100 per year who might receive custodial sentences.

Similarly, the changes to offences in the Act (such as extending the age threshold on possession of indecent photos) are estimated to have only a small impact on the number of convictions. Some of those convicted for the new/amended offences will be re-offenders or people who would have been convicted for an existing sexual offence. However the longer sentence will mean that there may be a cumulative effect, as offenders will remain on supervision for longer.

The two small increases in the number of sex offenders may be partially offset by the repeal of the offences of buggery and gross indecency (It is believed that this will reduce approximately 100 per year from the prison population and more from community sentences).

In respect of the **Criminal Justice Act 2003** the use of the Dangerous Offender sentences commences in October 2004. These are projected to involve 500 such cases by 2006/07, 1,000 for 2007/08 and 1,500 for 2008/09. The expectation will be of course that these offenders will be in custody for some years and therefore the initial demands will be moderate, but increase as review dates approach. Again there will be a cumulative effect, as these offenders will remain on statutory supervision for long periods.

The effects of other provisions of the Criminal Justice Act on the sex offender caseload are harder to distinguish from the overall increase in post-release

supervision. For example it is estimated that 46,000 offenders who would currently receive a prison sentence of twelve months and thus be released unconditionally will receive the new Custody plus sentence and therefore be subject to probation supervision on release. Clearly there will also be some effect of the increased use of longer licence periods which sex offenders are more likely to attract.

It is likely that a further impact on the numbers of sex offenders supervised by probation will come from changes in police priorities, improvements in police methods and major investigations such as Operation Ore. This latter operation followed from the dismantling of a pay-for-view site offering indecent images of children. Some 7,500 names captured in this operation are being investigated resulting in a large increase in prosecutions for making and possession of indecent images. Current (June 2003) figures for Ore indicate that there have been

- 2024 searches of addresses notified
- 1688 arrests
- 512 individuals charged

It is possible that the total number of individuals investigated in this operation may reduce to c. 6,000 (there is some evidence of duplication in the names provided, some names are untraceable). There is often a delay between arrest and charging due to the technical problems of analysing computer hardware. It is likely therefore that prosecutions will be spread over the next three years. Information on convictions and sentencing is being collated but not yet available, however the indications are that a high proportion of those charged are resulting in convictions, and that Probation Areas are seeing an increase in caseloads as a result.

It is possible that prosecutions for sexual offences from this single operation could increase by 30% the overall number of sexual offence convictions each year over the next three years. This estimate is based on 25% of Ore cases resulting in conviction (1500 cases) and sexual offence convictions currently being approximately 4,000 p.a. Many of these offenders will be subject to Probation supervision either directly from Court or on post-release licence.

For all these reasons cited in this section it is likely that the overall number of sex offenders on supervision will increase.

- There will be a short term increase caused by the increased prosecutions for pornography related offences,
- A longer term increase which will reflect the cumulative effect of extended sentences
- some increase in sexual, and especially rape, convictions, in response to the Government's "Narrowing the Justice Gap" initiative.

Whilst the exact level of increase is difficult to quantify it is probable that the increase which NPS has seen of over 30% between 1996 and 2001 will not be seen as a "blip" but part of a continuing trend.

Appendix 3: Workload Projections arising from Criminal Justice Act

Estimated impact on Probation workload of sentencing scenarios and capacity to achieve it.

	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Dangerousness				500	1,000	1,500
12 months + HDC ext.		2,000	4,000	6,000	8,000	10,000
Magistrates powers						
Custody Plus				46,000	46,000	46,000
Custody Plus 18-20s				9,500	9,500	9,500
Custody minus		pilots	6,500	6,500	6,500	6,500

Appendix 4: Recent Sex Offender Legislation

The **Sex Offender Act 1997** introduced the requirements for sex offenders to notify their details to the Police. It defines registered sex offenders as those offenders having been convicted or cautioned since September 1997 of certain sexual offences (defined by Schedule 1 of the Act). Registration requirements have been updated by the Sexual Offences Act 2003 (see below)

The **Crime (Sentences) Act 1997** Part 1, Sec.2 allows for the imposition of mandatory life sentence for offenders over 18 years of age, who have committed a second serious offence, however in exceptional circumstances the Act provides for discretion not to impose a life sentence.

The **Crime & Disorder Act 1998** introduced prohibitions on activities through the making of a Sex Offender Order made under Section 2. This Order was dependent on an application to the Court and the production of new evidence that the offender posed a risk of serious harm to the public. The Act also provides for Extended Sentence under Sec 58 to increase the period of supervision on licence for sex offenders to a maximum of 10 years post release.

The **Criminal Justice & Court Services Act 2000** provides for offenders convicted of offences against children to be subject to a Disqualification Order, which prevent them from working with children or being in unsupervised contact with children. It is also an offence for a convicted sex offender to apply for such a position, or offer to do such work. Further, it is an offence for an individual to employ, or offer such work to an individual who they know to be disqualified.

- This act also increased the penalties for Possession of Indecent Photographs of Children from 3 to 10 years.
- Extended the age from 14 to 16 years for the offence of Indecent Conduct towards a Child;
- Made provision for the electronic monitoring of offenders;
- Introduced MAPPA on a statutory basis with a requirement to publish annual reports (see Section below);
- Introduced Restraining Orders following a sentence of imprisonment. These Orders are similar to Sex Offender Orders in terms of being prohibitive on the actions of sex offenders, except that the Crown Court makes them at the time of sentence. These Orders were introduced on 1 June 2001.
- The purpose of Restraining Orders is to allow the court to ensure steps are taken to restrict the offender's ability to harm or distress victims from the point of sentencing onward, including on release from custody. This can include preventing his contacting or approaching the victim. The offender can be prohibited from doing anything described in the restraining order. It is a very flexible instrument since the courts will be able to shape the prohibitions to tackle the particular risks posed by the offender.

The **Sexual Offences Act 2003** is aimed at implementation from 1st May 2004. The Act follows a wide ranging review of sexual offences (which was published as “Setting the Boundaries”), including new definitions, standards of proof etc. The new offences in Part 1 of the Act replace much of the existing criminal law on sexual offences. A list of repeals includes the discriminatory offences of buggery and gross indecency (section 12 and 13 of the Sexual Offences Act 1956) which criminalise consensual sexual activity in private between men that would not be illegal between heterosexuals or between women.

Part 2 of the Act lists the offences a conviction for which will trigger the notification requirements if certain age and sentence thresholds are met. A conviction for an offence in Schedule 2 may also trigger a SOPO (see below). The offences in this schedule are exclusively sexual offences. The thresholds have been designed to make sure that only offenders who present a risk are placed on the register. Young offenders, and many offences only trigger notification if a sentence of imprisonment of at least 12 months is given. Schedule 3 lists violent offences and various offences relating to prostitution, child pornography and trafficking. The court may make a SOPO where a person has been convicted for an offence in Schedule 3.

The most important changes to the **notification requirements** (known more broadly as the Sex Offender Register) are as follows:

- Reducing the period within which a sex offender must notify the police of a change of details from 14 days to 3 days.
- Reducing the amount of time a sex offender can spend at an address other than his home address before having to notify that address from 14 days to 7 days.
- Making all those on the register confirm their details on an annual basis. At present, there is no requirement for them to do so.
- Giving the police the power to check the fingerprints and take a photograph of a sex offenders each time a notification is made, not just on his initial notification.
- Requiring sex offenders to provide their National Insurance number when making a notification.

The current requirements for notification only apply to those convicted of offences in the United Kingdom. However, in order to keep track of all known sex offenders who are in this country, whether they have been convicted of an offence here or abroad, the Act includes a new **notification order** to make those convicted of sex offences abroad, whether they are British citizens or foreign nationals, subject to the same notification requirements if they come to the United Kingdom.

- Part 2 also provides for **Sexual Offences Prevention Orders**. These are civil preventative orders designed to protect the public from serious sexual harm. These orders replace and amend restraining orders and sex offender orders.

Broadly, a SOPO may be made by a court following conviction for one of the offences in Schedules 2 or 3, at the time of sentence. They can also be made following an application by the police to the Magistrates' Court in respect of a person with such a conviction living in the community.

- The offences in Schedule 2 are all sexual offences. In brief, these offences carry automatic registration when the qualifying conditions are met – this in essence reproduces the existing list of offences carrying registration in the 1997 Act and also includes the vast majority of offences under Part 1 of the Sexual Offences Act. Offences in Schedule 3 do not carry automatic registration, but allow a SOPO to be made (and accompanying registration) if the offender presents a risk of future sex offending.
- An order may place whatever prohibitions on an offender are necessary to protect the public from him. It might, for example, prohibit him entering children's playgrounds or visiting swimming baths. They can be used for example to prohibit the offender from attempting to make contact with the victims of the offence from the point of sentence and for a minimum of 5 years to life upon release. An order will also make an offender subject to the notification requirements.

The Act also introduces a new **Risk of Sexual Harm Order**, to accompany the grooming offence, which will be used to prevent harm to children from sexually explicit communication or conduct where the adult has already engaged in such behaviour towards a child. This order could be used for example to stop an adult sending a child adult pornography or indecent text messages.

The **Criminal Justice Act** contains wide-ranging reform of sentencing, introducing for example the sentences of Custody Plus, Custody Minus, intermittent custody, suspended sentences with conditions of attendance on programmes, etc. Sentences of less than 12 months will be replaced by up to three months custody and the a longer period of supervision in the community to which specific requirements can be attached to address the rehabilitative needs of the offender. Offenders serving sentences of 12 months or more will be released automatically on licence at the half way point of their sentence. Upon release, the second half of their sentence will be subject to standard licence conditions and any combination of the additional prescribed conditions that will be imposed right up to the end of sentence. Failure to comply with a licence condition will make the offender liable to recall to custody, which will be an executive decision, by the prison and probation services, rather than the Parole Board. The Parole Board will scrutinise recall decisions and act as an appeal body.

The Act introduces a new scheme of sentences for offenders who have been assessed as dangerous and have committed a specified sexual or violent offence. Under the new scheme dangerous offenders who have committed a trigger offence for which the maximum sentence is less than ten years will be given an extended sentence. This sentence will be a determinate sentence served in custody to the half way point. Release during the whole of the second half of the sentence will be on recommendation of the Parole Board. In addition

extended supervision periods of up to five years for violent offenders and eight years for sexual offenders must be added to the sentence.

If an offender has been assessed as dangerous and committed a sexual or violent offence whose maximum sentence length is ten years or more, he will receive either a sentence of imprisonment for public protection (clause 216) or a discretionary life sentence. In cases where the offender has committed an offence carrying a maximum sentence of life imprisonment the court must consider the seriousness of the offence when deciding upon which of the two possible sentences to impose. For both sentences the court will specify a minimum term which the offender is required to serve in custody. After this point the offender will remain in prison until the Parole Board is satisfied that their risk has sufficiently diminished for them to be released and supervised in the community. Following release those serving a sentence of imprisonment for public protection would be able to apply to the Parole Board to have their licence rescinded after ten years had elapsed. Offenders serving a discretionary life sentence would be on licence for the rest of their lives.

The Criminal Justice Act 2003 re-enacts Sections 67 and 68 of the Criminal Justice and Court Services Act (2000), which established what are commonly called the **Multi-Agency Public Protection Arrangements** (the MAPPA). The MAPPA principally concern arrangements to assess and manage the risks posed by sexual and violent offenders. It is the duty of the police and probation services (acting jointly as the 'Responsible Authority' in each of the 42 Areas of England and Wales) to establish these arrangements. They are also required to review and monitor the arrangements and to publish an annual report about them.

The Criminal Justice Act develops these important public protection arrangements. The MAPPA Clauses strengthen the MAPPA in three respects:

- (i) includes the Prison Service in the 'Responsible Authority';
- (ii) introduces a 'Duty to Co-operate' with the MAPPA, which requires the Responsible Authority to co-operate with each of the following bodies and requires them to co-operate with the Responsible Authority:

- Social Services Departments;
- Primary Care Trusts, other NHS Trusts and Strategic Health Authorities;
- Jobcentres;
- Youth Offending Teams;
- Registered Social Landlords which accommodate MAPPA offenders;
- Local Housing Authorities;
- Local Education Authorities; and,
- Electronic Monitoring providers

and,

- (iii) introduce 'lay advisers' of whom the Home Secretary will appoint two 'to each Area.

The 'Duty to Co-operate' provisions of the Act will in many ways formalise what is already good practice in many Areas. It is defined as requiring the bodies upon which it is imposed to co-operate to the extent that such co-operation is compatible with those bodies' existing statutory functions. The duty is not therefore to be seen as a new function but the performance of existing functions, so far as they concern sexual and violent offenders, collaboratively with the other 'Duty to Co-operate' bodies and the 'Responsible Authority'.

The Act makes two further qualifications to the Duty to Co-operate'. First, the Act makes clear that the duty is attached to the 'operational' functions, that is to the practical risk assessment and risk management, rather than to the reviewing functions of the MAPPA. Secondly, the Act requires that the nature of the co-operation is defined in a memorandum drawn up together by the Duty to Co-operate bodies and the Responsible Authority in each Area. This ensures that co-operation is determined locally by those directly involved and in ways which best suit local circumstances, which vary from one part of the country to another.)

The 'lay advisers' will be appointed by the Secretary of State and undertake a role in respect of the reviewing and monitoring MAPPA functions and not therefore in the operational work of the MAPPA Responsible Authorities. Arrangements for the lay advisers are being piloted in eight Areas (Durham, Cumbria, Greater Manchester, West Midlands, South Wales, Dorset, Hampshire and Surrey), the formal evaluation of which should be known later this summer.

Appendix 5: Process Flowchart

