

National
Probation
Service



Multi-Agency Public Protection Arrangements

This leaflet provides information on the Multi-Agency Public Protection Arrangements know as MAPPA.

Multi-Agency Public Protection Arrangements are a set of arrangements to manage the risk posed by the most serious sexual and violent offenders.

They bring together the National Probation Service the Prison Services and the Police in each local area of England and Wales into what is known as the MAPPA Responsible Authority.

Other agencies are under a duty to co-operate with the local MAPPA Responsible Authority.

Attendance at MAPPA Meeting

MAPPA meetings are confidential. When you are signing the MAPPA attendance form you are also signing up to MAPPA confidentiality.

The content of MAPPA meetings are not to be shared or used for any other purpose. Minutes from MAPPA meetings are not to be copied or disclosed without the permission of the MAPPA Chair.

Principles of Information Sharing

The purpose of sharing information about individuals is to enable the relevant agencies to work more effectively together in assessing risks and considering how to manage them. The focus is on sharing all the available information that is relevant, so that nothing is overlooked and public protection is not compromised. More information can be found on the [Durham DSCP website](#).

MAPPA – Information Sharing

Information that is shared under MAPPA remains the responsibility of the agency that owns it.

It will be for the relevant agency to deal with Subject Access Requests under the **Data Protection Act 1998**. MAPPA is not an organisation, but a set of statutory arrangements for managing the risks posed by high-risk offenders. It cannot be the owning agency for any information on MAPPA offenders.

Information Sharing must be Lawful

The Responsible Authority and the duty to co-operate agencies are routinely and regularly involved in the management of MAPPA offenders, but, from time to time, other agencies can contribute significantly to the Risk Management Plan.

Information provided should not be used or disclosed further in an identifiable form, except as originally understood by the provider, or with his or her subsequent permission.



Information Sharing must be Necessary

Article 8 of the European Convention on Human Rights provides a right to respect for private and family life, home and correspondence. Any interference with this right by a public authority (such as a criminal justice agency) must be;

'necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'.

The sharing of information by MAPPA agencies for MAPPA purposes satisfies these conditions. It is clearly aimed at preventing disorder; crime or administering justice. Provided the information shared is only used for MAPPA purposes as a way of assessing and managing these risks, the necessity test will be met.

Information Sharing must be Proportionate

In human rights law, the concept of proportionality means doing no more than is necessary to achieve a lawful and reasonable result.

Information Sharing must be Relevant

For MAPPA agencies, this means ensuring that information about the offender is relevant to assessing and managing risk and that no more information is shared than is needed to manage that risk.

For example, if what is actually needed is the names and addresses of individuals, sharing their race and religion as well would be likely to be disproportionate.



Disclosure

Disclosure is the sharing of specific information about a MAPPA offender with a third party (not involved in MAPPA) for the purpose of protecting the public. Third parties examples may include a victim, an employer, a person forming a relationship with an offender, or a person acting in a professional capacity but not party to the MAPP arrangements.

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

- Where there is evidence that grooming may be taking place
- Where a Sexual Offences Prevention Order / licence excluding offenders from a location or contact with a named persons
- Where others may be at risk, such as staff of supported accommodation
- Where the public may be at risk through the offender's employment, training or education
- Where there is a need to protect past or potential victims such as an offenders new relationship with partners who have children
- In the case of young offenders, limited or controlled disclosure may be made to the school or college staff
- Where a person may be in a position to actively assist in the risk management of an offender by being briefed about risk factors and scenarios

Disclosure - Proportionality

The following criteria should be met before disclosing information about an offender to a third party:

- Consideration of the potential risk to the offender (although this **should not** outweigh the real risk to the safety of others were disclosure not to be made)
- Correct identification of the individual(s) to receive disclosure
- Alternatives to disclosure were considered and reasonably rejected as inappropriate or ineffective in all the circumstances. **This must be recorded**
- Preparation and discussion with those third parties receiving the information. This includes
 - ⇒ checking what they already know
 - ⇒ checking that they understand the confidential and sensitive nature of the information they are receiving
 - ⇒ Checking that the third party know how to make use of the information
 - ⇒ what to do in the event of anything occurring which they need to report
 - ⇒ whom to contact and how to access support if required
- An informed decision (via the level 2 and 3 MAPP meeting) about what level of disclosure is required
- Details of the key triggers for offending behaviour and the requirements for successful risk management, i.e. 'This is what you need to look out for...' or 'if you see X, you need to do Y'
- Mechanisms and procedures to support both victims and offenders in case there is a breakdown in the process
- For young people under 18, no decision on disclosure should be made unless a senior member of the Youth Offending Service and / or Children's Services is consulted

Even in emergency situations, the decision to disclose should wherever possible be made on a multi-agency basis. Single agency decision-making about the disclosure of information on offenders is strongly discouraged.

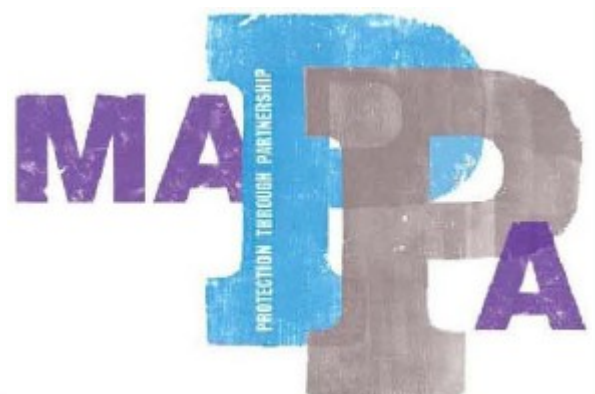
Involvement of the Offender

It is preferable that the offender knows that disclosure is taking place.

On occasion, the offender may make the disclosure himself or herself in the presence of the police or the Offender Manager, or may later confirm or verify the content of the disclosure.

However, there will be cases where informing the offender that disclosure is taking place could increase the potential risks to the victim(s) or other individuals.

In those cases, informing the offender may not be appropriate. In such circumstances, the person receiving the disclosure should be told that the offender does not know that disclosure has been made.



The Child Sex Offender Disclosure Scheme

The Child Sex Offenders Disclosure Scheme (CSODS) is sometimes referred to as Sarah's Law. It allows anyone who has concerns about a child being at risk from a child sex offender, making an application to the police for further information to protect the child.

Once an application is received by the police, the police will review all information held on the person who has access to the child.

If police checks show that the person who has access to the child has a record of child sex offender investigations and poses a risk to that child or children, information may be disclosed to the person who is best placed to protect the child (usually a parent or guardian).



There is more information on [Sarah's Law](#) on the Durham Constabulary website. This scheme does not replace existing arrangements for the Vetting and Safeguarding Children Procedures.

MAPPA and the Sex Offender Disclosure Scheme

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

It is not the intention of the MAPPA disclosure process to restrict access to information which helps to safeguard children.

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DURHAM MAPPA



National MAPPA Website

www.mappa.justice.gov.uk

This briefing was prepared in conjunction with a series of (MAPPA) training delivered to Durham DSCP partners throughout 2016/17 by Paul Oldham, MAPPA Coordinator National Probation Service - North East Division.

