



Joint Thematic Review of MAPPA in Scotland

Terms of Reference

Care Inspectorate

The Care Inspectorate was established under the Public Services Reform (Scotland) Act 2010 (referred to as the 'Act') and is the independent scrutiny and improvement body responsible for regulation and inspection of care and support services, scrutiny of criminal justice social work services and joint inspections with other scrutiny partners of services for adults and children.

In all our scrutiny activities we are required under statute to take into account the National Care Standards and the Scottish Social Services Council's codes of conduct and practice in making our judgements and decisions on the quality of care. We are an executive non-departmental public body and our functions, duties and powers are set out in the Act and in the Management Statement and Financial Memorandum (MSFM) drawn up by the Scottish Government Directorate for Health and Social Care Integration.

We operate independently and at arm's length from Scottish Ministers but are accountable to them through the Scottish Parliament. The Care Inspectorate is governed by its Board which holds responsibility for setting the strategic direction of the organisation, executing good governance and managing performance while taking account of legislation and policy guidance from the Scottish Government to contribute to national outcomes and priorities.¹

The Public Services Reform (Scotland) Act 2010 includes the Duty of Co-operation which requires us to collaborate closely with other scrutiny and improvement bodies and national policy makers. The regulation, audit and inspection activities of scrutiny bodies should be co-ordinated to be efficient, effective and economical for all those involved. We work closely with other bodies such as Healthcare Improvement Scotland (HIS), Education Scotland, Audit Scotland, and Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) to co-ordinate our scrutiny activities so that regulation, inspection and audit across Scotland are efficient, effective and duplication is reduced.

In accordance with Section 54 of the Public Services Reform (Scotland) Act 2010, we published our inspection plan summary for 2014-15 and a commitment to work with HMICS and HIS in a joint inspection of the multi-agency public protection arrangements (MAPPA) in Scotland.²

¹ Care Inspectorate Corporate Plan 2014-18.

² Care Inspectorate Inspection Plan Summary 2014-15 published 16 April 2014.

HM Inspectorate of Constabulary in Scotland

HM Inspectorate for Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the '*state, effectiveness and efficiency*' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (The Authority).³

We have a statutory duty to ensure that the Chief Constable and the Authority meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the Authority or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions.
- The Authority and the Chief Constable must provide us with such assistance and co-operation as we may require to carry out our functions.
- When we publish a report, the Authority and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.
- Where we make recommendations, we will follow them up and report publicly on progress.
- We will identify good practice that can be applied across Scotland.
- We work with other Inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication.
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the Authority to deliver services that are high quality, continually improving, effective and responsive to local needs.⁴

In our Annual Scrutiny Plan for 2014-15,⁵ we have outlined our priorities for inquiries over the next twelve months. This includes a commitment to work collaboratively with the Care Inspectorate and other scrutiny bodies to undertake a joint review of the MAPPA in Scotland.

³Police and Fire Reform (Scotland) Act 2012, Chapter 11.

⁴ HMICS Corporate Strategy 2014-17 (2014).

⁵<http://www.hmics.org/sites/default/files/publications/SCRUTINY%20PLAN%202014-15%201.0%20FINAL.pdf>.

Background

1. The fundamental purpose of the multi-agency public protection arrangements (MAPPA) is public protection and managing the risk of serious harm. MAPPA was introduced in 2007, by virtue of Sections 10 and 11 of The Management of Offenders etc. (Scotland) Act 2005, and places a statutory duty on the responsible authorities in a local authority area to jointly establish arrangements for the assessment and management of risks posed by certain categories of offenders.
2. The responsible authorities are:

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| The Local Authority Police Scotland The Health Board or Special Health Board The Scottish Prison Service (acting on behalf of Scottish Ministers). |
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3. The 2005 Act, also provides for persons and bodies who have a duty to co-operate (DTC) with the responsible authorities in relation to the management of offenders specifically around the exchange of information.
4. In June 2009, the then Social Work Inspection Agency (SWIA), Her Majesty's Inspectorate of Prisons for Scotland (HMIPS), and Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) published a joint report of their multi-agency inspection of the management and supervision of high-risk offenders.⁶ Since publication of this report there have been a small number of high profile Significant Case Reviews (SCR) that have generated public and political interest in the overall effectiveness of MAPPA in Scotland.
5. In 2013, the Care Inspectorate and HMICS agreed to jointly work together to undertake a proportionate, risk-based and intelligence led review of MAPPA in Scotland.

⁶<http://www.scotland.gov.uk/Resource/Doc/275852/0082871.pdf> Assessing and managing offenders who present a high risk of serious harm 2009.

Purpose

6. The purpose of the joint thematic review will be to assess the state, efficiency and effectiveness of the multi-agency public protection arrangements (MAPPA) in Scotland, in terms of keeping people safe and reducing the potential risk of serious harm by registered sex offenders in our communities.

Objectives

7. Professor Hazel Kemshall (2003) commented that public protection depends upon four key elements:

- Defensible decisions
- Rigorous risk assessments
- The delivery of Risk Management Plans which match the identified public protection need
- The evaluation of performance to improve delivery.

8. The purpose of MAPPA is to reflect this approach ranging from the identification of offenders who meet the criteria for MAPPA, sharing relevant information about offenders, assessment of the nature and extent of risks they present and the plans required to manage those risks. The outcome is to effectively prevent and reduce the risk of re-offending through efficient and effective partnership working.

9. The Review objectives are:

- *To assess how effective the responsible authorities are in the discharge of their statutory duties, under terms of the Management of Offenders etc. (Scotland) Act 2005, including adherence to national guidance⁷ and good practice.⁸*
- *To assess how effective the processes are in relation to MAPPA Significant Case Reviews AND the arrangements that are in place to promote organisational learning and development across the responsible authorities.*

⁷ MAPPA National Guidance published by Scottish Government 2014.
<http://www.scotland.gov.uk/Publications/2014/06/6359/2>

⁸ FRAME Risk Management Authority (RMA)
<http://www.rmascotland.gov.uk/frame/>

Scope

10. The 2005 Act sets out three broad categories of offender who can be subject to MAPPA:

- Category 1: Offenders subject to the Sex Offender Notification Requirements
- *Category 2: Violent offenders*
- *Category 3: Other offenders*

This joint review will focus on category 1 sex offenders subject to the statutory notification process.

Methodology

11. It is acknowledged that the management of sex offenders is a complex and intricate area of business. To ensure that the joint thematic review is integrated, co-ordinated and improvement led, a MAPPA Inspection Programme Board (The Board), chaired by the Care Inspectorate, was established.

MAPPA Inspection Programme Board

12. The Board has representatives from the Care Inspectorate, Her Majesty's Inspectorate of Constabulary in Scotland (HMICS), Healthcare Improvement Scotland (HIS), Her Majesty's Inspectorate of Prisons for Scotland (HMIPS), Police Scotland, the Scottish Prison Service, Social Work Scotland, the Convention of Scottish Local Authorities (COSLA), Community Justice Authorities (CJA) and Scottish Government.

13. The purpose of the Board is to provide strategic direction; provide a forum for feedback on review methodology; minimise the scrutiny burden on responsible authorities; ensure involvement with internal / external stakeholders and oversee the successful delivery of the joint thematic review.

MAPPA Short Life Working Group

14. In support of the review, a short-life working group has been established, chaired by HMICS, with representatives from the Care Inspectorate and other key stakeholders. The short-life working group has responsibility for the development of the joint review methodology, the framework of quality indicators for MAPPA, review tools and processes. The chair of the short-life working group provides a position paper for each meeting of the Programme Board.

Communications and Stakeholder Engagement Strategy

15. A communications and stakeholder engagement strategy ensures that stakeholders are considered throughout the review process. Furthermore, that learning from the joint thematic review will be shared across responsible authorities, Scottish Government and persons and bodies with a duty to co-operate.

16. To minimise the administrative burden on responsible authorities, the review team will engage directly with the MAPPA Strategic Oversight Group in each of the Community

Justice Authority areas. Briefings have been provided to the MAPPA National Strategic Group and the MAPPA Co-ordinators Forum by the review team.

17. The terms of reference will be published on the Care Inspectorate⁹ and HMICS¹⁰ websites.

Joint Review - Key Activities

18. Stage 1 Design and planning (In progress)

This includes developing the framework of quality indicators for MAPPA including review tools and processes. The framework (Appendix 1) provides a focus for the collection and assessment of evidence by the review team. The review will scrutinise practices and procedures against the latest version of the MAPPA National Guidance 2014.

19. Stage 2 Delivery (October - March 2015)

Desk top activity includes document review of legislation, national guidance, current research, MAPPA Annual Reports and scanning of media and other public documents. A review of the findings from Significant Case Reviews regarding Registered Sex Offenders since 2007 and other scrutiny reports will be undertaken to identify trends and themes.

20. Stakeholder engagement will include simultaneous submission of a Position Statement completed by the Strategic Oversight Groups, which will be used to determine the current position in relation to MAPPA including areas of good practice and areas for improvement. This information will be analysed to inform the fieldwork stage.

21. We will also undertake a quantitative analysis of the Violent and Sex Offender Register (ViSOR).¹¹ Rather than 'dip sampling' ViSOR records we will examine 10% of ViSOR records of Registered Sex Offenders currently in the community in Scotland in order to ensure that data held is in compliance with national standards.

⁹ <http://www.careinspectorate.com>

¹⁰ <http://www.hmics.org.uk>

¹¹ ViSOR is a computer system which provides a UK multi-agency information sharing tool which can be accessed by the responsible authorities.

22. Stage 3 Fieldwork (April – June 2015)

The fieldwork will be proportionate, risk-based and intelligence led. A programme of meetings with staff, management teams, site visits and focus groups will be carried out. Details will be provided via the Strategic Oversight Groups. The review team will also carry out observation(s) at MAPPA meetings. A qualitative review of case files will also be undertaken.

23. To ensure that the methodology is both efficient and effective, there will be a phased introduction of the fieldwork process which will be tested initially in a Local Authority area. This enables the process, findings, and quality of information to be reviewed. Where gaps are identified in any of the processes there will be a dynamic adjustment to the tools and process which will be re-tested across three further Local Authority areas. This will subsequently be reviewed, adjusted where necessary and rolled-out across the remaining Local Authority areas. This activity will be directed via the Strategic Oversight Groups.

24. Stage 4

Review all documents, reports, interviews, and initial findings and where appropriate identify areas for further examination and analysis. This may result in additional review activity.

25. Stage 5

Feedback provided to responsible authorities and key stakeholders of review findings. Preparation of the report which will be shared with responsible authorities for factual accuracy.

26. Stage 6 Publication and closure (Autumn 2015)

A joint national report will be published circa autumn of 2015. The report will be evidenced based. It will outline our methodology and approach, explain the MAPPA in everyday language and report on our key findings, including identifying good practice and areas for improvement, conclusions and any recommendations.

27. It is envisaged that our report will support responsible authorities in the efficient and effective delivery of MAPPA across Scotland. A copy of the report will be provided to key stakeholders to enable our findings and any recommendations to be considered.

28. A copy of the report will also be provided to the Cabinet Secretary for Justice and will be made publicly available on the Care Inspectorate and HMICS websites.

Contacts

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