

Multi Agency Public Protection Arrangements (MAPPA) National Guidance

Equality Impact Assessment Results

March 2022



Scottish Government
Riaghaltas na h-Alba
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Revised MAPPA National Guidance – Equality Impact Assessment Results

Title of Policy

1.1 Multi-Agency Public Protection Arrangements (MAPPA) National Guidance.

1.2 This non-statutory guidance is issued by Scottish Ministers under [section 10 \(6\) of the Management of Offenders etc. \(Scotland\) Act 2005](#).

Summary of aims and desired outcome of Policy

2.1 Refresh of existing MAPPA National Guidance - last published in 2016. This refresh reflects an on-going programme of revision to take account of new legislation as well as changes in other guidance, policy and effective practice.

2.2 The MAPPA framework is a set of statutory partnership working arrangements introduced in 2007 by virtue of [sections 10](#) and [11](#) of the Management of Offenders etc. (Scotland) Act 2005. It places a statutory duty on the Responsible Authorities (Police Scotland, local authorities, the Scottish Prison Service, and the NHS) to jointly establish arrangements for assessing and managing the risk posed by certain categories of individual. Those categories are

- all registered sex offenders (RSOs);
- restricted patients; and
- certain individuals who by reason of their conviction are assessed as posing a risk of serious harm. This latter category was first included in the MAPPA framework in 2016.

2.3 The sharing of key, pertinent information in a lawful, proportionate and necessary way alongside the establishment of co-ordinated risk management plans allow and support the effective management of those individuals subject to MAPPA. The MAPPA National Guidance is a multi-agency document which supports the Responsible Authorities and effectively supports the management of individuals subject to the MAPPA framework.

Directorate: Division: Team

Justice Directorate, Community Justice Division, MAPPA Team

Executive Summary

3.1 The Multi-Agency Public Protection Arrangements (MAPPA) National Guidance is issued by the Scottish Ministers under section 10 (6) of the Management of Offenders etc. (Scotland) Act 2005. The current 2016 guidance already took into account the additional category of individual (those not managed as a registered sex offender or as a restricted patient) who by reason of their conviction, are assessed by the Responsible Authorities as

posing a risk of serious harm to the public. This 2022 refresh of the national guidance takes into account changes in policy and legislation as well as learning.

3.2 The MAPPA National Guidance does not replicate the responsibilities of individual agencies (including the Responsible Authorities); rather it sets out what they are specifically required to do under the MAPPA framework both in terms of meeting legislative requirements as well as effective practice. The criteria for a person to be brought under the MAPPA framework is defined by type of offence and the risk of serious harm to the public. All decisions made by the Responsible Authorities and associated partners under the MAPPA framework are on the basis of individualised assessed risk and specific actions required to manage those risks and the individual.

3.3 While developing the changes to the existing guidance we have considered the equalities implications to seek to ensure there is no adverse impact on those with protected characteristics, including staff, those subject to (or likely to be subject to) MAPPA and any other related stakeholders.

Background

4.1 The fundamental purpose of MAPPA is public protection and managing the risk of serious harm. MAPPA is not a statutory body in itself but is a statutory framework through which the Responsible Authorities discharge their statutory responsibilities and protect the public in a co-ordinated manner. The MAPPA National Guidance supports this.

4.2 The Management of Offenders etc. (Scotland) 2005 Act places a statutory duty on the Responsible Authorities in a local authority area to jointly establish arrangements for assessing and managing the risk posed by certain categories of individuals who are subject to MAPPA. It also provides for agencies who have a duty to co-operate (DTC) with the Responsible Authorities in relation to the management of individuals.

4.3 MAPPA should reflect the [Human Rights Act 1998](#) principles of necessity and proportionality and this must be considered in all actions carried out by the Responsible Authorities and the DTC agencies both in terms of victim(s) and also in their plans to manage individuals who are subject to these arrangements.

4.4 Entry to MAPPA is by virtue of conviction and assessment of risk. Therefore, the profile of those on MAPPA will to an extent replicate the profile of other similar groups in the justice system, for example an over-representation of men compared to the overall population in the country. The needs of any specific groups or characteristics of those groups have to be balanced against wider public protection considerations.

4.5 MAPPA agencies must be free from discrimination and committed to equal access to services for all groups, particularly in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This means that all actions undertaken or recommended by MAPPA agencies, and all policies and procedures, will be based on assessments of risks and needs. They will not draw on stereotypical assumptions about groups that will be discriminatory in outcome.

4.6 As part of their work, MAPPA agencies will be sensitive and responsive to individual differences and needs. They will integrate this understanding into the delivery of their functions to ensure that nobody is disadvantaged as a result of belonging to a specific social group. To assist in achieving this, each of the Responsible Authorities must have in place plans to ensure that issues of diversity are addressed.

4.7 MAPPA supports the following within the National Performance Framework Outcomes:

That people:

- live in communities that are inclusive, empowered, resilient and safe
- respect, protect and fulfil human rights and live free from discrimination

The scope of the EQIA

5.1 The Scottish Government took into account the EQIA published in Dec 2015, revisions made to the MAPPA National Guidance and their overall impact. These revisions relate to changes since 2016 in legislation, policy and promoting effective practice including learning from the significant case reviews (SCRs) published in 2019. Within those SCRs there were national recommendations which were specific or related directly to the MAPPA National Guidance which included:

- The Scottish Government should review its national MAPPA Guidance to ensure that where appropriate, information is shared at MAPPA Level 2/3 meetings and decisions recorded as to the suitability or otherwise of environmentally risk assessed properties being allocated to RSOs.
- The Scottish Government should work with partners to undertake a review of National MAPPA guidance and improve consistency of application across the country. Guidance should specifically lay out how the Home Leave and release decision making processes; Scottish Prison Service Risk Management Team meetings; community based multi-agency meetings; and MAPPA arrangements interfaces with MAPPA risk management arrangements in practice.

Key Findings

6.1 The Scottish Government believes that the revisions made to the MAPPA National Guidance will not have a significant impact in terms of equalities issues.

6.2 The revisions encourage an approach of awareness of protected characteristics, but do not use these characteristics to unfairly discriminate against each groups, noting that some decision making will rightly need to take account of all an individual's characteristics in making rounded assessments of public protection risk.

6.3 The revision process has opened up wider dialogue with MAPPA partners, in particular Responsible Authorities and has highlighted areas of effective local practice which have been incorporated nationally through this guidance as well as identifying areas requiring greater clarity.

Age

6.4 Age is one of the factors taken into consideration by MAPPA Responsible Authorities in the development of every risk management plan.

6.5 National data shows that at 31 March 2021 there were 5830 registered sex offenders (RSOs). Their ages ranged from under 18 to over 70 years of age. The majority of RSOs are aged between 31 and 60 (this is their current age and not the age when their offence was committed).

6.6 Restricted Patients - as at 7 February 2022 there were 309 restricted patients whose ages ranged from around 18 – over 70. The majority of restricted patients are aged between 31 and 60.

6.7 With regard to Other Risk of Serious Harm individuals (MAPPA Category 3), as at 31 March 2021 there were 18 individuals in the community being managed under MAPPA. The national age data breakdown is currently not published.

6.8 Since the last 2016 MAPPA Guidance, the Scottish Government has updated (June 2021) its publication [Youth justice: risk assessment management framework and evaluation guidance](#).

6.9 The [Age of Criminal Responsibility \(Scotland\) Act 2019](#) was passed unanimously by the Scottish Parliament on 7 May 2019 and received Royal Assent on 11 June 2019. The Act was commenced in phases, and was fully commenced on 17 December 2021. Children under the age of 12 can no longer be charged or arrested.

6.10 They also published (April 2018) [Custody of convicted children and young people: practice guidance](#).

6.11 These publications have all been taken into account in terms of MAPPA, and are embedded in the revised guidance. In addition to these publications the Scottish Government published a revised [National Accommodation Strategy for Sex Offenders in Scotland](#) in Sept 2019. This strategy includes the requirement for health and other factors to be taken into account when finding a suitable location to house a registered sex offender. This will include any adaptations required for example as a result of age. This may be more relevant to those individuals convicted of historic offences.

Action - Consideration of inclusion (where numbers permit their publication) breakdown of Other Risk of Serious Harm individuals (MAPPA Category 3).

Disability

6.12 The EQIA identified no significant impacts in relation to disability.

Gender Reassignment

6.13 Whilst we do not hold national data nor publish in relation to individuals subject to MAPPA for this protected characteristic, it is recognised that since the 2015 EQIA where no one had indicated gender reassignment, there have been a small number of individuals subject to MAPPA who have transitioned.

6.14 There remains limited research into the assessment and management of transgendered individuals involved in offending. The Justice Department in England published a review at the end of 2016 and it states:

- Any assessment of a transgender offender's risk of reoffending should be based on valid, evidenced factors that relate to that individual, as for any other offender. We have seen no evidence that being transgender is in itself linked to risk. Risk assessments must be free from assumptions or stereotyping.

ACTION - Further consideration as data emerges on potential work required in relation to appropriate risk assessment tools for female offenders.

Marriage & Civil Partnership

6.15 The EQIA identified no significant impacts in relation to marriage & civil partnership.

Pregnancy & Maternity

6.16 The EQIA identified no significant impacts in relation to pregnancy & maternity.

Race, Religion or Belief

6.17 The EQIA identified no significant impacts in relation to race, religion or belief.

Sex & Sexual Orientation

6.18 Information on a person's sexual orientation is not routinely collected and shared however sexual preference may be relevant to particular risk of reoffending and as such may be a relevant piece of information which informs conditions used to manage sexual offending.

6.19 The [Risk Management Authority](#) ensure robust standards are in place to support the Responsible Authorities for the management of offenders in both custody and the community, this includes those subject to MAPPA. It also provides education, training and advice on how to communicate risk in ways that are appropriate for those with different levels of expertise.

6.20 A key publication is their [Framework for Risk Assessment, Management and Evaluation](#) (FRAME).

6.21 Since the last publication of the MAPPA Guidance in 2016 the RMA have published:

- [Risk Assessment Tools Evaluation Directory](#) (updated Sept 2019)
- [Standards & Guidelines - Risk Assessment Report Writing](#) (Oct 2018)
- [Standards & Guidelines for Risk Management](#) (Dec 2016)

6.22 With regard to risk assessment tools for female offenders, the RMA have advised that there is no tool validated for use with females who have been convicted of sexual offences. Advice previously sought in 2018 by the RMA, from the developer of the risk assessment tool Stable 2007 and Acute 2007 (SA07) on the use for female sexual offenders showed the following:

- [Whilst] STABLE total scores and recidivism estimates should not be used under any circumstances. It would be OK for evaluators to select STABLE items for their own structured professional judgement (SPJ) guides. For females with a history of sexual offending, a defensible practice would be to use a general risk tool that has been validated on females, and then supplement with the sexual self-regulations items from the STABLE.

6.23 In other words, using a general offending method - such as the LS/CMI - along with the sexual self-regulation items of the STABLE (sex drive/ pre-occupation; sex as coping; deviant sexual interests) can be used to help inform decisions on whether and what issues exist which could form the focus of any period of intervention/ supervision - but the assessor must avoid offering any conclusion with regard to risk levels in relation to the sexual offending. Assessors should also equip themselves with a good understanding of the risk factors empirically related to female sexual offending which can assist their formulation of an individual's offending.

6.24 The Risk for Sexual Violence Protocol (RSVP guidance manual) contains similar advice to that of the Stable:

- 'The RSVP may be used with ...adult women who have a known or suspected history of sexual violence. Users are cautioned, however, that scientific research on these groups is relatively limited...'

6.25 However, there is no evidence of either tool having been applied on a female sample and outcomes reported.

6.26 The use of FRAME, RATED and the Standards and Guidelines remains the best option for guidance on assessing and managing any offender. All risk assessments should involve gathering and evaluating information, analysing that information to determine relevant risk and protective factors, evaluating against the relevant decision-making criteria, and communicating the outcomes to those involved in the management of that individual.

Recommendations and Conclusion

7.1 The refresh of this non-statutory guidance has provided an opportunity for Scottish Government to reflect and plan for future work to enhance and support MAPPA partners. This includes:

- Consideration of more meaningful data reporting - including content within published MAPPA Annual Reports.
- Continuing work with Justice and MAPPA partners on the risk management of individuals convicted of terrorist and terrorism related offences.
- Development of supplementary guidance where required in advance of the next refresh of the MAPPA National Guidance.
- Aim to start next refresh of the MAPPA National Guidance within three years taking into account on-going legislative proposals, consultation in relation to new bodies (for example National Care Service).



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