Merseyside Police and Probation Area

Working together to

Protect the Public of Merseyside

MULTI–AGENCY PUBLIC PROTECTION ARRANGEMENTS

A PROTOCOL FOR
MERSEYSIDE POLICE
AND THE PROBATION SERVICE IN MERSEYSIDE.

MULTI–AGENCY PUBLIC PROTECTION ARRANGEMENTS
INTRODUCTION

1. Since January 2000, an agreed protocol relating to ‘The Assessment and Management of Potentially Dangerous Persons’ has been in existence between Merseyside Police and the Merseyside Probation Service. In that document, the Chief Constable and the Chief Probation Officer signed up to detailing the role and responsibility of each of the agencies in dealing with such persons.

2. In April 2001, formalised Multi-Agency Public Protection Arrangements (MAPPA) were introduced and are consolidated in guidance issued by the Home Secretary under powers contained in Section 67(6) of the Criminal Justice and Court Services Act 2000.

3. This revised protocol has therefore been drafted to take account of the most recent MAPPA guidance, issued in March 2003. This document will be subject of regular review by the Merseyside Probation Assistant Chief Officer (Prison Licences / Parole), Detective Chief Superintendent, Head of Merseyside Police Intelligence & Security Bureau (ISB) and the Detective Chief Inspector, Head of Merseyside Police Public Protection Unit (PPU).

4. Merseyside Police and The Probation Service in Merseyside are committed to working together to improve public protection in regard to very high risk offenders and thereby enhance community safety. Indeed under the Criminal Justice & Court Services Act 2000, the two Services are under a statutory duty as ‘Responsible Authorities’ to lead on such matters, in addition to which, under the Criminal Justice Act 2003, the Prison Service will also become a ‘Responsible Authority’.

WHO CAN BE SUBJECT OF MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS?

5. **CATEGORIES OF OFFENDER:**
   The following categories of offender can be subject to MAPPA:

i. **Registered Sex Offenders.**
   Sex offenders required to register under Part I of the Sex Offenders act 1997.

ii. **Violent and other sex offenders.**
   Offenders who are convicted of certain violent or sexual offences and sentenced to 12 months or more imprisonment, detention in young offender institution, or a hospital or guardianship order under the Mental Health Act 1983. This category also includes a person found not guilty by a court of a sexual or violent offence by reason of insanity or under a disability and to have done the act charged (i.e. unfit to plead).
   (For full list of relevant offences and sentences, see Appendix I to the March 2003 MAPPA Guidance).

iii. **Other offenders.**
   Those offenders not in either of the above categories but who are considered by any of the ‘Responsible Authorities’ to pose a risk of serious harm to the public. Such an individual must have a conviction for an offence which indicates capability and the consideration to cause serious harm to the public must be reasonably held.
6. RISK ASSESSMENT:

Once it has been established that an offender fits any of the three criteria as detailed above, they will then be subjected to an assessment in order to determine potential risk. This will then place the offender at one of three levels, each of which will require its own pre-determined response as shown:

**Level 1** - Ordinary Risk Management. (Managed by one agency).

**Level 2** - Local Inter-Agency Risk Management, controlled by Local Risk Management Meetings (LRMM).

**Level 3** - Multi-Agency Public Protection Panels (MAPPP).

It is therefore only those offenders who fall into the required criteria and who are assessed as being a potential risk to the public at Level 3 that are referred to as the ‘critical few’ and who can be subject of a MAPPP.

(See P.36 of MAPPA Guidance March 2003 for full criteria for referral).

For the purposes of carrying out risk assessment, the National Probation and the Prison Services in England and Wales use the ‘Offender Assessment System’ (OASys). All police forces currently use the ACPO approved ‘Risk Matrix 2000’ system although the ‘ViSOR’ system will be implemented across all forces in England Wales in 2005. (See p.26 – 30 of MAPPA Guidance March 2003 for full explanation of systems).

WHAT ARE MULTI-AGENCY PUBLIC PROTECTION PANELS (MAPPPs)?

7. Multi-Agency Public Protection Panels (MAPPPs) are formal minuted conferences which bring together representatives of various agencies to consider the potential risk that individual offenders present. The agencies involved in a MAPPP will share information about high-risk offenders and devise strategies for managing the potential risk that each offender poses.

8. The intention of the MAPPP is to focus on the small number of persons (the ‘critical few’) who may pose a major risk to public safety. It will aim to be practical and concentrate on issues relevant to risk, i.e., assessing whether there is an immediate risk and agreeing a plan of action to manage that risk. The objectives of the MAPPP are therefore to:

(i) Share information at critical stages of any agency’s contact with ‘very high risk’ offender, e.g., prior to a person’s release from custody;

(ii) Assess the level of risk to individuals / the community.

(iii) Devise strategic plans, as appropriate, to minimise and manage the risk;

(iv) Agree implementation;

(v) Monitor and review

WHO CAN CALL A MAPPP?

9. Most often referrals happen when the police or the probation service have serious concerns relating to an offender they are currently dealing with or supervising.
10. Merseyside Police and the Probation Service in Merseyside are the current Responsible Authorities in this area and can therefore convene a MAPPP meeting as required. Any other agency in the Merseyside Area who have significant concerns with regard to an individual that they are dealing with and who they think may pose significant risk, can make a referral to one of these Responsible Authorities. Once it has been established that the individual concerned fulfils the necessary criteria and is risk assessed at the appropriate level, a MAPPP meeting will be arranged.

11. The procedure for calling a MAPPP will depend on the previous history of residence and circumstances of a particular person. Likewise, a MAPPP can also be convened in the case of a person with no previous history of living or offending in Merseyside, but who is to be released from custody/or is known to be coming into this area and about whom there is concern.

JOINT PROTOCOL
RESPONSIBILITIES OF MERSEYSIDE POLICE AND PROBATION SERVICE

12. If upon conviction of an individual either agency consider that there is likely to be an issue concerning public protection and that the offender may become subject of MAPPA upon release, Merseyside Police will provide the Probation Service in Merseyside with a composite file relating to the instant case, thereby allowing the Probation Service and also the Prison Service to build upon the information relating to the individual offender whilst serving their custodial sentence. This file will include as a minimum, the victims statement, any impact statements obtained during the course of the investigation, the resume of evidence (Form MG5) and the record of interview or statement from the offender. This file is to be submitted to the offender's case officer as soon as practicable after sentence.

13. If any officer or Unit within Merseyside Police consider that there is sufficient concern in relation to a potential risk that any individual may pose, a meeting will be convened between that officer / Unit and identified staff within the Force Public Protection Unit. This will be in order to discuss the concerns and the potential risk posed, thereby ensuring that the assessment of risk across the Merseyside Police area is standardised.

14. Once it has been established by either the Probation Service in Merseyside or by a Detective Chief Inspector from one of the 6 Areas within Merseyside Police that an offender who fits the criteria for the MAPPA to apply is assessed at being of such a risk that a MAPPP should be convened, the following procedures will apply:

(i) The appropriate Assistant Chief Probation Officer will pass details of the offender to the relevant Area Detective Chief Inspector (S.I.O.), or vice versa, and copies will be forwarded to the Merseyside Police Public Protection Unit.

(ii) The relevant Area Detective Chief Inspector (S.I.O.) and the Assistant Chief Probation Officer will be responsible for obtaining the full background details and any other relevant information of the offender in order that an informed decision can be made as to future action.

(iii) The Assistant Chief Probation Officer or the local Senior Probation Officer as deputy and the Area Detective Chief Inspector (S.I.O.) or his/her deputy, i.e., a Detective Inspector, will attend the initial MAPPP and be in possession of the relevant information. The attendance at the initial MAPPP meeting at this level is necessary in order to ensure that the management of such offenders is locally owned, locally managed, that those in attendance from the Responsible Authorities’ have the authority to contribute to an assessment and, if appropriate, to commit their respective agencies resources, as necessary, in order to complete the agreed actions as part of any inter-agency risk management plan.

(iv) With specific regard to police representation at MAPPP meetings, delegation from the Area Detective Chief Inspector,, if necessary, for attendance at a MAPPP meeting should be as follows:
For registered sex offenders and violent offenders
The Area Intelligence Unit Detective Inspector.

For violent offenders (DV specific)
The Area FSU Detective Inspector.

For Other Offenders (As defined within the MAPPA guidance)
The Intelligence Unit Detective Inspector or FSU Detective Inspector as appropriate.

For persons suffering from mental illness or disorder
The Area Intelligence Unit Detective Inspector or Neighbourhood Inspector.

The Area Detective Chief Inspector, (or nominated Detective Inspector/Neighbourhood Inspector representative) should, when necessary, consider requesting the additional attendance of a Sex Offender Unit Officer, FSU Officer or D/Constable within the PPU with experience in the arena of mental health, who will be able to assist with progress of the meeting. (This officer will not replace the requirement for attendance of the Area Detective Chief Inspector or Detective Inspector).

**MAPPP FORMAT**

15. When referring a case to a MAPPP, the following information should be supplied beforehand:

(i) Name of the person
(ii) Present offence/past offence details, if relevant
(iii) Details of the particular concerns
(iv) Nature of the risk
(v) Details of past/potential victims
(vi) Outline of suggested risk management plan.

16. In order to facilitate the sharing of information, the number of people invited should be restricted to those who have a significant contribution to make with regard to risk assessment and management issues. Those attending a MAPPP will be of an appropriate grade or rank. MAPPP’s will be held as and when required and chaired by the relevant operational Assistant Chief Probation Officer or Senior Police Officer. Initial MAPPP’s will be attended by the Area Detective Chief Inspector (S.I.O.) or a Detective Inspector as deputy, The Police Officer in charge of the case (OIC), other specialist police officers as appropriate, the Assistant Chief Probation Officer, local Senior Probation Office and other relevant probation staff. The Chair will invite other agency representatives as appropriate.

17. The person referring the case will be responsible for elaborating on the six areas above and outlining the reasons why the MAPPP has been called. The Chair will invite each person present to supply additional information relevant to the issue of risk. Discussion will follow on the risk posed to individuals and the community, and an action plan will be agreed including a decision regarding risk status.

18. Typically, the MAPPP will consider such issues as accommodation, the level of supervision, monitoring or surveillance required, any medical treatment if needed, Specialist work (for example, a probation programme to tackle the offenders behaviour, the victims or victims relatives views and any longer term plans. The MAPPP can also consider further actions, such as electronic tagging.

19. The MAPPP meetings will be minuted and the resulting notes (marked strictly private and confidential) will be taken by the Senior Probation Officer and circulated to all present. The notes will be despatched...
within five working days of the MAPPP, held in a secure place and filed in the ‘Restricted’ part of an offender’s record.

20. All those present at the MAPPP will receive a copy of the minutes which are issued under professional and confidential guidelines which each person attending the MAPPP meeting signs up to.

21. Once an initial MAPPP has taken place, further review meetings will be called as appropriate.

22. Ownership of responsibility for the offender subject of the MAPPP remains with whichever agency made the initial referral.

23. Current (April 2004) advice from the home office and the National Probation Service Public Protection Unit is that the High Court have recently upheld a decision NOT to allow offenders or their representatives access to any meetings under the MAPPA arrangements. In addition to this point, in another recent case, application was made for access to the MAPPP meeting documentation. The agreement by legal representatives appearing for the relevant agencies / parties at the High Court in this case was to agree disclosure of the risk assessment part of the documentation only. This is not therefore a direction with regard to such issues and the recommendations is that any such request should be discussed and carefully considered by the agencies involved and then seek appropriate legal advice.

MISCELLANEOUS ISSUES.

24. Quality Assurance of MAPPA.

As part of its responsibilities, the Merseyside Strategic Management Board (SMB) will quality assure the progress of level 1, 2 and 3 meetings (i.e. single agency meetings, LRMMs and MAPPPs). This will be conducted by the members of the SMB carrying out a quality assurance process against pre-defined criteria. (See Appendix A).

25. This quality assurance process will require two members of the SMB, with at least one being a representative of an agency independent of the Responsible Authorities (i.e. – Probation, Police or Prison Service), to conduct an audit of one each of level 1, level 2 and level 3 (MAPPP) processes every three months. The members of the SMB who conduct these reviews, against the template as contained at appendix 1, will then report back to the SMB at each quarterly meeting, these updates becoming a fixed agenda item, with any actions or recommendations being forwarded to the relevant agency / agencies.

26. Offender Involvement

Normally, offenders will be advised that they have been subject to a MAPPP, unless this would put an individual(s) at risk, or if the supplying of such information would hinder any agencies inquiries/operations. Offender's access to the MAPPP notes will be determined after consideration of the Freedom of Information Act 2000 although it will be highly unlikely that any such access will be permitted.

27. Offender Not Under Probation Supervision.

When an individual is not under any statutory supervision by the Probation service, it is most likely that the police will be the lead agency with regard to initial concerns relating to an individual, risk assessment of that individual and thereafter, convening a MAPPP. In such circumstances, the Probation Service will, where relevant, have involvement with the MAPPP process in an advisory capacity, in order to impart any knowledge or information relating to the individual and to support the other agencies. It must however, be recognised that the powers of the Probation Service in such circumstances are limited.
28. **Individuals Risk Assessed at Level 1 – Ordinary Risk Management.**

In accordance with the Home Office MAPPA Guidance, offenders risk assessed at level 1 can be managed by a Responsible Authority without active or significant involvement of other agencies. It is anticipated that this will apply to the large proportion of offenders who fall under the criteria of the MAPPA who are assessed as posing a low or medium risk. Again, records of the risk assessment and management plans, together with details of any meetings must be retained.

29. **Individuals Risk Assessed at Level 2 - Local Inter Agency Risk Management.**

Offenders who fall into the criteria of those who can be subject to the MAPPA and who are risk assessed by a Responsible Authority as being at level 2, will, in accordance with the Home Office Guidance, be subject of a Local Risk Management Meeting (LRMM). These meetings will be convened and chaired by the Responsible Authority who has ownership of the offender at the time and involve any other agencies that it is considered necessary and appropriate to invite. Records must be maintained of any LRMM convened and any review meeting/s should be arranged in accordance with the circumstances of the given case.

30. **Offenders Who Fall Outside Required Criteria for MAPPA.**

On occasions, there will be circumstances when an individual does not fit the criteria of the 3 categories of offender subject of this guidance (see paragraph 5) and who cannot, therefore, be subject of the MAPPA. Examples of this may be a person sectioned under the Mental Health Act who is to be released into the community. These people may initially be subject of Effective Care Co-ordination (ECC), this being a structured meeting/s that are held under the authority of the Department of Health.

31. **Other examples of individuals who would fall outside the required criteria for MAPPA may include an individual who is no longer required to register as a sex offender or who has escaped prosecution or conviction due to a complainant or significant witness failing to testify. This may also apply to an offender who has a conviction but has been sentenced to less than the required 12 months imprisonment / detention. (Albeit such an offender may fit into the third category of ‘Other Offender’ dependant on relevant considerations).**

32. In such circumstances, the relevant authority will make contact with other agencies as appropriate and a local Risk Assessment and Management Meeting (RAMM) will be convened. The system for such a meeting will follow the MAPPP and LRMM formats and it is expected that agencies requested to attend will share information and co-operate in any risk management plan in the same manner. These individuals, by falling outside the MAPPA criteria, will not form part of the Merseyside statistical information required for the annual report.

33. **The responsibility for convening the local RAMM, maintaining records of the meeting and ownership of responsibility for the individual subject of such a meeting will remain with the agency initiating these procedures.**

34. **Separate Notification to the Home Office.**

In addition to any local exchange of information, very occasionally a separate notification will also need to be forwarded to the Home Office when an individual – on being released from custody – is assessed as posing an exceptionally high risk and/or will attract national media attention. Some such discharged prisoners may not be subject to any statutory period of supervision if they were sentenced before the 1991 Criminal Justice Act or if they have received a more recent prison sentence, for less than twelve months.
35. **Registration of Offender by Probation Service**

The Probation Service may enter any individual on an internal Register, with or without a MAPPP being called – although the latter is likely to be the exception. Once an offender is so registered the Probation Service will advise Merseyside Police (via the Force Public Protection Unit) and send a further notification on any relevant change of circumstances, specially a change of address.

36. **Specific Point Of Contact For Responsible Authorities**

In cases where there is no prior involvement between the police and the probation service and where any member of staff from either agency is unsure as to the relevant Area / Office to contact, for Merseyside Police, the force Public Protection Unit will collate any such information forwarded by the Probation service and ensure that the Manager of the appropriate Area Operational Intelligence Unit is updated. On behalf of the Probation service, staff of the Assistant Chief Officer (Pre and Post Release) will be the point of contact and will disseminate within that agency accordingly.

37. **Overall Aim**

Consequently this Protocol will allow the joint sharing of information/intelligence in the pursuit of **PUBLIC PROTECTION which will always be the overriding priority**. Individuals/offenders need to be advised – at the start of any agency involvement – that information will be shared with other agencies as necessary, IF a Public Protection issue arises.

**INFORMATION SHARING**

38. Merseyside Police and Probation, through this Protocol, are establishing the arrangements for discussing the small number of persons who pose a major risk to public safety in the Merseyside area. These lead authorities will work to involve other agencies, as appropriate, to best assess and manage the risk posed to the community or individuals. This may be a simple written notification, or the sharing of information at a full Multi Agency Public Protection Panel (MAPPP).

39. It is acknowledged that the ability to exchange information is vitally important. The duty to co-operate between agencies when involved with any MAPPA is now enshrined in the Criminal Justice Act. This duty is to be defined by each of the respective Department Ministers and disseminated within each agency by their Department Heads in the near future.

40. Equally, it is clear that the key agencies have a legal responsibility under the Data Protection Act 1998, to ensure the confidentiality of individuals and that actions are in line with the Human Rights Act, in that they are ‘reasonable’ and ‘proportionate’.

41. In addition to these points, the issues must also be considered in accordance with the Freedom of Information Act 2000. In consideration of this legislation, which does not come into effect until 1st January 2005, it is suggested that properly retained records and minutes of meetings etc that relate to MAPPA will be exempt under Sections30 (2)(a)(iii) as specified in Section 31(2) (a) and (b).

42. Section 115 of the Crime & Disorder Act 1998 (see Appendix B) - provides Relevant Authorities (as listed in Appendix B) with the power to share personal data when it is necessary, or expedient to do so. The powers conferred by Section 115 do not override the Data Protection principles, which ensure that any information obtained is part of the work in relation to public protection will be processed fairly and lawfully - is only disclosed in appropriate circumstances, is accurate, relevant and not excessive - nor is it held any longer than is necessary and is kept in a secure place.

43. Under the principles of the Data Protection Act 1998, personal data will only be exchanged under the following circumstances:-
(i) The data subject consents to the information exchange in circumstances where it is expressed, or reasonably implied, that they seek to benefit from the data exchange

OR

(ii) There is an overriding public interest - to prevent or detect crime and disorder in specific circumstances. The storing of any such information will need to meet the British Standard for Data Security Management (BS7799) for the storage of sensitive information and as such fulfils the compliance with the Data Protection principle in relation to data security. All agencies will need to have appropriate security arrangements in place.

44. Article 8 of the Human Rights Act states that every person has a (qualified) right to respect for his private and family life, his home and his correspondence and that there will be no interference by a public authority with these rights, except as in accordance with the law:-

- In the interests of national security
- In the interests of public safety
- Economic wellbeing of the country
- Prevention of crime or disorder
- The protection of health or morals
- The protection of the rights or freedom of others.

CONFIDENTIALITY

45. The following principles have been agreed between Merseyside Police and Probation and are binding on other agencies participating in MAPPP’s, LRMMs and any other risk assessment and management communication.

(i) No third party information should be disclosed without third party consent.

(ii) Information which is required to satisfy a legal obligation must be disclosed (without consent).

(iii) All agencies have the responsibility to protect confidential information in such a way that it cannot be accessed inappropriately. Notes will not be passed on to any other organisation/third party, without the permission of the MAPPP Chair.

(iv) Public Safety outweighs the obligations of confidentiality to any individual.

DATA PROTECTION

46. Merseyside Police and Merseyside Probation are permitted under the Data Protection Act to share information for the purpose of this protocol as the aim of the protocol meets the purpose(s) for which they are registered to hold that information – see Appendix B for legal authority.

PRESS AND MEDIA

47. It should be a consideration at any MAPPP that such individuals are likely to attract the attention of the press and media. It is imperative that organisations speak with one voice when engaging with the press or media regarding high profile offenders.
48. Any decision to pro-actively contact the press or media concerning an offender subject of these arrangements will be taken at the MAPPP meeting itself with the reasons for such a decision being recorded. In those circumstances the MAPPP will decide which organisation (Merseyside Police or Probation) will be responsible for managing the contact with the press and media.

49. In cases where the first contact is made by the press, or other media, the organisation concerned will not respond without first consulting with the other.

MAINTENANCE OF PROTOCOL

50. The following posts will have responsibility for maintaining this protocol within their respective agencies:-

- Assistant Chief Probation Officer (Prison Pre & Post Release Division)
- Detective Chief Superintendent, Force Intelligence & Security Bureau.

They will ensure that the requirements of paragraph 11 are complied with.

51. Each of the Services will ensure that the appropriate level of manager will attend the MAPPP to ensure that decisions, in relation to the commitment of resources, can take place without undue delay.

52. Within Merseyside the Multi-Agency Public Protection Arrangements (MAPPA) will be overseen and reviewed by the MAPPP Strategic Management Board – (see the Strategic Management Board Annual Report for further details).

53. The Probation Service in Merseyside will make available to Merseyside Police and any other agency involved in a MAPPP its strategic statement, policy and practice requirements in relation to the assessment and management of very high risk persons. Probation will also supply a list of operational managers to Merseyside Police for the purpose of establishing appropriate and effective communication channels. Merseyside Police will similarly make its policy and operational information available to Probation and any other agency involved in a MAPPP, including a list of relevant operational managers.

Signatories

Mr. Norman Bettison
Chief Constable
Merseyside Police

Mr. John Stafford
Chief Probation Officer
National Probation Service (Merseyside)

Dated
### Appendix A

**MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)**  
**MERSEYSIDE STRATEGIC MANAGEMENT BOARD**

**QUALITY ASSURANCE / MAPPA EVALUATION**

**NAME OF OFFENDER:** ……………………………………………….  **D.O.B.** …………  
**LEAD AGENCY:** ………………………………………………………………………

**Part I – Offender & Risk Assessment.**

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<thead>
<tr>
<th>Criteria</th>
<th>SMB Agreement / Comment</th>
<th>Action</th>
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<tbody>
<tr>
<td>Offender Profile.</td>
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<tr>
<td>Category of offender within MAPPA? (R.S.O., other sexual or violent offender or ‘other offender’)</td>
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<tr>
<td>Risk assessment of offender. (Level 1, 2 or 3)?</td>
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<tr>
<td>Contact with victim/s or victims relatives as appropriate?</td>
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**Part II – Meeting / Agency Involvement.**

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<th>Criteria</th>
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<tbody>
<tr>
<td>Meeting held at appropriate level (e.g. – MAPPP, LRMM etc)?</td>
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<tr>
<td>Range of agencies involved?</td>
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<tr>
<td>Representation of agencies at correct level?</td>
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<tr>
<td>Nature of involvement of agencies in attendance.</td>
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<tr>
<td>Meeting – appropriate chair, structure, records, security of records?</td>
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### Part III – Risk Management

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<tr>
<th>Criteria</th>
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<th>Action</th>
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<tr>
<td>Actions taken / implemented by meeting</td>
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<tr>
<td>Are decisions evidenced based?</td>
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<tr>
<td>Appropriate / Defensible decisions made?</td>
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<tr>
<td>Human Rights Compliance: Where all actions taken necessary, reasonable and proportional?</td>
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<tr>
<td>Date for review made / appropriate?</td>
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**Names / Agencies of members of SMB conducting review / evaluation:**

Name: 
Agency:  

*(Minimum of 2 members – 1 to be independent of the Responsible Authorities)*

**Other SMB Comment?**

Signed………………………………. (SMB Chair)
Date……………………
Disorder – Disclosure of Information between Agencies

The Crime & Disorder Act 1998 introduces a wide range of measures for preventing crime and disorder. Section 115 allows the disclosure of relevant information between agencies, for the purposes of the Act. It states:

115(1) Any person who, apart from this subsection, would not have power to disclose information –

a) to a relevant authority; OR

b) to a person acting on behalf of such an authority,

shall have power to do so in any case where the disclosure is necessary or expedient for the purposes of any provision of this Act.

115(2) In subsection (1) above ‘relevant authority’ means –

a) the chief officer of police for a police area in England and Wales;

b) the chief constable of a police force maintained under the Police (Scotland) Act 1967;

c) a police authority within the meaning given by section 101(1) of the Police Act 1996;

d) a local authority, that is to say –

   (i) in relation to England, a County Council, a District Council, a London Borough Council or the Common Council of the City of London;

   (ii) in relation to Wales, a County Council or a County Borough Council;

   (iii) in relation to Scotland, a council constituted under section 2 of the Local Government, etc. (Scotland) Act 1994;

e) a Probation Board in England and Wales;

f) a Health Authority;

g) a Primary Care Trust.
The following guidance on information sharing between agencies under section 115 of the Crime & Disorder Act 1998 was issued in November 1998 in a joint statement by the Home Office and Data Protection Registrar:

Before public or statutory bodies can disclose information, they must first establish whether they have power to do so and/or whether they have a responsibility to do so. Once the question of power is resolved, they must carry out the disclosure in a lawful manner.

The Power to Disclose

The police have an important and general power at common law to disclose information for the prevention and detection of crime. Indeed, both the public and the Government expect them to use their powers and their knowledge to prevent crime and to reduce crime and disorder. There are no restrictions on the disclosure of information which does not identify individuals.

The Crime & Disorder Act 1998

The Act introduces a number of measures to control crime and disorder, all of which depend on close co-operation, including the proper exchange of information:

section 17: duty to prevent crime and disorder;
sections 6&7: formulating and implementing strategy;
section 39: youth offending teams;
section 1: anti-social behaviour orders;
section 2: sex offender orders;
section 15: local child curfew schemes
section 16: contravention of child curfew notices.

Public bodies collect information which will be central to the Act’s partnership approach; but may not previously have had power to disclose this information to the police and others. Section 115 provides that any person can lawfully disclose information ‘for the purposes of the Act’ to the police, local authorities, probation service or health authority (or persons acting on their behalf), even if they do not otherwise have this power. Section 115 was implemented from 30 September 1998.

Section 115 ensures all agencies have a power to disclose; it does not impose a requirement on them to exchange information, and so control over disclosure remains with the agency which holds the data.

Information exchange, whether carried out under the power in section 115 or under any other common law or statutory power, is therefore controlled by the normal data protection regime and common law. The public rightly expects that personal information known to public bodies will be properly protected. However, the public also expects the proper sharing of information, as this can be an important weapon against crime. Agencies should, therefore, seek to share information where this would be in the public interest.
Lawful Exercise of the Power to Disclose

Any disclosure of personal data must have regard to both common and statute law, for example defamation, the common law duty of confidence, and the data protection principles - unless and to the extent that any Data Protection Act exemptions apply. The principles require that such information is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant, and not held longer than necessary; and is kept securely.

The best way of ensuring that disclosure is properly handled is to operate within information sharing protocols carefully formulated by the agencies involved. Section 115 of the Crime & Disorder Act 1998 can be used to reinforce the many and existing and successful protocols for the sharing of information for crime and disorder purposes between, for example, the police and probation services. The Home Office and the Office of the Data Protection Registrar have issued guidance on the preparation and use of protocols.

(Further guidance may be obtained from the Criminal Police Strategy Unit at the Home Office or the Compliance Manager at the Office of the Data Protection Registrar.)

Terry Eastham
Assistant Chief Officer
Merseyside Probation Area
19.5.03
MAPPA

Multi Agency Public Protection Arrangements

Does the offender fit MAPPA criteria?

- No
- Yes

Conduct risk assessment

- Level 1: Single Agency deals
  - Managed by responsible agency without need for significant input from partner / other agencies

- Level 2: Local Risk Management Meeting (LRMM)
  - Meeting convened and chaired by responsible agency & involves partner / other agencies as required. Records to be maintained, reviewed as appropriate

- Level 3: Multi Agency Public Protection Panel (MAPPP)
  - Meeting called and chaired by agency with responsibility for individual.
  - Is a structured minuted meeting.
  - All relevant agencies to attend and at appropriate level to commit resources.
  - Aim is to agree defensible decisions to manage the risk posed by the individual.
  - Full review meeting to be held as appropriate

Agencies to consider attending at all meetings under MAPPA if appropriate:

- Police
- Probation
- Prison
- Health
- Mental Health
- Social Services
- Education
- Local Authority Housing or other housing association
- Not exhaustive - include any other agency considered relevant who could assist.

Aims of the MAPPP Arrangements:

1. To assess risks and share information / concerns between relevant agencies
2. To agree appropriate plans to remove, reduce or manage the risk/s posed.
3. To monitor and review the process regarding each individual as necessary.
4. To protect individuals and / or the public at large from risk of harm from individuals.