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# STATES OF JERSEY



## **SEX OFFENDERS (JERSEY) LAW 2010: JERSEY MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS – GUIDANCE 2010**

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**Presented to the States on 21st July 2011  
by the Minister for Home Affairs**

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**STATES GREFFE**

## REPORT

The Sex Offenders (Jersey) Law 2010 came into force on 1st January 2011. Article 28 of the Law deals with the management arrangements to be established in respect of persons who pose a risk of sexual harm. Paragraphs (2), (3) and (4) of that Article read as follows –

- (2) *The Ministers and the Chief Police Officer must liaise and, within 6 months of the commencement of this Article, enter into an agreement that sets out the general arrangements that they have agreed they must put into effect to provide for the assessment and management of persons who pose a risk of sexual harm.*
- (3) *Thereafter, the Ministers and the Chief Police Officer must keep under review the implementation and application of the arrangements set out in the general agreement and amend that agreement as necessary or expedient.*
- (4) *The Minister for Home Affairs must lay before the States, as soon as practicable after they are made, the general agreement and any agreement amending that agreement.*

The Ministers referred to in paragraph (2) are the Minister for Home Affairs, the Minister for Housing, the Minister for Health and Social Services, the Minister for Education, Sport and Culture; and the Minister for Economic Development.

JMAPPA (Jersey Multi-Agency Public Protection Arrangements) are the arrangements for managing sexual and violent offenders. The agreement that sets out the general arrangements that the Ministers have agreed they must put into effect to provide for the assessment and management of persons who pose a risk of sexual harm takes the form of the attached document entitled “JMAPP A Guidance 2010”.

Executive Officer  
Home Affairs  
18th July 2011

# **JMAPPA Guidance 2010**

Version 1.0

Produced by the JMAPPA Team

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## Introduction

### 1.1 Status of the Guidance

This Guidance is produced under Article 28 of the Sex Offender (Jersey) Law 2010, in pursuance of the requirement imposed on the Chief Police Officer to enter into an agreement which sets out the general arrangements to assess and manage each person who poses a risk of sexual harm. The agreement must be made with the relevant 'Ministers' specified in Article 28 of the Law and with the co-operation of the named 'Officer Holders' and the help and advice of certain 'Interested Parties'. It is of note that the agreement goes further than the statutory obligation and sets out the general arrangements to assess and manage sexual, violent and dangerous offenders in Jersey as well as potentially dangerous persons.

JMAPPA (Jersey Multi-Agency Public Protection Arrangements) are the arrangements for managing sexual and violent offenders.

JMAPPA is not a statutory body in itself but is a mechanism, through which agencies can better discharge their statutory responsibilities and wider obligations and protect the public in a co-ordinated manner.

Agencies at all times retain their full statutory responsibilities and obligations. They are charged with the duty and responsibility to ensure that JMAPPA is established in Jersey and for the assessment and management of risk of all identified JMAPPA offenders.

The Ministers and their respective Departments specified in Article 28 of the Law are:

- Home Affairs Department
- Housing Department
- Health and Social Services Department
- Education, Sport and Culture Department
- Economic Development Department (**Note:** not required to enter into this agreement at present)

**Note:** The Social Security Department is not currently identified as a 'Duty to Co-operate' department, however it is anticipated that this will be amended in the Law at a future date.

The Office Holders required to co-operate under Article 28 of the Law are:

- The Chief Probation Officer
- The Governor of the Prison
- The Head of Service, Customs/Immigration

The Interested Parties whose help and advice must be sought under Article 28 of the Law include:

- The Connétables
- The Comité des Chefs de Police
- Organisations that provide rented housing accommodation
- Organisations that provide accommodation for the homeless
- Organisations that provide support for children in need or at risk
- Organisations that provide support for victims of sexual violence
- Organisations that provide support for victims of domestic violence

**If they choose to depart from the Guidance these agencies will need to demonstrate and record, good reasons for doing so.**

### **1.2 The Purpose of JMAPPA**

The purpose of JMAPPA is to help to reduce the re-offending behaviour of sexual and violent offenders in order to protect the public, including previous victims, from serious harm. It aims to do this by ensuring that all relevant agencies work together effectively to:

- Identify all relevant offenders
- Complete comprehensive risk assessments that take advantage of the co-ordinated information-sharing across the agencies
- Devise, implement and review robust Risk Management Plans
- Focus the available resources in a way which best protects the public from serious harm

### **1.3 Decision Making**

JMAPPA constituent agencies need to be mindful of their obligations and wider responsibilities to Public Protection. They need to ensure that these are not compromised by the JMAPP arrangements. Agreement between agencies is a goal rather than a requirement. However, differences of opinion in respect of either the risk assessment or the Risk Management Plan must be fully documented in the minutes. No agency should feel pressured to agree to a course of action which they consider is in conflict with their statutory obligations and wider responsibility to public protection.

### **1.4 Diversity**

Agencies working under the JMAPPA are committed to equal access to services for all groups, particularly in relation to race, gender, age, religious belief, sexuality, sexual orientation and disability. This means all actions undertaken or recommended by the JMAPPA 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.



## 2. The JMAPPA Framework

### 2.1 Introduction

This section describes the JMAPPA framework that areas should operate within. It:

- Describes what is meant by JMAPPA Co-ordination
- Clarifies arrangements for non-JMAPPA cases

The effectiveness of JMAPPA depends largely on close working relationships between agencies.

The Strategic Management Board (SMB) must ensure that the core functions of JMAPPA are established across the agencies and procedures are in place to:

- Identify all JMAPPA offenders
- Share information safely and securely
- Risk assess offenders
- Risk manage offenders through the most suitable Risk Management Plans

### 2.2 JMAPPA Co-ordination

JMAPPA Co-ordination is a dedicated function carried out on behalf of the Strategic Management Board (SMB). JMAPPA Co-ordination aims to ensure that multi-agency risk management is focussed on the right people in a timely and efficient manner. It helps ensure delivery of robust and defensible plans, which address known indicators of serious harm to others.

In small areas, such as Jersey, it should be possible for the role of co-ordination to be undertaken by an individual. The SMB must ensure that there are arrangements in place which provide cover in the planned/unplanned absence of any key individual. It is, however, critical that a single individual is designated overall responsibility for oversight of the arrangements in any one area – the “**JMAPPA Co-ordinator**”. The systematic co-ordination of JMAPPA activity is critical in ensuring that the functions of the JMAPPA framework are coherent and that they contribute meaningfully to public protection. JMAPPA Co-ordination describes a set of the following functions:

- Identify and have a record of all JMAPPA offenders living in the community in their area (and those detained in hospital or prison who ‘belong’ to their area) who are:

## JMAPPA Guidance Section 3 – Identification of JMAPPA Offenders

- **Category 1 offenders** (Registered Sexual Offenders, ie those subject to notification requirements under Articles 2, 13 and 14 of the Sex Offenders (Jersey) Law 2010)
  - **Category 2 offenders** (mainly, violent offenders sentenced to 12 months custody or more and other sexual offenders)
  - **Category 3 Offenders** (other dangerous convicted offenders)
  - **Potentially Dangerous Persons (PDPs)**
- 
- To provide a single point of contact and advice on all aspects of JMAPPA
  - To share information relevant to the management of serious harm with other agencies within JMAPPA. Information sharing is on the basis that the information will be kept and shared safely and securely and used by the appropriate personnel within those agencies for public protection purposes only
  - To receive details of all offenders who pose a significant risk of serious harm to others and for whom a JMAPPA Risk Management Plan is necessary to manage that risk
  - To refer cases to the relevant meeting which they consider require management through multi-agency arrangements
  - To ensure the JMAPPA Document set is used appropriately across agencies in accordance with this guidance
  - To help determine which agencies should be a core partner in terms of delivering risk assessment and Risk Management Plans that address the risk of serious harm
  - To receive JMAPPA Risk Management Plans and minutes from all JMAPP meetings, showing clearly in the status of each offender, the agencies delivering components of the plan and timescale and the point at which the offender exits the multi-agency risk management process
  - To provide robust quality assurance and audit
  - To provide appropriate management information to the SMB

### **2.3 The Victim**

The primary focus of JMAPPA is how to manage the risk and behaviour of the offender but specific and general victim issues are also central to the effective operation of JMAPPA. Victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to the JMAPPA agencies' public protection role. It is vital that the JMAPPA agencies ensure their decision making is informed by an effective engagement with current victims and, where practicable and appropriate, with potential victims. Only by doing this can the Strategic Management Board (SMB) be satisfied that the risk assessment and Risk Management Plans properly reflect victim concerns and provide appropriate measures to protect them.

### **2.4 Links to other Multi-Agency Forums**

It is vital that JMAPPA has good links with other forums. For example: Jersey Child Protection Committee (JCPC); Jersey Domestic Violence Forum and; Community Safety Partnership (CSP), to ensure that identified risks are being effectively managed and that there is no duplication of effort, as this could reduce the effectiveness of risk management.

### **2.5 ViSOR**

ViSOR is an electronic database designed to hold details of all JMAPPA offenders. All cases held within ViSOR are known as "nominals". It is the responsibility of all of the SMB to agencies to ensure that ViSOR contains all relevant information from their agency relating to JMAPPA offenders and that it is maintained in accordance with ViSOR National Standards.

### **3. Identification of JMAPPA Offenders**

#### **3.1 Introduction**

This section establishes requirements to help the Strategic Management Board (SMB) fulfil its obligations in identifying those JMAPPA eligible offenders currently residing in, or about to return to, the community so that they can monitor and report upon the effectiveness of JMAPPA locally. This ensures that, once identified, the offenders will be managed appropriately and provides annual reporting and other management information for the SMB.

It is essential that individual agencies themselves know whether the offenders under their care/supervision are eligible for JMAPPA so that they can ensure that the public benefits from the arrangements.

The responsibility for identifying JMAPPA eligible offenders falls to each agency that has a role in their supervision or care, eg. the Police, the Probation Service, the Prison Service and Health and Social Services. Each of these agencies must have robust internal procedures in place to identify all JMAPPA eligible offenders under their supervision or care so that they can manage the offenders most effectively and contribute to management information.

This should include creating a clear “JMAPPA eligible” indicator flag/label on internal case management information systems so that those involved in the offender’s management or who may come into contact with the offender are aware. The fact of an offender’s JMAPPA eligibility must be notified whenever an offender is transferred between prisons or hospitals.

#### **3.2 Notification to the JMAPPA Co-ordinator by Police and Probation**

All JMAPPA cases will have a ViSOR record. The JMAPPA Co-ordinator must have access to ViSOR to enable them to draw appropriate management reports to calculate the number of JMAPPA eligible offenders in their community.

#### **3.3 Timescale for Notification**

It is recommended that the agencies ensure that:

- There is a process to identify all JMAPPA eligible offenders within **3 days** of sentence/an order that the offender shall be subject to the notification requirements of the Law/admission to hospital (and on every fresh admission or transfer).
- The relevant JMAPPA form is submitted to the JMAPPA Co-ordinator **6 months** prior to the planned release/discharge or with as much notice as possible

- Potentially Dangerous Persons (PDPs) are referred to the JMAPPA Co-ordinator as soon as they have been identified

### **3.4 JMAPPA Eligibility Period**

JMAPPA offenders and Potentially Dangerous Persons (PDPs) will remain eligible for JMAPPA management until/unless their risk reduces to a point where multi-agency management is no longer necessary.

All JMAPPA eligible offenders will have an active ViSOR record. When they cease to be JMAPPA eligible, their record will be archived.

### **3.5 Failure to meet the JMAPPA Eligibility Criteria**

Cases which are referred to the JMAPPA Co-ordinator but which do not meet the eligibility criteria, will be noted and the referring agency informed of the reason why they are not eligible for JMAPPA. This is particularly important to Category 3 cases, whose inclusion is a matter of professional judgement.

### **3.6 The Offender's Role**

As a general principle, it is important to be clear that the human rights of offenders should **never** take priority over public protection. In particular, it is considered that the presence of an offender at a JMAPP meeting could significantly hinder the core business of sharing and analysing information objectively and making decisions accordingly. **Offenders (and their representatives) should therefore be excluded from JMAPP meetings.** The offender should, however, be allowed the opportunity to present written information to the JMAPP meeting through their offender/case manager or for this person to provide information on their behalf.

Offenders (and, in the case of young people, their parents) should not become abstracted from the process of assessing and managing the risks they present. It is good practice for offenders to know that they are being managed through JMAPPA.

Engaging the offender in the reality of risk management can be very productive, although it will not be appropriate for every offender. Offenders should not only be seen as part of the problem as they can be a very important part of the solution in protecting the public. The SMB should ensure that there is a clearly stated mechanism for informing offenders, both before and after JMAPP meetings, and that the information shared is fully recorded in minutes and case records.

There are some cases where information about JMAPPA should be withheld from the offender on the grounds that it may increase their risk. This decision must be agreed at a JMAPP meeting and the reason(s) clearly recorded in the JMAPP meeting minutes and case record(s). As the offender will not know

they are being discussed at JMAPP meetings, there is a greater onus on the agencies to ensure the accuracy and currency of the data they are sharing. Individual agencies should have in place procedures to cover this.

### **3.7 Category 1 Offenders: Registered Sexual Offenders (RSOs)**

This Category includes offenders convicted of a relevant offence as defined in Article 2 of the Sex Offenders (Jersey) Law 2010 and those required to comply with the notification requirements under Articles 13 and 14 of this Law.

### **3.8 Category 2 Offenders: Violent and Other Sexual Offenders**

This Category includes:

- Offenders who have been sentenced to 12 months custody or more
- A small number of offenders, where the sexual offence itself does not attract registration or where the sentence does not pass the threshold for registration
- Those convicted of sexual offences, who have served their sentence prior to the introduction of the Law, should not be listed under category 2 on this basis, nor should those offenders who have completed their period of registration
- Hospital Orders - Jersey does not have Hospital Orders under the Mental Health Law so this refers to a person who is, or has been, subject to a Hospital Order under the Mental Health Laws of England and Wales, Scotland or Northern Ireland, (with or without restrictions).

### **3.9 Category 3 Offenders**

This category is comprised of offenders, not in either Category 1 or 2, but who are considered by the referring agency to pose a risk of serious harm to the public which requires active inter-agency management. It could also include those offenders on a community order who are, therefore, under the supervision of the Probation Service.

To Register a Category 3 offender, the referring agency must satisfy the Co-ordinator that:

1. the person has committed an offence which indicates that they are capable of causing serious harm to the public; and
2. reasonable consideration has indicated that the offender may cause serious harm to the public, which requires a multi-agency approach at level 2 or 3 to manage the risks

The person must have been convicted of an offence, or have received a formal caution or reprimand/warning (young offenders). The offence may have been committed in any geographical location, which means that offenders convicted abroad could qualify.

Establishing that a previous offence demonstrates a capacity for serious harm should usually be straightforward. In most cases, the offence itself will be of a clearly sexual or violent nature. There may, though, be some cases where it is only an examination of the circumstances surrounding the offence which will indicate that the offender has a capacity for serious harm. This may show, for example, a pattern of offending behaviour indicating serious harm that was not reflected in the charge on which the offender was ultimately convicted.

Whilst any agency may refer a case for consideration as a Category 3 offender, it is for the Co-ordinator to determine whether the offender meets the criteria. In order to ensure that the JMAPPA agencies remain focussed upon those Category 3 cases where they can have greater impact, it has been agreed that only those offenders who require management via level 2 or 3 JMAPP meetings should be registered in Category 3. The referring agency must maintain close oversight of this category, to ensure that they continue to require active multi-agency management via the JMAPP meetings.

Any agency can identify an offender who may qualify for Category 3.

### **3.10 Potentially Dangerous Persons (PDPs)**

ACPO (2007) - *Guidance on Protecting the Public: Managing Sexual and Violent Offenders* defines a PDP as:

“ ....a person who has not been convicted of, or cautioned for, any offence placing them in one of the three JMAPPA categories (see above), but whose behaviour gives reasonable grounds for believing that there is a present likelihood of them committing an offence or offences that will cause serious harm”)

## 4. Information Sharing

### 4.1 Introduction

This section explains the legal principles for sharing information between agencies about victims, offenders and their cases.

The quality of risk assessments and Risk Management Plans are influenced by the effectiveness of information sharing arrangements. Unless all relevant information is available, in good time, to those making the assessments and drawing up the Risk Management Plans, public protection may be compromised.

The Strategic Management Board must have robust arrangements in place for practicable information sharing across the JMAPPA agencies. When sharing information, each agency is responsible for ensuring that it is accurate and up to date.

All co-operating agencies should refer to the information-sharing protocol for further guidance.

### 4.2 Information Sharing Principles

There are a number of important issues to consider when sharing information. In particular, the information sharing must:

- Have lawful authority
- Be necessary
- Be proportionate and done in ways which
- Ensure the safety and security of the information shared
- Be accountable

**Lawful Authority Requirement** – Information sharing should be in accordance with the Data Protection (Jersey) Law 2005.

**Necessity** - Information should only be exchanged where it is necessary for the purpose of properly assessing and managing the risks posed by JMAPPA offenders. The specific purposes of sharing information within JMAPPA are:

- To identify those offenders who present a serious risk of harm to the public
- To ensure that the assessment of the risks they present are accurate
- To enable the most appropriate plans to be drawn up and implemented to manage the assessed risks and thereby protect victims and the public



**Proportionality in information sharing** - in order to satisfy this criterion, it must be shown that the assessment and management of the risk(s) presented by the offender could not effectively be achieved other than by sharing the information in question.

Another aspect of proportionality which must be considered is the **amount** of information to be shared that is necessary for the purpose of managing risk and which staff in each agency actually require this information. 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. In addition, information shared with a single point of contact (SPOC) in an agency does not give that SPOC the authority to share the information more widely across their organisation.

The nature of information sharing under JMAPPA can mean that a piece of information can contain the personal data of multiple individuals (i.e. victims and offenders) and the interests of all of them will need to be considered when sharing this information.

Only the information that is actually needed for the purpose should be shared. The more information beyond what is actually necessary that is shared, the more likely the sharing will be disproportionate, and therefore unlawful.

**The information is kept and shared safely and securely** - all information about offenders must be kept and shared safely and securely and it should only be available to, and shared with those, who have a legitimate interest in knowing it; that is, agencies and individuals involved in the JMAPPA processes. Safeguards must be in place which ensure that those who do not have a legitimate interest in the information cannot access it either accidentally or deliberately.

The more sensitive the information, and the more serious the consequences of accidental loss or disclosure of such information, the more stringent the procedures that must be in place to protect it.

**Accountable information sharing** – the SMB must ensure that the administrative procedures underpinning the efficient operation of JMAPP meetings and case conferences have the confidence of participants. Accurate, clear and timely record keeping is necessary to demonstrate that accountable information sharing occurs. Also important, is that safe and secure information storage and retrieval procedures are evident.

**The lawful authority** - To identify the purpose of sharing information and to ensure the agencies' obligations to retain and use the information lawfully, the persons with whom the information is shared must know:

## JMAPPA Guidance Section 4 – Information Sharing

- Why they have been given it, i.e. the purpose for which the information has been given must be connected either to that person's authority and role as a representative of the Duty to Co-operate (DTC) agency or because they are someone to whom disclosure is justified because of the exceptional risk posed to them by the offender
- That it must remain confidential, be kept and shared safely and securely and retained only for as long as necessary and
- What they are expected to do with that information

All of the information covered in the above bullet points should be offered, understood and agreed before any personal information is shared.

### **4.3 Sharing Information with non-JMAPPA Agencies**

This section deals with those cases where non-JMAPPA agencies need to be actively involved in the Risk Management Plan for an individual offender (including attendance at JMAPP meetings) and not with the issue of disclosure or with requests for JMAPP meeting minutes.

The agencies referred to in Section 1 are those who are routinely and regularly involved in the management of JMAPPA eligible offenders but, from time to time, other agencies can contribute significantly to Risk Management Plans.

Offenders are generally made aware that they are subject to JMAPPA and could be asked, for example by their responsible medical officer, to give their consent to the sharing of personal information about them under the JMAPPA to inform the Risk Management Plan. This consent would not extend to personal data about others and there will be cases where there is no consent. In those cases it may be necessary to rely upon a permissible breach of the common law duty of confidence.

The key principle of the duty of confidence is that information provided should not be used or disclosed further in an identifiable form, except as originally understood by the provider, or with their subsequent permission. Case law has established that the duty can be breached in order to prevent and support detection, investigation and punishment of serious crime and/or **to prevent abuse or serious harm.**

Once lawful authority for the exchange is confirmed, it is still necessary to ensure that the other information sharing principles outlined elsewhere in this section are applied. Although exchange of information with non-MAPPA agencies has to be considered on a case-by-case basis, formal protocols/agreements should be in place beforehand, if possible. In these agreements, particular attention should be paid to the requirement to ensure the safety and security of the personal information shared.

## **5. Disclosure**

### **5.1 Introduction**

This section deals with the subject of disclosure:

- Disclosing information to individuals/agencies in respect of a specific offender under JMAPP arrangements as part of a Risk Management Plan
- Dealing with requests for disclosure of JMAPP meeting minutes from individuals/agencies

Disclosure, for the purposes of this section, is the sharing of specific information about a JMAPP offender with a third party for the purpose of protecting the public. The third party could be a member of the public, such as an employer or family member or a person acting in a professional capacity but not party to the JMAPP arrangements i.e. not an agency stipulated in Section 1, such as a third sector volunteer or worker.

It could also refer to the wider network of staff employed in the relevant agencies but not directly involved in the risk assessment/management and the JMAPP meetings. For example, Children's Services attend the JMAPP meeting and share information to inform the risk assessment and Risk Management Plan. A decision of the JMAPP meeting may be that information should be shared with the Head teacher regarding the risk an offender poses to a child/children at their school. This is disclosure.

Disclosure to any third party will be the exception to a general rule of confidentiality. Any disclosure must be part of an overall plan for managing the risk posed by an offender and endorsed at ACPO or DCO level.

### **5.2 When Disclosure should be considered**

Disclosure at all JMAPP levels should be considered:

- When there is evidence that grooming behaviours may take place, for example, through leisure clubs, churches, employment
- If there is a condition in a Restraining Order excluding offenders from a specific location and/or having contact with named persons
- Where others (including other service users) may be at risk, for example, in supportive accommodation. This may include other service users, but usually it will be staff and managers who are told in order to enable more appropriate placements and for greater vigilance to be exercised

## JMAPPA Guidance Section 5 – Disclosure

- Where there is a need to protect past or potential victims, in particular where offenders strike up new relationships with partners who have children or grandchildren. In some cases, this may include friends or neighbours who have children
- To schools and colleges if grooming behaviours need to be prevented. In the case of young offenders, limited and controlled disclosure may be made to school or college staff
- Where a person may be in a position to actively assist in the risk management of an offender by being familiarised with risk factors and scenarios.
- The decision to disclose to third parties must be considered in all meetings

If the lawful authority and necessity requirements described in Section 4 – Information Sharing have been met, a critical factor in determining if a disclosure is lawful is therefore likely to be the proportionality requirement.

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 potential risks to others were disclosure not to be made
- Correct identification of the individual(s) to be disclosed to
- Alternatives to disclosure considered and reasonably rejected as inappropriate or ineffective in all the circumstances and this must be recorded
- The involvement of the offender (where risk factors allow) both in the decision regarding the need to disclose and in the actual disclosure itself. In some cases, the ideal situation is for the offender to give their consent and to undertake the disclosure themselves. This could be either in the presence of their Probation Officer or supervising Police Officer or for the content of the disclosure to be confirmed/verified by the PO or supervising Police Officer subsequently.
- Preparation and discussion with those third parties receiving the information. This includes: checking what they already know; that they understand the confidential and sensitive nature of the information they have received; that they know how to make use of the information, and what to do in the event of anything occurring which they need to report, and that they know whom to contact

- An informed decision as to what level of disclosure is required, for example, this might include risk factors but not necessarily an offence history
- Details of the key triggers for offending behaviour and the requirements for successful risk management, for example, 'This is what you need to look out for...' or 'if you see X, you need to do Y'
- Mechanisms and procedures for support for both victims and offenders in case there is a breakdown in the processes

### **5.3 Involvement of the Offender**

It is preferable that the offender is aware that disclosure is taking place and, on occasion, they may make the disclosure themselves in the presence of Police and/or their Probation Officer or the content of the disclosure would be confirmed/verified by them subsequently. 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 and, in those cases, informing the offender may not be appropriate. In such circumstances, the person receiving the disclosure should be told the offender does not know that a disclosure has taken place.

### **5.4 Offenders and Worship**

It is essential that we assist religious communities to put in place effective arrangements, which allows them to ensure they are able to protect their community whilst allowing the offender to maintain their right to worship but in a safe way. The place of worship and religious leader should be provided with sufficient information to protect their congregation.

Where an RSO, who has committed offences against children, or other offenders who present a risk of harm to children and/or other identified victims wishes to continue to practice their religion, through attending services and/or being part of their faith community the offender/case manager must ensure that they have fully assessed the potential risk of harm this could present.

There should always be a discussion with the offender regarding the need to protect children/identified victims (unless this places the victim at greater risk) who may also be present, at services and/or events from harm. The offender needs to be aware that information will be disclosed to the religious organisation and that they (the offender) will be required to agree to and sign a 'contract' of behaviour. Where an offender is unwilling to give this undertaking, the Probation Officer and Police should consider whether to seek a restrictive condition on a licence or in a Restraining Order to prevent the

offender being in a place of worship. The outcome of this decision must be recorded on VISOR and the case management record.

**Any breaches of the 'contract' with the offender must be reported to the offender/case manager.**

### **5.5 Disclosure of JMAPP Meeting Minutes**

In working with offenders, victims and other members of the public, all agencies have agreed boundaries of confidentiality. The information contained in the JMAPP meeting minutes respects those boundaries of confidentiality and is distributed under a shared understanding that the meeting is called in circumstances where it is felt that the risk(s) presented by the offender is so great that issues of public or individual safety outweigh those rights of confidentiality.

Requests for copies of JMAPP meeting minutes come from a number of sources:

- Courts
- Independent Police Complaints Commission
- Law Officers Department
- Offenders
- Other third parties

A full copy of the JMAPP meeting minutes should not be provided. Instead, a JMAPP Meeting Minutes Executive Summary should be completed by the Chair. Whenever an agency or individual worker receives a request for JMAPP meeting minutes, they must refer this request to the JMAPP meeting Chair and inform the JMAPP Co-ordinator. The JMAPP Co-ordinator will keep a record of all such requests, noting who made the request.

When receiving the request for a copy of the JMAPP meeting minutes, the person receiving the request should ask for clarification; exactly what information is being sought? Often, what is required is the risk assessment completed by the Probation Service, or adjudications within the prison or an assessment from Mental Health Services. Where this is the case, the requestor of the information should be directed to the service that owns and holds the original information. This third party information does not belong to the JMAPP Meeting.

Most, if not all, of the information provided to JMAPP meetings by agencies is derived from information stored on the individual agency's database(s) and the provision of that information to third parties is the responsibility of **that** agency and **not** the Chair of the JMAPP meeting.

The JMAPP Co-ordinator will ensure that this happens either by seeking the clarification themselves or by ensuring the person receiving the request

completes this task. As timescales can often be limited, it is essential that this is carried out promptly and, wherever possible, in writing (a letter sent by post or fax or an e-mail). This will ensure that there is an audit trail.

Having clarified that the information that is required is information from the JMAPP meeting minutes, the Chair of the last JMAPP meeting will, using all the meeting minutes and the original JMAPP referral form, prepare a JMAPP Meeting Minutes Executive Summary.

### **5.6 JMAPP Meeting Minutes Executive Summary**

The JMAPP Meeting Minutes Executive Summary includes:

**The offender's name and personal details:** this will ensure that the report provided relates to the original request for information and is about the correct offender.

**Referring Agency and reason for referral to a JMAPP meeting:** using the information provided in the JMAPP referral and the referral information in JMAPP meeting minutes, the Chair will prepare an overview describing the reason why the case was referred to a level 2 or 3 JMAPP meeting. This information should be checked to ensure no sensitive victim information is included. It should state who the referring agency is but should not name the referring officer. The date the referral was made must be entered.

**Summary of the meetings:** this section provides an overview of the risks identified at the meetings, any diversity needs that required managing, general victim issues (where it is possible not to identify the victims or place them at greater risk), the agreed risk assessment and the level of JMAPP management required by the case.

**Outline of the JMAPP Risk Management Plan (JMAPP RMP):** information from the JMAPP RMPs of the actions put in place by the relevant agencies to manage the identified risks of harm to others and whether these actions were completed. Where the case is no longer managed at JMAPP level 2 or 3 the reasons why the case does not require this level of management.

**JMAPP meeting details:** provide dates of up to the last 10 meetings relating to this case.

**Details of the JMAPP meeting Chair:** provide details and the date this summary is completed.

Where organisations retain copies of the JMAPP meeting minutes outside of ViSOR these must be held under their own data protection procedures, including those on the retention of records. Given the highly confidential nature of the minutes, we advise all agencies ask themselves whether they

## JMAPPA Guidance Section 5 – Disclosure

actually need to keep a copy of the minutes in their files or whether a record of the actions for their agency and a reference to the fact that the minutes are held on ViSOR will be sufficient.



## **6. Risk Assessment**

It is important that the Risk Assessment and Management Plans use validated tools wherever possible. Those in use in Jersey are Risk Matrix 2000 (RM2000), Stable/Acute 07 (SA07), HCR20 and Spousal Assault Risk Assessment (SARA). The Probation Service uses the Level of Service Inventory (Revised).

## **7. The Victim Focus**

### **7.1 Introduction**

The primary focus of JMAPPA is how to manage the risk and behaviour of the offender, but specific and general victim issues are also central to the effective operation of JMAPPA. Victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to the JMAPPA agencies' public protection role. It is vital that the JMAPPA agencies ensure their decision making is informed by an effective engagement with current victims and, where practicable and appropriate, with potential victims. Only by doing this can the strategic Management Board (SMB) be satisfied that the risk assessment and Risk Management Plans properly reflect victim concerns and provide appropriate measures to protect them.

### **7.2 Victim Plans**

All JMAPPA Risk Management Plans must contain actions to protect victims and the plan must also contain contingency arrangements should this be required. It is important that everyone is clear on what action will be taken should the original plan break down for any reason.

## **8. Risk Management**

### **8.1 Introduction**

This section outlines the structure of Risk Management Plans within JMAPPA and the need to have both an agency plan and a JMAPPA plan in relevant cases.

The management of offenders posing a high risk of serious harm to the public is one of the most complex and difficult tasks currently facing the agencies within JMAPPA. When an offender is identified as coming within the remit of JMAPPA, the Strategic Management Board (SMB) has a duty to ensure that any identified risks are managed robustly at the necessary level of JMAPPA management. The Police, Probation or Prison Services do not become the managing agency for all JMAPPA offenders but, as the SMB, they must seek to ensure that strategies to address identified risks are effectively managed.

Risk management is the process of ensuring that there is an effective Risk Management Plan (RMP), which addresses the identified risk of serious harm factors by putting appropriate plans into place. In effect, it is what we **do** with an offender that is crucial. Risk management is not an exact science as it is not possible to eliminate risk entirely. It is, therefore, critical that: the decisions made are defensible, that the RMP is implemented and monitored through regular reviews and that adjustments to the plan are made, as necessary.

The RMP must include action to monitor the behaviour and attitudes of the offender and to intervene in their life in order to control and minimise the risk of serious harm. Plans should relate to the current and expected future risk and should draw upon information from all the agencies within JMAPPA.

Effective risk management is a core function of JMAPPA and requires all agencies sharing relevant information to ensure that it can be achieved.

### **8.2 Risk Management Plan and JMAPPA Risk Management Plan**

Every JMAPPA offender must have a RMP completed by the lead agency to their required standards. This plan will identify all the multi-agency actions agreed at the JMAPP meeting to manage the offender's risk(s).

Once the JMAPPA RMP is in place, the case manager must review the agency RMP and revise, as necessary, and update ViSOR and the case management records accordingly.

### 8.3 JMAPPA Risk Management Plans

- The JMAPPA Risk Management Plan must be specific, measurable, achievable, realistic and time limited (SMART). It should clearly identify ownership of each action point, with a named agency and wherever possible a named individual in that agency
- It should be linked to the supervision or sentence plan
- It must be formally reviewed at a specified future date
- Actions must have a date for completion
- Where an element of the JMAPPA RMP cannot be delivered by the agencies concerned, consideration must be given to referring this to the next management meeting
- The JMAPPA RMP must contain actions to protect victims and a contingency plan should the original plan break down for any reason

### 8.4 Effective Strategies

*The Risk of Harm Guidance and Training Resource* identifies that risk management strategies can be grouped into two broad categories: those that rely on **external controls** and those that promote **internal controls**. External controls are described as strategies aimed at reducing triggers to and opportunities for harmful behaviour, for example, by restricting access to particular venues (like schools, leisure facilities) or access to previous victims. Risk management is delivered primarily through external limits and controls. Internal controls are strategies that focus more on developing the offenders own ability to avoid and manage risk situations and will include accredited programmes. Self-risk management is promoted through programmes of intervention that seek to address the offenders' readiness to change and to help them develop skills and strategies for:

- Avoidance. For example, of specific triggers for offending behaviour
- Involvement in other activities to 'divert' away from offending
- Cognitive skills; understanding consequences of behaviour, identifying reasons not to offend or cause serious harm

Examples of external and internal controls are:

- Attendance at cognitive-behavioural programmes, which address the causes of offending behaviour
- Restrictions on residence, for example, residing at Approved Premises

## JMAPPA Guidance Section 8 – Risk Management

- Interventions that emphasise self-risk management and which promote the use of internal controls over the longer term
- The use of restrictive licence conditions, Restraining Orders etc
- Office based supervision
- Home visits (by Police and the Probation Service staff) and other regular visits to the offender's premises
- Provision of suitable diversion activities, for example, employment
- Restrictions on associations, activities and movements
- Disclosure of information to third parties
- Contingency plans in case of risk management failure and rapid response arrangements to changing situations or deterioration in the circumstances/behaviours
- Supportive and integrative approaches where risk assessments indicate their usefulness, for example, "Circles of Support and Accountability"

## 9. Levels of Management

### 9.1 Definition of Levels of Risk

Serious harm can be defined as an event, which is life threatening and/or traumatic, from which recovery, whether physical or psychological, can be expected to be difficult or impossible. Risk of serious harm is the likelihood of this event happening. It should be recognised that the risk of serious harm is a dynamic concept and should be kept under regular review.

The levels of “Risk of Serious Harm” are:

- **Low:** current evidence does not indicate likelihood of causing serious harm
- **Medium:** there are identifiable indicators of serious harm”. The offender has the potential to cause such harm, but is unlikely to do so unless there is a change in circumstances, for example failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse
- **High:** there are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious
- **Very High:** there is an imminent risk of serious harm. The potential event is more likely than not to happen imminently and the impact would be serious

This provides a standardised categorisation of risk levels for all MAPPA offenders and is also used in ViSOR. The categorisation of risk is refined by reference to who may be the subject of that harm. This includes:

- **The public:** either generally or a specific group such as the elderly vulnerable adults (for example, those with a learning disability), women or a minority ethnic group
- **Prisoners:** within a custodial setting
- **A known adult:** such as a previous victim or partner
- **Children:** who may be vulnerable to harm of various kinds, including violent or sexual behaviour, emotional harm or neglect
- **Staff:** anyone working with the offender whether from the Probation Service, the Prison Service, Police or other agency. This relates to all forms of abuse, threats and assaults that arise out of their employment

## 9.2 Levels of Risk and Resources Required

It is important that resources are used efficiently. There should be a correlation between the level of risk identified and the resources required.

As a guide, **Level 2** cases should have the following characteristics:

- All Level 2 JMAPPA meetings should be chaired by either the JMAPPA Co-ordinator or a middle/senior manager from one of the JMAPPA agencies
- Sexual offenders who are resistant to addressing their offending Behaviour
- Violent offenders with additional risks of mental health problems and substance misuse
- Domestic violence offenders who misuse substances
- Unsuitable or unstable home circumstances
- Likely to re-offend and cause high level of serious harm to others
- There is currently a lack of effective multi-agency working and this needs to be co-ordinated to provide an effective JMAPPA Risk Management Plan

As a guide, **Level 3** cases should have the following characteristics:

- Complex cases
- Imminence of re-offending, the offender is more likely than not to re-offend at any time with very serious consequences for others
- Sexual offenders who have an additional risk of generic violence
- Unwillingness to address offending behaviour
- Additional police intelligence suggesting ongoing offending behaviour
- Threats to kill, kidnap and harm to known child or adult
- Children who are registered as being at risk of significant harm
- Emotional instability and substance misuse

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- Mental illness, psychological disorders and/or self-harm
- Distorted beliefs and thought patterns towards particular groups and/or Individuals
- Need for additional/unusual use of resources to effectively manage the case

**Level 1** management is the level used in cases where the risks posed by the offender can be managed by the agency responsible for supervision/case management of the offender. These offenders will usually be assessed as being Low to Medium risk of harm to others. This does not mean that other agencies will not be involved: only that it is not considered necessary to refer the case to a level 2 or 3 JMAPP meeting. This decision should be made in consultation with the co-ordinator who can provide advice.

The exception to this rule however, is sex offenders who must always be referred to the co-ordinator and be subject to a multi-agency meeting to agree the assessment of level of risk and management plan.

The referring agency must have arrangements in place to ensure that the management of all Level 1 cases is reviewed at least once every three months.

The Level 1 review must:

- Identify any new information relating to the case which has an effect upon the risk assessment and Risk Management Plan
- Review the plan and revise it where necessary. This includes recording whether the case now requires a referral to JMAPPA level 2 or 3.

The highest proportion of JMAPPA offenders are managed at level 1 and 2.



## **10. Jersey Multi-Agency Public Protection Meetings**

### **10.1 Introduction**

This section explains the different types of JMAPP meetings and how they should be conducted.

The importance of holding effective Jersey Multi-Agency Public Protection (JMAPP) meetings, to share information on JMAPP offenders to support multi-agency risk assessments and formulate JMAPP Risk Management Plans (JMAPP RMPs), in order to protect victims and communities, cannot be over emphasised.

An effective meeting requires:

- Good identification of those agencies which need to be present and them being represented
- The right people in attendance who have the capability and authority to make the necessary decisions
- All of the pertinent information being available
- Good organisation and management of the meeting
- Proper record keeping using the relevant JMAPP documents – a chairing responsibility

### **10.2 Purpose of Meetings**

The purpose of the meeting is for agencies to share information which:

- Is pertinent to undertaking a multi-agency risk assessment
- Identifies the likelihood of re-offending
- Identifies serious risk of harm issues and their imminence
- Is critical to delivering an effective Risk Management Plan, which addresses all of the risks identified in the risk assessment

Management can provide a sharing of organisational risk in critical cases, however, it is essential to ensure that all cases are managed effectively and at the lowest appropriate level and are not left at a higher than necessary level of JMAPP management for longer than is appropriate. Every JMAPP meeting must ask itself the question:

**“Does this case require ongoing JMAPPA management at this level?”**

Where the answer is ‘yes’, what will be achieved and what actions are required to ensure this happens?

**10.3 Level 1 Meeting**

**Level 1** cases will require a multi-agency meeting to share information to ensure that all the risk factors are identified and the risks are being effectively managed. The lead agency will consult with the JMAPPA Co-ordinator, who will confirm that a JMAPP meeting is not necessary at that time. The referring agency will then arrange a multi-agency case management discussion to take place in order to allow for information sharing.

The exception to this rule however, is sex offenders who must always be referred to the co-ordinator and be subject to a multi-agency meeting to agree the assessment of level of risk and management plan.

**10.4 Referral to a Level 2 or 3 JMAPP Meeting**

Agencies, having assessed their JMAPPA cases, will reach a decision to refer the case to the co-ordinator, who will screen it to see if it meets the threshold for a Level 2 or 3 JMAPP meeting.

All referrals will require:

- A completed referral form (**Appendix A**). See **Appendix B** for Referral Guidance
- An indication if an emergency meeting is required or whether the case can wait until the next scheduled meeting

For cases in the community, the JMAPPA Co-ordinator will arrange for a multi-agency meeting to be held **within 15 working days** of receiving the referral, unless the case does not meet the threshold criteria.

For cases in custody, JMAPPA eligible offenders will be subject to a JMAPPA meeting, no later than **6 months prior** to their eligibility for release on a temporary licence.

**10.5 Pre-meeting Preparation**

Meeting time should be regarded as a scarce and expensive resource. It is therefore essential that pre-meeting preparation is as thorough as possible, given the time and resources available. The referral will have identified which are the relevant agencies to attend the JMAPP meeting. (See **Appendix C** for Case Presentation Guide).

## 10.6 Membership of Level 2 and 3 JMAPP Meetings

Level 2 and 3 JMAPPA Meetings will take place on specific days each month. These dates will be set well in advance to ensure a high level of attendance at meetings. However, there will always be cases which require an emergency meeting to be held and agencies must ensure that those required to attend, will give the meetings a high priority.

## 10.7 Standing Membership

A standing membership will be established from key agencies for their level 2 and 3 JMAPP meetings. Different grades of staff will generally be required to attend these meetings:

- Police – **Level 2** – Inspector; **Level 3** – Chief Inspector/Superintendent
- Probation Service – **Level 2** – Team Leader; **Level 3** – Assistant Chief Probation Officer
- Social Services – **Level 2** – Head of Children’s Social Work; **Level 3** – Co-ordinator – Children’s Executive
- Mental Health Services – **Level 2** – Head of Nursing/Operational Service Manager; **Level 3** – Directorate Manager
- Housing – **Level 2** – Housing Manager; **Level 3** – Director

The standing member will ensure that all relevant information from their area of work is made available to the meeting. They may also suggest who, additionally, may be invited to assist in the management of a specific case.

## 10.8 Full Meeting Membership

In addition to the standing members, the referrer will always attend and should have identified who they believe should be invited to the meeting for a specific offender.

## 10.9 Agency Representation

Areas must ensure that the right people are in attendance at the JMAPP meetings. In determining the level of representation, three factors must be considered:

1. Representatives must have the authority to make decisions committing their agency’s involvement. If decisions have to be deferred, then the

effectiveness of the multi-agency operation is weakened and may compromise the JMAPPA Risk Management Plan

2. The representative must have relevant experience of risk/needs assessment and management as well as analytical and team-working skills to inform discussions. Such experience and skills can usefully contribute both to the management of specific cases and on case management generally
3. The effectiveness of JMAPP meetings is dependent upon establishing good working relationships across agencies. Multi-agency work is often complex and benefits greatly from the continuity of personnel and their professional engagement

### **10.10 Multi-Agency Accountability**

Where agencies fail to attend the JMAPP meeting, or to provide information via a report, and this affects the ability of the meeting to construct an effective JMAPPA RMP, the Chair of the JMAPP meeting will initially follow this up locally with the agency SPOC. If this does not lead to improved engagement, then the Chair of the SMB should address this with the agency representative on the SMB.

### **10.11 Review of JMAPP Meetings**

The purpose of review meetings is to ensure that the JMAPPA RMP that was put in place remains effective and those agencies involved in the plan have undertaken the actions agreed. The review will consider whether any new information is available which changes the risk assessment and whether the case still needs to be managed at the current level.

It is imperative that all JMAPP meetings are reviewed at regular intervals to ensure effective risk management: Level 1 cases, no later than **12 weeks** from the previous meeting; Level 2 cases, no later than **12 weeks** from the previous meeting; and Level 3 meetings, no later than **6 weeks** from the previous meeting.

It must be understood that risk is dynamic and these are minimum standards, therefore meetings should be held more regularly where offenders' circumstances give cause for added concern.

### **10.12 JMAPP Meeting Minutes**

The minutes of **Level 2** JMAPP meetings should be produced **within 10 working days** and **Level 3** JMAPP meetings, **within 5 working days**. They should be sent to the members of the core agencies through the SPOC. Agencies must determine how they will store the minutes securely and how other agency personnel can access them in the event of an emergency. The JMAPP meeting minutes, including the JMAPPA RMP, will be stored on ViSOR, which is a confidential database.

## **11. Children and Young People**

Whenever a child or young person is being discussed at a JMAPP meeting, the meeting must ensure that it considers its responsibilities to safeguard and promote the welfare of children, as well as the risk of harm the young offender presents to others. Children's Services should always be represented at JMAPP meetings in cases where the welfare of children is an issue and a representative from the Department of Education Sport and Culture if the child concerned is of school age.

Given these duties, JMAPP needs to take a different approach when managing children and young people. When identifying the risk of potential harm to others that the child or young person poses, any risks to the child or young person must also be taken into account. Children must not be treated by JMAPP as a '**mini-adult**', and should not be managed using the same risk assessment tools or management processes.

## 12. Transfers of JMAPPA Cases

It is not uncommon for offenders to request a transfer of their licence/supervision between Jersey and the UK, however, this is a complex process, due to differences in Law between jurisdictions. Given the potential danger presented by JMAPPA offenders, any requests to transfer to/from Jersey, must be treated with the utmost care.

Schedule 1 of the Crime (Sentences) Act (1997) contains the main provisions for case transfer for those offenders subject to release on licence. Case transfers of supervision are made on an “unrestricted” or “restricted” basis.

The distinction between restricted and unrestricted transfers is important because it determines the relevant law that is applicable following the transfer and may affect the duration of supervision and action in the event of breach of licence or order. In Jersey, a transfer is usually only permitted on a restricted transfer basis.

In a **restricted transfer**, the law of the sending jurisdiction will continue to apply and the offender will be subject to the same duration of contact and the same licence/order conditions as they would have been in the sending jurisdiction. The receiving jurisdiction will manage the case in that the offender will be reporting to a Probation Officer in the receiving jurisdiction.

All transfers of community orders must be fully discussed with and obtain the permission of the Chief Probation Officer before any transfer can be implemented. It is particularly important that potential prison transfers are discussed with the receiving Prison **and** Probation Services in order that both through care and after care implications are fully considered.

## 13. ViSOR

### 13.1 Introduction

This section provides an explanation of how the ViSOR database operates and supports JMAPPA.

ViSOR was developed to support a fully integrated approach to the management of sexual, violent and other dangerous offenders. ViSOR will facilitate the end-to-end management of these offenders. It will provide a central store for up-to-date information that can be accessed and updated by the Police and the JMAPPA Co-ordinator. Cases in ViSOR are known as “nominals”. Each nominal can have up to 43 “attachments”; these contain information about the person, for example, name, address, convictions, known associates, modus operandi and pets.

ViSOR provides a secure database enabling the sharing of risk assessment and risk management information on individual dangerous offenders in a timely way. ViSOR improves capacity to share intelligence and improve the safe transfer of key information when these offenders move between areas; this enhances public protection measures. In addition, ViSOR provides the opportunity to access consistent management information to support the Strategic Management Board (SMB) in performance analysis and improved working practices. It will also provide information for the JMAPPA annual reports. ViSOR will store the JMAPP meeting minutes.

Responsibility for creating and managing ViSOR records lies with the Police and the JMAPPA Co-ordinator.

### 13.2 How ViSOR Operates

The ViSOR application is classified as **CONFIDENTIAL**. This classification mandates that certain security measures are implemented and that all ViSOR users adhere to these requirements. As it is a confidential system, requests under the Data Protection (Jersey) Law 2005 for information contained within it will probably be denied but will be considered on a case-by-case basis. This is because ViSOR contains active police intelligence and to disclose information could adversely affect police activity.

In order for ViSOR to be an effective information sharing and risk management tool, all of the JMAPPA population should be entered on to it, including those offenders currently serving custodial sentences. Each nominal record consists of a front-page summary screen of information and a number of “attachments” (currently 43) that contain detailed information relating to that offender. Each nominal has a ViSOR Manager who has responsibility for the collation and quality assurance of information stored on that record. There can also be a number of partners to a record who have the ability to



input information into the nominal record. Whoever inputs information into ViSOR is responsible for ensuring that the information is accurate.

### **13.3 Inclusion Period**

When a ViSOR nominal ceases to be an active JMAPPA case, it will be archived. This means that the information will remain within ViSOR and, if necessary, can be re-activated. The nominal record will be retained until the 100th anniversary of the individual's birth. At this point, it will then be reviewed and, in most cases, will be removed from ViSOR. The period an offender remains subject to JMAPPA varies significantly. The period will depend upon the need for continued multi-agency management. The possibility of discharge from JMAPPA will be considered at every meeting.

## **14. Good Practice Standards**

### **14.1 Introduction**

This section provides examples of good practice to assist those working with JMAPPA offenders. It is particularly relevant to the Strategic Management Board (SMB) and the JMAPPA Co-ordinator.

Previous experience, research and the introduction of MAPPA (JMAPPA in Jersey) have all improved our understanding of what works best in the effective management of high risk offenders. The challenge is not only to match current practice with what we already know but also to respond rapidly to new learning. The standards outlined below are based on an up-to-date analysis of what works best and includes information from recent HMIP inspection reports and Home Office research into MAPPA conducted as part of the *Review of the Protection of Children from Sex Offenders (2007)*.

### **14.2 The Four Features of JMAPPA Good Practice**

Public protection depends upon:

- 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

### **14.3 Defensible Decision Making**

Although the arrangements represent a significant strengthening of public protection, they cannot provide absolute protection. Research has shown that 32% of first-time murderers and 36% of serious sexual offenders have no previous convictions. Risk assessment is not an infallible science.

In many cases, the decision making involved in the assessment of risk and its management can, and indeed often does, prevent re-offending but it is not infallible. Even the most diligent efforts of practitioners cannot always prevent serious harm. In place of infallibility we must put defensibility; making the most reasonable decisions based on the information available at the time and carrying them out professionally.

The idea of defensible decisions is not about being defensive, rather it is making sure that decisions are transparent and can be easily understood. It is intended to embed risk assessment with rigour and risk management with robustness. The criteria can be summarised as:

- All reasonable steps have been taken; reliable assessment methods have been used
- Information has been collected and thoroughly evaluated
- Decisions are recorded (and subsequently carried out)
- Policies and procedures have been followed
- Practitioners and their managers adopt an investigative approach and are proactive

#### **14.4 Rigorous Risk Assessment**

Great strides have been made in improving risk assessment. The use of Risk Matrix 2000 (RM2000) and Stable/Acute-07 by the Police, Prison and Probation Services has provided a common and timelier approach to risk assessment. While this move towards a standardised form of risk assessment is important, it must be understood that “one size does not fit all”. To this end, a number of more specialised assessment tools have been developed including those for domestic violence and sexual offenders.

No risk assessment tool can be 100% predicative. Good risk assessment practice is dependant upon those undertaking it having all the relevant information and time to consider it. For this reason, the Guidance places great emphasis upon the identification of risk and information sharing to assess risk. Once risk has been identified, and after information has been shared, it is the skills of practitioners, enhanced by the involvement of other professionals, which make the procedure meaningful. We know, for example, that while an offender’s past convictions and other “static” factors are reliable indicators of risk, the risk assessment skill often lies in discerning the “dynamic” risk factors and, more importantly, in drawing up the Risk Management Plan.

It is important to include the victim focus of JMAPPA work. The victim is central to the offence and the risks to the victim must be properly assessed and managed. In addition, with proper care and support, victims can provide vital information for the assessment and management processes. Indeed, the victim may be the person who best knows the true risk(s) posed by the offender.

It is precisely because risk assessment can never become formulaic and because there will always be a place for using discretion and professional judgement, that we must ensure that this is the case. Risk assessment is a dynamic and continuous process and is not a “one off event”, especially with offenders who present the highest risk.

## **14.5 Robust Risk Management**

Robust risk management begins with planning how the assessed risks are to be managed by meeting criminogenic need and matching risk with lawful, necessary and proportionate responses to protect the public. The implementation of the Risk Management Plan, like risk assessment, is dynamic. It must respond to changes in risk and in the circumstances likely to affect risk. This should be supported by drawing up the plan using clear objectives for the offender and for those managing the risk.

This Guidance does not detail various risk management strategies and specific means of achieving objectives but highlights the principles of good practice in managing the higher risks. These are as follows:

1. By co-ordinating how each agency fulfils its respective responsibilities, JMAPPA ensures the co-ordinated outcome is greater than the sum of its individual parts. The extent to which this is already part of good practice is reflected in the involvement of the Police Service in offenders' post-release arrangements, which is complemented by Probation Services' increasingly robust focus upon enforcement. This principle is of particular significance when JMAPPA engages with agencies less familiar and confident about focussed public protection work.
2. Integration of the measures used to promote the offender's self management (sometimes referred to as the "internal controls") with those which are designed principally to constrain risk (sometimes referred to us as the "external controls"). Very few Risk Management Plans are constructed with only one or other of these measures as internal and external controls are rarely mutually exclusive.
3. Each case is managed at the lowest appropriate level that is consistent with providing a defensible Risk Management Plan. The principles of good defensible decision-making will ensure that this is achieved and that the "inflation" of low risk cases, with the consequent inappropriate use of resources, is avoided. Integral to this principle is the need for appropriate contingency plans in the event of a breakdown in risk management arrangements.

## **14.6 The Strategic Management of JMAPPA**

While nothing can detract from the importance of high quality risk assessment and management, good and better practice is contingent upon the virtuous circle of planning, enacting, reviewing, evaluating and planning, which lead to better public protection.

The Strategic Management Board (SMB) has formal responsibilities to review, monitor and to make necessary changes to risk assessment and management

arrangements. Evaluating performance is not only the preserve of the SMB; evaluation is part of good professional practice. Whether through formal supervision or in the continuous process of reconsidering risk and its management, evaluation is one of the core skills of JMAPPA practitioners. Finally, evaluation is important because it helps identify more sharply where resources are best deployed and where additional resources are most needed.

### 14.7 JMAPPA Best Practice

The *Review of the Protection of Children from Sex Offenders (2007)* identified the following best practice:

- **Providing a balance between rehabilitation and public protection** enhancing community supervision of sexual offenders through the tight integration of case management and programme work and pro-social modelling techniques in individual supervision
- **Timely and focussed pre-release work** facilitated through joint visits by the Police and Probation Service to prisoners pre-release and by regular attendance of Prison Service personnel at level 2 and 3 JMAPP meetings. Specific Risk Management Plans are developed pre-release with appropriate conditions and restrictions and a swift recall policy
- **Early identification of need and referral to relevant treatment/group work programme** supported by relevant one-to-one work
- **Offence focussed individual work**, for example, working with offenders to develop internal controls and recognise and avoid triggers to offending
- Attention in **one-to-one supervision to relapse prevention**, especially following completion of treatment
- **Offender Managers and Probation Officers working with offenders to jointly manage risk** with the goal of engaging offenders in their own regulation. This participatory approach is most effective in ensuring offenders can better self-risk manage post supervision
- **Balancing internal and external controls** is a key success factor in risk management. The focus on each is made on a case-by-case basis so, for example, some cases require prioritisation of external controls, particularly where offenders are not ready to acknowledge the seriousness of their offence

### 14.8 Internal Controls

Internal controls are used by the offender to limit their offending behaviours and focus on recognition and avoidance of key triggers and risky situations together with relapse prevention techniques. Sexual offender programmes, supported by focussed one-to-one work were perceived by staff to be the most effective method of promoting internal controls. Unannounced and announced home visits were also made to monitor “lifestyle” and the success or failure of internal controls, to assess any potential grooming behaviours, for example, toys and material used to attract children into the home.

### 14.9 External Controls

The most frequently used external controls are:

- Licence conditions (e.g. curfews, exclusions zones, accommodation restrictions)
- Behavioural restrictions (e.g. restriction of leisure activities to limit grooming behaviours)
- Police and Probation home visits
- Contact restrictions (limiting contact with past or potential victims)

A key fact to note was that offenders displayed a greater readiness to comply when they felt that the restrictions imposed upon them were clearly rationalised by supervision staff, and were reasonable in relation to their offending behaviour. Those offenders who felt a strong reluctance to comply felt that they could not understand the reasons for the restrictions imposed.

- **Use of home visits (jointly by Police and Probation) to check and be “lifestyle vigilant”** – it is essential that home visits are more than a cursory check as they provide the opportunity to further assess the offender in their own environment. The Police and Probation Service may choose to undertake the first visit jointly as this would have the benefit of demonstrating to the offender that they are working co-operatively together.

*ACPO (2007) Guidance on Protecting the Public: Managing Sexual and Violent Offenders* suggests as good practice, the following Police home visit regime for RSOs:

- Very high risk – **monthly**
- High risk – **every three months**
- Medium risk – **every six months**
- Low risk – **every twelve months**

The level of risk should be based on the overall risk level an RSO is being managed at and not the Risk Matrix 2000 and Stable/Acute-07 levels or the JMAPPA management level.

- **Use of targeted Police surveillance** – Police can deploy specialist resources, as a protective response, should this be required by the Risk Management Plan
- **Swift and appropriate information exchange** – between the Police or Drugs Agency and Probation, for example, especially where offenders are breaching licence conditions

#### **14.10 JMAPPA Case Management Best Practice**

The *Review of the Protection of Children from Sex Offenders (2007)* also identified the following as best case management practice: integration of individual supervision and sexual offender programme work including increased attention to relapse prevention work in individual supervision; attention to relapse prevention work in individual supervision and use of supervision and disclosure contracts for offenders. These documents clearly set out the licence conditions and expectations relating to appropriate behaviour, restriction and disclosure requirements:

- **Specimen contract for controlled disclosure**
  - I will attend church only at 8.30am and 6.30pm services.
  - I will ensure that I sit apart from children and young people in church
  - I will ensure that I am never alone with children and young people at church or at church groups/activities
  - I will not involve myself in any way with children and young people
  - I accept that certain people within the church will need to be aware of this contract and this will be on a "need to know basis". I understand that I will be aware of the people who are given this information and the reason why they need to have this information
  - I understand that if these conditions are broken the church will have no alternative but to prohibit me from attending and will have a responsibility to report this to my Offender Manager

Offender's Signature

Date

Offender Manager's Signature

- Use **voluntary contract mechanism** to enable the receiver of such information to understand confidentiality boundaries, for example, who they may or may not tell

- Develop **strong supervisory relationships between the Probation Service, the Police and the offender**, underpinned by an assumption that offenders, if given opportunities to engage effectively, might change behaviours in most cases. This can result in a “readiness to disclose” and talk through issues prior to any potential escalation in risk. This is a key measure of effective management practice.
- Use of **pro-social modelling** comprising:
  1. Clarification about the supervisory role; to include the purpose and expectations of supervision, the appropriate use of authority and the role of enforcement
  2. Pro-social modelling and reinforcement, involving clear expectations about required values and behaviours and their reinforcement through the use of rewards; through the challenging and confrontation of undesirable behaviours and the discouragement of pro-criminal attitudes and values
  3. Negotiated problem-solving; with clear objective setting, monitoring and accountability of the offender’s progress
  4. Honest, empathic relationship with an emphasis upon persistence and belief in the offender’s capacity to change

The following factors play a significant role in the supervisory relationship and in subsequent desistance from offending:

- Negotiated engagement and partnership in problem solving (the use of contracts with offenders is a good example of this)
- Support and encouragement (particularly through home visiting)
- Efforts to improve offender reasoning and decision-making (via treatment programmes, intensive relapse preventions work and one-to-one supervision)
- Personal and professional commitment of workers to the change process and to the recommended programme, including prompt Offender Manager responses to issues identified in treatment and relapse prevention
- Attention to the personal and social problems of offenders
- Feelings of loyalty, commitment and accountability that offenders have to the Offender Manager
- Reinforcement of pro-social behaviour (Probation and Police staff communicate expectations clearly and hold offenders accountable)



- All staff displaying a genuine interest in the well being of offenders

#### **14.11 General JMAPPA Standards**

What follows, is an auditable checklist, which the SMB can use to assess the fitness for purpose of the JMAPPA in their area:

- Adherence to this JMAPPA Guidance
- ViSOR standards implemented
- Arrangements to cover JMAPPA Co-ordination function including a single point of contact
- Dedicated MAPPAs administration in place
- Arrangements implemented to identify and allocate JMAPPA offenders
- Adherence to the JMAPPA Guidance practice around JMAPP meetings.
- Training plan implemented which includes induction for SMB members, JMAPPA Co-ordinator and administration staff
- Appropriate training programme for practitioners and managers working within JMAPPA implemented (JMAPPA Induction)
- JMAPPA communication plan implemented and reviewed annually
- Media strategy implemented
- Diversity plan implemented
- Annual business plan implemented and reviewed and revised annually.
- Means to record any deviation from the Guidance and the reasons for this decision

## **15. The Strategic Management Board (SMB)**

### **15.1 Introduction**

The SMB has responsibility for shaping JMAPPA activity in its area. This involves agreeing the role and representation of the different agencies within the SMB and brokering the protocols and memoranda of understanding which formalise these.

The core features common to all SMBs are:

- Monitoring (on at least a quarterly basis) and evaluating the operation of JMAPPA meetings and performance against the KPI's
- Establishing local connections which support the effective liaison and operational work with other public protection bodies, eg Jersey Child Protection Committee (JCPC), Jersey Domestic Violence Forum (JDVF) and Community Safety Partnership (CSP)
- Preparing the JMAPPA annual report and promoting the work of JMAPPA in their area
- Planning the longer term development of JMAPPA in the light of regular (at least annual) reviews of the arrangements, legislative changes and wider criminal justice changes
- Identifying and planning how to meet common training and development needs of those working in JMAPPA
- Producing and implementing a media strategy and annual communication plan

### **15.2 Membership of the SMB**

The membership of the SMB should include as a minimum:

- **Probation Service** – at Assistant Chief Officer grade or above
- **Police Service** – at Superintendent grade or above

(Police and Probation Services may also wish to include senior operational officers)

- **Prison Service** – at Deputy Prison Governor grade or above
- **JMAPPA Co-ordinator** – to provide operational context and management information to the meeting

- **JMAPPA Administrator** – to provide secretariat to the meeting
- **Housing** – representation by senior management from the Housing Department
- **Health and Social Services** – Director of Community and Social Services
- **Education, Sport and Culture** – Director/Assistant Director
- **Customs and Immigration** – Head of Service

### 15.3 SMB Meetings

The SMB will be chaired by a senior member of the Police, Probation or Prison Service. The Chair should rotate between SMB agencies, with each agency holding the chair for a period of time. The expectation is that the full SMB will meet at least **quarterly** to enable it to effectively monitor the work of JMAPPA.

### 15.4 JMAPPA Performance

The SMB needs to be satisfied that the JMAPP arrangements are working well. It must agree performance measurements and have procedures in place to collate performance data. It must also ensure that cases managed under the arrangements meet the defensibility test, meaning that everything which reasonably could have been done was done to prevent offenders from re-offending. The SMB needs to be in a position to demonstrate this empirically.

The monitoring and evaluation activities of the SMB contribute to their area's JMAPPA annual report, drive the business planning process and provide the means of reviewing the effectiveness of JMAPPA. It involves the collection and analysis of both quantitative and qualitative data. The SMB should analyse his data on at least a **quarterly** basis. Collation of this data must be effectively managed. ViSOR is able to produce a number of management reports which will be further developed and added to. The quality of the reports will depend on the quality of the data that is entered into ViSOR, which is an issue the SMB should address.

### 15.5 JMAPPA Annual Report

The preparation of an annual report is an important part of the function of the SMB. Under Article 28 (11) of the Sex Offenders (Jersey) Law 2010, the Chief Police Officer must present a report to the Minister before the end of March each year. A critical aspect of these reports is the presentation of detailed

statistics for the number of JMAPPA offenders, combined with an explanation of the data and examples of how cases are managed.

The annual report provides the SMB with an opportunity for raising public awareness; increasing understanding of public protection issues and explaining the multi-agency work that is undertaken through JMAPPA to increase public safety. It can also be used as part of a wider strategy of communication and education of the public that should be developed by the SMB.

## **16. JMAPP Performance and Standards**

### **16.1 JMAPP Performance**

This section provides guidance on what areas of performance should be measured and audited to ensure that JMAPP is working effectively. It is particularly relevant to the Strategic Management Board, Duty to Co-operate Agencies and the JMAPP Co-ordinator.

The Strategic Management Board (SMB) needs to be satisfied that the JMAPP arrangements are working well and that cases managed meet the defensibility test. The defensibility test is:

**“Was everything that could reasonably have been done to prevent offenders from re-offending actually done?”**

This applies to how each individual agency fulfils their legal obligation and how the agencies work together in achieving comprehensive risk management. The SMB needs to be able to demonstrate this empirically, through its monitoring and evaluation of its performance.

The monitoring and evaluation activities of the SMB contribute to the Chief Police Officer’s annual report, drive the business planning process and provide the means of reviewing the effectiveness of JMAPP. It involves the collection and analysis of both quantitative and qualitative data as well as compliance with the JMAPP Key Performance Indicators (KPI’s). The Minister for Home Affairs will provide the Chief Officer of Police with details, on an annual basis, of the data that he will need to collect for the JMAPP annual report.

**This is a JMAPP Co-ordination/Management function.**

The SMB should analyse quantitative and qualitative data on at least a quarterly basis to allow it to review its performance, provide an opportunity for bench marking and for timely interventions where issues are identified.

### **16.2 JMAPP Key Performance Indicators (KPI’s)**

The SMB has agreed that the following KPI’s will be monitored through this process:

1. 90% of level 3 JMAPP cases reviewed no less than once every six weeks
2. 85% of JMAPP level 2 cases reviewed no less than once every 12 weeks
3. Public Interest Disclosure to be considered and the decision to be

recorded in the minutes at 100% of level 2 and 3 JMAPP meetings

4. 90% attendance by each SMB member at the SMB quarterly meetings
5. 90% attendance by each invited agency, at an appropriate level of seniority, at each level 2 and 3 JMAPP meetings (if unable to attend, video or telephone conferencing or the provision of an appropriate report to the meeting may be acceptable)

17.1

**APPENDIX A**

RESTRICTED  
(when complete)

<b>JERSEY MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS LEVEL 2/3 SUBJECT REFERRAL</b>
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Name		DOB	
Family Name		Alias	
Address			
Prison Number			

CONVICTION – current / most important sexual or violent offence	
Earliest Release Date	
PNC No.	

TYPE: Supervision / Licence			
Start Date		End Date	

LEAD AGENCY CONTACT DETAILS			
Name		Area	
Agency Address			
Telephone			
Email Address		Date of referral	

REFERRAL INFORMATION – reasons for referral, including reasons why this case cannot be effectively managed at Level 1. Details of potential or actual victims should also be included.			
JMAPPA Level Proposed		JMAPPA Category	

AGENCIES TO BE INVOLVED		
Agency	Name	Address / Contact Details

Subject Referral Form – 11.08.10  
RESTRICTED  
(when complete)

17.2

**APPENDIX B**

JMAPPA REFERRAL GUIDANCE

We have kept our local JMAPPA referral form brief, and much simpler than the National Guidance version. This is because it seemed that we would get all the information needed to make a decision about inclusion in JMAPPA Level 2 or 3 from the information obtained on the form.

Some of the referrals we receive have a good explanation of the reasons for referral – and can be dealt with quickly.

These referrals are made early –

- We can always delay the meeting to a suitable date, but last minute referrals reduce the effectiveness of the JMAPPA process.
- Please ensure that referrals have been discussed with agency manager / JMAPPA link – this can save unnecessary referrals work where the case will clearly not lead to inclusion.

Good referrals also include:

- a) Accurate basic data about the case.
- b) Why the case needs multi-agency management – why normal liaison between agencies is not adequate. JMAPPA operates on the basis that cases are managed at the lowest level possible.
- c) What the risk level is – JMAPPA Levels 2 and 3 should only be used for cases that are high or very high risk of serious harm, or where there are significant media or resourcing issues that need more senior multi-agency management.
- d) Significant information about current offences (harm caused, victim issues), pre-cons and offending pattern – including “soft” data, ie names of offender’s partner, children, actual and potential victims – especially important in some areas of offending e.g. domestic abuse.
- e) Key people to invite – and wherever possible exact contact details. JMAPPA Admin Officers should not have to trawl through vague references to whole agencies without names, email, telephone or address details in order to find the right person to invite. The Presenter of the case should not be relying on JMAPPA to establish this information. If there really is a problem in getting the right person identified then it may be something to pass to agency managers and / or we can use our agency contacts to help – but this should rarely be the case. In all cases where the subject of the referral is in custody or hospital, the institution Offender Supervisor / Responsible Medical Officer should be identified.



17.3

APPENDIX C

**JERSEY MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS**

**CASE PRESENTATION GUIDANCE**

Note: These notes give guidance on the preparation and presentation of cases to JMAPPA Levels 2 and 3 meetings.

After it has been agreed that your case will be considered at a Level 2 or 3 meeting, there are some key things to do in preparation.

1. Supplementary documents

You may submit notes or documents for consideration that supplement or summarise your verbal case presentation. If you prepare notes, you must provide adequate copies for those people attending the meeting. You should collect back all copies of your notes that you are not prepared for attendees to take away. These documents are often not protectively marked and could compromise information security if you are not careful to manage them. JMAPPA will destroy any copies left.

It is helpful for such documents to be available electronically for JMAPPA Administrators to help with Minutes preparation.

Whilst notes often help in case presentation, you should also know your case well enough to be able to answer reasonable questions that might arise in the meeting.

2. Presentation content

You will be expected to give accurate and up-to-date information at the meeting. The following information can be reasonably expected:

Headings and basic case information- custodial dates, sex offender registration details, licence and SOPO details and prohibitions, ViSOR number, race and ethnicity, diversity information.

Details of current offending and behaviour of concern. You should have a good knowledge of the index offence, including the behaviours that accompanied the offence. Details of previous offending (pre-cons) and previous behaviour of concern. Patterns of offending or disturbed behaviour should be mentioned whether or not they seem to relate to the current offences.

The outcomes (or scores) of any assessments of risk or relevant reports - for example, LSI-R, RM2000, SA-07, mental health or psychological assessments, post-programme reports.

Victim information - including race, gender, age, location and other relevant information concerning victims. Wherever possible this should be given for previous offending as well as current. Information from Victims Liaison Officers is useful here, together with information from police.

Offender contacts - information on relevant people such as family members, partner, offending associates, children or other vulnerable people. Links whilst in prison are important.

Other information that is relevant to the offending and future planning - for example attitudes, personal and environmental factors

Where there are gaps in the information available, it is important that these are mentioned. It is anticipated that there will always be gaps, and it is necessary for participants to be able to explore the reasons for them. Time constraints, legal considerations, or the urgency of the case may have been relevant here. It is essential for this information to be known for the joint assessment of risk and risk management planning to take place.

### 3. Your further contribution to the meeting and subsequent role

The Chair of the meeting will facilitate clarification, discussion, and contributions from other participants, and will require you to participate in this.

The purpose of the meeting is to jointly assess the risk of serious harm that your case represents, and to arrive at an action plan for the management of the risk(s). Your views on this will be important to the meeting, and so you should be prepared, wherever possible, to give any suggestions that you may have.

An action plan will be identified, and you should leave the meeting knowing what this is, and clear about the actions that you and others will take in this case. Should you feel uncertain about any part of this, it is important that you raise this before the meeting finishes with this case.

(August 2010)