

MAPPA and youth justice

An exploration of youth offending team engagement
with Multi-Agency Public Protection Arrangements

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Executive summary

Adults and young people who pose a risk of serious harm to others create a challenge for those charged with reducing or managing the risks that such individuals present. In order to better manage risk of serious harm, Multi-Agency Public Protection Arrangements (MAPPA) were introduced in 2001. These arrangements ‘provide a mechanism for agencies to work together when they are dealing with offenders who are assessed as posing a high risk of harm to others or whose risk management is exceptionally problematic’ (National Probation Service, 2007).

Overview of MAPPA

There are three possible routes onto MAPPA, corresponding to three categories of offender (which are defined in legislation).

- **Category 1** – Registered sex offenders who have been convicted or cautioned (since September 1997) of certain sexual offences (section 327(2) Criminal Justice Act 2003).
- **Category 2** – Violent and other sexual offenders who received a custodial sentence of 12 months or more since April 2001, a hospital or guardianship order, or who are subject to disqualification from working with children (section 327(3–5) Criminal Justice Act 2003).
- **Category 3** – Other offenders considered to pose a ‘risk of serious harm to the public’ (section 325(2) Criminal Justice Act, 2003).

Once an individual has been notified to MAPPA, a decision is then taken about the level of risk management required. There are three levels of risk management:

- **Level 1 (Ordinary risk management)** – Where the agency responsible for the offender can manage risk without the significant involvement of other agencies.
- **Level 2 (Local inter-agency risk management)** – Where there is ‘active involvement’ of more than one agency in risk management plans, either because of a higher level of risk or because of the complexity of managing the offender.
- **Level 3 (Multi-Agency Public Protection Panel [MAPPP])** – Those offenders defined as the ‘critical few’ who pose a high or very high risk **and** whose risks require close cooperation at senior level between partner agencies; **or** the case (although not assessed as a high or very high risk) has a prominent media profile or high public interest (see National Probation Service, 2004: para. 111–116).¹

¹ It should be noted that since the publication of this report, the MAPPA guidance has been revised and reissued (see National Probation Service, 2007a).

Study aims

This research attempted to address three broad aims relating to MAPPA and youth offending teams (YOTs), which were:

- to record how many young people were subject to MAPPA in England and Wales
- to explore what constitutes ‘best practice’ in YOT/MAPPA relations
- to examine how local practice in YOTs varies from national guidance.

The report originally had more ambitious aims, relating to identifying and verifying ‘effective practice’ in relation to MAPPA and YOTs. However, substantial delays and impediments to the study, most notably a poor response from MAPPA co-ordinators and YOTs for requests for information, meant that the original study aims were substantially curtailed.

Study data

There were two main sources of information collected for this study:

- A survey completed by MAPPA co-ordinators and YOT managers which asked how many young people were currently subject to MAPPA in that YOT/MAPPA area (and which level/category they were). In total, information was returned on 83 (of 157) YOTs (53%).
- Interviews with 13 YOT managers and senior practitioners in seven YOTs across England and Wales.

Limitations

The report’s primary limitation is that owing to the small number of interviews and unrepresentative survey returns, the findings from the study are indicative, and should not be regarded as conclusive or definitive. However, these limitations highlight a need for further research in this area.

Findings

Although limited in scope by the delays encountered, it is possible to report some of the indicative findings from the report. The primary findings are as follows:

- Neither MAPPA co-ordinators nor YOT management could provide accurate information on the numbers of young people currently subject to MAPPA.
- At least one of the YOTs in the report was working under the assumption that it was able to independently manage cases at ‘Level 2’ without reference to MAPPA.
- Two YOTs reported that the high volume of adult MAPPA cases in the local area had resulted in tacit or explicit requests not to notify MAPPA about young people unless they were above a certain threshold of seriousness/risk. One YOT expressed that this might be a result of individuals repeatedly sitting on MAPPA becoming desensitised to variations in risk levels, resulting in what is termed here ‘risk fatigue’.

- At least one YOT reported that the local MAPPA panel had their own criteria for notifying cases in addition to those included in the MAPPA guidance.
- YOTs reported inconsistencies in what constituted the different MAPPA levels. What might represent a Level 2 case in South Wales would not be one in London. It seems that the local ‘risk context’ is resulting in pockets of (relatively) very high and very low risk areas across England and Wales.

Recommendations

Although small in scale, this research has produced evidence which enables some recommendations to be made. The primary recommendations are as follows:

- Clarification about the notification requirements for MAPPA should be given to YOTs and MAPPA co-ordinators.
- Linked to this, consideration should be given to the provision of appropriate training on MAPPA, covering general principles of risk assessment, risk of serious harm and youth justice.
- Clarification should be given to YOTs and MAPPA co-ordinators that, although YOTs are ‘multi-agency’ organisations, they cannot manage Level 2 or Level 3 cases independently without reference to MAPPA.
- Consideration is given to revising the current status of YOTs from ‘Duty to Co-operate’ agencies to being part of the ‘Responsible Authority’. Such a revision would require a change in legislation – for which there are no immediate plans, but is no less an issue for consideration in the future.
- The creation of locally-developed formal mechanisms by which YOTs can take up issues about MAPPA arrangements if they are told, as some YOTs were in this study, that they could – or should not – notify cases (or where local criteria/initiatives appear to preclude this possibility).
- ‘MAPPA status’ (i.e. Category and Level) could become a Youth Justice Board (YJB) counting requirement to help ensure that accurate data about the extent of young people’s involvement in MAPPA are available.

Section 1: Introduction

The commission of very serious offences by young people is still relatively rare (Baker, 2004). However, given the nature of such incidents it is important to look critically at the procedures and processes in place to manage potential harm. This includes the skills related to assessment and identification of risk, good working relationships within YOTs and a management structure that has created and adheres to a workable risk management plan; all areas that were considered in the recent Her Majesty's Inspectorate of Prisons (HMIP) reports on the murders of John Monckton and Naomi Bryant (by adult offenders) and the supervision of Peter Williams by a YOT (HMIP, 2005, 2006, 2006a). Effective practice also extends beyond the YOT to how well external agencies are engaged in the process of public protection.

Recent changes in England and Wales place risk² as the central tenet in the delivery of youth justice (see YJB, 2007). The YJB has signalled its commitment to a 'scaled' approach (YJB, 2007) to preventing offending by addressing each of these three risk domains in targeted work with young people. The current project focuses on one such domain, the risk of serious harm to others, and the relationship between YOTs and local MAPPAs. More specifically, this report tentatively explores whether local YOTs and MAPPAs provide the service envisaged when both of these multi-agency bodies were introduced.

What are MAPPAs?

MAPPAs are the statutory arrangements set up in 2001 through the Criminal Justice and Court Services Act 2000, (strengthened by the Criminal Justice Act 2003) to provide a mechanism for agencies to work together when they are dealing with offenders who are assessed as posing a high risk of harm to others or whose risk management is exceptionally problematic (i.e. high-profile).

(National Probation Service, 2007; see also National Probation Service, 2007a).

Lieb (2003) gives an overview of the tasks MAPPAs undertake:

assess[ing] the risk of violent and sexual offenders coming to their area from prison and mental hospitals...identify[ing] those who pose the highest risk, develop[ing] individualized plans to mitigate this risk...monitor[ing] the person and anticipat[ing] how life changes may alter their risk.

(Lieb, 2003: 2)

A recent review of MAPPAs by Kemshall et al (2005) identified areas of effective practice for MAPPAs including a brief section relating to both good and poor practice within YOTs. Specifically, they found that YOTs:

² Risk of reoffending, risk of vulnerability and risk of serious harm to others.

- did not operate the Risk of Serious Harm definition consistently
- failed to notify MAPPA of relevant cases
- were generally unrepresented at MAPPA meetings.

The authors also found that there was not enough emphasis placed by YOT staff on the concept of risk and public protection.

Kemshall et al's (2005) research prompted the commissioning of the current study and provided the background for it. The recognition that little has been written on the situation of young people and MAPPA led to the following broad aims of the current study:

- to record how many young people were subject to MAPPA in England and Wales
- to explore what constitutes 'best practice' in YOT/MAPPA relations
- to examine how local practice in YOTs varies from national guidance.

Section 2: Policy and literature review

There is a small academic literature on MAPPA which focuses mainly on adult offenders. Within this literature, there are three overlapping themes relating to: profiling offenders (e.g. Wood, 2006); ‘risk culture’ (e.g. Kemshall and Maguire, 2001); and ‘risk management’ more generally (e.g. Robinson, 2002; Fitzgibbon, 2007). The literature specifically relating public protection to youth justice is more limited (see Baker, 2007; Nash, 2007), but there are commentaries on the related issues of dangerousness³ (see Stone, 2006, 2006a) and the sentencing of young sexual offenders (Stone, 2005). The primary output in relation to MAPPA has been two reviews (Maguire et al, 2001; Kemshall et al, 2005) which chart the progress of MAPPA (again more in relation to adults) since its inception.

The YJB issued guidance for YOTs on MAPPA (YJB, 2006) and also detailed the expectations about practice that would make this relationship successful. The National Offender Management Service (NOMS) is in the process of revising and reissuing the MAPPA guidance (currently National Probation Service, 2004). While the original guidance is very thorough on the process and application of MAPPA (and in theory applies equally to young people who have offended as well as adults aged 18 years or more), less attention was given to issues relevant to the management of young people. There has been a consultation period during the revision of the MAPPA guidance, which included the YJB and it is anticipated that the new version of this guidance will include more reference to young people. This is necessary because, as noted above, previous research conducted by Kemshall et al (2005) found inconsistencies in a number of areas in relation to MAPPA and YOTs.

MAPPA are only to be used for a small number of offenders who are deemed to warrant extra attention due to their offence and/or the conclusion of risk assessment processes. MAPPA operates along two axes – ‘Category’ for the type of offender and ‘Level’ for the amount of multi-agency input required to manage the risks presented.

MAPPA categories

There are three possible routes onto MAPPA which correspond to different categories of offender (adapted from Kemshall et al, 2005: 3):

- **Category 1** – Registered sex offenders who have been convicted or cautioned since September 1997 of certain sexual offences (section 327(2) Criminal Justice Act 2003), and are required to register personal and other relevant details with the police in order to be effectively monitored. The police have primary responsibility for identifying Category 1 offenders.

³ Which relates to a much wider (and older) literature on the same subject, see for example, Bottoms (1977).

- **Category 2** – Violent and other sexual offenders who received a custodial sentence of 12 months or more since April 2001, a hospital or guardianship order, or who are subject to disqualification from working with children (section 327(3–5) Criminal Justice Act 2003). These offenders are subject to statutory supervision by the National Probation Service or the YOTs, which are consequently responsible for their identification.
- **Category 3** – Other offenders considered by the Responsible Authority to pose a ‘risk of serious harm to the public’ (section 325(2) Criminal Justice Act 2003). The responsibility for identification of potential Category 3 cases lies with the agency that deals initially with the offender. Eventual classification as a Category 3 offender is largely determined by the judgement of the Responsible Authority based upon two main considerations:
 - The offender must have a conviction that indicates he or she is capable of causing serious harm to the public.
 - The Responsible Authority must reasonably consider that the offender may cause harm to the public.

MAPPA levels

Levels of risk management are similarly split into three levels, with Level 3 being reserved for those referred to as ‘the critical few’ (National Probation Service, 2004: para. 116):

- **Level 1** (Ordinary risk management) – Where the agency responsible for the offender can manage risk without the significant involvement of other agencies – only appropriate for Category 1 and 2 offenders who are assessed as presenting a low or medium risk.
- **Level 2** (Local inter-agency risk management) – Where there is ‘active involvement’ of more than one agency in risk management plans, either because of a higher level of risk or because of the complexity of managing the offender. Responsible Authorities should decide the frequency and composition of panel meetings and promote quality assurance of risk management procedures.
- **Level 3** (Multi-Agency Public Protection Panel [MAPPP]) – Those offenders defined as the ‘critical few’ who pose a high or very high risk and whose risks require close cooperation at senior level between partner agencies; or the case (although not assessed as a high or very high risk) has a prominent media profile or public interest (see National Probation Service, 2004: para. 111–116). The panel is responsible for risk management drawing together key active partners who will take joint responsibility for the community management of the offender. Level 3 cases can be ‘referred down’ to Level 2 when risk of harm decreases (adapted from Kemshall et al, 2005: 4–5).⁴

⁴ See also the original guidance (National Probation Service, 2004: para. 111–116). NB. Since the publication of this report, the MAPPA guidance has been updated and can be found at <http://www.probation.homeoffice.gov.uk/files/pdf/MAPPA%20Guidance%202007%20v2.0.pdf>

YOTs as a ‘Duty to Co-operate’ agency

As per section 325 of the Criminal Justice Act 2003, YOTs are now what are termed a ‘Duty to Co-operate’ agency – their purpose is to help strengthen the local MAPPA and to enable co-operative working. The MAPPA guidance (National Probation Service, 2004) defines the purpose of involving such agencies as:

- co-ordinate the involvement of different agencies in assessing and managing risk
- enable every agency, which has a legitimate interest, to contribute as fully as its existing statutory role and functions requires in a way that complements the work of other agencies.

‘Duty to Co-operate’ agencies are generally non-criminal justice elements of the ‘seamless service’ ideal, and include Jobcentre plus; the LEA; local housing authorities, etc. In this respect, it might be argued that having the YOT as a ‘Duty to Co-operate’ does not recognise the importance of the work done by YOTs. For all other intents and purposes, a YOT is considered to be a ‘criminal justice agency’.

However, the situation of YOTs is specifically covered within the MAPPA guidance. In the role as a ‘Duty to Co-operate’ agency, the YOT needs to agree the process by which offenders are notified to MAPPA. ‘The Responsible Authority should regard YOTs as performing the ‘single agency’ risk assessment and risk management at MAPPA Level 1’ (National Probation Service, 2004: para. 228). In short, YOTs are not, despite the different agencies which constitute a YOT (and their multi-agency status under the Crime and Disorder Act 1998), considered ‘multi-agency’ in terms of MAPPA.

‘Effective practice’ and MAPPA

An aim of the current project was an attempt to develop a notion of ‘effective practice’ in relation to YOTs and how they deal with young people who might be subject to MAPPA. The principles of effective practice described below, although formulated with adults in mind, easily translate to YOTs – especially given the emphasis on risk assessment and evidence-based practice which feature so heavily in current YOT policy. Kemshall (2003) has highlighted four distinctive features of good practice in relation to public protection:

1. defensible decisions
2. rigorous risk assessment
3. deliverable risk management plans
4. evaluation of performance to improve delivery.

1. Defensible decisions

Given that there is no such thing as ‘zero risk’, even with the best risk management plans, it should be remembered that the worst can still happen. Due to this, all actions and decisions made under the remit of MAPPA should be defensible – as per the MAPPA guidance notes: ‘making the most reasonable decisions and carrying them out professionally in a way which can be seen to be reasonable and professional [*sic*]’

(National Probation Service, 2004: para. 17). Kemshall (2003) summarises the necessary criteria for such decision making 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.

2. Rigorous risk assessment

This includes the skills of the professional to gather and analyse information and to work with other professionals who have an alternative knowledge base. It should also ensure that risk assessment does not become formulaic but allows room for discretion and professional judgement. Finally, risk assessment should not be viewed as a ‘one-off’ but as a dynamic process that goes hand-in-hand with the continuation of a sentence.

3. Deliverable risk management plans that match the public protection need

Kemshall (2007) suggests a number of key principles ‘to inform risk management with young people’ (p.14). These are:

- ‘Risk management should be just, proportionate and fair; and targeted at well-assessed risk factors.
- Interventions should have regard to levels of maturity, learning capacity and social skill level of children and adolescents.
- Cognitive behavioural programmes should be age appropriate, sensitive to the learning style of the young person and supported by appropriate motivational work and reinforcement.
- A traditional learning style is likely to be inappropriate for many young offenders, as many of them will have had unsatisfactory experiences in school’ (Kemshall, 2007: 14).

To these ends, a combination of restrictive conditions aimed at protecting the public (e.g. electronic monitoring, curfews, exclusion zones), and reintegrative measures ‘are seen as having the best impact’ (Kemshall, 2007: 14). Kemshall points out that it is important for young people not to view otherwise necessary restrictive conditions as ‘unfair’ as ‘these perceptions can have an impact on compliance’ (2007: 14; see also Piquero et al, 2004). Such conditions should be ‘fully explained, seen as justified or as ‘common sense’’ (Kemshall, 2007: 14). An example of a supervision package which achieves these dual aims of public protection and reintegration is one which, for instance, ‘combine[s] limited disclosure to teaching staff...enable[ing] a young person who offends sexually to return to college’ (Kemshall, 2007: 14).

Practitioners and managers may also have to give consideration to factors such as housing, specific therapies (e.g. for sexual offending), interventions aimed at drug and

alcohol use, school attendance and employment. Attention might also be given to bolstering protective factors, facilitating ‘positive support networks’ via pro-social involvement with adults and peers, and encouraging pro-social behaviour. The latter two of which are supported by research literature as being ‘particularly important for the reduction of violent behaviour’ (Kemshall, 2007: 15).

4. Evaluation of performance to improve delivery

Learning from individual practice and the practice of others improves defensible decisions and rigorous risk assessment for the future.

Other suggestions for ‘effective practice’ include a more general idea of ‘Robust Risk Management’ as described within the MAPPA guidance notes – i.e. risk management plans that meet the needs of the offender and manage risks ‘in a lawful, necessary and proportionate way to protect the public’ (National Probation Service, 2004: para. 23). Like assessments, plans need to be dynamic and altered in accordance to the changes in situation and the offender. Furthermore, the offender needs to understand the plan so the terms need to be clear and responsive to the level of understanding of the offender. The Child Sex Offender Review (Home Office, 2007) similarly identified a process of ‘action and reaction’ that could constitute effective practice. In addition this review also included reference to timely and focused pre-release work and the need for both police and probation to be ‘lifestyle vigilant’. The MAPPA guidance succinctly summarises this process:

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

(National Probation Service, 2004: para. 27)

Section 3: Methodology

The methodology adopted for this research deviated from that originally proposed. The proposal presented to the YJB contained an appropriate mix of qualitative and quantitative methods that were to be used to answer the research questions broadly defined within the introduction. The original research aims were to explore:

- What constitutes ‘effective practice’ in relation to MAPPA objectives and how can this be modelled?
- What are the identifiable needs of high-risk young offenders and how are these met in order to minimise future likelihood of harm?
- How is variation between local practice and national guidance manifested in YOTs and MAPPA meetings?
- Similarly, how does variation between local areas impact on the concept of ‘effective practice’?

The research team were successful in obtaining some information from MAPPA co-ordinators and YOTs regarding the number of young people subject to MAPPA (albeit with the caveats explained below). Following advice from the project consultants (and in light of the difficulties detailed below), it was decided to increase the number of case study YOTs from the six originally proposed (covering three MAPPA areas) to eight YOTs in four MAPPA areas (including one in Wales). Within these areas, interviews were carried out with YOT managers and staff and process information gathered in order to inform the subsequent sections of the report.

Data sources

The main sources of data used to inform this report were:

- interviews with YOT managers and staff with a working knowledge of their local MAPPA
- extensive conversations with some MAPPA co-ordinators
- discussions with other YOT staff who completed survey returns and indicated a willingness to discuss them further with the research team.

Semi-structured interview schedules were used to conduct focus groups or one-to-one interviews. Seven YOTs were visited in four⁵ MAPPA areas, resulting in 13 interviewees consisting of YOT managers, operational managers and senior practitioners. The study team used focus groups as the preferred method of inquiry over individual interviews, as they facilitate discussion between subjects and allow for

⁵ An eighth YOT was approached and agreed to take part in the research but could not be visited within the timeframes allowed for the study.

some immediate verification/refutation of what is said about local practice. Interviews were later transcribed and key themes identified in the discussion below.

The original study plan included two tasks, which had to be excluded as a result of delays. The first was ‘verifying effective practice’, wherein the research team had envisaged drawing up a number of models of practice relating to MAPPA and asking first that the YOTs in the study verify which of these models accurately represented practice in their YOT. Following on from this, these ‘good practice’ models would then be circulated for comment to the 42 MAPPA co-ordinators. The collated results of this task would have been presented as ‘good practice’ models to the YJB. This notion of ‘good practice’ would have then been tested further in an attempt to show whether or not ‘good practice’ models were ‘effective practice’. This was to be achieved by exploring possible outcome data (derived from discussions with YOTs/MAPPA co-ordinators), which could then be applied to the various models.

The second task, ‘verifying findings with YOTs and MAPPA co-ordinators’, was to be a wider consultation exercise with study participants towards the end of the project aimed at ensuring that findings from the study were consistent with local practice. However, the time-limited nature of the study meant that any delays or unexpected events had a heavy impact on the planned methodology. This is unfortunately what happened within the current study, more details of the difficulties are given below.

Difficulties and study limitations

First, the project suffered from long delays when gathering accurate contact information for MAPPA co-ordinators (and then later YOTs). On several occasions the research team were provided with out-of-date contact information for the MAPPA co-ordinators and YOTs (which in itself is a finding in relation to the accurate recording of information).

Second, during the initial contact phase of the project, the team learnt that the Public Protection Unit (PPU) in NOMS had emailed all YOTs a few weeks prior to the commencement of this research with their own request for information about how YOTs engaged with MAPPA. As a result, a number of YOTs were adamant that they had recently returned information on MAPPA (albeit to the PPU). It is likely that this caused confusion and affected the response rate, but it is not known to what extent. Unfortunately, the research team was not supplied with the information collected by the PPU in time for the publication of this report.

Third, not all MAPPA co-ordinators responded to the email requests, and in other cases the information supplied was incomplete. This situation was further aggravated by the timing of requests: MAPPA co-ordinators were in the process of completing returns data to the PPU. MAPPA co-ordinators do not maintain ‘live’ statistics on the numbers of MAPPA cases (i.e. they tend to collate this information only when required to complete annual returns), so requests for additional/different data at this time may have impacted on their ability to return the data. Until this year, these returns had not included young people.

These issues taken together mean that, in agreement with the YJB, the project was revised as described above.

The research team and YJB recognised that there was a need for greater exploration of the issues presented by this project. In order to ensure a process of feedback and discussion, the YJB agreed to fund a symposium on the subject of 'MAPPAs and youth justice' (which took place in December 2007) where practitioners, policy-makers and academics were able to discuss the role of MAPPAs in youth justice.

The delays and reduction in the scope of the project mean that the study has two main limitations. These are that the data for the study consist of:

- an unrepresentative survey sample
- a small and unrepresentative number of interviews.

These limitations mean that the findings cannot be generalised to all YOTs and MAPPAs areas in England and Wales. This report is therefore indicative, and cannot offer a definitive overview of practice in relation to MAPPAs and youth justice. The limitations of this research and the gaps in knowledge highlighted by this study suggest a need for further research in this area.

Section 4: How many young people are subject to MAPPA?

One of the first tasks of this project was to ascertain from MAPPA co-ordinators the number of YOT cases currently notified to MAPPA. MAPPA co-ordinators were all emailed by the project team. Included with the email was a cover letter countersigned by the YJB and PPU. Our request asked that they give both the Category and Level of all YOT MAPPA cases currently active and return the figures in a three-by-three grid.

Response rate

The initial round of emails was sent on 4 April 2007. By 17 April, only seven (of 42) co-ordinators had returned information. A further round of emails was sent out in early May; by 8 June, 18 of 42 MAPPA co-ordinators had responded, accounting for information from 36 YOTs. Between the first and second round of emails to MAPPA co-ordinators being sent, the team decided to email YOT managers directly requesting the information. Both sets of requests yielded information on 83 (of 157) YOTs, accounting for 53% of the total number of YOTs in England and Wales.

Issues with returned data

During early discussions with MAPPA co-ordinators and YOTs, it became clear that information was not being exchanged routinely. MAPPA co-ordinators were often only able to identify the number of Level 2 and 3 cases, but could not report on Level 1 cases (as these 'are held by the YOT'). Likewise, YOTs could report on Level 1 cases, but not others as these were 'held by the MAPPA coordinator'.

A further concern is that YOTs reported that they were unable to identify MAPPA cases (or found it very difficult) because this information was not recorded on Youth Offending Information System (YOIS)/Careworks. The software developers have included the capacity for this to happen such that it may be more a matter of correct inputting, but there is a question of whether notification of MAPPA status should be more prominent within the systems. However, it was surprising that YOTs were not routinely aware of how many MAPPA cases they currently had.

Where YOTs could not identify MAPPA cases automatically using their Management Information System, managers manually trawled through *Asset - Risk of Serious Harm* forms and surmised from these who should (or would) be subject to MAPPA on the basis of their offence. The concern is that this simply equated to counting up all Risk of Serious Harm forms⁶ with a high/very high assessment or those who had

⁶ *Asset* is a structured assessment tool used in the youth justice system prior to any intervention with a young person consisting of a 'core' and 'risk of serious harm' (ROSH) assessment. The *Asset - Core Profile* is used to assess both static and dynamic risk factors for reconviction and is predictive of reconviction over one and two years (Baker et al, 2005). The *Asset - Risk of Serious Harm* assessment is triggered by indicators within the *Asset - Core Profile* and asks practitioners to critically analyse the

committed specific offences and taking those as the MAPPA group. This is obviously reliant on those managers checking these figures to know which offences would require notification.

Some of the returned data raised questions over whether YOTs had returned annual data or just the active cases (as was requested). However, the size of YOTs returning high numbers, for example one large YOT in the South East, could easily account for this. A particular issue for data from London was that the MAPPA co-ordinator returned information on 17 of 32 YOTs, but did not indicate which YOTs these were.⁷ It was not possible to verify the figures received to any reliable extent. However, there was an overlap between YOT and MAPPA co-ordinator returns in six instances; none of these returns exactly matched but this is a small proportion of the total YOTs in the study. Taken together, however, these issues mean that the figures reported below should be treated with caution.

Overview of MAPPA data

Table 1 below presents a breakdown of MAPPA cases by Level and Category according to the data received by the study team. Data from one YOT (YOT A) have been added separately as categories were not included in the return. Despite the caveats above, the figures in table 1 broadly correspond to the expected distribution of cases. That is, a decreasing number of cases are found as the level increases, with most cases (62%) being at Level 1 (as was also indicated during interviews). The high number of Category 3, Level 2 cases is because ‘by definition Category 3 offenders present a risk of serious harm which requires active, inter-agency management’ (National Probation Service, 2004: para. 111).⁸

Table 1: Totals for returned data (YOT n=83)

	Category 1	Category 2	Category 3	Sub total	YOT A	Total
Level 1	200	235	89	524	100	624
Level 2	78	141	112	331	7	338
Level 3	7	12	18	37	2	39
Total	285	388	219	892	109	1001

available information, ask for more information where needed and come to a conclusion based upon all this data as to the likely future risk of serious harm to others presented by an individual (see YJB, 2004).

⁷ Thus, there is a small possibility of double reporting but given the process of data collection within YOTs this seems unlikely within the time frames in consideration.

⁸ Contrary to the views of some YOT staff (based on their understanding of the MAPPA guidance), it is possible to have a Category 3/Level 1 case, as the risk management level can be moved up or down, depending on the risk presented.

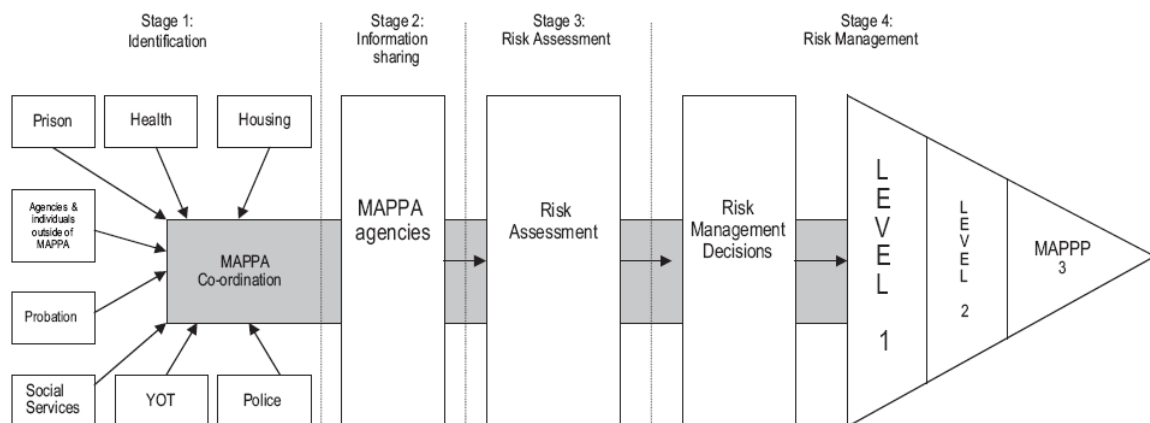
Summary

Difficulties in identifying cases and perhaps misunderstandings about information exchange appear to have prevented accurate data being sent through by YOTs and MAPPA co-ordinators. However, it is significant that YOT managers and MAPPA co-ordinators did not have the requested data to hand. The lack of data collected and the poor quality of some data received mean that it is impossible to give an accurate picture (or estimation) of how many young people in England and Wales are currently subject to MAPPA. This also means that figures released by the PPU about the number of MAPPA cases nationally are likely to be inaccurate if they do not properly account for YOT data.

Section 5: Process review

This section of the report gives an overview of the MAPPA process encountered in YOTs during the fieldwork for this study (conducted via interview). Existing guidance gives detailed descriptions and overviews of the ideal and expected framework and process of MAPPA from the NOMS perspective (see figure 1 taken from National Probation Service, 2004: 42) and recent YJB guidance details the duties YOTs have in relation to MAPPA (YJB, 2006). Later within this section each of the case study areas will be described in relation to Stage 1 of the process as highlighted in figure 1 below.

Figure 1: The four core stages of MAPPA



Risk assessment and notification to MAPPA

It was encouraging to find that in each of the case study areas, risk assessment and referral/notification to internal or external risk management processes were being overtly guided by the use of *Asset – Risk of Serious Harm* form (see footnote six above for explanations of *Asset* and *Asset – Risk of Serious Harm* forms).

Overall, YOTs were aware of MAPPA as a process and could broadly explain the purpose of the arrangements. Yet there were differences reported in how YOTs approached this area of practice, largely contingent on existing local arrangements (or a lack of) and relationships between agency staff. The description of notification processes in each area also provides a context for the interview data analysed within the next section.

YOT case studies

YOT 1 (London)

Within the last 18 months, a new risk management procedure had been implemented in the YOT. Prior to this point, it seems that very few (if any) young people were notified to MAPPA. The person assigned the task of organising high-risk cases, upon realising the situation, approached the MAPPA co-ordinator and other agencies involved and relayed what he had found. This meant working through a substantial backlog of cases where no notification had been given, most of which had since become probation cases or were no longer within the criminal justice system. Since this point, the YOT has been much more involved with MAPPA, though this has not meant a substantial increase in workload for MAPPA.

MAPPA is now notified of all eligible cases (custody cases six weeks to two months prior to release), but there are additional local criteria. The details requested by MAPPA are limited to those on the referral form, which does not include any information from *Asset*. All cases from the YOT come in at Level 2 as part of these local criteria, and then the MAPPA panel decide whether they stay at Level 2 or not. These meetings can be ‘dominated by police, probation and mental health services’, and the *a priori* assumption is that most, if not all, YOT cases go down to Level 1. This situation was regarded as ‘unsatisfactory’ by the interviewee, but, it was pointed out, has to be viewed in light of the very high volume of (primarily review) cases the MAPPA are faced with. Separate Level 1 and Level 2 meetings take place on a monthly basis. Level 3 meetings are called ad hoc but there are rarely Level 3 cases from the YOT. When the YOT recommends that cases are moved up to Level 2 from Level 1 (e.g. in light of new evidence or a change of circumstance), this decision is respected by MAPPA. MAPPA meetings are tape recorded and the MAPPA co-ordinator distributes information from all current cases, previous meeting minutes, plans and agreed actions so that any new person joining can look through what has been done and what has not, as well as gaining an overview of that case from MAPPA’s point of view.

In the last 12 months, a new Young Prolific and Priority Offender (YPPO) scheme has been established in YOT 1. It appeared that young people could not be on both lists (MAPPA/YPPO) at the same time (which may mean that YPPO is potentially acting as a diversionary channel for some MAPPA cases). No elaboration was asked for (and none was offered) as to why this is the case. While the YPPO is regarded as being more like the routine business of the YOT, it does not have the shared responsibility for decision making that MAPPA has; it is ‘all on the YOT’. The most frequently reported concern for young people in YOT 1 appears to be gang membership. Claims of ‘gang membership’ are checked with local police intelligence, but this is usually done because of a young person’s name appearing on the YPPO scheme. Gang membership is verified because it forms (here as elsewhere) part of the risk assessment, with actual membership being seen as equating to a greater risk of serious harm to others.

YOT 2 (London)

The YOT reported very little interaction with the local MAPPA co-ordinator. From the limited experience the YOT has had, MAPPA meetings were ‘very probation-orientated’, consisting mainly of discussions about whether probation cases should be brought to MAPPA or not. The YOT manager expressed that his understanding of a MAPPA meeting was where someone:

...present[s] a case and then we should agree what the issues are or disagree what the issues are and then put forward a plan of action. Not be sitting there chatting about whether it should be here or not.

Furthermore, it was reported there is a ‘history’ in YOT 2 of MAPPA ‘not accepting youth cases’.

The situation in YOT 2 led the YOT manager to implement a local risk management panel (RMP); drawing up local risk management protocols with other agencies (such as housing) and in effect, creating a ‘shadow’ MAPPA. Meetings of the RMP take place every week, with roughly 6–8 cases per week being discussed. Custody cases are referred to the internal RMP two months prior to release. Unlike ‘junior’ MAPPA reported elsewhere⁹ that work alongside the arrangements for adults, the RMP is not mirroring the work of MAPPA but replacing it entirely. The perceived success of this, in the manager’s view, further obviates the need (or desire) to begin discussing with the MAPPA co-ordinator or Responsible Authority about local arrangements. The result is that very few cases are notified to MAPPA. Usually only Level 3 cases which constitute ‘a real problem’ for the YOT (e.g. ones where ‘you just don’t know what they’re going to do next’ or where the YOT is unable to think of a suitable course of action) are notified. Gang membership is regarded as a big issue in this YOT and is apparently verified by the borough intelligence unit as a standard procedure. Some claims of ‘gang’ membership are not viewed as being very serious because of the proliferation of ‘gangs’ in the borough. However, if a young person gives the name of an established gang, they might be referred to a gang programme and closer work with the police undertaken.

YOT 3 (North West)

As with other areas, recent training on risk assessment and risk management, as well as a perceived change of culture, have meant that YOT 3 is now more ‘offence-focused’ and aware of risk, especially risk of serious harm. Cases are first reviewed at an internal risk management meeting (RMM) in the YOT which are held on an ad hoc basis depending on individual risk assessments (from *Asset – Risk of Serious Harm* forms). Very few cases are notified to MAPPA. Those that have been are often sent back with the MAPPA panel deciding that ‘the YOT can handle the risk’. YOT 3 reported being told not to ‘refer to MAPPA unless you need additional resources to work with that case’. There was some uncertainty about whether cases that are managed internally via the RMM are actually notified to MAPPA or if it is only those cases which are very problematic. Cases are reviewed at least once every three months or more often if required. Custody cases are reviewed at mid-sentence. In this

⁹ For example, by YOTs returning surveys for the study.

context, it seems that 'review' relates solely to the internal risk management meeting. Gang membership is also an issue here; claims of gang membership are referred to police intelligence to check their veracity as this is often used as 'a way of getting out of doing ISSP' (which is used as default supervision in YOT 3 for all MAPPA cases). Contrasts were made with another local YOT (outside of YOT 3's MAPPA area) where numerous cases are presented to MAPPA each week by case holders at a standing meeting where the MAPPA group decide whether or not to take the case on.

YOT 4 (South Wales)

YOT 4 forms part of a recent YJB initiative which explores new models of practice for YOTs based primarily upon risk. This initiative is premised on the idea that interventions for young people who have offended should be led by risk assessment (i.e. the young person gets the amount of intervention needed according to assessment, not how much is pre-determined by a specific court order). As a result, there has recently been substantial training in the YOT. With this has come an increased focus on risk and risk management (or at least the perception of this). Prior to any onward referrals to external systems, an internal 'case planning forum' takes place on a weekly basis. From there, decisions about external referrals are made.

The inclusion of the YOT in local Multi-Agency Risk Assessment Conferencing (MARAC) (originally designed for domestic violence cases), has resulted in many YOT cases being 'funnelled' through this process rather than through MAPPA. MARAC sits once a month, but emergency meetings can be called if a scheduled meeting is missed. MARAC appears to have created another tier to MAPPA by subdividing Levels 1 and 2 into three (see diagram in Appendix 1), working as a parallel system to MAPPA. The degree of overlap between these two systems meant that it was very difficult for the YOT to compare levels between MAPPA and MARAC (or in fact to describe how the processes 'dovetailed' at all). In essence, MARAC appears to ape many of the characteristics of MAPPA. This includes a repetition of those attending the different meetings (i.e. senior officers). However, there is still a referral process between the two systems, usually reserved for cases with very high risks or those where resources are short and the YOTs are unable to access them.¹⁰ Not everyone who is referred to MARAC is automatically notified to MAPPA, but everyone who is notified to MAPPA will have been through the MARAC process. Once a MAPPA level is assigned, discussions about 'levels' appear to take place in terms of MAPPA level rather than MARAC level. The impression of the research team was that the MARAC/MAPPA overlap was unhelpful to the YOT and may have complicated the YOT risk management process.

YOT 5 (Thames Valley)

Internal risk management meetings are triggered by certain offences being committed. Complex or high-risk cases are discussed at team meetings and referred to senior managers in the YOT, who then decide whether to notify the Multi-Agency Risk Management Meeting (MARMM) (MAPPA are referred to as MARMM in YOT 5).

¹⁰ This feature is not unique to YOT 4, but was most pronounced here. One extreme example given was where the YOT referred a case to the Children's Commissioner for Wales in order to place political pressure on the local housing authority to place a young person.

The YOT has very low levels of referrals to MARMM and little, if any extra, information/resources result from notifying the MARMM (primarily because of the multi-agency nature of the YOT itself). As such, notification to MARMM is essentially viewed as ‘rubber-stamping’ the YOT’s decisions. When YOT cases are notified, they are listed first on the MARMM meeting agenda. The MARMM meetings take place on a regular basis, and senior YOT staff come and present their case. Usually, this is in conjunction with a provisional police assessment of the level of risk which is then discussed during the meeting. The YOTs themselves do not make an assessment of MAPPA level, but they have an indication based upon the *Asset – Risk of Serious Harm* form.

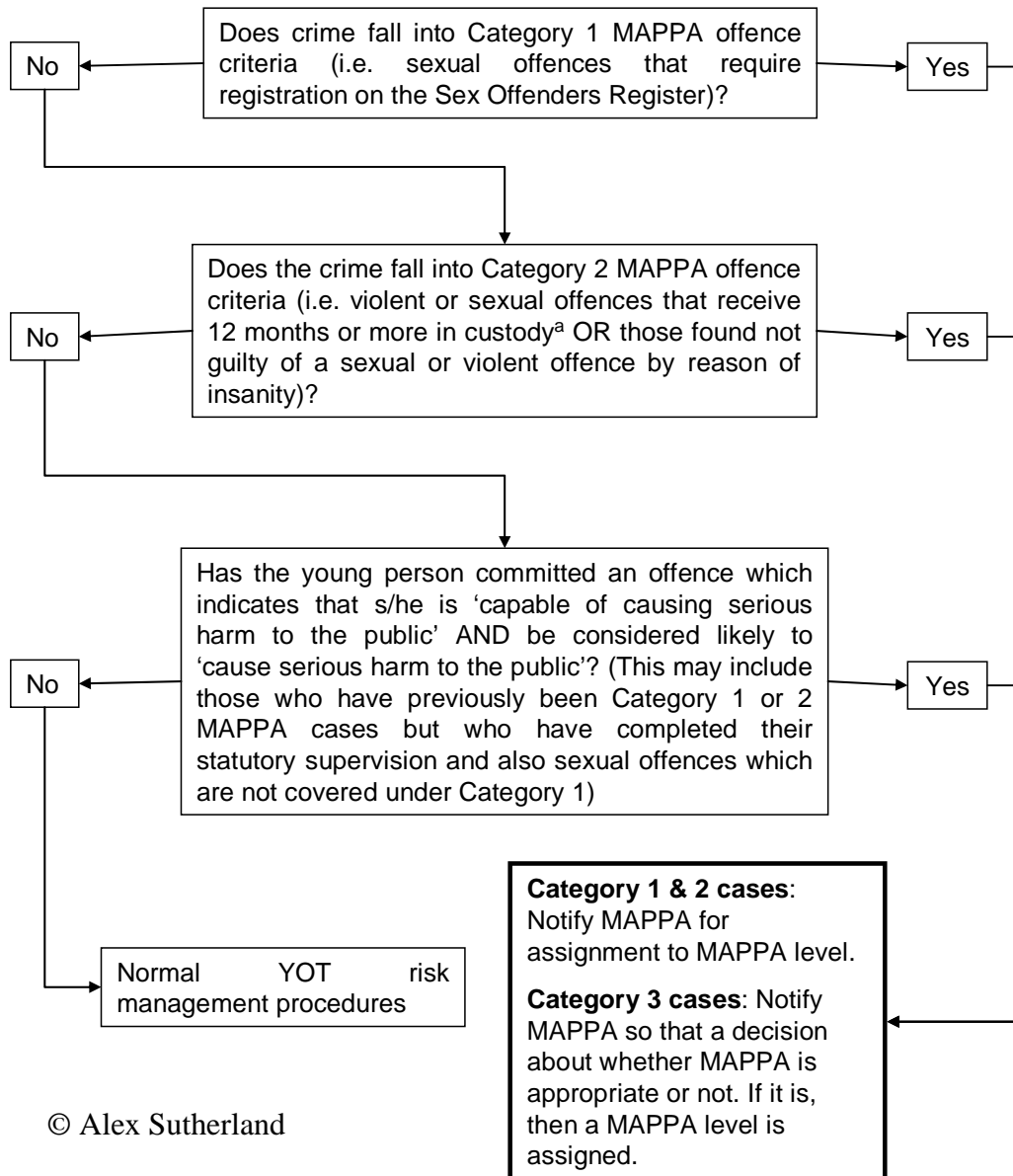
YOT 6 (North West)

MAPPA levels are assigned by the YOT on the basis of the offence and the *Asset – Risk of Serious Harm* form. MAPPA meetings take place on a regular basis, again except for Level 3 cases which are called ad hoc. YOT 6 (and YOT 3) are part of a Merseyside-wide agreement in relation to MAPPA. All cases that are assessed to be Level 2 should be reviewed internally by a YOT risk management meeting (RMM). If they remain at Level 2 after that meeting they should be notified to MAPPA. However, there was some discussion about whether MAPPA actually become involved in what would be the equivalent of a Level 2 case, or whether referrals/interest only occurs when Level 3.

Overview: YOT processes

Encouragingly, the cornerstone of risk assessment in all cases was the use of *Asset – Risk of Serious Harm* forms; these were then used as the basis for later professional judgements about risk and notification to MAPPA (or other risk management forums). What happens after risk assessments are made appears to broadly conform to the model presented in figure 2 (below), adapted from the MAPPA guidance. There were, however, some notable variations in practice, relating specifically to requirement for notification to MAPPA.

Figure 2: MAPPA process (adapted from MAPPA guidance)



^a‘12 months or more in custody’ includes both 12 months served in a young offender institution and 12-month Detention and Training Orders (see Appendix 1, section 345(3)(b), National Probation Service, 2004).

Figure 3 shows when notification processes should take place, who should be notified and the length of time someone should be involved with MAPPA (again, adapted from the current MAPPA guidance). For Category 1 cases notification should be automatic at the point of conviction (by the police and/or the YOT). It has to be assumed that notification would be post-sentencing for Category 2 cases (as this requires a current sentence of 12 months or more in custody – see note in figure 2). Category 3 cases can be notified to MAPPA at the point of conviction and at the point of re-entry into the country if the offence was committed overseas (YJB, 2006). In addition, Category 3 cases can be notified to MAPPA if (having previously been convicted of an offence indicating a capability for risk of serious harm to others) an individual begins to exhibit behaviours which cause concern (National Probation Service, 2004).

As noted in figure 3 (below), it is possible for supervision under MAPPA to continue once a statutory order has finished, but only via Category 3. Category 3 cases which are not subject to statutory supervision are essentially quasi-compulsory (that is, young people in this situation are only subject to increased surveillance and voluntary supervision). The addition of Sexual Offences Prevention Orders (SOPOs) and the proposed Violent Offender Orders (VOOs) will mean that some Category 3 cases can be supervised with conditions and that breaching these conditions will result in a fine or custody. In addition, those posing a continued risk of serious harm can also be placed on the local Police's 'Potentially Dangerous Person' list.

Summary

When compared to the 'ideal types' presented in figures 2 and 3, the primary issue with some of the systems described above are that the multi-agency status of YOTs has led some (three of the seven YOTs in the study) to believe (or be told) that they are able to independently manage cases at Level 2 without reference to MAPPA. This is based primarily on their understanding that they fulfil the requirement for multi-agency involvement because YOTs are multi-agency. The clarification required here is that if a YOT does not notify MAPPA about a young person who qualifies via categories 1–3, then the YOT may be breaching their statutory 'Duty to Co-operate'.

Figure 3: MAPPA process timeline

	Who notifies MAPPA?	When does notification to MAPPA take place?	How long does MAPPA involvement last?***
Category 1 cases	Police	Post-conviction	Length of registration period or sentence (whichever is longer)
Category 2 cases	YOT	Post-sentence	Length of registration period or sentence (whichever is longer)
Category 3 cases^a	Normally YOT (potentially any DTC* agency)	Anytime	Not defined, but subject to regular review by responsible authority

^aThere may be a very small number of Category 1 and 2 young people who may still present a high risk of serious harm to others at end of registration/end of statutory supervision. 'It is NOT possible to extend their inclusion within the MAPPA under those categories, however, it is possible for the Responsible Authority to consider their inclusion under Category 3' (National Probation Service, 2004: para. 67).

*Duty to Co-operate

**See National Probation Service, 2004: para.41

Section 6: MAPPA and YOTs: themes and concerns

While there were many issues discussed in relation to MAPPA and the approach taken to young people who might pose a risk of serious harm to others, the focus of the reported findings are structured around the concept of best practice and the potential barriers YOTs believe they face in relation to this.

Assessment and notification processes

An issue raised by respondents was the structure and content of the *Asset – Risk of Serious Harm* form and how this could (primarily with staff who were unclear about MAPPA), lead to YOTs ‘assigning’ MAPPA levels themselves. This was even a presumption among several managers interviewed, highlighted by the following quote:

...well it asks you to identify what the risk level is first – it’s obviously low, medium, high whatever, very high, and then it asks you for a MAPPA level. Now I think there’s been some confusion I think about the link between those two things ... [There] shouldn’t be, in the policy it’s very clear really. Because some people have not filled in the MAPPA level even though it’s a violent or sexual offence.

(YOT 6)

The use of YOIS print-outs was raised as an issue (‘when I do the YOIS one it prints out differently from the way it looks on the screen’ – YOT 5). The YJB were made aware of the potential confusion created by the current design of the *Asset – Risk of Serious Harm* form and have already taken steps to improve the layout of the assessment. However, the *Asset* and *Asset – Risk of Serious Harm* as a process was fully advocated as the basis of decisions around risk and potential notification to MAPPA (‘What we have, we start off with the *Asset* and we identify levels of risk’ – YOT 4).

Purpose of MAPPA

Linked with the effectiveness of MAPPA is the perception of how the process can help YOTs and the corresponding expectations that YOTs have. If MAPPA are not seen to add to the process of risk management for YOTs they might be hesitant to notify if a young person’s risks and needs can be dealt with ‘in house’. However, YOTs were aware of the advantages of notification (and a young person then becoming known amongst partner agencies as a MAPPA case):

Monitoring... ultimately I guess it is covering your back to a degree... So it puts you on the spot and makes you consider the case in a different way slightly because there’s always a chance that you can ... you know once you’re in the case and you’ve other work pressures and so on ... so it’s not always easy to find time to reflect on cases... So if you can avoid some of the fingerprinting by saying ‘Well it went to MAPPA’.

(YOT 5)

I mean that’s the beauty of MAPPA cases is you don’t ... it’s not like the responsibility is delegated, but you have others to share the responsibility and ... really you can’t do any wrong... But with the MAPPA ones there is that reassurance that the responsibility is kind of shared.... you know you’re

riding over people's human rights pretty drastically, and some of the discussion is kind of ... well you can't sue MAPPA because you have to sue every single [agency] ... The buck stops at MAPPA, put it that way.

(YOT 1)

In addition to the advantages of shared responsibility and decision making, a major question was the 'added value' of a young person being notified to MAPPA (i.e. what are the benefits that MAPPA can provide for a young person over and above the normal YOT process?). That this was an issue at all implies that MAPPA may be perceived as a 'resource' as opposed to solely a risk management process in its own right. The general consensus seemed to be that MAPPA was useful for providing political leverage to obtain specific services that could not otherwise be accessed by the YOT (in spite of its multi-agency status). In the main, however, the view was that MAPPA added very little to the risk management plan originally conceived by the YOT:

These systems are meant to make a difference, and if they don't why are you doing it? What's the purpose, you know and I think they should make a difference and they will make a difference if you've got the commitment of all the partners at the appropriate level ... but I'm not convinced there'd be anything externally from MAPPA, not in the way that we've heard so far... We are better positioned actually to influence resource allocation to young people than probation are.

(YOT 6)

...none of those meetings has ever resulted in extra support being provided through MARMM or MAPPA. Never received information that I didn't have already...

(YOT 5)

The ones where it's useful for the YOT is usually where it's ... there are housing issues and social services really, that's the main thing... And rather than going through the usual housing channels it's very useful ... if they're MAPPA registered ... usually the provision suddenly appears and it's fantastic and it all goes through quite smoothly.

(YOT 1)

I think if it goes up to the MAPPA level there's obviously more politically weight put on. If we're dealing with it internally through a risk management internal process we can make invitations out for them to come, but it doesn't necessarily mean they'll engage with us...I think it would carry a bit of weight if we're going to social services and saying we've undertaken a risk management meeting and we deem this person to be high risk and high need...I think if you used the MAPPA word that's the difference. Cos you could then refer to the MAPPA policy and they should have signed off everybody's agreed to the MAPPA policy... under MAPPA they've got this duty to co-operate, so they didn't really have a choice.

(YOT 3)

Risk context and the minimisation of harm

There was a common view that MAPPA are a system designed for adults that young people are 'slotted into' with varying degrees of success ('I just think it was an adult system and YOTs were probably bolted onto it, or you know a bit of an afterthought' – YOT 3). Prompted by this thought, a number of comments were made about comparisons between the risks posed by adults versus those posed by under-18s. The consensus was that local 'risk thresholds' had been developed that result in young people being considered less 'risky':

I think that we're trying to fit into a process designed for adults...it's often felt that young people are not as risky as adults. [But] often they're riskier because they're more reckless, certainly the ones that we hold risk management meetings on. So I think it's felt that because they haven't got a lot of previous convictions and they're younger, they're not as risky as some adults.

(YOT 3)

I think inevitably...there will be a comparison I think. But then I guess [the local MAPPA] have certain thresholds and criteria and they're interested in the most dangerous. A lot of the young people we work with aren't the most dangerous compared to [adults]... maybe that's partly because obviously they haven't got the history of convictions. ...there are threshold issues. So I think in [YOT 5] MARMM and MAPPA are used to dealing with more serious offenders, adult offenders in particular... And I think that impacts on how they view the young people we work with.

(YOT 5)

...I think the view...a covert view I think from those in probation responsible for it is that young people aren't dangerous...they're not like adults.

(YOT 6)

...you're talking about a high benchmark anyway, and you've got that in there, and you're looking at some of those cases...and I know from probation background, the public protection team and having the forensic mental health cases which are often sex offenders as well on top of that, and often predatory sex offenders with violent offences in the past...with substance misuse issues as well, some dual diagnosis, and it is like...you know these are the most dangerous people in the country...in the world almost...So when it comes to discussion in MAPPA it's like well of course little Jimmy who's nicked a mobile phone and got 12 months in custody, we haven't got the time really to look at this in detail. So it's a real issue I think.

(YOT 1)

This raising of the 'risk threshold' might also be related to where those consistently sitting on local MAPPA meetings become overly accustomed to increased levels of risk (what might be termed 'risk fatigue'), as was suggested by one YOT:

I just wondered...was that because the same people sit on the panel all the time and the thresholds go up?

(YOT 3)

The comparisons and minimisation of risks presented by young people were premised on the fact that adults notified to MAPPA have a ‘proven’ track record of serious harm, whereas the young people did not:

I don't think the fact that they've got no history 'so the potential for anything' comes into it. I think [it is more]... "they've got no history, why are you bringing them to MAPPA? – prove that they're high risk" ... [It is] almost [as though] they've got to do something to prove that they're high risk.

(YOT 3)

There's a high proportion I think of high risk adult offenders [here]. And I think that impacts on how they view the young people we work with.

(YOT 5)

The role of the MAPPA co-ordinator was also mentioned in order to develop this sense about young people being regarded as ‘less of an issue’ and thought of as being ‘less important’ to the overall aims of MAPPA, for example the view that YOTs should keep all Level 1 and 2 cases internally:

...if you oversee the system then they ought to at least have a view on how we are performing around the other levels...by all means say we think that it's appropriate to deal with it at MAPPA Level 2 and that you should chair the meetings and oversee the multi-agency arrangement, that's fine. But we need, and you should have, the support of, people who lead MAPPA I think in reaching that decision.

(YOT 6)

...I think because there are statutory responsibilities...they need to be discussed even if it is just for a couple of minutes, and it's [usually] a Level 1 thing and you're bombing through like 100 different people, and it's just to say... 'we're aware', 'it's ongoing', 'he's on licence', 'there's no problems as far as we're aware', and then Children and Young Families can come in and go 'actually there's a Child Protection conference on this person next week, and we didn't realise he was known to the YOT' kind of thing – that's why it's useful.

(YOT 1)

...I mean with due respect, because I was a senior probation officer, they don't sort of work with young people, they don't know what services we've got. So they've come in to chair a meeting not knowing sort of what services we've got, what it offers to young people, and how we work with young people really. So I've felt...I've come to those meetings and I've felt that I've had to sort of you know push things along a bit...

(YOT 3)

Paradoxically, it seems that adults with a long history of offending who have been under supervision for a number of years and whose triggers, motivations and *modus operandi* are well known/understood, are routinely regarded as presenting a greater risk than young people who may have committed very few offences, but who have already demonstrated that they are a serious risk to the public. This may in part be due to the way in which risks such as these are assessed (i.e. the more information available the

better the risk assessment potentially is). In this case, the unknown is equated with lower risk than the known. However, comparisons of the risks that adults and juveniles present may not be the most cogent way of thinking about, or including young people in, the MAPPA process – as one co-ordinator pointed out early in the project ‘a kid with a bloody big knife is still someone with a bloody big knife’, that they are young does not necessarily mean they are less likely to use it.

Informing young people that they are subject to MAPPA

The best practice guidance referred to in earlier sections of this report (Kemshall, 2003) suggests that those subject to MAPPA should know that the process is happening and what this entails. In the main, YOTs were agreeable with the idea that young people should be told about MAPPA and the potential implications.

...obviously they're aware they're subjected to MAPPA and their case is being discussed. You know we tell them what's going on. And so hopefully that will again reiterate to them the serious position they're in and the seriousness of their offending...

(YOT 5)

... 'You're coming out in two weeks' time, you do realise that you've been discussed at MAPPA, and this is what MAPPA are?' ...the YOT is to them I think, pretty scary enough...and the police scary enough in terms of what kind of information [is] held and the powers that we have. MAPPA's just another 'thing'.

(YOT 1)

However, one of the respondents made the contrary point, alluding to the importance of covert surveillance (this YOT usually only referred to MAPPA with this express purpose or if otherwise unable to manage a case):

No...if they know [about MAPPA] then that might be counterproductive to what [MAPPA are] trying to achieve. There's no point in someone just changing their behaviour on the outside and still being a sexual predator or something, so you have to...not tell them.

(YOT 2)

The reasoning given here for not disclosing is clear, however disclosure about what MAPPA are may not necessarily require telling the young person about all aspects of the management plan; particularly if an element of that plan has operational significance for other agencies or for managing the risk presented. However, suggestions for best practice in relation to overt surveillance and monitoring are that such restrictions ‘are fully explained’ (Kemshall, 2007: 14).

Diversity

The lack of accurate data about the numbers of young people involved with MAPPA meant that it was not possible to look at the extent of under- or over-representation of particular groups within MAPPA. However, one of the questions included within the interview schedule was whether MAPPA was considered to be appropriate for minority groups within youth justice (e.g. girls and Black or Minority Ethnic (BME) young

people). The general view of those interviewed was that, because of the emphasis on individual risk assessments, diversity was adequately dealt with during the MAPPA process.

One YOT raised a question over gender inequality in sentencing, suggesting that if females are sentenced more leniently than males for similar offences they are less likely to be drawn into the remit of MAPPA.¹¹ However, it was also suggested that any ‘gender gap’ might be closing but should be monitored (‘offending by young women is getting more dangerous and there’s more violence getting involved. And it’s often violence against vulnerable young women...I’d say give it a few years and there’ll be quite a lot more young women on MAPPA...’ – YOT 1). Future research could usefully look in more detail at the involvement of girls and BME in MAPPA.

The issue of diversity was also raised with respect to the geographical variation in the interpretation of risk, in that risk thresholds in one area might not equal thresholds in another. This is in addition to the risk thresholds raised in relation to adults and young people (e.g. ‘outside of London, outside of any urban area I’d say...you’d know that the resources would be targeted to this person and they’d be discussed at every MAPPA meeting’ – YOT 1). This might be an issue that needs further investigation but cannot be commented on in any detail here.

Summary

The key themes seem to be a lack of consistency over the actual MAPPA process and over what MAPPA adds to practice (i.e. is it about risk management or resource allocation?). There were also a number of issues relating to the minimisation of risk presented by young people on the basis of a number of factors:

- their youth alone
- comparisons between adults and young people
- a suggestion that those sitting on MAPPA become ‘risk fatigued’ and are desensitised to variations in risk levels.

Finally, a question was raised about whether MAPPA processes were being applied consistently in different parts of the country.

¹¹ In the current debate about gender and sentencing, there is conflicting evidence on the extent of any such differences (Heidensohn and Gelsthorpe, 2007).

Section 7: Findings and recommendations

The original purpose of this research was to develop a notion of ‘effective’ or ‘best’ practice in relation to YOTs and their engagement with MAPPA in order that agencies can respond appropriately to young people who are deemed to pose a risk of serious harm to others. As already discussed within various sections of this report, the decision was made to truncate the scope of the study to concentrate on demonstrating how the case study sites operate MAPPA, and to discuss the working relationship between YOTs and MAPPA in these areas.

At this point, readers should bear in mind that the small scale of the project (a result of the delays and difficulties laid out above), mean that the findings cannot be applied more generally to YOTs and MAPPA areas across England and Wales. The paucity of data available and these limitations highlight a need for further research in this area. Following on from the limitations reported, it might also be argued that such small-scale research does not allow for recommendations to be made. However, although the findings presented here cannot be generalised, recommendations stemming from these findings are widely applicable. For instance, variations in practice, examples of ‘good practice’ (and recommendations or clarifications stemming from both) are of interest to all YOTs, as they are all (or should be) involved in MAPPA.

Key findings

While no definitive answer can be given to the question of ‘what is best practice?’, the overall finding from this research is that YOTs visited/spoken to by the team or who returned information in the survey, appeared to be making good efforts to understand and engage with MAPPA and risk management (and the allied aim of protecting the public). Given the complexity of the legislation and guidance, and the very adult-focused nature of MAPPA itself, this is encouraging. That is not to say that the system is working perfectly; from reading this report, it should be clear that there are a number of issues that NOMS, YJB, YOTs and MAPPA co-ordinators need to consider.

Aside from these general comments, the following points warrant particular attention:

- **Finding 1**
Neither MAPPA co-ordinators nor YOT management could provide accurate information on the numbers of young people currently subject to MAPPA.
- **Finding 2**
At least one of the YOTs in the study was working under the assumption that it was able to manage cases at ‘Level 2’ without notifying MAPPA because it had its own locally arranged multi-agency forum (established because of historically poor relations with MAPPA and questioning the relevance of MAPPA to YOTs).
- **Finding 3**
Two YOTs reported that the high volume of adult MAPPA cases in the local area had resulted in tacit or explicit requests not to notify MAPPA about young people unless they were above a certain threshold of seriousness/risk. One YOT expressed that this might be a result of individuals repeatedly sitting on MAPPA becoming

desensitised to variations in risk levels, resulting in what is termed here ‘risk fatigue’.

■ **Finding 4**

At least one YOT reported that the local MAPPA panel had their own criteria for notifying cases in addition to those included in the MAPPA guidance.

■ **Finding 5**

YOTs reported inconsistencies in what constitutes the different MAPPA levels. What might represent a Level 2 case in South Wales would not be one in London. It seems that the local ‘risk context’ is resulting in pockets of (relatively) very high and very low risk areas across England and Wales. There are two ways of regarding this: either as an indication of inconsistent practice which should be addressed; or as highlighting that local priorities and knowledge are shaping the way in which MAPPA are implemented.

■ **Finding 6**

One YOT reported that a new local initiative (YPPO) was potentially diverting MAPPA cases and that the two groups (MAPPA/YPPO) were being treated as mutually exclusive by partner agencies.

■ **Finding 7**

As a result of the layout of *Asset – Risk of Serious Harm* forms (with some suggesting that this conflates the Risk of Serious Harm level with MAPPA level), YOTs often talked in terms of MAPPA levels when no notification had been made. This may have also contributed to a belief that YOTs can assess MAPPA level themselves based solely on *Asset – Risk of Serious Harm* assessments.

■ **Finding 8**

ISSP may be being used as the ‘default’ method of community supervision for some MAPPA cases (as was the case in YOT 3). The extent to which MAPPA cases are placed on ISSP ‘by default’ should be established. Inclusion on ISSP should be subject to fulfilling the criteria and being suitable for the programme. Arguably, no young person should be on ISSP solely because they have been notified to MAPPA – this seems to run counter to the idea of a ‘scaled approach’ and individualised justice.

Recommendations

It is clear from both the legislation and guidance relating to MAPPA that if a young person qualifies for notification according to the criteria laid out, this should be done regardless of whether the YOT views the young person as a ‘low risk’, or whether the local MAPPA has suggested otherwise because of the high volume of cases that it deals with (or any other consideration). Furthermore, local initiatives (e.g. YPPO) should not result in either/or distinctions for young people who present a risk of serious harm to others. Even if a young person qualified for 20 local initiatives, as well as qualifying for notification to MAPPA, then they should be notified to MAPPA. The current MAPPA guidance states that ‘effective multi-agency public protection starts with the efficient identification of relevant offenders...the population of relevant offenders falling within the remit of MAPPA in each area comprise the [three categories found in the guidance]’ (National Probation Service, 2004: 16). If a YOT does not notify MAPPA about a young

person who qualifies via Categories 1–3, then the YOT may be breaching its statutory ‘Duty to Co-operate’.

- **Recommendation 1 (YJB/PPU)**
Clarification about the notification requirements for MAPPA should be given to YOTs and MAPPA co-ordinators. Monitoring of any significant impact on MAPPA caseloads arising from greater clarity in YOTs regarding referral procedures would be helpful.
- **Recommendation 2 (YJB/PPU)**
Consideration should be given to the provision of appropriate training on MAPPA, covering general principles of risk assessment, risk of serious harm, and youth justice should be developed. This could be very similar in design to the successful CD-ROM based model of risk training used in probation (developed by Hazel Kemshall and others).
- **Recommendation 3 (YJB/PPU):** Clarification should be given to YOTs and MAPPA co-ordinators that, although YOTs are ‘multi-agency’ organisations, they cannot manage Level 2 or Level 3 cases independently without reference to MAPPA.
- **Recommendation 4 (YJB/PPU)**
Consideration is given to revising the current status of YOTs from ‘Duty to Co-operate’ agencies to being part of the Responsible Authority. Such a change would require a change in legislation – for which there are no immediate plans – but is no less an issue for consideration in future.
- **Recommendation 5 (YJB/PPU)**
The creation of locally developed formal mechanisms by which YOTs can take up issues about MAPPA arrangements if they are, as some YOTs were in this report, told that they could or should not notify cases (or where local criteria/initiatives appear to preclude this possibility).
- **Recommendation 6 (YJB)**
‘MAPPA status’ (i.e. Category and Level) could become a YJB counting requirement, as this will ensure that YOTs are aware of how many MAPPA cases they have. One possibility might be that MAPPA are recorded as an intervention in YOIS/Careworks (but this should be given some consideration in terms of restrictions on disclosure that might affect the amount/detail of information, see para. 78–95, National Probation Service, 2004).

Conclusion

It seems appropriate to make comparisons between the current study and earlier research on probation. The issues described in this report regarding YOTs and MAPPA are very similar to the problems faced more generally by the probation service when MAPPA was first introduced (as reported in Kemshall, 2001). If YOTs are on similar ‘practice pathways’ to those reported here, particular attention should be given to the research evidence relating to probation. This is especially the case of more recent work (e.g. Kemshall et al, 2005; Wood and Kemshall, 2007) which show that many improvements in the system have been made as the result of a great deal of work by both the probation service and central government. If YOTs are to mitigate the problems

highlighted in this report, it seems that a logical first step would be to understand what is already known about MAPPA and use this knowledge to continue improving practice.

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Appendix 1: MAPPA/MARAC overlap

MAPPA/MARAC overlap in
South Wales

