

The Management of Sex Offenders in Northern Ireland

– an inspection of the MASRAM process
and its potential for development.

March 2005

Criminal Justice Inspection
Northern Ireland
A better justice system for all



Contents

	PAGES
Glossary and Definitions	2
Chief Inspector's Foreword	3
Executive Summary	5
Recommendations	9
Chapter 1 The MASRAM Workload and Remit	13
Chapter 2 Legislation and Guidance	20
Chapter 3 The Structure and Costs of MASRAM	27
Chapter 4 Risk Assessment	33
Chapter 5 Risk Management	40
Appendices	
Terms of Reference	51
Methodology	57
Comparison with the MAPPA	59

Glossary and Definitions

MASRAM	Multiagency Procedures for the Assessment and Management of Sex Offenders
PSNI	Police Service of Northern Ireland
PBNI	Probation Board for Northern Ireland
NIPS	Northern Ireland Prison Service
Core Agencies	PSNI, PBNI, NIPS and Social Services – all of whom must attend ASORMC meetings
ASORMC	Area Sex Offender Risk Management Committee
NISOSMC	Northern Ireland Sex Offender Strategic Management Committee
SOO	Sex Offender Order
SOPO	Sexual Offences Prevention Order
ROSHO	Risk of Sexual Harm Order
RM 2000	Risk Matrix 2000 – an assessment method to determine offenders’ risk level
DRM	Designated Risk Manager – the person responsible for case managing a sex offender
Monitoring Officer	PSNI officer who oversees compliance with sex offender notification requirements – often a different person from the PSNI DRM
SOTP	Sex Offender Treatment Programme
Listed Cases	PBNI cases that are deemed to pose a serious risk of harm to others
CSOGP	Community Sex Offender Groupwork Programme
ICIS	PSNI’s Integrated Crime Intelligence System
ViSOR	Violent Offender and Sex Offender Register – much improved version of ICIS, which PSNI plan to purchase.
MAPPA	England & Wales’ Multiagency Public Protection Arrangements
MAPPP	Multiagency Public Protection Panel
CJI	Criminal Justice Inspection Northern Ireland
Extern	A voluntary organization which provides services to offenders
NIACRO	Northern Ireland Association for the Care and Resettlement of Offenders
DHSSPS	Department of Health, Social Services and Public Safety
NIO	Northern Ireland Office

Chief Inspector's Foreword

- 1 This inspection was the first cross-cutting thematic review to be undertaken by the new Criminal Justice Inspectorate for Northern Ireland (CJI). It was initiated by a request from the agencies involved with the procedures for the assessment and management of sex offenders, known as MASRAM. This work has grown rapidly since being launched in 2001, and had not previously received any internal or external scrutiny.
- 2 The subject of the inspection was primarily the MASRAM process, rather than the agencies themselves. However, it is inevitable that the practices of the agencies principally involved, especially police and probation, are commented upon in the findings of this inspection.
- 3 The primary purpose of this inspection was to promote best practice in the assessment and management of sex offenders, particularly those who may present a continuing danger to the public in Northern Ireland. Its key aims were to:
 - Examine and report on the effectiveness of the MASRAM process so far;
 - Compare MASRAM with the Multi-agency Public Protection Arrangements (MAPPA) that apply in England and Wales;
 - Consider the potential for placing MASRAM on a statutory footing, and for extending MASRAM to incorporate violent offenders.
- 4 There is public concern about the danger posed by sex offenders and MASRAM represents a significant investment of resources by the four agencies to deal with this problem.
- 5 The inspection found many positive points to report in relation to the work of Northern Ireland's criminal justice agencies and Social Services. The report makes some significant proposals for its future development. I hope it will be of value in informing and re-assuring the public about the good work that is being done on their behalf, and helpful to the managers and staff who are involved in this challenging area of work.

- 6 The Inspection Team, led by Tom McGonigle, appreciated the generous level of cooperation received from all agencies and individuals who contributed to the inspection, particularly the core agencies: PSNI, PBNI, NIPS, and the Sperrin Lakeland, South & East Belfast, Homefirst and Newry & Mourne Social Services Trusts. The file inspection teams carried out a detailed and complex task with commitment and diligence. The Social Services Analysis Branch, DHSSPS, made a valuable contribution to design and analysis of file questionnaires.
- 7 Finally, I would like to thank my colleagues on the Steering Group for this study and the agency link personnel, who were vital to the successful progression of the inspection.

A handwritten signature in black ink, appearing to be 'Kit Chivers', written in a cursive style with a large loop at the end.

Kit Chivers

Chief Inspector of Criminal Justice in Northern Ireland

Executive Summary

- 1 During the past three years MASRAM has evolved to become a complex interagency response to sex offending. It has undoubtedly tightened the assessment and management arrangements that are applied to this group of offenders. It has moved well beyond concentrating on the “critical few” offenders who pose an imminent risk of serious harm to others.
- 2 As currently operated MASRAM deals only with sex offenders, yet it does not address the risks posed by other violent people. It could be argued that it has become a disproportionate response to one area of offending and that failure to extend its remit to include violent offenders will represent a missed opportunity for improving public protection.
- 3 This inspection makes several positive findings. They include:
 - (i) The agencies attach high priority to their sex offender work, despite it being a small proportion of caseloads. Public protection was unambiguously identified as MASRAMs central purpose;
 - (ii) MASRAM is conducted conscientiously by all the agencies involved and with an increasing level of sophistication. Trusting and collaborative working relationships have been developed and greater consistency in practice is being achieved. Establishment of the PSNI’s dedicated MASRAM team in August 2004, and the PBNI’s appointment of dedicated staff, are enhancing practice further. The core staff involved are highly motivated and find their work is demanding but worthwhile. It will be important for agencies to ensure that their expertise is shared widely within agencies and also to afford good support to these staff, who fulfil a challenging role;
 - (iii) There was consensus among respondents that, despite its pressure and limitations, MASRAM is much better than the previous ad hoc system whereby practitioners had to convene crisis meetings about offenders who posed a risk of harm to others;
 - (iv) The interagency aspect of MASRAM has represented a major cultural shift for some of Northern Ireland’s criminal justice agencies. It provides a good example of the way forward for other areas of criminal justice activity. Inspectors saw some excellent examples of collaborative working, especially with high risk offenders in crisis situations.

4 Inspectors' overall assessment is that MASRAM has been a positive development. The following suggestions are offered to build on the positive foundations that have already been established.

(i) The MASRAM Workload and Remit:

Although the MASRAM model works well, it has become overloaded. The pressure is coming from the inexorable rise in the total numbers on the register and considerable energy and resources are expended on dealing in unnecessary detail with low to medium risk offenders. MASRAM has adopted a thorough case management approach for every case that it considers. It is now time to reconsider this approach and only apply a case management approach to high risk cases. This would allow concentration on the "critical few". The public protection value of MASRAM would be enhanced if more room was created to handle violent offenders by cutting back on the effort devoted to low-risk sex offenders. This would represent a significant shift but it should be achievable if lessons are drawn from the MAPP experience, including the benefits of Police and Probation working together in a co-located team.

(ii) Legislation and Guidance:

(a) MASRAM differs from the MAPP in legal basis, structural arrangements and practice methods. Comparison suggests that a revamped MASRAM would benefit from being placed on a statutory footing with supporting departmental guidance. On the basis that Northern Ireland's agencies already work collaboratively in relation to sex offenders, this legislation should be facilitative rather than prescriptive in nature. It might be based upon the Criminal Justice Act 2003 which underpins the MAPP arrangements and adapted for Northern Ireland's purposes. Subject to ministerial agreement, policy makers need to agree the parameters and timescales with operational players and agree interim plans pending development of legislation or guidance;

(b) Development of new MASRAM legislation should take account of a wide range of other current reviews. In particular, it needs to be

synchronised with the provisions of Circular 3/96 “Cooperating to Protect Children”, and the Review of Schedule 1 of the Children and Young Persons Act (NI) 1968;

- (c) Practitioners need to become more familiar with the provisions of the legislation – the Sexual Offences Act 2003 – that has been designed to aid their management of sex offenders. Sentencers and practitioners feel disadvantaged by not having a parole system to manage ex-prisoners who cause grave concerns. On this basis inspectors welcome the forthcoming Review of the Sentencing Framework, which we understand will provide the opportunity to express views about establishment of a Parole Board for Northern Ireland. This issue is broader than sex offending and an important part of normalising the criminal justice system. For the purposes of MASRAM’s future development we recommend establishment of a supervised parole system.

(iii) The MASRAM Structure:

- (a) The structure of MASRAM is basically sound and works well. However, the rationale for non-core agency involvement in MASRAM should be addressed and consideration given to lay and criminal justice voluntary sector involvement, within explicit terms of reference. This is important as some important voluntary sector agencies feel that they are not fully included in the process – relevant when MASRAM needs something from them, but otherwise not always kept informed about relevant developments;
- (b) The new Coordinator should work jointly with the Strategic Committee to devise and implement an Action Plan, with timescales, for the accepted recommendations of this inspection, including those that relate to restructuring and operational practice. The profile of MASRAM needs to be raised. A variety of measures can assist in this respect, including publication of a MASRAM Business Plan and Annual Reports, core agencies reflecting their MASRAM activity in annual published Business Plans and provision of training to bodies such as District Policing Partnerships and responsible community groups;

- (c) Establishment of a co-located interagency Public Protection Team should be considered. It would combine Police crime prevention, intelligence and detection experience with Probation case management skills. GB experience shows that this is a constructive way to deliver better public protection.
- (iv) Risk Assessment:
 - (a) MASRAM's assessment processes and documentation have been carefully thought out, but were found to be somewhat confusing in practice. They need to be revamped to become more user-friendly. Case file structures and recording practices need to be overhauled in order to provide a clearer record and demonstrate offender progress;
 - (b) There is no outcome research available in relation to MASRAM and inspectors had difficulty in obtaining even basic data to inform this inspection. Searchable databases need to be established for both the sex offender registration process and for MASRAM, as they are closely linked. The PSNI plans to purchase the ViSOR (Violent Offender and Sex Offender Register) IT system. This will significantly improve the availability of management information for both purposes. Once available, ViSOR should be used to generate a range of reports that will assist MASRAM's ongoing planning and management.
- (v) Risk Management:

With some notable exceptions, practitioners from all agencies were found to underuse opportunities for a proactive intelligence-gathering approach to their management of sex offenders. They should be encouraged and trained to do so. Practitioners also need to be assisted to adopt a more victim-centred and less process-driven approach to their case management. Many non-specialist staff in the core agencies are not familiar with MASRAM. Its profile needs to be raised within the agencies in order to avoid damaging breakdowns in communication.

Recommendations

All the recommendations of this report which are accepted should be included in an Action Plan developed by the NISOSMC and screened for human rights conformity in their implementation. The Criminal Justice Board should take responsibility for overseeing implementation of the accepted recommendations. Inspectors recognise that there will need to be a phased timetable for introduction of changes, as some are more readily-achievable than others, but will wish to review progress after 12 months of the reports publication.

Key Recommendations:

- 1 MASRAM should be placed on a statutory footing, with supporting guidance to underpin its activity. The Criminal Justice Act 2003 and the MAPPA guidance should be used as a basis for future legislative development of MASRAM. (Para 2.17)**
- 2 The remit of MASRAM should extend to include violent offenders. This will require clear criteria. A supervised parole system should be introduced to fulfil this purpose. (Paras 2.5; 3.19)**
- 3 In the interests of manageability and effective use of resources, the MASRAM agencies should manage cases at the lowest possible level consistent with providing a defensible risk management plan. (Para 1.13)**
- 4 The core agencies should decide about the appropriateness of using a case management system. Inspectors suggest interagency case management is not necessary for most Category 1 and Category 2 cases, but recommend that a proper case management system should be introduced for Category 3 cases and supporting standards should be developed. The PBNIs standards and recording systems offer a good model upon which to base such standards. (Para 5.4)**
- 5 The MASRAM agencies should consider establishing a co-located Public Protection Team, drawing upon best practice in**

GB.
(Paras 3.20-3.22)

- 6 The MASRAM administration processes and documentation should be overhauled to become more user-friendly. This should include application of the ViSOR IT system to establish a searchable database that can generate useful management information.**
(Paras 2.10; 4.3; 1.11)
- 7 MASRAM specialists should become familiar with these legislative provisions which are designed to support their work in relation to the “critical few”. (Para 2.4)**

Other Recommendations:

- 1 Unadjudicated offenders should be dealt with on a case by case basis within the terms of the MASRAM Practice Guidelines and the Police (Northern Ireland) Act 2000. (Para 1.14 ii c)
- 2 MASRAM agencies need to reach a clear understanding with courts about a matter which legislation already sets out: the actual date that a sex offender becomes subject to notification requirements – at the point of conviction, sentencing court, or upon release from prison. (Para 2.7)
- 3 The practice of automatically reducing Category 3 registration levels while offenders are in custody should be clarified. (Para 2.8)
- 4 Inspectors would encourage progress in respect of Recommendation 291 of the Criminal Justice Review which suggests a coordinated cross-border approach to dangerous offender registers. (Para 2.15)
- 5 The rationale for agency participation at each level of MASRAM should be reviewed in order to ensure appropriate engagement of agencies and lay representatives. The sub-committees may provide an opportunity for wider community and criminal justice voluntary sector engagement with MASRAM. (Paras 3.2-3.3)
- 6 There should be a more formal referral process from the ASORMC to the High Risk Committee and formal reply using an agreed template. This should

be copied to the DRM as well as to local police in order to improve communication. (Para 3.6)

- 7 The PSNI should re-examine its internal structuring of MASRAM operations and place them within a single branch – ideally Criminal Justice Department. (Para 3.10)
- 8 Deployment of the PSNI's specialist MASRAM Unit should be rethought. They should be provided with dedicated administrative support and thus be freed up to fulfil their true potential. (Para 3.11)
- 9 Preparation and publication of an Annual Business Plan and an Annual Report should become standard practice for MASRAM once the coordinator is in post. (Para 3.12)
- 10 The core agencies should take credit for the important contribution they make to public protection by incorporating MASRAM objectives in their published Business Plans. (Para 3.13)
- 11 Either a fresh report should be presented to each ASORMC, or a separate update should be attached to existing reports. (Para 4.3)
- 12 The status and accuracy of the Risk Matrix 2000 in current use need to be clarified. (Para 4.3)
- 13 The number of cases dealt with at ASORMCs and at the High Risk Committee should be reduced to a manageable level. (Para 4.4 i)
- 14 Practitioners should be constantly encouraged and trained to use all opportunities for proactive information sharing in their management of sex offenders. (Para 4.4 ii b)
- 15 Consistent availability of an electronic database showing prisoners home leave applications, outcomes, visitors and phone calls would further improve the process in prison ASORMC meetings. (Para 4.4 ii c)
- 16 The existing protocols for sharing information with non-core agencies should be reviewed to ensure opportunities are not missed. (Para 4.4 ii d)
- 17 Where relevant, MASRAM assessments and action plans should take account

of, and complement, other risk assessments, for example, the determinations of the Life Sentence Commissioners. (Para 4.4 ii e)

- 18 The practice of joint NIPS/PBNI meetings with prisoners before and after ASORMCs should be replicated in each custodial institution. This practice should also be applied to offenders in the community as far as possible, particularly with Category 3 offenders. (Para 4.4 v a)
- 19 Agencies should review the opportunities they provide for offenders to participate in the MASRAM process and do so with the advice of hostel staff and other service providers where appropriate. (Para 4.4 v b)
- 20 It is important that the MASRAM process is seen to speak with one voice, even when there has been internal disagreement. (Para 4.4 vii)
- 21 Agencies should always be clear about fulfilling their statutory roles and not expect the MASRAM process to replace these roles. (Para 4.4 viii)
- 22 Each agency should reaffirm its full commitment to the MASRAM process. (Para 5.6 ii b)
- 23 Handover of cases between DRMs should be more formally structured, particularly in relation to high risk offenders. (Para 5.6 ii d)
- 24 Practitioners need to be assisted to adopt a more victim-centred and less process-driven approach to their case management. (Para 5.6 iii)
- 25 Hostel managers and other service providers should be fully engaged in MASRAM deliberations about their residents. (Para 5.11 i c)
- 26 Subject to resourcing, it would be worthwhile extending MASRAM training opportunities to District Policing Partnership members and also to responsible local community groups who can help manage sex offenders. (Para 5.12 ii)
- 27 The option of introducing electronic tagging should be considered by the Northern Ireland Office in conjunction with operational agencies as part of wider developments. (Para 5.13)
- 28 Future development of MASRAM should recognise the criminal justice voluntary sector contribution by engaging them more comprehensively than has been the case to date. (Para 5.15)
- 29 The process for discharging restricted hospital patients should incorporate

Chapter 1

The MASRAM Workload and Remit

- 1.1 Entry into the MASRAM process is automatic upon notification as a sex offender, which in turn is mandatory upon conviction for most sex offences. The length of notification can extend from a minimum of 5 years to a maximum of life. At 30th November 2004 there were 554 (550 males and 4 females) notified sex offenders living in the community in Northern Ireland:

Notified sex offenders in the community	=	554
+ Notified offenders living outside Northern Ireland	=	112
+ Sex offenders in prison, to register after release	=	106
+ Offenders not notified and therefore liable to arrest	=	26
Current notifications:	=	793
Cancelled since September 1997	=	117
(e.g. due to expiry of their notification or death)		
Total notifications since September 1997	=	910

- 1.2 This represents an average of 130 new notifications per annum, which is only offset by an average 17 cancellations per annum – an incremental addition of 113 new cases per annum. This is exactly the same rate of increase (15%) as the GB rate of increase in sex offender notification during 2003 – 2004.
- 1.3 Northern Ireland has 46 notified sex offenders per 100,000 population. This is marginally below the GB figure of 48 per 100,000 (ranging from 27 in Hertfordshire to 67 in West Yorkshire).
- 1.4 It is estimated that there are around 2,000 other sex offenders in Northern Ireland who were convicted before notification was first required in 1997 and are therefore not subject to notification requirements. However, MASRAM has included a small number of these offenders because they were deemed dangerous. It has also continued to oversee some sex offenders whose notification has expired because they were felt to pose an ongoing danger.

- 1.5 All 112 cases that were deemed “high risk” by Area Sex Offender Risk Management Committees (ASORMCs) since MASRAM began in 2001 have been reviewed by the High Risk Committee and 11% of them have been reviewed on up to four occasions. At 30th November 2004 there were 60 sex offender cases deemed to currently pose a high risk. The remaining 52 cases had been reduced in assessed risk level since 2001. This level of reassessed risk indicates that serious attention is being paid to the high risk cases at both ASORMC and High Risk Committee levels. Nonetheless, the core agencies agree with inspectors that they need to be even more rigorous about further reducing the numbers who are assessed and managed at Category 3 level – the “critical few”.
- 1.6 The Chief Constable’s Report for 2003 shows that only 1% of all recorded crime involved sex offences. During 2002-2004 only 2% of PBNi’s Pre-Sentence Reports and new supervision orders were on sex offenders, whereas 26% of their new work was with violent offenders – who are not involved with MASRAM. Social Services know very few MASRAM offenders as clients in their own right, yet maintain active involvement as core MASRAM members.
- 1.7 Most MASRAM offenders are managed by one agency (usually the police or probation) without the close involvement of other agencies. Some 80% of people who are currently in MASRAM are managed by the police alone within the terms of their sex offender notification. However they are still reviewed at the regular MASRAM meetings. These include many of the offenders who could receive reduced attention within MASRAM. This would facilitate addition of violent offenders into the process and would enable MASRAM to concentrate on the “critical few”.
- 1.8 Data from the Office of the DPP shows that there have only been 39 prosecutions for breach of Section 3(1) (a) of the Sex Offenders Act 1997 (failing to provide information to the police) between 1998 – 2004. The majority of cases involved guilty findings and sentences ranged from immediate custody (4 cases) to absolute/conditional discharges.
- 1.9 Contrary to popular belief, there is not a stand-alone “Sex Offender Register” in Northern Ireland or elsewhere in the UK, but individual notification

information is held on police intelligence systems. ICIS is the system that is used by PSNI. It does not provide a searchable statistical database that can provide useful management information. Therefore, it is not possible to elicit, for example, patterns of movement by sex offenders, changes in their risk category, duration of registration or new notifications per annum. These are significant information deficits, particularly in light of the Bichard Inquiry recommendation that police intelligence tools should be used to highlight offending patterns, as well as convictions. Lack of good management information and analysis have also undoubtedly contributed to MASRAM becoming overloaded with lower risk cases.

- 1.10 Inspectors understand that the PSNI has decided to purchase the ViSOR IT system. Besides being an intelligence system, ViSOR provides a fully-searchable database. It will also deliver a much better case management facility. For example, DRMs will receive automated prompts to undertake home visits at prescribed intervals and a template for the format of visits could be built into the system so that there is a standardised approach to intelligence gathering and analysis. It is planned that the PSNI will have ViSOR by October 2005.
- 1.11 While it is possible to comment extensively upon the MASRAM process, there is no outcome research available in relation to its success in preventing reoffending. Even with a dedicated longitudinal study, success or lack of success cannot be attributed exclusively to MASRAM because it is impossible to measure prevention. In addition, there are many other variables that might impact, for example, changes in legislation, new counting rules, or police priorities in targeting particular offences. Nonetheless, we know from the MAPPA Annual Report for 2003 that “As few as 1% of people referred to MAPPPs are charged with serious further offences.” Inspectors recommend that the ViSOR system be used to provide basic data about offender engagement with the MASRAM process, to generate this type of information and provide an outline indication of its impact.
- 1.12 As currently established MASRAM does not provide scope for discrimination or stereotyping – anyone who is convicted of a sex offence which requires them to notify is automatically brought into the process. Yet it could be argued that the very existence of MASRAM constitutes discrimination, in that

it subjects a group of people – sex offenders – to additional assessment and management because of the nature of their offending, while other offenders who are often more dangerous do not receive the same amount of attention. This may be an important consideration in determining the appropriateness of extending MASRAMs remit to include violent offenders and in restructuring to concentrate on the “critical few.”

- 1.13 Because the total number of notified sex offenders in MASRAM continues to increase, the process has become unwieldy and overburdened, particularly in urban areas. The MAPPAs process underwent a similar experience of expansion before gaining the confidence to sharpen its focus and devote most energy and resources to the “critical few” cases. Northern Ireland must now do likewise if MASRAM is to deliver best value for public safety. In the interests of manageability and effective use of resources the MASRAM agencies should manage cases at the lowest possible level consistent with providing a defensible risk management plan.
- 1.14 Two of the key considerations for this inspection were whether MASRAM should include violent offenders and whether it should include unadjudicated offenders.
 - (i) Violent offenders:
 - (a) There was unanimous agreement among respondents that MASRAM should include violent offenders. This is especially true for Social Services, for whom violent offenders are generally a more significant concern than sex offenders. Several respondents commented that MASRAM represents a disproportionate reaction to the profile of sex offending – the reality is that violent offenders comprise much larger elements of agency caseloads and often do more physical harm to victims, yet are not subjected to the same oversight as sex offenders. Addition of violent offenders would immediately raise MASRAMs profile within the agencies, for example, the police do not have targets for dealing with sex offenders, but they are measured on their work with violent offenders, especially Domestic Violence. They would therefore have an incentive to promote MASRAM interventions;

- (b) While inclusion of violent offenders in MASRAM may be desirable, it is not straightforward. Clear criteria would need to be developed for their inclusion, as well as criteria for violent offenders to enter and leave the process. In GB these criteria are provided by the Criminal Justice and Court Services Act 2000 and the Criminal Justice Act 2003. Their definition of a violent offender can be summarised as someone who has received a sentence of imprisonment of 12 months or more for a specified violent offence. While convictions for violence do not attract a requirement to register with the police, all such offenders come under statutory parole supervision of the Probation Service and this provides automatic entry to the MAPPA process: neither the legislation nor supervised parole exist in Northern Ireland;
- (c) It is also important to point out that even if MASRAM were to incorporate violent offenders under similar terms to the MAPPA, many offenders would still not enter the process. For example, domestic violence can most often only be prosecuted as Common Assault, Breaches of Court Orders or Criminal Damage – 71% of domestic violence charges in Northern Ireland during 2003-04 were for these types of offence. They are unlikely to attract a prison term of 12 months or more and therefore the perpetrator would still not enter a modified version of MASRAM;
- (d) Therefore, inclusion of violent offenders in MASRAM would not provide a panacea. Just as the current MASRAM arrangements cannot compel sex offenders to do anything, the same would apply to violent offenders. In other words, the main benefit – which would nevertheless be significant – would be in affording an opportunity to assess cases on an interagency basis and identify desirable interventions. Actual interventions must be undertaken within the statutory provisions available to agencies that are involved in managing the case;
- (e) A rough calculation suggests that inclusion of violent offenders, using the same criteria as GB would add 400-500 cases per annum to Northern Ireland's MASRAM arrangements. While all of these would be assessed, it is likely that only a small number (around 10%) should

require interagency management and this number could be reduced still further if the process manages to focus on the critical few. In selecting the types of violent offence suitable for inclusion in a revamped MASRAM, it would be important to exclude paramilitary-related offences as these would not be amenable to supervision under a MASRAM model;

- (f) There are resourcing implications in taking on additional work. Given the growing pressure that core agencies have experienced in fulfilling current MASRAM responsibilities to date, it will be important for the operational agencies to carefully consider the resourcing of future developments in conjunction with their funders. Resourcing pressures could be offset by smarter targeting of resources, particularly on the critical few – influenced by direction from the Coordinator and possibly supplemented by a co-located Public Protection Team. Staff care and turnover are important considerations for agencies in this demanding area of work and core agencies must continuously strive to balance broader agency commitments with individual staff competence and experience, in order to deliver an effective service.
- (ii) Unadjudicated offenders:
- (a) This is a contentious issue in terms of potentially infringing offenders' human rights. The original intention was that MASRAM would assess people after they had been charged with a sexual offence but this did not occur due to the volume of work. The NISOSMC has agreed that unadjudicated sex offenders who fulfil the criteria for a ROSHO (which is applicable to unadjudicated sex offenders) can now be referred for MASRAM consideration. Inspectors were also informed of the Programme for the Prevention of Sexual Abuse which is based at the Tyrone and Fermanagh Hospital in Omagh and operates in full compliance with police, courts and other statutory elements of the criminal justice system. It provides a model for engaging groups of perpetrators, the majority of whom have not been convicted of a sex offence;

- (b) Views were expressed that it would be valuable for PSNI to routinely initiate MASRAM screening after an alleged sexual or violent offender has been arrested, rather than await post-conviction entry to the process. This would enable useful public protection work to be undertaken during the period before conclusion of legal proceedings. The purpose should be to agree if the alleged offender falls within criteria for interagency assessment and management. If so, all parties would share information, agree action plans, plan for eventualities such as bail or home leave, and schedule further meetings to monitor progress;
- (c) Inspectors recognise the dilemmas that exist in this respect. We would advocate that unadjudicated cases, which are considered to pose imminent risk of serious harm to others, should be dealt with on a case by case basis. Where appropriate they should be referred to MASRAM by police in fulfilment of their duty to prevent and detect crime under the Police Act (Northern Ireland) 2000.

Chapter 2

Legislation and Guidance

- 2.1 MASRAM was commenced in shadow form in September 2001 and formally launched by the NIO minister with DHSSPS support, in May 2002. Unlike the MAPPA, MASRAM does not currently have a legislative basis for its activity. Instead it is operated as a voluntary arrangement by the four core agencies, within a framework of standards and guidance that they prepared themselves.
- 2.2 The provisions of the Sexual Offences Act 2003 are available in Northern Ireland. It was designed to help manage sex offenders and it created two new orders – Sexual Offences Prevention Orders and Risk of Sexual Harm Orders. At the time of inspection most practitioners remained unfamiliar with the provisions of the new Orders and were sceptical about their ability to provide prompt solutions when an offender is likely to cause imminent harm. Indeed, several respondents, including all the Social Services representatives, had not received copies of the new legislation or guidance in its usage at the time of the inspection.
- 2.3 Inspectors found there was very limited use of Sex Offender Orders which preceded SOPOs and ROSHOs. The PSNI is the only body which can apply to courts for these orders. They report that the process of application is slow to the point of being of little value, due to internal routing via their legal department and then externally to solicitors. We frequently read and heard of deliberations about applying for court orders but only saw evidence of one order actually being made in a sample of 98 case files and it took 15 months to obtain. We were also told of a case where it took 3 weeks to prepare the paperwork for an Interim SOPO. In another case an order was sought in a crisis situation but was refused when it reached court 6 months later because the basis of the crisis had by then disappeared.
- 2.4 Such delay contributes to a lack of confidence and also causes wastage of resources. The Home Office tell us that the situation is no different in GB – they find that usage of SOPOS and ROSHOs varies considerably across their 42 areas and that it is better in areas where there was early piloting of the MAPPA and things have bedded in. Inspectors recommend that MASRAM specialists should become familiar with these legislative provisions which are designed to support their work in relation to the “critical few”.

- 2.5 Both sentencers and practitioners expressed the view that they would prefer to have a parole arrangement for Northern Ireland to help deal with imminent risks. The inspectors from HM Inspectorate of Probation were surprised that "...there is no executive recall process and breach action is a slow process... there is evidence of long delays in executing warrants. We were also surprised to learn that the PBNI are required to pay for the issue of warrants, so enforcement action (and thus public protection and public confidence) comes at a price." Provision of parole arrangements would establish the system and criteria for violent offenders to enter and leave the MASRAM process. It would also help promote confidence in the supervision of offenders and make an important contribution to normalising our criminal justice system. Inspectors understand that the forthcoming Review of the Sentencing Framework will provide the opportunity to express views about establishment of a Parole Board for Northern Ireland. For the purposes of MASRAM's future development we recommend establishment of a supervised parole system.
- 2.6 Probation staff reported that Sex Offender Licences (Article 26 of the Criminal Justice Order 1996) are of little deterrent value for offenders who have already served a lengthy prison sentence because the maximum penalty for breach of the licence is 3 months in custody. Sex Offender Licences could become redundant if supervised parole were available.
- 2.7 There is a lack of clarity in some cases about the actual date that a sex offender becomes subject to notification requirements. It fluctuates between the date of conviction, date of sentence and date of release from custody. These discrepancies should be remedied as they have implications for the termination dates of registration and for the associated legal requirements that can be made of offenders. This is a matter which is already set out in the legislation and inspectors recommend the MASRAM agencies should reach a clear understanding with courts about it.
- 2.8 Inspectors found some confusion and understandable concern among practitioners about the practice of automatically reducing Category 3 registration levels while offenders are in custody, on the basis that they do

not pose a risk while locked up. This blanket assessment can lead to complacency among staff and seems to be a risky practice as Category 3s are the most dangerous offenders. They can be released at very short notice following successful appeal, on bail, or on Compassionate Temporary Release. While we did not come across any such breakdowns in respect of Category 3 cases, inspectors recommend clarification of this practice to ensure there is no breakdown in planning for their management in the community and also to ensure uniform understanding among practitioners.

- 2.9 Core guidance for operational managers and staff consists of two documents: the MASRAM Manual and the Practice Guidelines, both of which were devised by the core agencies involved in MASRAM. They are clearly-written and comprehensive. The Manual is based on robust empirical evidence of what works in the management of sex offenders. It outlines what needs to be done (definitions and strategy) in relation to interagency management of sex offenders, while the Practice Guidelines set out how to do it. Inspectors found that core staff are well-aware of the standards and guidelines and are conversant with their provisions.
- 2.10 The Guidelines are annually updated to take account of developments in practice, new legislation and developments. A current problem is that MASRAM categories do not adequately cover internet offenders because they have not been convicted of “contact” offences against children. Whilst the guidance is detailed and clear, it is obvious to inspectors that the associated MASRAM documentation needs refinement to become more user-friendly, for example, it is difficult for practitioners to consistently distinguish between “Risks”, “Hazards” and “Dangers”.
- 2.11 Although MASRAM is governed by comprehensive standards and guidance, these do not extend to the expectations of staff in relation to their case management activity, for example, in defining requirements for joint agency meetings with offenders or the purpose or frequency of home visits; or in the case of prison officers what they should be assessing and recording in their monitoring of prison visits, phone calls, association with other inmates and cell searches.

- 2.12 The PBNI and Social Services are primarily case management agencies and provide standards for staff in relation to their mainstream agency roles. Inspectors commend the PBNI Standards, particularly the standards which are applied in relation to sex offenders and Listed Cases, as a useful basis for clarifying roles within MASRAM. We recommend that the MASRAM agencies develop and apply basic case management standards, at least in the first instance for those cases which are deemed high risk.
- 2.13 MASRAM is not the only means of managing sex offenders. There is other guidance such as Circular 3/96 (Sharing to Safeguard – Information Sharing Between Agencies in relation to Individuals suspected of, cautioned, charged or convicted of Schedule 1 Offences) and Schedule 1 of the Children and Young Persons (NI) Act 1968, both of which are currently under review. Inspectors found that officials from the NIO and the DHSSPS are working together and involving practitioners appropriately in the review processes. The officials have an important responsibility to ensure the reviews synchronise with developments in MASRAM and secure a joined-up approach to offender management.
- 2.14 Each MASRAM agency has individual policies, procedures and protocols – some that are directly relevant to the assessment and management of sex offenders, for example, PBNIs Risk and Dangerousness Policy, and PSNIs Domestic Violence Strategy. A range of other agency-specific activities impact indirectly on MASRAM, for example, in relation to staff support and mobility. Inspectors found that MASRAM needs are generally taken into account by the agencies in their application of these policies.
- 2.15 Inspectors note Recommendation 291 of the Criminal Justice Review which suggests a coordinated cross-border approach to dangerous offenders registers. On the basis of observing meetings where there was a significant element of cross-border movement by sex offenders, as yet without the opportunity for formal exchange of case intelligence, we would encourage progress in respect of Recommendation 291 as soon as the required Intergovernmental Agreement can be drawn up.

2.16. A key issue for this inspection was whether MASRAM should be placed on a statutory footing.

(i) Inspectors received mixed responses to this issue. A large majority of practitioners and operational managers favoured introduction of a statutory footing, while policy makers generally cautioned against it.

(ii) The main arguments advanced FOR legislation were:

Reassurance that sharing information between agencies and decisions about case management, especially the application of restrictive interventions, are supported by statutory authority;

Legislation would be necessary to provide for inclusion of violent offenders in the MASRAM process, as they are not subject to a registration process;

The profile of MASRAM would be raised;

It would be easier to acquire resourcing to match a legal requirement of agencies to work with MASRAM;

The experience of MAPP members in GB suggests that their legislation is useful for restricting the numbers of cases referred and for clarifying the level and duration of case involvement;

Social Services were particularly persuasive in advocating a statutory basis which would incorporate violent offenders into MASRAM. Under the current arrangements they participate routinely in MASRAM meetings, which mainly deal with low to medium risk sex offenders whom they do not know. Yet MASRAM does not deal with perpetrators if there is no conviction for a sexual offence. Many Social Services cases are not referred by the criminal justice system but by others such as hospital Accident and Emergency Departments. In these circumstances, Social Services are often left to manage such cases alone, normally through case conferences and by placing children on the Child Protection Register.

They feel quite isolated and exposed in these situations which lie outside the corporate MASRAM framework.

(iii) The main arguments AGAINST legislation were:

New legislation would take time to prepare and would require careful consultation, plus agencies which are ready to deliver and appropriately resourced;

It would be easy enough to create problems if not enough time has been given to thinking through all the implications, including rules of procedure under the statute;

Legislation is unnecessary for the purpose of generating interagency collaboration in Northern Ireland where the agencies already work well together;

Placing MASRAM on a statutory footing would generate additional accountability requirements.

2.17 Home Office officials and HM Inspectorate of Probation both support the case for placing MASRAM on a statutory footing. When agencies and sponsoring departments are investing so much resource and energy into the MASRAM process, with the aim of public protection and promoting confidence in the criminal justice system, it seems right that they should have authority to fulfil their role properly. The arguments for legislation are convincing and inspectors recommend that MASRAM should be placed on a statutory footing, with supporting guidance to underpin its activity. Given the good degree of cooperation that already exists between MASRAM agencies in this jurisdiction, it is suggested that legislation could be facilitative rather than prescriptive. The Criminal Justice Act 2003 and the MAPPA guidance should be used as a basis for future legislative development of MASRAM.

2.18 Development of the existing MASRAM model should also take account of all the other current and recent reviews in Northern Ireland and elsewhere in the UK that may impinge. These include:

Circular 3/96 “The Release of persons held, charged or convicted of Schedule 1 offences”;

Review of Schedule 1 of the Children and Young Persons Act (NI) 1968;

The Review of the Sentencing Framework in Northern Ireland;

The Northern Ireland Mental Health and Learning Disability Review;

Professor Hazel Kemshalls Research into the MAPP Arrangements;

The Bichard, Kelly and Flanagan Inquiries into the murders at Soham;

Review of the Mental Health Act in England and Wales;

The MacLean Report in Scotland.

Chapter 3

The Structure and Costs of MASRAM

- 3.1 Inspectors found that the structure of MASRAM is clear and roles are well-prescribed within the Standards and Practice Guidelines. Strategic direction is provided by the Northern Ireland Sex Offender Strategic Management Committee (NISOSMC). As prescribed in the standards, its membership should comprise “a representative of the PBNi, the Prison Service, the Health and Social Services Trusts, the Housing Executive, the voluntary sector and the education sector.” This membership aims to ensure that MASRAM links to other relevant groups such as Area Child Protection Committees. It also provides an effective vehicle for negotiating agency policies which may conflict with the MASRAM process, for example, the Housing (Northern Ireland) Order 2003, which provides power to repossess public housing following antisocial behaviour on the part of a tenant – who may be a sex offender requiring resettlement.
- 3.2 While the education sector is not represented on the NISOSMC, the NIO has become a member. This provides a useful interface between MASRAM and government, which assists communication about resourcing and policy developments. The NSPCC and the Nexus Institute – both representing a victims’ perspective – represent the voluntary sector. On the other hand, voluntary sector organisations, which provide services to offenders, are not involved and feel excluded. Inspectors recommend that the rationale for agency participation at each level of MASRAM be reviewed in order to ensure appropriate engagement of agencies and lay representatives – which has recently become a requirement for the MAPPA. The NIO’s Community Safety Branch may be able to make a worthwhile contribution if MASRAM extends to include violent offenders.
- 3.3 Besides the High Risk Committee, the NISOSMC has 4 sub committees: Policy & Practice, Education & Training, Publicity & Public Awareness, Research & Evaluation. Membership of the sub-committees is wider than core membership of the NISOSMC and requires further significant investment of time by operational managers. Inspectors would suggest that the sub-committees may provide an opportunity for wider community and criminal justice voluntary sector engagement with MASRAM. Inspectors saw and heard evidence of good work by the sub-committees, for example, we

received positive feedback about the training provided to a wide range of beneficiaries including hostels.

- 3.4 The ASORMCs key support and accountability interface for operational matters is with the High Risk Committee. This committee comprises senior managers from the core operational agencies. It has also been attended by a NIO official. Its purpose is to confirm Category 3 classification by ASORMCs and agree proposed Action Plans.
- 3.5 At local level there are six ASORMCs which meet monthly. However some of them now convene more frequently in order to deal with the increasing number of cases. They are also supplemented by regular prison-based ASORMCs.
- 3.6 Some ASORMC members felt the High Risk Committee was helpful and our file reads showed good evidence of the committee questioning risk level. However most DRMs say they are frustrated by their distance from the High Risk Committee and find that feedback does not flow out routinely. This is partly because there is no standard documentation for communication with the High Risk Committee and also because the conduit for upwards and downwards communication lies entirely within the PSNI. Inspectors recommend that there should be a more formal referral process to the High Risk Committee and formal reply using an agreed template. This should be copied to the DRM as well as to local police in order to improve communication.
- 3.7 For their part, the High Risk Committee often find that responsibility is pushed upwards and they are used to make decisions when the ASORMC is unsure about the level at which they should categorise an offender. They report often receiving insufficient information from the ASORMC to assist their deliberations. High Risk Committee members do not receive papers in advance and consequently cannot provide informed responses to local issues which are referred to them for an opinion.
- 3.8 Inspectors found that the High Risk Committee is equally as stretched as the community ASORMCs – it meets once every three months for half a day and inevitably has an overburdened agenda. It was suggested to inspectors that

the High Risk Committee cannot do justice to all Category 3 cases since there is very little time available to discuss important cases at meetings where participants are under considerable pressure of time. In these circumstances it is commendable that the High Risk Committee has managed to review all high risk cases at least once during the past three years.

- 3.9 As with other parts of the MASRAM process, inspectors would suggest the High Risk Committee should be refined in order to remain manageable and deal with all cases equitably. In practice, crisis situations are dealt with by a small number of operational committee members outside the routine meetings.
- 3.10 While this report aims primarily to examine the MASRAM process, rather than individual agency performance, there are obvious issues that may benefit from single-agency progress. In this respect inspectors recommend that the PSNI review its internal line management arrangements for MASRAM staff. They are currently divided between Crime Operations Branch and Criminal Justice Department. While recent police restructuring has been of considerable benefit to MASRAM, it still has a way to go to become fully-integrated element of the service. Unification and single line management seems a much better way to progress this matter. We therefore suggest location of the PSNI's MASRAM activity within the Criminal Justice Department.
- 3.11 Another matter for the PSNI's attention is deployment of its specialist MASRAM Unit – comprising a sergeant and six constables, overseen by an inspector on a part-time basis. This team promises much in terms of developing a consistent approach – they have developed positive interagency working links and are raising the profile of MASRAM within the PSNI. While the team has an advisory function, a significant degree of its work is administrative. This does not seem to make best use of the expertise of experienced police personnel. Inspectors recommend they should be provided with dedicated administrative support and thus be freed up to fulfil their true potential. At the same time it will also be important for the PSNI's specialist team to retain a strong local input to their work with sex offenders: there is a risk that centralisation could downgrade essential local intelligence.

- 3.12 MASRAM has never produced a Business Plan or an Annual Report. This is understandable in terms of the additional workload that would be generated. However the absence of these planning and accountability mechanisms has contributed to the drift from original purpose that has taken place. It has also kept the important work of MASRAM out of the public gaze. The Publicity and Public Awareness sub-committee is now preparing the first annual report to be produced in 2005 – this is a commendable initiative. Once a coordinator has been appointed inspectors recommend that publication of a Business Plan and Annual Report should become standard practice.
- 3.13 The Probation Service is a relatively small organisation which has accepted MASRAM as part of its core business and this is reflected in its inclusion within the agency Business Plan. Inspectors are not aware of other core agencies according significant public profile to their work with sex offenders. The numbers of sex offenders are relatively small in comparison to other offence types. However sex offending is a high profile subject and inspectors would suggest that agencies should take credit for the important contribution they make to public protection by incorporating MASRAM objectives in their published Business Plans. In doing so they would also contribute to responsible public debate on the matter.
- 3.14 The NISOSMC works hard to promote responsible public awareness of sex offending. For example, members provided a briefing on their work for MLAs during the last Assembly. Individual Police and Probation NISOSMC members have attended meetings with local community groups and public representatives and successfully helped defuse some tense situations.
- 3.15 The core agencies initially agreed to undertake MASRAM work for one year pending decisions about additional resourcing. Each of the agencies emphasised their commitment to MASRAM but they feel strongly about the amount of additional work that MASRAM has entailed for them without commensurate resourcing. This is particularly true for Social Services whose primary responsibilities do not lie within the criminal justice system.
- 3.16 The Northern Ireland Office has provided funding for elements of MASRAM work, for example, the PBNi received monies in 2003 for the recurring costs

of two middle managers, as well as one-off training costs. In addition, the NIO has now identified funding for a coordinator and associated administrative support. This post has been in planning for two years and, when operational, will represent the biggest single contribution to MASRAMs development yet, at an important stage in its evolution.

- 3.17 Since relatively few staff are wholly dedicated to MASRAM work it is hard to obtain a reliable estimate of total costs. We estimate however that the costs of identifiable staff during 2003 were of the order of £800,000 a year. Addition of employers' costs, management and administrative support, travel and training costs probably brings the total close to £1 million a year. Of the four agencies primarily concerned, the cost is most significant to the PBNi as a percentage of its annual budget.
- 3.18 This is by no means the complete picture, as it does not take account of staff and resources provided by voluntary sector bodies, including the hostels, which are funded mainly by the PBNi and the Housing Executive. New costs are introduced from 2005 with provision of the Coordinator post and associated costs. A straightforward cost/benefit analysis is not possible because the benefit of the service is prevention, which cannot be proven. Inspectors believe, however, that the process provides good value for money in relation to public protection against sex offenders. It also provides undoubted added value in terms of improved interagency working.
- 3.19 The public protection value of MASRAM would be significantly enhanced if more room was created to handle violent offenders by cutting back on the effort devoted to low-risk sex offenders. Commentary from HM Inspectorate of Probation elaborates on this important point: "MASRAM uses 3 levels of risk. The threshold for multiagency (rather than single agency) involvement is lower than for MAPPA. In other words MASRAM is dealing with a larger category of lower risk offenders than MAPPA would do. A review of the risk categories and their thresholds may be useful... There seems no logical reason to confine multiagency arrangements to sex offending as there are clear benefits for public protection in multiagency management of dangerous offenders generally. Consideration could be given to extending the scheme to include violent offending, though this would have significant resource implications."

Deployment of dedicated resources is the most cost-effective way of managing this work. This has already begun within the PSNI and the PBNI. The next step would be to establish a co-located interagency team.

- 3.20 The PSNI and the PBNI agree that there would be significant merit in working more closely together in a shared location. This would pool PSNI's intelligence, detection and policing experience with PBNI's case management and recording experience. The team might be called a "Public Protection Team" – the general public need a term that is more understandable than "MASRAM".
- 3.21 If established, the Public Protection Team should have a key aim of ensuring that offenders are dealt with at the lowest appropriate level. It will ultimately be for participating agencies to agree the best way forward with the NIO. There are different potential models for this team. Inspectors suggest a Northern Ireland version could be designed from the best of the 19 co-located models that already exist in GB.
- 3.22 There are several important factors to address in a co-located team. These include roles and line management arrangements. The teams location is another important issue about which agencies need to deliberate carefully. Team members should not lose their own agency identity as some things are still better done by a single agency, for example, police can respond to an emergency, while certain aspects of offender supervision are legally required to be undertaken by a particular agency such as the PBNI.

Chapter 4

Risk Assessment

4.1 Good risk assessment is fundamental to MASRAM. Assessment is not an exact science, yet liberty restricting decisions are more and more based upon it. Many people who commit the most serious offences do not present a continuing or predictable risk to the public and definition of target group by index or previous offence type can take attention away from the offender. Consequently assessment needs to be empirically-based and assessment processes must be continuously revised in order to keep up-to-date with research.

4.2 The assessment documentation used by MASRAM consists of:

Risk Matrix 2000 form. This initial static* risk assessment is completed by police. Those who score as medium or high risk are referred to the local ASORMC for dynamic risk assessment;

MASRAM 1 form. This is completed by the police or by another agency, if the offender is known to them. The ASORMC considers the MASRAM 1, Part A, and completes Part B at the meeting, to confirm the offenders risk category. If the risk is assessed as Category 1 then there is usually no further MASRAM action, though some Category 1 offenders are considered for mention at ASORMC meetings. If Category 2 or 3, then a risk management plan is agreed and a Designated Risk Manager (DRM) appointed. If Category 3, the sex offender is also referred to the High Risk Committee for confirmation of categorisation and of the proposed management plan. The MASRAM 1 & 2 forms constitute minutes of the ASORMC meeting;

MASRAM 2 – This is the review format for subsequent consideration, normally on a quarterly basis by the ASORMC and/or the High Risk Committee.

4.3 In relation to the documentation inspectors found that:

The RM 2000 is used appropriately as an initial screening exercise and inspectors generally agreed with the assessment outcomes reached by ASORMC members. The RM 2000 is capable of being adapted to assess violent offenders if MASRAM extends to include them in the future;

* *Static risk assessment is based upon fixed factors such as age at first conviction and number of previous convictions for sexual offences; dynamic risk assessment is based upon factors that may change, such as supportive relationships, health and employment.*

The version of RM 2000 in current use is simplified. Some concerns were expressed to inspectors that it is overly-simplified and that its usage does not conform to the authors' original design, i.e. in applying 3, rather than 4 possible levels of risk as outcomes. Inspectors recommend the status and accuracy of the Risk Matrix 2000 in current use needs to be clarified if offenders are to be consistently and properly assessed;

MASRAM 1 and 2 forms are confusing in design. This contributes to prolonged debate about definitions and recording accuracy. It can mean that the recording process dominates the purpose and outcome of a case discussion. In practice, inspectors found the verbal updates provided to meetings were much more informative than written MASRAM forms.

We therefore recommend that the forms be re-designed and that EITHER a fresh report be provided to each ASORMC meeting, OR that a separate update page be attached to existing reports.

4.4 The Assessment Process:

ASORMC and High Risk Committee meetings are the core elements of MASRAM, when representatives come together regularly to assess cases and develop action plans. Inspectors made a range of observations from attending these meetings:

(i) Intensity:

Most meetings were too pressurised for a single day, dealing with up to 20 cases, and sometimes held in uncomfortable surroundings with only minimal breaks. Their focus is much wider than the "critical few". Consequently, inspectors recommend that the number of cases dealt with should be reduced to a manageable level. This recommendation will become even more important if MASRAM extends its role to include violent offenders.

(ii) Information and communication:

(a) The quality of information varies depending on the familiarity of participants with the offender under discussion. Some very good

intelligence was provided by a PSNI neighbourhood constable in Omagh who knew his patch and his offenders, was sensitive to local community perceptions and made a point of providing prompt feedback to the offenders. At the same meeting his inspector was proactive in ensuring a clear written report was provided for cases where the DRM was unable to attend, and there was evidence of good (informal) liaison with Gardai in relation to cross-border offenders;

- (b) While communication within agencies is difficult enough, interagency communication is an even more complex matter, yet is very important in helping to protect the public. Inspectors saw situations where information flows could have been smoother and where information that was shared could have been better integrated into case management. In one case, a long term prisoner had been recommended for the NIPS Sex Offender Treatment Programme six months earlier but had not yet commenced the programme. While there may have been good reasons for this, the delegated Probation representative, who attended the ASORMC on behalf of the prison governor, was unaware of any reason for the lack of progress. Consequently, the case was readjudged for an update at the next meeting. Such communication difficulties can have greater impact when offenders are being managed in the community. Inspectors recommend that practitioners should be constantly encouraged and trained to use all opportunities for proactive information sharing in their management of sex offenders;
- (c) Each agency has access to different types of information, all of which is potentially useful, for example, most police information is pre-arrest, whereas the Prison Service are custodians of sex offenders on a 24x7 basis. Consistent availability of an electronic database showing prisoners home leave applications, outcomes, visitors and phone calls would further improve the process in prison based meetings. Inspectors recommend this information be provided as soon as the technology permits;

- (d) Agencies recognise that the MASRAM procedures work best with the full cooperation of offenders. This means treating them as individuals and protecting their rights. Inspectors did not find any evidence of stereotyping or discrimination. We found that considerable attention is paid to confidentiality in ASORMC meetings, both verbally by the chair, and also by requiring a signed declaration by each participant. Indeed, the confidentiality principle has proven self-defeating for MASRAM in some instances. Information has been withheld from non-core agencies who could add important additional knowledge about cases... if they were made aware their cases were being discussed. As such inspectors recommend that the existing protocols for sharing information are reviewed to ensure opportunities are not missed;
 - (e) Where relevant, MASRAM needs to work in tandem with other bodies that fulfil risk assessment and risk management roles, such as the Life Sentence Review Commissioners. It is important that both processes complement each other in approach and outcome when they are dealing with the same person.
- (iii) Participation:
- (a) There are logistical difficulties of managing timing for participants who need only attend an ASORMC for one case and these participants often endure lengthy waits. The meetings do not proceed without all core representatives and some have had to be cancelled because participants did not arrive;
 - (b) Non-core agencies pointed out the potential for confusion, in a situation where the PSNI convene the meetings, the PBNi provide the chair, the DRM can be provided by different agencies, while the PSNI Monitoring Officer also plays an important and distinctive role in overseeing the offenders compliance with notification requirements;
 - (c) Participation in MASRAM can be especially trying for Social Services representatives: they do not know most of the offenders who are being discussed and due to their organisational structure it is not always possible for the most appropriate person to attend MASRAM

meetings. In these circumstances they have made a commendable investment in MASRAM and most areas now provide dedicated Assistant Principal Social Workers to the process.

(iv) Chairing:

- (a) The meetings that inspectors observed were well-chaired by PBNI and well-serviced by PSNI with paper information. However in no case was information provided 3 days in advance as stipulated in the Standards. The meetings had a clear focus on risks and potential victims and applied a fair-minded approach, balancing offenders' needs with public protection. Inspectors found that all parties to the process were alert to the need for transparent and defensible decision-making. The business of meetings comprised review of previous objectives and action plans based on up to date assessments;
- (b) The NIPS and the PSNI reported that they rely heavily upon the PBNI assessment and case management expertise, both in prisons and in the community. It was clear that the chairs had to work hard to ensure that measurable targets were set. Their role included writing to and meeting with offenders who were not known to their agency, on behalf of the ASORMC, to inform them of outcomes.

(v) Preparation and Feedback to offenders:

- (a) Inspectors saw very good practice in Magilligan prison where a Governor and Probation manager jointly visited each prisoner before and after the ASORMC to seek views and give feedback. Inspectors recommend that this practice be replicated in other institutions and also in the community as far as possible, particularly with Category 3 offenders. Prisoners in Magilligan confirmed they have an opportunity to make either written or oral submission in advance of the meeting. They also indicated that they are informed of the outcome, though did not recognise that MASRAM has much tangible impact on their present circumstances;

(b) On the other hand, we spoke with 3 hostel residents (probably the group for whom MASRAM's impact is greatest) who had strong negative feelings about their MASRAM experience. They understood and accepted its purpose and knew about requirements such as the need to notify and keep police informed of changes in their circumstances. However they suggested they did not feel part of the process and were concerned that they were not able to go and hear what was being said about them at meetings. We were concerned that hostel managers agreed with this view and reported they sometimes have to broker situations between MASRAM agencies and their residents. The situation is no different in the MAPPA. We would therefore recommend that the agencies review the opportunities they provide for offenders to participate in the MASRAM process and do so with the advice of hostel staff and other service providers where appropriate.

(vi) Action Planning:

Inspectors were reassured that, despite their unwieldy nature, MASRAM meetings managed to focus on the critical issues, for example, we saw planning for the arrest of a potential absconder (whose risk category had been urgently reassessed upwards) while ensuring minimal risk of disruption to other residents in the hostel where he lived. This case also demonstrated good shared ownership of the ASORMC outcome and support for the Probation Officer who fulfilled the role of DRM.

(vii) Corporacy:

Some concerns were expressed to inspectors about individual agency decisions to deviate from the collective view of the Area Committee. This is infrequent but can cause undue difficulty. It is important that the MASRAM process is seen to speak with one voice, even when there has been internal disagreement.

(viii) Deference to MASRAM:

It was reported that agencies sometimes hold off on their internal decisions pending the outcomes of an ASORMC meeting. This may not always be appropriate if it leads to undue delays and suggests a lack of clarity about MASRAM's place vis-à-vis the agency's statutory role. Inspectors recommend that agencies should always be clear about fulfilling their statutory roles and not expect the MASRAM process to replace these roles.

(ix) Sentencer feedback:

Sentencers with whom inspectors consulted said that the MASRAM arrangements were not really visible to them from the Bench. They were aware that there were such procedures but the main thing that impacted on them was the Pre-Sentence Report prepared by the Probation Service which they expected to reflect interagency consultation about the likely dangerousness of the offender. They also pointed out that they have to balance this assessment with the facts of the case and that it is not appropriate to lock someone up for longer because they might re-offend more seriously the next time.

Chapter 5

Risk Management

- 5.1 It is essential that appropriate risk management should follow good risk assessment. Inspectors designed a questionnaire, based on the MASRAM Manual and Practice Guidelines, to measure the quality of risk management and sought evidence from MASRAM files (i.e. the PSNI files that are held on notified sex offenders) and the police ICIS system. However it was impossible to complete these questionnaires because the file material did not reflect the MASRAM standards and guidelines and many of the files lacked even a basic structure.
- 5.2 Feedback from Social Services Analysis Branch who advised on questionnaire design, and attempted an analysis of the information that was gathered, explains: “Given the amount of information missing from what was collected, the analyses detailed in this report are of limited value in identifying problem areas within the MASRAM process. The only real message that the report highlights implicitly is the apparent lack of effective case file management. From the information collected, offenders’ case files seem to have little relevant information... the data would not support any firm conclusions...”
- 5.3 Some of the main file deficits noted by inspectors were:
- There were very few copies of statutory documents – such as criminal records, sex offender notification forms or certificates of conviction – on MASRAM files;
 - The recording systems did not enable analysis of case management and progress;
 - Some forms were duplicated, or incomplete, or cut and pasted – all of which provided only a fairly incoherent sequence of events in some cases;
 - Very few files had a front sheet with basic outline data such as the name of current DRM and current risk category, DOB, address, index offence, last review date;
 - Varied types of documentation and terminology, some of which were dated, were in use.

- 5.4 These basic file deficiencies provide an important learning opportunity for the MASRAM process. Inspectors recognise that major improvements are already evident since the PSNI established a dedicated MASRAM Unit. The core agencies should decide about the appropriateness of using a case management system. Inspectors suggest interagency case management is not necessary for most Category 1 and Category 2 cases, but recommend that a proper case management system should be introduced for Category 3 cases, and supporting standards should be developed. This will become even more relevant if MASRAMs focus changes to include violent offenders. The PBNIs standards and recording systems offer a good model upon which to base such standards.
- 5.5 Apart from the PSNI, the other core MASRAM agencies do not hold discrete MASRAM files. Rather, they incorporate MASRAM material within case files that they hold for other reasons. Consequently, it was not possible for inspectors to draw conclusions about the quality of their risk management interventions that were uniquely attributable to the MASRAM process.
- 5.6 Notwithstanding the case file deficiencies, inspectors were still able to draw useful qualitative conclusions about a range of matters from interviews and file reads:

(i) Duration of Cases:

Although they routinely operate as case managers, Social Workers and Probation Officers are not used to overseeing cases for a minimum 5 year period, often with people who are not motivated to address their offending behaviour. A Social Services representative told us: “We are often dealing with stagnant information, whereas we are used to reviews that can achieve an objective... a review must have the potential for change and movement... our Trust are targeting a maximum of 2 years on the Child Protection Register.”

(ii) Designated Risk Manager role:

- (a) Fulfilment of this role is a police responsibility in most cases. Inspectors from HM Inspectorate of Probation were impressed with the value of the role: “Whatever you do, don’t lose the concept of the DRM. I think

MAPPA would benefit from this concept of a specified person who "holds the ring" and effectively acts as case manager for risk management work. The fact that the DRM role can move from agency to agency is a major strength of the current MASRAM process;"

- (b) While the concept of DRM is positive, inspectors found that the quality of role fulfilment varies, for example, the frequency of home visits by DRMs to offenders did not always appear to be related to risk levels. NIPS should always fulfil the role of DRM in respect of serving prisoners, but in one institution the duty is routinely delegated to a seconded Probation Officer – inspectors believe this is an inappropriate abdication of role as the Probation Officer does not have access to all prison information, nor the authority to ensure Action Plans are delivered by NIPS staff. We therefore recommend that each participating agency should reaffirm its full commitment to the MASRAM process;
- (c) Whilst ASORMC deliberations undoubtedly influence case management, inspectors saw little evidence of active communication between DRMs and other MASRAM agencies between ASORMC meetings. This reaffirms a view that the assessment process (where agencies meet collectively) is a more tangible representation of MASRAM in action than the risk management process (which is mostly undertaken by agencies alone);
- (d) There was little evidence of planned handover between DRMs. This is not only important within agencies; it is even more important when the DRM changes to a different agency, for example, upon release from prison or at the end of Probation supervision. We recommend that handovers should be more formally structured, particularly in relation to high risk offenders;
- (e) The distinction (or overlap) between PSNI Monitoring Officers and PSNI DRMs was not always clear. In many cases it seemed to be hit or miss as to the interest and time that a PSNI DRM could devote to the role. Very little information about sex offenders was transferred

onto the Integrated Central Intelligence System (ICIS) by local police officers, whereas the PSNI MASRAM Unit enter high grade intelligence onto ICIS for the benefit of their colleagues.

(iii) Process:

Inspectors saw evidence to support the view of an interviewee that “The MASRAM process is still focussing too much on the process and less on the outcomes it should deliver.” This reflects the findings of other exercises, such as the 2004 Custody Probation Order Review, that practitioners who have to comply with a wide range of standards, particularly in matters of public safety, can become risk-averse to the point where they lose sight of the primary reason for their work and become driven more by the need to comply with standards. Inspectors recommend that practitioners be assisted to adopt a more victim-centred approach and a less process-driven approach to their case management.

5.7 Quotes from inspectors illustrate many of the issues well:

(i) Difficulties in case management:

“The Bench Warrant was not executed due to Annual Leave, retirement and elections...;”

“It was frequently unclear whether offenders were actually seen on home visits; when they were seen there was little information about the nature of the contact;”

“This Category I case was reviewed on a quarterly basis – an unnecessary and inappropriate use of resources.”

(ii) Good practice was frequently evidenced:

“Good joint home visits by PBNI and PSNI;”

“MASRAM has provided a rigorous scrutiny over this potentially complicated case spanning several jurisdictions;”

“Good, prompt joint PBNI/PSNI action in returning this offender to prison... MASRAM featured significantly in the Crown Court report... DRM kept the offender well-informed, with unpopular messages, and had the offenders views represented to the ASORMC... Complaint made against the DRM due to his (perfectly appropriate) management of the case...;”

“Offender still being worked with while breach is in progress;”

“Excellent level of PBNI recording – well detailed re. offending work, relapse prevention and checking his lifestyle;”

“Very good PBNI/PSNI liaison when the case was breaking down;”

“This file contained 88 pages of PBNI interventions, which complement the actions of the police file...;”

“This offender’s wife provides supervision in his contact with their children.”

(iii) Good practice was evidenced that did not reflect any MASRAM input:

“I have a sense from this file that all the work is being done, but not recorded;”

“Very good work and case management, including on an interagency basis, and feedback from the offending programme, communication with police... but no evidence of MASRAMs impact...;”

“Probation workplan clearly linked to MASRAM and identifies that risk will be managed via MASRAM. Yet outside the MASRAM meetings there appears to be very little communication between the Probation Officer who is the DRM and the PSNI Monitoring Officer.”

5.8 PBNI files distinguished between announced and unannounced home visits. These were supported by clear and detailed entries about the nature and focus of their contact with the offender. There was good linkage and communication between PBNI prison and field teams. If the MASRAM agencies decide to develop a case management approach for some or all of their cases, then the PBNI standards and recording systems offer a good model.

- 5.9 There was no indication of inappropriate or damaging disclosures of information – employers, Housing Executive, churches and schools all received information appropriately. This is very important in such a sensitive area of work, when agencies spend much time deliberating on the appropriateness of information sharing and have to balance competing demands in the process.
- 5.10 The inspection sought evidence of the consideration and application of interventions as part of the case management process. Inspectors found that positive interventions are generally overseen by the PBNI (for example, offending programmes, accommodation, employment/training) and restrictive interventions (for example, Bail enforcement, Directed Surveillance) by PSNI. Although primarily restrictive by its very nature the NIPS is becoming more engaged in provision of positive interventions through its Resettlement Strategy and prison psychologists.
- 5.11 Two of the key positive interventions are specialist accommodation and offending programmes:
- (i) Specialist Accommodation:
 - (a) Having met with staff and residents in some of the specialist hostels that are funded by the Probation Service, inspectors were left in no doubt about their valuable contribution to the MASRAM process. There is a thorough screening process to ensure that the resource is used for people who require the greatest levels of support and supervision. Some offenders actually view hostel accommodation as unduly restrictive because of the monitoring to which they are subjected while in residence and assert that they would rather be in prison. Hostel residence and other additional requirements provide external controls that generally act as deterrents during residence – for example, room searches, CCTV records, staff surveillance and curfews. The hostel staff outlined a clear understanding of their intelligence-gathering and case management roles, in a way that balances public protection with support to offenders;

- (b) Provision of accommodation for sex offenders can be a sensitive subject which requires considerate management. There is generally a spirit of partnership in hostels working collaboratively with MASRAM core agencies, though on occasions hostel managers (and other voluntary sector service providers) report that they are not fully integrated in the process – they feel that their contributions are not always valued and they are sometimes seen as less professional by core agencies;
- (c) The restrictions imposed by MASRAM are not always found to be helpful and may in fact hinder management of sex offenders in the community, for example, forbidding association between sex offenders has meant that hostel staff lose a valuable opportunity to gather soft intelligence as they no longer see offenders coming and going from their premises. This emphasises the need for hostel managers and other service providers to be fully engaged in MASRAM deliberations about their residents;
- (d) It makes logistical sense for most hostel provision and offender programmes to be located in Belfast, though this can lead to clustering of sex offenders as an unintended consequence of good risk-management practice. Data from a Belfast hostel shows that of their 21 sex offender residents who were resettled during 2002 – 2004:
 - 16 originated from outside Belfast, yet
 - 19 resettled in Belfast, of whom
 - 17 settled in the private rented sector (who are such a diverse range of providers that it is impossible for MASRAM to have a working relationship with them);
- (e) Inspectors commend the NISOSMC Policy & Practice sub-committee approach to this matter. They are advocating a better spread of accommodation and propose that return to area of domicile be built into resettlement plans when rural offenders move to live in a Belfast hostel.

(ii) Offending programmes:

- (a) Offending programmes are provided both in prisons and in the community, including the specific Community Sex Offender Groupwork Programmes. The PBNI have commenced 7 of these programmes in the community, involving some 50 offenders during 2004. They are also piloting a specialist offending programme for learning disabled sex offenders with North and West Belfast Trust, and Muckamore and Longstone Hospitals;
- (b) Inspectors found that programme availability cannot always meet demand. It is dictated by a range of logistical factors including availability of trained staff, offender suitability and motivation, and geographical location. The issue is further complicated for prison inmates by prison transfers, remandees' and appellants' ineligibility to commence programmes, and the fact that many sentenced inmates have no incentive to undertake programmes as it will not affect their release date. The latter issue could be dealt with by provision of a parole scheme for Northern Ireland – prisoners could be required to earn early release by complying with a range of expectations while in prison, including programme participation;
- (c) Other relevant programmes that are managed by the PBNI include: Non-violent Relationships, Men Overcoming Domestic Violence, Substance Misuse and Anger Management. These programmes are based upon validated research and are delivered on an interagency basis;
- (d) Despite the practical challenges in running offending programmes, inspectors found that agencies strive to provide programmes and encourage participation by offenders who often have little enthusiasm or incentive to get involved.

5.12 Restrictive Interventions are most frequently used during pre-trial stages, for example, remand custody, bail conditions, curfews and residence requirements. They are generally applied by the PSNI, although the PBNI and others, especially hostels, are increasingly prominent in such work.

- (i) We reported earlier on the very low usage of SOOs, SOPOS and ROSHOs, each of which is designed to impose restrictions on sex offenders. It is to be hoped that a greater familiarity by practitioners and higher profile for MASRAM will increase the usage of these potentially valuable pieces of legislation;
- (ii) Each core MASRAM agency commented to us about the underusage of another valuable control on offending behaviour – the local community. Inspectors were told of situations where the community knew much more about local offenders than the statutory agencies involved and where the community was willing to responsibly help manage the case. This is a sensitive matter, especially in Northern Ireland. At the same time, community interest and concern about sex offending are a reality and responsible communities could assist the management of sex offenders. One way of achieving their appropriate participation in this work would be for MASRAM training to be offered to responsible community representatives. This might be offered in the first instance to members of District Policing Partnerships, which would have the added benefit of raising MASRAMs profile within the police service.

5.13 Apart from parole, the only obvious restrictive intervention that is available elsewhere in GB and not available in Northern Ireland is electronic tagging. Several interviewees suggested tagging could provide a useful component to enhance existing supervision plans. As with parole this would not be unique to sex offenders. Inspectors recommend that the option of electronic tagging be explored by the Northern Ireland Office in conjunction with operational agencies as part of wider developments.

5.14 Besides accommodation, offenders have a range of personal needs such as relationships, health and employment, which must be addressed in order to curtail the risks they pose. Failure to address these basic needs will thwart the best risk management plans.

5.15 There are specific initiatives designed to promote the personal development of offenders, which contribute to reducing their offending behaviour. These are mostly commissioned and funded by the PBNi and provided by the

voluntary sector. PBNI feedback suggests that NIACRO's City Stop programme and Extern's Axis programme both provide significant added value for their work with serious sex offenders. The PBNI also runs programmes for offenders' partners in conjunction with Barnardos. The voluntary sector providers have much to offer in delivering practical services that meet basic offender needs. They have particular difficulty when offenders complete Probation supervision yet continue to use their services – in these circumstances they have no effective point of contact to help deal with risky or difficult situations. Inspectors recommend that future development of MASRAM should recognise the criminal justice voluntary sector contribution by engaging them more wholesomely than has been the case to date.

- 5.16 The agencies report particular problems in dealing with offenders who have mental health and learning disability problems. We were told of occasional difficulties when medical services will not engage an offender or feel unable to share information. A Social Services representative commented: "Whereas public protection is the key model for MASRAM, things are less clear-cut in respect of mentally-ill or disordered offenders, as the medical model favours a patients rights approach rather than a public protection approach. The prison service operates under an obligation to accept whoever they are sent, whereas health services can refuse to admit someone. Therefore we welcome the MASRAM process, and find the engagement of police is especially helpful..."
- 5.17 We were told of concerns that sufficient regard is not always given to public protection in decisions about discharging restricted patients from hospitals. Mental Health Review Tribunals are obliged to discharge a person who is detained in hospital under the legal category of mental disorder if the disorder is no longer considered to be treatable in hospital, even though they may still be considered to present a significant risk to the public. In most cases, on initial discharge of restricted patients, the patient is subject to conditions agreed by the Secretary of State. The number of restricted patients is small: 11 in Northern Ireland hospitals, and 15 in GB hospitals on 15 September 2004. As restricted patients who are subject to hospital orders have usually been convicted of grave offences, including sexual

offences, it seems important to ensure that criminal justice agencies are routinely consulted about their discharge from hospital and subsequent plans. Inspectors recommend that the process for discharging restricted patients should incorporate a thorough criminal justice risk assessment and plan for appropriate post-discharge support.

- 5.18 The current Northern Ireland Review of Mental Health and Learning Disability has a dedicated Forensic Services Working Committee. The Review incorporates diverse professional perspectives and is taking account of developments locally and elsewhere. These include the Millan Committee in Scotland which led to the Mental Health (Care and Treatment) (Scotland) Act 2003 and established a Risk Management Authority; the Richardson Committee report in England and subsequent Mental Health Bill; and the development of new services for people with Dangerous and Severe Personality Disorder in GB and Scotland. It will be important for Northern Ireland to learn from the best provisions of these and other developments, such as the forthcoming Review of the Sentencing Framework in Northern Ireland and Scotlands MacLean Report, in order to achieve an appropriate balance between public protection and patient rights in any new arrangements for mentally ill or learning disabled offenders.
- 5.19 The Housing Executive, while not a core member of MASRAM, is appropriately engaged on the NISOSMC, and when relevant, the ASORMCs. The core agencies value its participation and the Executive in turn finds MASRAM useful in helping to manage sensitive issues regarding sex offenders seeking housing, residing in hostels or in its own accommodation.
- 5.20 Information sharing is critical in maximising the mutual benefits of the Housing Executives participation in MASRAM and the Housing Executive is working constructively with the core MASRAM agencies to develop information sharing protocols. On a broader level, the Executive is hosting a seconded Probation Officer to work on issues of joint interest, including the rehousing and management of sex offenders in the community. This is a commendable interagency initiative which could provide a model for the Public Protection Team that is suggested elsewhere in this report.

Appendix I

Terms of Reference

The Management of Sex Offenders in Northern Ireland – an inspection of the MASRAM process and its potential for development

Terms of Reference: June 2004.

Background

This inspection originated from a scoping exercise with criminal justice agencies that come within the remit of the Criminal Justice Inspectorate. Their feedback suggested that there would be considerable benefit in reviewing the progress and potential future development of the Multi-Agency Procedures for the Assessment and Management of Sex Offenders (MASRAM) which have been in operation since May 2002, when they were launched by NIO minister Mr Des Browne MP. Terms of Reference were subsequently drafted and circulated to a wide range of agencies. Their feedback is incorporated in this document that has been agreed by the inspection steering group. This is the first cross-cutting thematic inspection to be conducted under the auspices of the Criminal Justice Inspectorate.

Purpose

To promote best practice in the assessment and management of offenders who may present a continuing danger to the public in Northern Ireland.

Aims

- 1 Examine and report on the effectiveness of the Multi-Agency Procedures for the Assessment and Management of Sex Offenders (MASRAM), including the extent to which managers and practitioners fulfil agency requirements in their daily practice and their levels of usage of the provisions available in sex offender legislation.
- 2 Compare MASRAM with the Multi Agency Public Protection Arrangements (MAPPA) that apply in England and Wales and with Scotlands public protection arrangements. Quantify and make recommendations about the potential, appropriateness and structural implications of
 - (a) placing MASRAM on a statutory footing;
 - (b) extending MASRAM to include violent offenders, including those charged

with domestic violence;

(c) extending MASRAM to include offenders who have been charged but are not yet convicted.

3 Examine other policies and practices currently used by each inspected agency, individually and collectively, in their work with serious sexual and violent offenders, and report on how these link to MASRAM.

Objectives

- 1 Examine the quality and implementation of the MASRAM policies and procedures in relation to sex offenders, including risk assessment, risk management, action plans and role of Designated Risk Manager. Specifically comment upon sentence and supervision planning and constructive interventions such as sex offender programmes. Provide a cost/benefit analysis of MASRAM in relation to the public protection roles of inspected agencies.
- 2
 - (i) Evaluate the effectiveness of assessment tools used at all stages to categorise offenders and the consistency of their use between agencies;
 - (ii) examine the use of registration systems for offenders, their consistency within and between agencies, and compliance levels with registration;
 - (iii) examine the quality of full reviews on Category 2 and 3 offenders.
- 3 Evaluate the effectiveness of information exchange on Category 2 and 3 offenders at each stage in the criminal justice process, for example, at point of arrest, arrival at prison, dispersal within the prison estate, temporary or conditional release, conclusion of statutory supervision. Also, assess the effectiveness of information sharing with other agencies, victims, community and employers.
- 4 Assess the effectiveness of MASRAM in incorporating mental health, employment, accommodation and other relevant dimensions.
- 5 Examine the use and effectiveness of restrictive interventions by MASRAM (including accommodation arrangements) for Category 2 and 3 offenders, and the extent to which such interventions reflect victim concerns and are fully enforced.

- 6 Examine how the joint NIPS/PBNI Resettlement Strategy and the lifer review processes fit with MASRAM.
- 7 Examine agency awareness of and usage of the provisions available in sex offender legislation.
- 8 Evaluate whether the handling of cases is free from discrimination and stereotyping.
- 9 Examine how effectively Area Sex Offender Risk Management Committees (ASORMCs) are supported and resourced by the responsible authorities, parent agencies and the NISOSMC in fulfilling its role as defined at Para 2.22 of the MASRAM Manual.
- 10 Examine the need for, and availability of, statistical data in relation to MASRAM; and consider the desirability of a business plan and annual report to ensure accountability and full representation of the work undertaken by MASRAM participants.

Methodology

The review team will collect data by various means including:

- 1 Desktop reading of the existing legislation, policies, procedures, standards, service requirements, monitoring requirements, audit processes and statistical analysis.
- 2 Literature search.
- 3 Measure application of the standards by sampling MASRAM records and agency case records.
- 4 Inspect against the MASRAM standards and MASRAM practice guidelines.
- 5 Observation of relevant meetings – Area Sex Offender Risk Management Committees (ASORMCs) X 6; NISOSMC and its five sub-committees (Research & Evaluation, Policy & Practice, High Risk Offender Review, Education & Training, Publicity & Public Awareness).
- 6 Structured interviews with:
Senior staff and middle managers in each agency.

A cross section of operational staff who fulfil MASRAM roles.

Prosecutors.

Defence solicitors.

A representative sample of offenders.

Victims' groups (eg Womens Aid, Nexus, Victim Support).

Voluntary sector and other agencies who contribute to the management of dangerous offenders.

Sentencers: judges and magistrates.

- 7 Invitation to party political representatives to contribute views to the inspection.

Process and Outcomes of the Inspection

The inspection will be conducted by a team of inspectors under the auspices of the Criminal Justice Inspectorate for Northern Ireland. It will be managed by Kit Chivers and led by Tom McGonigle, with input from other inspectors as appropriate. It will be carried out in accordance with the principles set out in the CJI Prospectus published in January 2004.

A draft report will be prepared. It will credit the MASRAM agencies with all of their achievements in this area of work, identify areas of practice for development within and between agencies, and acknowledge initiatives that are already in place to improve practice. The draft will be provided to the inspected agencies for a factual accuracy check. The final report will be widely circulated and will also be publicly available on the CJI website once publication has been agreed by the Secretary of State.

Inspected agencies will be requested to prepare Action Plans in response to the reports recommendations. A follow-up inspection will be scheduled for one year after the report's completion in order to measure progress with the

implementation of Action Plans.

Agencies to be inspected

The inspection will focus on the MASRAM work of the core statutory agencies that participate in the MASRAM process:

PBNI;

PSNI;

Social Services; and

NIPS when the offender is in custody.

The Youth Justice Agency is excluded from this inspection on the basis that the MASRAM procedures exclude juvenile offenders, and also because there is a current SSI inspection into Child Protection arrangements, which are the proper means for managing juvenile perpetrators of sexual offences. There are also two other pieces of research in progress that should address the needs of dangerous juvenile offenders.

A Steering Group will be established, comprising CJI, SSI, PBNI, PSNI and NIPS.

Potential influences to be taken into consideration

- Review of the Sentencing Framework in Northern Ireland
- The Northern Ireland Mental Health Review
- The Bichard Inquiry into the Soham murders
- The revision of Circular 3/96 “The release of persons held, charged or convicted of Schedule 1 offences”
- SSI’s 2004 Child Protection Inspection
- Current research in relation to juvenile offenders:
 - (i) “Pathways into Secure Custody and Care”
 - (ii) “Tracking How Children and Young People Who Display Sexually Inappropriate Behaviours Are Processed Through The Child

Protection System”

Timetable

The proposed timetable is indicative at this stage. Adherence to each element depends on completion of the previous stage and successful coordination of all the relevant contributors.

June 04	Agree Terms of Reference, review team and Steering Group composition, roles and timetables; issue requests for interviews, case files, other information and statistics to relevant agencies.
August 04	Desktop reading – relevant legislation, agency policies, other relevant studies
September-October 04	Case analysis, observed meetings and interviews
29/10/04	Emerging findings reported to Steering Committee
27/11/04	Draft Report submitted to Steering Committee
3/12/04	Steering Committee approves sending draft report to agencies to check factual accuracy.
17/12/04	Comments received from agencies
23/12/04	Send report to printers
14/1/05	Proofs of report received back from printers
17/1/05	Page proofs sent off for correction
17/1/05	Page proofs sent to officials for briefing
21/1/05	Corrected page proofs returned from printer
21/1/05	Page proofs submitted to SOS for approval
26/1/05	Report laid before Parliament and published
26/1/05	Report placed on CJI website
26/1/05	Printers authorised to run off copies
18/2/05	Action Plans received from agencies
February-March 06	Follow-up inspection

Appendix 2

Methodology

The inspection comprised the following elements:

(i) File Inspection

Nine inspectors participated in the inspection of PSNI and PBNI files.

A structured questionnaire was devised in conjunction with the participating agencies. The questionnaire reflected the standards that are set out in the MASRAM Standards and the Practice Guidelines. It was intended to capture data that could be subjected to quantitative analysis and also to reflect qualitative comments. The file inspection team comprised the following personnel:

3 x CJI;
2 x HM Inspectorate of Probation;
3 x PBNI;
1 x PSNI.

104 PSNI files were requested, of which all were provided. 56 of these were inspected:

44 x Category 3;
9 x Category 2, (including 1 x female);
4 x Category 1.

46 PBNI files were requested, of which all were provided. 42 of these were inspected:

21 x Category 3;
16 x Category 2, (including 1 x female);
5 x Category 1.

15 of the files that were inspected dealt with the same offender from both agencies.

(ii) Interviews

A range of guided interviews were conducted:

PSNI – Senior managers, MASRAM Unit staff, Sector Inspectors, CARE Unit staff, DRMs.

PBNI – Senior manager, MASRAM chairs, DRMs.

NIPS – Headquarters policymakers; Governors, including lifer and sex offender specialists.

Social Services – HSSB Directors of Social Services, Area Child Protection Committee chairs, MASRAM representatives.

Others –

DHSSPS Child Care Policy Branch officials

Extern Organisation

Hostel Managers

Judges

Muckamore Hospital psychiatrist and social workers

NSPCC

Nexus Institute

NIACRO

Northern Ireland Housing Executive

Northern Ireland Office – Criminal Law Branch; Criminal Justice Policy Branch; Probation & Agencies Branch; Community Safety Branch

Northern Ireland Review of Mental Health and Learning Disability – Forensic Sub-group

Office of the Director of Public Prosecutions

Programme for the Prevention of Sexual Abuse

Sex Offenders

Victim Support

Womens Aid

(iii) Observed Meetings

ASORMCs x 6

High Risk Committee

NISOSMC

(iv) Visit to the Home Office Public Protection Unit and observation of a London MAPP Meeting

Appendix 3

Comparison with the MAPPA

- 1 The fundamental difference between MASRAM and the MAPPA is that the latter are underpinned by legislation. The MAPPA grew out of the closer working relationship which developed between the police and probation (and latterly other agencies) in the late 1990s. The Criminal Justice and Court Services Act (2000) first placed these arrangements, and they were re-enacted and strengthened by the Criminal Justice Act (2003). Essentially, the legislation requires the police, prison and probation services (acting jointly as the 'Responsible Authority') in each of the 42 areas of England and Wales to establish arrangements for assessing and managing the risks posed by sexual and violent offenders. Besides registered sex offenders, the MAPPA include violent offenders and those sexual offenders who are not required to register; as well as any other offender who is considered to pose a risk of serious harm to the public. During 2002-2003 the MAPPA dealt with some 53,000 offenders – the vast majority of these were managed at single agency level.
- 2 The MAPPA's legislative provisions provide clear criteria for offenders to enter and leave the process. Sex offenders enter and leave the process on the same basis as sex offenders in Northern Ireland – during the period that they are required to notify. Violent offenders must be serving 12 months or more for a specified violent offence. They are the majority in the MAPPA, and enter the process upon release from prison, and leave when their supervised parole expires. This provision does not exist for violent offenders in Northern Ireland. So even if violent offenders are added into the MASRAM process, criteria will have to be established for their entry and exit to and from MASRAM, if and until supervised parole is introduced here.
- 3 Besides the basic legal difference, there are also structural differences: For example, Social Services are core members of MASRAM – and this participation is highly-valued by the other core members – whereas they are not core members in most of the MAPPA's 42 areas. In addition, the MAPPA must report formally on the progress of Very High Risk Offenders – the "critical few" – to the Home Office's Public Protection and Courts Unit. This unit is staffed by seconded police and probation staff working alongside civil servants. The MAPPA also receive resourcing from this unit in their work with the "critical few".

- 4 Each MAPP Responsible Authority must inter alia have 2 lay advisors and must produce and publish a local report annually. There are several other prescribed agencies who are also legally obliged to cooperate with the Responsible Authority. In each of these respects MASRAM differs from the MAPP.
- 5 All of this and observation of a MAPP meeting suggests that, despite managing larger numbers than MASRAM, the MAPP runs on clearer lines and deals with a wider range of public safety issues. The MAPP are more rigorous than MASRAM about confining low-risk offenders to single agency management; they involve less documentation and provide less scope for debate about risk categories as these are largely prescribed by the legislation and guidance. It means that there is greater clarity about the “critical few”. For example, Cambridgeshire has 592 offenders within its community MAPP arrangements, which is roughly the same number as Northern Ireland. However only two of these fit the criteria for management at Level 3 – the “critical few”. This is a model from which MASRAM could learn.
- 6 While the MAPP are more clearly placed by legislation and guidance, they have a difficult task to ensure maintenance of standards and consistency across 42 areas. They are currently subject to an evaluation, the findings of which are due later in 2005. A draft suggests
 - There are many concerns which are similar to the findings of this MASRAM inspection, including too many Level 2 cases, and an increasing bureaucracy. It shows that the MAPP also underwent a similar development process to MASRAM, in that they took on too many cases before applying the discipline to stringently target the “critical few”.
 - Nineteen areas have so far co-located Probation and Police working together in Public Protection Teams. These teams do not have a uniform design: their membership, funding, location and line management arrangements vary. However police and probation are core members, and one of these agencies usually provides accommodation and administrative support. They report several advantages including a

single joint log of contact with the offender rather than two or more, better collaboration and intelligence-sharing, and enhanced profile for public protection work within parent agencies.

- The MAPPA do not yet have standards for their operation but are working on production of Performance Indicators.
- By November 2004 only 9 of the 84 Lay Assessors were actually in post.

8 Neither the Republic of Ireland nor Scotland have a process that is equivalent to MASRAM. However Scotland has undertaken a major review of its arrangements, and soon expects to establish a range of provisions including a Risk Management Authority to help its management of dangerous offenders.

9 Further information about the MAPPA, including annual reports from each of the 42 areas is available in the Public Protection section of the Home Office website at <http://www.probation.homeoffice.gov.uk>.

Copyright © by Criminal Justice Inspection Northern Ireland
All rights reserved

First published in Northern Ireland in 2005
CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
14 Great Victoria Street
Belfast BT2 7BA

ISBN 1-905283-00-8

Typeset in Gill Sans MT
Designed by Navigator Blue, printed by Nicholson & Bass.