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**DUTY TO CO-OPERATE ARRANGEMENTS
MEMORANDUM OF UNDERSTANDING
STRATEGIC MANAGEMENT BOARD
WEST YORKSHIRE MAPPA
AND
.....(Name of DTC Agency).....**

VERSION RECORD

<i>Amendments Made</i>	<i>Authorisation</i>
<i>Initial Draft</i>	<i>Max Beatson</i>

**Memorandum of Understanding between
West Yorkshire Responsible Authority & Statutory Duty to Co-operate agencies**

Section 325(5) of the Criminal Justice Act (2003) requires that the Responsible Authority in each Area and the duty to co-operate bodies draw up a Memorandum of understanding setting out the ways in which they are to co-operate.

DUTY TO CO-OPERATE LEGISLATION

Section 325(3) of the Criminal Justice Act 2003 imposes a 'duty to co-operate' with the MAPPAs Responsible Authority on various organisations providing public services.

- (3) In establishing those arrangements, the responsible authority must act in co-operation with the persons specified in subsection (6); and it is the duty of those persons to co-operate in the establishment by the responsible authority of those arrangements, to the extent that such co-operation is compatible with the exercise by those persons of their functions under any other enactment.
- (4) Co-operation under subsection (3) may include the exchange of information.
- (5) The responsible authority for each area ("the relevant area") and the persons specified in subsection (6) must together draw up a memorandum setting out the ways in which they are to co-operate.
- (6) The persons referred to in subsections (3) and (5) are -
 - (a) every youth offending team established for an area any part of which falls within the relevant area,
 - (b) the Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training,
 - (c) every local education authority any part of whose area falls within the relevant area,
 - (d) every local housing authority or social services authority any part of whose area falls within the relevant area,
 - (e) every registered social landlord which provides or manages residential accommodation in the relevant area in which persons falling within subsection (2)(a) or (b) reside or may reside,
 - (f) every Health Authority or Strategic Health Authority any part of whose area falls within the relevant area,
 - (g) every Primary Care Trust or Local Health Board any part of whose area falls within the relevant area,
 - (h) every NHS Trust any part of whose area falls within the relevant area, and
 - (i) every person who is designated by the Secretary of State by order for the purposes of this paragraph as a provider of electronic monitoring services.

Purpose and Basis of Co-operation

The purpose of the duty to co-operate is to help strengthen Multi Agency Public Protection Arrangements (MAPPAs). The principle responsibility for protecting the public from sexual and violent offenders rests with the criminal justice agencies. However, the effectiveness of public protection often depends on more than just a criminal justice response. It is well documented that other agencies play an important role in helping offenders resettle and avoid re-offending.

West Yorkshire Police, the Prison Service and the West Yorkshire Probation Service, acting as the Responsible Authority for MAPPAs in West Yorkshire identify protection of the public from offenders who pose a serious risk of harm to others as their highest priority. The Responsible Authority recognise the importance of effective partnership working in this area and acknowledge the important role other agencies play in protecting the public. While the professional 'starting point' and finishing points' of all agencies involved in MAPPAs may be different, a formal means of co-operation is required when their responsibilities and expertise cover some of the same ground.

Enabling the co-operation of all those agencies, which work with MAPPA offenders, is therefore vital. Placing that co-operation on a statutory basis underpins the long history of effective collaborative working arrangements in West Yorkshire and locates it clearly within the established framework of MAPPA.

MAPPA in West Yorkshire links into the existing Safeguarding Children Boards, local Crime and Disorder Partnerships and local Criminal Justice Boards. It complements and reinforces existing arrangements and those in development, for example in relation to child protection; domestic violence, health and in particular mental health and the work of agencies dealing with the victims of crime all of which require multi agency joint working. The duty to co-operate also ensures greater consistency across England and Wales in the way agencies work together in the MAPPA.

What the Duty to Co-operate Means and Involves

- **It is imposed only in respect of the functions defined in Section 325 – that is the operational, case-related work involved in the assessing and managing the risks posed by MAPPA offenders.**
- **The duty is also reciprocal. It requires the Responsible Authority to co-operate with the Duty to Co-operate agencies and the named Duty to Co-operate agencies to co-operate with the Responsible Authority in assessing and managing the risks posed by MAPPA offenders.**
- **It requires the Duty to Co-operate agencies to co-operate only in so far as this is compatible with their existing statutory responsibilities**, and requires them to carry out their responsibilities, where these relate to MAPPA offenders, collaboratively with the Responsible Authority and other duty to co-operate agencies.
- **The duty is imposed only on those agencies identified in Section 325(6) and (9) and can only be varied by order of the Secretary of State.**
- **The Responsible Authority and the Duty to Co-operate agencies must set out the ways in which they are to co-operate in a memorandum which they must draw up together.** The purpose of the memorandum is to enable the practicalities of co-operation to be agreed locally.
- **The purpose of co-operation is:**
 - **To co-ordinate the involvement of different agencies in assessing and managing risk**
 - **To enable every agency, which has a legitimate interest, to contribute as fully as its existing statutory role and functions require in a way that complements the work of other agencies.**

Powers

This agreement fulfils the requirements of the following:

- Section 325 9 3 of the CJA 2003 imposes a duty on a range of agencies to cooperate with Multi Agency Public Protection Arrangements
- Housing Act 1985 & 1988 (schedule 2, grounds 2 & 14)
- Housing Act 1996 (sections 135, 152 & 153)
- The Protection from Harassment Act 1997
- The Homelessness Act 2002
- The Civil Evidence Act 1995
- The Crime and Disorder Act 1998 (section 115)
- Criminal Justice and Court Services Act (Sec 67)
- Common Law Powers of Disclosure
- The Rehabilitation of Offenders Act 1974
- The Human Rights Act 1998 (article 8)
- The Data Protection Act 1998 (sections 29(3) & 35(2))

Principles of the Duty to Co-operate

MAPPA allows for all agencies working together to commit to:

- Public Protection
- Joint working where the responsibilities and work of one agency affects another
- Information sharing in accordance with the law
- Establishing trust through respect for each agency's role, authority and professionalism
- Seeking consensual resolution of difficulties where they arise
- Defensible decision making
- Prioritising the use of resources to protect those who are most vulnerable
- Diversity/Equal Opportunities

Scope and Practice

MAPPA offenders fit into three main categories:

- **Category 1: Registered sex offenders.**
- **Category 2: Other sexual and/or violent offenders who are serving a custodial sentence of 12 months or longer and includes those detained under hospital or guardianship orders.**
- **Category 3: Other offenders who are considered by the Responsible Authority to pose a risk of serious harm to the public.**

There are three levels of risk management meeting to manage MAPPA offenders:

Level 1 management is the level used in cases where the risks posed by the offender can be managed by the agency responsible for supervision/case management of the offender. This does not mean that other agencies will not be involved; only that it is not considered necessary to refer the case to a level 2 or 3 MAPP meeting.

Level 2 management is the level where active involvement and co-ordination of interventions from other agencies to manage the presenting risks of harm; **or** has been previously managed at level 3 and the seriousness of risk has diminished, and/or the complexity of the multi-agency management of the risks have been brokered, and a MAPPA Risk Management Plan (MAPPA RMP) for level 2 has been firmly established.

Level 3 management is the level used when the offender presents risks that can only be managed by a plan which requires close co-operation at a senior level due to the complexity of the case and/or because of the unusual resource commitments it requires; **or** although not assessed as a high or very high risk, there is a high likelihood of media scrutiny and/or public interest in the management of the case and there is a need to ensure that public confidence in the criminal justice system is maintained.

Key to the effectiveness of Level 2 and Level 3 arrangements is the multi agency representation and involvement. Effectiveness is often dependent upon establishing continuity. Multi agency work is often complex and benefits from the continuity of personnel and their professional engagement.

Public protection depends upon the effectiveness of the plans MAPPA agencies draw up to manage an offender's risks. These plans are in turn dependent upon the quality of the risk identification and assessment processes; and the quality of both the risk assessment and the risk management plan are heavily determined by the effectiveness of information sharing arrangements. Unless all relevant information is available, in good time, to those making the assessments and drawing up the management plans, public protection may be compromised.

Information sharing must:

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

- Be accountable

The MAPPA for West Yorkshire is overseen by the MAPPA SMB, whose role is to 'keep the arrangements established by it under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient. The preparation and publication of the Area's annual report is an important function of the SMB and a statutory responsibility for each Responsible Authority. The annual report provides a valuable mechanism for raising public awareness and understanding of public protection issues and explaining the multi agency work undertaken through MAPPA to increase public safety. Current SMB membership includes representatives from Housing, Health, Education, Social Services, Victim Support, YOT together with representation from the Responsible Authority – Prison Service, Probation and Police. Two lay advisors have also been appointed.

MEMORANDUM AGREEMENT

This memorandum describes the ways in which co-operation will be achieved under the Duty to Co-operate between the identified relevant agencies and the Responsible Authority for Multi Agency Public Protection Arrangements in West Yorkshire.

Co-operate in Level 3 Multi Agency Public Protection meetings

Signatories to this memorandum agree to provide a named senior manager who will represent the relevant agency when/if required at Level 3 MAPPP meetings to:

- assist the MAPPP in the risk assessment and risk management process, and
- provide appropriate advice, both general and specific, about accommodation matters

As and when required this MAPPP representative will invite appropriate agency representatives to attend identified MAPPP meetings.

Co-operation in Level 2 Risk Management Meetings

Signatories to this memorandum agree to nominate a named manager for their organisation to act as first contact in relation to local level 2 meetings affecting their administrative area.

Broader Co-operation

The relevant agency will also co operate with any investigation into a Serious Further Offence or Serious Case Review committed by an offender subject to MAPPA risk management as prescribed by the terms of reference agreed by the Strategic Management Board.

Will nominate a senior manager to represent their agency when/if required on the Strategic Management Board, who will maintain strategic oversight and responsibility for the MAPPA West Yorkshire.

Information Sharing and Disclosure

MAPPA minutes are records made and kept for a specific purpose. The minutes may well contain personal information about third parties as well as offenders- including information about members of staff of the agencies involved. The minutes also record the statutory activities of agencies. While not all those activities will be very sensitive, many will be and the confidence of all those involved depends upon the integrity with which the discussions and agreed actions were established remain confidential. Any request to disclose the minutes must be made to the relevant chair. They will decide what if anything to disclose. In any event any disclosure will be undertaken through the Executive Summary prepared and agreed by the relevant chair.

Constraints on the use of information

Any requests for disclosure of MAPPP minutes from those not attending the meeting or by an offender or their legal representative should be referred to the Chair of the MAPPP.

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The information shared must not be disclosed to any third party without the written consent of the agency that provided the information. It must be stored securely and deleted when it is no longer required for the purpose for which it is provided.

Any Information shared will be proportionate and necessary for the purpose for which it is being shared. Information should be located in a secure environment and be accessible to authorised personnel.

Freedom of Information

The Freedom of Information Act 2000 gives people the right to request information from public authorities or any publicly funded organisation. In each public organisation's Freedom of Information Publication Scheme on their Internet site, details of how to contact the Freedom of Information Officer are given. Requests must be passed to that Officer in the first instance.

- In public organisations, that officer will handle the request.
- In non statutory organisations, the request must be passed to the appropriate Manager or Chair of the partnership.

Any request involving a MAPPA case must be handled in consultation with the MAPPA Co-ordinator and the West Yorkshire police lead. Before response is finalised and released to the requester, ALL interested parties will be informed as to the likely response and their views sought.

GOVERNANCE AND ACCOUNTABILITY OF MAPPA

The Strategic Management Board (SMB) is responsible for the review and monitoring of MAPPA.

The SMB enables the Responsible Authority to discharge those duties imposed by section 325 of the Criminal Justice Act 2003, through the expectations laid out in Section 326 of that Act, which requires that the Responsible Authority in each area must:

“keep the arrangements (i.e. the MAPPA) established by it under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient”.

Within this broad brief are outlined five principal activities of the SMB. Overarching these activities is the role the SMB has to shape the MAPPA framework with the Area. This involves determining the role and representation of different agencies with the framework. It also includes brokering the protocols and memoranda of understanding which formalize those roles.

The five principal activities are:

- Monitor and evaluate the MAPPA
- Establishing connections that support effective operational work with other public protection arrangements, such as Area Safeguarding Board, local Crime and Disorder Partnerships and local Criminal Justice Boards.
- Prepare and publish the Annual Report and promote the work of the MAPPA.
- Plan longer-term development.
- Identify and plan common training and development needs and ensure staff are sustained and supported through proper supervision arrangements.

The Responsible Authority agrees to:

- Administer the MAPPA including servicing all risk management meetings held under MAPPA
- Accept referrals from the relevant agency in relation to public protection through the MAPPA referral process
- Nominate a MAPPA Senior Probation Officer contact in relation to public protection issues for each area.

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- Provide MAPPA training sessions for managers who are SPOCs in their relevant agency
- Provide more specific training linked to risk assessment to the representative who attends MAPPP
- Provide or advise on other appropriate training.

Signed.....
Name in print...MARK SIDDALL
West Yorkshire Strategic Management Board (SMB)
On behalf of the Responsible Authority

Signed.....
Name in print.....
Post of signatory
Name of DTC Agency.....

Date.....