

POLICY NOTE

THE MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005 (SPECIFICATION OF PERSONS) AMENDMENT ORDER 2015

SSI 2015/431

1. The above instrument is made by Scottish Ministers in exercise of the powers conferred by section 10(3) of the Management of Offenders etc. (Scotland) Act 2005. It is subject to negative procedure.

Policy Objectives

2. Section 10 of the Management of Offenders etc. (Scotland) Act 2005 (the 2005 Act), requires the Police, Local Authorities, Health Boards and the Scottish Prison Service as the Responsible Authorities to establish multi-agency arrangements to assess and manage the risk posed by certain categories of offender. Commencement of relevant sections has taken place in respect of registered sex offenders and mentally disordered restricted patients.

3. The Multi-Agency Public Protection Arrangements (MAPPA) provide these arrangements through guidance issued by Ministers under section 10(6) of the 2005 Act. The purpose of MAPPA is public protection and the reduction of serious harm. MAPPA aims to achieve this by providing a framework for agencies to share information, jointly assess risk and apply resources proportionately to manage the risk of serious harm posed to the public by relevant offenders.

4. An Order to commence section 10(1)(e) of the 2005 Act was laid on 17 December 2015. This will include in the multi-agency arrangements from 31 March 2016 those offenders who, by reason of their conviction, are assessed by the responsible authorities as posing a risk of serious harm to the public.

5. This Order makes an amendment to the Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007. This provides that when section 10(1)(e) of the 2005 Act comes into force, those providing services to the responsible authorities share information with them in the assessment and management of offenders subject to that provision.

Consultation

6. An advisory group comprising representatives of the responsible authorities (Police Service of Scotland, Scottish Prison Service, Social Work Scotland) was established in spring 2014 under a remit to advise the Scottish Government on options to extend MAPPA to further offenders posing a risk of serious harm, and to support planning for future implementation subject to parliamentary approval of the relevant provisions. The Risk Management Authority, COSLA, MAPPA coordinators and NHS mental health practitioners were also represented.

7. Regular meetings of the advisory group took place over 2014 and early 2015 to discuss how the MAPPA extension could be applied through guidance to ensure that

application would be focused proportionately to those posing a risk of serious harm to the public. The group also contributed to the development of new guidance to be issued under section 10(6) of the 2005 Act.

8. Meetings also sought to support the responsible authorities in considering the impacts of the policy, what preparations could be required to ensure that practitioners would be ready to apply the new MAPPA category and to help partners plan for its implementation. Similar discussions also took place within the Justice Tripartite Group representing the responsible authorities, MAPPA National Strategy Group and MAPPA Coordinators Group.

9. A number of meetings were also held with MAPPA partners from across Scotland, in particular members of local MAPPA Strategic Oversight Groups comprising criminal justice social work managers, MAPPA coordinators and local Police representatives. Input was also sought over the engagement period from the national Violence Reduction Unit, Care Inspectorate, Strathclyde University Centre for Youth Justice and members of the NHS Scotland Forensic Network.

Impact Assessment and Financial Effects

10. Both an Equality Impact Assessment and a Business and Regulatory Impact Assessment were carried out in relation to the commencement of s.10(1)(e) of the 2005 Act and policy to extend MAPPA. No significant negative impacts were identified.

Scottish Government
Safer Communities Division
21 December 2015