

TDI *Explainer*

Community offender management

In a previous Explainer, we explained that most offenders live within the community. In this Explainer, we discuss some of the ways in which they are managed.

Remember: when we talk about the 'Sex Offenders Register', we are not talking about a big book of offenders. Rather, we're talking about a set of 'Notification Requirements' - requirements that offenders update the Police as to their whereabouts and activities.

What different ways are there for managing offenders?

There are multiple ways in which offenders within the community are managed.

The main method is the MAPPA system—Multi-Agency Public Protection Arrangements. We spoke about these a little in our Explainer *How are risks managed?* We'll talk some more about who is managed through this system below.

All offenders who have been imprisoned, and some who have not, will be subject to Notification Requirements for at least a period. Anyone who has served a custodial sentence of 30 months or more will be subject to these indefinitely.

Alongside these there are a set of civil orders—such as Sexual Risk Orders—which are restrictions on activity imposed by a court. These might include restrictions on computer use for those convicted of possessing child abuse images, for example.

The level of oversight offenders are subject to is related to their risk—more resources are given to controlling more dangerous offenders.

Names of offenders are not normally made public, but some disclosures can be made.

Levels of MAPPA management

1

Management by a lead agency—such as the Probation Service—with information sharing with other agencies—such as the Police or Local Authority

2

For those posing a high risk of harm, there is active and regular engagement between multiple agencies to ensure safety

3

For those posing the highest risk, there is active enhanced multi-agency management, with senior representation from agencies and all other bodies with a legal duty of co-operation, such as health services, for example

Licence conditions

Most offenders are released part-way through their custodial sentence, serving the remainder of their sentence on 'licence'.

There are a standard set of conditions, such as continuing good behaviour, regular contact with the Probation Service, living at an approved address and only doing work approved by the Probation Service, and not travelling abroad without permission.

Other conditions may be imposed, such as restrictions on using the internet, not contacting victims, not staying in a house with children, being excluded from certain areas or spaces, or being subject to a curfew.

Civil orders

Sexual Harm Prevention Orders and Sexual Risk Orders are civil orders, meaning they are not imposed by criminal courts. The burden of proof in civil courts is lower than in criminal ones—it is the 'balance of probabilities' rather than 'beyond reasonable doubt'. This makes them an easier method to restrict the activities of those who pose a risk.

Of the two, Sexual Risk Orders can be applied to those without a conviction but who are thought to pose a risk of sexual harm.

The orders place similar restrictions to licence conditions, and breaching them can mean a custodial sentence.

What are the differences between Public Protection and Safeguarding?

Public protection and safeguarding could be thought of as two sides of the same coin.

Public protection focuses on perpetrators. It has the legally defined framework we've been discussing, where agencies work to prevent offending. Information is normally channeled through these agencies.

Safeguarding has a focus on victims. It also has a legal framework and multi-agency involvement, but the agencies are working to identify and protect victims. Information normally goes through children's or adult's social services.

Further questions you might want to think about:

How effective are these systems? What role can we play in the community management of offenders? What rights do we have to information about offenders?



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TDI is a national charity which works to increase public protection by finding practical and creative solutions to the problem of sexual offending.

For over 25 years we have been at the forefront of the field, providing training, research, consultancy and public protection schemes to individuals and organisations across society.

If you've found this explainer useful, you may be interested in learning more through one of our training programmes. Contact us at info@tdi.org.uk to find out more.