

**MAPPA Significant Case Review:
Thomas Bennie Smith**

Report by East Ayrshire Chief Officers Group

October 2011

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SUMMARY

- i. This report has set out the process of the review, the key findings and priority recommendations relating to the management of Thomas Bennie Smith as a registered sex offender within the community.
- ii. The remit of the review specifically indicated that there would be a focus on risk assessment, risk management, information sharing and child protection. The findings and recommendations are therefore presented in this way. The review has had a particular focus on the role and duties of Strathclyde Police as the “responsible authority”, and issues requiring further investigation by Strathclyde Police are summarised. While not key to the findings of this case, the review identified issues which require further consideration by the relevant authorities in respect of the implementation and operation of the Multi-Agency Public Protection Arrangements (MAPPA).
- iii. Thomas Bennie Smith was responsible for the murders of Diane and Holly Fallon. It is now evident that he deceived people and this included the police. The review concluded that it is not possible to definitively state that the murder of Diane and Holly could have been prevented. It is, however, evident that there were missed investigative opportunities and a lack of pro-active policing. With greater police scrutiny, there may have been opportunities to challenge Thomas Bennie Smith, which may have prevented him being in a position to commit these murders. Greater scrutiny could also have identified the involvement of Thomas Bennie Smith in the lives of Diane and Holly. If these actions had been pursued, the disclosure of information to Diane would have given her an opportunity to make a decision about future contact with Thomas Bennie Smith.
- iv. The South West Scotland Community Justice Authority Area MAPPA Strategic Oversight Group and the East Ayrshire Chief Officers Group are aware of the need to conclude this review, and to make the findings, conclusions and recommendations available to the family and to those stakeholders with a commitment to improving public protection arrangements in Scotland. This report is written being acutely conscious of the grief of Diane and Holly’s family, and their need to understand how this terrible tragedy could have happened. Throughout this process the family has been courageous, dignified and patient. It is hoped that the findings and reflections contained in this report helps them to understand what happened, recognising that this in no way can alleviate their sense of loss following this tragic event.

BACKGROUND

1. Between 28 March 2009 and 8 April 2009, Diane Fallon and Holly Fallon (aged 10) were murdered in Cronberry, near Cumnock, East Ayrshire (hereafter referred to as Diane and Holly). On 8 April 2009, Thomas Bennie Smith was arrested and charged with their murders.
2. At the time of the murders, Thomas Bennie Smith was a registered sex offender and was managed under MAPPA. He was subsequently convicted of both murders at Glasgow High Court on 5 February 2010 and was sentenced to 32 years imprisonment.
3. Following the deaths of Diane and Holly, those charged with leading and managing MAPPA within the East Ayrshire area commissioned a significant case review.
4. This review was commissioned within the framework of the national MAPPA Guidance (Scottish Government, Version 4, 2008) to examine the particular circumstances surrounding the management of Thomas Bennie Smith within the community on a multi-agency basis and specifically focused on:
 - risk assessment and risk management
 - information sharing
 - child protection
5. This report encapsulates the recommendations and the areas requiring further consideration from the overall findings, and as agreed by the East Ayrshire Chief Officers Group will be shared with Diane and Holly's family and also shared more widely.

PROCESS

6. Following the deaths of Diane and Holly, this significant case review was commissioned by the South West Scotland Community Justice Authority Area MAPPA Strategic Oversight Group. The review was undertaken by a review team comprising of police, social work and the National Health Service (NHS). The terms of reference for the review were developed and agreed. The review comprised of several stages; collation of single agency information, analysis of this data on a multi-agency basis and independent scrutiny.
7. Consequently, an independent review officer was commissioned, thus ensuring a transparent and robust approach to the review process. The review report and associated background information was made available to the independent review officer, who in turn produced a report of key findings and recommendations.
8. This report brings together the different parts of this review, and summarises the process, and all of the key findings and recommendations.
9. These were considered in detail by the East Ayrshire Chief Officers Group on 27 September 2011 and 14 October 2011. Following consideration, the East Ayrshire Chief Officers Group noted the extent of the work undertaken in ensuring that a comprehensive review was undertaken, with appropriate independent scrutiny. The conclusions of the review and the subsequent independent report were considered, noting that they were undertaken at different times and therefore with different information available. This particularly related to the information which could be accessed by the independent review officer following the conclusion of the murder investigation and subsequent trial. The East Ayrshire Chief Officers Group also noted that the most significant issues identified for improvement action, by both the multi-agency review team and the independent review officer, were in respect of risk assessment and risk management.
10. The East Ayrshire Chief Officers Group accepted in principle, the recommendations set out in the report by the independent review officer (which incorporated the multi-agency review team recommendations), but subject to amendments which ensure that all recommendations are proportionate and appropriately targeted at the relevant authority. For transparency, the amended recommendations are summarised in this report, with reference to the original recommendations made (which are presented in brackets for clarity). While the report has avoided the use of unnecessary jargon, a glossary is provided to explain some of the terminology used in the report.

KEY FACTS

11. Thomas Bennie Smith was raised in Ayrshire and joined the Armed Forces in 2000, aged 17. He was subsequently stationed at Catterick Garrison, North Yorkshire and served in several foreign territories on active service.
12. On 4 May 2006, Thomas Bennie Smith was convicted at Teeside Crown Court of sexual assault of a teenage girl. He was sentenced to six months imprisonment and placed on the Sex Offenders Register for a period of seven years. This was Smith's first and only criminal conviction prior to the murders of Diane and Holly. He spent three months in custody at HMP Holme House prior to being released on 1 September 2006. Due to the short term nature of his sentence, Smith was not subject to statutory supervision post release.
13. In February 2008, Smith moved to a lower cottage flat in Cronberry, which was owned by family members. The flat in question is one flat within a block containing four such flats, two upper flats and two lower flats.
14. In 2005 Diane and Holly relocated to a local authority tenancy in Auchinleck, East Ayrshire from Hertfordshire. Subsequently in May 2007, they relocated to privately let accommodation in Cronberry, East Ayrshire. They stayed in an upper cottage flat, being one flat within a block containing four such flats, two upper flats and two lower flats. The flat was privately owned and was rented by Diane from a letting agent.
15. Holly was a bright girl, who was achieving well. She was encouraged and supported by her Mum. Her attendance at school was 92% and there were no concerns about her care and protection while living in East Ayrshire.
16. When Thomas Bennie Smith moved to Cronberry to the flat diagonally below Diane and Holly, they became neighbours. Although Thomas Bennie Smith and Diane & Holly Fallon had previously stayed in the Auchinleck area, there is no information to suggest that they knew each other prior to moving to Cronberry. The subsequent murder investigation conducted by Strathclyde Police indicated that a level of friendship developed. This was not known prior to the offence by any agency.

FINDINGS

17. Thomas Bennie Smith was responsible for the murders of Diane and Holly. It is now evident that he deceived people and this included the police. He avoided police officers, and made efforts to avoid information being known to them about his lifestyle and relationships.
18. Based on the information obtained during the review, it is not possible to definitively state that the deaths of Diane and Holly could have been prevented, however additional actions should have been pursued which may have enabled Strathclyde Police to identify the nature of contact between Thomas Bennie Smith and Diane and Holly. If these actions had been pursued, the disclosure of information to Diane would have given her an opportunity to make a decision about future contact with Thomas Bennie Smith. In addition, more pro-active policing may have prevented Thomas Bennie Smith from being in a position to offend.
19. This review has offered the opportunity to consider how strategic and operational arrangements in managing the risk posed by Thomas Bennie Smith could have been strengthened. In reaching these conclusions, it is recognised that hindsight offers a perspective which was not available to the officers involved at the time.
20. The key findings and recommendations mainly relate to the role of Strathclyde Police which was the responsible agency in the management of Thomas Bennie Smith within the MAPPA framework.
21. As set out in the original remit of the review, these relate to: risk assessment; risk management; information sharing and child protection. In addition, the review identified the need for further investigation and action by Strathclyde Police, which is described in this report.

FINDINGS:

RISK ASSESSMENT AND RISK MANAGEMENT

22. Thomas Bennie Smith was assessed as posing a high risk of re-offending. While accurate, the rationale for reaching this conclusion was not sufficiently clear. For example, his previous offences were committed in close vicinity to his home and involved girls who were not known to him. If fully considered, this would have triggered a more thorough assessment of his offending behaviour and a greater understanding of the risk posed by him. Had this been done, it would have better informed the risk management plan, however with the information known at that time, sexual homicide or sexual offending involving serious violence would not have been predicted.
23. At the point of his release from prison on 1 September 2006, a range of information was available to Strathclyde Police. This included the social enquiry report (SER), the OASys2 sentence management dossier, police charge reports, statements and tape recorded interviews with Thomas Bennie Smith. It was noted that the social enquiry report prepared by South Ayrshire Council had significant weaknesses. The report was prepared prior to Thomas Bennie Smith being sentenced, with the purpose being to provide the court with impartial information and advice. While it is noted that it is difficult to write a report on any offender who completely denies the offence, the report could have been strengthened with greater analysis about the context in which the offence occurred, the responsibility taken, the level of planning involved, his level of insight and his consideration of the impact of the offence on the victim.
24. While police officers undertook a number of home visits, these were in the main unsuccessful. Officers also set out a plan of unannounced home visits in excess of minimum standards, but this plan was not fully implemented. This may have resulted in the identification of a friendship between Thomas Bennie Smith and Diane. Therefore the review identified the need for a more intrusive and investigative approach to policing. Officers did not robustly pursue investigative opportunities which were presented, particularly disclosures from Thomas Bennie Smith of relationships with two women, one of whom had three children.
25. While this does not mean that Diane and Holly's murders would have been prevented, it may have resulted in the disclosure of information to Diane which would have given her the opportunity to make a choice about her contact with him, and would have allowed her to consider how to safeguard her daughter. Examples of a more pro-active approach by the police officers involved would have included door to door enquiries about Thomas Bennie Smith's lifestyle and about children living in the vicinity of

his property. Also a more pro-active approach to seeking his co-operation to search his home and property (eg mobile phone) may have produced additional information.

26. The review recognised that the police have limited statutory powers in managing sex offenders within the community. There is no legal obligation for a registered sex offender to allow police officers access to their home or to participate in any interview or risk assessment process. The only legal requirement placed on sex offenders is to comply with the registration process. Registered sex offenders are increasingly aware of these limitations and are also aware of their rights, creating challenges for police officers in being pro-active.
27. Police officers should have undertaken a specific risk assessment about the suitability of Thomas Bennie Smith's address in Cronberry, with a view to identifying people living nearby and any potential risks to them. It would have been reasonable for officers to have made enquiries of neighbours and observational checks of the neighbourhood, particularly in light of his non-engagement, but the review concluded that this was not done.
28. At the time Thomas Bennie Smith was being managed in the community by Strathclyde Police, the Offender Management Unit in Ayrshire was under resourced due to secondment of officers to other duties or due to long term absence. During this time, the unit was proportionately managing the highest number of sex offenders per officer within the force area, and action was taken in both 2008 and 2009 to provide additional resources, including staff and vehicles.
29. Local uniformed police officers should have been made aware that Thomas Bennie Smith was living in Cronberry, and should have been tasked to gather information about his lifestyle. The review revealed that operational police officers working in the Cronberry area had not been briefed about Thomas Bennie Smith's presence, nor was there any current information held about him on the Scottish Intelligence Database (SID). Officers were therefore not aware of the need to gather any information about his lifestyle and presence in the local community.
30. This review highlighted a lack of management oversight in the implementation of the risk management plan by Strathclyde Police. These managers did not demonstrate sufficient scrutiny to enable them to identify that the risk management plan for Thomas Bennie Smith was not being implemented, in line with police operating procedures. For example, unannounced home visits were not carried out within the required timescales and his avoidance of police officers was not robustly pursued.

FINDINGS:

INFORMATION SHARING

31. Based on the information available to the police at the time of his sex offender registration, Thomas Bennie Smith was managed within the MAPPA arrangements at level 1. This means that Strathclyde Police managed his plan on a single agency basis, requiring to share information with relevant partner agencies.
32. Strathclyde Police did share information with partner agencies about Thomas Bennie Smith at MAPPA level 1 meetings, however some consideration should have been given to referring him for level 2 management within the MAPPA process as this may have strengthened a joint approach to risk assessment and management.

FINDINGS:

CHILD PROTECTION

33. The review highlighted that most child protection matters were appropriately identified and acted upon by Strathclyde Police, the exception being in respect of the children of one of the women identified (noted earlier in this report). This woman was identified as a result of the murder investigation and joint investigative interviews were subsequently conducted, confirming that the children had been kept safe.
34. There was evidence of child protection referrals being progressed by the three local authorities involved (East Ayrshire Council, North Ayrshire Council and South Ayrshire Council). On one occasion in 2006, the response to a child could have been more timely by staff in East Ayrshire Council, however the referral was appropriately followed up. In 2008, as part of a child protection investigation by North Ayrshire Council, it is also noted that a second child was identified as potentially being in contact with Thomas Bennie Smith. While North Ayrshire Council Social Work indicate that this information was forwarded to Strathclyde Police, there is no record of this having been received. As a result, neither North Ayrshire Council nor Strathclyde Police undertook further investigation of this matter.
35. Given these findings, coupled with the historic nature of the incidents, there are no priority recommendations for the local authorities involved. The review does however suggest that North Ayrshire Council reflect on the findings of this report and seek assurance on how child protection referrals to Strathclyde Police are followed up. This matter is addressed at section 5 – recommendation for further consideration.

FINDINGS:

FURTHER INVESTIGATION AND ACTION

36. There were resource pressures for the Offender Management Unit in Strathclyde Police, meaning that there were competing demands in the implementation of risk management plans for sex offenders in the area. At the time, U Division (Ayrshire) was managing the highest number of sex offenders within the Strathclyde Police force area with the highest proportion of offenders per officer.
37. This review highlighted that there are no agreed local or national frameworks in place to ensure that each individual police force's offender management teams are proportionately resourced to manage the level and complexity of sex offenders residing within the local area. The lack of such a framework has resulted in inconsistencies across Scotland in terms of the management of resources and has had a direct influence on the capability, consistency of practice and capacity of these teams.
38. During the course of this review, issues relating to the practice of officers and also the oversight and supervision arrangements by managers were noted. The specific performance issues identified are matters for the individual agency to consider and as such they have been passed to senior management within the Strathclyde Police Force Executive for further action as deemed appropriate.

PRIORITY RECOMMENDATIONS:

RISK ASSESSMENT AND RISK MANAGEMENT

STRATHCLYDE POLICE

It is recommended that Strathclyde Police make the following improvements to risk assessment and risk management arrangements:-

1. issue an instruction to Offender Managements Units, to ensure that documentation is evidenced and receipted on ViSOR, conforming to the ViSOR Data Standards Manual (recommendation 4);
2. issue an instruction to all Offender Management Units to ensure that a copy of the police report, key statements, particularly those of the victim and any other relevant information is collated to allow their officers to make a fully informed assessment of the risk an offender presents (recommendation 6);
3. ensure that all officers posted within offender management units are aware of, trained in, and follow the practice within the ACPOS 2010 guidance and associated Strathclyde Police Standard Operating Procedure (recommendation 9);
4. ensure there is ongoing active engagement between officers within the OMU's and community-based police officers, relative to their collective responsibility for the management of offenders in the community (recommendation 14);
5. re-enforce the importance of conforming to the ViSOR Data Standards Manual and ensuring important information is input as soon as reasonably practicable (recommendation 17);
6. re-issue an instruction to all OMU officers, that key information contained within ViSOR is replicated on SID to allow wider dissemination of pertinent information (recommendation 18);
7. introduce a process to ensure that key information that may be required as evidence is recorded and retained relative to engagement with a registered sex offender (recommendation 21);
8. consider succession planning in relation to the training of identified officers prior to or as soon as reasonably practicable after the commencement or their role within the offender management unit (recommendation 26);

9. ensure that the appointment to key management posts within an offender management unit is subject to a robust selection process. This is a key post in line managing and providing specialist advice and support to all officers and staff within the OMU and other divisional officers. It is imperative that this officer has the relevant skills and background to effectively discharge this role, and has access to relevant training as a priority on appointment (recommendation 27);
10. ensure that all detective inspectors with responsibility for oversight of Offender Management Units are required to attend the national offender management course at the Scottish Police College (recommendation 28);
11. advise Divisional Commanders to continually review resilience within their offender management units, to ensure sufficient trained resources are in place to effectively manage sex offenders (recommendation 29); and
12. introduce a process for gathering performance management information relative to the management of registered sex offenders (recommendation 31).

PRIORITY RECOMMENDATIONS:

RISK ASSESSMENT AND RISK MANAGEMENT

ASSOCIATION OF CHIEF POLICE OFFICERS SCOTLAND (ACPOS)

It is recommended that the Association of Chief Police Officers Scotland (ACPOS) take the following action to improve risk assessment and risk management arrangements:-

1. ensure that in all future risk assessments undertaken by the police for registered sex offenders, there is an understanding about objective and informed assessment of offending behaviour, risk and protective factors and reference is made to:
 - the likelihood of them committing further offences
 - the types of offences they might commit
 - the circumstances under which they might commit offences
 - who might be at risk from them
 - the potential seriousness of future offending and
 - how that risk should be managed (recommendation 5);
2. consider the issue of information gathering relative to the index offence committed by an offender, so as to fully inform risk assessment with a view to ensuring this issue is re-enforced to officers attending the national Offender Management Course at the Scottish Police College (recommendation 7);
3. consider the issue of continually repeating the offender's version of events within the risk management plan, which unless directly affecting the assessment of risk is not helpful or necessarily good practice. The national course should be reviewed to ensure that it sufficiently covers characteristics, offending patterns, risk and protective factors for sexual offenders (recommendation 8);
4. ensure the importance of ongoing active engagement between officers within OMU's and community based police officers, forms an integral part of the national Offender Management Course, delivered at the Scottish Police College (recommendation 15);
5. ensure the importance of ongoing active engagement between officers within OMU's and community based police officers, forms an integral part of the national probationer, supervisory and leadership courses, delivered at the Scottish Police College (recommendation 16);

6. advise all Scottish Police Forces to introduce a process to ensure that key information that may be required as evidence is recorded and retained relative to engagement with a registered sex offender (recommendation 22);
7. consider the issue of the re-deployment of police officers from key public protection posts and the impact on partnership working (recommendation 25); and
8. consider providing guidance to all forces regarding the ratio of offenders that could reasonably be managed an officer, any guidance must take into consideration the risk each offender presents, as this will dictate the level of engagement by the officer (recommendation 30).

PRIORITY RECOMMENDATIONS:

RISK ASSESSMENT AND RISK MANAGEMENT

SCOTTISH GOVERNMENT

It is recommended that the Scottish Government:-

1. consider proposing an amendment to the Sex Offences Act 2003, giving power to search an offenders home, for the assessment of risk and to require an offender to produce his mobile phone for examination if so requested by a police officer. This however, could be a two-tier system, identified at the point of conviction by the sentencing judge. For those offenders who are considered not to present a serious risk of harm, they would continue to be subject to the current legislation, but those offenders considered to present a serious risk of harm, could be managed under the proposed enhanced powers (recommendation 24).

(The East Ayrshire Chief Officers Group, having considered this recommendation, agreed in principle to the need for further scrutiny of existing legislation and the ability officers had to crave a warrant. They acknowledged that in many other circumstances where the assessment as to the potential risk of harm posed by an individual towards others is of significant concern, officers of any rank are able to apply to a Sheriff for a warrant. In the case of the Sexual Offences Act 2003, the current legislation only allows for an officer of the rank of Superintendent to make the application. The East Ayrshire Chief Officers Group believe that this specific issue is worthy of further consideration to ensure equity with other existing legislation with a view to revising the application criteria for such warrants).

PRIORITY RECOMMENDATIONS:

RISK ASSESSMENT AND RISK MANAGEMENT

SOUTH WEST SCOTLAND COMMUNITY JUSTICE AUTHORITY AREA MAPPA STRATEGIC OVERSIGHT GROUP

It is recommended that South West Scotland Community Justice Authority Area MAPPA Strategic Oversight Group:-

1. consider reviewing the current MAPPA Level 1 process for managing registered sex offenders, where the risk posed by the offender can be managed by one agency, without actively or significantly involving other agencies (recommendation 33); and
2. consider sharing the proposals with the National Chairs of MAPPA, with a view to auditing arrangements across Scotland and developing national guidance.

(The East Ayrshire Chief Officers Group accepted this recommendation, but extended the recommendation to the National Chairs of MAPPA in recognition of the need to share experience and to consider the most effective use of resources).

PRIORITY RECOMMENDATIONS:

RISK ASSESSMENT AND RISK MANAGEMENT

SOUTH AYRSHIRE COUNCIL

It is recommended that South Ayrshire Council:-

1. seeks assurance that criminal justice social work staff are appropriately trained and are implementing the Criminal Justice Social Work Reports and Court Based Services Practice guidance 2010.

(The East Ayrshire Chief Officers Group gave consideration to the recommendation in the independent review officer's report, but considered that making a national recommendation about practice based on one historic report was not proportionate. In addition, as part of significant changes and developments in criminal justice social work in 2010 and 2011, national practice guidance has been implemented in respect of the preparation of criminal justice court reports. (Criminal Justice Social Work Reports and Court Based Services Practice Guidance 2010). For this reason, it is recommended that South Ayrshire Council seek assurance of the implementation of these arrangements. For transparency, the original recommendation was:.....it is recommended that all local authorities in consultation with the Association of Directors of Social Work (ADSW) ensure that criminal justice social work report authors are aware of, trained in, and following the practice contained within the Criminal Justice Social Work Reports and Court Based Services Practice Guidance 2010 (recommendation 3).

PRIORITY RECOMMENDATIONS:

INFORMATION SHARING

ASSOCIATION OF CHIEF POLICE OFFICERS SCOTLAND (ACPOS)

It is recommended that ACPOS:-

1. prioritise the delivery of the phased transfer of information between ViSOR and SID (recommendation 20).

PRIORITY RECOMMENDATIONS:

FURTHER INVESTIGATION AND ACTION

STRATHCLYDE POLICE

It is recommended that Strathclyde Police:-

1. in light of a statement from an officer and the crime report that intelligence was submitted for dissemination onto SID; they investigate why this did not occur, possibly through human error and a training issue, or an information technology fault (recommendation 19); and
2. consider the issues detailed within the confidential report and conduct an investigation relative to the procedural irregularities surrounding the recording of Thomas Bennie Smith's notification requirements (recommendation 13).

FURTHER CONSIDERATION

39. This review highlighted a number of issues which require to be considered on a national basis in respect of the implementation of MAPPA in Scotland. These matters were not significant to this case, but emerged in consideration of the issues and in other circumstances, may have had an impact. This in part reflects the fact that MAPPA has been in place for four years in Scotland, and a review of practice across Scotland with the aim of promoting best practice and consistency of approach could be beneficial.
40. Some of the issues highlighted included: the scope for NHS to be considered as a responsible agency as opposed to a duty to co-operate agency; arrangements for cross border transfer and sharing of information (England / Scotland); access to housing benefit systems and the use of alert flags within IT systems. These matters require to be given further consideration at both a national and local basis and will be taken forward via the South West Scotland Community Justice Authority Area MAPPA Strategic Oversight Group in conjunction with the Scottish Government and National MAPPA Chairs Group.

It is recommended that the following matters are given further consideration:-

1. It is recommended that North Ayrshire Council reflect on how child protection referrals made to Strathclyde Police are tracked and followed up to ensure that an appropriate response is made.

(The East Ayrshire Chief Officers Group gave consideration to the recommendation made by the independent review officer, but considered that it needed to be amended to be more proportionate to the issue identified. For transparency, the original recommendation suggested that:.....North Ayrshire Council Social Services ensure that children and families social workers are aware of, trained in, and following the practice within their child protection procedures) (recommendation 23);

2. It is recommended that the Scottish Government in consultation with the Association of Directors of Social Work (ADSW) review arrangements for the cross border transfer of social work records (Recommendation 1);
3. It is recommended that the Scottish Government in consultation with the Association of Directors of Education (ADES) and the Association of Directors of Social Work (ADSW) consider whether local authority education services, on receipt of information that a pupil had **previously** been subject of child protection concerns, should be required to inform their children's services (Recommendation 2).

(The East Ayrshire Chief Officers Group extended this recommendation to include consultation with the Association of Directors of Social Work (ADSW), which was not in the original recommendation);

4. It is recommended that the Scottish Government in consultation with NHS Health Boards undertake to examine the feasibility of an alert system for the NHS in Scotland, allowing for pro-active, real time information sharing with the other “responsible authorities” and “duty to co-operate agencies” responsible for the management of sex offenders (recommendation 12);
5. It is recommended that East Ayrshire Council consider whether housing (or another nominated department of the council) have direct access to benefits records or any other relevant databases that will assist environmental scanning research with a view to identifying the composition of tenants in private housing (recommendation 10).

(The East Ayrshire Chief Officers Group interpreted this as being related to housing benefit records, and extended this recommendation to include other databases);

6. It is recommended that the Scottish Government consider whether housing (or another nominated department of all local authorities) have direct access to benefits records or any other relevant database that will assist environmental scanning research with a view to identifying the composition of tenants in private housing (recommendation 11).

(The East Ayrshire Chief Officers Group interpreted this as being related to housing benefit records, and extended this recommendation to include other databases).

7. As we pass the fourth anniversary of MAPPA in Scotland, it is recommended that the Scottish Government consider an independent review of MAPPA, which could identify and promote best practice, to better inform MAPPA Strategic Oversight Groups (recommendation 34).

(The East Ayrshire Chief Officers Group noted that the existing national MAPPA Guidance is currently being reviewed, however given that it is four years since the original implementation of MAPPA and due to the implementation being different across Scotland, the Chief Officers Group supported the recommendation that the Scottish Government should progress a review of existing arrangements).

8. It is recommended that the Scottish Government consider whether to ask local authorities to review their use of alerts on their social work IT recording systems, relative to all registered sex offenders resident within their local authority (recommendation 32).

(The East Ayrshire Chief Officers Group amended this recommendation as it was initially proposed that ADSW advise local authorities on this matter. For transparency, the original recommendation stated that:.....ADSW consider advising all local authorities, to place an alert on their SWIFT or other equivalent computer system, relative to all registered sex offenders resident within their local authority).

RESPONDING TO THE RECOMMENDATIONS

41. This review has made a number of recommendations to the relevant authorities, particularly in respect of policing. During the course of the review a number of changes have been made at national and local level, including work to review and develop the existing MAPPA guidance. In addition, action has been or is currently being taken by each of the relevant authorities to ensure that the recommendations are fully and appropriately addressed. The implementation arrangements will be monitored by the South West Scotland Community Justice Authority Area MAPPA Strategic Oversight Group, reporting to the East Ayrshire Chief Officers Group.

Fiona Lees
Chief Executive
East Ayrshire Council

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Divisional Commander
Strathclyde Police

Wai Yin Hatton
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GLOSSARY

A

ACPOS – Association of Chief Police Officers Scotland – the professional body of chief police officers. Its core activity is developing policing policy.

ADES - Association of Directors of Education Service – the professional body representing directors of education in Scotland.

ADSW – Association of Directors of Social Work – the professional body representing directors of social work in Scotland.

D

Duty to co-operate agencies – Section 10(3) and (4) of the Management of Offenders (Scotland) Act, 2005 provide that in establishing and implementing the joint arrangements, the responsible authorities must act in co-operation with such persons as Scottish Ministers specify by this order. Duty to co-operate is reciprocal and requires agencies to co-operate with each other, which includes the exchange of information.

E

East Ayrshire Chief Officers Group – strategic group represented by the most senior officials of the local authority, police and the NHS in the East Ayrshire area, to ensure strategic overview of all public protection matters including: child protection; adult protection; violence against women and MAPPA.

M

MAPPA – Multi-Agency Public Protection Arrangements - The Management of Offenders etc (Scotland) Act 2005 places a duty on the Police, Local Authorities, Prison Service and Health (the Responsible Authorities), to establish joint arrangements for the assessment and management of risk posed by certain offenders.

MAPPA Level 1 - Ordinary Management – The identified risk can be managed by one agency without the significant active involvement of other agencies. There is still an expectation that information will be shared and there will be joint working and collaboration between agencies.

MAPPA Level 2 – Inter-agency Management – should be used where the active involvement of more than one agency is required but where either the level of risk or the complexity of managing the risk is not so great as to require to Level 3.

O

OASys 2 – Offender Assessment System – used in England and Wales by Her Majesty’s Prison Service and the National Probation Service from 2002 to measure the risks and needs of criminal offenders under their supervision.

OMU – Offender Management Unit – police unit responsible for the management of registered sex offenders.

R

RSO - Registered Sex Offender – This is an offender convicted of an offence specified in Schedule 3 of the Sexual Offences Act 2003 and therefore subject to the notification requirements of this act.

Responsible Authority – defined by section 10(7) of the Management of Offenders Etc. (Scotland) Act 2005 are the Chief Constable, the local authority (primarily, though not exclusively the Chief Social Work Officer), the Health Board and the Scottish Prison Service.

S

SID – Scottish Intelligence Database.

South West Scotland Community Justice Authority Area MAPPA Strategic Oversight Group – strategic group represented by “responsible authorities” and “duty to co-operate agencies” with responsibility for oversight of the planning and performance of MAPPA in East Ayrshire, North Ayrshire, South Ayrshire and Dumfries & Galloway.

V

ViSOR - Violent and Sex Offenders Register - Provides a national database, accessible by a number of public protection agencies across the UK, of violent and sexual offenders managed within the Multi-Agency Public Protection Arrangements (MAPPA). It also contains details of other persons who may not have a conviction for a violent or sexual offence, or indeed any criminal offence, but are assessed as posing a risk of serious harm to the public.