



Protocol between the Warwickshire MAPPA Strategic Management Board (SMB) and the Local Safeguarding Adults Board (LSAB)

September 2016

Introduction

The SMB and the LSAB have agreed this protocol to ensure there is effective cooperation and communication between boards, underpinned by a clear understanding of responsibilities in respect of MAPPA.

The Statutory basis and purpose of MAPPA

Section 325 of the Criminal Justice Act 2003 (“CJA 2003”) imposes a statutory duty on the Responsible Authorities (Police, Probation and Prison Services) in the 42 MAPPA areas in England and Wales to establish arrangements to assess and manage the risks posed by:

- a) Relevant sexual and violent offenders, and
- b) Other persons who, by reason of the presenting behaviours, are considered to be persons who may cause significant serious harm to the public, and warrant discretionary inclusion under MAPPA.

The statutory framework which has been established for the assessment and management of sexual and violent offenders is usually referred to as MAPPA (Multi-Agency Public Protection Arrangements).

Rather than being a statutory body in itself, MAPPA exists as a statutory framework within which participating agencies operate. All Agencies participating in MAPPA therefore retain their full statutory responsibilities and obligations at all times.

In addition to the participation of the Responsible Authority (“RA”) agencies in MAPPA, Section 325(3) of the CJA 2003 establishes that other agencies have a “duty to co-operate” (“DTC”) with the RA within the MAPPA framework. Agencies currently specified to participate within MAPPA include:

- Local Authority Children’s Services Departments.
- Local Education Authorities.
- Local Authority Social Services Departments.
- Youth Offending Teams.

- Local Health Board(s).
- Jobcentre Plus.
- Local Housing Authorities
- Registered Social Landlords, which accommodate MAPPA offenders.
- Electronic Monitoring providers.
- Home Office Immigration Enforcement (formerly UK Borders Agency)

Under section 325(8) of the CJA 2003, the Secretary of State has issued national MAPPA Guidance. Being public bodies, all RA and DTC agencies have a duty imposed by public law to have regard to this guidance in exercising their functions under MAPPA.

Further reading and current MAPPA Guidance is available at www.mappa.justice.gov.uk.

The core function of MAPPA

'The purpose of MAPPA is to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders.'

MAPPA Guidance (2012) Version 4.0 , Section 1.1

The primary function of MAPPA is to co-ordinate the involvement of different agencies in assessing the risk presented by offenders and ensures that any risk is managed effectively for the protection of the public. Participation in the MAPPA framework enables RA and DTC agencies to undertake more effectively their work in reducing the risk of serious harm presented by offenders.

The MAPPA Strategic Management Board (SMB)

The MAPPA SMB is the means by which the RA fulfils its duties under section 326 (1) of the Criminal Justice Act 2003 to:

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

The SMB is therefore responsible for managing MAPPA activity in its area. This will include reviewing its operations for quality and effectiveness and planning how to accommodate any changes as a result of legislative changes, national guidance or wider criminal justice changes. The Secretary of State retains the power to issue guidance to the RA on the discharge of its functions under MAPPA. The SMB are responsible for the implementation of the MAPPA Guidance in their area, in line with local initiatives and priorities.

The Warwickshire SMB meets on a quarterly basis, and can only function effectively if all RA and DTC agencies are in attendance. It also features a smaller sub-group, which focuses on performance and associated training and development needs (the SMB Performance and Training Sub Group).

The statutory basis and purpose of Local Safeguarding Adults Boards (LSABs)

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect.

Local authorities have new safeguarding duties. They must:



- **lead a multi-agency local adult safeguarding system** that seeks to prevent abuse and neglect and stop it quickly when it happens
- **make enquiries, or request others to make them**, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed
- **establish Safeguarding Adults Boards**, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy
- **carry out Safeguarding Adults Reviews** when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them
- **arrange for an independent advocate** to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

Any relevant person or organisation must provide information to Safeguarding Adults Boards as requested.

Information sharing

Information will be shared between both boards in a necessary and proportionate manner with lawful authority. Timely and confident information sharing is critical to both public protection and adult safeguarding. Both boards will ensure:-

- Relevant information is shared within the above context in the interests of public protection and the safeguarding of adults and the statutory responsibility of both boards.
- Information will be marked and securely stored in line with Government Security Classifications Policy (GSCP)
- The LSAB Business Managers will ensure that relevant strategic information from the SMB is presented to the LSAB and ensure that any relevant information from the LSAB is taken to the Board via the representative.
- Strategic information can be shared with MAPPAs via the SMB secretariat or the central MAPPAs Co-ordination unit or local Chairs.
- MAPPAs have a responsibility for disclosure. There will be a clear audit trail where disclosure has been agreed as lawful, necessary and proportionate.
- Each board should consider the role of the other when reviewing individual cases.

The MAPPAs SMB will:

- a. Share relevant strategic information with the LSAB representative so that it can be sent to all LSAB Business Managers and Chairs.
- b. Share learning from any case reviews undertaken by the SMB that have any relevant adult safeguarding issues so that all LSABs can be made aware.
- c. Ensure that, where possible, duplication of Serious Case Reviews are avoided by identifying whether a LSAB SCR is taking place.
- d. Ensure that, when a MAPPAs SCR has been agreed, timescales are considered and agreed with the relevant LSAB where there may be two separate SCRs taking place.
- e. Provide training opportunities for Duty to Co-operate agencies.
- f. Ensure that the safeguarding of adults who have care and support needs is a priority both for the SMB and MAPPAs Chairs.

- g. The SMB will ensure that it fulfils its responsibilities to safeguard and promote the welfare of adults with care and support needs and manages the risk of harm they may present to others.
- h. Ensure that strategic safeguarding issues brought to their attention are communicated to the LSAB through the representative.

The Local Safeguarding Adults Board will:

The LSAB within the MAPPA area will appoint one representative and one substitute (who will between them sit on the SMB and act as liaison with the LSAB to ensure that there are effective lines of interaction in relation to;

- a. Representing the views of LSAB at the SMB meetings.
- b. Communicating any relevant issues back to LSAB Business Managers or Chairs.
- c. Liaise as required in relation to any new guidance or training that should be developed in light of serious case review or Government publications for either LSAB or the SMB.
- d. Escalate any strategic issues identified by either LSAB or the SMB.

The LSAB have a function of strategic oversight, therefore direct referrals into MAPPA will not occur. Local safeguarding agencies are responsible for referring cases into multi-agency process in a timely manner and attending/co-operating appropriately in line with statutory functions.

The LSAB is responsible for ensuring overall effectiveness of those agencies in safeguarding relevant adults and promoting their welfare.

Review

This protocol will be reviewed on a periodic basis, in order to reflect key legislative changes, and incorporate any necessary amendments identified at either the MAPPA SMB or the LSAB.

Signatories:

Names (PRINTED):

Date: