



Protocol between MAPPA Strategic Management Board (SMB) and Local Safeguarding Children Board (LSCB)

Introduction

The SMB and the Merseyside LSCBs have agreed this protocol to ensure there is effective cooperation and communication between the SMB and Merseyside LSCBs and 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 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 offence(s) they have committed, are considered by the Responsible Authority to be persons who may cause serious harm to the public.

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.
- 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.

The core function of MAPPA

The primary purpose 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 statutory basis and purpose of Local Safeguarding Children Boards (LSCBs)

The Children Act 2004 requires each local authority to establish a LSCB. Section 14(1) of the Children Act 2004 defines the statutory objectives of a LSCB as to:

- (a) Co-ordinate what is done by each person or body represented on the LSCB for the purposes of safeguarding and promoting the welfare of children in the area of the authority; and
- (b) Ensure the effectiveness of what is done by each person or body for that purpose.

Under the Local Safeguarding Children Regulations 2006 the statutory functions of a LSCB are to:

- Develop local policies and procedures as specified in the regulations for how the different organisations will work together on safeguarding;
- Communicate the need to safeguard and promote the welfare of children and participate in local planning.
- Undertake a Serious Case Review where a child has died or been seriously harmed, and abuse or neglect is known or suspected
- Review the deaths of all children who are normally resident in their area and put in place procedures to ensure that there is a coordinated response by relevant organisations to an unexpected death of a child
- Monitor and evaluate the effectiveness of what is done by partners individually and collectively to safeguard and promote the welfare of children and advise them on ways to improve.
- Produce and publish an annual report on the effectiveness of safeguarding in the local area.

A LSCB can also require a person or body to comply with a request for information when this is essential to carrying out LSCB statutory functions.

LSCBs should include representatives of the local authority and its Board partners. Board partners which must be included in the LSCB are:

- district councils in local government areas which have them
- the chief officer of police
- National probation Service and CRC
- the youth offending team
- the NHS Commissioning Board and Clinical Commissioning Groups
- NHS Trusts and NHS Foundation Trusts all or most of whose hospitals, establishments and facilities are situated in the local authority area;
- Children and Family Courts Advisory and Support Service
- the governor or director of any secure training centre; and
- the governor or director of any prison which ordinarily detains children.

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 children's safeguarding. Both boards will ensure:-

- Relevant information is shared within the above context in the interests of public protection and the safeguarding of children and the statutory responsibility of both boards.
- Information will be marked and securely stored in line with Government Protected Marking Scheme (GPMS).
- The LSCB Business Managers will ensure that relevant strategic information from the SMB is presented to the LSCB and ensure that any relevant information from the LSCB is taken to the Board via the representative.
- Strategic information can be shared with MAPPAs via the SMB secretariat or the central MAPPA Co-ordination unit or local Chairs.
- MAPPA has a responsibility for disclosure and both boards will be aware of responsibilities under the Child Sex Offender Disclosure Scheme. There will be a clear audit trail where disclosure has been agreed as necessary.
- Each board should consider the role of the other when reviewing individual cases.

The MAPPA SMB will:-

- a) Share relevant strategic information with the LSCB representative so that it can be sent to all LSCB Business Managers and Chairs
- b) Share learning from any case reviews undertaken by the SMB that have any child safeguarding issues so that all LSCBs can be made aware.
- c) Ensure that, where possible, duplication of SCRs are avoided by identifying whether an LSCB SCR is taking place
- d) Ensure that, when a MAPPA SCR has been agreed, timescales are considered and agreed with the relevant LSCB where there may be two separate SCRs taking place
- e) Provide training opportunities for Duty to Co-operate agencies.
- f) Ensure that safeguarding needs of children are kept as a priority both for the SMB and MAPPA Chairs.
- g) The SMB will ensure that it fulfils its responsibilities to safeguard and promote the welfare of children, and manages the risk of harm young offenders present to others.
- h) Ensure that strategic safeguarding issues brought to their attention are communicated to the LSCB through the representative.

The Local Safeguarding Children Board will:-

The LSCBs within the MAPPA area will collectively appoint Mike Wyatt Strategic Director Peoples Services and Ian Mulcahey Knowsley LSCB Board Manager as the representative(s) who will sit on the SMB and act as liaison with all LSCBs to ensure that there are effective lines of interaction in relation to;

- a) Representing the views of LSCBs at the SMB meetings.
- b) Communicating any relevant issues back to LSCB 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 reviews or Government publications for either LSCBs or the SMB.
- d) Escalate any strategic issues identified by either LSCBs or the SMB.

LSCBs 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 LSCB is responsible for ensuring overall effectiveness of those agencies in safeguarding children and promoting their welfare.

August 2017

Review

This protocol will be reviewed by the SMB and LSCB within 12 months of being formally adopted. The review will take into account any legislative changes, any changes in MAPPA guidance or documentation as well as key performance information from both MAPPA and LSCBs. Thereafter, review will be undertaken as required unless there are significant legislative or guidance changes that require adoption and/or key performance information that indicates earlier review is necessary.

Signatories

Date

August 2017