Frequently Asked Questions
on cases involving

- Multi Agency Public Protection Arrangements (MAPPA)
- Release On Temporary Licence (ROTL)
- Recall
- The Parole Board
and
- Mental Health (Hospital Order Patients)

This FAQ has been produced by NOMS PPMHG for practitioners to assist in the management of MAPPA eligible offenders who may be subject to any of the above. It will be updated as and when relevant changes occur and practitioners are encouraged to assist the centre in developing future FAQs.

Frequently Asked Question Categories

1. MAPPA
2. Release on Temporary Licence (ROTL)
3. Recall
4. Parole Board
5. Mental Health (Hospital Order Patients)
1. MAPPA

Q. What authority does MAPPA have as a body in its own right?

MAPPA is a set of arrangements and is not a body in its own right. The agencies that make up MAPPA retain their primary responsibilities independently of what they do under MAPPA. The police, prison and probation services (who are called the Responsible Authority) are responsible for establishing MAPPA in their area. Other agencies, such as Housing (including Registered Social Landlords), Health (including Mental Health), Education, Social Care Services (both adult and children’s services), Youth Offending Teams, Job Centre Plus, Electronic Monitoring Providers are known as the Duty to Co-operate Agencies and under law they have a duty to co-operate with the Responsible Authority (RA) to ensure that MAPPA is working effectively to protect the public. MAPPA cannot make any agency do anything that is outside its usual responsibilities but there is an expectation that agencies will prioritise work and do all they possibly can to protect the public from serious harm.

The strength of MAPPA comes from all agencies working well together.

Q. What is MAPPA’s role in relation to mentally disordered offenders?

A mentally disordered offender (MDO) can also be a MAPPA eligible offender. In cases where the OM believes that the person they are managing is a MDO, they should refer the offender to mental health services for assessment. The offender’s management must take into account their mental health needs. If the risks the offender presents are identified as requiring management at MAPPA level 2 or 3, the OM must make a referral to the MAPPA Co-ordinator. In these cases, Mental Health Services must be invited to the MAPP meeting.

Where an offender has been sentenced to a Hospital Order with restrictions for an offence contained in Schedule 15 of the Criminal Justice Act 2003, Mental Health Services are responsible for the management of the case and for identifying them as a MAPPA eligible offender. The case worker must ensure that the MAPPA Co-ordinator in the home area knows which hospital they are located in and notified of any home leave and potential discharge arrangements, prior to them occurring. The Mental Health Services are responsible for assessing the risks the offender may present in the community and, where appropriate, should refer the offender to a level 2 or 3 MAPP meeting.

Where a MAPPA eligible MDO is being considered for town leave or unescorted leave in the locality of the hospital, Mental Health Services must ensure they have identified any potential risks to the public, have put in place arrangements to mitigate these risks and have informed their local MAPPA Co-ordinator and/or the
Frequently Asked Questions
MAPPA and ROTL, Recall, Parole Board and Mental Health

MAPPA Co-ordinator from the home area of these arrangements. It is not for the MAPPA Co-ordinator to verify the arrangements but they need to ensure that the local (and/or home) police are aware of all the MAPPA eligible offenders in their community.

Q. Should MAPPA get involved in ROTL decisions?

Release on temporary licence is a decision which is made by the Prison Governor where the offender is located. ROTL is granted for a wide range of activities and reasons and before the decision to grant it is reached there is an assessment of the risk the offender presents. When the OM in the community is asked for their assessment, they must ensure that the information they provide properly addresses any victim issues relating to the offender. This assessment, combined with all information regarding the offender’s behaviour in custody, enables the Governor to reach their decision. The OM’s assessment for the Prison Governor will incorporate any MAPPA advice.

Q. What role should the MAPPA Co-ordinator take in relation to ROTL?

The MAPPA Co-ordinator in the area where the ROTL is to take place needs to be aware that the offender is in the community. Where the ROTL is to allow an offender out on a regular basis (for example, leave to an Approved Premises, home leave, town leave, work, education or training), the prison should provide the relevant MAPPA Co-ordinator with information detailing the nature of the activity, the times the offender will be out of the establishment, the start date and, if known, when it will end. Where the offender is an active ViSOR nominal, the prison must enter this information on to ViSOR.

Q. Shouldn’t the police and probation staff know where all MAPPA offenders are located?

Yes and through using ViSOR they will know where all Category 1, Category 2 (MAPPA level 2 and 3) and Category 3 offenders are. Currently, the Probation Service are not recording all Category 2, MAPPA level 1 offenders on ViSOR, however they will know the location of these offenders.

In order to know where all MAPPA offenders are, Youth Offending Teams and Mental Health units need to identify their MAPPA eligible offenders and ensure that the MAPPA Co-ordinator in the area is informed using MAPPA Forms F and G.

Where the police are managing a sexual offender who also has an offender manager (OM) in probation, YOT or Mental Health, it is essential that they work together to identify and manage the risks the offender presents.

Q. So which MAPPA offenders are on ViSOR?
All Category 1, Registered Sexual Offenders have an active ViSOR nominal record as the police should open them as a ViSOR nominal within three days of conviction/sentence. Where the offender is in custody this will allow the prison to enter information into the ViSOR record. The assessment regarding the level of MAPPA management they will require in the community will take place no later than 6 months prior to release.

Currently Category 2 offenders will only have an active ViSOR nominal record where they are managed at MAPPA level 2 or 3. When a Category 2 offender is in custody, the assessment regarding the level of MAPPA management they will require in the community should take place no later than 6 months before their release or parole date.

All Category 3 offenders (who are only ever managed at MAPPA level 2 or 3) will have an active ViSOR nominal record.
2. ROTL

Q. What exactly is ROTL?

Release on temporary licence is the mechanism that enables prisoners to participate in necessary activities outside of the prison establishment that directly contributes to their resettlement into the community and their development of a purposeful, law-abiding life. The decision to allow temporary release must always be balanced by an active consideration, by means of rigorous risk assessment, for maintaining public safety and the public’s confidence in the judicial system. Prisoners may be granted temporary release only to places within the United Kingdom, Channel Islands and the Isle of Man.

Q. What risk assessment takes place when assessing if an offender is suitable for ROTL?

ROTL is not an entitlement, but a privilege under Prison Rule 9 and YOI Rule 5, for which prisoners must apply. All eligible ROTL applications must be assessed individually in the full knowledge of all the circumstances of the prisoner’s offence and offending behaviour.

OASys will be the means of risk assessment and management for prisoners aged 18 and over who are not held in the Juvenile Estate. In the case of the juvenile estate, the principal risk assessment tool will be ASSET to inform the completion of form ROTL 4 in PSO6300.

The decision to grant a period of ROTL is the responsibility of the Governor, or the identified member of staff in the light of the recommendations made by the Temporary Release Board. In considering the risk that a prisoner may present, it is for the Board to form a view about the perceived level of risk, in line with OASys, where this is used. In some cases the level of risk may be considered minimal, in which case there will be no need to consult the police. Similarly, where the Board is confident that the level of risk is unacceptable, it will not be necessary to contact outside agencies before refusing ROTL.

Where prisoners are to be granted overnight release, whether the release is to the prisoner’s home area or not (including releases to unpaid/paid work placement organisations such as Community Service Volunteers) the offender manager must be asked for comments and an assessment of the proposed licence arrangements.
Q. Does the offender being MAPPA eligible have any impact on the decision to grant ROTL?

Such decisions should not be dependant on whether a MAPPA level has been set but, where it has been set, the assigned level should be a contributing factor in the decision making process with appropriate consultation with the MAPPA Coordinator. The final decision for granting ROTL lies with the Prison Service.

Where the MAPPA level has been set (i.e. the offender is within 6 months of release) the Public Protection Manual requires that the Offender Manager must be consulted as part of the ROTL assessments. The ROTL policy states that it is good practice for the MAPPA Coordinator/Chair to be consulted where the offender is being managed at MAPPA level 2 or 3. The Public Protection Manual strengthens this by stating that, where the MAPPA level has been assessed as level 2 or 3, the MAPPA coordinator for the area where the ROTL is planned must be satisfied in advance that there is not a serious risk of harm to the public. However, the final decision rests with the Governor /controller.

Q. Does the risk assessment require a referral to a MAPP meeting?

A MAPP meeting should not be held just for the purpose of deciding whether or not a ROTL should be granted.

Q. Is there any role for MAPPA?

It is certainly good practice for a multi-agency approach and consultation with the MAPPA Co-ordinator or MAPPA Chair to take place where the offender is being managed by MAPPA Level 2 or 3 who are being considered for ROTL.

Q. What is the police role?

Where the prison Temporary Release Board comes to a view that the case is a borderline one and would require further information, they should consider approaching the police, but only where the information sought is likely to be held by the police. It is not the function or responsibility of the police to say whether or not a prisoner should be granted ROTL. They will share relevant available information, but are not in a position to make detailed enquiries on applications. If the police do not provide any comments, this must not be taken as either tacit approval or refusal of any ROTL application.

Requests to the police for information must indicate a date by which Governors would appreciate a response, giving details of the proposed ROTL (including dates). Form ROTL 2 must be used when making enquiries on a ROTL application. It must be sent at least 4 weeks before it is required. Enquiry forms must be sent to the Force Intelligence Bureau of the police force area in which the prison is situated, except for prisons in the Metropolitan Police Area, when the enquiry must be routed through their Police Liaison Officer.
At the time, or shortly after a prisoner has been sentenced, a range of documents containing information relevant to consideration of ROTL will be available to the prison, the prison will approach the Police for a post trial report (where prepared) including antecedents – (only prepared on under 12 month sentences when the offence is serious or violent, but prepared on all 12 month plus sentences.) This should be sent by the police within 6 weeks of sentencing.

The decision to grant a period of ROTL is the responsibility of the Governor, in the light of the recommendations made by the Board. In considering the risk that a prisoner may present, it is for the Board to form a view about the perceived level of risk, in line with OASys, where this is used. In some cases the level of risk may be considered minimal, in which case there will be no need to consult the police. Similarly, where the Board is confident that the level of risk is unacceptable, it will not be necessary to contact outside agencies.

If temporary release is granted, the Force Intelligence Bureau for the police force local to the area in which the prisoner will be temporarily released must be notified at least 5 working days before release.

Q. When a MAPPA eligible offender is granted ROTL, who in the community is informed?

The Prison Service would notify Police (all Cat 1 sexual offenders Chapter 3 Sexual Offender Registration, Public Protection Manual), Probation Service, Social Services/Children Services (Chapter 2 Section 4 Person Posing a Risk to Children PPM), Immigration Service, Youth Offending Teams, or other appropriate agencies of release on temporary licence under Public Protection procedures.

Q. Can they ‘escape’ and who is told when this happens?

If, during a period of temporary release, a prisoner is found to have breached his or her licence conditions, the Governor must recall the prisoner if it does not remain safe or appropriate for the prisoner to remain on licence.

The Governor must document all decisions to recall a prisoner from temporary licence for any reason other than a breach of licence or committing a criminal offence. Once a decision is made to recall a prisoner, the Governor must ask the police to take the prisoner into custody and hold him or her at a police station. The police must be asked to notify the escort contractor serving their area. The prisoner will be returned to the nearest appropriate prison or YOI.

Prisoners who have been released on ROTL and fail to return at the time required by the licence conditions without reasonable explanation (e.g. they have been detained in hospital and are unable to return to prison) are unlawfully at large (UAL) until they are returned to custody. If the failure to return is referred to the police for investigation the prisoner may be charged with committing an offence under Section
1 (Remaining at large after temporary release) of the Prisoners (Return to Custody) Act 1995. Failures to return from periods of temporary release are not charged under the common law offence of escaping lawful custody.

Q. How does ViSOR fit in?

ViSOR is a national confidential database which facilitates the effective sharing of information, intelligence, joint risk assessment and risk management plan recording on violent and sexual offenders between the three MAPPA Responsible Authority agencies, Probation, Police and Prisons.

The system is only as good as the information that is placed on it, so it is critical that the Prison Service, as well as the other Responsible Authority agencies, contributes relevant information of high quality in a timely manner. Accuracy and completeness of data is vital to deliver effective risk management of offenders and to provide constructive management reports.

Prison establishments must adhere to the minimum dataset for the Prison Service which includes updating custodial history including information relating to prisoners being released into the community while on ROTL.

Q. How does re-categorisation fit in?

A prisoner who has breached trust in the past may since have demonstrated trustworthiness by successfully completing periods of release on temporary licence or by holding positions of trust within the prison. Prisoners with a previous breach of trust within the relevant timescale, but who have successfully completed a sentence in open conditions, or have successfully returned from ROTL, must be considered for re-categorisation and transfer to open conditions.
3. RECALL

Q. Who is responsible for recalling offenders?

The Offender Manager (OM) makes the request. If the request for recall is deemed necessary it will be endorsed by the Senior Probation Officer (SPO) and the Assistant Chief Officer (ACO) in the home area. The SPO and ACO will also oversee the quality and content of the request for recall document. The Secretary of State considers the request for, and type of recall, and rescinds the licence accordingly.

Q. What actually happens to an offender when they are recalled?

Once the Licence has been rescinded, a copy of the ‘rescind of licence’ letter is sent to the police and they can arrest the offender. It is not necessary for the police to wait for the warrant to be entered on the Police National Computer (PNC). The offender is returned to the local closed prison nearest to where they are arrested (this is not necessarily the prison from which they were released). The offender receives a Representation Pack from the PPMHG Casework section in Croydon, within 24 hrs of Croydon being informed they are back in custody. This is so the offender will know why they have been recalled and the type of recall they are subject to. The Probation area is required to submit a form (Annex H) and a Risk Management Plan (RMP) within 14 working days of the offender being returned to custody, including Police custody. These documents will either trigger release, referral to the Parole Board or consideration by the Secretary of State depending upon the individual case. Where offenders are not released, ongoing reviews of the case are undertaken by the Parole Board and/or the Secretary of State until release or Sentence Expiry Date (SED) is reached.

Q. What is an emergency recall?

This is where the request for Recall requires the process to be completed within 2 hours as opposed to 24 hrs. This gives 2 hours, therefore, between the receiving of the paperwork and rescinding the Licence. The PPMHG Casework section in Croydon will inform all parties so that the offender can be apprehended quickly. These requests are driven by the imminent risk of harm posed by an offender.

Q. How is a decision to re-release made?

N.B.) This section relates to ‘standard and emergency recalls’ but not fixed term recalls.

The case is considered by the Secretary of State, where appropriate, and the Probation Advisory Team, working with home Probation Area, draw up a Risk
Frequently Asked Questions
MAPPA and ROTL, Recall, Parole Board and Mental Health

Management Plan that is presented to the Secretary of State’s representative to consider for Executive release. Where the case is high risk of harm, or the home Probation area is not recommending release, or the prisoner makes full representations, the case goes to the Parole Board.

Where the case is high risk of harm but is supported for release by the OM, the case will go to the Parole Board with a note from the Probation Advisory Team. If the Parole Board makes no recommendation to release, the case is considered by the PPMHG Casework section and an Action Plan is drawn up which is shared with the offender/solicitor/prison and the OM. This plan indicates the frequency of reviews for the individual case and the case is considered by the Secretary of State and/or the Parole Board as applicable for the individual case, until release is achieved or SED reached.

Some cases have an automatic review by the Parole Board once a year but may have additional reviews by the Secretary of State in the interim. The determination regarding the process is governed by the legislation under which they were sentenced and if they were recalled pre or post July 14th 2008. Release of any case, either by the Parole Board or the Secretary of State, is governed by risk of harm/imminence and manageability in the community in the light of the respective RMP drawn up.

**Q. How does your work fit in with the Parole Board?**

The PPMHG Casework section compiles the Dossier and refers cases to the Parole Board for consideration/review as applicable for the individual case. Probation Advisory Team work closely with the Parole Board, writing notes once a case has been worked up for consideration by the Parole Board, ensuring that the case is as well prepared for that consideration as possible in terms of information, RMPs and proposals. The Probation Advisory Team are contacted by Parole Board members when a case is being considered to secure accommodation/programme/treatment availability and dates so that a case can be concluded without adjournment or no recommendation being made wherever possible.

**Q. What happens to the MAPPA Risk Management Plan when an offender is recalled?**

This is a matter for the recalling area/OM. Where MAPPA is involved, the Secretary of State and the Parole Board are reliant on the OM informing them of this. It is usually the case that the RMP submitted by the OM is informed/supported by MAPPA consideration but the proposals and requests for conditions, etc come from the OM.

**Q. Whose responsibility is it to tell the victim?**

Where cases fall into the Victim Unit remit, it is the OM that progresses these referrals and shares information which the Victim Unit will in turn share, as
Frequently Asked Questions
MAPPA and ROTL, Recall, Parole Board and Mental Health

appropriate with the victim. The PPMHG Casework section will seek to ensure that OM has time to share information with Victim Units around progression/release etc of an individual case by either Sec of State or Parole Board. Where cases fall outside victim Unit remit, but have a direct victim, it is the OM who ensures protection of that victim in the RMP.

Q. How should the prison work with an offender who was being actively managed as a MAPPA level 2 or 3 and has now been returned to custody?

The prison will record the MAPPA status and keep the OM informed of milestones. A request for clarity regarding MAPPA involvement will be made at appropriate stages in the sentence. Some prisons operate a system that mirrors MAPPA in the community and ensures discussion of cases takes place at pertinent stages and promotes working beyond the gates in terms of risk management. There is an expectation that there would be prison input at any MAPPA meetings in the community during sentence, as appropriate.
4. PAROLE BOARD

Q. How does the Parole Board make a decision on releasing an offender into the community?

The Parole Board considers a range of information relating to the risk an offender could pose to the public if re-released and the likelihood of the offender committing further offences. This includes information about:

- The offence and the impact on the victim, which may include the trial judge’s sentencing remarks, a victim impact statement at the trial or a victim personal statement, if submitted, or a report from the victim liaison officer;
- The offender’s previous offences;
- Behaviour in prison;
- Interventions that have taken place to analyse and address areas of risk and resulting reports on the effect of these interventions;
- Reports from professionals such as psychologists and probation staff relating to reduction, or non-reduction of risk.

Q. How does the Parole Board make a decision to release an offender to open conditions?

The Parole Board does not make the decision to send a case to open conditions.

Q. The Parole Board have asked for a copy of the MAPP meeting minutes – should they be given them?

No, MAPPA Guidance is clear that only Executive Summaries of MAPP meeting minutes should be provided to anyone requesting the MAPP meeting minutes and this includes the Parole Board.

That said the OM may review the MAPP meeting minutes when completing the Parole Offender Management Report. However, information provided to MAPPA by other agencies can only be used with the permission of that agency providing.
5. MENTAL HEALTH (Hospital Order Patients)

Q. What is a hospital order?

The courts may make a hospital order instead of a prison sentence if they conclude the defendant needs medical treatment, which must be given in a hospital. They may do this on conviction for any imprisonable offence except murder. It is entirely a decision for the court, acting on the medical evidence. The Secretary of State has no influence.

Q. When people talk of mentally disordered offenders being given ‘leave’, what does that mean?/Who decides?

The doctor responsible for the care of a patient with a hospital order (the Responsible Clinician, (R/C)) may give the patient leave to be in the community at his or her discretion when (s)he thinks it clinically appropriate to do so. The safety of others will form part of that decision. Where the patient is subject to a restriction order, the R/C must have the agreement of the Secretary of State to give leave. Agreement will only be given if the Secretary of State is satisfied that the leave can proceed without unacceptable risk to others. Leave may be for a brief period away from the hospital, or may extend over several consecutive days. The Secretary of State hardly ever agrees to detained restricted patients being in the community for more than one night before return to hospital.

Q. Why are high risk offenders given leave?

A Mental Health Act patient should not be given leave if (s)he presents a high risk of harm to others. Conviction for serious offences does not necessarily indicate that a patient is dangerous after receiving medical treatment. A patient who continues to present a risk to others may occasionally be allowed leave on compassionate grounds, but such a patient would be closely escorted to ensure that (s)he remains in custody.

Q. Are the local police told when the patient is out on leave?

Not on every occasion. The local force will be advised when the R/C of a restricted patient has authority to grant leave, and whether the authority is for escorted or unescorted leave.

Q. Why don’t we know where these MAPPA eligible offenders are located?

The MAPPA Guidance requires hospitals admitting MAPPA eligible offenders (on new orders or on transfer from prison or other hospitals) to ensure that they note their MAPPA status on hospital records (so that they can consider MAPPA referral if
It also requires them to notify the MAPPA co-ordinator (using MAPPA Form G) of those MAPPA eligible offenders who are, or who are about to be, discharged. If the hospital order is restricted, the police are advised by the Ministry of Justice of their location whenever it changes.

**Q Can they escape and who is told when this happens?**

Yes, patients can escape from hospitals or abscond from their escorts while in the community. Where the patient is restricted, the hospital is required to inform the police and Mental Health Unit immediately.

**Q What about the victims?**

Victims of violent or sexual offences where the offender receives a hospital order have the same rights to information as when the offender receives a prison sentence. Where a restriction order is made, the law requires VLO to identify qualifying victims and keep them informed, if they so wish, of all reviews which may lead to the patient’s discharge. Where there is no restriction order, the VLO informs the relevant hospital managers, who have the same responsibility. The victims have the right to make representations about conditions they wish to see in place for their own protection in the event of, and to be informed whether discharge occurs, and what if any conditions are in place for their protection.

**Q. What can I expect from Mental Health Services at MAPP meetings?**

Where the offender is subject to a hospital order, the Responsible Clinician or other representative from the hospital or Trust should attend. In other cases, where local health services might have an input to the risk management plan, they may attend, send reports or contribute in other ways. This will depend upon the nature of the memorandum of understanding brokered locally by the Responsible Authority and Health Trusts.
**Additional Information**

**MAPPA** (Multi-Agency Public Protection Arrangements) are the statutory arrangements put in place by the Criminal Justice Act (2003) to manage sexual and violent offenders.

**References:**
MAPPA Guidance (2009) Version 3.0  
NPIA (2008) ViSOR Standards

**Release On Temporary Licence** (ROTL) in this context applies to MAPPA eligible offenders being granted ROTL in the community and how information is shared with the MAPPA agencies.

**References:**
Prison Service Order 6300  

Further information on the policy, including the types of licence and eligibility criteria, is contained in Prison Service Order 6300 which, along with any amending Prison Service Instructions, can be found on the HMPS website [www.hmprisonservice.gov.uk](http://www.hmprisonservice.gov.uk).

http://pso.hmprisonservice.gov.uk/PSO_6300_ROTL.doc

**Recall** in this context relates to MAPPA offenders released on licence who breach the condition of their licence and are recalled to prison.

**References:**
Probation Circulars 29/2007, 14/2008

**The Parole Board** is an independent body that works with its criminal justice partners to protect the public by risk assessing prisoners to decide whether they can be safely released into the community.

http://www.paroleboard.gov.uk/  
Probation Circular 07/2008

**Mental Health** Act patients in this context are those MAPPA eligible offenders who are subject to hospital orders and the decisions to grant them leave in the community. Additionally, how this information is shared with the MAPPA agencies.

**References:**
http://www.justice.gov.uk/about/mentally-disordered-offenders.htm