



**ASSOCIATION OF
CHIEF POLICE OFFICERS**

RM

Extending the Notification Requirements and the right to a Review of Indefinite Notification Requirements - Sexual Offences Act 2003

The Association of Chief Police Officers has agreed to these guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

It is NOT PROTECTIVELY MARKED under the Government Protective Marking Scheme and it is disclosable under the Freedom of Information Act 2000.

ACPO © 2012

Document information

Protective marking	NOT PROTECTIVELY MARKED
Author	ACPO
Force/Organisation	ACPO
ACPO Business Area	Crime BA
APP/ Reference Material	Reference Material
Contact details	020 7084 8959
Review date	September 2014
Version	1.0

These guidelines have been produced by the ACPO Crime Business Area. This document was considered and approved by the Professional Practice Gateway Group on the 13th September 2012. These guidelines form part of larger guideline documents for which are currently undergoing review as part of APP. This document should be read in conjunction with existing Interim Guidance for Protecting the Public: Managing Sexual Offenders and Violent Offenders 2010. It has been created following the introduction of two legislative changes in relation to the Sexual Offences Act 2003. It will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 020 7084 8958/8959.

Contents

Section		Page
1	Introduction	4
2	New Notification Requirements	4
3	Review of Indefinite Notification requirements	5
4	Appeal Process	7
5	Further Review Periods	7
6	Cross Jurisdiction Issues	7
7	Updating ViSOR	7
8	Frequently Asked Questions	8-9

Appendix A	Document set in relation to the Extended Notification Requirements
Appendix B	Document set in relation to the Review of Indefinite Notification Requirements
Appendix C	Review of Indefinite Notification Requirements Process Map

1. SECTION 1 – INTRODUCTION

- 1.1 Since the introduction of the first Sex Offenders Act in 1997 notification requirements have proved to be significant in managing the risks posed by convicted sex offenders living in the community. This guidance provides police officers and staff with information on the recent changes to the Sexual Offences Act 2003.
- 1.2 On April 21st 2010 the Supreme Court ruled that indefinite notification without the possibility of a review was incompatible under the Human Rights Act 1998. The government working in conjunction with the police service have taken action to remedy this incompatibility by virtue of the Sexual Offences Act 2003 (Remedial) Order 2012 which has introduced the provision for offenders subject to indefinite notification to seek a review.
- 1.3 This action also provided the opportunity to undertake a wider review of the Sexual Offences Act 2003. As a result of this wider review in March 2012 the Government announced proposed changes to the existing notification requirements by virtue of the Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012. This extends the information that the offender must notify when registering.
- 1.4 This document provides guidance on the new legislation and has a Frequently Asked Question page at the end of the document. This guidance should be considered by forces alongside the current APP Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders 2010 and local policies and procedures in this matter.
- 1.5 A new set of documents covering each piece of legislation have also been created and approved by the Home Office and are attached as appendices to this document. Forces should wherever possible use these forms in place of existing forms. Where this can't be achieved then forces should ensure that the forms they do create do not add to or remove any of the information held within the form. This will ensure a legally compliant and consistent approach to offender management nationally.
- 1.6 ViSOR Standards are currently being updated to reflect the changes and to provide guidance on how this information should be captured.

2. SECTION 2 – THE NEW NOTIFICATION REQUIREMENTS

- 2.1 The extended notification requirements close the gaps identified by police offender managers as part of the consultation exercise. Offenders now have to notify the following additional changes as well as those previously notified;
 - Notify police of **all** foreign travel (previously only 3 days or more)
 - Notify police **weekly** where registered as having 'no fixed abode' (previously monthly)
 - Notify police where living/staying with a child aged under 18 for a period of 12 hours or more. (New requirement)
 - Notify police of passport, credit card and bank account details (new requirement)
- 2.2 It is the responsibility of the Police to inform existing offenders of this change to their notification requirements.
- 2.3 The requirement to provide the police with this additional information will lead to improved management of the risk to the public. There is no requirement on forces to run checks to ensure the accuracy of the information unless there is a suspicion that the information provided is inaccurate. Financial information should **not** be loaded into local intelligence systems although it is acceptable to place an entry on an offenders local record to the effect that the information is held on ViSOR.
- 2.4 The new set of documents is available at Appendix A.

3. SECTION 3 – REVIEW OF INDEFINITE NOTIFICATION REQUIREMENTS

- 3.1 The remedial order has introduced a mechanism by which an offender who is subject to notification requirements for an indefinite period can apply for a review. **All other aspects of the notification requirements remain the same.**
- 3.2 This is an applicant led process. The onus is on the individual offender to remain up to date, in relation to the obligations and requirements whilst under management. Confirmation can be provided to the offender as to their eligibility and qualifying date to apply for a review.
- 3.3 The review will require that consideration be given to the risk of sexual harm posed by a relevant offender and the effect of the continuation of the indefinite notification requirements on that offender.
- 3.4 Based on the information and intelligence obtained as part of the review, a decision will be made that an offender should either cease to be, or will remain subject to the notification requirements. The decision is subject to appeal by the offender at Magistrates Court.
- 3.5 The remedial order does not mean that offenders will automatically cease to be subject to the requirements. Those who continue to pose a risk, or a sufficient risk, will remain subject to them, for life if necessary.

3.6 WHO IS ELIGIBLE TO APPLY FOR A REVIEW

- 3.6.1 This remedial order gives offenders the right to seek a review of their indefinite notification regime only once they have completed a minimum period of time subject to the notification requirements. This is 15 years from the point of first notification following release from custody for the index offence for adults and 8 years for juveniles.
- 3.6.2 Offenders subject to a Sexual Offences Prevention Order (SOPO) or interim SOPO can only apply for a review once they have had the SOPO discharged.
- 3.6.3 Sexual Offender Orders (SOO) are not included in the legislation. Under section 81(7) and (8) of the Sexual Offences Act 2003, a person subject to a SOO when the Act came into force in May 2004 is subject to the notification requirements under the Act until the SOO is discharged or otherwise ceases to have effect. Therefore, a person who is subject to the indefinite notification requirements and a SOO can apply for a review of their notification requirements but regardless of the outcome of this review would still remain subject to the notification requirements under the SOO until such time as this ceases to have effect. This should be explained to the applicant where appropriate.

3.7 APPLICATION PROCESS AND TIMESCALES.

- 3.7.1 The review and timescales for the police and other agencies begins on receipt of an application but in any event an offender must be notified of the decision by the completion of 12 weeks from the date the application is received. This application must be made on the appropriate application form (See Appendix B).
- 3.7.2 A relevant offender will be required to make an application to the police in the area in which they are recorded as residing or staying in accordance with the most recent notification under section 84(1) or 85(1).
- 3.7.3 Where an offender is recorded as residing or staying in more than one police area, the offender will be required to apply for review to the chief of police of the area in which they have resided or stayed for the most number of days during the 12 month period immediately preceding the date of the application (see section 91A(4) to (7) of the 2003 Act). In the unlikely event that an offender has been residing or staying in two police areas in the relevant 12 month period, for an equal number of days, the offender may choose the area to which the application be made.

3.7.4 An application must be made in writing and should be made using the application as at Appendix B which may be obtained from the police offender manager or the Home Office website.

3.8 DETERMINATION.

3.8.1 On receipt of any application an acknowledgement letter (Appendix B) must be forwarded to the offender.

3.8.2 Section 91C of the 2003 Act provides that the RSO must satisfy the relevant chief of police that it is not necessary for the purpose of protecting the public or any particular members of the public from sexual harm for the qualifying relevant offender to remain subject to the indefinite notification requirements. An offender must, therefore, provide with the application reasons for seeking the review which should be supported by as much information and evidence the offender considers relevant to the criteria described above

3.8.3 As part of the review process consideration should be given to a number of factors, outlined within legislation Section 91D and included on the police review form (see Appendix B) when determining an application for review of indefinite notification requirements for an offender.

3.8.4 This includes the duty to consider 'any submission or evidence from a victim **only** of the offence giving rise to the indefinite notification requirements' in determining whether or not the offender still presents a risk of harm to the public.

3.8.5 The practical difficulties in relation to contacting existing victims is recognised and each case should be considered on its own merits. Any evidence from victims of other offences committed by the offender (whether prior to or after the relevant index offence) can not be considered as a submission from the victim under section 91D(2)(i), but it may be a relevant factor in the determination when considering issues in relation to the risk of sexual harm an offender still poses within section 91 D (2)(m) This should be remembered in the event that a victim of the non-index crime wishes to provide evidence.

3.8.6 As part of the review process consideration should be given to information other agencies may have including the Independent Safeguarding Authority (ISA).

3.8.7 Information may be sought from other agencies either at a MAPPA meeting or by writing to said bodies. Any information received should be documented. All Responsible Authorities and Duty to Co-operate agencies as detailed in the MAPPA Guidance have a duty to provide any information held within 28 days of being requested to do so.

3.8.8 Where an application is successful the offender will be notified using the Discharge Letter (Appendix B). They will cease to be subject to notification requirements on the date of receipt of the Discharge Letter which should be personally served and signed by the serving officer/Staff member. A copy should be retained for police records. Their ViSOR record will be fully updated and will then be archived. Forces should ensure that all other police systems whether local or national are updated to reflect this decision.

3.8.9 Where an application is not successful and the offender is considered to still pose a risk of sexual harm the offender should be informed using the Notice of Determination Letter (Appendix B). This letter must contain a statement of reasons for the decision although this need not be exhaustive to ensure that the offender understands the reasons why.

3.8.10 The offender must be informed that they have a right of appeal to the Magistrates Court to challenge the decision made. They have 21 days in which to do this with the time starting from the date of serving of the determination outcome.

3.8.11 The decision to communicate a determination to a victim(s) should be taken on a case by case basis.

4. SECTION 4 – APPEAL PROCESS

- 4.1 Offenders who believe that they have grounds to challenge the determination made by the police have a right of appeal to the magistrates' courts
- 4.2 Offenders will have a period of 21 days beginning with the day on which they received the notice of determination to bring such appeal. They may do so by way of a complaint to any Magistrate Court in the area in which the determination was made.
- 4.3 Offenders who appeal to the Magistrates Court should be advised that they will remain subject to the indefinite notification requirements whilst their appeal is outstanding and awaiting determination by the courts, and they will only cease to be subject to those requirements if the court allows their appeal. In those circumstances, the offender ceases to be subject to the requirements on the date on which the court makes an order allowing the appeal.
- 4.4 Offenders who express their intention to appeal should also be advised that they will be liable to pay a court fee, and may also be liable to pay costs of the appeal should it be dismissed.
- 4.5 There is no prescribed onward right of appeal from the decision of the magistrates' court, although its decision will remain subject to any avenues of appeal to, or review by, the higher courts in accordance with existing court rules.
- 4.6 It is a matter for offenders as to whether they seek their own legal advice in relation to an appeal to the magistrates' court.

5. SECTION 5 – FURTHER REVIEW PERIODS

- 5.1 If it is determined that the offender's application should be refused because the offender continues to pose a sufficient risk of sexual harm, the offender will continue to remain subject to indefinite notification requirements in accordance with the 2003 Act.
- 5.2 Offenders will be eligible to seek a further review of their indefinite notification requirements following the expiry of an additional period. This will be a minimum 8 year period but can be extended to 15 years where it is considered necessary. This decision rests with the police.
- 5.3 The date is calculated from the date of determination. This should be notified to the offender once the determination has been made.

6. SECTION 6 – CROSS JURISDICTION ISSUES RELATING TO REVIEWS.

- 6.1 The process followed by Scotland in regard to the review of indefinite notifications differs from that of England and Wales.
- 6.2 The key difference is that in England and Wales the process is led by the offender with little or no proactive responsibility on the Police. The Scottish process requires a more proactive approach with offender managers informing offenders of their right to apply when the date draws near. This should be remembered when dealing with an offender who has moved into a force area within England and Wales.

7. SECTION 7 – UPDATING ViSOR

- 7.1 It is **essential** that ViSOR is updated in accordance with the ViSOR standards following any application and determination in relation to a review.

8. SECTION 8 – FREQUENTLY ASKED QUESTIONS

8.1 Extended notification requirements

Q1 Can I review the other areas on the notification form when the RSO comes in to undertake their new notification requirements?

No. If consideration is given to any other area then this will change the annual notification date. Consideration may only be given to other areas if it is appropriate to do so i.e. the extended notification requirements coincide with the annual review date or there are some changes which need to be notified.

Q2. Do I need to undertake a check of the recorded bank account or passport details to ensure they are correct ?

No. The requirement is that the RSO supplies their bank account and passport details with an assumption that these are correct. Any deliberate decision to provide false or inaccurate details may render them liable to prosecution for failure to notify.

Q3. Can I input the bank account and passport details to my local intelligence system?

No. These details have been obtained purely for the purpose of managing the sex offender and must not be shared on other systems.

Q4. What is the purpose of having these bank account details?

The provision of these details allows the police and other agencies to act more swiftly to protect the public should an RSO go missing. If this occurs then having these details reduces the time taken to obtain bank account activity.

Q5. Do I have to go through any other process to use these details?

Yes. The process which currently exists to obtain bank account activity for any criminal investigation should be followed.

8.2 Review of Indefinite Notification Requirements

Q1. Can I tell the offender that they can apply to come off the notification requirements?

Yes. There is nothing to prevent an offender manager informing the RSO but as a general rule the police are not required to proactively tell the offender.

Q2. In Scotland a more proactive approach is taken to the review. What contact will they make with other forces when receiving an application?

All information contained on ViSOR records will be considered and where appropriate contact will be made with the relevant force for clarification.

Q3. What happens if an offender who has been removed from the register following review subsequently goes on to reoffend?

The offender will be treated as a new offender from point of conviction as they were discharged from the notification requirements following a review of their application.

Q4. Why do I need to consult MAPPA partners if the Offender is being managed at level 1?

In make a determination the police are required to consider certain factors in determining the review. This includes a review of any risk assessment undertaken by any body under MAPPA. In addition it is deemed good practise to notify other agencies and seek information which may be appropriate in considering the risk of harm posed.

Q5. When does the clock start ticking for the 15 years for those instances where they offender has notified but is still awaiting sentence ?

The relevant notification date for the purposes of calculating the time is the first notification given by the offender following release from detention (imprisonment, committed to custody by the court or detained in hospital) .

Q6. Should we be keeping a record of applications and outcomes?

Yes. An FOI request has already been received prior to the legislation going live and it is anticipated that these will continue.

Q7. Is an offender entitled to legal aid ?

No. The appeal is a civil matter and will not be covered by either the civil or criminal legal aid schemes. Therefore offenders who wish to appeal the police determination in court will have to fund the application themselves except for in very exceptional circumstances.

Q8. What is the rank of the determining officer?

The authority for determinations has been delegated from the Chief Officer of Police to the rank of Superintendent in keeping with the rank for decision making on disclosure matters. Forces may wish to agree their local arrangements and determine what contact their portfolio holding Chief Officer may wish in this regard.

Appendix A

Notification of changes to offenders Letter

Insert police header

(Name)

This letter is to advise you of changes to your management as the result of changes to the notification requirements under the Sexual Offences Act 2003.

This means that you are now required by law to comply with the additional measures listed below:

- *Notify police of all foreign travel (currently only travel of 3 days or more must be notified)*
- *Notify police weekly where registered as having 'no fixed abode'*
- *Notify police where living with a person aged under 18*
- *Notify police of certain passport, credit card and bank account details*

Individuals should familiarise themselves with these legislative changes and provide police with the additional information (where it applies to them) within 3 days.

To enable you to comply with the new requirements, the following process will be followed (*delete as appropriate*)

1. An appointment has been made for you to attend (location)..... at (time) on (date)
2. Your Offender Manager will obtain this information at your next annual notification appointment on (date)

A form is enclosed which outlines the details relating to your bank account(s) and credit card details which you may wish to complete to ensure that you can provide the information at the appointment as quickly as possible.

Failure to comply with these requirements, without reasonable excuse, or the provision of information to the police which you know to be false could result in up to five years imprisonment.

These new requirements will not affect your annual notification date which will stay the same; for example, if the date of your annual notification is 5th January each year and your appointment is on 8th August for this additional notification, your annual notification will remain as 5th January.

If you have any further questions on the process detailed above, please contact your Offender Manager in the first instance.

If you have been made subject to indefinite notification requirements, you should also note that following a Supreme Court ruling in 2010 the law has now been changed so as to introduce a mechanism for individuals to seek a review (in accordance with sections 91A to 91F of the Sexual Offences Act 2003).

You will be eligible to seek a review 15 years from the date of your first notification. If you were under 18 on the date of your conviction or finding, this period is reduced to 8 years.

Applications should be made to the Chief Constable of your relevant police force.

Please Note: If you are currently subject to a Sexual Offences Prevention Order (SOPO), you must discharge the SOPO at the appropriate court prior to making an application for a review of your notification requirements (in accordance with section 91A(2)(b) of the Sexual Offences Act 2003, you are not eligible to apply if you are subject to a SOPO or interim SOPO). If you require further information on how to discharge a SOPO, it is recommended that you seek independent legal advice.

If you require further explanation or advice on any of the matters contained within this letter, please consult a solicitor.

Notice of requirement to register with the police and certificate of caution (reprimand or final warning)

This notice contains a summary of the notification requirements with which you must comply. It is not a complete statement of the law. If you need further explanation or advice, you should consult a solicitor.

To the person named below.

Custody Number PNC ID Number

You have been cautioned (or received a reprimand or final warning) for a sexual offence covered by the Sexual Offences Act 2003. The details are set out in the certificate of caution at the end of this notice.

This means that you are now required by law to:

- **Notify the Police** within the next 3 days (or if you are in custody or otherwise detained 3 days of your release) of your name, any other names you use, your date of birth, your national insurance number and your home address (i.e. your sole or main residence in the UK or, if you have no such residence, any premises in the UK at which you regularly reside or stay)
- **Notify the Police** weekly if you do not provide details of a sole or main residence
- **Notify the Police** of any change of name or home address within 3 days of the date of any change
- **Notify the Police** of any address where you reside or stay for 7 days or longer. This means either 7 days at a time or a total of 7 days in any 12 month period
- **Notify the Police** of your details every 12 months even if there is no change to those details
- **Notify the Police** if you have resided or stayed for at least 12 hours at a household or other private place where an under 18 year old resides or stays
- **Notify the Police** 7 days in advance of all plans to travel abroad
- **Notify the Police** of your bank account, credit card and debit card details
- **Notify the Police** of your name as it appears in your passport or other identification document and the passport number

Please note: If you are already subject to the notification requirements because of a previous conviction, caution or finding for a relevant offence then it is not necessary to make another initial notification. However, you will have to comply with all other notification requirements.

These requirements apply to you for the next 2 years starting from the date of your caution (unless you are aged under 18 on the date of reprimand / final warning in which case the requirements will apply to you for the next year).

Please note: If you are already subject to the notification requirements because of a previous conviction, caution or finding for a relevant offence then you will have to comply with the notification requirements for the duration of the notification period which ends at the latest point in time.

If you fail to comply with these requirements without a reasonable excuse, or give the Police false information you could be fined or sent to prison for up to 5 years.

CERTIFICATE OF CAUTION (or reprimand/final warning)

Sexual Offences Act 2003 S.92

..... **POLICE STATION**

Name

Address

.....

Date of Birth

Date of caution/reprimand/final warning

Offence(s)

.....

I hereby certify that the above named person was on the above date [cautioned] [reprimanded] [given a final warning] in respect of the above sexual offence(s) to which the notification requirements apply (“the sex offenders’ register”) in accordance with Part 2 of the Sexual Offences Act 2003, and that the person was so informed by the police on that date.

..... **POLICE OFFICER**

..... **Signature of cautioned person**

..... **Signature of responsible adult (if appropriate)**

..... **Date of certificate**

SEX OFFENDERS REGISTRATION FORM – PART 2 OF THE SEXUAL OFFENCES ACT 2003

This form should be completed by a police officer or other authorised person at a prescribed police station when a sex offender who has been convicted of an offence provides information to fulfil their obligations under the Act. When completed, a copy of this form should be given to the offender as an acknowledgement of their notification, as required by the Act.

REGISTRATION DETAILS

Name (on caution/conviction/finding including aliases)			
Date/place of birth			
National insurance no.		CRO No. OR PNC ID No.	
Address on conviction	Post Code:		
Current Address (initial registration only)	Post Code:		
residence or stay with a child for at least 12 hours?			
Date of conviction		Court	
Offence			

PASSPORT DETAILS

Passport Number			
Name as it appears in the passport			
Description of identity or other document (where a passport is not held)			
Issue number (if any) and name as it appears in the identity or other document (where a passport is not held)			
Specify the type of or reason for registration	<ul style="list-style-type: none"> *Initial registration after caution/conviction *Initial registration on release from custody *Change of address *Annual Notification *Notification of qualifying address *Residence with under 18 *Change of name *New passport details *New bank details 		

	Reason
--	---------------

Account Type: *Bank/Credit/Post Office Account

Banking/Finance Institution: _____

Account Number: _____

Account Sort Code: _____

Issuing Branch: _____

Name(s) on Account: _____

Card Held: _____ From: _____ To: _____

Account Type: *Bank/Credit/Post Office Account

Banking/Finance Institution: _____

Account Number: _____

Account Sort Code: _____

Issuing Branch: _____

Name(s) on Account: _____

Card Held: _____ From: _____ To: _____

Account Type: *Bank/Credit/Post Office Account

Banking/Finance Institution: _____

Account Number: _____

Account Sort Code: _____

Issuing Branch: _____

Name(s) on Account: _____

Card Held: _____ From: _____ To: _____

Account Type: *Bank/Credit/Post Office Account

Banking/Finance Institution: _____

Account Number: _____

Account Sort Code:

Issuing Branch: _____

Name(s) on Account:

Card Held: _____ From: _____ To: _____

CHANGES TO EXISTING REGISTRATION DETAILS

New name	
New home address	
Is this new address permanent or temporary	Post Code:
Date effective from/to	
a) Qualifying address - any other address at which the offender has stayed or resided for a period of 7 days (Either in one continuous period, or 2 or more periods) in any 12 month period)	Detail
b) residence or stay with a child for at least 12 hours	
Date effective from/to	
Is this notification made in advance of the change?	YES/NO

For advance notifications, if the change takes place more than 2 days before the anticipated date, the police must be informed. If an advance notification is made and the change has not taken place 3 days after the anticipated date, the police must be informed within 6 days of the anticipated change.

PHOTOGRAPH/FINGERPRINTS/DNA

The Sexual Offences Act 2003 gives the police power to take fingerprints from and/or photograph all registered sex offenders when making a notification at a police station for identification purposes.

Photograph taken	YES/NO	Fingerprints	YES/NO
-------------------------	---------------	---------------------	---------------

OFFICER COMPLETING THE REGISTRATION FORM

I hereby acknowledge notification of the information set out above:

Officer Name		Signature	
Station		Rank/Registered No	

CONTRAVENTIONS

Has the offender contravened any of the requirements under the Sexual Offences Act 2003	YES/NO
Contravention details	
Reported for offence	YES/NO

OFFENDERS SIGNATURE

Name		Signature	
Date			

There is no legal requirement on the offender to sign this form. Refusal or failure to sign will not invalidate this form.

SEX OFFENDERS REGISTRATION FORM (Part 2)

This form should be completed by a police officer or other authorised person at a police station when a relevant offender who has been cautioned or convicted of an offence, or found not guilty by reason of insanity or to be under a disability and to have done the act charged, provides information to fulfil his or her obligations under Sexual Offences Act 2003 (the 2003 Act). (The requirements of registration are explained below). When completed, a copy of this form will be given to the offender as an acknowledgement of his notification, as required by the 2003 Act)

A person required by the 2003 Act to register with the police is required by law to:

- i. Notify the police within 3 days of the caution, conviction or finding (or, if he is in custody or otherwise detained, 3 days from his release) of his name, his date of birth and his home address at the time of his conviction, caution or finding. (Section 83)

In addition, he/she is also required to notify the police of his/her current name, including any aliases he/she uses, and his/her sole or main residence in the United Kingdom or, if he/she has no such residence, any premises in the United Kingdom at which he/she can be found, if either are different from the name and address at the time of conviction.

- ii. Submit on initial notification, notification of any changes to registered details and periodic notification to having his/her fingerprints and photograph taken. (Section 87(4))
- iii. Notify the police of any changes to the name and address he/she has registered within 3 days of the date of any change, including release from prison for subsequent offences. (Section 84)
- iv. Notify the police of any address where he resides or stays for 7 days or longer. This means either 7 days at a time, or a total of 7 days in any 12-month period. (Section 84)
- v. Notify the police no less than 7 days in advance of any intended period of foreign travel, with such information as required by the Act. (Section 86) Use separate Form 3317.
- vi. Notify the police weekly where registered as 'no fixed abode'
- vii. Notify the Police if you have resided or stayed for at least 12 hours at a household or other private place where an under 18 year old resides or stays
- viii. Notify police of passport, credit card and bank account details and certain information contained in a passport or other form of identification held by the relevant offender on each notification.
- ix. All offenders must re-confirm their details every year. (Section 85)
- x. All offenders have to notify their National Insurance Numbers at their initial notification. (Section 83(5))

An offender can only give this notification by attending a police station prescribed for the purpose by regulations. (The regulations will be periodically updated when the addresses of police stations change).

Offenders should be asked when initially notifying the police whether there are any addresses, such as any described in (iv), which they regularly visit and told that they are required to notify them if they begin to visit other addresses.

Offenders should be reminded when initially notifying the police of their names and addresses that they are also required to notify any plans to leave the United Kingdom for any periods. (A separate form (Form 3317) is available for recording this information)

New name and address: For advance notification if the change takes place more than two days before the anticipated date, the police must be informed. If an advance notification is made and the change has not taken place within three days beginning with the anticipated date, the police must be informed within six days of the anticipated date.

A person failing to comply with the requirements of the SOA 2003, a summary of which is set out above, without reasonable excuse, or who provides the police with information which is known to be false could be sent to prison for up to five years.

Record of foreign travel notification by a registered sex offender for police records

This form comprises three sections.

The information requested in the first section **MUST** be provided by the offender in all cases where such information is available. Foreign travel notifications must be made 7 days before the anticipated date of departure where the information is held by the offender. Where the information is not known 7 days before departure, the offender must give the foreign travel notification at least 12 hours before departure. The information which must be notified includes the departure date, the destination country (or first country if there is more than one) and such other information (where it is known to the offender) prescribed in legislation. The offender should be warned that if it later becomes clear that he/she was in possession of any of the specified information and did not provide it 12 or more hours prior to departure, he/she will be liable to be prosecuted. An offender who fails to comply with the requirements set out above without reasonable excuse, or who provides the police with information which he or she knows to be false, could be sent to prison for up to 5 years.

The offender may be asked to provide the information in the second section but he/she is not obliged to provide it.

Section One:

NAME(S) (as currently notified)

HOME ADDRESS (as currently notified)

.....

DATE OF BIRTH

DATE OF DEPARTURE FROM THE UK

DESTINATION COUNTRY (OR FIRST COUNTRY IF MORE THAN ONE)

.....

POINT OF ARRIVAL IN THAT COUNTRY

.....

ANY OTHER COUNTRIES TO BE VISITED IN ADDITION TO THE INITIAL DESTINATION COUNTRY
.....

DATES ON WHICH HE/SHE INTENDS TO STAY IN ANY COUNTRY BEING
VISITED.....

THE CARRIER(S) HE WILL USE TO TRAVEL TO AND FROM THE UNITED KINGDOM AND BETWEEN
ANY OTHER COUNTRIES

.....
.....

DETAILS OF ACCOMMODATION ARRANGEMENTS IN ANY COUNTRY BEING VISITED.
.....

DATE OF RE-ENTRY TO THE UNITED KINGDOM

.....

POINT OF ARRIVAL ON RETURN TO THE UNITED KINGDOM

.....

Section Two

The following information does not have to be provided but, if provided, it should be noted here Purpose of
visit

.....
.....
.....

Are you subject to any licence condition or order that prevents you from leaving the UK or visiting a particular
country

.....

Mode of travel to departure point

.....

Booking reference number/booking agent

.....

The names of anyone travelling with you

.....

Section Three

This section is administrative information to be completed by the police officer or other authorised person at a police station.

Date of notification of travel

.....

Date of notification of return

.....

Date and location where *first* notification of this trip was made (if applicable)

.....
.....

SIGNATURES:

Offender's signature:

.....

Officer taking details and station

.....

OIC If different from above

.....

A COPY OF THIS FORM SHOULD BE GIVEN TO THE OFFENDER

Appendix B

Application form to apply for the review of indefinite notification requirements under the Sexual Offences Act 2003

Information for the offender:

An application for review of the indefinite notification requirements made under section 91A of the Sexual Offences Act 2003 must be made in writing. The applicant should complete this form, with all sections completed as fully as possible.

The review process (and timescales for the police and other agencies) begins on receipt of an application which has been made in the appropriate format.

1. Surname

2. Forename(s)

3. Any other names currently or previously used

4. Date of Birth

5. National Insurance Number

6. Date and location of first notification to the police (following any period spent in detention for the relevant offence) (if known)

Please Note: You may not make an application for a review until a date at least 15 years after the date of your first notification to the police (following any period spent in detention for the relevant offence). If you were under 18 on the date of your conviction or finding, this minimum period is 8 years.

7. Date of discharge of Sexual Offences Prevention Order (if applicable)

Please Note: If you are currently subject to a Sexual Offences Prevention Order (SOPO) or an interim SOPO, you must discharge the order at the appropriate court prior to making an application for a review of your notification requirements. If you need further information on how to discharge a SOPO, it is recommended that you seek independent legal advice.

8. Reasons for applying for a review

Please state the reasons why you are making an application for a review of your indefinite notification requirements. You will need to demonstrate:

- How your circumstances now, compared to those at the time of your offence, mean that you no longer pose a risk of reoffending;
- The way you behave now, compared to your behaviour during earlier periods when you have been subject to the notification requirements, means that you no longer need to be subject to those requirements to manage the risk you pose.

You should consider including information about:

- Where you live, how long you have lived there, the stability of your living arrangements, who you live with, for how long you have lived in these circumstances;

- Relationships with any children under 18;
- How you fill your time e.g. employment, employer, for how long, hobbies and interests;
- Details of any health or support services with which you are currently engaged;
- Completion of any treatment programmes relevant to your offending history;
- Your attitude to your offending and how you make sure you will not offend again;
- How other people (with information from them if you have it) consider that you do not pose a risk of reoffending;
- Any other information that you consider demonstrates you no longer pose a risk of sexual harm.

Please Note that all information relevant to your application should be provided at the earliest opportunity and should be included in this application.

9. Please submit completed application forms (including any evidence) to the Chief Officer of your relevant force.

10. Declaration

I hereby declare that I wish to make an application for a review of the requirement that I must continue to notify information to the police under Part 2 of the Sexual Offences Act 2003.

Signature

Date

[Please provide further details if this application is being made on behalf of another person].

Acknowledgement Letter

[POLICE HEADER]

Telephone:
Facsimile:
Email:

Your Ref:
Our Ref:

[DATE]

Dear...

This letter is formal acknowledgement of receipt of your application for a review of your indefinite notification requirements, made in accordance with section 91A of the Sexual Offences Act 2003. This was received on [*insert date*].

We will consider your application and you will be notified of our decision within 12 weeks of the date of receipt of your application.

If it is determined that you should no longer remain subject to the notification requirements, your notification requirements will cease on the date you receive your notice of the determination.

If it is determined that you must remain subject to the notification requirements, you will receive a notice of determination which contains a statement of reasons for that determination. You may appeal against this decision within 21 days of receiving the notice.

Yours sincerely,

Served by (name / rank / role):

Signature (officer / staff member serving):

Signature (offender):

Time:

Date:

Review of Indefinite Notification Requirements

Part 1: Offender Details

Name	
Date of Birth	
Address	
ViSOR Record No	
Date review is due	

Part 2: Summary of matters taken into account in making the decision

<p>1. Offence that made the relevant offender subject to the notification requirements for an indefinite period. Taking into consideration:</p> <ul style="list-style-type: none"> • Seriousness • Correct description of offence (indictment / complaint and extract conviction) • Sentence • Sentencing report
<p>2. Period of time which has elapsed since the relevant offender committed the offence (or offences)</p>
<p>3. Length of time under management - date of first notification</p>
<p>4. Age of the relevant offender at the time the offence (or offences) referred to at paragraph 1</p>
<p>5. Age of any victim of any such offence (where applicable) and the difference in age between the victim and the relevant offender at the time the offence was committed</p>

6. Age of relevant offender at the time of the review	
7. Details of any subsequent offence(s) under section 3 of the Sex Offenders Act 1997 (failure to comply with notification requirements)	
8. Details of any subsequent offence(s) committed under section 91 of the Sexual Offences Act 2003 (failure to comply with notification requirements)	
9. Details of convictions or findings made by a court in respect of the relevant offender for any other offence listed in Schedule 3 to the Sexual Offences Act 2003	
10. Details of any caution which the relevant offender has received for an offence which is listed in Schedule 3 to the Sexual Offences Act 2003	
11. Details of any criminal proceedings for any offences listed in Schedule 3 to the Sexual Offences Act 2003 that have been instituted against the relevant offender, but which have not been concluded	
12. Details of any criminal proceedings, convictions or other findings in relation to any sexual offences committed in Scotland, Northern Ireland or any other country outside the United Kingdom.	
13. Victim consideration given, where appropriate	
14. Details of engagement with responsible bodies through MAPPA meetings, where appropriate	

Part 3: Risk Assessment

<p>15. Current RM2000 Risk Assessment</p> <ul style="list-style-type: none"> • For MAPPA Level 1 Offenders where a lead agency is primarily responsible • For MAPPA Level 2/3 Offenders where local inter-agency management is used under the joint arrangements for managing and assessing risk established under section 325 of the Criminal Justice Act 2003
<p>16. Any other submission or evidence of the risk of sexual harm posed by the relevant offender to the public, or any particular members of the public, in the United Kingdom (including by MAPPA partners)</p>
<p>17. Any submission or evidence presented by or on behalf of the relevant offender which demonstrates that the relevant offender does not pose a risk of sexual harm to the public in the United Kingdom or any particular members of the public caused by the relevant offender committing an offence listed in Schedule 3 to the Sexual Offences Act 2003</p>

Part 4: Recommendation

<p>The relevant offender continues to remain subject to the notification requirements under Part 2 of the Sexual Offences Act 2003</p>	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	YES	NO		
YES	NO				
<p>Justification</p>					
<p> </p>					

Signed _____ *Offender Manager*

Date _____

Recommendation supported by Detective Inspector, Offender Management	YES	NO
Additional Comment		

Signed _____ *Detective Inspector*

Date _____

Part 5: Decision

The relevant offender is to be notified that he/she remains subject to the notification requirements	YES	NO
Rationale		

Signed _____ *Superintendent*

Date _____

Part 6: Notification Continuation

Earliest available date for subsequent review
Date letter sent to relevant offender

Signed _____ *Superintendent*

Date _____

Discharge Letter

[POLICE HEADER]

Telephone:
Facsimile:
Email:

Your Ref:
Our Ref:

[DATE]

Dear...

Having considered your application, it has been determined in accordance with section 91C of the Sexual Offences Act 2003 that you should no longer remain subject to the notification requirements of Part 2 of the Act.

Your notification requirements cease on the date of your receipt of this letter.

Yours sincerely,

Served by (name / rank / role):

Signature (officer / staff member serving):

Signature (offender):

Time:

Date:

Notice of Determination

[POLICE HEADER]

Telephone:
Facsimile:
Email:

Your Ref:
Our Ref:

[DATE]

Dear...

Further to your application made on [insert date], it has been determined in accordance with section 91C of the Sexual Offences Act 2003 that you must remain subject to the notification requirements. Please see below a statement of reasons.

You will be entitled to make a further application for review no earlier than [8] years from the date of this determination.

Statement of Reasons: (elaborate or delete as appropriate)

You have failed to satisfy the relevant chief officer of police that it is not necessary for the purpose of protecting the public or any particular members of the public from sexual harm for you to remain subject to the indefinite notification requirements.

The reasons for this determination are [the list below is not exhaustive] –

- The seriousness of your offence(s) (i.e. ...)
- Breach(es) of your notification requirements (i.e. ...)
- Other convictions or cautions (i.e. ...)
- The assessment of risk posed by you (e.g. ...)
- Other matters considered to be relevant (e.g. ...)

You may appeal against this decision to a magistrates' court for any part of the police area to which you made your application. If you wish to do so, you must apply to the magistrates' court within 21 days of the date when you received this letter. You may have to pay a fee to the court before your appeal will be listed for hearing. More information can be obtained from the magistrates' court.

Yours sincerely,

Served by (name / rank / role):

Signature (officer / staff member serving):

Signature (offender):

Time:

Date:

Appendix C

