



Home Office

Direct Communications
Unit
2 Marsham Street
London
SW1P 4DF

Tel: 020 7035 4848
www.homeoffice.gov.uk

Inquiry into Management of Child Sex Offender Information
CSOInquiry@parliament.vic.gov.au

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Dear Fiona Patten,

Thank you for your letter of 25 September about the Inquiry into the Management of Child Sex Offender Information being held by the Parliament of Victoria. Your letter has been passed to officials for a response. We are sorry for the delay.

Public protection is a priority for this Government and the notification requirements for registered sex offenders are an invaluable tool in the management of offenders within the community.

Part 2 of the Sexual Offences Act 2003

Notification Requirements

Relevant offenders are required to notify their personal details to the police. This system is often referred to as the ‘sex offenders register’ and requires offenders to provide their local police station with a record of (amongst other things) their: name(s), address, date of birth, bank accounts, passport and National Insurance Number. This is done annually and whenever their details change.

The notification requirements are an automatic consequence of a conviction or caution (for a Schedule 3 offence under the Sexual Offences Act 2003), but the length of time an offender will be subject to the requirements will vary dependent upon the sentence they receive.

The duration of the notification requirements (or how long a person is on the sex offenders’ register) is set out in the Sexual Offences Act 2003 and the courts have no discretion over this.

Where the (adult) offender is:	The notification period:
Sentenced to imprisonment for life or to a term of 30 months or more	Indefinitely

Detained in a hospital subject to a restriction order	Indefinitely
Sentenced to imprisonment for more than 6 months but less than 30 months imprisonment	10 years
Sentenced to imprisonment for 6 months or less	7 years
Detained in a hospital without being subject to a restriction order	7 years
Cautioned	2 years
Conditional discharge	The period of the conditional discharge
Any other description (i.e. community sentence, fine)	5 years

These periods are halved for offenders who are under 18 on the relevant date, as defined within the 2003 Act.

The notification requirements originally came into force on 1 September 1997 in the Sex Offenders Act 1997. The Sexual Offences Act 2003 repealed the 1997 Act and made considerable changes to the notification requirements.

The Sexual Offences Act 2003 can be viewed via the following link:
<http://www.legislation.gov.uk/ukpga/2003/42/contents>

Extending the notification requirements

On 13 August 2012, the Sexual Offences Act 2003 (Notification Requirements (England & Wales) Regulations 2012) came into force to introduce new notification requirements under the Sexual Offences Act 2003, to extend and strengthen the system of notification requirements placed on registered sex offenders.

These measures require all offenders subject to the notification requirements under the Sexual Offences Act 2003 (the 2003 Act) to notify to the police:

- all foreign travel;
- weekly, where they are registered as 'no fixed abode';
- where they are living in a household with a child under the age of 18;
- their bank account and credit card details, and information about their passports or other identity documents.

Review Mechanism: Sexual Offences Act 2003 (Remedial) Order 2012

On 30 July 2012 the Sexual Offences Act 2003 was amended by the Sexual Offences Act 2003 (Remedial) Order 2012 to introduce a mechanism which enables registered sex offenders who are subject to notification requirements for life to apply for those requirements to be reviewed. The Remedial Order gives offenders the ability to seek a review of their indefinite notification requirements only once they have completed 15 years subject to the notification requirements (eight years for juveniles).

Any review is carried out by the police and takes into account a range of factors, including any information provided from agencies which operate within the Multi-Agency Public Protection Arrangements framework. This ensures that there is an individual assessment of risk before any offender is considered for removal from the notification requirements.

The decision as to whether an offender's notification continues or ceases should be communicated to the applicant within 12 weeks of receipt of the application for review.

Where the police decline an application there is a route of appeal to the magistrates' court.

We are clear that we have developed a process that is robust, workable and makes public protection a central factor, while at the same time preventing sex offenders from being able to waste taxpayers' money by repeatedly challenging our laws. Sex offenders who continue to pose a risk will remain on the register and will do so for life if necessary.

The ViSOR Dangerous Persons Database

ViSOR, the Dangerous Persons Database, is a UK-wide system used to store and share information and intelligence on those individuals who have been identified as posing a risk of serious harm to the public. This includes information provided by registered sex offenders subject to notification requirements. It is owned and governed by the Police allowing them to manage sexual and violent offenders in partnership with other agencies.

ViSOR is designed to facilitate the work of Multi Agency Public Protection Arrangements (MAPPA) by assisting co-operative working between the three 'Responsible Authorities' (the police, probation service and prison service) in their joint management of individuals posing a risk of serious harm.

There are robust arrangements in place in relation to data security on ViSOR. ViSOR is categorised as CONFIDENTIAL under the Government's protective marking scheme and as a result there are strict physical and technical security rules in place to keep the data secure and to ensure the confidentiality, integrity and availability of the data.

Data protection is taken very seriously and as such all personnel who access ViSOR in any form must be vetted according to current vetting standards. All data is processed in accordance with the Data Protection Act 2018.

Child Sex Offenders Disclosure Scheme

In June 2007 the Government published the Review of the Protection of Children from Sex Offenders. As a result the Disclosure Scheme was introduced in four forces to pilot a new approach to dealing with the disclosure of information relating to child sexual offences. The Disclosure Scheme aimed to fulfil action 4 of the review, which stated that the Government would:

'Pilot a process where members of the public can register their child protection interest in a named individual. Where this individual has convictions for child sex offences and is considered a risk, there will be a presumption that this information will be disclosed to the relevant member of the public'.

Warwickshire, Hampshire, Cambridgeshire and Cleveland all piloted the scheme for 12 months from September 2008.

The principal aim of this scheme is to provide parents, guardians and carers with information that will enable them to better safeguard their children's safety and welfare. It is not an aim of this scheme to introduce a US-style Megan's Law or automatic disclosure of child sexual offender details to the general public, which could encourage offenders to go missing and therefore put children at greater risk of harm.

Under the CSO Disclosure Scheme anyone can make an application about a person (subject) who has some form of contact with a child or children. This could include any third party such as a grandparent, neighbour or friend. This is to ensure any safeguarding concerns are thoroughly investigated.

A third party making an application would not necessarily receive disclosure as a more appropriate person to receive disclosure may be a parent, guardian or carer. In the event that the subject has convictions for sexual offences against children, poses a risk of causing harm to the child concerned and disclosure is necessary to protect the child, there is a presumption that this information will be disclosed. Under the CSO Disclosure Scheme, disclosure will only be made to a parent, carer or guardian but outside of the process, disclosure may be made to others. In any event disclosure may not always be to the original applicant.

Thank you for writing on this important issue and inviting us to contribute to your inquiry.

**Sex Offender Management
Interpersonal Violence Unit.**

