

THE REQUIREMENTS FOR NOTIFICATION BY SEXUAL OFFENDERS IN ENGLAND AND WALES (KNOWN AS THE “SEX OFFENDERS REGISTER”)

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I. INTRODUCTION

Legislation relating to sex offenders being required to register their details with the police has developed rapidly over the last seven years. The notification requirements on sex offenders (or “sex offender registration” as the requirements are sometimes known) were introduced in the Sex Offenders Act 1997. The 1997 Act established that offenders convicted of certain sexual offences would have to notify certain personal details to the police and any subsequent changes to these details. The Sex Offenders Act was implemented on 1 September 1997.

In 2000 several changes were made to the Sex Offenders Act 1997 through the Criminal Justice and Court Services Act (CJCSA) to strengthen the requirements on convicted sex offenders. The maximum penalty for a breach of the notification requirements was increased to five years imprisonment and sex offenders had to make their initial notification within three days (rather than 14 days) of their conviction, caution, finding, etc. for a relevant sexual offence. In addition, the CJCSA 2000 introduced a requirement for registered sex offenders to notify the police if they intended to travel overseas for eight days or more. Parliament has recently completed a major review of sex offence legislation and the Sexual Offences Act 2003 has provided new definitions for sexual offences, penalties and arrangements to protect the public. The opportunity was taken therefore to further strengthen the registration requirements, learning from our experience of implementing the earlier legislation.

II. KEY CHANGES BEING INTRODUCED THROUGH THE SEXUAL OFFENCES ACT 2003

The Sexual Offences Act 2003 is re-introducing most of the provisions on registration with some improvements. Below are listed the key changes that have been made to the notification requirements:

- A conditional discharge will now be considered a conviction for the purposes of the notification requirements.
- The notification period for a caution will be reduced from five years to two years.
- Offenders will have to notify a change to their notified details (such as name or address) within three days of the change taking place (the current period is 14 days).
- Offenders will have to notify any address in the UK at which they reside for seven days or more, whether that is seven days consecutive or seven days within any 12 month period (the current period is 14 days).
- All offenders will have to re-confirm their notified details annually (“periodic notification”).
- All notifications will have to be made in person and the police may take fingerprints and photographs at initial notification, whenever an offender notifies any changes to his details and at periodic notification.
- Offenders will have to notify their National Insurance numbers at initial notification. Those currently subject to the notification requirements will have to provide such information when they first notify a change to their details after commencement of the 2003 Act or at their first periodic notification (whichever occurs first).
- It will be possible to notify a change of details in advance of the change taking place.
- Schedule 3, which lists the offences which trigger the notification requirements of Part 2 of the Sexual Offences Act 2003, includes most of the new sexual offences contained in Part 1 of the 2003 Act (some have disposal or other thresholds that must be met before notification is triggered).
- Where a disposal threshold has to be met before the notification requirements are triggered for a specific offence, then the offender will not have to comply with the notification requirements until he receives a sentence which meets that threshold.
- The Secretary of State will have a power to amend the thresholds and offences in Schedule 3.

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A. The Sexual Offences Act 2003 is also Introducing New Civil Preventative Orders

1. Notification Orders

- This is a new order which can be made, on application by a chief officer of police, in respect of individuals who have been convicted abroad of sexual offences equivalent to the sexual offences listed in Schedule 3 of the 2003 Act.
- The effect of the order is to make such offenders subject to the notification requirements of the 2003 Act as if they had been convicted in the UK of a relevant offence.

2. Foreign Travel Orders

- This is a new order which will enable the courts in certain circumstances, and on application of a chief officer of police, to prohibit those convicted of sexual offences against children aged under 16 from travelling overseas where there is evidence that they intend to cause serious sexual harm to children in a foreign country.

What follows is a more detailed explanation of the new legislation as it relates to sex offender registration. Much of the material is edited extracts from guidance to the Act provided by colleagues in the Home Office Criminal Law Policy Unit.

B. Notification Requirements

1. Basic Principles of the Notification Requirements

The notification requirements of Part 2 of the Sexual Offences Act 2003 are an automatic requirement for offenders who receive a conviction, caution or finding for certain sexual offences. The notification requirements are not a punishment for a sexual offence and are not part of the system of penalties.

The notification requirements are not dependent on an order of the court. An offender who becomes subject to the requirements does so because he has been convicted, cautioned, etc. for a "relevant offence". There is no discretion, exercised by either the courts or the police, in imposing the notification requirements on relevant offenders and, similarly, the requirements can not be imposed at the discretion of the courts or police on a person who is not a relevant offender as specified in the Act.

In addition, discretion is not exercised by the courts or the police over the duration of the notification period. This is set out in the legislation and is based upon whether the offender has a caution, conviction or finding made in respect of a relevant offence and the type and duration of the sentence/disposal received. The court should not reduce a sentence in order that an offender is subject to the notification requirements for a lesser period.

2. Persons Becoming Subject to the Notification Requirements

Section 80 sets out the categories of person who will become subject to the notification requirements of the Sexual Offences Act 2003:

- people convicted (see Appendix) of an offence listed in Schedule 3 of the Act;
- people found not guilty by reason of insanity of such an offence.

The notification requirements extend to the whole of the UK. The offences at Schedule 3 are exclusively sexual offences. These are set out in separate lists relating to the relevant offences under the law in England and Wales, Scotland, Northern Ireland and under service law. Age and sentence thresholds have been applied to some of the offences to ensure that only the more serious level of offending will trigger the requirements. For example, in the case of the offence of sex with an adult relative, an offender will only be required to 'register' if they are sentenced to a term of imprisonment or detained in hospital. Where a person is convicted, etc. of an offence, any applicable thresholds have to be met for the notification requirements to be triggered

3. The Notification Period

Section 82 provides that the period of time an offender is required to comply with the notification requirements depends on how he was dealt with in respect of the relevant offence and, in some cases, the type of disposal received, as set out below:

Where the offender:	He will be subject to the notification requirements for:
Is sentenced to 30 months or more imprisonment (inc. life)	An indefinite period
Is admitted to a hospital subject to a restriction order	An indefinite period
Is sentenced to 6 months or more (but less than 30 months) imprisonment	10 years
Is sentenced to less than 6 months imprisonment	7 years
Is admitted to hospital, without a restriction order	7 years
Is cautioned	2 years
Is given a conditional discharge	The duration of the conditional discharge
Received any other disposal (such as a community punishment or fine)	5 years

These notification periods apply to offenders over the age of 18. Section 82 (2) provides that for those under 18 when convicted, cautioned etc., the notification periods of 10, 7, 5 and 2 years are halved.

4. Initial Notification

Section 83 sets out the details which the offender must notify to the police upon initial notification. These are his:

- date of birth
- National Insurance number
- name, any other names used
- his home address (this means the offenders sole or main residence in the UK, or where the offender has no such residence, the location of a place in the UK where he can regularly be found and if there is more than one such place, such one of those places as the person may select.)
- the address on any other premises in the UK which, at the time of notification, he regularly resides or stays.

The offender is required to notify the above details within three days of the relevant date. This means that such offender must make his initial notification within three days of his:

- release from custody
- release from imprisonment or service detention
- release from hospital or
- return to the United Kingdom.

5. Changes to Notified Details

An offender must notify the police of new details within three days of:

- his using a name that he has not already notified to the police;
- a change to his home address;
- having stayed at an address in the UK that he has not notified for a “qualifying period” as one or more periods amounting to seven days during any twelve month period);
- his release from detention in a prison, hospital, etc.

When offenders make such a notification, they must also re-confirm the other details they are required to provide at initial notification.

6. Periodic Notification

Offenders must re-notify the details required of them on initial notification within 12 months of the last time he/she was required to notify. This is a new provision which will significantly curtail the opportunities for ‘registered’ sex offenders to evade the notification requirements.

The requirement on the offender is suspended while offenders are overseas (including when they are on holiday or business overseas), in prison or detained in a hospital until his release or return, as the case may be, following which he must comply within three days. For example, an offender notifies the police of his/her new home address on 1 June 2005 and re-confirms all of his/her notified details. It is anticipated that he/she would have to make his periodic notification on 1 June 2006. However, the offender is abroad on that date and does not return to the UK until 1 July 2006. In this case, he/she must make his periodic notification within 3 days of 1 July.

7. Method of Notification: Registration at Prescribed Police Stations and Related Matters

Offenders will be required to notify at one of the police stations in their local area. When an offender makes a) his initial notification b) notifies any changes in his notified details (including an advance notification) or c) makes his periodic notification the police may require the offender to allow them to take his fingerprints and photograph any part of him (i.e. photographs may be taken of an offenders face as well as distinguishing features, such as a tattoo). This definition also means that iris scanning technology may be used. However, the purpose of taking fingerprints and photographs must be to verify the identity of the sex offender.

8. Breach of the Notification Requirements

Section 91 provides that a person who is subject to the notification requirements commits a criminal offence if he fails, without reasonable excuse, to:

- make an initial notification in accordance with s. 83(1);
- notify a change of details in accordance with s. 84(1);
- make an annual re-notification in accordance with s. 85(1);
- comply with any requirement imposed by regulations concerned with the notification of foreign travel (s. 86(1));
- notify the fact that a change did not happen as predicted when it had been notified in advance in accordance with s. 84(4)(b);
- allow a police officer to take his photograph or fingerprints (s. 87(4));
- ensure that a young offender on whose behalf he is required by a parental direction to comply with the notification requirements attends a police station when a notification is made (s. 89(2)(b)); or
- in the first four cases set out above, if he knowingly provides false information.

A 'reasonable excuse' for failing to comply with the notification requirements could be, for example, where the offender is in hospital.

An offender convicted of such an offence on summary conviction (in a Magistrates' Court) will be liable to a term of imprisonment of up to six months or to a fine or both; an offender convicted on indictment (in a Crown Court) will be liable to a term of imprisonment of up to five years. Breach of the requirements is an arrestable offence.

C. Notification Requirements: Travel Outside the UK (S. 86)

The purpose of requiring offenders subject to Part 2 of the Sexual Offences Act 2003 to notify the police of their intention to travel abroad is twofold. First,

- it enables local police to know the whereabouts of serious sex offenders and, in doing so, avoids sex offenders claiming that they have not complied with the notification requirements of the Act because they were overseas. Second,
- it enables the police, where appropriate, to inform other jurisdictions that a sex offender is intending to visit their country.

The requirements do not prohibit an offender from traveling overseas - this is covered by foreign travel orders. It is important to note that the Sexual Offences Act 2003 makes no changes to existing police powers relevant to the exchange of information but that the information provided by the foreign travel notification requirements assist the police in making sensible judgments about whether to pass information about the risk an offender poses to other jurisdictions in order to prevent an offence from being committed overseas.

These regulations apply to any relevant sex offender in England, Wales or Northern Ireland, who intends to leave the UK for three days or longer. Separate regulations cover offenders in Scotland. The required information must be provided in person, at a prescribed police station, no less than seven days prior to departure. The details required of the offender in every case (if he holds such information) are:

- the date of departure from the UK;
- the destination country (or, if there is more than one, the first);
- and the point of arrival in that country.
- his point(s) of arrival in any countries he will be visiting in addition to the initial destination;
- the carrier(s) he intends to use to leave and return to the UK or any other point(s) of arrival while he is outside the United Kingdom (but not internal flights);
- details of his accommodation arrangements for his first night outside the United Kingdom;
- his date of re-entry to the United Kingdom; and
- his point of arrival on his return to the United Kingdom.

Where the offender has made a notification but the information notified has become an inaccurate or incomplete statement of the information required any time up to 24 hours before his departure from the United Kingdom, he must report in person and make a fresh notice to the Police of his intentions no later than 24 hours before his departure.

Where an offender does not hold the required information seven days prior to his intended departure date from the United Kingdom (because, for example, he needs to travel at short notice), he must notify the police either within 24 hours of the information becoming available or 24 hours prior to his departure, whichever is the earlier.

An offender who has given notice of his intention to leave the United Kingdom as described above must, within three days of his return to the United Kingdom, report in person to a prescribed police station and notify the police of the date of his return and his point of arrival in the UK. However, an offender will not have to notify the police of his return if, on notifying his intention to depart the United Kingdom, he provided details of his expected date and point of re-entry to the United Kingdom and then returned as stated.

It should be noted that a relevant offender cannot be prevented from travelling simply because he does not hold the range of information specified. The legislation is not intended for this purpose. An offender is, however, in breach of the requirements of the legislation where he holds the relevant information and fails without reasonable cause to disclose it. In situations where notified information changes for reasons beyond his control, for example, his accommodation arrangements are altered by the travel company on his arrival, this would not constitute a failure to meet the requirements of the Act

Failure to notify foreign travel (or make a false notification) is an offence, punishable by up to five years imprisonment.

D. Juvenile Offenders and Notification

Juvenile offenders will continue to be subject to the notification requirements but only when they have committed the most serious sexual offences. Therefore, for juvenile offenders, sentence thresholds have been introduced in Schedule 3 to most of the “lesser” new offences of Part 1 of the 2003 Act. The effect of these thresholds is that a juvenile offender (i.e. an offender aged under 18) only becomes subject to the notification requirements if they receive a custodial sentence of 12 months or more in respect of certain offences. This excludes completely offenders under 12 and will mean that final warnings, reprimands, community sentences and periods of detention of less than 12 months given for these offences to juvenile offenders will not lead to registration.

For the most serious offences in Schedule 3 there is no sentence threshold to registration for juvenile offenders and adult offenders alike and the notification requirements will apply to juvenile offenders who receive a final warning or reprimand and for those convicted in court, regardless of the disposal that is given. These offences are:

- rape (s. 1)
- assault by penetration (s. 2)
- causing sexual activity without consent (s. 4)
- rape of a child under 13 (s. 5)
- sexual assault of a child under 13 by penetration (s. 6)
- offences against persons with a mental disorder (s. 31 to 38)

- administering a substance with intent (s. 61).

E. Parental Directions

Section 89 provides that a court may direct a person with parental responsibility for a juvenile offender to comply with the notification requirements on behalf of the juvenile offender. The effect of a direction under this section will be that the notification requirements that would otherwise have fallen on the juvenile offender will instead fall upon the parent or, in some cases, the local authority. The parent must ensure that the juvenile offender attends the police station with him when making a notification.

Parental directions do not require the consent of the parent but the courts may wish to seek the views of the parent prior to making such an order. Parents who fail in their responsibilities, despite the best efforts to ensure that the juvenile offender complies will not commit an offence. Section 91(a) provides that a person subject to the notification requirements only commits an offence if he breaches the requirements "without reasonable excuse". A reasonable excuse may include (although it is for the court to decide) a situation where the parent has made every effort to ensure the juvenile offender attends at the police station but is unable to do so.

Deliberate breaches by a parent of a parental direction should be prosecuted, with the maximum penalty at five years imprisonment. Breach of the notification requirements can considerably compromise the local police and probation services' efforts to manage the sex offenders within the community. Because a breach was not actually committed by the convicted sex offender does not mean that the offence is less serious. The fact of the matter is that the police have been denied the information they need to prevent and detect sexual crimes and protect the community they serve.

F. Notification Orders

1. Summary

Notification orders and interim notification orders are intended to protect the public in the UK from the risks posed by sex offenders who have been convicted, cautioned, etc. for sexual offences committed overseas. Such offenders may be

- British citizens convicted, cautioned, etc. abroad or
- foreign nationals who reside in the UK with a previous conviction, caution, etc. (and who have a right to remain in the UK).

Essentially, a notification order requires the offender to "register" their details to the police (covered by Part 2 of the Sexual Offences Act 2003) as if they had been convicted in the UK. An application for a notification order is made to the magistrates' court acting in its civil capacity.

2. Effect of the Notification Order

Offenders subject to a notification order become subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 as if they had been convicted, cautioned, etc. in the UK. Offenders are required to make an initial notification within three days of the notification order being served and then (subject to any of the other eventualities in section 84) annually thereafter. They are expected to comply with all other notification requirements of Part 2 of the Act as if they had been convicted in the UK (such as foreign travel notification, notification of any changes to their details, etc.). If an offender breaches these requirements after a notification order has been made he should be treated as any other offender subject to the notification requirements for an offence committed in the UK.

3. Retrospective Application

The Notification Order emulates the partially retrospective implementation of the Sexual Offences Act 2003 as it applies to offenders convicted, cautioned, etc. in the UK. For example, a caution in England and Wales for a sexual offence in 1996 would not require the offender to comply with the notification requirements and therefore a caution received overseas for a sexual offence in 1996 does not qualify for a notification order.

Similarly, if an offender received a community punishment for a sexual offence in England and Wales in 1997, then the notification period of five years would have expired in 2002 and therefore the same penalty received overseas for a sexual offence in 1997 would not qualify for a notification order.

4. Decision to Apply For an Order

A decision to apply for an order will be made on intelligence that an individual with a conviction, caution for a sexual offence overseas is in, or is intending to come, to the UK and is likely to remain resident. Such intelligence could come from a variety of sources. For example:

- A British citizen is being released from custody overseas, after conviction for a sexual offence, and the diplomatic service are organizing return to the UK.
- A British citizen is returning to the UK after receiving a caution for a sexual offence overseas. During his dealings with the authorities in the foreign country he was assisted by the diplomatic service.
- A British citizen is being repatriated to a UK prison to serve his sentence received overseas for a sexual offence.
- Authorities in the UK have been informed by the diplomatic service of a foreign country that one of their citizens who has previous convictions for sexual offences is intending to come to the UK.
- An individual comes to the attention of the police, and on investigation of his criminal history it becomes apparent that he has convictions for relevant sexual offences overseas.

G. Foreign Travel Orders

Sections 114 to 122 of the Sexual Offences Act 2003 introduce the foreign travel order. This is a new civil preventative order and is intended to prevent offenders with convictions for sexual offences against children from travelling abroad where there is evidence that they intend to commit sexual offences against children abroad.

For a foreign travel order to be made, the court must first be satisfied that the defendant is a qualifying offender. A qualifying offender will have been convicted, etc. for a sexual offence in Schedule 3 if the victim of that offence was under 16 at the time of the offence (references to a victim under 16 are to be read as under 17 as the Act applies to Northern Ireland).

Second, the court must be satisfied that the defendant has demonstrated by his actions that an order is necessary for the purposes of protecting a child or children in another country from serious sexual harm from him. The term ‘protecting children generally or any child from serious sexual harm from the defendant outside the United Kingdom’ means protecting a child or children abroad under 16 years of age (or 17 in Northern Ireland) from serious physical or psychological harm caused by the defendant doing anything that would constitute an offence under Schedule 3 of the Act if done in England and Wales or Northern Ireland. Such behaviour may have occurred before or after commencement of Part 2 of the 2003 Act but must have occurred since the first date when an offender was convicted, found or cautioned of an offence listed in Schedule 3 if the victim of the offence was under the age of 16 at the time of the offence.

1. Effect of the Foreign Travel Order

Section 117 sets out the effect of a foreign travel order. The foreign travel order will have a duration not longer than six months and, in any case, will be specified in the order. The order can be renewed on further application to the court. The order can prohibit the offender from:

- either travelling to a country outside the UK named in the order (such as Thailand or the countries of SE Asia);
- or travelling to a country outside the UK that is not named in the order (this may be needed where the offender is banned from travelling anywhere in the world other than to a named country - which he may need to visit for family reasons);
- travelling to any country outside the UK (where the offender is such a risk to children that a universal ban is required).

The prohibitions in the order must be proven to be necessary in order to protect a child or children generally from serious sexual harm from the subject.

2. Criteria for Seeking a Foreign Travel Order

For the chief officer of police to make an application for a foreign travel order he must:

- be satisfied that the individual is a “qualifying offender” by virtue of his conviction, caution, etc. for a relevant offence
- believe that the defendant has behaved in such a way, since his first conviction for a relevant offence, that a foreign travel order is necessary.

Additional intelligence will be necessary to satisfy a court that an offender intends to commit one of the offences listed in Schedule 3 against a child aged under 16 abroad. Such evidence could be, for example, email contact with a person in a foreign country through whom the defendant organises the sexual services of a child.

It is not necessary to establish or specify the type of sexual activity which a defendant intends to engage in and therefore which of the offences in Schedule 3 an offender will commit. It should be satisfactory to prove that, for example, the defendant has arranged to have any sort of sexual contact with a child under 16 and any sort of sexual contact with a child under 16 is covered by at least one of the offences in Schedule 3.

H. "Verification" (Sections 94 and 95)

Sections 94 and 95 of the Sexual Offences Act 2003 introduce a new power that will help the police to verify that an offender has notified the correct details and that he is not omitting any details (such as another name or address he uses) in compliance with sections 83, 84 and 85 or with the relevant sections of the Sex Offenders Act 1997. This will be done by comparing the details received at notification against those details offenders will have registered with:

- The various agencies which perform social security, child support, employment and training functions on behalf of the Secretary of State for the Department of Work and Pensions and the equivalent Northern Ireland Department.
- The agency which issues passports on behalf of the Home Secretary (i.e. the UK Passport Service).
- The agency which performs functions under Part 3 of the Road Traffic Act 1998 on behalf of the Secretary of State for the Department of Transport (i.e. the Driver and Vehicle Licensing Agency) or Part 2 of the Road Traffic (Northern Ireland) Order 1981. The DVLA holds details on everyone with a driving license. In addition, it is an offence not to inform the DVLA of a change to these details.

The power provides that the details notified to the police by registered sex offenders can be compared against the details held in relation to these three functions of Government. The proposed powers cover England, Wales, Scotland and Northern Ireland. The details the police may provide to the DWP, UKPS and DVLA are offenders':

- date of birth
- national insurance number
- any names he has notified
- home address and any other addresses notified.

This information may have been supplied by an offender at his initial notification, when notifying a change or at his periodic notification.

This information may only be shared for the purpose of verifying that the information supplied to the police, etc. by the offender is accurate. It could not, for example, be used by DWP to pursue someone for a child support payment. The information supplied by the police, etc. will be compared against the information held by the DWP, UKPS and DVLA and a report of discrepancies compiled. Subsection (6) provides that any transfer of data must still comply with the Data Protection Act 1998.

I. Other Issues Relating to Sex Offenders

Brief outline of other provisions, such as s. 72 of the Sexual Offences Act, provisions in the Criminal Justice Act 2003 on the MAPPA, ViSOR, etc.

1. Section 72: Offences Outside the United Kingdom

This Section makes it an offence for a British citizen or UK resident to commit in a foreign country, an offence listed in Schedule 2 of this Act against a child under 16 if such an act is also an offence in the foreign country concerned. The exact description of the offence does not have to be the same in both the UK and the foreign country. For example, the offence of rape could apply to a British man who raped a child in another country although that offence was described differently under the law in that country. This law is intended to cover, for example, an offender who commits an offence against a child family member or a child living in the foreign country while they are on holiday and the offence goes undetected until their return to the UK.

2. The Multi-Agency Public Protection Arrangements

Sex offender registration forms an integral part of broader public protection arrangements in England and

Wales which have become known as the MAPPA (Multi-Agency Public Protection Arrangements). The Criminal Justice and Court Services Act (2000) formalised these by placing a statutory duty on police and probation, working jointly as the Responsible Authority in each area, to establish arrangements for the assessment and management of the risk posed by sexual and violent offenders; work undertaken in partnership with a range of other agencies. These arrangements are monitored and reviewed by the Responsible Authority and an annual report is published. The MAPPA have been further strengthened by the Criminal Justice Act 2003, s. 325 – 327, which extends the Responsible Authority to include the Prison Service, establishes a reciprocal “Duty to Co-operate” between the Responsible Authority and other authorities and social care agencies such as social services, housing, health, youth offending teams and requires the Secretary of State to appoint two lay advisers to assist with the strategic review of the MAPPA in each area.

National Guidance on the MAPPA was published in March 2003. It clarifies that there are three categories of offender who fall within the MAPPA

- (i) Registered Sex Offenders (RSOs) - those sexual offenders required to register under the terms of the Sex Offenders Act 1997 (and now the Sexual Offences Act 2003);
- (ii) violent offenders and other sexual offenders not required to register; and,
- (iii) any other offender who, because of the offences committed by them (wherever they have been committed) are considered to pose a risk of serious harm to the public.

The purpose of the MAPPA is to increase public safety by the reduction in serious re-offending. However, while there is a need to make defensible decisions in relation to the risk management of all MAPPA offenders, the primary focus of the MAPPA is on those offenders who pose the highest risk of serious harm or who present particular difficulties in their management. They are commonly referred to as the ‘critical few’.

The focus on those who present a risk of serious harm is sharpened by the three level structure of case referral in the MAPPA:

Level 1: MAPPA activity at Level 1 involves a single agency, most commonly the probation service (for offenders on licence) or the police (for RSOs), managing an offender without the active or significant involvement of other agencies.

Level 2: Referral to this level is made where the active involvement of more than one agency is required. Some offenders posing the highest risks can be managed through referral at Level 2 where the management plans are not complex and do not require the commitment of resources at a senior level. No one term is used to describe meetings to consider cases at Level 2.

Level 3: Known in all Areas as **the Multi-Agency Public Protection Panel (or MAPPP)**, the ‘critical few’ cases referred to the MAPPP are those of offenders who pose the highest risks of causing serious harm or whose management is so problematic that multi-agency cooperation at a senior level is required.

However, it is important to clarify that the MAPPA is a set of administrative arrangements and has no authority itself. The authority rests with each of the agencies involved. This is why co-operation is important: at least to avoid a conflict of authority between agencies and at best to achieve co-ordination of risk management plans in which the whole is greater than the sum of its parts. This is particularly important in relation to sex offenders that are subject to the MAPPA (whether they are required to register or not) many of whom will pose a continuing risk of serious harm to the public. The highest risk offenders will require close supervision from police and/or probation and the contribution of partner agencies such as housing, social services, youth offending teams and health may be critical in enforcing licence conditions as well as providing appropriate support in the community.

APPENDIX

Thresholds Which Must Be Met Before an Offender Becomes Subject to the Notification Requirements of Part 2 of the Sexual Offences Act 2003

Offence	Threshold to Registration in Schedule 3
Indecent photographs of children under 16 (Sec 1, POCA 1978)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • automatic registration
Importing indecent photographs of children under 16 (Sec 170, Customs and Excise Management Act 1979 and Sec 42 Customs Consolidation Act 1876)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • automatic registration
Possession of indecent photographs of children under 16 (Sec 160 CJA 1988)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • automatic registration
Rape (1) ¹ , Assault by penetration (2)	Automatic registration
Sexual assault (3)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • the victim was under 18; or • the offender received a prison sentence; or • was detained in a hospital; or • was made the subject of a 12 month community sentence ²
Causing sexual activity without consent (4) Rape of a child under 13 (5) Assault of child under 13 by penetration (6)	Automatic registration
Sexual assault of a child under 13 (7)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • automatic registration
Causing or inciting a child under 13 to engage in sexual activity (8) Child sex offences committed by adults (9 – 12)	Automatic registration
Child sex offences committed by children or young persons (13)	(The offender will always be under 18): • 12 months imprisonment
Arranging or facilitating the commission of a child sex offence (14)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • automatic registration
Meeting a child following sexual grooming (15)	Automatic registration
Abuse of a position of trust (16 – 19)	Where the offender: • received a prison sentence; or • was detained in a hospital; or • was made the subject of a 12 month community sentence

¹ Number in brackets denotes section number in the Sexual Offences Act 2003.

² A 12 month community sentence is the equivalent of 112 days service detention.

RESOURCE MATERIAL SERIES No. 72

Familial child sex offences (25 – 26)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • automatic registration
Offences against persons with a mental disorder (30 – 37)	Automatic registration
Care worker offences (38 – 41)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • received a prison sentence; or • was detained in a hospital; or • was made the subject of a 12 month community sentence
Paying for the sexual services of a child (47)	Where the victim was under 16: • And the offender was under 18, 12 months imprisonment • And the offender was 18 or above, automatic registration
Administering a substance with intent (61)	Automatic registration
Committing an offence (62), or trespassing (63), with intent to commit a sexual offence	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • the victim was under 18; or • the offender received a prison sentence; or • was detained in a hospital; or • was made the subject of a 12 month community sentence
Sex with an adult relative (64 – 65)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • received a prison sentence; or • was detained in a hospital
Exposure (66)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • the victim was under 18; or • the offender received a prison sentence; or • was detained in a hospital; or • was made the subject of a 12 month community sentence
Voyeurism (67)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • the victim was under 18; or • the offender received a prison sentence; or • was detained in a hospital; or • was made the subject of a 12 month community sentence
Intercourse with an animal (70) or sexual penetration of a corpse (71)	Where the offender is under 18: • 12 months imprisonment Where the offender is 18 or above: • received a prison sentence; or • was detained in a hospital