



Home Office

**REFORMING THE NOTIFICATION
REQUIREMENTS OF REGISTERED
SEX OFFENDERS (PART 2 OF THE
SEXUAL OFFENCES ACT 2003):
A TARGETED CONSULTATION**

MINISTERIAL FOREWORD



The UK has one of the most robust systems for managing sexual offenders in the world. However, we recognise the harm that serious sexual offenders cause to their victims and to communities and we will do everything we can to ensure that the perpetrators of these serious crimes are brought to justice and that the public are protected from the risk of further harm.

Protecting the public is a key priority for this government. We know that the police and other agencies with a key role in the management of sexual offenders (including those agencies which operate within the Multi-Agency Public Protection Arrangements (MAPPA) framework) share our commitment to ensuring that sexual offenders are managed robustly and effectively. That is why it is crucial that we ensure the police have the

necessary tools and powers available to them to do their job and to protect the public from sexual offenders.

We recognise that central government does not have all the answers. We have worked closely with key partners and listened to experts – those who know the perpetrators and know the victims – when they have identified and raised concerns about gaps in the current system for the management of sexual offenders.

The notifications requirements contained within Part 2 of the Sexual Offences Act 2003 (commonly referred to as the Sex Offenders' Register) form an invaluable tool to the authorities and provide a robust framework for managing sex offenders. But, more needs to be done to ensure that this system is working effectively. We have carefully considered recommendations and evidence put forward and have identified four key areas of the existing scheme where action is required to prevent those offenders who may seek to exploit gaps in the system.

In February we announced our commitment to consult on proposals to address these gaps. This consultation sets out our proposals for doing so.

Your views and opinions are important to us and will help shape the future policies and legislation on the way that perpetrators of serious sexual crimes are managed. I encourage you to take this opportunity to give your views on the proposals outlined in this consultation paper so your comments can be taken into account when we bring forward legislation.

A handwritten signature in black ink, reading 'Lynne Featherstone'.

LYNNE FEATHERSTONE

PARLIAMENTARY UNDER SECRETARY OF STATE FOR EQUALITIES AND CRIMINAL INFORMATION

JUNE 2011

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ABOUT THIS CONSULTATION

SCOPE OF THIS CONSULTATION

Topic of this consultation:	Proposals for the introduction of secondary legislation to reform and extend the notification requirements of registered sex offenders under Part 2 of the Sexual Offences Act 2003.
Scope of this consultation:	This is a targeted consultation to seek views of key partners and directly affected parties, including the police, practitioners, other government departments and organisations with a direct interest in the management of sexual offenders on proposals to reform the notification requirements for registered sex offenders. This consultation is available on the Home Office website and we also invite comments from members of the public.
Geographical scope:	England and Wales
Impact Assessment:	A consultation stage impact assessment is available on the Home Office website alongside this consultation.

BASIC INFORMATION

To:	This consultation is open to the public.
Duration:	8 weeks
Enquiries and Responses:	Sex Offender Management Consultation 4th Floor Fry Building 2 Marsham Street London SW1P4DF Email: SexOffenderManagement@homeoffice.gsi.gov.uk
Additional ways to become involved:	This will be an online consultation exercise. Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.
After the consultation:	A summary of responses will be placed on the Home Office website.
Getting to this stage:	The Home Office has worked closely with key partners, including the Association of Chief Police Officers to explore the problems under consideration and to develop proposals.
Previous engagement:	Key partners and practitioners have been consulted informally during the development of these proposals.

1. INTRODUCTION

Whilst we know that the UK has one of the most robust systems for managing sexual offenders in the world we, of course, recognise the harm that such offenders cause to their victims and to communities. Public Protection is a key priority for this Government and we continue to work with the police and other law enforcement agencies to ensure that the right tools and powers are available for the authorities to tackle serious sexual crimes and bring perpetrators to justice.

BACKGROUND TO THE NOTIFICATION REQUIREMENTS:

The Sexual Offences Act 2003 (SOA 2003), introduced in May 2004, provided a comprehensive new legislative framework for sexual offences, covering offences against adults, children and familial sexual offences. It also made amendments to the law governing what is commonly referred to as the Sex Offenders' Register and civil orders, originally introduced in the Sex Offenders Act 1997.

Part 2 of the SOA 2003 requires registered sex offenders to notify their personal details to the police. This is usually done immediately following release from prison, and thereafter annually and whenever their details change. This system, often referred to as the Sex Offenders' Register, requires offenders to provide to their local police station information including (but not limited to) the following:

- name;
- address (where the offender has no sole or main residence, they must notify the police of the place where they can regularly be found);
- date of birth; and
- national insurance number.

Registered sex offenders are also required to notify the police if they intend to travel abroad for a period of 3 days or more. Information to be notified (normally at least 7 days before travelling abroad) includes:

- Date of departure;
- Country (or first country) to which they will travel;
- Point of arrival in each country to which they intend to travel;
- Carrier(s) they intend to use;
- Return date;
- Point of arrival within the UK; and
- Accommodation arrangements for the first night.

The local police will then make a decision as to whether to pass this information on to the Serious Organised Crime Agency (SOCA) to notify police in the destination country. Where there is evidence or intelligence that an offender's behaviour suggests that they may commit a child sex offence abroad, the police may apply to the court for a foreign travel order which can prevent an offender travelling to a particular country or from travelling abroad at all.

If an offender fails to comply with these notification requirements, he commits a criminal offence and could be subject to a maximum penalty of 5 years' imprisonment.

The notification requirements are an automatic consequence of a conviction, finding (i.e. not guilty by reason of insanity) or caution for an offence listed under Schedule 3 to the SOA 2003¹. The length of time for which an offender will be subject to the requirements will depend upon the sentence they are given. The duration of the notification requirements (or how long a person is on the Sex Offenders' Register) is set out in the SOA 2003 and the courts have no discretion in relation to this.

¹ <http://www.legislation.gov.uk/ukpga/2003/42/schedule/3>

Where the (adult) offender is:	The notification period:
Sentenced to imprisonment for life or to a term of 30 months or more	Life
Detained in a hospital subject to a restriction order	Life
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
Caution	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 SOA 2003.

Recent figures indicate that there are 50,238 offenders in England and Wales who are subject to notification requirements². Of these, 37,996 registered sex offenders are currently living in the community³.

CIVIL ORDERS

The SOA 2003 also introduced a number of new civil preventative orders to provide the police with a range of tools to manage the behaviour of sex offenders, including Sexual Offences Prevention Orders (SOPOs), Foreign Travel Orders (FTOs), Notification Orders (NOs), and Risk of Sexual Harm Orders (RoSHOs).

A number of recent legislative changes have been made to strengthen these orders. The Criminal Justice and Immigration Act 2008 amended Section 72 of the SOA 2003, to remove the condition of dual criminality so that a prosecution can be brought in this country where the act would be an offence in the UK even though the act was not an offence under the legislation of the country in which it was committed. Additionally, the Policing

and Crime Act 2009 introduced measures to increase the maximum duration of a FTO from six months to five years; to increase the level of protection for a child or young person at risk before an FTO is made by raising the age threshold from 16 to 18 years old and made provision for the automatic removal of a passport from an individual who is subject to a blanket FTO, banning them from travelling abroad to any country in the world.

These measures came into force in April 2010 and send out a clear message that seeking to evade the authorities in an attempt to commit harm is not an option. That said, we are aware that the existing legislation is not being fully utilised and there is further opportunity for the police to apply for FTOs and to utilise Section 72 of the SOA 2003. We are keen to ensure that these recent amendments have the opportunity to bed in and will continue to work with the police and other law enforcement agencies to ensure they have the appropriate tools and guidance available to them to enable them to fully utilise these new powers.

The notification requirements laid down by the SOA 2003 form an invaluable tool for managing sex offenders and play an integral role in the MAPPA (Multi-Agency Public

² These figures are taken from the Violent and Sex Offender Register (VISOR) and are accurate as at 4th April 2011.

³ These figures are taken from the Violent and Sex Offender Register (VISOR) and are accurate as at 4th April 2011.

Protection Arrangements). Breaching the notification requirements is a serious offence. Breach hearings carry a maximum sentence of 5 years imprisonment. PNC analysis shows that approximately 65 per cent of those in court for breaching notification orders are given a custodial sentence, 24 per cent receive fines and 46 per cent receive community sentences (it is possible to receive more than one disposal per breach)⁴.

We have listened to evidence put forward from experts with a key role in the management of sexual offenders, including police forces across England and Wales, the Child Exploitation and Online Protection Agency (CEOP), and other organisations including Ending Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT UK) to address concerns about remaining gaps in the system.

This consultation focuses primarily on gaps in the existing notification requirements for registered sex offenders and our proposals to reform them.

⁴ 'Impact Assessment: Increasing the Notification Requirements of Registered Sex Offenders under Part 2 of the Sexual Offences Act 2003' April 2011.

2. REFORMING THE NOTIFICATION REQUIREMENTS

The proposals for strengthening the notification requirements for registered sex offenders set out within this consultation will provide the police with important intelligence to enable them to robustly manage registered sex offenders and prevent them from exploiting gaps in existing legislation to cause harm both in the UK and overseas.

Four priority areas have been identified as essential to achieve this objective. These include extending the existing notification requirements to require registered sex offenders to:

- notify the police of all foreign travel (currently only travel outside of the UK for three or more days is notified);
- notify weekly where they are registered as having 'no fixed abode' (i.e. where a registered sex offender has no sole or main residence and instead must notify the police of the place where they can regularly be found);
- notify the police when living in a household with a child under the age of 18; and
- notify the police of passport, bank account and credit card details and provide the police with proof of identification at each notification.

Each of these proposals is set out more fully below.

WHY ARE WE CONSULTING?

It is our view that legislative changes to widen the notification requirements to include each of the four aspects set out above will be invaluable to the police in ensuring the effective management of serious sexual offenders, providing them with the intelligence they need to enable them to take preventative action, where appropriate.

It is envisaged that implementation of the policy recommendations in relation to each of the four key areas which form the basis of this consultation paper would have a downward impact on sexual re-offending and

reconviction, and that together they form a package of reforms which will strengthen the overall arrangements for police management of registered sex offenders.

This targeted consultation exercise is essential to enable the Home Office to fully scope and explore the potential impact of the proposed changes and to ensure that all those affected by the proposals are satisfied that they fully achieve the intended purpose of more robustly managing registered sex offenders, preventing them from exploiting aspects of the current legislation, in a proportionate way.

As such, we are specifically seeking views of directly affected parties, including practitioners, other government departments and organisations with a direct interest in the management of sexual offenders. However, this document is available on the Home Office website and we are also inviting comments from members of the public.

2.1 NOTIFICATION OF FOREIGN TRAVEL

Under existing legislation, registered sex offenders are required to notify the police of any travel outside the UK which is for three days or more. This requirement was introduced by the Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004⁵ by virtue of powers under section 86 of the SOA 2003.

The offender must notify this information no less than seven days before the date of intended departure (or as soon as reasonably practicable) and not less than 24 hours before that date. In the year to 6th January 2011 there were 5,438 notifications of foreign travel. Figures for the general population have been taken from the International Passenger Survey (IPS Travel Trends 2009), which shows that 77 per cent of travel is for more than 3 nights. This has been used as the best available proxy to estimate the potential volumes of travel by registered sex offenders which may be for less than 3 days. Based on these assumptions it is estimated

⁵ <http://www.legislation.gov.uk/ukxi/2004/1220/introduction/made>

that a requirement to notify details of all foreign travel would ensure that the police are informed of 1,700 additional trips in the first years alone, which would go undetected under existing arrangements.

It is our view that the requirement to notify the police only of travel of three days or more has created an unacceptable loophole and that there is potential for this to be exploited by sex offenders who may seek to travel overseas for periods of less than three days to commit serious sexual offences. The police, along with a number of other public protection agencies and organisations, including CEOP (the Child Exploitation and Online Protection Agency) and ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes)⁶, have strongly lobbied for this to be revised to require notification of all foreign travel.

The recent ECPAT UK report, 'Off the Radar – Protecting Children from British Sex Offenders who Travel'⁷ highlighted that whilst countries in areas such as South East Asia are particularly vulnerable to travelling sex offenders: *'the Child Exploitation and Online Protection Centre (CEOP) records that in 2008/9 approximately 56% of travelling sex offenders caught were apprehended in South East Asia'*⁸, countries within Europe and closer to the UK are not immune from this problem. The report also identifies that: *CEOP records 20% of activity by travelling sex offenders as having taken place in European countries in 2008/9*⁹. In view of the accessibility and ease of low cost travel it is argued that a requirement only to notify travel of more than three days creates an unacceptable gap in the system.

We propose to amend the existing legislation to require offenders to notify all foreign travel, so as to allow the police to build a comprehensive picture of travel by an offender to identify risk. This is considered to be a proportionate step to ensure that those offenders who seek to use this legislative gap to commit harm overseas are prevented from doing so.

This change would require notification to be made to the police prior to any travel outside of the UK. As with existing arrangements whereby travel of three or more days is notified, this would require an offender to attend their local police station in person to provide the required details relating to the travel. Estimated volumes and associated costs of this proposal are set out within the accompanying Regulatory Impact Assessment.

Furthermore, current legislation means failure to notify foreign travel is not an offence until a registered sex offender has been out of the UK for three days and it is very difficult for the police to take action until the individual returns to the UK, by which time he/she may have committed a sexual offence. By making all foreign travel notifiable the police can, where practicable, arrest at the point of departure and therefore prevent the risk posed to children abroad.

We are clear that this is an important change to the system which will enable the police to take appropriate action in individual cases based on the presence of risk. However, we recognise that this will introduce an additional burden on all registered sex offenders by virtue of additional notifications, and the requirement to notify short periods of travel, which may at times be planned at short notice.

Our recommendation is to introduce an amendment to the relevant secondary legislation that would require:

- Any individual who is subject to the notification requirements under Part 2 of the 2003 Act to notify the police of all

6 ECPAT UK (2011). *Off the Radar*. Available at: http://www.ecpat.org.uk/sites/default/files/off_the_radar_protecting_children_from_british_sex_offenders_who_travel.pdf

7 ECPAT UK (2011). *Off the Radar*. Available at (page 7): http://www.ecpat.org.uk/sites/default/files/off_the_radar_protecting_children_from_british_sex_offenders_who_travel.pdf

8 CEOP Strategic Overview 2008 – 2009, p.30. http://www.ceop.gov.uk/downloads/documents/strategic_overview_2008-09.pdf

9 CEOP Strategic Overview 2008-2009, p.30. http://www.ceop.gov.uk/downloads/documents/strategic_overview_2008-09.pdf

travel outside of the UK, regardless of the duration of the trip.

We also seek views on a provision for:

- Advance notification of travel (of potentially up to 6 months) and of multiple trips where the travel is necessary for work or is business related.

This consultation seeks views on how these requirements may be introduced to ensure that the police have the information they need to manage registered sex offenders effectively, whilst ensuring that the additional burden is kept to a minimum and does not constitute an excessive burden on those required to comply with the new notification requirements.

QUESTIONS

- Should registered sex offenders be required to notify the police of all travel outside of the UK?
- To what extent do you think this proposal would achieve the desired result of providing the police with the information they need to more effectively manage the risk posed by travelling sex offenders (both out of and returning to the UK)?
- Do you agree that the proposed legislative amendment to require notification of all foreign travel is a proportionate step to take to achieve that aim?
- What are your views on proposals to minimise the potential additional burden created by this requirement i.e. provision for advance notification?
- Are there other ways that the potential additional burden could be minimised? (eg. would provisions for retrospective notification in exceptional circumstances be workable?)
- Do you agree that the estimated costs and benefits of this proposal set out within Section E (Appraisal) of the accompanying Regulatory Impact Assessment are reasonable and an

accurate representation of potential costs and benefits?

2.2 NOTIFICATION OF PLACE OF RESIDENCE

Under Part 2 of the SOA 2003, where a registered sex offender has no sole or main residence, they must notify the police of the place where they can regularly be found. They must do this on initial notification¹⁰ and thereafter annually¹¹, as part of their periodic notification or whenever their details change¹².

The Government's proposal is to amend existing legislation to require registered sex offenders who have no sole or main residence to notify weekly to the police. Currently, approximately 2% of the registered sex offender population are recorded as having no fixed abode¹³.

This proposal will replicate the existing provision within the Criminal Justice and Immigration Act 2008 that, where an offender is required to notify their details to the police by virtue of being the subject of a VOO and they do not provide a UK home address or residence but instead give the address or location of a place where they can regularly be found, that offender must make periodic notification of their details weekly instead of annually.

The proposed change should have a relatively small impact on police resources but will allow the police to have greater contact with offenders and be better placed to assess their risk. It is expected that this change will also encourage registered sex offenders to provide the police with a fixed address, where there is one available, rather than face the increased inconvenience of weekly reporting.

It is expected that the additional police resource required to complete weekly notification will be offset by the saving to police time in investigating the whereabouts of such

10 <http://www.legislation.gov.uk/ukpga/2003/42/section/83>
11 <http://www.legislation.gov.uk/ukpga/2003/42/section/85>
12 <http://www.legislation.gov.uk/ukpga/2003/42/section/84>
13 Based on figures from ViSOR on 7 January 2011.

offenders who have failed to comply with the notification requirements. It will ensure that the police can establish a comprehensive picture of the whereabouts of such offenders to enable them to manage more effectively the risk posed by such individuals.

It is acknowledged that this proposal will introduce an additional burden on those registered sex offenders who are unable to provide the police with a fixed, permanent address, where they instead provide details of a place where they regularly reside or stay.

We recommend amending the relevant secondary legislation to require:

- Any individual who is subject to the notification requirements under Part 2 of the 2003 Act, to notify weekly where their most recent notification is of a premises at which they regularly reside or stay and not the address of their sole or main residence.

Within this we are giving consideration to introducing:

- An amended notifications form to include a section to capture that ‘details remain the same as last week’. It is considered that this would ensure that despite the increased frequency, notifications could be processed quickly and would be less resource intensive than the periodic (annual) notification.

This consultation invites views and comments on this proposal, including how to make the process as simple as possible.

QUESTIONS

- Should we require weekly notification for registered sex offenders who have no fixed, permanent address?
- To what extent do you think this proposal would achieve the desired result of enabling the police to establish a comprehensive picture of the whereabouts of such offenders which will in turn enable them to manage more effectively the risk posed by such individuals?

- Do you agree that the proposed legislative amendment to require weekly notification in these circumstances is a proportionate step to take to achieve that aim?
- What safeguards could be put in place to ensure that the potential additional burden is minimised?
- Do you agree that the estimated costs and benefits of this proposal set out within Section E (Appraisal) of the accompanying Regulatory Impact Assessment are reasonable and an accurate representation of potential costs and benefits?

2.3 NOTIFICATION OF RESIDENCE WITH A MINOR

There is no requirement under existing legislation for registered sex offenders to notify the police when they are residing or staying with a child under the age of 18. The police consider that a requirement to do this would ensure that they are better able to identify and focus resources on preventing harm to children who may be at risk from an offender. It is recognised that this policy would require individuals to notify residence with their own child.

It is our view that introducing this additional requirement would add very little burden, either to registered sex offenders or to police forces. In the majority of circumstance, this information would be provided to the police within the periodic notification or will be provided when an offender changes address (details of which must already be notified to the police). Currently, only addresses at which an offender resides or stays for seven days or more within a 12 month period will be notified to the police¹⁴. This new provision would enable notification of residence with a minor for any period, including notification of addresses where an offender may be staying temporarily and for a short period (including of less than 7 days). This information would

¹⁴ <http://www.legislation.gov.uk/ukpga/2003/42/section/84>

help the police to identify individuals who might be at risk from an offender at any particular address and will prevent offenders who may seek to exploit current provisions to spend short periods of time at an address with children, without this information being notified to the police or breaching requirements. It is considered that this is a proportionate step to protect those children who may be at risk of serious harm.

We recommend an amendment to existing legislation to require that:

- Where an offender is subject to the notification requirements under Part 2 of the 2003 Act, and they reside in a household with a child under the age of 18, this information is notified to the police as part of their periodic notification or whenever their details / circumstances change.

This consultation seeks views on whether this is considered a proportionate means by which the police can gain information to enable them to intervene in cases where children may be at risk.

QUESTIONS

- Should we introduce a requirement for notification where a registered sex offender is residing with a child under the age of 18?
- To what extent do you think this proposal would achieve the desired result of enabling the police to more effectively manage the risk posed by certain offenders and to more readily identify situations where intervention may be appropriate to protect vulnerable children?
- Do you agree that this proposed legislative amendment is a proportionate step to take to achieve that aim?
- Do you agree that any additional burden would be negligible and that this information should most commonly be provided within the periodic notification?

- Do you agree that the estimated costs and benefits of this proposal set out within Section E (Appraisal) of the accompanying Regulatory Impact Assessment are reasonable and an accurate representation of potential costs and benefits?

2.4 NOTIFICATION OF PERSONAL / IDENTIFICATION DETAILS

Section 91 of the SOA 2003¹⁵ provides that it is an offence for a registered sex offender to fail without reasonable excuse to notify the police of any change to their personal details, including a change of name. This is punishable by up to 5 years imprisonment.

We propose to extend the list of information which must be provided to the police to include requiring an offender to provide passport details, details of any bank account or credit card held with a banking institution, and to provide a valid form of identification upon notification.

This proposal would align England and Wales with Scotland, who through the Police, Public Order and Criminal Justice (Scotland) Act 2006¹⁶ and The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007¹⁷, already require offenders to notify passport and bank account and credit card details. It is our view that introducing these requirements in England and Wales would ensure a consistent approach.

The amendments we are proposing form part of ongoing work being undertaken to prevent serious offenders from using existing avenues (including the deed poll process) to evade police detection.

It is vital that we ensure appropriate measures are in place to strengthen the ability of the police to detect sex offenders who fail to comply with the requirement to notify any change of name or alias in an attempt to evade the system.

¹⁵ <http://www.legislation.gov.uk/ukpga/2003/42/section/91>

¹⁶ <http://www.legislation.gov.uk/asp/2006/10/part/2/crossheading/control-of-sex-offenders>

¹⁷ <http://www.legislation.gov.uk/ssi/2007/246/contents/made>

NAME CHANGE

We recognise that people can change their name without completing any formal process. Government departments have systems in place to process change of name requests and we continue to develop strategies to protect against those who seek to change their name, including sex offenders, in order to commit crime or evade detection.

The Home Office is currently looking at ways to prevent and detect the criminal abuse of name changes, including through strengthening the criminal records disclosure identity verification process, and through the more effective sharing of data relating to name changes across the law enforcement and public protection communities.

BANK ACCOUNT DETAILS, CREDIT CARDS AND PASSPORT DETAILS

In addition to strengthening identification provisions and providing valuable information to the police when tracing missing registered sex offenders, requiring RSOs to provide bank account details would assist the police in investigating offences of accessing indecent images, where credit card payments have been involved. And passport numbers would assist the police in monitoring offenders who travel overseas.

It is envisaged that where an offender holds either a British passport, any passport issued by or on behalf of the authorities of a country outside the UK, or by or on behalf of an international organisation, or a document that can be used instead of a passport, details of that document would be provided to the police.

Similarly, under the proposed new provisions an offender would be required to notify the police of details of any banking institution or credit card provider with which they hold an account, including: the name of each institution with whom the relevant offender holds an account, the address of the office at which each account is maintained, the

number of each account and the sort code in relation to each account.

REQUIREMENT FOR SEX OFFENDERS TO PRODUCE IDENTIFICATION UPON NOTIFICATION

Under existing arrangements the police are able to verify the identity of an offender in a number of ways. Section 87 of the 2003 Act¹⁸ provides that, if requested, an offender must provide their fingerprints and allow a photograph (or both) for the purposes of verifying the identity of that offender.

The police have the power to do this on initial notification, on each periodic notification or on a notification of change of details. However, where an offender is known to the officer completing the notification and their appearance has not changed significantly from their previous notification it may not be deemed necessary at every notification. It is our view that a requirement to produce identification documentation at each notification would provide an additional safeguard to the police, particularly in light of the potential increases to volumes of notifications that may result from the introduction of a requirement to notify all foreign travel and a requirement to notify weekly where an offender has no fixed, permanent address.

We recommend introducing an amendment to the relevant secondary legislation that would require:

- Any individual who is subject to the notification requirements under Part 2 of the 2003 Act to notify the police of passport details, bank account details and credit card details;
- Provide a specified form of identification upon each notification.

This consultation seeks your views on whether the introduction of a requirement to produce documentation at each notification would assist the police in verifying the identification of that individual.

¹⁸ <http://www.legislation.gov.uk/ukpga/2003/42/section/87>

It also seeks your views on how the introduction of the additional requirements will achieve the intended policy aim of ensuring that the police have the right information available to them to identify and control offenders seeking to evade detection by exploiting change of name processes.

QUESTIONS

- Should we require registered sex offenders to notify the police of passport, bank account and credit card details?
- Do you consider that a requirement for registered sex offenders to produce a valid form of identification at each notification would be helpful?
- Do you agree that these proposals would achieve the desired result of providing the police with the information they need to more effectively manage the risk posed by sex offenders and to detect and prevent attempts to utilise existing name change processes to evade the system?
- Do you agree that the proposals set out above are proportionate to achieve this aim?
- Do you consider that there are any other mechanisms that should be considered to ensure that registered sex offenders are unable to use available change of name processes to evade detection and potentially cause harm?
- Do you agree that the estimated costs and benefits of this proposal set out within Section E (Appraisal) of the accompanying Regulatory Impact Assessment are reasonable and an accurate representation of potential costs and benefits?

3. FURTHER QUESTIONS

There are a number of further questions for consideration which relate to all of the recommendations set out within this consultation and we would welcome views and comments on these.

TRANSITIONAL ARRANGEMENTS:

We recognise that these proposed legislative amendments will mean that registered sex offenders will become subject to additional requirements and, in some instances, increased frequency of notification. It is important that we do everything we can to ensure that all those to whom these new requirements will apply are aware of these changes.

Through this consultation we are giving consideration as to how this may best be achieved. The accompanying Regulatory Impact Assessment sets out a range of options for informing registered sex offenders living in the community at the time of implementation of the changes in the notification requirements. We would welcome views on how the changes may be communicated in the least burdensome and most cost effective way.

QUESTIONS

What do you consider would be the most effective way to communicate changes to the notification requirements to all affected individuals?

In what way(s) should the government ensure that the proposed changes are implemented effectively? (For example, should a transitional or grace period be applied?)

LOCAL AREAS:

QUESTIONS

Are there any potential considerations that will arise from the proposals set out within this consultation which are specific to your local area of which we should be aware? If so, please provide further details.

In addition to the costs and benefits identified in the documents, do consultees identify or anticipate other costs or benefits being realised on implementation of the recommendations? If yes, please state what they are.

EQUALITY:

QUESTIONS

Do you think these proposals risk any particular groups being disadvantaged in a disproportionate way? If so, how?

(This is particularly with reference to: race, disability, gender, gender identity, religion and belief, sexual orientation and age).

4. TIMESCALES/NEXT STEPS

A summary of responses will be published on the Home Office website following completion of the consultation period.

Subject to the outcome of the consultation exercise, we plan to implement these changes by virtue of existing powers under the SOA 2003 to make regulations, which would be subject to the affirmative resolution procedure. It is envisaged that subject to parliamentary business, the legislative amendments will be in force across England and Wales in late 2011.

5. CONSULTATION INFORMATION

CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.'

GOVERNMENT'S CODE OF PRACTICE ON CONSULTATION

This is a targeted consultation but as far as possible the Consultation follows the Code of Practice on Consultation – the criteria for which are set out below:

Criterion 1 – When to consult – Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>

CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Adam McArdle. Please DO NOT send your response to this consultation to Adam McArdle. The Co-ordinator works to promote best practice standards set by the Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office.

He does not process your response to this consultation.

The Co-ordinator can be emailed at:

Adam.McArdle2@homeoffice.gsi.gov.uk or

alternatively write to him at:

Adam McArdle, Consultation Co-ordinator

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