



Home Office

IMPACT ASSESSMENT: INCREASING THE NOTIFICATION REQUIREMENTS OF REGISTERED SEX OFFENDERS UNDER PART 2 OF THE SEXUAL OFFENCES ACT 2003

Title: Impact Assessment: Increasing the Notification Requirements of Registered Sex Offenders under Part 2 of the Sexual Offences Act 2003 Lead department or agency: Home Office Other departments or agencies:	Impact Assessment (IA)
	IA No:
	Date: 14/06/2011
	Stage: Consultation
	Source of intervention: Domestic
	Type of measure: Secondary legislation
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Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

Under existing legislation (Part 2 of the Sexual Offences Act 2003) registered sex offenders are required to notify their name, address, date of birth, national insurance number, and travel outside the UK of a period of 3 days or longer to the police annually or whenever their details change. Not having to notify travel outside the UK of less than 3 days has been identified as a loophole. Additionally, the police will be able to more effectively manage registered sex offenders if they are required to notify weekly if registered as having 'no fixed abode', notify if living in a household with a child under the age of 18, notify passport and bank account details, and provide proof of identification at each notification. Government intervention is necessary to prevent offenders from exploiting gaps in the system and provide the police with the information they need to manage registered sex offenders more robustly.

What are the policy objectives and the intended effects?

Public safety will always be a top priority for the Government. Where we can take further action to protect the public we will. The preferred policy option outlined within this Impact Assessment and the consultation paper: Reforming the Notification Requirements of Registered Sex Offenders (Part 2 of the Sexual Offences Act 2003): A Targeted Consultation, will strengthen the notification requirements regime. It will provide the police with important intelligence, allowing them to manage registered sex offenders more effectively and robustly, and prevent them from exploiting gaps in existing legislation to cause harm both in the UK and overseas.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1: Do nothing.

Option 2: Amend existing secondary legislation to require an offender to:

- i) Notify the police of all foreign travel (including travel outside of the UK of less than 3 days) – currently only travel of 3 days or more in duration is notified to the police;
- ii) 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 he can regularly be found);
- iii) Notify where they are living in a household with a child under the age of 18, and;
- iv) Notify the police of passport, bank account, and credit card details and to provide the police with proof of identification at each notification.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 1/2017

What is the basis for this review? PIR. **If applicable, set sunset clause date:** Month/Year

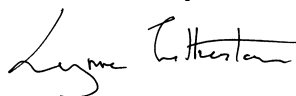
Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?

Yes

SELECT SIGNATORY Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:



Date: 14 June 2011

Summary: Analysis and Evidence

Policy Option 2

Description:

Price Base Year 2010	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -£8.0m	High: -£17.5m	Best Estimate: -£12.7m

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£0.7m	1	£0.9m	£8.0m
High	£1.4m		£1.9m	£17.5m
Best Estimate	£1.0m		£1.4m	£12.7m

Description and scale of key monetised costs by 'main affected groups'

The extension of notification requirements for registered sex offenders is estimated to cost £1.4m annually on average. Expected breaches related to foreign travel notifications have been estimated to cost £0.2 million each year, these costs will fall on the police, the CPS (Crown Prosecution Service), HMCS, and the LSC (Legal Services Commission). It has not been possible to monetise down stream costs fully for all extensions to the notification requirements.

Other key non-monetised costs by 'main affected groups'

It has not been possible to monetise a substantial part of the costs, particularly in relation to enforcement and breaching additional notification requirements. The impact of breaching weekly notifications for those of no fixed abode has not been quantified and will incur costs for the police, CPS, HMCS, and LSC. There are also potential costs relating to taking a child into care, but the potential volume of children affected is unknown. Costs in terms of possible increases in Foreign Travel Orders have not been quantified.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate	n/k		n/k	n/k

Description and scale of key monetised benefits by 'main affected groups'

The policy is expected to generate benefits arising from the tightening of known loopholes in the notification requirements of registered sex offenders. However, it has not been possible to quantify these at this time.

Other key non-monetised benefits by 'main affected groups'

The policy is expected to generate benefits in the form of police time saved actively monitoring offenders registered as having no fixed abode. This has not been possible to quantify since there is no data available on the current level of police resource spent on this. It is also expected that the policy will tighten known loopholes in the notification requirements. It has not been possible to quantify this as the effect the policy will have on reoffending patterns and current sex offender behaviour is not known.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

The estimates are based on assumptions regarding the additional volumes of notifications, home visits, and breaches in comparison to the baseline, 'do nothing' option. It is not possible to accurately predict any of these volumes; assumptions have been made using the limited information and data available. It has been assumed that the volume of offenders on the Sex Offenders' Register will increase by 4 per cent each year. The breach rate is taken from MAPPA data regarding the number of sex offenders cautioned or convicted each year and is represented as a proportion of the total number of sex offenders living in the community. The breach rate, therefore, refers to cases in which breaches are detected and disregards those that lead to no further action and those in which an offender is found to be not guilty.

Direct impact on business (Equivalent Annual) £m):			In scope of OIOO?	Measure qualifies as
Costs: N/A	Benefits: N/A	Net: N/A	No	IN/OUT

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			England and Wales		
From what date will the policy be implemented?			01/01/2012		
Which organisation(s) will enforce the policy?			Police (and other MAPPA agencies)		
What is the annual change in enforcement cost (£m)?			N/K		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			N/A		
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A	Non-traded: N/A	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs: N/A	Benefits: N/A	
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro N/A	< 20 N/A	Small N/A	Medium N/A	Large N/A
Are any of these organisations exempt?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties ¹ Statutory Equality Duties Impact Test guidance	Yes	29
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	
Small firms Small Firms Impact Test guidance	No	
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	Yes	32
Justice system Justice Impact Test guidance	Yes	32
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

¹ Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

References

Include the links to relevant legislation and publications, such as public impact assessments of earlier stages (e.g. Consultation, Final, Enactment) and those of the matching IN or OUTs measures.

No.	Legislation or publication
1	Impact Assessment: Reviewing offenders subject to indefinite notification requirements (Part 2 of Sexual Offences Act 2003)
2	ECPAT UK (2011). <i>Off the Radar</i> . Available at: http://www.ecpat.org.uk/sites/default/files/off_the_radar_-_protecting_children_from_british_sex_offenders_who_travel.pdf
3	CEOP (2009). <i>Strategic Overview (2008/09)</i> . Available at: http://www.ceop.police.uk/Documents/strategic_overview_2008-09.pdf
4	Demos (2010). <i>In Loco Parentis</i> . Available at: http://www.demos.co.uk/files/In_Loco_Parentis_-_web.pdf?1277484312
5	MOJ (2009). <i>Review of Court Fees in Child Care proceedings</i> . Available at: http://www.justice.gov.uk/about/docs/court-fees-child-care-proceedings.pdf
6	Legal Services Commission (2009). <i>Statistical Information 2008/09</i> . Available at: http://www.legalservices.gov.uk/docs/archive/StatsPack_2008-09.pdf
7	

+ Add another row

Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs	£1.0									
Annual recurring cost	£1.0	£1.2	£1.3	£1.3	£1.4	£1.4	£1.5	£1.5	£1.6	£1.6
Total annual costs	£2.1	£1.2	£1.3	£1.3	£1.4	£1.4	£1.5	£1.5	£1.6	£1.6
Transition benefits										
Annual recurring benefits	n/k	n/k	n/k	n/k	n/k	n/k	n/k	n/k	n/k	n/k
Total annual benefits	n/k	n/k	n/k	n/k	n/k	n/k	n/k	n/k	n/k	n/k

* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office
Excel Worksheet

Evidence Base (for summary sheets)

A. Strategic Overview

A.1 Background

The Sexual Offences Act 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 the Sex Offenders' Register and civil orders, originally introduced in the Sex Offenders Act 1997.

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

Registered sex offenders are required to notify their personal details with the police. This is done annually and whenever their details change. This system is often referred to as the Sex Offenders' Register and requires offenders to provide their local police station with a record of their:

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

A registered sex offender is required to notify the above details within 3 days of the relevant data. This means that such an offender must make his/her initial notification within 3 days of his/her:

- release from custody;
- release from imprisonment or service detention; or
- release from hospital.

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

- date of departure;
- destination country (or, if there is more than one, the first);
- point of arrival in each country to which s/he intends to travel;
- carrier(s) s/he intends to use;
- return date;
- point of arrival on return to the UK;
- 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 to notify police in the destination country. If there is evidence or intelligence that he is intending to commit an offence abroad, the police could apply to the court for a foreign travel order which can prevent an offender travelling to a particular country or from travelling at all.

Section 91 of the Sexual Offences Act provides that a person who is subject to the notification requirements commits a criminal offence if he/she fails, without reasonable excuse¹, to:

¹ A 'reasonable excuse' for failing to comply with the notification requirements could be, for example, where the offender is in hospital.

- make an initial notification;
- notify a change of details;
- make an annual re-notification;
- comply with any requirement imposed by regulations concerned with the notification of foreign travel;
- allow police officers to take his photograph or fingerprints;
- if he/she knowingly provides false information.

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.

The notification requirements are an automatic consequence of a conviction or caution, but the length of time an offender will be subject to the requirements will vary dependent 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 Sexual Offences Act 2003 and the courts have no discretion over this.

The notification requirements form an invaluable tool to the authorities in providing a robust framework for managing sex offenders, which plays an integral role in the MAPPA (Multi-Agency Public Protection Arrangements).

Recent figures indicate that there are 44,159 offenders in England and Wales who are subject to notification requirements². Of these, 37,466 Registered Sex Offenders are currently in the community³.

Public protection is a key priority for the Government and we continuously 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.

The police along with a number of other public protection agencies and organisations, including CEOP (Child Exploitation and Online Protection Agency) and ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children or Sexual Purposes), argue that extending the notification requirements will close loopholes and enable offender management to be more effective. In order to prevent offenders from exploiting gaps in the system, the preferred option outlined in this Impact Assessment will extend the existing notification requirements to require registered sex offenders to:

- notify the police of all foreign travel (including travel outside of the UK of less than 3 days);
- notify weekly where 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 s/he can be regularly found);
- notify where living in a household with a child under the age of 18;
- notify the police of passport, credit card, and bank account details and provide the police with proof of identification at each notification.

A.2 Groups Affected

The proposals as set out in this Impact Assessment will have effect in England and Wales only.

The main groups affected by these proposals are:

² These figures are taken from the Violent and Sex Offender Register (ViSOR) and are accurate as at 31 October 2010.

³ These figures are taken from the Violent and Sex Offender Register (ViSOR) and are accurate as at 7 January 2011.

- Registered Sex Offenders;
- Police Forces;
- Ministry of Justice (MoJ);
- Agencies that make up the responsible authority (police, prisons, probation) and agencies with a duty to co-operate under the Multi-Agency Public Protection Arrangements;
- Her Majesty's Courts Service;
- Crown Prosecution Service;
- National Assembly for Wales;
- Victims of sexual crime; and
- Members of the public.

A.3 Consultation

This Impact Assessment accompanies the Home Office consultation document: Reforming the Notification Requirements of Registered Sex Offenders (Part 2 of the Sexual Offences Act 2003): A Targeted Consultation. This is a targeted consultation which seeks views on the recommended policy options for strengthening the existing notification requirements regime for registered sex offenders.

The consultation is open for comment from 14th June 2011 until 8th August 2011.

Consultees are invited to offer views and comments on the policy options outlined, supporting evidence and associated costs and benefits, whether quantitative or qualitative. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final Impact Assessment.

The consultation exercise explores the nature of the transitional arrangements that would be required following introduction of any legislation, to ensure that all registered sex offenders are made aware of the new requirements they will become subject to.

Although 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, the consultation is available on the Home Office website and we would welcome comments from members of the public.

B. Rationale

The Home Office works closely with the police, CEOP (Child Exploitation and Online Protection Agency) and other public protection agencies to ensure that the risk posed to the public by serious offenders, both in the UK and overseas, is minimised and that such offenders are robustly and effectively managed. The police and others have made a number of recommendations to the Home Office, identifying areas of the existing legislation which need to be addressed to prevent offenders from exploiting gaps in the system. It is considered that four key areas, which form the basis of the consultation discussion and which are outlined within this Impact Assessment, are priority areas. Legislative changes to widen the notification requirements to include these aspects are invaluable to the police in ensuring the effective management of serious sexual offenders, providing them with 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 the consultation paper, Reforming the Notification Requirements of Registered Sex Offenders (Part 2 of the Sexual Offences Act 2003): A Targeted Consultation, 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.

It is considered that 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 and preventing them from exploiting aspects of the current legislation, in a proportionate way.

C. Objectives

The objective of the recommended policy option outlined in this Impact Assessment is to strengthen the notification requirements regime, providing the police with important intelligence allowing them to more 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:

- i) notify the police of all foreign travel (including travel outside of the UK of less than 3 days);
- ii) notify weekly where 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 he can regularly be found);
- iii) notify where living in a household with a child under the age of 18; and
- iv) notify the police of passport, bank account, and credit card details and provide the police with proof of identification at each notification.

D. Options

Option 1: Do Nothing

There are approximately 44,000 sex offenders registered on ViSOR, almost 38,000 of which are living in the community. This has increased by an average of four per cent annually since 2005/06 (MAPPA annual report 2008/09). Currently, it is necessary for all registered sex offenders to notify police of their name, date of birth, and National Insurance number, as well as keeping police informed of changes to their address and any trips made outside the UK lasting more than 3 days.

The number of offences committed overseas by sex offenders subject to notification requirements in England and Wales is not known as data in this area are poor. However, evidence from ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children or Sexual Purposes) suggests that British sex offenders are exploiting the known loophole in the notification requirements by travelling abroad for fewer than 3 days to commit a sexual offence. Currently, registered sex offenders are not required to notify the police of their intent to travel abroad for a period of 3 days or less. The police, therefore, cannot inform the Serious Organised Crime Agency and the police in destination countries cannot be informed.

Police officers currently spend time and resources tracking and monitoring offenders who register as having no fixed abode as they are only required to notify annually. While they are required to notify whenever their details change, this is substantially more difficult to enforce when these details refer to a place at which they can be regularly found rather than a sole or main address.

The police are currently also unaware, in many cases, of whether a registered sex offender is living at the same address as someone under the age of 18.

Unlike Scotland, the police in England and Wales do not collect passport, credit card, or bank account details and so cannot use this information to monitor offenders further and try to detect whether they are using another identity.

Option 2: to amend existing legislation to widen the range of information that registered sex offenders are required to provide to the police.

It is difficult, at this stage, to quantify the impact these proposals to widen the notification requirements regime will have on preventing further serious offending.

It is not envisaged that these proposals would add a significant or disproportionate burden, either to offenders in completing notifications or to the police in managing offenders, but that the changes will provide the police with important information which will assist in the effective management of sexual offenders. However, we want to ensure that any changes we make are proportionate and reasonable to achieve this aim. The consultation seeks views on how this information can most easily be provided and outlines where it is anticipated that this would form a part of the periodic notification or whether it will introduce a new or additional burden.

The consultation document also outlines where and how we expect the proposals to have an impact, particularly in terms of police and other public bodies' resources, and we invite comments on this. Therefore, the estimated costs and benefits outlined within this Impact Assessment will be refined in further edition(s) of this document.

Subject to the outcome of the consultation exercise, the Secretary of State will exercise existing powers under the Sexual Offences Act 2003 to make regulations, which would be subject to the affirmative resolution procedure, to introduce the necessary legislative changes.

i) Notify the police of all foreign travel (including travel outside of the UK of less than 3 days)

Under existing legislation, registered sex offenders are required to notify the police of any travel outside of the UK which is for 3 days or more. The restriction to travel of 3 days or more is considered to be a loophole that can be exploited to enable sex offenders to travel overseas for periods of less than 3 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), have strongly lobbied for this to be revised to require notification of all foreign travel.

The consultation document seeks views on the Government's proposal that amending the existing legislation to require offenders to notify all foreign travel, will allow the police to build a comprehensive picture of all foreign travel by an offender to identify risk, and that it is a proportionate step to take to ensure that those offenders who do seek to use this legislative gap to commit harm, both in the UK and overseas, are prevented from doing so.

Police forces have also provided the Home Office with anecdotal evidence to suggest that this legislative change will, in addition to providing a comprehensive picture of when an offender is travelling outside of the UK, prevent difficulties that currently arise whereby registered sex offenders may be re-entering the UK for up to 3 days without the authorities being aware of their presence in the UK. This has implications for management and the investigation of offences

(such an offender could be a suspect but not identified as police would not be aware they were in the UK).

This change would require additional notifications to be made to the police and estimated volumes, and associated costs, are set out below. The consultation document seeks views on the Government's recommendation that this legislative change is an important and proportionate step, and on suggested approaches to implementation that could be taken to ensure that the additional burden that is imposed on the offender (and the impact on resources to the police in administering the additional notifications) is kept to a minimum. For example, whether it would be appropriate to include provision for advanced notification where the purpose of travel is business or work related.

The estimated costs and benefits to this proposal are set out in Section E (Appraisal) below. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

ii) Notify weekly where registered as having 'no fixed abode'

Under existing legislation, where a registered sex offender has no sole or main residence they must instead notify the police of the place where they can regularly be found. They must do this during their periodic notification or whenever their details change.

Provisions within the Criminal Justice and Immigration Act 2008 require that, where an individual is the subject of a Violent Offender Order (VOO) and is required to notify their details to the police by virtue of that order, if an offender does not provide a UK home address or a UK residence, but instead gives the address or location of a place where they can regularly be found, the offender must make the periodic notification of their details weekly instead of annually.

Within the consultation document, Reforming the Notification Requirements of Registered Sex Offenders (Part 2 of the Sexual Offences Act 2003): A Targeted Consultation, the Government seeks views on the proposals to amend existing legislation to require registered sex offenders who have no sole or main residence to notify weekly to the police, bringing provisions in line with notification arrangements for other types of serious offenders.

It is considered that the proposed change will have a minimal impact on police resource but will allow the police to have greater contact with the offender and be better placed to assess risk. Furthermore, it is likely to minimise the risk of registered sex offenders seeking to 'exploit' the no fixed abode situation and encourage registered sex offenders to provide the police with a fixed address rather than face the increased inconvenience of weekly reporting. It is expected that the additional police resource required to complete weekly notification for those who continue to register as having no sole or main residence will be offset to a significant degree by the saving to police time in investigating the whereabouts of such offenders who have failed to comply with the notification requirements and will ensure that the police are more able 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.

The consultation document seeks to explore these points further and seeks views on how best to minimise the additional burden, including how to make the process as simple as possible. For example, whether it would be appropriate to include a section within the [notification] form to capture that 'details remain the same as last week'. This would ensure that despite the increased frequency, notifications could be processed quickly and would be less resource intensive than the periodic (annual) notification.

The estimated costs and benefits to this proposal are set out in Section E (Appraisal) below. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

iii) Notify where living in a household with a child under the age of 18

There is no requirement under existing legislation for registered sex offenders to notify 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 resource on preventing harm to children who may be at risk from an offender. It is recognised that this policy would require individuals to notify, for example, when they reside with their own child.

It is considered that introducing this additional requirement would add very little burden, either to registered sex offenders or to police forces. Other than in circumstances where an offender changes address (which would be notified to the police anyway), this would form a part of the information provided to the police within the periodic notification. This information would help the police to identify any individuals who might be at risk from an offender at any particular address. It is considered that this is a proportionate step to protect those children who may be at risk of serious harm. The consultation exercise explores this proposal further and seeks views on whether this is considered a proportionate mean by which the police can gain information which will give them a better picture, and ultimately, if appropriate, enable them to intervene in cases where children may be at risk.

The estimated costs and benefits to this proposal are set out in Section E (Appraisal) below. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

iv) Notify the police of passport, bank account, and credit card details and provide the police with proof of identification at each notification

Existing legislation provides that it is an offence for a registered sex offender to fail to notify the police of any change to their personal details, including a change of name (section 84 of the Sexual Offences Act 2003). This is punishable by up to 5 years imprisonment.

In relation to measures to strengthen the detection of offenders who fail to comply with this requirement in an attempt to evade the system, the consultation exercise also seeks views on introducing a requirement for offenders to produce identity documents upon notification and a requirement for offenders to notify the police of passport, bank account, and credit card details.

Through the Police, Public Order and Criminal Justice (Scotland) Act 2006 and The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007, Scotland introduced legislation requiring offenders to notify passport, bank account, and credit card details. Introducing these requirements here would ensure a consistent approach. We are seeking views through the consultation process on how the introduction of these additional requirements will achieve the intended policy aim of ensuring that the police have the right information available to them to identify and address offenders seeking to evade detection by exploiting change of name processes.

It is considered that in addition to strengthening identification provisions and providing valuable information to the police when tracing missing registered sex offenders, providing bank account details would assist the police in investigating offences of accessing indecent images, where payment had been involved. Passport numbers would assist the police in monitoring offenders who travel overseas.

These proposed amendments would form a part of ongoing work being undertaken to prevent serious offenders from using existing avenues (including the deed poll process) to evade police detection, details of which are more fully set out within the consultation document but do not form part of this cost analysis.

The estimated costs and benefits to this proposal are set out in Section E (Appraisal) below. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

E. Appraisal (Costs and Benefits)

General Assumptions and Data

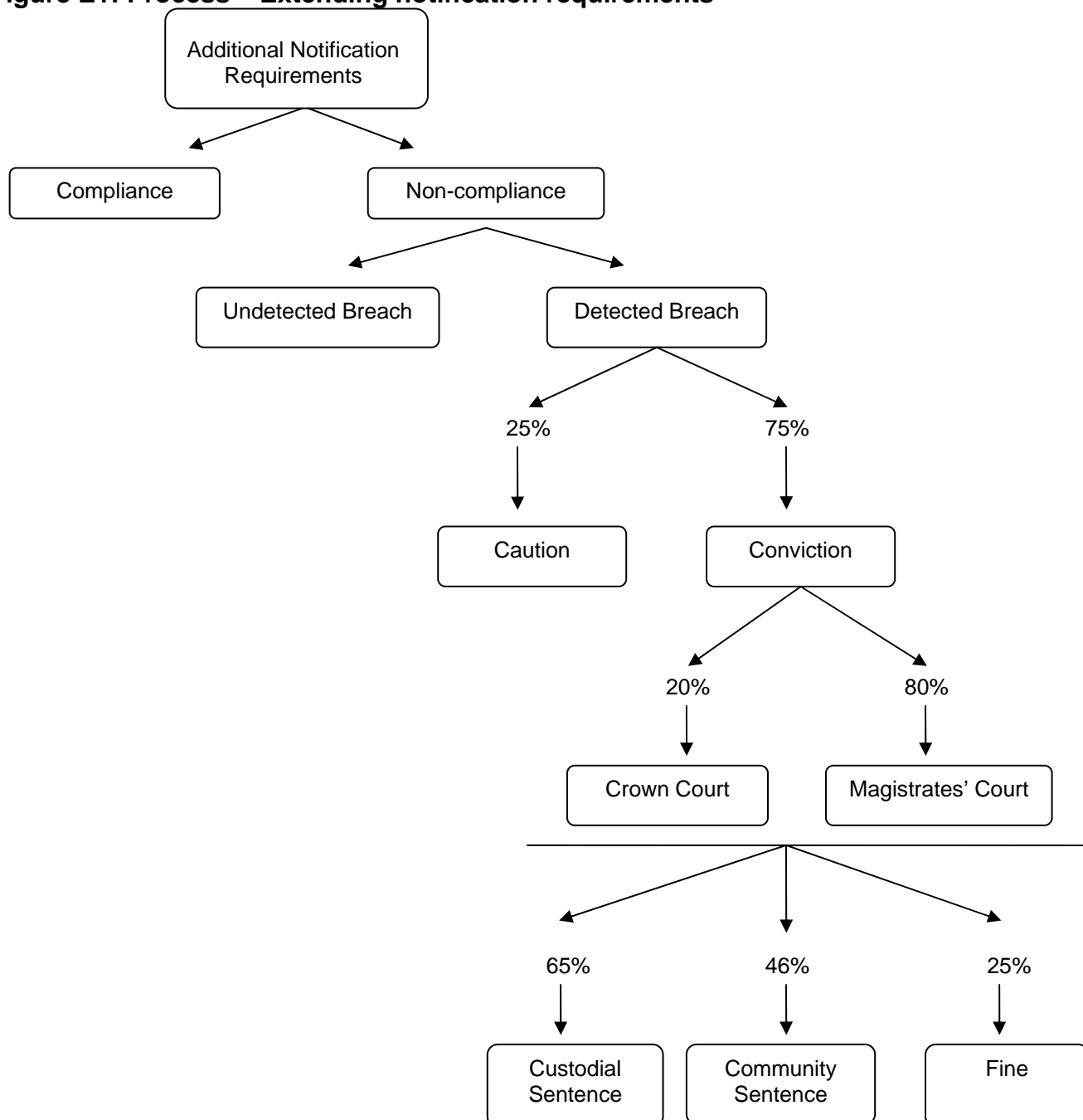
The following appraisal considers the costs and benefits occurring over and above those associated with the 'do nothing' option. Each extension of the notification requirements will be addressed in turn, with the costs, benefits and risks analysed. General assumptions used throughout the analysis will be set out first, with any additional assumptions discussed as they arise.

Figure E1 below illustrates the possible outcomes related to extending notification requirements. If offenders comply with the widened notification requirements, additional notifications will bear resource costs to the police. These have been estimated in the subsections relating to each extension of the notification requirements below in turn. Additionally, the police may bear costs related to enforcement, which have not been quantified due to a lack of data. If offenders do not comply with the additional notification requirements, and breaches of notification requirements are detected, costs will be incurred by the police, Crown Prosecution Service, HMCS, Legal Services Commission, prison services, and probation services.

It has not been possible to quantify fully the impact extending notification requirements will have on the volume of breaches due to uncertainty around offenders' behaviour regarding compliance. The information published in the MAPPA annual report provides the number of cautions or convictions for breaches of notification requirements. Disaggregated data is not available. It is not possible to assess whether these cautions/convictions are a consequence of offenders missing the annual notification or providing false information, or whether all or only parts of the notification requirements are breached. Therefore, it has not been possible to predict what impact extending notification requirements may have on the volume of breaches.

Costs related to detected breaches have only been estimated in relation to extending the notification to require all foreign travel to be notified. It has not been possible to quantify downstream costs relating to offenders having to notify weekly when registered as having no fixed abode, having to register when living with a child under the age of 18, or having to notify passport, bank account, and credit card details.

Figure E1: Process – Extending notification requirements



Assumptions

Future **volumes** of sex offenders on the Violent and Sex Offender Register (ViSOR) living in the community have been predicted using the trend in volumes reported in the MAPPA Annual Reports since the introduction of the register. There has been an average annual increase of four per cent since 2005/06 and this has been held constant over time throughout this analysis.

It has been assumed that each additional **notification** of information to the police as a result of the proposed extension of the notification requirements will require 45 minutes⁴ of police time to complete, therefore costing approximately £26.⁵

⁴ It has been assumed from anecdotal police evidence that updating records on ViSOR requires approximately 45 minutes of police time.

⁵ Assuming it is completed by a police officer of sergeant rank or below. These unit costs are based on hourly police costs estimated in 2008, which rely heavily on ASHE (Annualised Survey of Hours and Earnings) and CIPFA (Chartered Institute of Public Finance and Accounting) data. The underlying data has not been updated, the hourly cost estimates have simply been updated to account for inflation using the Treasury GDP deflator series.

Police officers conduct **home visits** to RSOs regularly. The frequency of visits is fixed and determined by the risk category assigned to the RSO on initial conviction as outlined in Table E.1 below. It has been assumed that each additional home visit to an RSO by a police officer will require 2 hours of police time⁶ to complete, therefore costing approximately £70.

MAPPA guidance (2009) suggests that police officers should aim to visit registered sex offenders at their registered address at the following frequency:

Risk	Per Year
Very High	12
High	4
Medium	2
Low	1

A rate of detected **breaches** of 4.6 per cent⁷ is used throughout this Impact Assessment. While this is certainly a lower bound estimate of the overall breach rate, it is used as a proxy since implicitly data cannot be available on undetected breaches. PNC analysis shows that 25 per cent of those found to be in breach of their notification requirements are cautioned and the remainder are convicted. It is assumed that all breaches that are detected result in either a caution or conviction, allowing no possibility for a breach not to be prosecuted or for a defendant to be found not guilty. This is due to the lack of data available on police detection of breaches; the available data are from the MAPPA annual report which details the number of RSOs cautioned or convicted for breaching their notification requirements. This may lead to an overestimate of the number of sentences and an underestimate of police time required dealing with breaches.

From anecdotal police evidence, it has been assumed that a **caution** for breach of the sex offender notification requirements requires 23 hours of police time in resources and creates no additional burden on the CPS or the courts. A **conviction** for breach of licence is assumed to require 38 hours of police time, as well as 30 minutes of court time⁸, Crown Prosecution Service (CPS) resource, and legal aid⁹ when the defendant pleads **not guilty**.

Crown Court statistics show that in 2009 almost 70 per cent of all defendants prosecuted for all offences entered a guilty plea. This has been used as a proxy for the percentage of sex offenders in all courts **pleading guilty** for breaching their licence. It is assumed that this requires 23 hours of police time¹⁰, together with the same court time, CPS and legal aid costs as for not guilty pleas.

It is possible for those convicted for breaching their licence to have their cases heard in the Crown Court. Statistics from the Ministry of Justice suggest that approximately 20 per cent of take place in the Crown Court. This has been incorporated into this Impact Assessment, taking account of the different unit costs for a Crown Court and for a Magistrates' Court.

⁶ This assumption is based on anecdotal police evidence.

⁷ MAPPA Annual Report 2009/10: the average rate of detected breaches for 2005/06-2009/10 was estimated as the number of RSOs cautioned or convicted for breaching their notification requirements as a percentage of the total number of RSOs living in the community.

⁸ Estimate from HMCS of the court time required for breach of a Football Banning Order. It assumed that hearings in either Magistrates' or Crown Court are equal in length.

⁹ It is assumed that 18% of defendants are eligible for legal aid in Magistrates' Court hearings (Eligibility for criminal legal aid at the magistrates' court depends on the applicant satisfying both the 'Interests of Justice' test and the financial eligibility test. MOJ estimate that approximately 20% of alleged perpetrators would be able to satisfy the IoJ, with 90% of that tranche also passing on means), and 100% of defendants are eligible for legal aid in Crown Court hearings.

¹⁰ Less than for a not guilty plea as police presence is not required at court.

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. It is possible to receive more than one disposal per breach so in addition 24 per cent receive fines, and 46 per cent receive community sentences. The average length of custodial sentence given is 4.3 months¹¹. It is assumed that 50 per cent of this sentence is actually served. The unit cost of a prison place is approximately £40,000 per year¹². It is assumed that 50 per cent of fines will require enforcement the unit cost of which is £270¹³. The unit cost of a community sentence is £910¹⁴. The average sentence cost, taking into account the probability of receiving each disposal, is almost £6,000. This unit cost has been applied to all breaches resulting in conviction.

Source of unit cost estimates

Unit cost estimates for the CPS and HMCS have been provided by the Ministry of Justice. Legal aid costs are based on statistical information published by the Legal Services Commission (LSC statistical information 2008/09 p.6). Police costs are estimated from ASHE (Annualised Survey of Hours and Earnings) and CIPFA (Chartered Institute of Public Finance and Accounting) data (2008) and have been updated to account for inflation using the Treasury GDP deflator series.

Transition Costs

The majority of transition costs will be born as a result of informing RSOs living in the community at the time of implementation of the changes to the notification requirements. A number of methods have been suggested which are outlined in the table below, along with an estimate of the police time required to inform each offender.¹⁵

Method of communication	Additional time required per RSO
Through annual notification	0.25hrs of additional police time
Through the home visits regime	0.5hrs of additional police time
Through regular probation service supervisions	
Through group treatment programmes	
Through a telephone call	0.5hrs to explain changes
Letter to attend a police station	0.25hrs to send letter plus 0.5hrs at police station

Informing offenders during their annual notification is assumed to take an additional 15 minutes of police time and provides the lower bound estimate. Sending registered sex offenders a letter asking them to attend a police station and informing them of the changes to notification requirements at this appointment in person is assumed to take 45 minutes of police time per RSO and provides the upper bound estimate. Therefore, notifying all RSOs of the changes to the notification requirements is estimated to cost £0.3 - £1 million in police resource.

¹¹ From Ministry of Justice statistics, this is the best estimate of average sentence lengths of those sentenced in the Magistrates' Court and those in the Crown Court. For the cost of a custodial sentence it is assumed that 50 per cent of this sentence is served.

¹² Ministry of Justice figures.

¹³ Taken from Reclassification of Cannabis IA, 2008

¹⁴ The average cost of unpaid work taken from NAO report: The National Probation Service: the supervision of community orders in England and Wales.

¹⁵ Methods suggested by a staff office to the ACPO lead on the Management of Sexual Offenders and Violent Offenders. Time estimates require verification.

Guidance will be issued or amended to inform the relevant groups of the changes and amendments to the ViSOR may be required. The costs of this are thought to be negligible.

Collection of passport, credit card, and bank details

In order to bring the notification requirements in England and Wales in line with those in Scotland, it is proposed that RSOs will need to register their passport, credit card, and bank details with the police when they periodically notify. There will be a transition cost to the police in terms of time updating ViSOR for all those offenders already on the register, and living in the community, when the policy is implemented. For all new offenders added to the database, this will form part of their initial notification process and will, therefore, not represent a transitional cost but an annual recurring cost, which will be covered at a later stage in this section. Assuming notification requires approximately 15 minutes of police time, to verify the information provided and update ViSOR with the additional information, it is likely that this will cost approximately £340,000¹⁶.

The total transitional costs are estimated between £0.7m and £1.4m.

Annual Costs

Foreign travel

Costs

There were 5,438 notifications of foreign travel in the year to 6th January 2011 which, assuming this is one trip per RSO¹⁷, represents 15 per cent of RSOs travelling abroad for more than 3 days¹⁸. This percentage has been applied to the estimated volume of RSOs expected over the ten year appraisal period.

It is assumed that the proportion of trips over and under 3 nights in length for RSOs is the same of that for the general population. 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. It should be noted, however, that there may be some discrepancy due to the distinction between 3 day and 3 night stays. The current legislation specifies visits that are longer in duration than 3 days must be notified, while the IPS refers to travel of 3 nights or more. This is, however, the best available proxy.

Using these assumptions, the number of additional notifications and related costs estimated as a result of the proposed extension to the notification requirements is presented in the table below.

Year	Additional Notifications¹⁹	Costs (£m)
0	1,700	£0.04
1	1,700	£0.05
2	1,800	£0.05
3	1,900	£0.05
4	2,000	£0.05
5	2,000	£0.05
6	2,100	£0.06

¹⁶ It is assumed that 100% of RSOs have a passport and bank account, which may be an overestimate.

¹⁷ Due to a lack of data to inform this, one trip per RSO had to be assumed in order to use available information on the number of visits together with the predicted volume of RSOs over time. It is, however, possible that a smaller proportion of RSOs commit all foreign travel. If this were the case, the volume of foreign travel may be less elastic to changes in the volume of RSOs over time.

¹⁸ Based on the number of foreign travel notifications as a percentage of the number of RSOs on ViSOR in the year to 6/1/11.

¹⁹ These figures have been rounded to the nearest hundred.

7	2,200	£0.06
8	2,300	£0.06
9	2,400	£0.06
Additional annual average cost		£0.05m

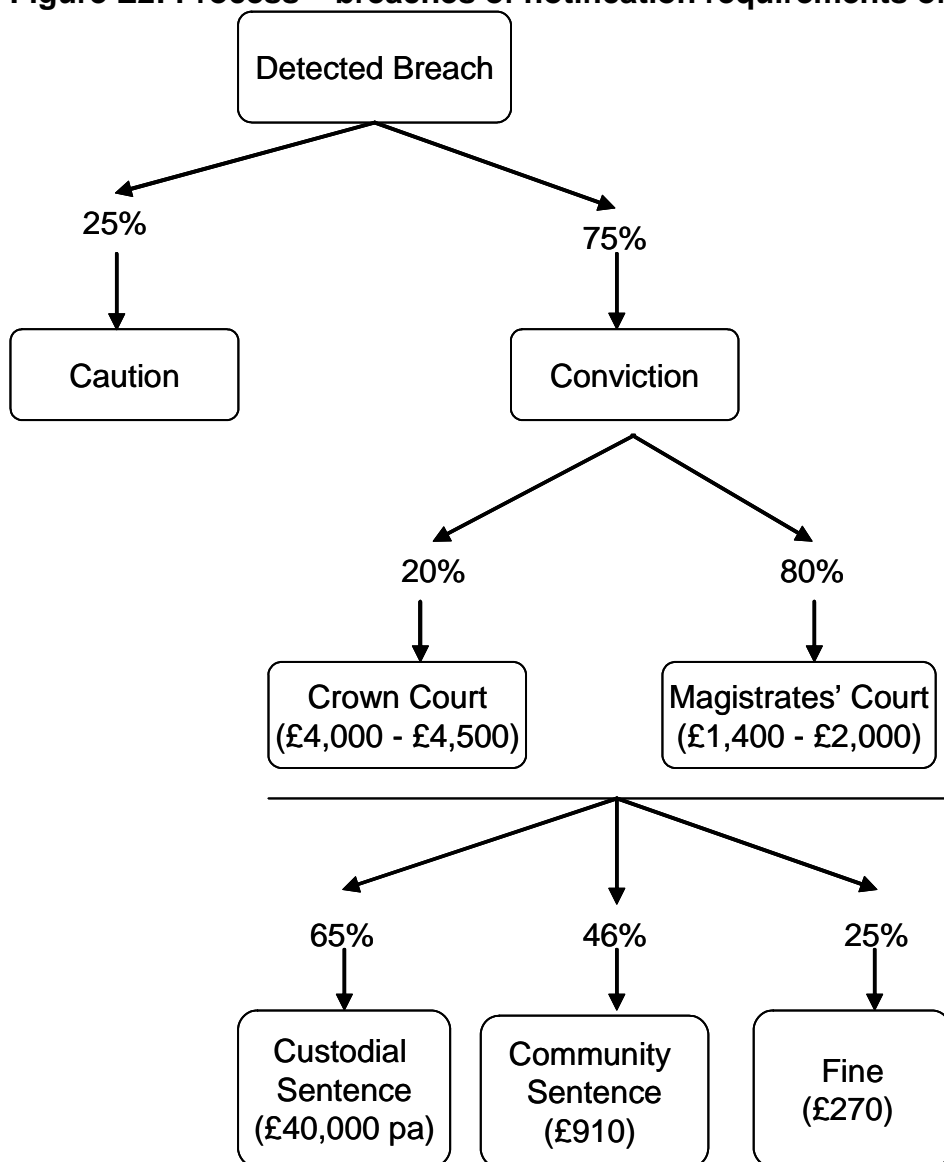
The volumes and associated costs presented in table E.3 above may well be an underestimate. The volume of additional notifications is based on the number of notifications of travel currently made to police and does not include foreign travel where no information was provided to police in advance in breach with notification requirements. Implicitly this, therefore, assumes that compliance with notification requirements for travel outside the UK of 3 days and less will be equal to compliance with notification requirements for travel outside the UK of 3 days and more.

4.6 per cent of the RSO population are found to breach their requirements each year, which PNC analysis shows is mainly through offenders not notifying rather than providing false information. It, therefore, seems reasonable to assume that a proportion of those cautioned or convicted for breaching their notification requirements will have failed to notify police of their foreign travel and, as such, the volume of additional foreign travel notifications estimated below should be seen as a lower bound of potential costs to police resources.

Given the assumptions regarding the cost of notifications outlined above, the average annual additional cost to the police as a result of the additional notifications is estimated to be £0.05 million.

Applying the breach rate of 4.6 per cent to the volume of additional notifications gives the volumes of breaches set out in the table below. PNC analysis suggests that 25 per cent of breaches are taken forward as cautions, so these volumes have also been estimated. Based on Ministry of Justice statistics, 20 per cent of offenders are dealt with in the Crown Court. The process of handling breaches can be seen in the Figure E2 below. The diagram highlights areas in which a lack of data prevents costs to be estimated usefully.

Figure E2: Process – breaches of notification requirements of registered sex offenders²⁰



Estimated volumes, and associated costs, of additional breaches of foreign travel notification requirements are presented in Table E.4 below. Due to the assumptions made above, these should be treated as lower bound estimates.

Table E.4: Estimated volumes and costs of additional breaches of foreign travel notifications in Magistrates' and Crown courts²¹

	Additional breaches	Cautioned	Convicted - MC	Convicted - CC	Cost (£m)
Average annual	90	20	60	10	£0.2
Present value cost (over 10 years)					£1.4m

²⁰ The unit cost of fine enforcement is based on the assumption that 50% of fines require enforcement. The estimate was originally provided in the context of fine enforcement for PNDs (penalty notices for disorder). The unit cost of a community sentence is assumed to be equal to that of an unpaid work order and is taken from NAO Report (2007) *Final Report: Costing of Community Order Requirements* p10. The unit cost has been updated to account for inflation using the Treasury GDP deflator series.

²¹ Figures may not sum due to rounding

The cost of a caution is approximately £800, representing over 20 hours work for the police in writing a crime report, gathering evidence and statements, making arrest enquiries and arrests, and interviewing offenders.

The cost of proceeding with a conviction in a Magistrates' Court is approximately £1,900 if the defendant enters a not guilty plea; this includes almost £400 in court costs²², £1,300 in police costs²³, £150 in CPS costs, and an average of £50 in legal aid costs²⁴. If the defendant enters a guilty plea the same amount of court time is assumed²⁵ but less police time is required, therefore, in a Magistrates' Court, this costs approximately £1,400 in total.

For cases heard at the Crown Court, the unit cost is approximately £4,500 if the defendant enters a not guilty plea; including over £400 in court costs, almost £2,500 in CPS costs, £1,300 in police costs, and £269 in legal aid costs²⁶. As for the Magistrates' Court it is assumed that if the defendant enters a guilty plea while the same amount of court time is required, less police time is necessary. Therefore, the cost is approximately £4,000.

PNC analysis suggests that 65 per cent of court disposals relating to breaches of sex offender notification requirements are custodial sentences, 45 per cent are community sentences, and 24 per cent are fines. The average cost of disposal is almost £6,000. The total disposal costs are outlined in Table E.5 below. Of these costs it is estimated that £200,000 each year will be costs to the prison service.

Table E.5: Estimated volumes and costs of additional sentences for breach of foreign travel notification requirements

	Additional sentences	Cost (£m)
Annual average	70	£0.4
Present value cost (over 10 years)		£3.5m

The number of appeals is not known, but anecdotal evidence suggests the proportion of cases appealed is negligible. It is hoped that, through the consultation process, more information can be gained into this aspect of the process.

The volume of additional Foreign Travel Orders (FTO) granted by the courts is also not known, though it is thought to be small given the small number issued to date. It has not been possible to quantify the unit cost of obtaining a FTO due to a lack of data surrounding necessary police and court time.

Benefits

It has not been possible to quantify the benefits relating to this part of the policy. The extending of notification requirements to cover all foreign travel by RSOs is designed to tighten a known loophole in the notification requirements and is intended to provide the police with a useful tool for gathering intelligence enabling them to build a better picture of sex offender travel.

²² Assuming 30 minutes of court time required. Estimates of court time required are from HMCS based on the average length of Football Banning Order breach hearing. Unit cost is taken from MoJ figures.

²³ Assuming 38 hours of police time required, the same time required as for a caution but with the additional of time for attending the court hearing, and CPS liaison and case preparation.

²⁴ Amount available for non-family, non-immigration case from Legal Services Commission Statistical Information 2008/09. It is assumed that 18 per cent of defendants are eligible for criminal legal aid in a Magistrates' Court. This is, however, based on the proportion of the general population likely to pass the means test of eligibility and might, therefore, differ for the population of sex offenders.

²⁵ Based on HMCS estimates

²⁶ Amount available for non-family, non-immigration case from Legal Services Commission Statistical Information 2008/09. It is assumed that 100 per cent of defendants are eligible for criminal legal aid in a Crown Court.

ECPAT UK's report *Off the Radar* highlights the problem of travelling sex offenders²⁷. It states that given how quick and easy it is to travel nowadays, 'British sex offenders can easily travel abroad (to European countries and beyond), commit child sex abuse offences and return home within this 3-day period.' CEOP records 20 per cent of activity by travelling sex offenders as having taken place in European countries in 2008/09²⁸, which, given proximity to the UK, suggests that activity could have taken place within 3 days and so would not currently require notifying the police. Evidence from the ECPAT UK report also suggest that there may be displacement of sex offender activity from other travelling sex offender hot spots, such as South East Asia, due to proactive measures taken by countries to combat the crimes of travelling sex offenders suggesting that travelling sex offending in Europe may increase.

Risks

As outlined, the estimated volume of additional notifications is a lower bound based on the number of notifications currently received by the police, and the travel patterns of the general population. The number of additional notifications dealt with by the police may be higher if a greater proportion of RSOs travel regularly as part of their job than the general population, leading to a greater cost on police resources.

With the full introduction of the e-Borders system and the use of passport details also outlined in this Impact Assessment, it is likely that a breach of the foreign travel notification requirements will be more easily detected. It is, therefore, likely that there will either be an increase in the number of notifications, as RSOs realise this, or an increase in the number of breaches detected.

No fixed abode

Costs

It is assumed that 2 per cent of registered sex offenders living in the community will be registered as having no fixed abode (NFA).²⁹ This is assumed to represent the baseline status quo.

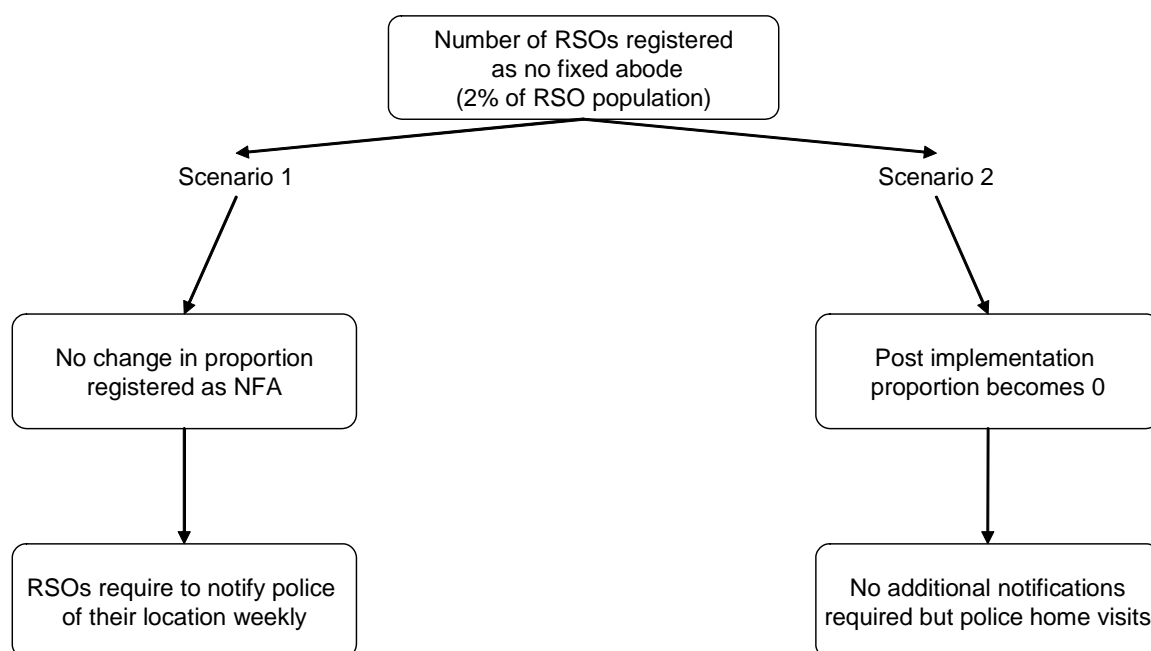
It is not known what the effect of implementing this part of the policy will be on RSO behaviour. It is possible that the proportion of RSOs with no fixed abode remains the same and all RSOs registered as NFA comply with the notification requirements. This has been assumed as Scenario 1 in Figure E3 below. The alternative is that, as anecdotal police evidence suggests, the RSOs currently notifying as having no fixed abode may have addresses they could register but choose not to so as to evade police monitoring. In Scenario 2, after the policy is introduced no RSOs notify as being NFA but instead register an address and therefore require home visits.

²⁷ ECPAT UK, 2011, *Off the Radar* .

²⁸ CEOP Strategic Overview 2008-09.

²⁹ Based on figures from ViSOR on 7 January 2011.

Figure E3: Impact of introducing weekly notification requirements for sex offenders registered with no fixed abode



If the proportion of RSOs registering as having no fixed abode does not change after implementation of the policy, the volume of additional notifications and the subsequent cost to police resources will be as outlined in Table E.6 below.

Year	Additional Notifications ³⁰	Costs (£m)
0	40,100	£1.05
1	41,700	£1.09
2	43,400	£1.13
3	45,100	£1.18
4	46,900	£1.22
5	48,800	£1.27
6	50,700	£1.32
7	52,800	£1.38
8	54,900	£1.43
9	57,100	£1.49
Additional annual average cost		£1.3m

The estimates above are based on the assumption that all RSOs currently registered as NFA are informed of the changes to the notification requirements, do not have an address they can register with the police, and fully comply with the extended requirements.

However, if the anecdotal police evidence is accurate, it is likely that when faced with the prospect of having to notify weekly RSOs registered as NFA will instead register a permanent address. In this scenario weekly notification will not be necessary. Instead, police resources will

³⁰ These figures have been rounded to the nearest hundred.

have to be spent carrying out home visits. The frequency of home visits as outlined in MAPPA guidance is summarised in Table E.1 above. On average, each RSO receives 3.6 visits annually. It is assumed that each home visit requiring approximately 2 hours of police time and therefore costs approximately £70 in terms of police resource. Over a year, home visits therefore cost £250 in police resource on average per RSO.

Carrying out home visits is substantially less resource intensive than RSOs having to register weekly, which costs over £1,300 in terms of police resource annually per sex offender registered as NFA. It is assumed that, if Scenario 2 occurs, it will not happen immediately but within the year following implementation such that by the first year after implementation, year 1, those registered as NFA will provide an address to register. If the introduction of the policy means that all of those who would have registered as NFA now register an address then the police will have to carry out the number of home visits illustrated in Table E.7 below.

Year	Additional Home Visits³¹	Costs (£m)
0	0	£0.00
1	3,000	£0.21
2	3,100	£0.22
3	3,200	£0.22
4	3,400	£0.24
5	3,500	£0.24
6	3,600	£0.25
7	3,800	£0.26
8	3,900	£0.27
9	4,100	£0.29
Additional annual average cost		£0.2m

The two Scenarios outlined above provide the extreme cases of the possible impact of the policy and provide a range of police costs for this option. It may be unlikely that all RSOs who are currently registered as having no fixed abode actually have an address they could register. A proportion is likely to genuinely have no fixed abode and so will continue to register as such and notify weekly as a consequence. As this proportion is not known, it has not been possible to provide more accurate estimates of the cost to the police of additional notifications and home visits. It is hoped that, through the consultation process, more information may be gained to inform estimates for later stages of this Impact Assessment.

If an RSO continues to register as having no fixed abode but does not notify each week then they will have breached their notification requirements. It has not been possible to estimate the volume of breaches as the impact of the policy on the proportion of RSOs registered as NFA is not known, neither is the impact the policy will have on offender behaviour, whether they will comply with the weekly notifications or not. It is hoped that some insight into the likely behaviour of sex offenders with regard to weekly notification can be gained from the consultation process so that estimates may be provided for later stages of this Impact Assessment. The average weighted cost of a breach including the disposal cost is almost £6,200.

The unit costs for breaches of the weekly notification requirements will be the same as for breaches of the foreign travel notification requirements. While average sentence lengths and the average cost of disposals are known, it is not possible to quantify the total cost of sentences resulting from breach of no fixed abode notification requirements as it has not been possible to estimate the number of breaches. As for foreign travel notification requirements, the extent to which any verdicts are appealed is not known.

³¹ These figures have been rounded to the nearest hundred.

Benefits

Extending the no fixed abode requirements to weekly notifications would bring the sex offender notification requirements in line with those for other offenders subject to notification requirements including violent offenders subject to VOOs (Violent Offender Orders). It should reduce police time spent in ascertaining the whereabouts of individuals between their annual notifications and monitoring of RSOs throughout the year, allowing police greater contact with RSOs so that they are better placed to assess risk.

Risks

It is possible that none of the RSOs currently registering as NFA are doing so in order to avoid registering an address, which would lead to a substantial number of additional notifications and a burden on police resources.

It will be harder to inform those currently of no fixed abode of the proposed changes to the notification requirements as it may not be possible to send them a letter or make a telephone call. As a result, it is likely that breaches among this group will be higher, and as the potential to breach is quite high in the case of weekly notifications, it is possible that the number of breaches will be high particularly in the transition after the implementation of the policy.

Residing with under 18s

Costs

It is assumed that the volume of additional notifications due to this particular change will be very small as it is thought that there will be few situations in which an RSO will start living with someone under the age of 18 without their address also changing³².

If, as a result of an offender notifying residence with an under 18 year old, the police carry out additional home visits to ensure the safety of the child, this will lead to additional costs in terms of police resource. The unit cost of a home visit is approximately £70³³.

In the most extreme case, the notification of living with a child could lead to the removal of that child from the home. The unit cost of a care order including the cost of the local authority in court fees, the cost to Cafcass for providing a children guardian and solicitor, and the cost of legal aid, is approximately £12,000³⁴, with local authorities spending an additional £40,000 on average per child per year on child placements³⁵.

Benefits

The extension of notification requirements to include cohabitation with an under 18 would formalise requirements already put in place by some police forces who gather similar information. It would also provide sanctions if the RSO did not comply with the notification requirements. Informing the police of the cohabitation can make sure that appropriate referrals to relevant agencies are made to protect the welfare and well-being of the child.

The average cost of a sexual offence is over £38,000³⁶, which should be considered a lower bound in this case as it is an average over all offences; those recorded, proceeded with and prosecuted as well as those which are not. Additionally it the physical and emotional costs of a

³² This already requires them to notify the police of a change of their details and would therefore not represent an additional notification with respect to the status quo.

³³ Assuming it takes 2 hours of a police sergeant's time (from anecdotal police evidence)

³⁴ Court fees £4825, Cafcass costs £6800, legal aid £324. Sources: MOJ, *Review of Court Fees in Child Care Proceedings*, Communitycare.co.uk, Legal Services Commission, *Statistical Information 2008/09* respectively.
<http://www.justice.gov.uk/about/docs/court-fees-child-care-proceedings.pdf>

³⁵ Communitycare.co.uk, though this can range between £23,500 and £56,200 per year according to a study for Barnardos by Demos (2010) *In Loco Parentis*

³⁶ Home Office costs of crime estimates (2009 prices) average for all offences whether recorded or not.

sexual offence committed against a child could be higher than for an offence committed against an individual over the age of 16, for which the average cost was quoted above.

Risks

It is possible that offenders could continue living with an under 18 and not inform the police. However, home visits carried out by police officers may discover this.

Passport, credit card, and bank account details

Costs

It is assumed that all those added to ViSOR after the implementation of the extensions to the notification requirements will require a longer initial notification so that the police can also add passport, credit card, and bank account details to ViSOR and verify the authenticity of information provided. It is assumed that this will extend initial notification by 15 minutes for all those added to the register post-implementation. Taking the net change in the number of offenders in the community on ViSOR as the upper bound, the volume, and associated cost, of effected RSOs is outlined in Table E.8 below.

Year	Additional Notifications ³⁷	Costs
0	0	£0
1	1,600	£13,700
2	1,600	£14,200
3	1,700	£14,800
4	1,800	£15,400
5	1,800	£16,000
6	1,900	£16,600
7	2,000	£17,300
8	2,100	£18,000
9	2,200	£18,700
Additional annual average cost		£14,500
Present value cost (over 10 years)		£121,000

The average annual additional cost to the police is £14,500.

It is assumed that there will not be any breaches as a result of extension of the notification requirements as those who turn up to the police station to notify are assumed to notify all details. Those who already do not notify the police of their details are thought to continue to do so and as such do not represent any additional breaches.

Benefits

This extension of the notification requirements will bring England and Wales in line with Scotland in terms of the information that is required when offenders initially notify. The collection of passport details will allow the police together with immigration officials to more easily detect when an RSO has breached their notification requirement by travelling outside the UK without first notifying the police. This could lead to reductions in the level of overseas offending, though

³⁷ These figures have been rounded to the nearest hundred.

there is little evidence, beyond anecdotal evidence, to support this. The collection of bank account details will allow the police to more easily track offenders between notifications or if an offender fails to present themselves at a police station for notification as activity on the account can often be linked to a geographic location.

Risks

It is possible that offenders fail to notify these details or police fail to confirm their authenticity. The police should take the necessary steps to ensure that all data are checked and verified before being entered onto ViSOR. Data should be checked regularly to ensure they are still up to date in order to minimise the risk that data provided is incorrect.

Total costs

The total quantifiable costs of the policy (present value and including transition costs) are between -£8.0 million and -£17.5 million. The lower bound assumes that all RSOs currently notifying as having no fixed abode find an address to register. The upper bound assumes that no RSOs currently notifying as having no fixed abode are able to find addresses to register and so must register weekly. The best estimate is the mid-point of the upper and lower bound. The annual costs are outlined in the table E.9 below.

All estimates are based on a lower bound estimate of the volume of additional breaches resulting from offenders having to notify all foreign travel, as they are based on data relating to cautions and convictions for breaches of notification requirements and therefore do not account for breaches that currently go undetected. If extending notification requirements allows for a more robust management of registered sex offenders this may result in an increase of detections which has not been accounted for. Costs have been quantified where possible, but a substantial part of the total cost has not been quantified due to a lack of data. In particular, it has not been possible to estimate the impact on the volume of breaches resulting from extending notification requirements to require offenders who have no fixed abode to register weekly, require all offenders to register when they are living with a child under the age of 18 as well as registering passport, bank account, and credit card details. It is hoped that further information will be gathered during the consultation so that later stages of this Impact Assessment can provide fully quantified costs.

Table E.9 Estimated total quantifiable costs (£m)			
Year	Lower bound	Upper bound	Best estimate
0	£0.5	£1.6	£1.0
1	£0.8	£1.6	£1.2
2	£0.8	£1.7	£1.3
3	£0.8	£1.8	£1.3
4	£0.9	£1.8	£1.4
5	£0.9	£1.9	£1.4
6	£0.9	£2.0	£1.5
7	£1.0	£2.1	£1.5
8	£1.0	£2.2	£1.6
9	£1.0	£2.2	£1.6
Additional annual average cost			£1.4m

Total benefits

The policy is expected to generate benefits arising from the tightening of known loopholes in the notification requirements of registered sex offenders, preventing registered sex offenders from exploiting gaps in existing legislation to cause harm both in the UK and overseas. It will strengthen the notification requirements regime and will provide the police with important

intelligence, allowing them to manage registered sex offenders more effectively and robustly. It has not been possible to quantify these benefits.

Additionally, the policy is expected to generate benefits in the form of police time saved actively monitoring offenders registered as having no fixed abode. This has not been possible to quantify since there is no data available on the current level of police resource spent on this. It is also expected that the policy will tighten known loopholes in the notification requirements. It has not been possible to quantify this as the effect the policy will have on reoffending patterns and current sex offender behaviour is not known.

F. Risks

The Risks associated with each part of the policy are outlined under the relevant heading in section E above.

G. Enforcement

Enforcement of this policy will be by the police and public protection agencies, with oversight from the Home Office.

H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

Option	Costs	Benefits
2	£1.4/year	N/K
	<p>It has not been possible to fully cost downstream costs relating to breaches of additional notification requirements. These will be incurred by:</p> <ul style="list-style-type: none"> ▪ the police in terms of detection, issuing cautions, and preparing case files for breach hearings; ▪ the Crown Prosecution Service; ▪ HMCS; and ▪ the Legal Services Commission. 	<p>It has not been possible to quantify the benefits of this policy. Benefits will be incurred in terms of:</p> <ul style="list-style-type: none"> ▪ strengthening notification requirements by tightening known loopholes, preventing RSOs from exploiting gaps in existing legislation; ▪ police resource currently spent actively monitoring offenders registered as having no fixed abode; and ▪ a possible reduction reoffending due to more effective offender management.

Option 2 is the preferred option. The Government recommends widening the notification requirements registered sex offenders are subject to in order to prevent offenders from exploiting gaps in the system and enabling the police to more effectively and robustly manage registered sex offenders.

I. Implementation

Subject to the outcome of the consultation exercise, Reforming the Notification Requirements of Registered Sex Offenders (Part 2 of the Sexual Offences Act 2003): A Targeted Consultation, the Government plans to implement these changes through secondary legislation by virtue of

existing powers under the Sexual Offences Act 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. Guidance and/or training will be made available to the police.

The consultation exercise will explore the nature of the transitional arrangements that will be required following introduction of any legislation, to ensure that all registered sex offenders are made aware of the new requirements they will become subject to. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

J. Monitoring and Evaluation

The effectiveness of the new scheme will be monitored on an ongoing basis by the Home Office and relevant information regarding the extended notification requirements will be stored on ViSOR.

K. Feedback

The Home Office has regular contact with the police and NOMS and attends regular meetings of the ACPO Public Protection Working Group. Feedback on process and practice regarding the extended notification requirements can be received and discussed through these channels.

Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added where the Specific Impact Tests yield information relevant to an overall understanding of policy options.

Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. If the policy is subject to a sunset clause, the review should be carried out sufficiently early that any renewal or amendment to legislation can be enacted before the expiry date. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<p>Basis of the review: [The basis of the review could be statutory (forming part of the legislation), i.e. a sunset clause or a duty to review, or there could be a political commitment to review (PIR)];</p>
<p>Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]</p>
<p>Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]</p>
<p>Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]</p>
<p>Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p>
<p>Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection of monitoring information for future policy review]</p>
<p>Reasons for not planning a review: [If there is no plan to do a PIR please provide reasons here]</p>

Annex 2. Specific Impact Tests

Statutory Equality Duties

Equality Impact Assessment

Background

On 16th February 2011 the Home Secretary made an oral statement in Parliament announcing that the Government would shortly bring forward proposals to implement the ruling of the Supreme Court in the case of *R (on the application of F and Angus Aubrey Thompson) v Secretary of State for the Home Department [2010] UKSC 17*, in relation to the indefinite notification requirements under section 82(1) of the Sexual Offences Act 2003 (commonly known as the sex offenders register). It was the view of the Supreme Court that 'there must be some circumstances in which an appropriate tribunal could reliably conclude that the risk of an individual carrying out a further sexual offence can be discounted to the extent that continuance of notification requirements is unjustified'. She made clear that this government is determined to do everything we can to protect the public from predatory sexual offenders. And so we will be making the minimum possible changes to the law in order to comply with this ruling.

In this statement, the Home Secretary made clear that where we are able to take further action to protect the public, we will do so. She announced plans to consult on proposals to further strengthen the management of sex offenders and to close existing loopholes in the legislation relating to the notification requirements, including:

- making it compulsory for sex offenders to notify the police of all foreign travel (under the existing scheme only travel of 3 days or more is notified);
- requiring registered sex offenders to notify to the police weekly as to where they can be found when they have no fixed abode;
- requiring registered sex offenders to notify when they are living with a child under the age of 18;
- requiring registered sex offenders to notify passport, bank account and credit card details and to provide identification upon notification as part of the work the Home Office will take forward to tighten the rules so that sex offenders can no longer seek to avoid being on the register when they change their name, including by deed poll.

Protecting the public is our priority and to this end, the Home Office continues to engage with public protection agencies to ensure that the risk posed to the public by sexual offenders is managed effectively. Of a number of recommendations made by the police and other public protection organisations, these proposals are considered to be a priority and it is our view that these changes are an important step in strengthening existing arrangements for the management of sexual offenders.

Groups affected by this change in policy

There are two main categories of individuals / groups which may be affected by this new policy; perpetrators and victims of the sexual offences which make an individual subject to the notification requirements for an indefinite period. It is important that both are considered as part of the EIA.

This policy will apply to all qualifying sex offenders i.e. those who are required to notify to the police by virtue of having been convicted or cautioned. This system is often referred to as the Sex Offenders' Register and requires offenders to provide their local police station with a record of their: name; address; date of birth; 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, but the length of time an offender will be subject to the requirements will vary dependent upon the sentence they are given.

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

- people convicted of an offence listed in Schedule 3 to this Act;
- people found not guilty by reason of insanity of such an offence;
- people found to be under a disability and to have done the act charged;
- people cautioned in England, Wales or Northern Ireland, or, in the case of young people under 18 (juveniles), reprimanded or warned by the police after they have admitted committing the offence.
- people who are made subject to a Notification Order, an interim Notification Order, a Sexual Offences Prevention Order, an interim Sexual Offences Prevention Order
- people convicted, cautioned etc for breach of a Risk of Sexual Harm Order

Further details on eligibility can be obtained from the Sexual Offences Act 2003 Guidance which is available on the Home Office website at:

<http://www.homeoffice.gov.uk/publications/police/operational-policing/guidance-part-2-sexual-offences>

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.

Sex offenders are not a homogenous group. However, there are various ways in which we can describe the demographic characteristics of offender populations. Most data will either examine the characteristics of sub groups of individuals who have been convicted of offences; or alternatively they may consider sub groups (e.g. covering only imprisoned offenders). The general sex offender population (i.e. anyone convicted of a sex offence) and the imprisoned sex offender populations are of course different in their composition. The latter will be influenced by the presence of offenders serving longer sentences for more serious offences.

Age

An analysis of the criminal careers of offenders convicted of serious sexual assault (Soothill et al 2002) analysed the age and prior offending characteristics of 1,057 offenders in England and Wales. The average of sex offenders (including juveniles) was under 29 years and the average age at first conviction was 21 years; less than 2 per cent of this sample of offenders was under the age of 16. Because of the nature of the sampling (offenders over the age of 45 were excluded from the analysis), the average figures understate the average age of offenders.

Ethnic background

Data provided by the HM Prison Service on the ethnic background of imprisoned male sex offenders in England and Wales indicate that 82 per cent are white; 10 per cent are Black / Black British; 6 per cent are Asian / Asian British; and 2 per cent are other / mixed. Ethnicity is not recorded for 0.4 per cent of the population (data cited in Cowburn, M, Lavis, V. and Walker T (2008) 'Black and minority ethnic sex offenders', *Prison Service Journal*, 178, pp44-49. A simple comparison against self reported ethnic background of the population as a whole (from the Census) would suggest that both Black/Black British and Asian/Asian British groups are over represented in the imprisoned sex offender population.

Cowburn *et al* also indicate that BME sex offenders are markedly over represented in the younger age groups of imprisoned sex offenders.

Victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to the police and other MAPPA agencies' public protection role. It is considered that implementing the proposals outlined within the consultation document: Reforming the

Notification Requirements of Registered Sex Offenders (Part 2 of the Sexual Offences Act 2003): A Targeted Consultation, would enable the police to be provided with the information they need to effectively manage dangerous offenders and to uphold public protection. It is considered that this legislative change is proportionate and strikes an appropriate balance between individual rights and public safety.

Consultation

This Regulatory Impact Assessment and Equality Impact Assessment accompanies: Reforming the Notification Requirements of Registered Sex Offenders (Part 2 of the Sexual Offences Act 2003): A Targeted Consultation, a consultation exercise which seeks to fully explore the potential impact of these proposals on all affected groups.

This is a targeted consultation, which seeks views on the recommended policy options for strengthening the existing notification requirements regime for registered sex offenders.

The consultation is open for comment from 14th June 2011 until 8th August 2011.

Consultees are invited to offer views and comments on the policy options outlined, supporting evidence and associated costs and benefits, whether quantitative or qualitative. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

Although 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, the consultation is available on the Home Office website and we would welcome comments from members of the public.

Assessment

In the development of this policy the Home Office has given due consideration to the impact it will have on different groups and has given particular consideration to the potential impact, both positive and negative, of the policy in terms of:

- Race
- Disability
- Gender
- Gender Identity
- Religion, belief and non-belief
- Sexual orientation
- Age

We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

Race: From the available evidence, data relating to offender populations is outlined above. The proposed policy will apply equally to all offenders who are subject to the notification requirements. It is not envisaged that the policy will disproportionately affect any particular ethnic group.

Disability: This policy would apply equally to all registered sex offenders. It is envisaged that where possible, any additional information would be provided to the police as part of the periodic notification. Where additional notifications are required i.e. proposals for an offender to notify weekly where they have no fixed abode and notifications of all foreign travel, we will seek views through the consultation exercise to ensure that processes for notifying and all arrangements are fully accessible and would not disproportionately disadvantage any particular group.

Gender: This policy will apply equally to both males and females who have been made subject to the notification requirements under section 82(1) of the Sexual Offences Act 2003.

Gender Identity: It is not considered that this policy highlights any issues specific to gender identity.

Religion / Belief and non-belief: It is not considered that this policy highlights any issues specific to religion or belief.

Sexual Orientation: It is not considered that this policy highlights any issues specific to sexual orientation.

Age: It is not considered that this policy highlights any issues specific to age.

It is the Government's view that the policy proposals set out within the consultation are a proportionate and reasonable step to take to ensure the police are provided with the information they need to manage dangerous offenders and the risk they pose to the public effectively. It is considered that these amendments will strengthen the notification requirements regime, providing the police with important intelligence and allowing them to take action where appropriate to prevent serious offenders from exploiting gaps in existing legislation to cause harm both in the UK and overseas. As noted above, the consultation exercise invites views and comments on the policy options outlined. We will take account of the evidence gathered through the consultation in developing final policy proposals and the final stage Impact Assessment(s).

Monitoring

Information on individuals subject to notification requirements is stored on ViSOR.

The Home Office will continue to engage with interested parties as the policy proposals are developed. We will review this EIA following completion of the consultation exercise.

Social Impacts

Human Rights

It is considered that this policy complies with our obligations under the Human Rights Act 1998 and the European Convention on Human Right (ECHR).

It is considered that the targeted consultation exercise that this Regulatory Impact Assessment and Equality Impact Assessment accompanies 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 and preventing them from exploiting aspects of the current legislation, in a proportionate way.

We will take account of the evidence gathered through the consultation in developing final policy proposals and the final Impact Assessment.

Justice

This policy does not create any new offence or criminal penalty. However, it does extend the range of information that an offender is legally required to provide to the police in order to be fully compliant with the notification requirements under Part 2 of the Sexual Offences Act 2003. As such, it is acknowledged that this policy may have a bearing on volumes of breaches (i.e. for failure to comply with the notification requirements). Available information is set out within Section E (Appraisal) above. However, there is limited information available in relation to how breaches are recorded and appeal rates. It is anticipated that further evidence will be gathered through the

consultation and will be reflected in developing final policy proposals and the final stage Impact Assessment(s).

It is also acknowledged that this may have a bearing on legal aid costs. It is considered that the impact to legal aid based on the estimated volumes for notice of foreign travel will be negligible. This is because legal aid in the magistrates' court is available subject to the means test and the interests of justice test, which includes the provision of legal aid where there is a possibility of a custodial sentence upon conviction, which community sentences would not satisfy. Further, it is not expected that a significant number of individuals travelling overseas for less than 3 days would be eligible for legal aid in the magistrates' court. The volume of trials in the Crown Court is so small as to be negligible.

However, it is recognised that the outlined legislative amendment with respect to those with no fixed abode may have a more significant bearing on legal aid costs. In particular, the increased burden and unpredictable nature of those with no fixed abode suggests that a higher breach rate than the 4.6% used throughout this Impact Assessment may apply. Additionally, most people of no fixed abode are likely to pass the means test for criminal legal aid. This will be explored further through the consultation exercise and we will work closely with MoJ analysts in developing further edition(s) of the Regulatory Impact Assessment.

The Ministry of Justice have been consulted and included in the development of this policy.

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

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