

# National Offender Management Service

## PUBLIC PROTECTION MANUAL

### 2016 Edition

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# Chapter 1

## RISK OF HARM

### 1 INTRODUCTION

This guidance gives an overview of risk assessment and management; it aims to help prison staff assess an offender's risk of serious harm. It will be of particular interest to staff who:

- contribute to or attend Multi-Agency Public Protection Arrangements (MAPPA) meetings;
- contribute to and attend Multi-Agency Risk Assessment Conferences (MARAC);
- contribute to Inter-departmental Risk Management Team (IRMT) meetings in prisons;
- assess offenders for programmes, interventions, interactions and activities;
- engage in one-to-one work with offenders;
- work with offenders in a group setting; or
- contribute to decisions that require an assessment of risk.

The central role in supervising offenders is undertaken by Probation Service Community Offender Managers (COMs) and Prison Offender Managers (POMs). However, all prison staff have a responsibility to contribute to the risk assessment and management of each prisoner. Some staff will take a primary role, such as prison and probation POMs; while others have a supporting role, such as personal officers, workplace supervisors, and education staff.

Good risk assessment and risk management underpin all chapters of the Public Protection Manual and are relevant to every area of prison life.

For more information, see the [NOMS Risk of Harm Guidance and Training Resource](#) and [Supplement to Risk of Harm Guidance \(2014\)](#).

### 2 WHAT IS RISK?

#### 2.1 Definition

In general terms the criminal justice system has defined risk as:

- **the risk of future re-offending & reconviction** - the probability that an offender / prisoner will offend, be arrested, and be reconvicted within two years; and
- **the risk of serious harm** - if reconvicted, the probability that the offence will be one of "serious harm".

Section 224 of the Criminal Justice Act 2003 defines serious harm (in the sentencing context, when determining whether an offender presents a significant risk to the public of serious harm by the commission of further offences) as "death or serious personal injury, whether physical or psychological". The OASys risk assessment tool defines "serious harm" in more detail as "an event which is life threatening and/or traumatic and from which recovery, whether physical or psychological, can be expected to be difficult or impossible".

## 2.3 The two dimensions of risk

The risk of harm posed by offenders to others can be seen as having two key dimensions:

- the **relative likelihood** that an offence will occur; and
- the **relative impact** or harm of the offence - what exactly might happen, to what or whom, under what circumstances, and why.

It is important to understand these two dimensions of risk. Some crimes (eg shoplifting) have relatively little impact or harm but, statistically, are the most common. Others (eg homicide) are rare but cause maximum damage.

## 2.4 The level of risk

The level of serious harm is defined by the likelihood of a serious harmful event happening. The levels are:

- **low:** current evidence does not indicate a likelihood of causing serious harm;
- **medium:** there are identifiable indicators of serious harm. The offender has the potential to cause such harm, but is unlikely to do so unless there is a change in circumstances - for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse;
- **high:** there are identifiable indicators of serious harm. The potential event could happen at any time and the impact would be serious;
- **very high:** there is an imminent risk of serious harm. The potential event is more likely than not to happen as soon as the opportunity arises and the impact would be serious. "Opportunity" can include the removal or overcoming of controls, and changes in circumstances.

## 2.5 Who is at risk?

It is important to identify the person or groups of people who are specifically at risk; this allows resources and protective measures to be applied effectively.

Risk is categorised as risk to:

- **the public:** either generally or a specific group such as the elderly, vulnerable adults (for example, those with a learning disability), women or an ethnic minority group;
- **a known adult:** such as a previous victim or partner;
- **prisoners:** within a custodial setting;
- **children:** either specific children or children in general who may be vulnerable to harm of various kinds, including violent or sexual behaviour, emotional harm or neglect, or because they are in custody;
- **staff:** anyone working with the offender, whether from Probation, the Prison Service, police or other agency (eg CARATs or health);
- **self:** the possibility that the offender will commit suicide or self-harm.

## 3 RISK ASSESSMENT

Risk assessment is a systematic process to analyse the **static and dynamic risk factors** relating to reconviction and risk of serious harm. It is a continuous and evolving process. Ongoing assessment is an essential element of effective risk management. It involves:

- accurate and reliable assessment of risk factors;
- day-to-day alertness to, and recording of, information relevant to the assessment of risk; and
- a formal review of that risk whenever indicated by an incident, significant further information, a policy requirement or the demands of a legal process.

### 3.1 What does a risk assessment aim to do?

A good risk assessment will help to:

- make a prediction of risk along both dimensions - likelihood and impact of harm;
- identify the likelihood of re-offending;
- identify the risk of harm (what harm and to whom?); and
- identify the key risk factors that led to the offence under consideration and that should be addressed to reduce the likelihood of further offending.

Risk assessments should lead to risk management plans that address the risk presented. It is very important that a risk assessment is:

- fair, taking into account personal and situational factors that tend to increase risk and those that help to reduce risk;
- carried out by assessors who are alert to their own possible sources of bias; and
- carried out in an organisational context that supports fair and accurate risk assessment.

### 3.2 Static and dynamic risk factors

Risk factors are the conditions that increase the likelihood, frequency and length of offending behaviour and form the basis of all risk assessment. Risk factors can be broadly categorised as static or dynamic.

- **Static** factors cannot be changed or influenced and are based on historical events or characteristics such as the offender's gender, age, offending history, and previous convictions.
- **Dynamic** risk factors relate to the attitudes, circumstances and behaviours that underpin or support offending. They are subject to change and include substance misuse, associates and employment.
- **Acute** risk factors are those that can change quickly over days or hours. Their emergence indicates a period of critical risk in which serious offending is more likely than not to occur. Examples are increased levels of substance misuse, or the destabilisation of socio-economic factors such as loss of accommodation.

### 3.3 Risk assessment tools

The main approaches to risk assessment are clinical assessments based on professional judgement, actuarial assessment based on statistical predictions relating to groups of offenders, and holistic assessments that combine the two.

The table below outlines the main risk assessment tools routinely used by NOMS staff. All require training for them to be used properly; SARN, Risk Matrix 2000 and SARA require users to have completed accredited training as a condition of use.

<b>Tool</b>	<b>Description</b>	<b>Used by</b>
OASys	OASys is a structured, evidence-based risk assessment tool for adult (age 18+) offenders. It is used at pre-sentence report stage and during prison sentences (1 year plus), and most Community and Suspended Sentence Orders involving supervision or other rehabilitative requirements. It helps to assess offending-related needs and risk of serious harm, estimate the likelihood of violent and non-violent re-offending, and construct Risk Management and Sentence Plans. Assessments are reviewed periodically during the sentence.	Offender managers, court report writers (probation)  POMs (HMPS)
Asset	Asset is a structured assessment tool for young offenders who come into contact with the criminal justice system. It considers the offence and identifies factors that may have contributed to the offending behaviour. Asset can be used to inform court reports and sentence planning, and will highlight any particular needs or difficulties the young person has.	Youth Offending Teams
SARN	Structured Assessment of Risk and Need for sex offenders. This identifies treatment needs against risk factors across four risk domains: <ul style="list-style-type: none"> <li>• sexual interests</li> <li>• offence-supportive attitudes</li> <li>• relationships</li> <li>• self-management.</li> </ul> These in turn inform a final risk report. The assessment is evidence-based and can be used alongside other assessment tools to contribute to an individual's risk management.	Sex Offender Treatment Programme staff from prison and probation complete the assessment grid and risk report at the end of a treatment programme.
RM2K	Risk Matrix 2000 is an evidence-based risk assessment tool that uses static risk factors to measure risk of sexual reconviction, it applies to male 18+ sex offenders who committed a sexual offence aged 16+.	Police, probation and prison practitioners
SARA	The Spousal Assault Risk Assessment (SARA) tool is a structured, 20-item framework of known risk indicators related to risk assessment for spousal abuse. It helps to guide and inform practice through structured professional judgement. SARA draws on empirical studies and literature reviews that identify certain factors as the most common predictors of domestic abuse. It is intended to help assess criminogenic need in relation to domestic abuse, and to order priorities regarding the reduction of the risk of harm within the sentence plan.	Probation / prison practitioners
ARMS	The Active Risk Management System is an acute and dynamic risk management framework for male sex offenders aged 18+ which guides professional judgement in relation to risk and protective factors and the priority level they should	Probation / prison practitioners

	be afforded. Information feeds into the OASys RoSH and Sentence Management Plan.	
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## 4 RISK MANAGEMENT

Risks cannot necessarily be eliminated but they can be reduced. Risk management should therefore be understood as risk reduction rather than elimination, reducing:

- the factors that lead to risks occurring; and
- the impact of the risk once it has occurred.

This approach is often described as “harm reduction” and is widely used in the treatment of drugs and alcohol abuse. The key principles of harm reduction are that a reduction in the frequency of harmful behaviours is a gain, as it reduces the number of victims; and that any positive change in harmful behaviours will reduce the effect of such behaviours on others.

Risk management should be:

- **protective** - offers reasonable protection to victims;
- **proportionate** - matched to the risks identified and neither over- nor under-intrusive;
- **fair and just** - justified, non-discriminatory, not over-intrusive towards particular groups;
- **defensible** - open and transparent to public accountability, with clear decision-making;
- **realistic and achievable**.

### 4.1 Risk management components

Risk management has three basic components; risk management plans may involve any or all three.

- **Intervention programmes** are defined as programmes designed to help offenders to change their criminal behaviour through control or management of thinking patterns, feelings, drives and attitudes. Intervention programmes may use a range of methods, but in practice have been based on intensive cognitive-behavioural methods delivered both in custody and in the community. These programmes are not the only types of interventions to reduce risk. Others include rehabilitative interventions (eg stable accommodation) and protective interventions (eg being part of a pro-social network).
- **Restrictive conditions** are those conditions that restrict where an offender can go, or live, what he or she can do, and whom he or she can contact. Offenders may have a condition to reside in a certain place (such as a hostel or approved premises) or not to enter a particular area. They can also be self-imposed (such as an offender committing to attend AA meetings). Restrictive conditions are specific to individual offenders. It is important that they match the assessed risk factors, and are proportionate, justified and workable in practice. It is also important that they are monitored, and enforced if breached.
- **Monitoring, surveillance and control procedures** are those that provide a watching eye over the offender. They are usually used to monitor compliance with restrictive conditions, to monitor grooming activities and to gain further information on networks and criminal activities. These procedures can include electronic tagging, the use of CCTV, and police observation. In prison they can include monitoring mail and phone calls, and visitor and offender contacts.

## 4.2 The role of prison staff in risk management

Protecting the public and risk management are the responsibility of all staff and should be embedded in all areas of prison life. Staff should:

- look, listen, observe, record and report information about the offender, using the most suitable means;
- remember that even small pieces of information can be crucial to risk assessment and effective management;
- work as part of a team - multi-disciplinary and team-based assessment and management are more effective;
- guard against over-familiarity with the offender - it is important to develop rapport but also imperative to remain objective;
- support and not undermine key messages of the programme or one-to-one work;
- not collude with offending behaviour, anti-social attitudes, or justifications that blame the victim;
- watch for patterns of behaviour; and
- be aware that risk levels change.

## 4.3 Assumptions and motivation to change

It is crucial that staff regard public protection as paramount and do not make assumptions about the risk posed by an offender. Offenders must be given a chance to show motivation to change, but decisions about risk levels should be made only after a careful assessment. Although positive improvements and motivation to change can indicate a reduction in risk of re-offending and serious harm, that is not always the case. The following are common assumptions:

- the passage of time since an offence was committed automatically decreases risk;
- if an offender is pleasant, courteous and punctual, their risk of re-offending or causing serious harm has changed;
- progress made by an offender automatically means a lower risk of re-offending;
- compliance with the requirements of their sentence means they will not offend (false compliance may conceal significantly elevated risk)
- good progress in custody is always an indicator expected progression in the community on eventual release (especially during the early days of release when different environments and pressures can be a factor)

## 4.4 Defensible decision-making

All risk management actions should be defensible. A defensible decision will withstand scrutiny about whether all steps were reasonably taken that could have been taken, should the case go wrong and negative outcomes occur. A decision is defensible if, in spite of a negative outcome, it can be demonstrated that all reasonable steps had been taken, commensurate with a staff member's roles and responsibilities.

This is particularly important for all organisations that work with offenders who pose a high risk of serious harm, and where risk assessment and management failures can be very costly for victims and damaging for organisational credibility. Cases managed by Probation are subject to a Serious Further Offence Review, if an offender commits a further serious offence while probation has statutory responsibility for them. The investigation progress for prisons has similar aims.

## Chapter 2

# MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS

## 1 INTRODUCTION

This chapter provides background and guidance for Governors and Deputy Directors of Custody (DDCs) in the Regions. It explains their obligations under the Multi-Agency Public Protection Arrangements (MAPPA). A full copy of the National MAPPA Guidance is available [on the MAPPA website](#).

The Criminal Justice and Court Services Act 2000 required the police and Probation Trusts (now the Probation Service, PS) to establish Multi-Agency Public Protection Arrangements (MAPPA) to protect the public, including previous victims of crime, from serious harm by sexual, violent and other dangerous offenders. The Prison Service became part of the Responsible Authority, which governs MAPPA, when the Criminal Justice Act 2003 was implemented. MAPPA Guidance has been issued by the Secretary of State for Justice under the CJA 2003 in order to help the relevant agencies in dealing with MAPPA offenders. MAPPA is not a statutory body in itself but is a mechanism through which all agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner.

## 2 DESCRIPTION OF MAPPA

The organisational structure of MAPPA can be explained by looking at each of the main elements and describing their functions:

- the Responsible Authority National Steering Group (RANSNG)
- Strategic Management Boards (SMBs)
- the Responsible Authority (RA)
- “Duty to Co-operate” (DTC) bodies
- MAPPA Co-ordination Unit

### 2.1 Responsible Authority National Steering Group

The Responsible Authority National Steering Group (RANSNG) has been formed to steer MAPPA. It is the national co-ordinating body tasked with oversight of MAPPA and ensuring its continued development. It is chaired by the Head of the Offender Management and Public Protection Group (OMPPG) in NOMS. The RANSNG produces a national MAPPA business plan annually, which the Responsible Authority is required to mirror in the Strategic Management Board business plan.

### 2.2 Strategic Management Boards

Strategic Management Boards (SMBs) are responsible for the strategic arrangements in each of the 42 MAPPA areas and are required to meet at least three times a year.

The role of each SMB is to keep its local arrangements under review, with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient.



The effective operation of an SMB includes the following:

- monitoring and evaluating the operation of MAPPA;
- establishing connections that support effective strategic and operational work with other public protection arrangements, such as Local Safeguarding Children's Boards, Local Crime and Disorder Partnerships, and Local Criminal Justice Partnerships;
- preparing an annual business plan, in accordance with the RANSB Business Plan;
- collecting data to populate the annual report and national statistics;
- planning the longer-term development of MAPPA in the light of regular (at least annual) reviews of the arrangements, and with respect to legislative and wider criminal justice changes;
- identifying and planning how to meet common training and developmental needs of those working in MAPPA agencies;
- ensuring that MAPPA operations are consistent with the national MAPPA Guidance. The SMB must approve and record any departures from the Guidance;
- developing an information-sharing agreement to regulate the sharing of information with other DTC bodies; and
- ensuring that ViSOR is populated and used in accordance with the relevant agencies' agreed business models and ViSOR National Standards.

## 2.3 The Responsible Authority (RA)

The Responsible Authority consists of the police, the Probation Service and the Prison Service acting jointly in each MAPPA area. The three services work together to ensure that the appropriate resources are available to manage the risks posed by sexual, violent and other dangerous offenders in the community, and ensure that the public are protected as far as possible. Governors and Deputy Directors of Custody are expected to play an effective and appropriate part in the management of the MAPPA.

The RA must:

- make arrangements for assessing and managing the risks posed by sexual and violent offenders in its area;
- co-operate with a list of other agencies, including the local authority and Youth Offending Teams (YOTs), who have a reciprocal duty to co-operate with the Responsible Authority;
- review and monitor the effectiveness of its arrangements, and publish an annual report;
- work alongside lay advisers appointed by the Secretary of State; and
- consider disclosing information about previous convictions in order to protect the public.

## 2.4 Duty to Co-operate (DTC) bodies

MAPPA and the duty to co-operate are a means of enabling different agencies to work together. Section 325(3) of the CJA 2003 imposes a duty to co-operate with the RA on, among others, the following public service organisations:

- YOTs
- Department for Work and Pensions
- the Local Education Authority
- local social services
- local authority Children's Services departments
- local housing authorities
- registered social landlords

- health trusts, authorities and commissioning groups
- National Health Service Commissioning Board
- electronic monitoring (EM) providers
- Home Office Immigration Enforcement

The DTC bodies are expected to carry out their statutory duties and are required to co-operate with the RA in its task of assessing and managing risk. The duty to co-operate may include the exchange of information. The RA is required to agree a memorandum of understanding with each DTC body setting out how they will co-operate.

While the principal responsibility for protection of the public from sexual and violent offenders' rests with the criminal justice agencies, the effectiveness of public protection often requires more than just a criminal justice response. Other agencies, for example those providing help with employment, training, and accommodation, play an important role in helping offenders to resettle and can help to reduce re-offending. Their important contribution is highlighted in cases where offenders have mental health problems or where they pose a risk of harm to children.

## 2.5 MAPPA co-ordination

MAPPA co-ordination is a dedicated function carried out on behalf of the RA, and accountable to the SMB. MAPPA co-ordination aims to ensure that multi-agency risk management is focused on the right people in a timely and efficient manner. It helps ensure the preparation of robust and defensible plans that address known indicators of serious harm to others.

In small areas, it may be possible for the co-ordination role to be undertaken by an individual. In larger areas, co-ordination might be undertaken by several people within the RA, either as a role or on a geographical basis.

# 3 THE PRISON'S STRATEGIC ROLE WITHIN MAPPA

The Prison Service is part of the RA as outlined in ss.325 to 327B of the Criminal Justice Act 2003. It is fundamental to the operation of MAPPA.

The Prison Service has a critical role to play in the management of MAPPA offenders. As part of the RA, it exchanges information regarding MAPPA offenders at key points in their sentence and on release.

The expectation is that the Prison Service will be represented at each SMB in its region. Representation **must** be at a senior enough governor grade to give the necessary authority to participate effectively. This should be the DDC or a senior manager with the authorisation to take decisions and act on the DDC's behalf. Where responsibility is delegated, the DDC **must** ensure that the police and the Probation Service in each area are aware that their representative has full delegated authority to act on their behalf. It is essential that these arrangements are supported appropriately and that the Prison Service representative is personally engaged in all MAPPA areas within the prison region.

Executive Governors of reform prisons and the DDCs of the high security, young persons' and women's estate may decide to be separately represented at the SMB. However, because of the wide catchment area, as with other prisons, the DDC or person with delegated responsibility for the geographical region may be best placed to represent these

prisons. The DDCs will need to liaise and decide in each region who should attend. Agreements should also be made with the contracted-out prisons in each region about their involvement in MAPPA and the SMB. The DDC or person with delegated responsibility could also be the representative for contracted out prisons. Whoever attends, it is crucial that there is good liaison between all establishments within a region, and that information is shared with all relevant establishments.

In order to comply with the national Key Performance Indicator, DDCs **must** ensure that prisons are represented at all SMB meetings.

### 3.1 Identification of MAPPA offenders

It is the Prison Service's responsibility to identify all categories of MAPPA offender who receive a custodial sentence; this **must** be done within 3 days of sentence. This is identification only and not setting the level of management. That is done as part of pre-release preparation by the relevant Probation Service Division.

Governors **must** ensure that there are processes in place to make certain that all categories of MAPPA offenders entering custody are identified following reception procedures at each establishment, and that the Prison Service case management system is marked accordingly. The appropriate alerts **must** be placed on the Prison Service case management system, Prison-NOMIS recording the MAPPA category.

Governors **must** also ensure that establishments request partnership to all the ViSOR records of MAPPA offenders so that they can enter relevant information on ViSOR. The relevant alert **must** also be placed on Prison-NOMIS in relation to ViSOR.

MAPPA offenders fall into one of the following categories:

#### **Category 1 - registered sex offenders (RSOs)**

This category covers offenders who are required to comply with the registration and notification requirements in Part 2 of the Sexual Offences Act 2003. Further details can be found that Act and in [Appendix 2](#) of the MAPPA Guidance.

#### **Category 2 - violent and other sexual offenders**

This category includes those convicted (or found not guilty by reason of insanity or to be unfit to stand trial and to have done the act charged) of murder or a relevant offence under Schedule 15, CJA 2003 and:

- who have been sentenced to 12 months or more in custody or detention, including indeterminate sentences; or
- who have been sentenced to 12 months or more in custody or detention and are transferred to hospital under s.47 or s.49 of the Mental Health Act 1983 (MHA 1983); or
- who are detained in hospital under s.37 of the MHA 1983, with or without a restriction order under s.41 of that Act.

See [Annex A](#) for the full list of Schedule 15 offences, plus offences added by s.327(4A) of the Criminal Justice Act 2003 that are managed the same way.

In the majority of cases where a sexual offence attracts the serious penalties described above, the offender will also be liable to registration as a sexual offender and so will be in Category 1. However, a number of sexual offences listed in Sch.15 of the CJA 2003 do not attract registration. These are listed in [Appendix 8](#) of the MAPPA Guidance. Furthermore, some sexual offences attract sex offender registration only when specified threshold criteria are met. When an offender is convicted of a Schedule 15 offence and receives a disposal that qualifies for Category 2 but does not reach the sentence threshold for sex offender registration, they will be identified as Category 2.

Murder, although not included in the Schedule 15 offence list, also identifies an offender as Category 2.

### **Category 3 - other dangerous offenders**

This covers people who have been cautioned for or convicted of an offence that indicates that they are capable of causing serious harm **and** that requires multi-agency management. This might not be for an offence under Sch.15 of the CJA 2003.

To register a Category 3 offender, the RA must establish that the person has committed an offence that indicates that he or she is capable of causing serious harm to the public, and must reasonably consider that the offender may cause serious harm to the public that requires a multi-agency approach at Level 2 or 3 to manage the risks. Although any agency can refer an offender for consideration as a Category 3 case, it is for the MAPPA co-ordination unit on behalf of the RA to determine whether the offender meets the criteria.

### **Category 4 - Terrorist Offenders**

A person falls within this category if

- a. they are required to comply with the notification requirements set out in Part 4 of the Counter-Terrorism Act 2008 (CTA 2008) (see paragraph 6.24);
- b. they have been convicted of a relevant terrorist offence and received a qualifying sentence or disposal for that offence (see paragraph 6.25);
- c. they have been found to be under a disability and to have done the act charged/found not guilty by reason of insanity (or equivalents in Scotland and Northern Ireland) of a relevant terrorist offence with a maximum sentence of more than 12 months and received a hospital order (with or without restrictions) or guardianship order under MHA 1983 for that offence (see paragraph 6.25) (see Chapter 26 - Mentally disordered offenders); or
- d. they have committed an offence and may be at risk of involvement in terrorism-related activity (discretionary Category 4) (see paragraph 6.27).

A person will be subject to notification requirements under Part 4 CTA 2008 if they are aged 16 or over and have been convicted (or found to be under a disability and to have done the act charged, or found not guilty by reason of insanity) of an offence under s.41 or s.42 CTA 2008 and who receive a qualifying sentence (see 6.27), a hospital order or a guardianship order.

A relevant terrorist offence (see 6.23b and 6.23c) is an offence listed in Sch 19ZA of CJA 2003, a corresponding service offence, or an offence with a terrorist connection. An offence with a terrorist connection is one that the court has determined has been aggravated by having a terrorist connection under s.31 CTA 2008 or the court has determined to have a terrorist connection under:

- s.69 of the Sentencing Code,
- s.238(6) of the Armed Forces Act 2006,

- s.30 of CTA 2008, or
- s.32 of CTA 2008.

A qualifying sentence (see 6.23b and 6.23c) includes:

- Imprisonment for a term of 12 months or more (including indeterminate sentences). A sentence of 52 weeks is less than 12 months and would not therefore qualify an offender for Category 4.
- Detention in youth detention accommodation for a term of 12 months or more (including indeterminate sentences). The whole term of a DTO is used to determine whether it is a qualifying sentence.
- A suspended sentence with a term of 12 months or more.

An offender has committed an offence and may be at risk of involvement in terrorism-related activity (discretionary Category 4, see 6.23d) if:

- a. the person has either:
  - a conviction for any offence (current or historic, within the UK or abroad); or
  - received a formal caution (adult or young person) or reprimand/warning (young person) for any offence; or
  - been found not guilty of any offence by reason of insanity; or
  - been found to be under a disability (unfit to stand trial) and to have done any act charged against them;
 and
- b. the Responsible Authority believes that they may be, or become involved in terrorism-related activity. This risk does not have to relate to the offence for which they received the disposal in paragraph 6.23(d) above. The offence can be any offence. It does not have to be related to terrorism and may have been committed abroad (see paragraph 6.19-6.21).

Discretionary Category 4 offenders will be identified by Counter-Terrorism Police and the Probation Service National Security Division.

## 3.2 Levels of management under MAPPA

The central question in determining the correct MAPPA level is:

“What is the lowest level of case management that provides a defensible risk management plan?”

The overriding principle is that cases should be managed at the lowest appropriate level, determined by defensible decision-making. The three levels enable resources to be deployed to manage identified risk in the most efficient and effective manner. Although there is a correlation between the level of risk and the level of MAPPA management, there is not necessarily a direct equivalence. This means that not all high-risk cases will need to be managed at Level 2 or 3. Although MAPPA management does not always correspond directly to the risk of serious harm at which the offender has been assessed, risk will always be central to the reasons for increased oversight and management.

The three levels of MAPPA management are:

- Level 1: ordinary agency management.
- Level 2: multi-agency management, and
- Level 3: enhanced multi-agency management.

### Level 1 cases

Ordinary agency management (Level 1) is used where the risks posed by the offender can be managed by the agency responsible for the supervision or case management of the offender. This does not mean that other agencies will not be involved, only that it is not considered necessary to refer the case to a Level 2 or 3 MAPPA meeting.

The RA agencies **must** have arrangements in place to review cases managed at Level 1 in line with their own policies and procedures.

### **Level 2 cases**

Cases should be managed at Level 2 where the offender:

- is assessed as posing a high or very high risk of serious harm, or
- the risk level is lower but the case requires the active involvement and co-ordination of interventions from other agencies to manage the presenting risks of serious harm, or
- the case has been previously managed at Level 3 but no longer meets the criteria for it, or
- multi-agency management adds value to the lead agency's management of the risk of serious harm posed.

Level 2 case meetings are recommended to take place a minimum of every 16 weeks.

### **Level 3 cases**

Level 3 management should be used for cases that meet the criteria for Level 2 but where it is determined that the management issues require senior representation from the RA and DTC agencies. This may be when there is a perceived need to commit significant resources at short notice or where, although not assessed as high or very high risk of serious harm, there is a high likelihood of media scrutiny or public interest in the management of the case and there is a need to ensure that public confidence in the criminal justice system is maintained.

Level 3 case meetings are recommended to take place a minimum of every 8 weeks.

## **3.4 ViSOR**

ViSOR is a secure, shared MAPPA database. It provides a central store for up-to-date information about offenders that can be accessed and updated by the three RA agencies. It is classified as Official (Sensitive).

ViSOR enables the prompt sharing of risk assessment and risk management information on individual offenders who are deemed to pose a risk of serious harm to the public. It improves capacity to share intelligence and improves the safe transfer of key information when these offenders move between areas. This enhances public protection measures. ViSOR also acts as a central store for MAPPA minutes.

The [HMPPS ViSOR Policy Framework](#) provides the policy and more information on ViSOR, and the prison services roles and responsibilities. Prison use of ViSOR is mandatory, and it should be used in accordance with the PF and ViSOR standards.

### 3.5 Sharing information

It is good practice for Governors to have protocols in place that enable establishments to share information. This can help clarify the role the establishment will play in sharing information with other agencies for risk assessment and risk management purposes. Regardless of whether a written protocol is in place, it is important that there is an exchange of information throughout sentence, prior to and on release, to inform risk assessment and the risk management plan.

Information sharing should follow the principles in the Data Protection Act 1998, including that it should be lawful, necessary and proportionate. The purpose of sharing information is to enable agencies to work together more effectively. However, information that is shared under MAPPA remains the responsibility of the agency that owns it, and it will be for the relevant agency to deal with subject access requests under the Data Protection Act 1998. MAPPA is not an agency in itself that is responsible for information processing.

With specific regard to prisons, effective information sharing can be more easily achieved where a single point of contact is established within each prison. Governors will therefore need to consider whether establishing a full- or part-time public protection manager and/or co-ordinator post is the best way of meeting their commitment to MAPPA. Governors **must** also ensure that information about risk assessment and risk management is shared between departments within the establishment, and that information about high-risk offenders is co-ordinated through Inter-Departmental Risk Management meetings.

### 3.6 Risk assessment

Each establishment should have a local Inter-Departmental Risk Management Team (IRMT) set up in order to monitor relevant cases while in custody. The chair and IRMT members are responsible within the prison for monitoring those offenders who present the highest level of risk of serious harm.

The Inter-Departmental Risk Management meeting (IRMM) should act as a forum where information in relation to risk can be shared and acted upon. Governors **must** ensure that information from the IRMM is shared with the offender manager and is incorporated into the sentence planning process as part of offender management. POMs are responsible for feeding into this process and the POM should attend the IRMM when his or her case is being discussed. Information from the IRMM will assist in the preparation of the MAPPA F, which is the formal Prison Service information-sharing report for MAPPA offenders who are managed at Level 2 or 3. The COM should be invited to these meetings and provided with minutes of the IRMM, whether or not he or she attends. The offender manager **must** be informed of any behaviour of concern, changes to the level of risk of serious harm, or significant changes in an offender's personal life, such as the end of a significant relationship.

### 3.7 Risk management

As part of the RA, the Prison Service must be invited to all Level 2 and 3 MAPPA meetings for all relevant prisoners. Invitations must be sent to the prison by the MAPPA administrator in the community, allowing enough time for the different departments within a prison to contribute effectively to the meeting. The prison should receive an invitation no later than 14 days before the MAPPA meeting.



Most prisons operate secure functional mailbox addresses. MAPPA invitations and related correspondence should be sent to the functional mailbox. Each establishment should ensure that the OMU has a functional mailbox set up using a secure address. It is the responsibility of the prison to ensure that the inbox is checked daily. OMPPG provides MAPPA co-ordinators and SMB chairs with a database of all functional mailbox addresses for prisons across England and Wales, updated quarterly.

The chair of the IRMM, or an appropriate senior manager, should identify the most suitable person from the prison to attend a MAPPA meeting when invited. The representative must be a balance of someone with the right knowledge of the offender and someone who has the authority to make decisions. This should be considered for all MAPPA meetings and a decision made on a case-by-case basis. Because of geographical and functional differences, it may not always be possible for a prison representative to attend a MAPPA meeting in person. Alternatives such as video link and telephone conferencing should be explored where possible.

### 3.8 Prison engagement in MAPPA meetings

The Prison Service **must** provide a comprehensive written report on the MAPPA F. The template includes guidance notes and can be found in the [MAPPA document set](#).

A representative from the Prison Service must attend all pre-release MAPPA meetings for prisoners within their establishment. The prison representative attending a MAPPA meeting must be someone with knowledge of the offender who also has the authority to make decisions. Attendance can be via telephone or video conferencing.

- The Prison Offender Manager (POM) must attend all MAPPA meetings for their allocated prisoners.
- The author of the MAPPA F must attend MAPPA meetings for remand prisoners who do not have an allocated POM.
- The Head of Offender Management Delivery (HOMD) should attend all MAPPA Level 3 meetings.
- Representatives from other prison departments should be invited to attend MAPPA meetings as appropriate. The POM, or HOMD, should advise the MAPPA Coordinator when this would be necessary, and invitations should be agreed with the MAPPA Meeting Chair.
- HMPPS Psychology Services must attend all initial pre-release Level 3 MAPPA meetings and should be invited to Level 2 MAPPA meetings where their involvement would benefit the management of the case or where they have been previously involved. Further guidance for HMPPS Psychology services attendance at MAPPA meetings can be found in [chapter 13a – MAPPA Meetings](#).

[Chapter 15 \(Custody\) of the MAPPA Guidance](#) provides further information on the prison services responsibilities and engagement with MAPPA.

Engaging in MAPPA at operational level is not simply about representation at Level 2 and 3 meetings. More importantly, it is to ensure that all relevant information about an offender is shared, together with any additional advice about release arrangements. This will include giving advice to MAPPA colleagues in the community about Prison Service systems and procedures such as transfer between establishments, regime programmes, monitoring of prisoners' communications, and re-categorisation.



Level 2 and 3 meetings will benefit from the following information:

- information received from the monitoring of prisoners' communications
- specific issues raised in IRMM
- progress on offending behaviour programmes and within the work or learning environment
- information on prison and external associates
- contacts / attempts to contact victims
- paedophile networking patterns
- breach of restrictions in relation to safeguarding children
- concerns in relation to harassment procedures / domestic abuse
- response to staff and other forms of authority
- disciplinary reports
- suicide / self-harm risk
- health issues, including mental health
- information about controlled materials

**Note:** information must be exchanged for all levels of MAPPA management, including Level 1 offenders. How information is exchanged will depend on the level of management. Prisons will need to ensure that there are processes in place to exchange information in relation to Level 1 offenders.

The prison can take specific actions to assist in the risk management plan, for example, monitoring of a prisoner's communications. Prison staff may also be able to comment on measures that could be used to strengthen the management of risk. In these cases, it will be particularly important for a representative to be sent where there is an indication that the offender's release from custody might include:

- the imposition of additional licence conditions;
- the use of electronic monitoring (seek advice from NOMS OMPPG);
- transferring the prisoner to an establishment from which release can be better managed, for local discharge;
- arranging for the offender to be accompanied on release from the establishment to the designated accommodation and/or appointments;
- the use of a Sexual Offences Prevention Order or Sexual Harm Prevention Order;
- the use of a "contract" agreed with the offender, particularly in cases where there is a very short period of supervision on licence or none at all; and/or
- in exceptional cases, the use of surveillance.

It will also be important for the prison to engage in the MAPPA process to inform parole reports and risk management plans.

Governors **must** have a process in place to ensure that the prison carries out any actions from the MAPPA meeting. Where actions are set in relation to the interception of a prisoner's mail and telephone calls, or actions around social visits<sup>1</sup>, a designated member of prison staff at the meeting should be identified to take any actions forward. If there is a request for local discharge, a designated person at the meeting should also be identified to take it forward and link with the relevant senior manager at the establishment to progress it.

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<sup>1</sup> Authorised Communications Controls and Interception Policy Framework provides further information.

MAPPA minutes must be recorded on ViSOR. The prison can then access them through this route. An e-mail must be sent by the MAPPA administrator to the secure functional mailbox at the prison to confirm when the minutes are available. MAPPA minutes must be available within five days for a Level 3 meeting and within ten days for a Level 2 meeting.

## 4 NOTIFICATION OF RELEASE

Establishments **must** ensure that they provide early information to the offender manager about a prisoner's release date. This should be calculated at the earliest opportunity after the sentence begins and should be sent to the offender manager. The prison should also ensure that release information is entered on ViSOR. This information should be provided **at least 8 months before release** wherever possible. It is essential that release dates are as accurate as possible, as late changes can adversely affect the risk management plan and the protection of the public.

This will require staff involved in sentence calculation to re-calculate, as far as is practicable, any last-minute changes that could affect the release date and subsequent release plans. This information will also be entered on the relevant ViSOR record, in appropriate cases by prison staff, and will be confirmed with the offender manager.

Where Level 2 and 3 offenders are to be released under emergency measures or following a judicial review, the Prison Service **must** confirm the release information as a matter of urgency.

Although sentence calculations are completed shortly after sentence, the initial release date may be adjusted in certain circumstances such as:

- the award or restoration of days added to a sentence by an Independent Adjudicator, Senior District Judge or deputy (see [Prison adjudications policy: PSI 05/2018](#) or [PSI 47/2011 Prisoner Discipline Procedures](#) for cases started before Feb 2019) as a disciplinary sanction;
- the deduction of days an offender spent on remand or in police custody before being sentenced;
- the addition of any days an offender has spent unlawfully at large, after recall, to produce a notional Licence Expiry Date;
- the imposition of a further sentence; or
- variation of the sentence following appeal or judicial review. High-risk offenders are not often unexpectedly released early, but it does occasionally happen, often as a result of a court decision. Although it is not possible to predict the outcome of a hearing, it is essential that the offender manager is made aware when permission has been granted and when the hearing will take place, so that a contingency plan can be considered.

Governors **must** ensure that release dates are calculated according to the relevant legislation. While they have no discretion, a change in release date of just one day can seriously undermine the release plan. To minimise the likelihood of last-minute changes in release dates, it is essential that the OMU within the prison ensures that all relevant factors have been taken into account at the point when the sentence is first calculated and after any event that might change the release date, and that this is checked and confirmed whenever a prisoner moves establishment. The offender manager **must** be informed at the earliest possible opportunity about any changes to the offender's release date.

For indeterminate sentence prisoners, the release date is subject to parole board decisions. Refer to [Generic Parole Process \(GPP\) for Indeterminate and Determinate Sentenced Prisoners](#) for the GPP timetable.

Where a high-risk prisoner's proposed area of release is some distance from the establishment in which he or she is held, Governors are advised to consider the feasibility of early transfer to the area of discharge to assist in the handling of release arrangements.

It is recognised that even with early planning, the actual release date can vary if prisoners seek remission of added days or are credited with time spent on remand or in police custody. Release dates brought forward unexpectedly can adversely affect release arrangements, particularly where a Level 2 or 3 meeting is planning to a known date on which, for example, an Approved Premises place is becoming available for a high-risk prisoner. It is imperative that such prisoners are released with an appropriate release plan. Governors **must** ensure that all staff involved in sentence calculation, decisions to restore added days, and facilitating release arrangements for high-risk prisoners, are aware of the need to advise the police and probation immediately of any unexpected changes to release dates or release arrangements.

#### 4.1 Setting the MAPPA level before release

As already stated, setting the MAPPA level of management is not the responsibility of the Prison Service. Once information about the level of management is received from the lead agency, the prison **must** record it on Prison-NOMIS.

The MAPPA level should be set at least 6 months before release. For determinate sentences, this is 6 months before the actual release date. For those eligible for parole the level will be set at least 6 months before the parole eligibility release date. There may be some cases where the process needs to start earlier because of the complexity and seriousness of the case or the shortness of the custodial part of the sentence left to serve before early release is considered. The Prison Service will contribute to the level setting through participating in the risk assessment and risk management plan.

Prison staff should make reasonable attempts to contact the Probation Service Community Offender Manager (COM) to establish the MAPPA level, if this has not been communicated to the prison six months before the release or parole eligibility date. Prison staff should use [Annex C](#) to escalate the matter to MAPPA co-ordinators when contacting the offender manager has been unsuccessful. The MAPPA co-ordinator will highlight the matter to the responsible Probation Service local delivery unit manager. An updated list of MAPPA co-ordinator contacts can be found on the MAPPA website.

When a MAPPA offender is recalled to prison, his or her MAPPA management level **must** be reviewed before release.

#### 4.2 MAPPA Level 3 cases - discharge to Approved Premises

Under s.13 of the Prison Act 1952, a prisoner being taken somewhere they are required or authorised under the law to be taken is deemed to be in the legal custody of the Governor while outside the prison, provided they are under the custody or control of a prison officer. Effectively, this means that on the day of discharge the prisoner is still in custody outside the prison until formally discharged. The prisoner will need to be with an escorting prison officer and someone with delegated authority to discharge a prisoner, in line with the requirements set out in [PSI 72/2011 Discharge](#).

Despite the fact that the prisoner will not be discharged on-site, it is important to follow as far as possible the procedure set out in [PSI 72/2011](#) as if they were being discharged on-site.

The precedent for off-site discharges has already been set in the context of hospital escorts that extend beyond release dates. This strategy has real benefits in terms of a greater chance of offenders' compliance with their licences and less opportunity to cause harm to the public.

This practice should be used only in **exceptional** circumstances and so should apply only to offenders who are identified as Level 3 and who have previously been breached for failing to attend when being transferred to an Approved Premises. The need for an escort **must** be discussed at the MAPPA meeting responsible for the management of the offender. The MAPPA Chair must consult with the Governing Governor, and request a release in these circumstances. If the Governor agrees, the prison should liaise with the police as the escort itself should have a police presence.

Alternatively, the prison can arrange for the police to come into the establishment to collect the offender.

### 4.3 Release on temporary licence and moves to open conditions

The risk of serious harm assessment in OASys is one of the determining factors in operational decisions to grant ROTL or re-categorise an offender as suitable for open conditions. Such decisions should not depend on whether a MAPPA level has been set but, where it has been set, relevant information from any meetings in relation to MAPPA should be a contributing factor in the decision-making process, with appropriate consultation with the MAPPA co-ordinator. MAPPA meetings should not be held just for the purpose of deciding whether or not ROTL should be granted. The final decision in granting ROTL or re-categorisation lies with the Prison Service, except for re-categorisation for indeterminate sentenced prisoners to open conditions.

Since the introduction of the [Release on temporary licence policy framework](#), all MAPPA offenders are subject to the Restricted ROTL regime. For these offenders a period of ROTL can be considered only once the offender has progressed to a prison designated to provide restricted ROTL. Using the ROTL-POL and ROTL-OM forms, both the COM and the relevant police force will be asked to contribute to the ROTL risk assessment. The prison will inform both the Force Intelligence Bureau and responsible offender manager of the final decision, using the ROTL-NOT template. If an offender has been assessed as requiring management at Level 2 or 3 when they are due to be released on any form of temporary release into the community from prison, the Governor (in consultation with the MAPPA co-ordinator for the area where the ROTL is planned) **must** be satisfied in advance that there is **not** a high risk of serious harm to the public. These discussions will also include temporary licence conditions.

Prison staff **must** ensure that all periods of ROTL are recorded on ViSOR in cases where a record exists. Where ROTL is granted for regular work, training or other such activity, the entry **must** show the days and times when the offender is not within the prison. For further information on Restricted ROTL refer to the [Release on temporary licence policy framework](#).

The offender manager should also be consulted when an offender serving a determinate sentence is being considered for a move to open conditions. If the Parole Board agrees to a move to open conditions for an indeterminate sentence prisoner, the prison **must** ensure that the offender manager has been informed.

## Chapter 2

### Annex A

#### *Offences specified in Schedule 15 to the Criminal Justice Act 2003*

##### **PART 1 - SPECIFIED VIOLENT OFFENCES**

1	Manslaughter
2	Kidnapping
3	False imprisonment
4	An offence under section 4 of the Offences against the Person Act 1861 (soliciting murder)
5	An offence under section 16 of that Act (threats to kill)
6	An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm)
7	An offence under section 20 of that Act (malicious wounding)
8	An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence)
9	An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence)
10	An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm)
11	An offence under section 27 of that Act (abandoning children)
12	An offence under section 28 of that Act (causing bodily injury by explosives)
13	An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm)
14	An offence under section 30 of that Act (placing explosives with intent to do bodily injury)
15	An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm)
16	An offence under section 32 of that Act (endangering the safety of railway passengers)
17	An offence under section 35 of that Act (injuring persons by furious driving)
18	An offence under section 37 of that Act (assaulting officer preserving wreck)
19	An offence under section 38 of that Act (assault with intent to resist arrest)
20	An offence under section 47 of that Act (assault occasioning actual bodily harm)
21	An offence under section 2 of the Explosive Substances Act 1883 (causing explosion likely to endanger life or property)
22	An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)
22A	An offence under section 4 of that Act (making or possession of explosive under suspicious circumstances)
23	An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction)
24	An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children)
25	An offence under section 1 of the Infanticide Act 1938 (infanticide)
26	An offence under section 16 of the Firearms Act 1968 (possession of firearm with intent to endanger life)

27	An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence)
28	An offence under section 17(1) of that Act (use of firearm to resist arrest)
29	An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act)
30	An offence under section 18 of that Act (carrying a firearm with criminal intent)
31	An offence under section 8 of the Theft Act 1968 (robbery or assault with intent to rob)
32	An offence under section 9 of that Act of burglary with intent to - (a) inflict grievous bodily harm on a person, or (b) do unlawful damage to a building or anything in it
33	An offence under section 10 of that Act (aggravated burglary)
34	An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person
35	An offence of arson under section 1 of the Criminal Damage Act 1971
36	An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson
37	An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking)
38	An offence under section 1 of the Aviation Security Act 1982 (hijacking)
39	An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft)
40	An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft)
41	An offence under section 4 of that Act (offences in relation to certain dangerous articles)
42	An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients)
43	An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision)
44	An offence under section 1 of the Public Order Act 1986 (riot)
45	An offence under section 2 of that Act (violent disorder)
46	An offence under section 3 of that Act (affray)
47	An offence under section 134 of the Criminal Justice Act 1988 (torture)
48	An offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving)
48A	An offence under section 3ZC of that Act (causing death by driving: disqualified drivers)
49	An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs)
50	An offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes)
51	An offence under section 9 of that Act (hijacking of ships)
52	An offence under section 10 of that Act (seizing or exercising control of fixed platforms)
53	An offence under section 11 of that Act (destroying fixed platforms or endangering their safety)
54	An offence under section 12 of that Act (other acts of endangering or likely to endanger safe navigation)
55	An offence under section 13 of that Act (offences involving threats)
56	An offence under Part II of the Channel Tunnel (Security) Order 1994 (offences relating to Channel Tunnel trains and the tunnel system)
57	An offence under section 4 or 4A of the Protection from Harassment Act 1997 (putting people in fear of violence and stalking involving fear of violence or serious alarm or distress)

58	An offence under section 29 of the Crime and Disorder Act 1998 (racially or religiously aggravated assaults)
59	An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986)
59A	An offence under section 54 of the Terrorism Act 2000 (weapons training)
59B	An offence under section 56 of that Act (directing terrorist organisation)
59C	An offence under section 57 of that Act (possession of article for terrorist purposes)
59D	An offence under section 59 of that Act (inciting terrorism overseas)
60	An offence under section 51 or 52 of the International Criminal Court Act 2001 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder
60A	An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons)
60B	An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas)
60C	An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate)
61	An offence under section 1 of the Female Genital Mutilation Act 2003 (female genital mutilation)
62	An offence under section 2 of that Act (assisting a girl to mutilate her own genitalia)
63	An offence under section 3 of that Act (assisting a non-UK person to mutilate overseas a girl's genitalia)
63A	An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm)
63B	An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts)
63C	An offence under section 6 of that Act (training for terrorism)
63D	An offence under section 9 of that Act (making or possession of radioactive device or material)
63E	An offence under section 10 of that Act (use of radioactive device or material for terrorist purposes etc)
63F	An offence under section 11 of that Act (terrorist threats relating to radioactive devices etc)
63G	An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour)
63H	An offence under section 2 of that Act (human trafficking) which is not within Part 2 of Schedule 15
64	<p>(1) Aiding, abetting, counselling or procuring the commission of an offence specified in the preceding paragraphs of Part 1 of Schedule 15.</p> <p>(2) An attempt to commit such an offence.</p> <p>(3) Conspiracy to commit such an offence.</p> <p>(4) Incitement to commit such an offence.</p> <p>(5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which an offence specified in the preceding paragraphs of Part 1 of Schedule 15 is the offence (or one of the offences) which the person intended or believed would be committed</p>
65	<p>(1) An attempt to commit murder.</p> <p>(2) Conspiracy to commit murder.</p> <p>(3) Incitement to commit murder.</p> <p>(4) An offence under Part 2 of the Serious Crime Act 2007 in relation to which murder is the offence (or one of the offences) which the person intended or believed would be committed</p>

## PART 2 - SPECIFIED SEXUAL OFFENCES

66	An offence under section 1 of the Sexual Offences Act 1956 (rape)
67	An offence under section 2 of that Act (procurement of woman by threats)
68	An offence under section 3 of that Act (procurement of woman by false pretences)
69	An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse)
70	An offence under section 5 of that Act (intercourse with girl under 13)
71	An offence under section 6 of that Act (intercourse with girl under 16)
72	An offence under section 7 of that Act (intercourse with a defective)
73	An offence under section 9 of that Act (procurement of a defective)
74	An offence under section 10 of that Act (incest by a man)
75	An offence under section 11 of that Act (incest by a woman)
76	An offence under section 14 of that Act (indecent assault on a woman)
77	An offence under section 15 of that Act (indecent assault on a man)
78	An offence under section 16 of that Act (assault with intent to commit buggery)
79	An offence under section 17 of that Act (abduction of woman by force or for the sake of her property)
80	An offence under section 19 of that Act (abduction of unmarried girl under 18 from parent or guardian)
81	An offence under section 20 of that Act (abduction of unmarried girl under 16 from parent or guardian)
82	An offence under section 21 of that Act (abduction of defective from parent or guardian)
83	An offence under section 22 of that Act (causing prostitution of women)
84	An offence under section 23 of that Act (procuration of girl under 21)
85	An offence under section 24 of that Act (detention of woman in brothel)
86	An offence under section 25 of that Act (permitting girl under 13 to use premises for intercourse)
87	An offence under section 26 of that Act (permitting girl under 16 to use premises for intercourse)
88	An offence under section 27 of that Act (permitting defective to use premises for intercourse)
89	An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16)
90	An offence under section 29 of that Act (causing or encouraging prostitution of defective)
91	An offence under section 32 of that Act (soliciting by men)
92A	An offence under section 33A of that Act (keeping a brothel used for prostitution)
93	An offence under section 128 of the Mental Health Act 1959 (sexual intercourse with patients)
94	An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child)
95	An offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts)
96	An offence under section 5 of that Act (living on earnings of male prostitution)
97	An offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape
98	An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to have incestuous sexual intercourse)



99	An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children)
100	An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles)
101	An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child)
102	An offence under section 1 of the Sexual Offences Act 2003 (rape)
103	An offence under section 2 of that Act (assault by penetration)
104	An offence under section 3 of that Act (sexual assault)
105	An offence under section 4 of that Act (causing a person to engage in sexual activity without consent)
106	An offence under section 5 of that Act (rape of a child under 13)
107	An offence under section 6 of that Act (assault of a child under 13 by penetration)
108	An offence under section 7 of that Act (sexual assault of a child under 13)
109	An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity)
110	An offence under section 9 of that Act (sexual activity with a child)
111	An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity)
112	An offence under section 11 of that Act (engaging in sexual activity in the presence of a child)
113	An offence under section 12 of that Act (causing a child to watch a sexual act)
114	An offence under section 13 of that Act (child sex offences committed by children or young persons)
115	An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence)
116	An offence under section 15 of that Act (meeting a child following sexual grooming etc.)
116A	An offence under section 15A of that Act (sexual communication with a child)
117	An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child)
118	An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity)
119	An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child)
120	An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act)
121	An offence under section 25 of that Act (sexual activity with a child family member)
122	An offence under section 26 of that Act (inciting a child family member to engage in sexual activity)
123	An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice)
124	An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)
125	An offence under section 32 of that Act (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)
126	An offence under section 33 of that Act (causing a person with a mental disorder impeding choice to watch a sexual act)

127	An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder)
128	An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)
129	An offence under section 36 of that Act (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)
130	An offence under section 37 of that Act (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)
131	An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder)
132	An offence under section 39 of that Act (care workers: causing or inciting sexual activity)
133	An offence under section 40 of that Act (care workers: sexual activity in the presence of a person with a mental disorder)
134	An offence under section 41 of that Act (care workers: causing a person with a mental disorder to watch a sexual act)
135	An offence under section 47 of that Act (paying for sexual services of a child)
136	An offence under section 48 of that Act (causing or inciting sexual exploitation of a child or pornography)
137	An offence under section 49 of that Act (controlling a child in relation to sexual exploitation)
138	An offence under section 50 of that Act (arranging or facilitating the sexual exploitation of a child)
139	An offence under section 52 of that Act (causing or inciting prostitution for gain)
140	An offence under section 53 of that Act (controlling prostitution for gain)
141	An offence under section 57 of that Act (trafficking into the UK for sexual exploitation)
142	An offence under section 58 of that Act (trafficking within the UK for sexual exploitation)
143	An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation)
143A	An offence under section 59A of that Act (trafficking for sexual exploitation)
144	An offence under section 61 of that Act (administering a substance with intent)
145	An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence)
146	An offence under section 63 of that Act (trespass with intent to commit a sexual offence)
147	An offence under section 64 of that Act (sex with an adult relative: penetration)
148	An offence under section 65 of that Act (sex with an adult relative: consenting to penetration)
149	An offence under section 66 of that Act (exposure)
150	An offence under section 67 of that Act (voyeurism)
151	An offence under section 69 of that Act (intercourse with an animal)
152	An offence under section 70 of that Act (sexual penetration of a corpse)
152A	An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation)

153	<p>(1) Aiding, abetting, counselling or procuring the commission of an offence specified in Part 2 of Schedule 15.</p> <p>(2) An attempt to commit such an offence.</p> <p>(3) Conspiracy to commit such an offence.</p> <p>(4) Incitement to commit such an offence.</p> <p>(5) An offence under Part 2 of the Serious Crime Act 2007 in relation to which an offence specified in Part 2 of Schedule 15 is the offence (or one of the offences) which the person intended or believed would be committed</p>
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### **ADDITIONAL Sch.15 OFFENCES**

s.327 of the Criminal Justice Act 2003 has been extended to cover a number of other offences that are not specified in Sch.15 but qualify offenders for MAPPA management in the same way as Sch.15 offences:

- (a) an offence under section 1 of the Child Abduction Act 1984 (abduction of child by parent);
- (b) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation), where the offence is committed against a child;
- (c) an offence under section 4(3) of the Misuse of Drugs Act 1971 where the offence is committed by -
  - (i) supplying or offering to supply a Class A drug to a child,
  - (ii) being concerned in the supplying of such a drug to a child, or
  - (iii) being concerned in the making to a child of an offer to supply such a drug;
- (d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this subsection;
- (e) an offence of conspiring to commit an offence so specified;
- (f) an offence of attempting to commit an offence so specified.

## Chapter 2

### Annex C

### MAPPA Level Escalation

**HM PRISON SERVICE**  
**MAPPA LEVEL PRE-RELEASE: NOTICE TO MAPPA CO-ORDINATOR**

<b>NAME:</b>	
<b>D.O.B:</b>	
<b>PRISON / YOI:</b>	
<b>PRISON NUMBER:</b>	

The MAPPA Guidance states that the level at which a MAPPA offender is managed must be communicated to the prison at least six months before release. The above offender is due to be released on **XXXXXX** but we are yet to receive confirmation of the MAPPA level.

Please accept this notification as a trigger for the MAPPA level escalation process and confirm receipt of this email to **{enter prison MAPPA functional mailbox address}**.

Regards

**Name:**

**Email:**

**Direct telephone:**

## Chapter 3

### ViSOR

ViSOR is the Dangerous Persons Database used to share information relating to MAPPA nominals; chapter 3 of the Public Protection Manual provides further details on MAPPA and links to the statutory MAPPA guidance.

The information previously contained in chapter 3 of the Public Protection Manual (PSI 18/2016) has been superseded by the [HMPPS ViSOR Policy Framework](#) which now provides details of the Prison Service's role and responsibilities in relation to ViSOR. Governors must ensure that prison staff within the OMU and security department comply with the [HMPPS ViSOR Policy Framework](#), and that processes are in place to meet the mandatory requirements and share information and intelligence relating to MAPPA nominals on ViSOR.

## Chapter 4

# DISCLOSURE AND BARRING SERVICE: THE BARRED LISTS

## 1 INTRODUCTION

This chapter provides information and guidance on how prisons should manage correspondence from the Disclosure & Barring Service (DBS) and the process for seeking further information from the DBS on a prisoner's barred status.

The information in this chapter should be read in conjunction with [PSI 05/2014, Safeguarding of Children & Vulnerable Adults: Changes to Disqualification Order Regime and Access to Information on Barred Status of Offenders](#).

## 2 THE BARRED LISTS

The Safeguarding Vulnerable Groups Act 2006 or SVGA (as amended by the Protection of Freedoms Act 2012) provides that convictions or cautions for relevant offences result in an automatic bar from working in regulated activity with children and/or adults. There are two separate barred lists: the children's barred list, and the adults' barred list. A person can be placed on either or both of these lists. They have replaced previous barred lists, such as List 99, the Protection of Children Act (POCA) list and the Protection of Vulnerable Adults (POVA) list.

The DBS is a non-departmental government body that is responsible for:

- processing requests for criminal record checks;
- deciding whether it is appropriate for a person to be placed on or removed from a barred list; and
- maintaining the children's and adults' barred lists.

### 2.1 Relevant offences: autobar offences & automatic inclusion offences

Prisoners cautioned for or convicted of an "autobar offence" are barred **automatically** from working in regulated activity with children and/or adults and have no right to make representations about their inclusion on the barred list(s). Prisoners cautioned for or convicted of an "automatic inclusion offence" **may** be barred from working in regulated activity with children and/or adults and have the right to make representations to the DBS against their inclusion on barred lists. If representations are made, the case is re-assessed by the DBS and a final decision is made.

Lists of autobar and automatic inclusion offences, taken from DBS sources, are at [Annex A](#).

### 2.2 Regulated activity

The DBS can bar a person who has been convicted of or cautioned for an automatic inclusion offence from working within regulated activity with children and/or adults only if they believe the person is, has been, or might in the future be, engaged in regulated activity. This test for regulated activity (TRA) does not apply to

prisoners convicted of or cautioned for an autobar offence, as they automatically barred. Guidance on the definition of regulated activity can be found at [Annex B1](#) (for children) and [Annex B2](#) (for adults).

It is an offence for a person who has been placed on either barred list knowingly to work or to seek to work in the regulated activity from which they have been barred. It is also an offence for a person knowingly to permit someone to engage in regulated activity from which they have been barred.

### 3 CORRESPONDENCE

In line with [PSI 05/2014](#), prisons **must** have a process in place for managing DBS correspondence to individual prisoners. Although the content of DBS correspondence is of a sensitive nature, it is not covered by the arrangements for Rule 39 or Confidential Access mail.

The DBS will write to a prisoner when considering a case or notifying them of barred status. Not all correspondence will require a response from the prison; where a response is required, a “certification by server” form will be attached to the letter. This **must** be completed by both a member of prison staff and the prisoner. If the prisoner has been released or transferred, the second page of the form **must** be completed as fully as possible and returned to the DBS.

Prison staff delivering DBS correspondence to the prisoner should be alert to the fact that it may contain distressing news for the prisoner. The delivery of such correspondence should be managed discreetly to minimise the risk to the prisoner from other inmates. The health and wellbeing of the prisoner should also be taken account of to minimise the risk of harm that they pose to themselves or others as a result of any barred status.

Prisoners **must** be given help to understand the contents of the letter and form where there is an identified learning or language need. The DBS will arrange, upon request, for letters to be translated into languages other than English, or to be provided in an alternative format. The DBS operates a helpline between 8:30am and 5:30pm, Monday to Friday, which prisoners can use to make these requests and for other DBS-related matters. The helpline number is 01325 953795 and has been included in the global list. Alternatively, the prisoner can use the DBS contact point in the letter. Staff should note that the DBS correspondence return address is an approved PO Box.

It is imperative that DBS correspondence is processed quickly in prisons. In cases of final barring decisions, prisoners with the right to make representations have eight weeks and two days from the date of the letter within which to submit them to the DBS. The prison **must** ensure there is no unnecessary delay in the passing on of correspondence, as that could adversely affect the prisoner’s right of appeal.

### 4 IDENTIFICATION

It is mandatory for prisons to have a process in place to identify prisoners who have been convicted of or cautioned for an autobar offence. This should happen as soon as possible and the relevant alert **must** be activated on Prison-NOMIS. This information should also be used to inform any risk management or sentence planning procedures.

It should not be assumed that a prisoner with a conviction or caution for an offence from the automatic inclusion offences list will be on the barred list, as they have the right to make representations against their inclusion.

Instead, the fact that the prisoner **may** be subject to barred **must** be noted on file and further enquires **must** be made of the DBS about the prisoner's barred status, in line with the process set out below and in [PSI 05/2014](#). Separate Prison-Nomis risk alerts are available for prisoners on the auto-bar and automatic inclusion list.

Equally, it should not be assumed that a prisoner who will be managed under MAPPA will automatically be barred.

## 5 INFORMATION ON BARRED STATUS & BARRING DECISIONS

The Protection of Freedoms Act 2012 amended the SVGA to allow the DBS to share barring information with prisons and providers of probation services. Prison staff can request confirmation of a prisoner's barred status from the DBS for the following groups:

- prisoners cautioned for or convicted of offences on the automatic inclusion offence list, and
- prisoners assessed as posing a risk of serious harm to children or vulnerable adults whose known employment history or qualifications suggest they may have engaged in regulated activity with children and/or adults and/or may seek to do so in the future.

There should not be a blanket approach to requesting confirmation from the DBS. As barred status relates to the work a person may or may not undertake, the request **must** be made at key stages in the prisoner's sentence when a prisoner's employment, training or education needs are being assessed or considered.

The request should be made to the DBS via secure email to [DBSNOMSBLC@db.sgs.gov.uk](mailto:DBSNOMSBLC@db.sgs.gov.uk) using the template letter at [Annex C](#). Where it is known, the prisoner's PNC / PND number should be included in the request, as this helps the DBS to identify the correct case file and speeds up the response time.

If a prisoner transfers to another prison before the DBS responds to a request for information, the prison that made the request **must** notify the DBS of the transfer and provide a contact point within the receiving prison to whom the information should be sent.

The response from the DBS will indicate if the prisoner is on the children's and/or adults' barred list. Where a decision has not yet been made, the response will state "linked interest". This means the DBS has registered the prison's interest and will notify the prison when a barring decision has been made.

The DBS can also share with the prison relevant information that was taken into account during the barring decision-making process. Requests for this information should be made only in cases where the confirmation of barred status alone does not sufficiently meet the need for which the information was originally sought. Information-sharing requests should not be made in respect of prisoners cautioned for or convicted of automatic barring offences, as the DBS will not hold any information apart from the fact of caution / conviction.

Requests for information should be sent to [DBSNOMSBLC@db.sgs.gov.uk](mailto:DBSNOMSBLC@db.sgs.gov.uk) using the template letter at [Annex D](#). The DBS will respond by providing an extract from their Minded to Bar (MTB) and Final Barring letters, summarising the findings on which the barring decision was based. Relevant information from these summaries should be fed into any risk management and sentence planning procedures.



Prisoners who have been barred, or for whom barring decisions are still pending or are subject to appeal, **must not** be considered for or placed in regulated activity (voluntary or paid) as part of work placements and resettlement plans, or for any other reason.

Prisoners who have been barred should be reminded of their barred status and its implications as part of the pre-release process.

## 6 DISQUALIFICATION ORDERS

Disqualification orders (DOs) were introduced under the Criminal Justice and Court Services Act 2000 and prevented individuals from working with children. With the introduction of the SVGA, DOs became redundant and those subject to them were considered for inclusion in the new barred list(s). The legislation relating to DOs has now been fully repealed and, as of 17 June 2013, the courts will make no more of them.

Existing DOs do not lapse as a result of the repeal of the legislation and remain in force. So prisoners with existing DOs will still be subject to their terms, and some will continue to be managed under MAPPA. However, any breach will be dealt with under the SVGA and not as a breach of the DO. The prison **must** remind the prisoner as part of the pre-release process that the DO continues to apply. A copy of the DO as issued by the court **must** be handed to the prisoner before release.

## Chapter 4

### Annex A

## Autobar & automatic inclusion offences

### Children's autobar offences

<b>Children's Automatic Barring Offences - with <u>no</u> right to make representations</b> A person who commits one of these offences, subject to <i>any qualifications set out in italics</i> , <b>will</b> be barred from working in regulated activity relating to <b>children</b> .		
Act and section		Offence
Criminal Law Amendment Act 1885	4	Defilement of a girl under 14 years of age
Sexual Offences Act 1956	1	Rape <i>where the victim was a child</i>
Sexual Offences Act 1956	5	Sexual intercourse with a girl under the age of thirteen
Mental Health Act 1959	128	Sexual intercourse with patients <i>where the victim was a child</i>
Sexual Offences Act 2003	1	Rape <i>where the victim was a child</i>
Sexual Offences Act 2003	2	Assault by penetration <i>where the victim was a child</i>
Sexual Offences Act 2003	5	Rape of a child under 13
Sexual Offences Act 2003	6	Assault of a child under 13 by penetration
Sexual Offences Act 2003	7	Sexual assault of a child under 13 (intentionally touched a girl / boy and the touching was sexual)
Sexual Offences Act 2003	8	Causing or inciting a child under 13 to engage in sexual activity
Sexual Offences Act 2003	30	Sexual activity with a person with a mental disorder impeding choice <i>where the victim was a child</i>
Sexual Offences Act 2003	31	Causing or inciting a person with a mental disorder impeding choice, to engage in sexual activity <i>where the victim was a child</i>
Sexual Offences Act 2003	32	Engaging in sexual activity in the presence of a person with a mental disorder impeding choice <i>where the victim was a child</i>
Sexual Offences Act 2003	33	Causing a person, with a mental disorder impeding choice, to watch a sexual act <i>where the victim was a child</i>
Sexual Offences Act 2003	34	Inducement, threat or deception to procure sexual activity with a person with a mental disorder <i>where the victim was a child</i>
Sexual Offences Act 2003	35	Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception <i>where the victim was a child</i>
Sexual Offences Act 2003	36	Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder <i>where the victim was a child</i>

Sexual Offences Act 2003	37	Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception <i>where the victim was a child</i>
Sexual Offences Act 2003	38	Care workers: sexual activity with a person with a mental disorder <i>where the victim was a child</i>
Sexual Offences Act 2003	39	Care workers: causing or inciting sexual activity <i>where the victim was a child</i>
Sexual Offences Act 2003	40	Care workers: sexual activity in the presence of a person with a mental disorder (being a care worker involved in the care of a person who you could reasonably be expected to have known had such a disorder, intentionally engaged in an activity for the purpose of obtaining sexual gratification in the presence of / in a place where you could be observed by that person, knowing / believing that she/he was aware / intending that she/he should be aware that you were engaging in it) <i>where the victim was a child</i>
Sexual Offences Act 2003	41	Care workers: causing a person with a mental disorder to watch a sexual act (being a care worker involved in the care of a person in a way which falls within s.42 of the SOA Act 2003 who had a mental disorder and who you knew / could reasonably be expected to have known such a disorder, intentionally caused him/her to watch a third person / look at an image of a person engaging in a sexual activity) <i>where the victim was a child</i>

## Children's automatic inclusion offences

<b>Children's Automatic Inclusion Offences - with right to make representations</b> A person who commits one of these offences, subject to <i>any qualifications set out in italics</i> , <b>may</b> be barred from working in regulated activity relating to <b>children</b> .		
Act and section		Offence
Common law		Murder
Common law		Kidnapping
Common law		Infanticide
Offences Against the Person Act 1861	21	Attempt to choke etc. in order to commit or assist in the committing of any indictable offence
Offences Against the Person Act 1861	52	Indecent assault on a female
Offences Against the Person Act 1861	53	Fraudulent abduction of a girl under age against the will of her father etc.
Offences Against the Person Act 1861	54	Forcible abduction of any woman with intent to marry or carnally know her etc.
Offences Against the Person Act 1861	55	Abduction of a girl under 16 years of age
Offences Against the Person Act 1861	61	Buggery <i>where the victim was under 16 or did not consent</i>
Offences Against the Person Act 1861	62	Indecent assault upon a male, attempt to commit buggery, assault with intent to commit buggery <i>where the victim was under 16 or did not consent</i>
Criminal Law Amendment Act 1885	2	Procuration
Criminal Law Amendment Act 1885	3	Procuring defilement of a woman by threats or fraud or administering drugs
Criminal Law Amendment Act 1885	5	Defilement of a girl under 17 years of age
Criminal Law Amendment Act 1885	6	Householder etc. permitting defilement of young girl on his premises
Criminal Law Amendment Act 1885	7	Abduction of a girl under 18 with intent to have carnal knowledge
Criminal Law Amendment Act 1885	8	Unlawful detention with intent to have carnal knowledge
Criminal Law Amendment Act 1885	11	Outrages on decency <i>where the victim was under 16 or did not consent, and the conviction has not been disregarded under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012</i>
Vagrancy Act 1898	1	Trading in prostitution
Punishment of Incest Act 1908	1	Incest by males <i>where the victim was a child</i>
Punishment of Incest Act 1908	2	Incest by females aged 16 or over <i>where the victim was a child</i>

Children and Young Persons Act 1933	1	Cruelty to children (being a person 16 years or over or having responsibility for a child under 14 / young person under 16, wilfully assaulted / ill-treated / neglected / abandoned / exposed the child / young person in a manner likely to cause unnecessary suffering / injury to health)
Infanticide Act 1938	1	Infanticide (caused the death of own child under age 12 months by wilful act / omission whilst balance of mind disturbed by offender not having recovered from giving birth to the child / effect of lactation consequent upon birth of the child)
Sexual Offences Act 1956	1	Rape <i>where the victim was an adult</i>
Sexual Offences Act 1956	2	Procurement of a woman by threats (by threats or intimidation procured a woman / child to have unlawful sexual intercourse)
Sexual Offences Act 1956	3	Procurement of a woman by false pretences (procured a woman / child to have unlawful sexual intercourse)
Sexual Offences Act 1956	4	Administering drugs to obtain or facilitate intercourse
Sexual Offences Act 1956	6	Sexual intercourse with a girl under the age of 16
Sexual Offences Act 1956	7	Intercourse with a defective
Sexual Offences Act 1956	9	Procurement of a defective
Sexual Offences Act 1956	10	Incest by a man (being man / boy had sexual intercourse with woman / girl you knew to be your granddaughter / mother / sister / half-sister / daughter) <i>where the victim was a child</i>
Sexual Offences Act 1956	11	Incest by a woman (being a woman with consent permitted a man you knew to be your grandfather / father / brother / half-brother / son to have sexual intercourse with you) <i>where the victim was a child</i>
Sexual Offences Act 1956	12	Buggery <i>where the victim was under 16 or did not consent, and the conviction has not been disregarded under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012</i>
Sexual Offences Act 1956	13	Indecency between men (man aged 18 to 20 years or man over 21 years committed gross indecency with man under 16 years) <i>where the victim was under 16 or did not consent, and the conviction has not been disregarded under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012</i>
Sexual Offences Act 1956	14	Indecent assault on a woman
Sexual Offences Act 1956	15	Indecent assault on a man
Sexual Offences Act 1956	16	Assault with intent to commit buggery
Sexual Offences Act 1956	17	Abduction of a woman by force for the sake of her property
Sexual Offences Act 1956	19	Abduction of unmarried girl under 18
Sexual Offences Act 1956	20	Abduction of unmarried girl under 16
Sexual Offences Act 1956	21	Abduction of defective from parent or guardian
Sexual Offences Act 1956	22	Causing prostitution of women
Sexual Offences Act 1956	23	Procuration of girl under 21
Sexual Offences Act 1956	24	Detention of a woman in a brothel or other premises
Sexual Offences Act 1956	25, 26	Permitting girl, under 13, or between 13 and 16, to use premises for intercourse
Sexual Offences Act 1956	27	Permitting defective to use premises for intercourse

Sexual Offences Act 1956	28	Causing or encouraging prostitution of, intercourse with or indecent assault on girl under 16
Sexual Offences Act 1956	29	Causing or encouraging prostitution of defective
Sexual Offences Act 1956	30	Man living on earnings of prostitution
Sexual Offences Act 1956	31	Woman exercising control over prostitute
Mental Health Act 1959	128	Sexual intercourse with patients
Indecency with Children Act 1960	1	Indecency with children under the age of sixteen
Sexual Offences Act 1967	4	Procuring others to commit homosexual acts
Sexual Offences Act 1967	5	Living on the earnings of male prostitution
Theft Act 1968	9(1)(a)	Burglary (with intent to commit rape)
Misuse of Drugs Act 1971	4(3)	Production or supply of controlled drugs <i>where the victim was a child</i>
Criminal Law Act 1977	54	Inciting a girl under the age of 16 to have incestuous sexual intercourse
Protection of Children Act 1978	1(1)	Taking, or permitting to be taken, or to make any indecent photograph or pseudo-photograph of a child; distribution or possession of indecent photograph of a child
Customs and Excise Management Act 1979	170	Penalty for fraudulent evasion of duty relating to importation of obscene material
Mental Health Act 1983	127	Ill-treatment or wilful neglect of a patient with a mental disorder
Child Abduction Act 1984	1	Abduction of a child by parent
Child Abduction Act 1984	2	Abduction of child by other persons
Criminal Justice Act 1988	160	Possession of indecent photographs of children
Sexual Offences (Amendment) Act 2000	3	Abuse of trust (being a person aged eighteen years or over in a position of trust has sexual intercourse / engage in sexual activity with a person under 18)
Nationality, Immigration and Asylum Act 2002	145	Traffic in prostitution
Female Genital Mutilation Act 2003	1	Carrying out female genital mutilation <i>where the victim was a child</i>
Female Genital Mutilation Act 2003	2	Aiding, abetting, counselling or procuring a girl to mutilate her own genitals <i>where the victim was a child</i>
Female Genital Mutilation Act 2003	3	Aiding, abetting, counselling or procuring a non-UK person to mutilate overseas a girl's genitals <i>where the victim was a child</i>
Sexual Offences Act 2003	1	Rape <i>where the victim was an adult</i>
Sexual Offences Act 2003	2	Assault by penetration <i>where the victim was an adult</i>
Sexual Offences Act 2003	3	Sexual assault
Sexual Offences Act 2003	4	Causing a person to engage in sexual activity without consent
Sexual Offences Act 2003	4(1A)	Trafficking people for labour and other exploitation
Sexual Offences Act 2003	9	Sexual activity with a child
Sexual Offences Act 2003	10	Causing or inciting a child to engage in sexual activity

Sexual Offences Act 2003	11	Engaging in sexual activity in the presence of a child (being a person aged 18 years or over, for the purpose of obtaining sexual gratification intentionally engaged in sexual activity in the presence of / in a place where you could be observed by a child under 13 or 13 to 15 years old, knowing / believing that the child was / intending that the child should be aware that you were engaging in that activity)
Sexual Offences Act 2003	12	Causing a child to watch a sexual act (being a person aged 18 years or over, for the purpose of obtaining sexual gratification intentionally caused a child under 13, or 13 to 15 years old who you did not reasonably believe was aged 16 years or over, to watch a third person / look at an image of any person engaging in a sexual activity)
Sexual Offences Act 2003	14	Arranging or facilitating commission of a child sex offence
Sexual Offences Act 2003	15	Meeting a child following sexual grooming (being a person 18 or over, on at least two earlier occasions having met / communicated with a girl / boy under 16 and who you did not reasonably believe was 16 or over, intentionally met / travelled with the intention of meeting that girl / boy and at the time you intended to do anything to / in respect of her/him during / after the meeting and in any part of the world which if done would have involved the commission by you of a relevant offence)
Sexual Offences Act 2003	16	Abuse of position of trust: sexual activity with a child
Sexual Offences Act 2003	17	Abuse of position of trust: causing or inciting a child to engage in sexual activity
Sexual Offences Act 2003	18	Abuse of position of trust: sexual activity in the presence of a child (being a person 18 or over in a position of trust in relation to a child under 13, for the purpose of obtaining sexual gratification intentionally engaged in sexual activity in the presence of / where you could be observed by that child, knowing or believing that the child was / intending that the child should be aware that you were engaging in that activity or caused that child to watch a third person / look at an image of any person engaging in a sexual activity)
Sexual Offences Act 2003	19	Abuse of position of trust: causing a child to watch a sexual act (being a person 18 or over in a position of trust in relation to a child aged between 13 and 17 who you did not reasonably believe was aged 18 or over, for the purpose of obtaining sexual gratification intentionally caused that child to watch a third person / look at an image of a person engaging in sexual activity)
Sexual Offences Act 2003	25	Sexual activity with a child family member
Sexual Offences Act 2003	26	Inciting a child family member to engage in sexual activity
Sexual Offences Act 2003	30	Sexual activity with a person with a mental disorder impeding choice <i>where the victim was an adult</i>
Sexual Offences Act 2003	31	Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity <i>where the victim was an adult</i>
Sexual Offences Act 2003	32	Engaging in sexual activity in the presence of a person with a mental disorder impeding choice <i>where the victim was an adult</i>
Sexual Offences Act 2003	33	Causing a person, with a mental disorder impeding choice, to watch a sexual act <i>where the victim was an adult</i>
Sexual Offences Act 2003	34	Inducement, threat or deception to procure sexual activity with a person with a mental disorder <i>where the victim was an adult</i>

Sexual Offences Act 2003	35	Causing a person with a mental disorder to engage in or to agree to engage in sexual activity by inducement, threat or deception <i>where the victim was an adult</i>
Sexual Offences Act 2003	36	Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder <i>where the victim was an adult</i>
Sexual Offences Act 2003	37	Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception <i>where the victim was an adult</i>
Sexual Offences Act 2003	38	Care workers: sexual activity with a person with a mental disorder <i>where the victim was an adult</i>
Sexual Offences Act 2003	39	Care workers: causing or inciting sexual activity <i>where the victim was an adult</i>
Sexual Offences Act 2003	40	Care workers: sexual activity in the presence of a person with a mental disorder (being a care worker involved in the care of a person who you could reasonably be expected to have known had such a disorder, intentionally engaged in an activity for the purpose of obtaining sexual gratification in the presence of / in a place where you could be observed by that person, knowing / believing that she/he was aware / intending that she/he should be aware that you were engaging in it) <i>where the victim was an adult</i>
Sexual Offences Act 2003	41	Care workers: causing a person with a mental disorder to watch a sexual act (being a care worker involved in the care of a person in a way which falls within s.42 of the SOA 2003 who had a mental disorder and who you knew / could reasonably be expected to have known had such a disorder, intentionally caused him/her to watch a third person / look at an image of a person engaging in a sexual activity) <i>where the victim was an adult</i>
Sexual Offences Act 2003	47	Paying for sexual services of a child
Sexual Offences Act 2003	48	Causing or inciting child prostitution or pornography
Sexual Offences Act 2003	49	Controlling a child prostitute or a child involved in pornography
Sexual Offences Act 2003	50	Arranging or facilitating child prostitution or pornography
Sexual Offences Act 2003	52	Causing or inciting prostitution for gain
Sexual Offences Act 2003	53	Controlling prostitution for gain
Sexual Offences Act 2003	57	Trafficking into the UK for sexual exploitation
Sexual Offences Act 2003	58	Trafficking within the UK for sexual exploitation
Sexual Offences Act 2003	59	Trafficking out of the UK for sexual exploitation
Sexual Offences Act 2003	59A	Trafficking people for sexual exploitation
Sexual Offences Act 2003	61	Administering a substance with intent (administered a substance to / caused a substance to be taken by another person, knowing he/she did not consent and with the intention of stupefying / overpowering him/her so as to enable any person to engage in a sexual activity involving him/her)
Sexual Offences Act 2003	62, 63	Committing an offence or trespassing with intent to commit a sexual offence <i>where that offence leads to automatic barring</i>
Sexual Offences Act 2003	66	Exposure (intentionally exposed genitals intending someone would see them causing alarm / distress) <i>where the victim was under 16</i>



Sexual Offences Act 2003	67	Voyeurism (for the purpose of obtaining sexual gratification observed / operated equipment / recorded / installed equipment or constructed / adapted a structure / part of a structure to observe another person doing a private act, knowing that the person did not consent to being observed) <i>where the victim was under 16</i>
Sexual Offences Act 2003	72	Sexual offences committed outside the UK (corresponding to an offence which leads to automatic barring from work with children with the right to make representations)
Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	4	Trafficking people for exploitation
Domestic Violence, Crime and Victims Act 2004	5	Causing or allowing a child or vulnerable adult to die, or suffer serious physical harm
Mental Capacity Act 2005	44	Ill-treatment or wilful neglect
Criminal Justice and Immigration Act 2008	63	Possession of extreme pornographic images
Coroners and Justice Act 2009	62	Possession of prohibited images of children

## Vulnerable adults' autobar offences

<b>Adults' Barring Offences - with <u>no</u> right to make representations</b>		
A person who commits one of these offences, subject to <i>any qualifications set out in italics</i> , <b>will</b> be barred from working in regulated activity relating to <b>adults</b> .		
<b>Act and section</b>		<b>Offence</b>
Sexual Offences Act 2003	30	Sexual activity with a person with a mental disorder impeding choice
Sexual Offences Act 2003	31	Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity
Sexual Offences Act 2003	32	Engaging in sexual activity in the presence of a person with a mental disorder impeding choice
Sexual Offences Act 2003	33	Causing a person, with a mental disorder impeding choice, to watch a sexual act
Sexual Offences Act 2003	34	Inducement, threat or deception to procure sexual activity with a person with a mental disorder
Sexual Offences Act 2003	35	Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception
Sexual Offences Act 2003	36	Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder
Sexual Offences Act 2003	37	Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception
Sexual Offences Act 2003	38	Care workers: sexual activity with a person with a mental disorder
Sexual Offences Act 2003	39	Care workers: causing or inciting sexual activity
Sexual Offences Act 2003	40	Care workers: sexual activity in the presence of a person with a mental disorder (being a care worker involved in the care of a person who you could reasonably be expected to have known had such a disorder, intentionally engaged in an activity for the purpose of obtaining sexual gratification in the presence of / in a place where you could be observed by that person, knowing / believing that she/he was aware / intending that she/he should be aware that you were engaging in it)
Sexual Offences Act 2003	41	Care workers: causing a person with a mental disorder to watch a sexual act (being a care worker involved in the care of a person in a way which falls with s.42 of the SOA 2003 who had a mental disorder and who you knew / could reasonably be expected to have known had such a disorder, intentionally caused him/her to watch a third person / look at an image of a person engaging in sexual activity)

## Vulnerable adults' automatic inclusion offences

<b>Vulnerable Adults' Automatic Inclusion Offences - with right to make representations</b> A person who commits one of these offences, subject to <i>any qualifications set out in italics</i> , <b>may</b> be barred from working in regulated activity relating to <b>adults</b> .		
Act and section		Offence
Common law		Murder
Common law		Kidnapping
Common law		Infanticide
Offences Against the Person Act 1861	21	Attempting to choke etc. in order to commit or assist in committing an indictable offence
Offences Against the Person Act 1861	52	Indecent assault upon a female
Offences Against the Person Act 1861	53	Fraudulent abduction of a girl under age against the will of her father etc.
Offences Against the Person Act 1861	54	Forcible abduction of any woman with intent to marry or carnally know her etc.
Offences Against the Person Act 1861	55	Abduction of a girl under 16 years of age
Offences Against the Person Act 1861	61	Buggery <i>where the victim was under 16 or did not consent</i>
Offences Against the Person Act 1861	62	Indecent assault upon a male, attempt to commit buggery, assault with intent to commit buggery <i>where the victim was under 16 or did not consent</i>
Criminal Law Amendment Act 1885	2	Procuration
Criminal Law Amendment Act 1885	3	Procuring defilement of woman by threats or fraud or administering drugs
Criminal Law Amendment Act 1885	4	Defilement of a girl under 14 years of age
Criminal Law Amendment Act 1885	5	Defilement of a girl under 17 years of age
Criminal Law Amendment Act 1885	6	Householder etc. permitting a defilement of young girl on his premises
Criminal Law Amendment Act 1885	7	Abduction of girl under 18 with intent to have carnal knowledge
Criminal Law Amendment Act 1885	8	Unlawful detention with intent to have carnal knowledge
Criminal Law Amendment Act 1885	11	Outrages on decency <i>where the victim was under 16 or did not consent, and the conviction has not been disregarded under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012</i>
Vagrancy Act 1898	1	Trading in prostitution
Punishment of Incest Act 1908	1	Incest by males (where the victim was a child or did not consent)
Punishment of Incest Act 1908	2	Incest by females aged 16 or over (where the victim was a child or did not consent)

Children and Young Persons Act 1933	1	Cruelty to children
Infanticide Act 1938	1	Infanticide (caused the death of own child aged under 12 months by wilful act / omission whilst balance of mind disturbed by offender not having recovered from giving birth to the child / effect of lactation consequent upon birth of the child)
Sexual Offences Act 1956	1	Rape
Sexual Offences Act 1956	2	Procurement of a woman by threats
Sexual Offences Act 1956	3	Procurement of a woman by false pretences
Sexual Offences Act 1956	4	Administering drugs to obtain or facilitate intercourse
Sexual Offences Act 1956	5	Sexual intercourse with a girl under the age of 13
Sexual Offences Act 1956	6	Sexual intercourse with a girl under the age of 16
Sexual Offences Act 1956	7	Intercourse with defective
Sexual Offences Act 1956	9	Procurement of defective
Sexual Offences Act 1956	10	Incest by a man <i>where the victim was a child or did not consent</i>
Sexual Offences Act 1956	11	Incest by a woman <i>where the victim was a child or did not consent</i>
Sexual Offences Act 1956	12	Buggery <i>where the victim was under 16 or did not consent, and the conviction has not been disregarded under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012</i>
Sexual Offences Act 1956	13	Indecency between men (man aged 18 to 20 years or man over 21 years committed gross indecency with man under 16 years) <i>where the victim was under 16 or did not consent, and the conviction has not been disregarded under Chapter 4 of Part 5 of the Protection of Freedoms Act 2012</i>
Sexual Offences Act 1956	14	Indecent assault on a woman
Sexual Offences Act 1956	15	Indecent assault on a man
Sexual Offences Act 1956	16	Assault with intent to commit buggery
Sexual Offences Act 1956	17	Abduction of a woman by force or for the sake of her property (took away / detained a woman against her will and by force with intention she should marry / have unlawful sexual intercourse with self / another person)
Sexual Offences Act 1956	19	Abduction of unmarried girl under 18
Sexual Offences Act 1956	20	Abduction of unmarried girl under 16
Sexual Offences Act 1956	21	Abduction of defective from parent or guardian
Sexual Offences Act 1956	22	Causing prostitution of women
Sexual Offences Act 1956	23	Procuration of girl under 21
Sexual Offences Act 1956	24	Detention of a woman in a brothel or other premises
Sexual Offences Act 1956	25, 26	Permitting girl, under 13, or between 13 and 16, to use premises for intercourse
Sexual Offences Act 1956	27	Permitting defective to use premises for intercourse
Sexual Offences Act 1956	28	Causing or encouraging prostitution of, intercourse with or indecent assault on, girl under 16
Sexual Offences Act 1956	29	Causing or encouraging prostitution of defective
Sexual Offences Act 1956	30	Man living on earnings of prostitution
Sexual Offences Act 1956	31	Woman exercising control over prostitute

Mental Health Act 1959	128	Sexual intercourse with patients
Indecency with Children Act 1960	1	Indecency with children under the age of 16
Sexual Offences Act 1967	4	Procuring others to commit homosexual acts
Sexual Offences Act 1967	5	Living on the earnings of male prostitution
Theft Act 1968	9(1)(a)	Burglary (with intent to commit rape)
Misuse of Drugs Act 1971	4(3)	Production or supply of controlled drugs <i>where the victim was a child</i>
Criminal Law Act 1977	54	Inciting a girl under the age of 16 to have incestuous sexual intercourse
Protection of Children Act 1978	1	Taking, or permitting to be taken, or to make any indecent photograph or pseudo-photograph of a child; distribution or possession of indecent photograph of a child
Customs and Excise Management Act 1979	170	Penalty for fraudulent evasion of duty relating to importation of indecent or obscene material
Mental Health Act 1983	127	Ill-treatment or wilful neglect of a patient with a mental disorder
Child Abduction Act 1984	1	Abduction of child by a parent
Child Abduction Act 1984	2	Abduction of child by other persons
Criminal Justice Act 1988	160	Possession of indecent photographs of children
Sexual Offences (Amendment) Act 2000	3	Abuse of trust (being a person aged 18 years or over in a position of trust has sexual intercourse / engages in sexual activity with a person under 18)
Nationality, Immigration and Asylum Act 2002	145	Traffic in prostitution
Female Genital Mutilation Act 2003	1	Carrying out female genital mutilation <i>where the victim was a child</i>
Female Genital Mutilation Act 2003	2	Aiding, abetting, counselling or procuring a girl to mutilate her own genitals <i>where the victim was a child</i>
Female Genital Mutilation Act 2003	3	Aiding, abetting, counselling or procuring a non-UK person to mutilate a girl's genitals <i>where the victim was a child</i>
Sexual Offences Act 2003	1	Rape
Sexual Offences Act 2003	2	Assault by penetration
Sexual Offences Act 2003	3	Sexual assault
Sexual Offences Act 2003	4	Causing a person to engage in sexual activity without consent
Sexual Offences Act 2003	4(1A)	Trafficking people for labour and other exploitation
Sexual Offences Act 2003	5	Rape of a child under 13
Sexual Offences Act 2003	6	Assault of a child under 13 by penetration
Sexual Offences Act 2003	7	Sexual assault of a child under 13
Sexual Offences Act 2003	8	Causing or inciting a child under 13 to engage in sexual activity
Sexual Offences Act 2003	9	Sexual activity with a child
Sexual Offences Act 2003	10	Causing or inciting a child to engage in sexual activity

Sexual Offences Act 2003	11	Engaging in sexual activity in the presence of a child (being a person aged 18 years or over, for the purpose of obtaining sexual gratification intentionally engaged in sexual activity in the presence / in a place where you could be observed by a child under 13 or 13 to 15 years old, knowing / believing that a child was or intending that the child should be aware that you were engaging in that activity)
Sexual Offences Act 2003	12	Causing a child to watch a sexual act (being a person of 18 years or over, for the purpose of obtaining sexual gratification intentionally caused a child under 13, or 13 to 15 years old who you did not reasonably believe was aged 16 years or over, to watch a third person / look at an image of any person engaging in sexual activity)
Sexual Offences Act 2003	14	Arranging or facilitating commission of a child sex offence
Sexual Offences Act 2003	15	Meeting a child following sexual grooming (being a person 18 or over, having on at least two earlier occasions met / communicated with a girl / boy under 16 and who you did not reasonably believe was 16 or over, intentionally met / travelled with the intention of meeting that girl / boy and at the time you intended to do anything to / in respect of him / her during / after the meeting and in any part of the world which if done would have involved the commission by you of a relevant offence)
Sexual Offences Act 2003	16	Abuse of position of trust: sexual activity with a child
Sexual Offences Act 2003	17	Abuse of position of trust: causing or inciting a child to engage in sexual activity
Sexual Offences Act 2003	18	Abuse of position of trust: sexual activity in the presence of a child (being a person aged 18 or over in a position of trust in relation to a child under 13, for the purpose of obtaining sexual gratification intentionally engaged in sexual activity in the presence of / where you could be observed by that child, knowing or believing that the child was / intending that the child should be aware that you were engaging in that activity or caused that child to watch a third person / look at an image of any person engaging in a sexual activity)
Sexual Offences Act 2003	19	Abuse of position of trust: causing a child to watch a sexual act (being a person 18 or over in a position of trust in relation to a child aged between 13 and 17 who you did not reasonably believe was aged 18 or over, for the purpose of obtaining sexual gratification intentionally caused that child to watch a third person / look at an image of a person engaging in sexual activity)
Sexual Offences Act 2003	25	Sexual activity with a child family member
Sexual Offences Act 2003	26	Inciting a child family member to engage in sexual activity
Sexual Offences Act 2003	47	Paying for sexual services of a child
Sexual Offences Act 2003	48	Causing or inciting child prostitution or pornography
Sexual Offences Act 2003	49	Controlling a child prostitute or a child involved in pornography
Sexual Offences Act 2003	50	Arranging or facilitating child prostitution or pornography
Sexual Offences Act 2003	52	Causing or inciting prostitution for gain
Sexual Offences Act 2003	53	Controlling prostitution for gain
Sexual Offences Act 2003	57	Trafficking into the UK for sexual exploitation
Sexual Offences Act 2003	58	Trafficking within the UK for sexual exploitation
Sexual Offences Act 2003	59	Trafficking out of the UK for sexual exploitation

Sexual Offences Act 2003	59A	Trafficking people for sexual exploitation
Sexual Offences Act 2003	61	Administering a substance with intent (administered a substance to / caused a substance to be taken by another person, knowing he/she did not consent and with the intention of stupefying / overpowering him/her so as to enable any person to engage in a sexual activity involving him/her)
Sexual Offences Act 2003	62, 63	Committing an offence or trespassing with intent to commit a sexual offence
Sexual Offences Act 2003	66	Exposure <i>where the victim was under 16</i>
Sexual Offences Act 2003	67	Voyeurism (for the purpose of obtaining sexual gratification observed / operated equipment / recorded / installed equipment or constructed / adapted a structure / part of a structure to observe another person doing a private act, knowing that the person did not consent to being observed) <i>where the victim was under 16</i>
Sexual Offences Act 2003	72	Sexual offences committed outside the UK (corresponding to an offence which leads to an automatic barring from work with adults with the right to make representations)
Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	4	Trafficking people for exploitation
Domestic Violence, Crime and Victims Act 2004	5	Causing or allowing a child or vulnerable adult to die, suffer serious physical harm
Mental Capacity Act 2005	44	Ill-treatment or wilful neglect
Criminal Justice and Immigration Act 2008	63	Possession of extreme pornographic images
Coroners and Justice Act 2009	62	Possession of prohibited images of children

## Chapter 4

### Annex B1

## Regulated activity - children

### Regulated activity in relation to children: scope

Regulated activity is work that a barred person must not do. This annex provides information on the scope of regulated activity in relation to children, defined in the Safeguarding Vulnerable Groups (SVG) Act 2006 as amended (in particular by the Protection of Freedoms Act 2012). References to specific provisions of the legislation have been omitted for clarity.

Regulated activity excludes family arrangements and personal, non-commercial arrangements.

#### Summary

The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

- unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice or guidance on well-being, or drive a vehicle only for children.
- work for a limited range of establishments ('specified places'), with opportunity for contact: eg schools, children's homes, childcare premises. Does not include work by supervised volunteers.
- relevant personal care, eg washing or dressing; or health care by or supervised by a professional.
- registered childminding and foster care.

The first two of these work are regulated activity only if done regularly: "regularly" is defined in detail in the table below.

### Full description of scope

#### Part 1 Regulated activity in relation to children - activities

The activities in the left-hand column are regulated activity in relation to children, subject to:

- exceptions in the right-hand column; and
- different provisions for "establishments" (specified places) in Part 2 below.

All need to be read together to understand the scope of regulated activity; do not read the left-hand column in isolation.

Definition of "overnight":

In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2am and 6am and with an opportunity for face-to-face contact with children.



Activity	Exceptions - not regulated activity
All of regulated activity	Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children. (This is the “peer exemption”.)
<p>Teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight.</p> <p>Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised.</p>	<p>Supervised activity - under reasonable day-to-day supervision by another person engaging in regulated activity.</p> <p>Activity relating to a child in the course of his employment, not by a person for whom arrangements exist principally for that purpose.</p> <p>Activity merely incidental to activity with adults.</p>
<p>Care or supervision of children if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period or overnight.</p> <p>Certain types of care are regulated activity even if done only once:  <i>Relevant personal care</i></p> <ul style="list-style-type: none"> <li>(a) physical help in connection with eating or drinking, for reasons of illness or disability.</li> <li>(b) physical help for reasons of age, illness, or disability, in connection with: <ul style="list-style-type: none"> <li>• toileting (including re menstruation);</li> <li>• washing, bathing, or dressing.</li> </ul> </li> <li>• prompting with supervision, in relation to (a)-(b) above, where the child is otherwise unable to decide.</li> <li>• other training or advice in relation to (a) and (b) above.</li> </ul> <p><i>Health care</i>  All forms of health care relating to physical or mental health, including palliative care and procedures similar to medical or surgical care. (This replaces an earlier category of treatment or therapy.)</p> <p>Day-to-day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised.</p>	<p>Supervised activity - under reasonable day-to-day supervision by another person engaging in regulated activity.</p> <p>Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purpose.</p> <p>Activity merely incidental to activity with adults.</p> <p>Health care not by, or directed or supervised by, a regulated health care professional.</p>
Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational well-being if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period or overnight.	<p>Legal advice.</p> <p>Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purpose.</p>
Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.	Activity by a person who does not have access to the content of the matter, or contact with users.
Driving a vehicle being used only for conveying children and carers or supervisors under arrangements as prescribed in regulations, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.	

Activity	Exceptions - not regulated activity
Early years or later years childminding* with a requirement to register, or voluntary registration, under Childcare Act 2006.  * <i>on domestic premises, for reward; as opposed to "childcare premises" in part 2 below.</i>	
Fostering a child.	Care arranged by family members and not for reward.  A local authority can foster a child with a barred person who is, or lives with, a relative of the child.
Wales only: <ul style="list-style-type: none"> <li>child minding with requirement to register under Children Act 1989 including activities that require registration if child under eight;</li> <li>functions of Children's Commissioner for Wales and deputy;</li> <li>inspection functions in relation to education, training, childcare and children's health or social care.</li> </ul>	
Day-to-day management on a regular basis of a person providing a regulated activity as defined here.	

## Part 2 Regulated activity in relation to children - establishments

An activity is regulated activity in relation to children if carried out (subject to exceptions below):

- in one of the following establishments;
- frequently (once a week or more often), or on 4 or more days in a 30-day period;
- by the same person, engaged in work for or in connection with the purposes of the establishment; and
- it gives the person the opportunity, in their work, to have contact with children.

Day-to-management or supervision on a regular basis of a person providing the above regulated activity for children is regulated activity for children.

Activity	Exceptions - not regulated activity
<ul style="list-style-type: none"> <li>schools (all or mainly full-time, for children).</li> <li>pupil referral units (also known as Short Stay Schools) not falling within the above.</li> <li>nursery schools.</li> <li>institutions for the detention of children.</li> <li>children's homes.</li> <li>children's centres in England.</li> <li>childcare premises (including nurseries).</li> </ul> <p>Day-to-day management or supervision on a regular basis of a volunteer activity which would be regulated if unsupervised.</p>	<p>Activity by person contracted (or volunteering) to provide occasional or temporary services (not teaching, training or supervision of children).</p> <p>Volunteering, under day-to-day supervision of another person engaging in regulated activity.</p> <p>Activity by a person in a group assisting or acting on behalf of, or under direction of another person engaging in regulated activity.</p> <p>Childcare premises which are the home of a parent etc. of at least one child to whom the childcare or child minding is provided;</p> <p>For activity undertaken regularly in a number of different establishments, but only infrequently in each: each establishment is only arranging the</p>

	activity infrequently, so each establishment is not a regulated activity provider in relation to that activity.
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## Chapter 4

### Annex B2

#### Regulated activity - adults

This annex provides information on the scope of regulated activity in relation to adults, as defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) and as amended by the Protection of Freedoms Act 2012. It describes the situation in England and Wales. Certain inspection functions and commissioners are additionally within regulated activity in Wales.

The definition of regulated activity for adults identifies activities provided to any adult which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time. The SVGA no longer labels adults as “vulnerable” because of the setting in which the activity is received, nor because of the personal characteristics or circumstances of the adult receiving the activities. This means, for example, anyone providing personal care to an adult is in regulated activity irrespective of whether that occurs in, say, a hospital, a care home, a day care centre, sheltered housing, or in a prison.

There is no longer a requirement for a person to carry out the activities a certain number of times before they are engaging in regulated activity. Any time a person engages in the activities set out below, they are engaging in regulated activity.

##### General points

1. Regulated activity excludes any activity carried out in the course of family relationships and personal, non-commercial relationships.
  - Family relationships involve close family (eg parents, siblings, grandparents) and relationships between two people who live in the same household and treat each other as family.
  - Personal, non-commercial relationships are arrangements where either no money changes hands, or any money that does change hands is not part of a commercial relationship (for example, giving a friend money for petrol after they have driven you to the hospital), and the arrangement is made between friends or family friends.
2. An adult is a person aged 18 years or over.
3. A person whose role includes the day-to-day management or supervision of any person who is engaging in regulated activity, is also in regulated activity.

##### Definition of regulated activity

There are six categories of regulated activity.

##### Providing health care

1. The provision of **health care** by any **health care professional** to an adult, or the provision of health care to an adult under the direction or supervision of a health care professional, is regulated activity.
  - a. A **health care professional** is a person who is regulated by any of the following professional regulators:
    - General Medical Council
    - General Dental Council
    - General Optical Council
    - General Osteopathic Council
    - General Chiropractic Council
    - General Pharmaceutical Council
    - Pharmaceutical Society of Northern Ireland
    - Nursing and Midwifery Council
    - Health Professions Council

- b. **Health care** includes all forms of health care provided for adults, whether relating to physical or mental health, and includes palliative care. This includes diagnostic tests and investigative procedures. **Health care** also includes procedures that are similar to forms of medical or surgical care that are not provided in connection with a medical condition. Examples of this are taking blood from a blood donor and cosmetic surgery.
2. The provision of **psychotherapy and counselling** to an adult which is related to health care that the adult is receiving from, or under the direction or supervision of, a health care professional, is regulated activity. This would include the provision of psychotherapy and counselling over the telephone. Life coaching is excluded.
3. **First aid**, when any person administering the first aid is doing so on behalf of an organisation established for the purpose of providing first aid (eg St John Ambulance Service), is regulated activity. This includes first aid given by Community First Responders.
4. A worker employed for another purpose who volunteers, or is designated, to be that organisation's first aider is not in regulated activity. For example, a person who works in a department store whose role includes being a first aider is not engaging in regulated activity.
5. **Members of peer support groups** (for example, Alcoholics Anonymous) are not in regulated activity, even if the group is directed or supervised by a health care professional.
6. All staff who work in **community pharmacies and opticians** who are not regulated health care professionals are excluded from regulated activity. For example, a person who works in a high street pharmacy providing health advice to customers over the pharmacy counter is not in regulated activity.
7. Staff in GP surgeries or dental practices who do not provide health care (for example, receptionists) are not in regulated activity.

## Providing personal care

1. Anyone who provides an adult with physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of the adult's age, illness or disability, is in regulated activity.
2. Anyone who prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed, or care for their mouth, skin, hair or nails without that prompting and supervision, is in regulated activity.
3. Anyone who trains, instructs or provides advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability, is in regulated activity.
4. There is one exception to this. Excluded from regulated activity is any physical assistance provided to an adult in relation to the care of their hair when that assistance relates only to the cutting of the adult's hair. This is to ensure that hairdressers who cut the hair of patients and residents in hospitals and care homes are not engaging in regulated activity.

### Illustrative examples:

- A care assistant in a care home who cuts and files an adult's nails to keep the nails short and safe, because the adult cannot do it themselves (for example, because they cannot see well enough) would be engaging in regulated activity.
- A beauty therapist who attends a day care centre once a week and provides manicures for anyone who would *like* one, instead of for people who *need them* because of their age, illness or disability, is not engaging in regulated activity.
- A volunteer who prepares and serves a meal to an adult in their own home (but does not feed the adult) is not engaging in regulated activity. To be engaged in regulated activity you must provide physical assistance to the person, for example spoon-feeding that person, or you must be prompting and supervising (for example, prompting and supervising a person with dementia, because without it they would not eat), or training or instructing (for example, teaching a person who has suffered a stroke to eat using adapted cutlery).

- A health care assistant on a hospital ward who feeds an adult because they are too frail to feed themselves would be engaging in regulated activity.
- A worker in a care home who reminds a person with dementia to eat their lunch, and ensures they do so, is in regulated activity.

## Providing social work

The activities of regulated social workers in relation to adults who are clients or potential clients are a regulated activity. These activities include assessing or reviewing the need for health or social care services, and providing ongoing support to clients.

## Assistance with general household matters

Anyone who provides day-to-day assistance to an adult because of their age, illness or disability, where that assistance includes at least one of the following, is in regulated activity:

- managing the person's cash,
- paying the person's bills, or
- shopping on their behalf.

Illustrative examples:

- A volunteer who collects shopping lists and the cash to pay for the shopping from older adults' homes, who then does the shopping on their behalf, would be engaging in regulated activity.
- A befriender who helps a disabled person compile their weekly shopping list is not in regulated activity.

## Assistance in the conduct of a person's own affairs

Anyone who provides assistance in the conduct of an adult's own affairs by virtue of:

- lasting power of attorney under the Mental Capacity Act 2005,
- enduring power of attorney within the meaning of the Mental Capacity Act 2005,
- being appointed as the adult's deputy under the Mental Capacity Act 2005,
- being an Independent Mental Health Advocate,
- being an Independent Mental Capacity Advocate,
- providing independent advocacy services under the National Health Service Act 2006 or National Health Service (Wales) Act 2006, or
- receiving payments on behalf of that person under the Social Security Administration Act 1992,

is in regulated activity.

## Conveying

1. Any drivers and any assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving, health care, relevant personal care or relevant social work, are in regulated activity. The driver does, or the person assists in, such conveying on behalf of an organisation and for the purpose of enabling the adult to receive services. The meaning of health care, relevant personal care and relevant social work are covered above.
2. In addition, hospital porters, Patient Transport Service drivers and assistants, Ambulance Technicians, and Emergency Care Assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving, health care, relevant personal care or relevant social work, are also in regulated activity.
3. Conveying does not include licensed taxi drivers or licensed private hire drivers, and does not include trips taken for purposes other than to receive health care, personal care or social work (for example, trips for pleasure are excluded).

Illustrative examples:

- A person who volunteers to take an adult to and from their GP appointment on behalf of a community group is in regulated activity. It would not matter if that person knows, or is friends with, the adult they were taking to the appointment if the conveying is on behalf of the group.
- A friend who takes their neighbour to a hospital appointment would not be in regulated activity, as this is a personal relationship.

## Chapter 4

### Annex C

#### DBS request for barred status information

**TEMPLATE: LETTER TO DBS REQUESTING INFORMATION ON THE BARRED STATUS OF A PRISONER**

(to be sent on establishment headed paper)

To: Disclosure and Barring Service  
PO Box 181  
Darlington  
DL1 9FA

Sent via secure email to DBSNOMSBLC@dbs.gsi.gov.uk

**SAFEGUARDING VULNERABLE GROUPS ACT 2006, SECTION 50A(1C): REQUEST FOR BARRED STATUS INFORMATION**

I am making enquiries about the barred status of a prisoner currently serving a custodial sentence in this establishment.

**Prisoner details**

Full name:  
Any aliases:  
Date of birth:  
Any alias date of birth:  
Gender:  
Last known address:  
Prison number:  
PNC number:  
Current conviction:  
Relevant previous conviction(s):

Please would you advise whether the above-named prisoner is included in the:

Children's barred list	YES	NO	Linked Interest
Adults' barred list	YES	NO	Linked Interest

I confirm that this information is required for the purpose of the protection of children or vulnerable adults.

Yours sincerely

Signature / Name printed / Department



## Chapter 4

### Annex D

## DBS request for information behind barring decision

#### TEMPLATE: LETTER TO DBS REQUESTING INFORMATION BEHIND BARRING DECISION

(to be sent on establishment headed paper)

To: Disclosure and Barring Service  
PO Box 181  
Darlington  
DL1 9FA

Sent via secure email to DBSNOMSBLC@dbs.gsi.gov.uk

#### SAFEGUARDING VULNERABLE GROUPS ACT 2006, SECTION 50A(1B): REQUEST FOR BARRED STATUS INFORMATION

I am making enquiries in relation to the following prisoner who is currently serving a custodial sentence in this establishment.

##### Prisoner details

Full name:  
Any aliases:  
Date of birth:  
Any alias date of birth:  
Gender:  
Last known address:  
Prison number:  
PNC number:  
Current conviction:  
Relevant previous conviction(s):

I believe the prisoner to be included in the:

Children's barred list	YES	NO
Adults' barred list	YES	NO

In line with the information sharing process agreed between NOMS and the DBS, please would you provide me with a summary of the findings that led to the barring decision.

I confirm that the information is required for:

[insert context in which information is being sought - for example, assessment of risk of harm, development of sentence plan or risk management plan, consideration of licence conditions]

and is relevant to the purposes of offender management and the protection of children or vulnerable adults.

Yours sincerely

Signature / Name printed / Department

## Chapter 5a

# SAFEGUARDING AND PROMOTING THE WELFARE OF CHILDREN

## 1 STATUTORY DUTY

The Children Act 2004<sup>2</sup> places a duty on key people and bodies to make arrangements to ensure that their functions, and any services that they contract out to others, are discharged with regard to the need to safeguard and promote the welfare of children. The application of this duty will vary according to the nature of each agency and its functions.

The key people and bodies that are covered by the duty are:

- local authorities and district councils that provide children's and other types of services, including children's and adult social care services, public health, housing, sport, culture and leisure services, licensing authorities, youth services;
- NHS organisations, including the NHS Commissioning Board and clinical commissioning groups, NHS trusts and NHS Foundation Trusts;
- the police, including Police and Crime Commissioners, the chief officer of each police force, and the Mayor's Office for Policing and Crime in London;
- the British Transport Police;
- National Probation Service and Community Rehabilitation Companies<sup>3</sup>;
- Governors of prisons and Young Offender Institutions;
- Directors of Secure Training Centres; and
- Youth Offending Teams / Services.

The duty does not give agencies any new functions, nor does it over-ride their existing functions. However, it requires them to carry out their existing functions in a way that takes into account the need to safeguard and promote the welfare of children.

In the prison context, the duty means that Governors must have regard to the need to safeguard and promote the welfare of the children in their custody and other children with whom staff and prisoners have contact. This is not intended to override or interfere with Governors' execution of their primary functions of executing the warrant of the court by keeping in custody those committed by the courts, looking after them with humanity, and helping them to lead law-abiding and useful lives in custody and after release. In carrying out this duty, Governors must act in accordance with the Prison Act 1952 and the rules made under it, and must have regard to policy decisions and directives issued by the Secretary of State for Justice.

### 1.1 Working Together to Safeguard Children

In England, statutory guidance on safeguarding and promoting the welfare of children is set out in *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*<sup>4</sup>. This guidance makes clear that safeguarding is everyone's responsibility and sets out key roles for individual organisations

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<sup>2</sup> The statutory duty is set out in s.11 of the Children Act 2004 for England and in s.28 for Wales.

<sup>3</sup> The duty is conferred on CRCs by virtue of contractual arrangements entered into with the Secretary of State.

<sup>4</sup> *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children* (March 2015, HM Government).

and key elements of effective local arrangements for safeguarding. It requires all organisations subject to the statutory safeguarding duty to have in place arrangements to maintain a culture that reflects the importance of safeguarding and promotes the welfare of children, including:

- a clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children;
- a senior board-level lead to take leadership responsibility for the organisation's safeguarding arrangements;
- a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services;
- clear whistle-blowing procedures, which are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed;
- arrangements that set out clearly the processes for sharing information with other professionals and with the Local Safeguarding Children Board (LSCB);
- a designated professional lead for safeguarding. Their role is to support other professionals in their agencies to recognise the needs of children, including rescue from possible abuse or neglect. Designated professional roles should always be explicitly defined in job descriptions. Professionals should be given enough time, funding, supervision and support to fulfil their child welfare and safeguarding responsibilities effectively;
- safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check;
- appropriate supervision and support for staff, including undertaking safeguarding training:
  - employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children, and for creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role;
  - staff should be given a mandatory induction, which includes familiarisation with child protection responsibilities and procedures to be followed if anyone has any concerns about a child's safety or welfare; and
  - all professionals should have regular reviews of their own practice to ensure they improve over time.
- clear policies, in line with those from the LSCB, for dealing with allegations against people who work with children. An allegation may relate to a person who works with children who has:
  - behaved in a way that has harmed a child, or may have harmed a child;
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

In addition:

- county level and unitary local authorities should have designated a particular officer, or team of officers, to be involved in the management and oversight of allegations against people who work with children. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer or team without delay.
- local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children to employers and voluntary organisations. Local authorities should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.
- employers and voluntary organisations should ensure that they have clear policies in place setting out the process (including the timescales) for investigations, and what support and advice will be available to

individuals against whom allegations have been made. Any allegation against people who work with children should be reported immediately to a senior manager within the organisation. The designated officer or team should also be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police.

- if an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

*Working Together* also sets out key duties that fall on individual organisations. The guidance recognises the Prison Service's responsibility to identify prisoners who pose a risk of harm to children (see Chapter 5b). Where a prisoner has been identified as presenting a risk of harm to children, the relevant prison:

- should inform the relevant local authority children's social care service of the offender's reception, subsequent transfers and release address (Chapter 5b, part 4).
- must notify the relevant probation service provider. The police must also be notified of the release address.
- may prevent or restrict a prisoner's contact with children. Decisions on the level of contact, if any, should be based on a multi-agency risk assessment. The assessment should draw on relevant information held by police, probation service provider and prison service. The relevant local authority children's social care contribute to the multi-agency risk assessment by providing a report on the child's best interests. The best interests will be paramount in the decision-making process (Chapter 5c, part 3).
- can monitor a prisoner's communication (letters and phone calls) to protect children where proportionate and necessary to the risk presented ([Authorised Communications Controls and Interception Policy Framework](#)).

*Working Together* recognises that Governors of women's prisons that have Mother and Baby Units should ensure that:

- there is at all times a member of staff on duty in the Unit who is proficient in child protection, health & safety, and first aid / child resuscitation; and
- each baby has a child care plan setting out how its best interests will be maintained and promoted during its residence on the Unit.

*Working Together* also recognises that each establishment holding those aged under 18 must have in place an annually reviewed safeguarding children policy. The policy is designed to safeguard and promote the welfare of children and will cover issues such as child protection, risk of harm, restraint, recruitment and information sharing. A Safeguarding Children Manager must be appointed and will be responsible for implementation of this policy<sup>5</sup>.

The relevant statutory guidance for Wales is contained in *Safeguarding Children: Working Together Under the Children Act 2004*<sup>6</sup>. This contains guidance similar to that for England but suitably amended to reflect the devolved arrangements in Wales.

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<sup>5</sup> [PSI 08/2012 Care and Management of Young People](#).

<sup>6</sup> September 2006, Welsh Assembly Government.

## 1.2 Local Safeguarding Children Boards (LSCBs) (England) and Safeguarding Children Boards (SCB) (Wales)

The LSCB<sup>7</sup> is the key statutory mechanism for agreeing how the relevant organisations in the area will co-operate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do. It has a range of roles and statutory functions, including developing local safeguarding policy and procedures and scrutinising local arrangements. The LSCB should link effectively with other local partnerships and arrangements, including the Multi-Agency Public Protection Arrangements (MAPPA).

Every local authority area in England should establish a LSCB for their area. Many organisations subject to the statutory safeguarding duty are also required to take part in LSCBs. The LSCB must include at least one representative of the Local Authority and each of the other Board partners set out below<sup>8</sup>:

- district / borough councils in local government areas that have them;
- the chief officer of police;
- probation service provider(s);
- the Youth Offending Team;
- the NHS Commissioning Board and Clinical Commissioning Groups;
- NHS Trusts and NHS Foundation Trusts, all or most of whose hospitals or establishments and facilities are situated in the local authority area;
- CAFCASS (Children and Family Courts Advisory and Support Service);
- the Director of any Secure Training Centre; and
- the Governor of any prison that ordinarily detains children.

Other organisations can be involved in LSCBs by agreement.

The statutory objectives<sup>9</sup> of an LSCB are:

- to co-ordinate what is done by each person or body represented on the LSCB for the purposes of safeguarding and promoting the welfare of children in the authority's area; and
- to ensure the effectiveness of what is done by each person or body for that purpose.

The LSCB is not an operational body or one that commissions or delivers frontline services. Each Board partner retains its own existing line of accountability for safeguarding. While LSCBs do not have a power to direct other organisations, they do have a role in making local partners and relevant regulators and inspectorates aware where improvement is needed.

The statutory functions<sup>10</sup> of an LSCB in England are to:

- develop policy and procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures in relation to:
  - the action to be taken where there are concerns about a child's safety or welfare, including thresholds for intervention;
  - the training of persons who work with children or in services affecting the safety and welfare of children;
  - the recruitment and supervision of persons who work with children;

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<sup>7</sup> At the time of writing, a fundamental review of the role and functions of LSCBs had taken place and proposed new arrangements for multi-agency working were being developed by the Department for Education.

<sup>8</sup> Children Act 2004, s.13(3).

<sup>9</sup> Children Act 2004, s.14(1).

<sup>10</sup> Local Safeguarding Children Boards Regulations 2006, SI 2006/90.

- the investigation of allegations concerning persons who work with children;
- the safety and welfare of children who are privately fostered; and
- co-operation with neighbouring children's services authorities and their Board partners;
- communicate to persons and bodies in the area the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done, and encouraging them to do so;
- monitor and evaluate the effectiveness of what is done by the authority and their Board partners individually and collectively to safeguard and promote the welfare of children, and advise them on ways to improve;
- participate in local planning of services for children;
- undertake a review of serious cases and advising the authority and their Board partners on lessons to be learned (see part 2 below);
- review the deaths of all children who are normally resident in their area, and put in place procedures to ensure that there is a co-ordinated response by relevant organisations to an unexpected death of a child;
- annually publish a report on the effectiveness of safeguarding and promoting the welfare of children in the local area. The report should be submitted to the Chief Executive of the local authority, the Leader of the Council, the local Police and Crime Commissioner, and the Chair of the Health and Wellbeing Board.

In Wales, the designated lead partner<sup>11</sup> is required to establish a SCB for its area<sup>12</sup>. The objectives of a SCB<sup>13</sup> are to:

- protect children within its area who are experiencing, or are at risk of, abuse, neglect or other kinds of harm; and
- prevent children within its area from becoming at risk of abuse, neglect or other kinds of harm.

The statutory functions<sup>14</sup> of an SCB in Wales are to:

- co-operate with other Safeguarding Boards and the National Board with a view to:
  - contributing to the development and review of national policies and procedures for Safeguarding Boards; and
  - implementing national policies and procedures recommended by, and guidance and advice given by, the National Board;
- raise awareness throughout the Safeguarding Board area of the Board's objectives and how they might be achieved;
- undertake relevant reviews, audits and investigations;
- review the efficacy of measures taken by the Board to achieve its objectives;
- make recommendations in light of those reviews, to monitor the extent to which those recommendations are carried out and to take appropriate action where it is shown that the Board's objectives are not being fulfilled;
- disseminate information about those recommendations to other appropriate Safeguarding Boards and the National Board;
- facilitate research into protection of, and prevention of abuse and neglect of, children or adults at risk of harm;
- review the training needs of and promote the provision of suitable training for persons working to achieve the Board's objectives;

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<sup>11</sup> The Safeguarding Boards (General) (Wales) Regulations 2015 specify the board areas (Schedule 1) and lead partners (Schedule 2).

<sup>12</sup> Social Services and Well-being (Wales) Act 2014, s134(4).

<sup>13</sup> Social Services and Well-being (Wales) Act 2014, s135(1).

<sup>14</sup> The Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015, Reg 3.

- arrange and facilitate an annual programme of multi-agency professional forums; and
- co-operate or act jointly with any similar body situated in any jurisdiction where the Board considers that this will help it to fulfil its objectives;
- obtain specialist advice or information relevant to the attainment of the Board's objectives; and
- undertake practice reviews.

LSCBs and SCBs should play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing. In addition, either Board can require a person or body to comply with a request for information<sup>15</sup>. This can take place only where the request is made for the purpose of enabling or helping the Board to carry out its statutory functions. Any request for information about individuals must be necessary and proportionate to the reasons for the request.

## 2 REVIEWS OF SERIOUS CASES

### 2.1 Serious Case Reviews (England)

Regulation 5 of the Local Safeguarding Children Boards Regulations 2006 requires LSCBs to undertake reviews of serious cases. The primary purpose of a serious case review is for agencies and individuals to identify improvements in the way in which they work, both individually and collectively, to safeguard and promote the welfare of children and to consolidate good practice. Regulation 5 sets out that an SCR is one where:

- (a) abuse or neglect of a child is known or suspected; and
- (b) either
  - (i) the child has died; or
  - (ii) the child has been seriously harmed and there is cause for concern as to the way in which the authority, their Board partners or other relevant persons have worked together to safeguard the child.

LSCBs may also conduct management reviews of cases that do not meet the criteria for an SCR but which could provide valuable lessons about how organisations are working together to safeguard and promote the welfare of children. Guidance on conducting audits and reviews, including serious case reviews and child death reviews<sup>16</sup>, is set out in Chapter 4 of *Working Together*.

### 2.2 Child Practice Reviews (Wales)

Regulation 4 of the Safeguarding Boards (Functions & Procedures) (Wales) Regulations 2015 requires SCBs in Wales to undertake child practice reviews to identify any steps that can be taken by Board partners or other bodies to achieve improvements in multi-agency child protection practice.

A Board must undertake a concise child practice review in any of the following cases where, within the area of the Board, abuse or neglect of a child is known or suspected and the child has:

- died; or

<sup>15</sup> Children Act 2004, s.14B, which was inserted by s.8 of the Children, Schools and Families Act 2010. ; Social Services and Well-being (Wales) Act 2014, s.137.

<sup>16</sup> This is a review of the death of a child normally resident in the LSCB's area, undertaken by a Child Death Overview Panel. A child death review may lead to a serious case review.

- sustained potentially life threatening injury; or
- sustained serious and permanent impairment of health or development; **and**

the child was neither on the child protection register nor a looked-after child on any date during the 6 months preceding:

- the date of the event referred to above; or
- the date on which a local authority or relevant partner identifies that a child has sustained serious and permanent impairment of health and development.

The purpose of a review is to identify learning for future practice and involves practitioners, managers and senior officers in exploring the detail and context of agencies' work with a child and family. The output of a review is intended to generate professional and organisational learning and promote improvement in future inter-agency child protection practice.

A Board must undertake an extended child practice review in any of the following cases where, within the area of the Board, abuse or neglect of a child is known or suspected and the child has:

- died; or
- sustained potentially life threatening injury; or
- sustained serious and permanent impairment of health or development; **and**

the child was on the child protection register and/or was a looked-after child (including a care leaver under the age of 18) on any date during the 6 months preceding:

- the date of the event referred to above; or
- the date on which a local authority or relevant partner identifies that a child has sustained serious and permanent impairment of health and development.

The review follows the same process and timescale as a concise review, engaging directly with children and families, in so far as they wish and is appropriate, and involving practitioners, managers and senior officers throughout. There is an additional level of scrutiny of the work of the statutory agencies and the statutory plan(s) that were in place for the child or young person.

Guidance on conducting child practice reviews is contained in *Protecting Children in Wales: Guidance for Arrangements for Multi-Agency Child Practice Reviews* (Welsh Government, January 2013).

### 3 DEFINITIONS

The following is taken from *Working Together*.

**“Children”** means persons who have not yet reached their 18th birthday and includes, therefore, any reference to “young people”. The fact that a child has reached 16 years of age, is living independently, is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate for children and young people, does not change his or her status or entitlement to services or protection under the Children Act 1989.

**“Safeguarding and promoting welfare of children”** is defined for the purposes of *Working Together* as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;



- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care;
- taking action to enable all children to have the best life chances.

“**Child protection**” is a part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm. Effective child protection is essential as part of wider work to safeguard and promote the welfare of children. However, all agencies and individuals should aim proactively to safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced.

## 4 DESCRIPTIONS

**Abuse** is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by others (eg via the internet). They may be abused by an adult or adults, or by another child or children.

**Physical abuse** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

**Emotional abuse** is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only so far as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them, or “making fun” of what they say or how they communicate it. It may feature age- or developmentally-inappropriate expectations being imposed on children. These may include interactions that are beyond a child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber-bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

**Sexual abuse** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

**Neglect** is the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;

- ensure adequate supervision (including the use of inadequate care-givers); or
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs. Child neglect falls into four main categories: physical, educational, emotional, and medical neglect.

**Child sexual exploitation** is a type of sexual abuse in which children are sexually exploited for money, power or status. It involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something (eg food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet or mobile phones without immediate payment or gain. In all cases, those exploiting the child / young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social, economic and/or emotional vulnerability.<sup>17</sup>

**Abuse linked to faith or belief** is not common but can lead to extreme physical and emotional abuse and to child deaths. It includes<sup>18</sup> belief in concepts of witchcraft and spirit possession, demons or the devil acting through children or leading them astray; the evil eye or djinns and dakini; ritual or muti murders where the killing of children is believed to bring supernatural benefits or the use of their body parts is believed to produce potent magical remedies; and the use of belief in magic or witchcraft to create fear in children to make them more compliant when they are being trafficked for domestic slavery or sexual exploitation.

The term "belief in spirit possession" can be defined as the belief that an evil force has entered a person and is controlling him or her. Sometimes, the term "witch" is used and understood to mean that a person is able to use an evil force to harm others. Other terms used are: kindoki, ndoki, sorcerers, the spirit world, black magic, voodoo, obeah, demons. Rituals used to deal with "witches" or rid the victim of the "demon" are commonly known as deliverance, exorcism and, less commonly, as healing or praying for children. Other terms used are: beating the devil out; burning the evil out; creating a way out for the evil (eg cutting / stabbing); squeezing the life out of the evil (eg strangulation / semi-strangulation); weakening the evil spirit (eg starvation / fasting); and stopping the evil from spreading to other people (eg isolation).

It is important to be aware that belief in spirit possession and witchcraft may not necessarily lead to harmful practices. However, a child who is believed to be possessed by evil spirits or believed to be a witch is at immediate risk of significant harm. To stigmatise a child by accusing him or her of being a witch or being possessed by a spirit can be emotionally damaging. Abuse motivated by beliefs can lead to significant physical, sexual, emotional abuse or neglect.

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<sup>17</sup> This definition of child sexual exploitation was created by the UK National Working Group for Sexually Exploited Children and Young People and is used in statutory guidance in England.

<sup>18</sup> National action plan to tackle child abuse linked to faith or belief, 2012.

## Chapter 5b

# PERSONS POSING A RISK TO CHILDREN

## 1 INTRODUCTION

Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure their functions, and any services they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children. This chapter sets out the identification, notification and assessment requirements for prison staff when managing persons posing a risk to children (PPRC), including any PPRCs under 18 years old.

To effectively discharge these duties, prison staff must correctly identify and share key sentence information with local authority Children's Services on any PPRCs in prison custody. For the purposes of this chapter, contact with Children's Services assumes that the prisoner's home and release areas will be the same. If this is not the case, please **duplicate** the correspondence to the release area Children's Services.

## 2 IDENTIFICATION

### 2.1 Who is a risk to children<sup>19</sup>?

The following prisoners **must** be identified on or soon after reception procedures have been completed, and the "potential PPRC" alert **must** be applied on Prison-NOMIS, for prisoners who have been:

- convicted of or charged with a sexual offence against a child; or
- convicted of or charged with murder or assault against a child; or
- convicted of or charged with an offence related to domestic abuse where a child was involved; or
- convicted of or charged with an offence where harm or neglect of a child was involved; or
- convicted of or charged with an offence whose circumstances indicate the prisoner knowingly placed a child at risk of serious harm, including harm caused to a child by seeing or hearing the ill-treatment of another.

The list of offences in [Annex A](#) can be used to identify a potential PPRC, but it should not be relied on as an exhaustive list. Prisoners who have a **previous conviction** for any of the above **must** also be identified in the same way.

If at any point - either at reception or during his/her time in custody - a prisoner displays behaviour indicating a potential risk to children, or information is received from another agency about the risk the prisoner presents, the prisoner should also be identified as described. At this point the prisoner has been identified as a **potential** PPRC. The rest of this chapter describes how that is then dealt with.

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<sup>19</sup> In this chapter and all other chapters in the Public Protection Manual a child is defined as anyone who has not yet reached their 18<sup>th</sup> birthday. "Children" therefore means "children and young people" throughout.

## 2.2 Harm

In considering whether the circumstances of an offence indicate that the prisoner knowingly placed a child at risk of serious harm (as in the final bullet in part 2.1 above), prison staff should also consider whether any harm may have been caused to the child by seeing or hearing the ill-treatment of another.

This interpretation of “harm” is used in the Children Act 1989 (section 31) when a court determines whether it should make a care order or supervision order in relation to a child. It is also therefore the approach to what is meant by “harm” used by local authorities in considering whether to apply to a court for such an order in relation to children in their area. In that context, the meaning of harm primarily, but not exclusively, covers harm caused in the context of domestic violence and abuse. Domestic violence and abuse are one way in which a child can be involved in an offence in the sense described above, although it is important to note that they are not the only way, and prisons need to be alert to the potential for the involvement of a child and harm to the child to be evidenced in other ways. This includes offences where harm is caused to a child who is not the intended victim or target. If there is any doubt, it is better to identify the prisoner as a potential risk to children and then consider the possible risk in more depth.

## 2.3 Initial measures

In line with the [Authorised Communications Controls and Interception Policy Framework](#) prisoners identified as posing a risk to children (whether potential or continuing) **must** have all social numbers checked before being added to their PIN phone account.<sup>20</sup> They **must** have full restrictions placed on social visits (including prison family days), phone calls and correspondence with **all** children until a risk assessment has taken place to determine what, if any, contact the prisoner is allowed. Because of this, risk assessments should be carried out as soon as possible to avoid any unnecessary interference in maintaining family ties. Refer to Chapter 5c for full details on child contact procedures.

## 2.4 Initial notification

Following identification, a notification **must** be sent to Children’s Services in the PPRC’s home area. The notification, found in [Annex B](#), **must** be sent no later than two weeks from identification.

[Annex B](#) is used to inform the relevant Children’s Services of the identification of a **potential** PPRC and invites them to share any relevant risk information that they may have on the individual. It is an initial notification only. Once an assessment has been carried out by the prison to determine whether the prisoner presents a **continuing** risk, a separate notification **must** be sent to confirm the prisoner’s status.

[Annex C](#) should be used to inform the COM or YOT worker of the prisoner’s potential PPRC status.

The prisoner **must** be kept well informed of his risk status and should be given an [Annex D](#) as soon as possible. Refer to Chapter 5c part 2.1 for guidance on informing the prisoner.

---

<sup>20</sup> The Authorised Communications Controls and Interception Policy Framework specifies those prisoners who must have all social numbers checked before being added to their PIN phone account which includes, but is not limited to, prisoners presenting a risk to children.

## 3 ASSESSMENT

Following identification and timely notification to Children's Services, prison staff **must** establish as soon as possible whether the potential PPRC presents a **continuing** risk to children while in custody. This allows the prison service and partner agencies to focus resources correctly on those prisoners where safeguarding children arrangements are needed.

Any assessment **must** take into account the following information:

- OASys risk of harm screening and serious harm analysis or Asset
- age of prisoner and age of victim at the time of the offence
- circumstances of the offence
- motivations to the offending
- history of offending
- any risk information received from other agencies
- reports from previous establishments, including security incident reports
- views of the Community Offender Manager (COM) or YOT worker
- information on ViSOR

There are no absolute criteria to rely on when judging what constitutes a continuing risk. The above list is not exhaustive; the aim is to consider such information as may be relevant in order to reach a conclusion. Careful consideration should be given to consistency with updated OASys assessments and updated where necessary. OASys is an important contributor to all prison risk assessments but should not be treated as the defining factor when assessing continuing risk to children in custody. Details of how the decision was reached **must** be fully recorded and available on the prisoner's public protection file. There should be a comprehensive level of information available on file about the sources and information considered as part of the decision-making process. All decisions should be confirmed by the Head of OMU or manager with public protection responsibility.

### 3.1 No continuing risk

If, through assessment, it is established that the prisoner does not present a continuing risk while in custody, all child safeguarding measures that were previously applied **must** be removed immediately. Monitoring of communications and the checking of social numbers **must** cease unless the monitoring is in place for reasons separate from managing risk to children. The prisoner **must** also be removed from child contact procedures and notified of the risk assessment outcome.

Children's Services, and where one is involved the COM or YOT worker, **must** be informed of the outcome of the assessment using [Annex E](#). This will confirm that the prisoner will not be identified or managed as a PPRC.

Where a child was the offender's victim, it may still be necessary to prevent contact with him/her, even if it is established that there is no continuing risk to him/her in custody. Chapter 5c covers child contact procedures.

Prison staff should also remain aware that, at any point during custody, the level of risk might increase or new risk information could be received. If this happens, an immediate review should be carried out to establish whether the prisoner still presents no continuing risk.

## 3.2 Continuing risk

Where an assessment concludes that the prisoner poses a continuing risk to children, the PPRC2 form in [Annex F](#) **must** be sent to the Local Authority Children's Services marked for referral or for information only:

- if an identified child is at risk, send a PPRC2 marked for referral
- if no identified child is at risk, send a PPRC2 marked for information only.

An "identified child" is one who has not yet reached their eighteenth birthday, but with whom contact from the PPRC is intended or likely. In many cases prison staff will not be aware of such a child until the PPRC has made an application for child contact. The "potential PPRC" alert on Prison-NOMIS **must** be changed to "PPRC" to reflect the confirmed status.

The COM or YOT worker **must** be notified of the confirmed PPRC status using [Annex G](#). The prisoner too **must** be notified. Where a prisoner seeks disclosure, refer to the principles set out in Chapter 5c part 6.2.

## 3.3 PPRC review

All decisions on continuing risk **must** be reviewed annually. Where a prisoner is allowed child contact, a PPRC review **must** be carried out when child contact is reviewed, in line with Chapter 5c part 7. Where a PPRC does not have child contact, a regular assessment of the ongoing validity of PPRC status **must** still be made.

The review **must** repeat the assessment process with updated information to ensure consistency and defensible decision-making. Prisoners **must** be informed of any change in contact restrictions following a review.

# 4 NOTIFICATIONS

Using [Annex H](#), Children's Services in the PPRC's home area **must** be notified of the following stages while the prisoner is in custody:

- when convicted following remand status
- when acquitted
- when released from court on bail or following an appeal
- prison transfer
- release on temporary licence
- release
- death of prisoner

In response to the above notifications, Children's Services may provide the prison with information about the prisoner or children with whom the prisoner is likely to request contact. This information should be incorporated into sentence planning and risk management processes.

It is important to inform Children's Services of the release date at least six weeks before a PPRC is discharged from custody. These notifications should be copied to the police, probation and Youth Offending Team unless they are already aware of these key stages through existing mechanisms or management processes.

## Chapter 5b

### Annex A

#### List of offences for identifying a potential PPRC

Act and section		Offence
common law		Murder
common law		Manslaughter
common law		Infanticide
common law		Kidnapping
common law		False imprisonment
common law		Assault or battery
Vagrancy Act 1824	4	Indecent exposure
Town Police Clauses Act 1847	28	Indecent exposure
Offences Against the Person Act 1861	4	Conspiring or soliciting to commit murder
Offences Against the Person Act 1861	11	Administering poison, or wounding, with intent to murder
Offences Against the Person Act 1861	16	Threats to kill
Offences Against the Person Act 1861	18	Wounding and causing grievous bodily harm: wounding with intent
Offences Against the Person Act 1861	20	Wounding and causing grievous bodily harm: inflicting bodily injury
Offences Against the Person Act 1861	23	Maliciously administering poison
Offences Against the Person Act 1861	27	Abandonment of children under 2
Offences Against the Person Act 1861	47	Assault occasioning actual bodily harm
Offences Against the Person Act 1861	56	Child stealing
Licensing Act 1902	2	Drunk in charge of a child under 7 years
Children and Young Persons Act 1933	1	Cruelty to children
Children and Young Persons Act 1933	3	Allowing persons under 16 to be in brothels
Children and Young Persons Act 1933	4	Causing or allowing persons under 16 to be used for begging
Children and Young Persons Act 1933	5	Giving / causing to be given intoxicating liquor to a child under 5 years
Children and Young Persons Act 1933	11	Exposing children under 7 to risk of burning
Children and Young Persons Act 1933	23	Prohibition against persons under 16 taking part in performances endangering life and limb
Infanticide Act 1938	1	Infanticide
Sexual Offences Act 1956	1	Rape
Sexual Offences Act 1956	2	Procurement of a woman by threats
Sexual Offences Act 1956	3	Procurement of a woman by false pretences
Sexual Offences Act 1956	4	Administering drugs to obtain or facilitate intercourse
Sexual Offences Act 1956	5	Intercourse with a girl under 13
Sexual Offences Act 1956	6	Intercourse with a girl under 16

Sexual Offences Act 1956	7	Intercourse with defective
Sexual Offences Act 1956	9	Procurement of defective
Sexual Offences Act 1956	10	Incest by a man
Sexual Offences Act 1956	11	Incest by a woman
Sexual Offences Act 1956	12	Buggery where the victim is under 16
Sexual Offences Act 1956	13	Indecency between men (gross indecency)
Sexual Offences Act 1956	14	Indecent assault on a woman
Sexual Offences Act 1956	15	Indecent assault on a man
Sexual Offences Act 1956	16	Assault with intent to commit buggery
Sexual Offences Act 1956	17	Abduction of a woman by force or for the sake of her property
Sexual Offences Act 1956	19	Abduction of unmarried girl under 18 from parent or guardian
Sexual Offences Act 1956	20	Abduction of unmarried girl under 16 from parent or guardian
Sexual Offences Act 1956	21	Abduction of defective from parent or guardian
Sexual Offences Act 1956	22	Causing prostitution of women
Sexual Offences Act 1956	23	Procuration of girl under 21
Sexual Offences Act 1956	24	Detention of a woman in a brothel or other premises
Sexual Offences Act 1956	25	Permitting a girl under 13 to use premises for intercourse
Sexual Offences Act 1956	26	Permitting a girl between 13 and 16 to use premises for intercourse
Sexual Offences Act 1956	27	Permitting defective to use premises for intercourse
Sexual Offences Act 1956	28	Causing or encouraging prostitution of, or intercourse with, or indecent assault on, girl under 16
Sexual Offences Act 1956	29	Causing or encouraging prostitution of defective
Sexual Offences Act 1956	30	Man living on earnings of prostitution
Sexual Offences Act 1956	31	Woman exercising control over prostitute
Mental Health Act 1959	128	Sexual intercourse with patients
Indecency with Children Act 1960	1	Indecent conduct towards young child
Suicide Act 1961	2	Aiding, abetting, counselling or procuring the suicide of a child or young person
Sexual Offences Act 1967	4	Procuring others to commit homosexual acts (by procuring a child to commit an act of buggery with any person, or procuring any person to commit an act of buggery with a child)
Sexual Offences Act 1967	5	Living on earnings of male prostitution
Theft Act 1968	9	Burglary (by entering a building or part of a building with intent to rape a child)
Misuse of Drugs Act 1971	4	Supplying or offering to supply a Class A drug to a child, being concerned in the supplying of such a drug to a child, or being concerned in the making to a child of an offer to supply such a drug
Criminal Law Act 1977	54	Inciting girl under 16 to have incestuous sexual intercourse
Protection of Children Act 1978	1	Indecent photographs of children
Child Abduction Act 1984	1	Offence of abduction of a child by parent
Child Abduction Act 1984	2	Offence of abduction of child by other persons



Criminal Justice Act 1988	160	Possession of indecent photographs of children
Children Act 1989	49	Abduction of child in care / police protection ... take away / induce away / assist to run away / keep away
Children Act 1989	50	Obstruction of person authorised under a recovery order (re missing or unlawfully held children)
Sexual Offences (Amendment) Act 2000	3	Abuse of trust
Nationality, Immigration and Asylum Act 2002	145	Traffic in prostitution
Sexual Offences Act 2003	1	Rape
Sexual Offences Act 2003	2	Assault by penetration
Sexual Offences Act 2003	3	Sexual assault
Sexual Offences Act 2003	4	Causing a person to engage in sexual activity without consent
Sexual Offences Act 2003	5	Rape of a child under 13
Sexual Offences Act 2003	6	Assault of a child under 13 by penetration
Sexual Offences Act 2003	7	Sexual assault of a child under 13
Sexual Offences Act 2003	8	Causing or inciting a child under 13 to engage in sexual activity
Sexual Offences Act 2003	9	Sexual activity with a child
Sexual Offences Act 2003	10	Causing or inciting a child to engage in sexual activity
Sexual Offences Act 2003	11	Engaging in sexual activity in the presence of a child
Sexual Offences Act 2003	12	Causing a child to watch a sexual act
Sexual Offences Act 2003	13	Child sex offences committed by children or young persons
Sexual Offences Act 2003	14	Arranging or facilitating commission of a child sex offence
Sexual Offences Act 2003	15	Meeting a child following sexual grooming etc.
Sexual Offences Act 2003	16	Abuse of position of trust: sexual activity with a child
Sexual Offences Act 2003	17	Abuse of position of trust: causing or inciting a child to engage in sexual activity
Sexual Offences Act 2003	18	Abuse of position of trust: sexual activity in the presence of a child
Sexual Offences Act 2003	19	Abuse of position of trust: causing a child to watch a sexual act
Sexual Offences Act 2003	25	Sexual activity with a child family member
Sexual Offences Act 2003	26	Inciting a child family member to engage in sexual activity
Sexual Offences Act 2003	30	Sexual activity with a person with a mental disorder impeding choice
Sexual Offences Act 2003	31	Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity
Sexual Offences Act 2003	32	Engaging in sexual activity in the presence of a person with a mental disorder impeding choice
Sexual Offences Act 2003	33	Causing a person, with a mental disorder impeding choice, to watch a sexual act
Sexual Offences Act 2003	34	Inducement, threat or deception to procure sexual activity with a person with a mental disorder
Sexual Offences Act 2003	35	Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception

Sexual Offences Act 2003	36	Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder
Sexual Offences Act 2003	37	Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception
Sexual Offences Act 2003	38	Care workers: sexual activity with a person with a mental disorder
Sexual Offences Act 2003	39	Care workers: causing or inciting sexual activity
Sexual Offences Act 2003	40	Care workers: sexual activity in the presence of a person with a mental disorder
Sexual Offences Act 2003	41	Care workers: causing a person with a mental disorder to watch a sexual act
Sexual Offences Act 2003	47	Paying for the sexual services of a child
Sexual Offences Act 2003	48	Causing or inciting child prostitution or pornography
Sexual Offences Act 2003	49	Controlling a child prostitute or a child involved in pornography
Sexual Offences Act 2003	50	Arranging or facilitating child prostitution or pornography
Sexual Offences Act 2003	52	Causing or inciting prostitution for gain
Sexual Offences Act 2003	53	Controlling prostitution for gain
Sexual Offences Act 2003	57	Trafficking into the UK for sexual exploitation
Sexual Offences Act 2003	58	Trafficking within the UK for sexual exploitation
Sexual Offences Act 2003	59	Trafficking out of the UK for sexual exploitation
Sexual Offences Act 2003	61	Administering a substance with intent
Sexual Offences Act 2003	62	Committing an offence with intent to commit a sexual offence (in a case where the intended offence was an offence against a child)
Sexual Offences Act 2003	63	Trespass with intent to commit a sexual offence (in a case where the intended offence was an offence against a child)
Sexual Offences Act 2003	66	Exposure
Sexual Offences Act 2003	67	Voyeurism
Asylum and Immigration (Treatment of Claimants, etc) 2004	4	Trafficking people for exploitation
Domestic Violence, Crime and Victims Act 2004	5	Causing or allowing the death of a child or vulnerable adult

A reference to an offence in this list includes:

- any attempt, conspiracy or incitement to commit that offence;
- aiding, abetting, counselling, procuring, encouraging or assisting the commission of that offence; and
- a caution for that offence.

Unless stated otherwise, the victim of the offences listed above will be under 18.

**This list is not exhaustive.**

## Chapter 5b

### Annex B

## Notification of potential PPRC - Children's Services

Copy **the whole of** this form onto a blank document for use, replace the sections marked in red, and **delete** this red text and the title before printing.

### HM PRISON SERVICE NOTIFICATION TO CHILDREN'S SERVICES

NAME:	
ALIASES	
PRISON NUMBER:	
PRISON/YOI:	
DOB:	
DATE:	

The above prisoner has been identified as a **potential** Person Posing a Risk to Children (PPRC). The prisoner arrived into custody on [date] and has been **charged with or convicted / previously convicted of: XXXXX**.

Prison staff will carry out a risk assessment to establish whether the prisoner presents a continuing risk to children. If there is a continued risk, we will inform you of **his/her** confirmed PPRC status, and if there is no on-going risk established, we will advise you to amend your PPRC records.

If you hold any risk information relating to the prisoner that should be considered as part of the risk assessment, please put it in writing for the attention of:

OMU Manager

HMP XXXXX

XXXXX

XXXXX

If we have not heard from you within fourteen days of receipt of this letter we will assume that at this stage you do not hold any further information that should be taken into account as part of the risk assessment.

## Chapter 5b

### Annex C

#### Notification of potential PPRC - offender manager / YOT worker

Copy **the whole of** this form onto a blank document for use, replace the sections marked in red, and **delete** this red text and the title before printing.

**HM PRISON SERVICE  
NOTIFICATION TO COM OR YOT WORKER**

<b>NAME:</b>	
<b>ALIASES:</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON/YOI:</b>	
<b>DOB:</b>	
<b>DATE:</b>	

The above prisoner has been identified as a **potential** Person Posing a Risk to Children (PPRC). The prisoner arrived into custody on [date] and has been **charged with or convicted / previously convicted of: XXXXX**.

Prison staff will carry out a risk assessment to establish if the prisoner presents a continuing risk to children. If there is a continued risk, we will inform you of **his/her** confirmed PPRC status, and if there is no on-going risk established, we will advise you to amend your PPRC records.

If you hold any risk information relating to the prisoner that should be considered as part of the risk assessment, please put it in writing for the attention of:

OMU Manager

HMP **XXXXX**

**XXXXX**

**XXXXX**

If we have not heard from you within fourteen days of receipt of this letter we will assume that at this stage you do not hold any further information that should be taken into account as part of the risk assessment.

## Chapter 5b

### Annex D

#### Prisoner notification

Copy **the whole of** this form onto a blank document for use, replace the sections marked in red, and **delete** this red text and the title before printing.

**HM PRISON SERVICE**  
**POTENTIAL PERSON POSING A RISK TO CHILDREN (PPRC)**

<b>NAME:</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON/YOI:</b>	
<b>DATE:</b>	

This is a notice to inform you of your status as a potential “Person Posing a Risk to Children” (PPRC).

You have been identified as a potential PPRC because **you have been charged with or convicted / previously convicted of:**

- a sexual offence against a child;
- murder or assault against a child;
- an offence related to domestic violence or abuse where a child was involved; or
- an offence where harm or neglect of a child was involved; or
- an offence in which the circumstances of the offence indicate that you knowingly placed a child at risk of serious harm including harm caused to a child by seeing or hearing the ill treatment of another.
- an offence where a child was not the intended victim or target but the offence resulted in harm to a child

**Alternatively:**

- your behaviour and/or conduct in prison indicates that you may present a risk to children
- we have received information from another agency which indicates that you may present a risk to children (speak with a member of staff if you wish to request disclosure of this information)

An assessment will be carried out by the prison to establish whether you present a **continuing** risk to children. While we consider your case you will be managed in the same way as a **confirmed** PPRC. This will mean a full restriction on social visits (including prison family days), phone calls and correspondence with all persons under the age of eighteen. All social numbers will also be checked before being added to your PIN phone account.

You will be informed of the outcome of your assessment in due course. If you are considered to be **no continuing risk**, the above safeguarding restrictions will be removed. But if your PPRC status is confirmed, because there is a continuing risk, the restrictions will remain in place.

If you wish to make contact with a child before the assessment has been completed, you must request a child contact application form from a member of prison staff.

## Chapter 5b

### Annex E

#### No continuing risk - offender manager / YOT worker

Copy **the whole of** this form onto a blank document for use, replace the sections marked in red, and **delete** this red text and the title before printing.

**HM PRISON SERVICE  
NOTIFICATION TO COM OR YOT WORKER**

<b>NAME:</b>	
<b>ALIASES:</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON/YOI:</b>	
<b>DOB:</b>	
<b>DATE:</b>	

We previously wrote to inform you of the above prisoner as a **potential** Person Posing a Risk to Children (PPRC). We have now completed the assessment and have established that there is no continuing risk to children presented by this prisoner. This means **he/she** will no longer be managed as a PPRC or a potential PPRC and there will not be any restrictions on **his/her** contact with children. Please amend your records to reflect this.

In future, if you receive any information relevant to the prisoner's risk, please ensure it is shared with the Prison Service. Although the prisoner has been assessed as no continuing risk, this is subject to change, and an immediate review will be carried out if the level of risk increases or we receive new risk information.

If you have any questions or concerns about this prisoner or the removal of restrictions please put this in writing to:

OMU Manager  
HMP **XXXXX**  
**XXXXX**  
**XXXXX**

## Chapter 5b

### Annex F

#### PPRC2

Copy **the whole of** this form onto a blank document for use, replace the sections marked in red, and **delete** this red text and the title before printing.

**HM PRISON SERVICE  
PPRC2 FOR CHILDREN'S SERVICES**

<b>NAME:</b>	
<b>ALIASES:</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON/YOI:</b>	
<b>DOB:</b>	
<b>DATE:</b>	

We previously wrote to inform you of the above prisoner as a **potential** Person Posing a Risk to Children (PPRC). We have now completed the assessment and have identified a continuing risk to children presented by this prisoner. This means that **he/she** will be managed as a PPRC with full restrictions placed on social visits, phone calls and correspondence with any person under the age of eighteen. The prisoner's PPRC status will be reviewed annually and you will be informed of any change to it.

Please treat the information in this document as a **referral / information only**:

<b>1. Details of PPRC</b>	
Address at time of conviction	
Proposed release address	
Current conviction	
Relevant previous conviction/s	
Gender	
Ethnicity	
Nationality	

## 2. Details of all known adults and children residing with the PPRC

Name	DOB	Relationship to PPRC

### 3. Details of children with whom the PPRC is likely to request contact

Name	DOB	Relationship to PPRC

#### 4. Summary of reasons the prisoner is identified as a PPRC

*Ensure this is consistent with the outcome of the PPRC assessment process*

--

## 5. Contact details

Name	
Prison address	
Telephone number	



## Chapter 5b

### Annex G

#### Continuing risk - offender manager / YOT worker

Copy **the whole of** this form onto a blank document for use, replace the sections marked in red, and **delete** this red text and the title before printing.

**HM PRISON SERVICE  
NOTIFICATION TO COM OR YOT WORKER**

<b>NAME:</b>	
<b>ALIASES:</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON/YOI:</b>	
<b>DOB:</b>	
<b>DATE:</b>	

We previously wrote to inform you of the above prisoner as a **potential** Person Posing a Risk to Children (PPRC). We have now completed the assessment and have established a continuing risk to children presented by this prisoner. This means **he/she** will be managed as a PPRC and the phone call, correspondence and visit restrictions on contact with children will remain in place.

In future, if you receive any information relevant to the prisoner's risk, please ensure this is shared with the Prison Service. Although the prisoner has been assessed as a continuing risk, this will be reviewed annually to ensure that the applied restrictions are proportionate to the risk presented.

If you have any questions or concerns about the management of this prisoner please put this in writing to:

OMU Manager

HMP **XXXXX**

**XXXXX**

**XXXXX**

## Chapter 5b

### Annex H

## Change in prisoner circumstances - Children's Services

Copy **the whole of** this form onto a blank document for use, replace the sections marked in red, and **delete** this red text and the title before printing.

**HM PRISON SERVICE  
CHANGE IN PRISONER CIRCUMSTANCES NOTIFICATION  
CHILDREN'S SERVICES**

<b>NAME:</b>	
<b>ALIASES</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON/YOI:</b>	
<b>DOB:</b>	
<b>DATE:</b>	

We previously wrote to you about the above prisoner presenting a risk to children. This letter is to notify you of a change to the prisoner's circumstances.

Convicted following remand	<input type="checkbox"/>
Acquitted	<input type="checkbox"/>
Released on court bail / appeal	<input type="checkbox"/>
Prison transfer	<input type="checkbox"/>
Released on temporary licence	<input type="checkbox"/>
Released	<input type="checkbox"/>
Died	<input type="checkbox"/>

In cases of temporary release, the period/s of release are between XXXXX and XXXXX.

In cases of prisoner transfer, the prisoner will be moved / has been moved to XXXXX.

In cases of release, the release date is set for XXXXX.

## Chapter 5c

# CHILD CONTACT PROCEDURES

## 1 INTRODUCTION

This chapter sets out the requirements and assessment process for prison staff when making decisions about child contact restrictions for prisoners who present a risk to children. For the purposes of this Manual, the definition of a child is any person who has not yet reached his or her 18<sup>th</sup> birthday.

Chapter 5a provides information about Governors' legal responsibility to safeguard and promote the welfare of children in custody or any child that comes into contact with the Prison Service. This chapter is one way in which this legal duty is put into practice.

## 2 IDENTIFICATION

Prisoners identified as a Person Posing a Risk to Children (PPRC) or a potential PPRC **must**, from the beginning of custody, be made subject to full restrictions on any contact with children. Refer to Chapter 5b for further information on PPRC.

Prisoners assessed as presenting no continuing risk to children should not be managed under the procedures set out in this chapter.

### 2.1 Informing the prisoner

Placing a restriction on contact between a prisoner and a child where there is a close relationship can be a distressing experience and it is important that prisoners understand why they have been identified as a potential risk to children. In most cases this will be because of the particular conviction or charge, but some prisoners may require further explanation. The prison **must** arrange for an approved translator where necessary and assistance **must** be provided for prisoners to understand the contents of the form where there is an identified learning or language need.

### 2.2 Application for contact

[Annex A](#) (Application for Child Contact) **must** be given to the prisoner at the earliest opportunity following a request for contact being made. Again, the prison **must** arrange for an approved translator where necessary, and assistance **must** be provided for prisoners to understand the contents of the form where there is an identified learning or language need.

Prisoners applying for contact with a child must consent to the OMU informing the child's primary carer of their potential or confirmed PPRC status and providing a summary of the reasons why the prisoner is assessed as posing a risk to children. The risk summary will enable the primary carer to make an informed decision about contact. If the prisoner does not consent to the OMU sharing this information, the application cannot proceed.

In general, prisoners may apply for contact only with children in their immediate family. This includes a prisoner's biological children, step-children, foster children, adopted children and the children of the prisoner's partner, provided they were living together as partners in an enduring family relationship before imprisonment. Applications can also be made for grandchildren, siblings, nieces and nephews.

Contact with a child outside these relationships should be allowed only in exceptional cases. Should a prisoner want such contact, they must submit an [Annex A](#), together with an explanation of why his application should exceptionally be considered. A senior manager of the prison **must** decide whether to accept or reject the application based on the merits of the prisoner's case, remembering that the best interests of the child will be paramount. Only if the senior manager finds the case compelling should the application itself be considered, and it should be borne in mind that the application can still be turned down.

Prisoners will not be permitted to have contact with a child who is the victim of their offence, unless they request it and can demonstrate there are exceptional reasons why they should have contact. Where a prisoner requests contact with a child who is a victim of their offending, prisons should consider if there are exceptional circumstances as set out in Chapter 6 'Contact Restrictions: Victim Contact, Harassment Measures, And No-Contact Requests'.

A request for contact can be also submitted by a child's primary carer<sup>21</sup>, or by the child directly. If such a request is received, the prisoner **must** be informed and asked if he or she wishes to make an application for child contact. That application **must** then be considered as set out above. If the prisoner does not wish to make an application, the requester **must** be informed.

## 2.3 Primary carer's support for contact

On receipt of an application for child contact, the prison **must** contact the child's primary carer, using [Annex B](#), to establish whether they support contact and at what level. The primary carer **must** be given a summary of the prisoner's risk to inform their views, which **must** be set out on the primary carer child contact response form. If the prisoner has not yet been assessed as a "continuing risk" (see Chapter 5b part 3.2) the primary carer **must** be made aware of this in the summary. **Prison staff must not under any circumstance disclose the name and details of the victim.** The application cannot proceed unless the primary carer supports contact between the prisoner and the child. Because of this, reasonable efforts should be made if the first attempt at contact is unsuccessful. If the primary carer does not support contact, Children's Services **must** be informed of the decision and the application for child contact rejected. The prisoner **must** be informed of the outcome of their application and advised to seek legal advice if they wish to pursue the matter further, for example through the family courts.

Where the primary carer supports contact, to progress the application they must provide four passport-style photographs of the child for identification purposes. The cost of the photographs can be reimbursed by the establishment up to the value of £4.00. Two copies are sent to other agencies as part of the risk assessment process (see below); the third is kept on the prisoner's file; and the fourth should be available for staff managing visits.

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<sup>21</sup> "Primary carer" includes parent, guardian and, for looked-after children, a local authority.

## 3 MULTI-AGENCY RISK ASSESSMENT

A number of agencies will have information relating to the risk to which the child might be exposed or the risk that the prisoner presents. The following agencies **must** be contacted to gather information before an assessment of risk can be made and a level of contact agreed that would be in the best interests of the child.

### 3.1 Police

The establishment Police Liaison Officer / Intelligence Officer (PIO) **must** be provided with prisoner information and details about the child on the application with the supporting photograph. The PIO will make enquires with the Police Child Protection Team in the area where the child lives, who will provide a report to the prison based on the risk to the child and any further information they may have about the prisoner.

### 3.2 Children's Services

[Annex C](#) **must** be sent to the local authority Children's Services for the area in which the child lives, asking them to carry out an assessment of the best interests of the child and provide a written report, in line with the assessment framework set out in the statutory guidance *Working Together to Safeguard Children*<sup>22</sup>. The photograph of the child should be attached to the referral form at [Annex C](#) for the social worker to verify the identity of the child and return to the prison. Prison staff should complete the referral with information about the prisoner's risk and the specifics of the prison environment that will assist the social worker to complete their best interests assessment. The primary carer response form and PPRC2 should be sent with the referral. As part of the assessment process, Children's Services should undertake a home visit, during which the views of the child and the primary carer should be ascertained. If a child is able to make an informed choice, their views must be considered. The written report should:

- outline the child's circumstances and views;
- confirm that the photograph supplied by the primary carer is of the child;
- contain recommendations on what level of contact, if any, Children's Services consider to be appropriate for the child to have with the prisoner; and
- identify an appropriate adult(s) who will accompany the child when visiting the prisoner.

Within one working day of receiving a referral, Children's Services should make a decision about the type of response that is required and advise the referrer on the next course of action.

The Governor (or senior manager with suitable delegated authority) is ultimately responsible for making an assessment of what, if any, level of contact should be permitted. If the report received from Children's Services does not address the above bullet points, the Governor should refer the matter back to Children's Services with an express request for this information, unless it is available from other material before him/her.

### 3.3 Offender manager / YOT worker

The Prison Offender Manager (POM) **must** inform the COM about the child contact application. A request **must** be made to the offender manager for any new risk information, comments or concerns about the

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<sup>22</sup> *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children*, March 2015, HM Government

prisoner's application. If the prisoner is under eighteen the same contact **must** be made with the YOT worker responsible for the prisoner.

### 3.4 NSPCC

Where available the NSPCC may be contacted for additional information. Prisons that have developed a relationship with the NSPCC have also negotiated an arrangement where it has agreed to search its database for information relating to a child's risk. There is no obligation to do this check, but where this arrangement is in place it will enhance the assessment.

## 4 LEVEL OF CONTACT

### 4.1 Senior manager decision

Once the multi-agency assessment process is completed, the Governor or a senior manager with suitable delegated authority should make a decision about the appropriate level of contact suitable between the prisoner and the child. This process should not be completed in isolation and should be supported by members of the prison's safeguarding risk panel or equivalent. This ratification process will vary according to the prison structure and the level of risk presented by the prisoner. In some cases consultation may be carried out by e-mail, while in more complex and potentially high-risk cases a risk meeting will be needed.

The risk presented should be managed proportionately, taking into account the existing safeguards available in custody. In all cases decisions **must** be based on what is in the best interests of the child and **must** be properly reasoned and fully recorded on file.

In addition to the information provided by partner agencies (which should include an assessment of the child's needs, wishes and feelings and the capacity of the primary carer to protect the child from potential harm), the assessment should also take into account:

- OASys assessment
- static risk assessment tool for sexual re-offending (Risk Matrix 2000)
- pre-sentence report
- previous convictions
- behaviour in custody
- progress with offending behaviour programmes

The over-riding principle is that the child's welfare is paramount and any contact must be in the best interests of that child. This may not always correspond with the wishes of the child or of the primary carer. Where there is a conflict between the needs of the child and the carer, decisions should be made in the child's best interests.

### 4.2 Contact level

There are four possible contact levels for a prisoner who is assessed as posing a risk of harm to children, and an additional arrangement for social video calls where the prison approves this form of contact but have not approved face-to face visits. The decision to approve any form of contact **must** be made with the over-riding

principle that the child's welfare is paramount, and any contact permitted should be in the best interests of that child.

The term "Level One" should not be used in reference to a prisoner who has not applied for child contact or where a decision on an application has not yet been taken. They should instead be referred to as "under full restrictions". "Level One" should be used only where an application has been made and a positive decision taken that full restrictions apply to the child named in that application.

Each assessment is specific to a particular child and cannot be used to determine contact levels with other children. This means that prisoners must apply separately in respect of each child with whom they want to have contact, including siblings living in the same household, and a separate risk assessment **must** be completed for each child. **This can result in a prisoner being allowed different contact levels in respect of different children (including no contact at all).** The outcome of the child contact application should be recorded on P-Nomis using the appropriate alert.

The [Secure Social Video Calling Policy Framework](#) provides the policy and guidance for prison staff on secure social video calls which were introduced to help maintain family contact as a supplement to existing communications through letters, phone calls and social visits.

The following considerations must be observed when managing secure social video calls being made by any prisoner or young person with child contact restrictions:

a) Those identified as a Person Posing a Risk to Children (PPRC) or a Potential PPRC in accordance with the Public Protection Manual (PSI 18/2016) who have approved Level 4 contact arrangements with named children are allowed to have secure social video calls with them. In other cases, professionals (such as children's social care) contributing to the multi-agency assessment may support a social video call rather than a face-to-face visit. In these circumstances the prison can approve a prisoners contact with a named child for social video calls in addition to Level 2 or 3, or as a separate approved contact arrangement with a named child. The OMU should record this decision in the free text box of the level 2 or 3 alert, or the PPRC alert where social video calls are approved as the only form of contact<sup>23</sup>.

b) The OMU must have a process in place to ensure they notify staff involved with booking and managing visits and social video calls of agreed child contact arrangements; a [suggested template](#) is provided in the prison public protection community on the MAPPA website<sup>24</sup>. Staff facilitating social video calls must confirm the identity of any children participating in secure social video calling with a prisoner subject to child contact arrangements. Prior to the prisoner or young person joining the call staff must confirm the child's identity on screen in comparison to approved images held by the establishment as outlined in this Chapter. Copies of these photographs must be available to the monitoring member of staff prior to any session commencing. If the monitoring member of staff is not confident that the child on screen is the child with whom the video calling is allowed, they must not allow the call to go ahead. Where a call is terminated an explanation must be given to the registered caller and the incident reported and recorded via the security incident reporting process. The PPRC's child contact arrangements must be reviewed before any future video calls can take place. The

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<sup>23</sup> This is an interim workaround until there is a digital solution to record social video calls as a separate contact arrangement.

<sup>24</sup> The [Prison Public Protection Community on the MAPPA website](#) is a dedicated resource for all prison staff who work within public protection. This is a non-public facing private space; professionals can register with their work email and choose the 'Prison Public Protection' tab under 'my communities' and request to join.

safeguarding lead, duty governor, or head of offender management delivery should be notified if there is immediate concern for the safety or welfare of a child.

Restriction levels for child contact	Child contact levels are specific to the named child in the application
Level One	Full restrictions apply. No contact allowed.
Level Two	Written correspondence allowed. No telephone calls or visits.
Level Three	Written correspondence and telephone calls allowed. No visits.
Level Four	No restrictions necessary. Contact allowed via correspondence, telephone calls and visits; including social video calls.
PPRC Child Contact: Social Video Calls	Prisons can approve social video calls in conjunction with Level 2 and 3 contact or as a separate contact arrangement to reflect cases where the multi-agency assessment concludes the prisoner can have contact with the named child via social video calls, but not face to face visits.

## 5 CHILDREN LIVING ABROAD

A multi-agency risk assessment can be more difficult to complete for contact with children who are living abroad. It is important to remember that the Governor's safeguarding duty is not exclusive to children living in the UK. The duty applies equally to all children who may come into contact with the Prison Service. The principles and procedures set out will still apply and the prison will be expected to follow the policy as far as is practicable. Reasonable attempts should be made to obtain the required information and decisions should be based on the information available.

If the child previously lived at an address in the United Kingdom, checks should still be made with Children's Services in that area for any previous involvement they may have had with the child in question. Similarly, police checks should also be completed, as the police may hold relevant information.

If the agencies do not provide enough information on which to base a defensible contact decision, the prison should consider contacting the embassy of the child's country of residence to seek information. This request should only be made in writing by the Governor of the prison. Alternatively, contact can be made with Children & Families Across Borders (CFAB). This is the UK branch of the International Social Service (ISS) network and can provide inter-country casework services and advice <http://cfab.org.uk/>

## 6 INFORMING THE PRIMARY CARER / PRISONER / AGENCIES INVOLVED

Once a decision has been made on the permitted level of child contact, the prisoner should be informed of the outcome using [Annex D](#). The prisoner should be provided with a summary of reasons for reaching the decision that is both case specific and concise. Guidance on withholding information can be found in part 6.2.



Any decision to restrict contact may lead to the prisoner appealing against the decision or requesting disclosure of the information on which the decision was based.

The primary carer should be informed of the outcome using [Annex E](#) and any agencies that have contributed to the assessment should be informed of the outcome using [Annex F](#).

## 6.1 Appeals process

Prisoners who wish to appeal against a decision made by the prison can do so using the complaint procedure set out in the [Prisoner complaints policy framework - GOV.UK \(www.gov.uk\)](#).

The senior manager responsible for the decision that is being appealed against should not be involved in the appeals procedure. A delegated senior manager **must** examine all the information on which the original decision was based. If the contact level is revised as a consequence, the reasons for the change **must** be fully recorded on file, and relevant agencies and the prisoner informed of the change.

## 6.2 Disclosure

The process of assessing child contact applications should be as open and transparent as possible. Although the outcome of the child application provides the prisoner with a summary, prisoners may seek further disclosure of the information considered by the senior manager in reaching a decision to restrict contact.

In principle, all information taken into account, and the reasons for the decision, should be disclosed to the prisoner, although the prison can determine the form in which it should be shared. There are three options:

- full disclosure - providing the information as it stands;
- redacted version of the information - this is suitable where sensitive details are omitted while still providing the prisoner with the information that he/she needs to know;
- a gist or summary of information - this applies where a redacted version does not meet the need for withholding the information.

The starting point should always be full disclosure, but this may not always be possible - see above. If this is the case consideration should be given to producing a redacted version for disclosure. If even that cannot be disclosed, the last resort of a gist or summary **must** be produced. It is important to bear in mind that the information given to the prisoner, irrespective of form, **must** be enough to allow the prisoner to understand the reasons and basis of the decision made.

If any part of the information considered for disclosure has been provided by another agency, the prison **must**, in writing, inform them of the possibility of disclosure. The prison is not seeking permission to share the information; instead, it is asking the agency whether there are any barriers to or concerns about disclosing (any part of) the information to the prisoner. Reasonable attempts should be made to contact the agency and it should be provided with a deadline for a response.

Any decision to give less than full disclosure to the prisoner **must** be both necessary and proportionate to the need. Reasons for withholding information **must** be made in line with the following criteria:

- in the interests of national security; or
- for the prevention of disorder or crime; or

- for the protection of information the disclosure of which may endanger the safety or the physical or mental health of any individual; or
- if, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and/or physical health of the offender could be impaired; or
- where the source of the information is a victim or any person to whom a duty of confidence is owed, or anyone else who has provided information on a confidential basis, and disclosure without their consent would breach that duty, or would generally prejudice the future supply of such information.

## 7 REVIEW

All contact decisions should be reviewed at least annually, or earlier if there is reason to believe that circumstances have changed or where there has been an increase / decrease in risk. A prison transfer will not automatically trigger a review; the reason for the prisoner's transfer should be taken into account when deciding whether a review is deemed necessary.

Reviews **must** be based on updated information from all agencies involved in the original multi-agency risk assessment, and decision-making **must** be supported by the prison safeguarding risk panel or equivalent. Prisoners **must** be informed of any change in contact restrictions following a review.

If there is reason to believe that the prisoner no longer presents a continuing risk to children, prison staff should use the assessment process set out in Chapter 5b part 3 to ensure consistency and defensible decisions.

The annual review process **must** include obtaining an updated set of child photographs. Updates should also be obtained where there has been a significant change in the child's appearance. But there is no need to update photographs where a review has been triggered only by a change in risk.

## 8 MONITORING

The [Authorised Communications Controls and Interception Policy Framework](#) outlines the requirements for Offence Related Monitoring (ORM); and, the Interception and Restriction of Communications Operations Manual provides further guidance. An initial period of monitoring of all correspondence and telephone calls of prisoners presenting a risk to children **must** be considered<sup>25</sup> following the OASys and/or PPRC risk assessment. [Annex C in Chapter 6](#) provides further information on the considerations the OMU should make when deciding if ORM is necessary and proportionate and prisons must refer to the Authorised Communications Controls and Interception Policy Framework.

Staff monitoring calls and correspondence should be particularly alert to any attempts to groom or manipulate a child or carer. They should also be aware of references made about children in general correspondence; a keywords list associated with potential sexual abuse is produced monthly by the Internet Watch Foundation and disseminated by NOMS Offender Management & Public Protection Group. Staff should be aware of any

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<sup>25</sup> The [Authorised Communications Controls and Interception Policy Framework](#) specifies those prisoners who must be considered for ORM which includes, but is not limited to, prisoners presenting a risk to children.

references that suggest a child may be at risk of abuse other than of a sexual nature, including female genital mutilation and abuse linked to faith and belief.

Any suspicions or evidence of inappropriate contact or potential or actual abuse should be reported using the security incident reporting process, with a copy to the public protection manager in the establishment (or equivalent).

## 9 VISITS

### 9.1 Identification

The passport-style photograph provided at primary carer support stage should be used by visits staff to check the identity of the child attending the visit. Staff should be alert to possibility that an “approved” child could be substituted with another, possibly more vulnerable child. The photograph will have been verified by Children’s Services or the Police Children Protection team as part of the multi-agency assessment.

### 9.2 Managing the visit

All staff managing visits should be made aware of prisoners who present a risk to children. It is important that relevant staff are aware of prisoners who are not allowed visits, either from particular children under level four contact, or from any at all.

Good observation and sensitive seating arrangements should be considered when managing visits that include prisoners who are not permitted contact with any children. This could mean considering the proximity of the crèche area or refreshment counter to the prisoner seating arrangement. Where prisoners have been granted child contact, staff should observe:

- the child’s appearance, including the appropriateness of their dress;
- the interaction between the child and the prisoner, including the child’s body language; and
- any change in behaviour of the child and/or interaction with the prisoner should the accompanying adult absent themselves from the visiting table.

Any signs of neglect, abuse or distress **must** be reported using the security incident reporting process. The manager with public protection policy or equivalent should be provided with a copy of the report. An immediate referral should be made to Children’s Services if there is concern for the safety or welfare of a child.

## Chapter 5c

### Annex A

#### Application for child contact

##### HM PRISON SERVICE APPLICATION FOR CHILD CONTACT

NAME:	
PRISON NUMBER:	
PRISON / YOI:	
DOB:	
DATE:	

You have asked for contact with a child. Please read the attached “Frequently Asked Questions” before completing this form.

If you have any questions about the child contact application process or are having trouble completing this form, please speak with a member of prison staff who will be able to help.

Consent	
<p>As part of the child contact application process the OMU will contact the primary carer of the child or children you are applying for contact with and will give them information including a summary of your risk assessment in relation to the risk posed to children. This may include brief details of your offence and any previous offences, and any other risk factors relevant to the risk posed to children. This is to ensure the primary carer can make an informed decision about whether they support contact.</p> <p>Please sign and date this box to agree for your information to be shared as part of the child contact application process. If you do not want to consent to sharing this information the OMU will not be able to progress your child contact application any further.</p>	
Date:	Signature:

**It is important that you make a separate application for each child you wish to apply for contact with, even if they are siblings or living in the same home.**

CHILD	
Name of child	
DOB	
Your relationship to child	
Type of contact requested <i>Circle as appropriate</i>	Correspondence / Phone Calls / Visits / Social video calls

PRIMARY CARER	
Name of primary carer for the child	
Primary carer's relationship to child	
Address	
Telephone number	

## Frequently asked questions

### 1) Why do I have to apply for contact with children?

You were informed that you have been identified as a risk to children when issued with a Potential PPRC Prisoner Notification. If you do not understand why you have been identified as a risk, please speak with a member of prison staff, who will be able to explain.

### 2) What do you mean by contact with a child?

A child is a person who has not yet reached their eighteenth birthday.

There are three types of contact: letters, telephone calls and visits. At the moment you are under full restrictions, so you cannot have any type of contact with any child.

### 3) If I make an application does this mean the restrictions will be lifted?

No, not automatically.

On receiving your application the prison will assess and identify a level of contact that is proportionate to the risk you present and in the best interests of the child. The over-riding principle in this process is that the child's welfare is paramount.

### 4) Can I make an application for contact with any child?

In general, you may apply for contact only with children in your immediate family. This means biological children, step-children, foster children, adopted children, and the children of your partner if you were living together as partners in an enduring family relationship before you were imprisoned. You can also make an application for grandchildren, siblings, nieces and nephews.

If you want to make an application for a child outside this group, it needs to be submitted along with a compelling case for why contact with that child should be considered. A senior manager from the prison will decide to accept or reject the application based on the merits of the case you put forward. If your application is accepted, whether to allow contact will then be considered as described at question 3.

### 5) What will the prison do with my application?

The process for assessing the application is in two stages.

We will write to the child's primary carer to establish whether they support your application. We will give them information about the risk that you present. If they support contact, they will also be able to state their preferred level of contact. If the primary carer does not support contact, we will not continue with the application. We will tell you if this happens and you will remain on full restrictions for the child in question.

If the primary carer supports contact, your application will progress to the multi-agency risk assessment stage before a contact level is assigned. The final decision may be not to allow contact, even if the primary carer supports it.

### 6) What does the multi-agency risk assessment involve?

We will ask for information from the Police, Probation Service () / Community Rehabilitation Company (CRC) / Youth Offending Team (YOT), local authority Children's Services and, where available, from the NSPCC.

The Police and your Offender Manager or YOT Worker will be asked to provide information about known risks to the child and relevant risk information about you.

Children's Services will be asked to visit the child's home and recommend what level of contact the child should have with you while you are in prison. Their recommendation will be based on the best interests of the child. They will also be asked to identify an appropriate adult to accompany the child where you have asked for visits.

Where available, an agency check will be carried out with the NSPCC.

Once we have contributions from these bodies, a senior manager from the prison will make a final decision about the level of contact that is proportionate to the risk you present and in the best interests of the child. Existing risk information held by the prison will also inform the decision-making process.

## 7) What are the contact levels?

Following the application and assessment process, contact with the child in question will be at one of the levels in the table below. All contact decisions will be reviewed annually or earlier if there is reason to believe that circumstances have changed or where there has been an increase or decrease in risk.

Restriction levels for child contact	
Level One	Full restrictions apply. No contact allowed.
Level Two	Written correspondence allowed. No telephone calls or visits.
Level Three	Written correspondence and telephone calls allowed. No visits.
Level Four	No restrictions necessary. Contact allowed via correspondence, telephone calls and visits; including social video calls.
PPRC Child Contact: Social Video Calls	Prisons can approve social video calls in conjunction with Level 2 and 3 contact or as a separate contact arrangement to reflect cases where the multi-agency assessment concludes the prisoner can have contact with the named child via social video calls, but not face to face visits.

## 8) What if I disagree with a decision?

You can appeal against a decision using the internal prisoner complaints process. Please speak to a member of staff for more information.

## 9) Will you review contact levels?

All contact decisions will be reviewed annually or earlier if there is reason to believe that circumstances have changed or where there has been an increase or decrease in risk. Reviews will be based on updated information from all agencies involved in the original multi-agency risk assessment. A separate PPRC review will also be carried out annually to establish whether you present a continuing risk to children.

## Chapter 5c

### Annex B

#### Letter to primary carer

**HM PRISON SERVICE  
LETTER TO PRIMARY CARER  
CHILDREN CONTACT RESTRICTIONS**

<b>PRISONER NAME</b>	
<b>PRISON / YOI</b>	
<b>PRISON ADDRESS</b>	
<b>DATE</b>	

We are writing to inform you that the above prisoner has applied for contact with **[Insert Child Name]** and has provided your details as primary carer for the child.

The prisoner has been identified as presenting a **[potential]** risk to children, but before we can consider the application we need to know if you support contact between the child and the prisoner and, if you do, what kind of contact. In the response form you will find a risk summary to help you make your decision. **If you do support contact**, please specify the type of contact you are happy for the child to receive. **If you do not support contact** of any kind, the application will not go any further.

However, if you do support contact that will not automatically mean that it will be allowed. A decision about contact will only be made once we have received information from the Police, local authority Children's Services, and the prisoner's offender manager, about the risk the prisoner presents and the child's best interests. If the prisoner is under eighteen we will also contact the responsible YOT worker. In all cases, the child's welfare will be our primary concern.

**What should I do if I don't support contact?**

Return the attached form, indicating that you do not support contact. The prisoner will be told that **he/she** will not be allowed to have any contact with the child.

**What should I do if I support contact?**

Return the attached form, indicating your support and the level of contact that you believe to be in the best interests of the child. Where the child is able to express views about contact with the prisoner, please give details on the form.

In order to process the application we need four passport-style photographs of the child to be returned with the form. We need them for identification purposes and they will need to be updated annually (or earlier where there is a significant change in the child's appearance). You can claim up to £4.00 from the prison to



cover the cost - please say on the form if you want to do this. The prison will tell you about the permitted level of contact once a decision has been made.

If you have any further comments or concerns, please use the “primary carer’s comments” section in the response form. The information you provide will be shared with Children’s Services and in some cases the prisoner could be informed of your decision to not support the application for contact. If you have any concerns about sharing this information please use the comments section to inform us of this.

## Primary Carer - Child Contact Response

Copy this form onto a blank document for use, and replace sections marked in red before printing.

To	From
[insert contact name at prison] HMP [insert name of prison and address]	[insert full name of primary carer]
Following receipt of a child contact application from [insert name of prisoner], the prison has contacted me as the primary carer for [insert full name of child].	

<b>Prisoner risk summary</b>
<p>- provide a brief summary of why the prisoner has been identified as presenting a risk to children. The summary should enable the primary carer to make an informed decision about contact. The information shared should be specific and only relevant to the risk presented to children</p> <p>- names and details of victims should not be shared</p>

<b>1. Contact permission (please tick one)</b>	
I support contact between named prisoner and child	<input type="checkbox"/>
I do not support contact between named prisoner and child	<input type="checkbox"/>

<b>2. Preferred contact level (fill this in if you support contact)</b>	
Correspondence only (letters / postcards)	<input type="checkbox"/>
Correspondence and telephone calls only	<input type="checkbox"/>
Correspondence, telephone calls, social video calls and visits	<input type="checkbox"/>
Social video calls only	<input type="checkbox"/>

<b>3. Child's views</b>

<b>4. Primary carer's comments</b>

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In order to avoid any unnecessary delays to the assessment process, please provide the following details:

Full name of child	
DOB	
Gender	M / F
Address	
Relationship to prisoner	

**If you support child contact, please remember to include four passport-style photographs of the child. Applications for contact cannot be considered without them.**

Do you want to claim for the cost of the photographs?		Yes / No
Full name (print)		
Signature		
Date		

## Chapter 5c

### Annex C

## Local Authority Children's Services referral - covering letter

#### HM PRISON SERVICE LOCAL AUTHORITY CHILDREN'S SERVICES REQUEST FOR ASSESSMENT

NAME:	
ALIASES:	
PRISON NUMBER:	
PRISON / YOI:	
DOB:	
DATE:	

The above prisoner has been identified as a **[potential]** person posing a risk to children (PPRC). For the prisoner this means full restrictions on correspondence, telephone calls and prison visits with all children. Contact with a child can be considered only when we have an application for contact from the prisoner and the primary carer's written support.

To effectively assess the risk presented and establish a contact level that is in the best interests of the child, we ask that you carry out an assessment of the best interests of the child and provide a written report, in line with the assessment framework set out in the statutory guidance *Working Together to Safeguard Children*.

As part of the assessment process, you should undertake a home visit, during which the views of the child and primary carer should be ascertained. If the child is able to make an informed choice, their views should also be considered. A photograph of the child has been attached to this letter - please verify that the supplied photograph is of the named child and return it with your written report.

The report should:

- outline the child's circumstances and views;
- confirm that the photograph attached to this letter is of the child;
- contain a recommendation of what level of contact, if any, you consider to be in the best interests of the child; and
- identify an appropriate adult(s) who could accompany the child when visiting the prisoner

The information you provide will inform the multi-agency risk assessment and the eventual contact outcome. The Prison Governor or senior manager with delegated authority will make the final decision on contact once we have received information from all the agencies consulted - Police, National Probation Service / Community Rehabilitation Company or Youth Offending Team, and Local Authority Children's Services.

Any information you provide may be disclosed to the prisoner at a later stage if disclosure is requested. In the interests of maintaining an open and transparent process, we will always try to make a full disclosure but, because of the nature of risk information, this may not always be possible. If there is information in your response that you consider should not be subject to full disclosure, please highlight this in your report giving the reasons.

To help you in you completing your assessment, the following are enclosed with this letter:

- referral
- receipt of referral
- the PPRC2 form previously sent to the prisoner's home area (which may not be the same home area as the child)
- the primary carer's letter of support
- photograph of the child for you to verify and return

As per *Working Together* guidance please acknowledge this referral and advise us of the next course of action using the "receipt of referral letter" enclosed.

## Referral

Attach child photograph

The following prisoner has been identified as a [potential] person posing a risk to children (PPRC). Please use the information within this referral and information in the enclosed PPRC2 to complete the written report.

PRISONER NAME:	
ALIASES:	
DOB:	

1. Child	
Name	
Gender	M / F
DOB	
Address	
Relationship to prisoner	

2. Primary Carer	
Name	
Address	
Relationship to child	
Relationship to prisoner	

### 3. Prisoner Risk Summary

include where relevant

- circumstances of the offence
- history of offending
- circumstances which increase the likelihood of re-offending
- target victim information

- risk of harm assessment
- relevant risk information
- behaviour work / programmes undertaken
- SOPOs / SHPOs and other relevant Orders

#### 4. Prison Environment & Safeguards

Describe the visits hall environment - include any play and seating arrangements  
Include current monitoring arrangements on PIN phone and correspondence of the prisoner

In response to this referral please provide a written report. The report should:

- outline the child's circumstances and views;
- confirm that the photograph attached to this referral is of the child;
- contain a recommendation of what level of contact, if any, you consider to be in the best interests of the child; and
- identify an appropriate adult(s) who could accompany the child when visiting the prisoner.

Please recommend contact in line with one of the following levels:

Restriction levels for child contact	
Level One	Full restrictions apply. No contact allowed.
Level Two	Written correspondence allowed. No telephone calls or visits.
Level Three	Written correspondence and telephone calls allowed. No visits.
Level Four	No restrictions necessary. Contact allowed via correspondence, telephone calls and visits; including social video calls.
PPRC Child Contact: Social Video Calls	Prisons can approve social video calls in conjunction with Level 2 and 3 contact or as a separate contact arrangement to reflect cases where the multi-agency assessment concludes the prisoner can have contact with the named child via social video calls, but not face to face visits.

## Receipt of Referral

### HM PRISON SERVICE LOCAL AUTHORITY CHILDREN'S SERVICES ACKNOWLEDGMENT

To	From
Head of OMU Prison address Contact number Fax number	

<b>PRISONER NAME:</b>	
<b>ALIASES:</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON / YOI:</b>	
<b>DOB:</b>	

We have received a referral concerning the above named prisoner and [insert name of child]. We have decided to take the following course of action:

--

We aim to provide this by

<b>Date</b>	
-------------	--

The contact point at Children's Services for this referral is:	
Name	
Department	
Address	
Telephone number & e-mail address	



## Chapter 5c

### Annex D

#### Child contact application - outcome

**HM PRISON SERVICE  
CHILD CONTACT APPLICATION OUTCOME  
NOTICE TO PRISONER**

NAME:	
PRISON NUMBER:	
PRISON / YOI:	
DOB:	
DATE:	

CHILD NAME	
APPLICATION DATE	

Your application for contact with the above child has been considered and a decision has been made about the level of contact you will be allowed to have with **him/her**. The decision has been made with the overriding principle that any contact must be in the best interests of the child. To reach this decision a multi-agency risk assessment was carried out and the outcome was informed by contributions from the following agencies:

Police

Local Authority Children's Services

Probation Service

Youth Offending Team

NSPCC

The restriction level which will apply to contact between you and the named child has been marked with a cross in the table below:

Restriction levels for child contact		X
Level One	Full restrictions apply. No contact allowed.	
Level Two	Written correspondence allowed. No telephone calls or visits.	
Level Three	Written correspondence and telephone calls allowed. No visits.	
Level Four	No restrictions necessary. Contact allowed via correspondence, telephone calls and visits; including social video calls.	
PPRC Child Contact: Social Video Calls	Prisons can approve social video calls in conjunction with Level 2 and 3 contact or as a separate contact arrangement to reflect cases where the multi-agency assessment concludes the prisoner can have contact with the named child via social video calls, but not face to face visits.	

This level applies **only** to the child named in this notice. Contact with all other children, unless otherwise advised, will remain subject to full restrictions. Changing levels of contact with them will be considered only if you make a separate application for contact. Below you will find a summary of reasons for reaching this decision:

Insert summary of reasons

The restriction level in this notice will be reviewed at least annually, or earlier if there is reason to believe that circumstances have changed or where there has been an increase or decrease in risk. You will be told of any change to your restriction level.

If you are unhappy with our decision and believe you have reason to appeal this decision, please speak with a member of prison staff who will be able to advise you further.

## Chapter 5c

### Annex E

#### Child contact application - outcome

**HM PRISON SERVICE  
CHILD CONTACT APPLICATION OUTCOME  
NOTICE TO PRIMARY CARER**

<b>NAME:</b>	
<b>PRISON / YOI:</b>	
<b>DOB:</b>	
<b>DATE:</b>	

<b>CHILD NAME</b>	
<b>APPLICATION DATE</b>	

You previously supported an application for contact between the above prisoner and **[insert name of child]**. This has been considered and a decision has been made about the level of contact the prisoner will be allowed to have with the named child. The decision has been made with the over-riding principle that any contact must be in the best interests of the child. To reach this decision a multi-agency risk assessment was carried out and the outcome was informed by contributions from the following agencies:

Police

Local Authority Children's Services

Probation Service

Youth Offending Team

NSPCC

The restriction level which will apply to contact between the prisoner and the named child has been marked with a cross in the table below:

Restriction levels for child contact		<b>X</b>
Level One	Full restrictions apply. No contact allowed.	
Level Two	Written correspondence allowed. No telephone calls or visits.	
Level Three	Written correspondence and telephone calls allowed. No visits.	
Level Four	No restrictions necessary. Contact allowed via correspondence, telephone calls and visits; including social video calls.	
PPRC Child Contact: Social Video Calls	Prisons can approve social video calls in conjunction with Level 2 and 3 contact or as a separate contact arrangement to reflect cases where the multi-agency assessment concludes the prisoner can have contact with the named child via social video calls, but not face to face visits.	

It is important to note that the restriction level will be reviewed at least annually, or earlier if there is reason to believe that circumstances have changed or where there has been an increase or decrease in risk.

## Chapter 5c

### Annex F

#### Child contact decision

##### HM PRISON SERVICE

##### NOTIFICATION TO POLICE, LOCAL AUTHORITY CHILDREN'S SERVICES, COM OR YOT WORKER

NAME:	
ALIASES:	
PRISON NUMBER:	
PRISON / YOI:	
DOB:	
DATE:	

CHILD'S NAME:	
DOB:	

You previously contributed to a multi-agency risk assessment to assist the Prison Service identify a level of contact suitable between the above prisoner and [insert name of child]. We are writing to advise you of the outcome of this assessment.

The prisoner's contact with the child is now subject to the restriction level marked with a cross:

Restriction levels for child contact		X
Level One	Full restrictions apply. No contact allowed.	
Level Two	Written correspondence allowed. No telephone calls or visits.	
Level Three	Written correspondence and telephone calls allowed. No visits.	
Level Four	No restrictions necessary. Contact allowed via correspondence, telephone calls and visits; including social video calls.	
PPRC Child Contact: Social Video Calls	Prisons can approve social video calls in conjunction with Level 2 and 3 contact or as a separate contact arrangement to reflect cases where the multi-agency assessment concludes the prisoner can have contact with the named child via social video calls, but not face to face visits.	

It is important to note that the restriction level will be reviewed at least annually, or earlier if there is reason to believe that circumstances have changed or where there has been an increase or decrease in risk. You will be contacted again, as part of the review process, to provide any updates to the risk information that you previously supplied.

## Chapter 5d

# PERSONAL PHOTOGRAPHS OF CHILDREN

Prisoners who present a risk to children may, like any other offender, want to have photographs or other pictures of family members and friends in their possession. A number of factors must be considered before this can happen.

The Prison Service has a duty to protect children from being conditioned and groomed by prisoners as possible targets of physical or sexual abuse. This chapter is intended to help establishments in preventing prisoners from doing this. The process set out here is designed to ensure that prisoners are not allowed to have photographs of children in possession if doing so would place a specific child or children at risk, **or** if it would undermine offending behaviour work they are undertaking and potentially increase a prisoner's risk to children generally.

The policy is focused chiefly on prisoners who have been identified as PPRCs and present a risk of a **sexual nature**, and have been remanded in connection with or are serving custodial sentences for sexual offences against a child, or have a previous conviction for such an offence. This does not include:

- sex offenders whose victims are adults, unless a sexual risk to children has been separately identified; or
- prisoners who have offended against children, but whose risk to them is not sexual in nature.

This means that the policy should not normally be engaged where no sexual risk to children has been identified. However, it can affect **any** prisoner where there is a risk that photographs will be shared with others who should not have them - see section 4 below.

## 1 PROCESS

It is unlikely that a prisoner will volunteer a photograph and ask for permission to possess it. Photographs will come into prisoners' hands by a number of routes; in all cases the presumption is that they can be allowed only after the necessary checks have been carried out.

- **Prisoners bringing photographs:** where a prisoner brings in a photograph on reception, it **must** be placed on their record (F2050) and held there until the following have been carried out:
  - if the prisoner is arriving from another prison, a check of their History Sheet (F2052A) to establish whether they are authorised to have the photograph; and
  - if they are not authorised, or are new to the prison system, a risk assessment.
- **Prisoners receiving photographs:** photographs may be posted to prisoners or given to them on visits. Where this is known to have happened, the photographs **must** be placed on the prisoner's record pending risk assessment, and the details of how they were obtained recorded.
- **Photographs found in possession:** photographs discovered in a prisoner's possession or in his cell may have been obtained from another prisoner, or they may have been sent to the prisoner and not intercepted. If not previously authorised, they **must** be temporarily confiscated and placed on the

prisoner's record pending a risk assessment. Details of how the photographs were found should be recorded on file.

## 1.1 The risk factors

The factors to be considered when assessing risk are:

- **the child's identity** - what relationship is the child to the offender, and is he or she the offender's victim?
- **risk to the child in question** - does the offender present a risk to the child, and if so, what is the nature of that risk? Does the child match the offender's victim profile?
- **parental role** - are the primary carer(s) of the child able to protect them from harm?
- **risk to other children or to children in general** - could the photograph be used to undermine rehabilitation or reinforce offending behaviour, or in criminogenic fantasy?
- **sharing** - is there a likelihood of the photograph and/or the child's address being passed to another prisoner, or obtained by one, particularly where this could be used to reinforce offending behaviour?

## 1.2 The child's identity

This policy applies to photographs of identifiable children (who may or may not be related to the offender). For policy on generic photographs of children, such as in catalogues, see Chapter 10.

PPRCs and potential PPRCs presenting a sexual risk to children **must not** have any photograph of a child in their possession unless an assessment has been carried to ensure that there is no risk to that specific child. The nature of the potential risk will depend partly on the relationship (if any) between the offender and the child in the photograph.

Before any consideration can be given to allowing a prisoner to have a photograph, the child's identity **must** be established. If a photograph is sent in, or brought in by the prisoner, it **must not** be issued until suitable enquiries have been made. If a photograph is found in the prisoner's possession, he/she **must** be asked who the child is. If they cannot clearly identify the child, the photograph **must** be confiscated and placed on the prisoner's record together with a report of the incident. Even if the prisoner does identify the child, further enquiries **must** be made to check that the response is truthful.

Once the child's identity has been established, the prison **must** then check whether he or she is one with whom contact has been allowed at level two or above (Chapter 5c part 4.2). If so, no further action is needed, other than to consider the risk of sharing (see part 4 below). If the child is not one with whom contact has been allowed, the prison **must** contact the primary carer and ask whether they want the prisoner to be allowed to have the photograph(s). This **must** be done in all cases; consent cannot be assumed where the prisoner is sent a photograph, even if it seems to have come from the primary carer. If the primary carer cannot be contacted, the photograph **must** be confiscated permanently and stored with the prisoner's record until release.

The primary carer must give their consent before a prisoner can be allowed to have a photograph. Withheld consent means the photograph cannot be handed over. However, consent is not necessarily determinative. Governors may still consider that it is not in a child's interests for a photograph to be allowed, even if the primary carer has no objection. Where necessary, advice should be sought from Children's Services.

If a photograph includes more than one child, the identity of **each** child **must** be ascertained and consent sought from the primary carer as above. If it proves impossible to do this, or if any carer objects to the prisoner having the photograph, the photograph **must** be cropped to show only the child / children of whom images can be allowed. If this cannot be done, it **must** be withheld.

If the child is one with whom contact has been allowed at level two or above, the primary carer's consent does not need to be sought. However, risk to children in general and the possibility of sharing **must** both still be considered - see 3 and 4 below.

### 1.3 Risk to the child in question

When a child's identity has been established and the parent / carer has consented to the prisoner having the photograph, the potential risk to the child from the prisoner having it **must** be considered. It is impossible to give definitive advice about every conceivable situation. Factors to consider include:

- the relationship between the prisoner and the child (if any) and what history there may be between them. If the child is the prisoner's victim, it will not usually be possible to allow possession of photographs. However, if the parent / carer consents and it is judged not to be contrary to the child's best interests, possession may be possible;
- where applicable, the relationship between the prisoner and the person who sent the photograph, and the reason(s) for the photograph being sent;
- possible grooming or conditioning of the child and/or the parent / carer, especially if either could be described as vulnerable; and
- whether the prisoner has a history of offending against children of the age / gender of the child in the photograph.

In all cases where the decision is not to allow possession, the photograph **must** be either:

- returned to the sender where possible, or
- placed on the prisoner's record, or
- confiscated permanently and disposed of,

and the reasons recorded. A pro-forma letter is attached at [Annex A](#).

Where possession is allowed, the details **must** be recorded on the prisoner's record and history sheet.

## 2 PARENTAL ROLE

Where there are concerns about the conditioning or coercion of the primary carer by the prisoner, or concerns about the capacity of the parent / carer to ensure the child is adequately protected from harm, the prison **must** notify the relevant local authority Children's Services Department, who will decide whether to approach the primary carer. All such reports **must** be made in writing and a record kept of the report and of any further correspondence.

## 3 RISK TO OTHER CHILDREN

Even if no risk to the subject of a photograph can be identified (including cases where the subject of the photograph is no longer a child - see also part 6 below), prisons **must** also consider whether its possession could encourage criminogenic fantasies, or be used to reinforce offending behaviour or undermine



rehabilitation, such that the prisoner's risk to other children or to children in general could be increased. It may still be necessary not to allow possession of the photograph, even though possession might not be against the subject's own best interests. (See also Chapter 10.)

## 4 SHARING

Some prisoners, including child sex offenders, have been known to give photographs of children to others who should not be allowed them. The risk of this happening must be considered in every case where a prisoner applies to be allowed photographs of children. In some circumstances it could lead to permission for possession being refused, although this will always have to be determined case by case, based on all the relevant factors about the prisoner and the prison context. If permission is refused, consideration should be given to whether it is may instead be appropriate to give the prisoner supervised access to the photographs.

Where a photograph is found in the possession of a prisoner for whom it has not been authorised, it **must** be confiscated and the prisoner questioned about how they obtained it. A Security Incident Report should be completed and appropriate action taken, including action against any other prisoner who may be involved.

It is possible for photographs to be shared inadvertently with prisoners who would not be allowed possession of photographs in their own right. Prisoners should be clear that the photograph has been authorised for their possession only and under no circumstances should the photograph be given to any other prisoner.

## 5 SUBJECTS WHO ARE NO LONGER CHILDREN

Once the subject of a photograph has been identified, it may turn out that they have grown into an adult or even that they have died. In such a case it may be possible to conclude that there is no risk to the subject. Nonetheless, a risk assessment **must** still be carried out and the potential for risk to other children **must** still be considered.

Criteria to be considered are:

- whether the subject of the photograph has consented to the prisoner's holding it;
- whether there is anything to suggest that the prisoner is currently a risk to the subject;
- whether the prisoner poses a risk of harm to children in general, whether the prisoner has done anything to address his/her risk, and whether possession of the photograph might increase it or undermine rehabilitation - see 3 above;
- whether there is a risk that the prisoner will share the photograph with others, especially where this could support offending behaviour or criminogenic fantasies.

## 6 APPEALS

Prisoners who wish to appeal against a decision made by the prison can do so using the complaint procedure set out in the [Prisoner complaints policy framework](#).

## Chapter 5d

### Annex A

#### Prisoner notification - child photographs

**HM PRISON SERVICE  
PERSONAL PHOTOGRAPHS OF CHILDREN**

<b>NAME:</b>	
<b>PRISON NUMBER:</b>	
<b>PRISON / YOI:</b>	
<b>DATE:</b>	

We have considered whether you should be allowed to hold in your possession a personal photograph of the child that has been described below. This is a notice to inform you that we have decided that it is not suitable for you to have access to this photograph.

Photograph	
Photograph description	
Name of child in the photograph	

You have not been allowed access for the following reason/s:

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The photograph will be **returned to sender / stored on your file / confiscated permanently**.

If you wish to make a complaint or have any questions about this decision, please speak to a member of staff.

## Chapter 6

# CONTACT RESTRICTIONS: VICTIM CONTACT, HARASSMENT MEASURES, AND NO-CONTACT REQUESTS

## 1 CONTACT RESTRICTIONS

### 1.1 Introduction

#### When is contact restricted?

Prisons will identify contact restrictions which are necessary to protect the public. This includes restricting prisoners' contact with;

- the victims of current and previous offences at post-conviction stage,
- those who are protected by restraining orders or other court orders, including civil orders, which specify a no-contact condition,
- those who are at risk of witness intimidation,
- anyone who has made a no-contact request.

#### What counts as contact?

Contact includes both telecommunication (telephone, social video calls) and written (letters, emails) forms, visits, or any other means, including indirect contact. This will be made clear on the Communications Compact prisoners sign before being authorised to communicate in the ways described above and being given a PIN Phone account<sup>26</sup>. Indirect contact includes third party contact such as asking another person to contact someone on their behalf<sup>27</sup>.

#### How is contact restricted?

When the prison has identified a restriction that needs to be in place, they will restrict prisoners from contacting the named person as set out in section 3 'Restricting Contact' and follow the guidance as set out in section 4 'Notifications' of this chapter. Prisons should refer to the [Authorised Communications Controls and Interception Policy Framework](#) when considering communication restrictions outside of those outlined in this chapter.

#### Who counts as a victim?

Prisoners are not permitted to have contact with the victims of their current or previous offences. In this context, a victim is defined as someone directly affected by the offence, this includes victims who are children. The

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<sup>26</sup> For further information see [Authorised Communications Controls and Interception Policy Framework](#)

<sup>27</sup> For further information see para 11.4 in PSI 49/2011

OMU will identify victims of current and previous offences via court records and risk assessment processes, this includes victims of offences committed in the context of domestic abuse (see section 2.4). This restriction is in line with Prison Rule 34 (2) & (3) and is compliant with Articles 8 & 10 of the ECHR.

### Are there exceptions?

There may be some exceptional circumstances, **following a risk assessment**, when it is appropriate to consider allowing prisoners to have contact with a victim. Section 5 'Assessing Requests for Contact' provides further information and guidance on the process for assessing prisoners' contact with their victims.

## 2 IDENTIFYING PUBLIC PROTECTION RESTRICTIONS

### 2.1 Where to find key information

For both convicted and remand prisoners, the **Person Escort Record (PER)**<sup>28</sup> will identify any relevant harassment offences and orders and if the prisoner is subject to a Civil order restricting contact, a copy of the order will be attached to the warrant. Prisons should also check the digital court records they have access to<sup>29</sup>. If the OMU does not have the victim's details or copy of the order, they must contact the relevant court to request a copy to enable the prison to manage the risk presented by the prisoner correctly. In most cases the relevant police force will also hold this information; the prison should work with its police intelligence officer (PIO) to ascertain this information.

If there is no PER, but it appears from the warrant that the prisoner has been remanded for or convicted of current harassment offences, or is subject to a restraining order or other court order specifying no contact, the OMU must consult with the court or the police to obtain further information within 24 hours of reception or, at weekends, on the next working day.

For sentenced prisoners, the OMU should also check court paperwork and digital systems, the police summary of the offence (MG5), and any pre-sentence reports.

In addition, the prison may receive information from the Unwanted Prisoner Contact Service (UPCS) (see section 2.6), which police can use to report victims' details for sentenced prisoners, or to share information about victims and witnesses for unconvicted prisoners.

### 2.2 Unconvicted prisoners' contact with victims or witnesses

Courts cannot impose automatic controls such as bail conditions which prevent defendants from interfering with witnesses where the defendant is remanded in custody, even though there is the possibility of intimidation by telephone or letter. That means the prison may need to restrict unconvicted prisoners from contacting victims or witnesses involved with their court case where the police or CPS have identified they pose a risk of intimidation to victims or witnesses. The police or courts may notify the prison of a risk of intimidation of a victim or witness via the channels outlined above or using the police/CPS MG6 form. Police may also contact the prison directly or via the PIO to share this information. Where prisoners serving a prison sentence are

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<sup>28</sup> [Person Escort Record Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/person-escort-record-policy-framework)

<sup>29</sup> This may include Libra/Court Store, Xhibit/DCS or Common Platform.

charged with further offences and subsequently appear at Court and not given bail, the same procedures will apply.

Prisoners remanded for offences under the Protection from Harassment Act 1997 must **always** be prevented from making unauthorised contact with their victims from within prison until the end of their trial, without the police or CPS needing to notify the prison.

OMU and reception staff<sup>30</sup> must consider the information which arrives with the prisoner, or is raised subsequently, (as described in section 2.1). Where the prison identify they need to put restrictions in place, reception staff must notify relevant colleagues in Security and/or the OMU/Public Protection unit, as well as those who deal with prisoner communications who will ensure the prisoner cannot contact the named victim or witness.

The prisoner must be informed that they must not contact the identified victim or witness using Annex A 'Prisoner subject to contact restrictions' in the PPM. No details about the victim or witness, other than their name, will be disclosed to the prisoner. If the prison is notified by the police of any changes to the victim/witness contact information, the OMU or security department must update the NOMIS/DPS record and inform staff who undertake pin phone and correspondence checks.

If the restrictions relate to a victim or witness who is a prisoner's spouse/partner, close family member or close friend, staff must routinely check with the Police that restrictions around contact with those victims or witnesses continue to be necessary and proportionate.

A victim or witness, or any member of the public, can also make a no-contact request to prevent unconvicted prisoners from contacting them as set out in section 2.5 'Request for No Contact'.

## 2.3 Victims of harassment or stalking

In order to provide effective protection for victims of harassment and due to the persistent nature of such offending, the prison needs to closely manage the nature of the risk presented by prisoners convicted of or remanded for harassment or stalking offences. Such prisoners must be identified on reception and managed under contact restrictions as set out in section 3 of this chapter 'Restricting Contact'; this means their communications are restricted, and monitoring is considered in accordance with the guidance in section 6 of this chapter 'Offence Related Monitoring'.

The Protection from Harassment Act 1997 is the main legislation dealing with harassment and stalking. It defines behaviours that provide the basis for criminal prosecution, claims for damages, and civil injunctions. However, this Act is not the only legislation that outlines harassment offences and orders, and the resulting contact restrictions prisons need to apply. The table below gives a summary of the offences and court orders that the OMU should identify on a prisoner's reception for both conviction and remand – referred to collectively in this chapter as harassment offences and orders. Some of the legislation listed includes updates inserted by later Acts.

Protection from Harassment Act 1997	various offences, plus restraining orders and injunctions to prevent harassment including, but not limited to, s.2A: stalking s.4A: stalking involving fear of violence or serious alarm and distress
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<sup>30</sup> The requirements for reception staff are set out in [PSI-07-2015-Early-days-custody.pdf](#)

Public Order Act 1986	s.4A: intentional harassment, alarm or distress s.5: harassment, alarm or distress
Crime and Disorder Act 1998	s.31: racially aggravated public order offences s.32: racially aggravated harassment
Family Law Act 1996	s.42: non-molestation orders (civil) s.42A: breach of non-molestation order (criminal offence)
Domestic Violence, Crime and Victims Act 2004	s.12 enables restraining orders to be made on conviction or acquittal for any criminal offence
Serious Crime Act 2015	s.76 offence of controlling or coercive behaviour in an intimate or family relationship
Domestic Abuse Act 2021	s.32 Domestic abuse protection orders
during criminal cases	harassment and intimidation of witnesses

Prisoners convicted of offences under other legislation (such as the Malicious Communications Act 1998, Telecommunications Act 1984 or Criminal Justice & Public Order Act 1994) may also be managed in custody under the contact restrictions as set out in section 3 of this chapter ‘Restricting Contact’.

## 2.4 Victims of domestic abuse

Identifying victims of domestic abuse is more complex as the offence type does not automatically indicate domestic abuse, with the exception of the offence of *controlling or coercive behaviour in an intimate or family relationship* under s.76 of the Serious Crime Act 2015. The [Domestic Abuse Act 2021](#) provides a definition of “domestic abuse” which includes abusive behaviour (as defined in section 1 of the Act) to those who are personally connected to each other. The definition of “personally connected” (as defined in section 2 of the Act) includes;

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- € they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- € they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
- (g) they are relatives.

When identifying prisoners who present a risk of domestic abuse and their victims, POMs should refer to the relevant sections of the Domestic abuse Policy Framework and Assessing Domestic Abuse within OASys Guidance. POMs will need to consider the circumstances of the offence as part of their risk assessment. Risk does not necessarily reduce when an individual is in custody. Prison staff have a role in managing the risk to victims and potential victims. POMs, key workers, wing staff, those delivering activities and interventions may have information about apparent new relationships. Prison Staff must be professionally curious and monitor information relating to a prisoner’s domestic circumstances and share any relevant information with the POM. The Domestic abuse PF outlines the expectations of prison staff when they identify a new relationship.

Where there is known information to suggest that a prisoner has perpetrated domestic abuse but has not been charged or convicted for the behaviour and there is no identified ‘victim’ as defined above, the POM should

consider whether contact with any potential victims should be prevented for public protection reasons<sup>31</sup>. The POM should complete a risk assessment to determine if applying for a restriction is necessary and proportionate in line with the [Authorised Communications Controls and Interception Policy Framework](#) and associated Detailed Guidance and Operations Manual<sup>32</sup>. Potential victims may also make a no-contact request in line with section 2.5 'Request for No-Contact'.

Domestic abuse, particularly in the form of controlling and coercive behaviour, may continue and even increase from within prison via direct contact (letters, phone calls) or relying on others (peers, family) to maintain contact which could be abusive or controlling. If a prisoner has applied for contact with a victim of domestic abuse and outlined the exceptional circumstances, the OMU must carefully consider whether approaching the victim to seek their views on receiving contact would add unduly to the victim's distress (see section 5 'Assessing Requests for Contact').

POMs should also identify prisoners who have been victims of domestic abuse and consider any safeguarding measures to support them in managing any contact they receive from a perpetrator.

## 2.5 Request for No Contact

A member of the public can ask a prison to impose restrictions on the contact they receive from a prisoner. The member of the public will need to consent to their information being processed under the Data Protection Act (2018) and must be informed that the prisoner will be notified in writing that they are not permitted to contact the person making the request. People who are requesting not to be contacted by a prisoner do not need to give a reason or justification for their request. The prison must immediately put the necessary telecommunications and written restrictions in place to stop the prisoner making any unwanted contact following receipt of the request. A restriction based on a no-contact request is considered permanent unless revoked by the requester.

Members of the public can make a no contact request in writing or by telephone or using the Unwanted Prisoner Contact Service (UPCS). Professionals and family or friends of the person requesting no contact can make the request on their behalf providing they have consent. The person making the request must be informed the prisoner will be notified in writing that they are not permitted to contact the person subject to the request.

The primary carer of a person who has not yet reached their eighteenth birthday may contact the prison to request a restriction on contact between the prisoner and child. Unless there is a family court order in place with specific terms of contact between prisoner and child, an immediate restriction to communications must be applied as above.

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<sup>31</sup> Potential victims include people who have been identified through risk assessments as potentially at risk from the prisoner, but who do not fall into the definition of a current or previous victim because the prisoner has not been convicted of an offence against them.

<sup>32</sup> The [Authorised Communications Controls and Interception Policy Framework](#) defines a contact of concern and includes *an individual who is identified through intelligence or a reasonable suspicion as being at risk of coercion, harassment, domestic abuse, or harm by the prisoner, including intimidating a witness and/or threatening a victim.*

## 2.6 Unwanted Prisoner Contact Service

Any member of the public, which may include victims if they continue to receive unwanted contact or have not previously been identified, can request that a prisoner is prevented from contacting them as described in section 2.5 'Request for no-contact'. They can also contact the HMPPS Unwanted Prisoner Contact Service (UPCS)<sup>33</sup> to make their request and report unwanted contact from someone in prison. The primary purpose of the UPCS is to prevent any unwanted contact between prisoners and victims.

Professionals may also use this service to;

- report unwanted contact a person they are working with has received from a prisoner, and request a no-contact restriction providing they have the consent of the person not to be contacted,
- share victim's details to enable prisons to proactively restrict contact (block specific phone numbers and addresses) with victims.
- In addition, police officers can use the UPCS to report victim and witness details for remanded prisoners and share any concerns about witness intimidation.

If a third party asks the prison to restrict contact with someone (who is not a victim as outlined in section 1) without that person's consent, the OMU must consider the information or intelligence in line with Section 6 of the [Authorised Communications Controls and Interception Policy Framework](#) and assess whether a restriction is necessary and proportionate.

The UPCS can be contacted in a number of ways:

- Go to: [www.gov.uk/stop-prisoner-contact](https://www.gov.uk/stop-prisoner-contact) or the QR code below:



- Email: [unwantedprisonercontact@justice.gov.uk](mailto:unwantedprisonercontact@justice.gov.uk)
- Telephone: 0300 060 6699, Monday to Friday, 9am to 4pm

## 3 RESTRICTING CONTACT

As set out above, reception and OMU staff must take active steps to identify that a contact restriction is required. OMU staff are required to put restrictions in place to prevent prisoners from contacting people they are restricted from communicating with and ensure staff who are involved with correspondence, visits and PIN phones are made aware of the restrictions in place.

### 3.1 Recording

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<sup>33</sup> Formerly the Victims Helpline



On identification, the OMU should use the no-contact request alert<sup>34</sup> on Prison-NOMIS/DPS to record all contact restrictions and include the reason for the restriction in the free text. The alert should include the name of the person the prisoner is not allowed to contact but no other personal details should be recorded on the alert. In addition, prisons should use the following alerts to capture specific risks they have identified:

- Harassment Offences/Court Orders alert
- Stalking Perpetrator alert,
- Domestic Violence Perpetrator alert.

The OMU must fully record all requests made for no-contact restrictions and subsequent actions, to provide an audit trail. All requests for no contact should be readily available on the prisoner's file for any subsequent receiving prisons to act on.

## 3.2 Restrictions

The Prison Service and its contracted providers operate a call enabling regime across the prison estate. Prisons are required to check whether a prisoner is subject to the contact restrictions set out in this chapter and where a restriction is in place, ensure that all telephone numbers are checked and approved before being added to a prisoner's PIN phone. Prisons can consider barring a telephone number from all PIN phone accounts in the establishment, if this is necessary and proportionate to reduce the risk of contact via another prisoner's account. To allow necessary safeguards to be put in place to prevent outgoing correspondence from the prisoner, the OMU should have a secure process in place to inform mail room staff of any addresses the prisoner is not allowed to write to. This is in line with the [ACCI PF](#).

Where the prison has identified a victim who is a child, they should follow the process as set out in chapter 5b Persons Posing a Risk to Children (PPRC). The prison must still restrict contact with the child who was the victim of the prisoner's offence even if the PPRC assessment concludes the prisoner does not pose a continuing risk to children in custody. The [HMPPS Child Safeguarding Policy Framework](#) includes guidance on family court orders which specify child contact arrangements.

Where there are concerns contact restrictions could potentially impact on the prisoner's well-being or risk of self-harm, staff must refer to PSI 64/2011 Management of Prisoners at Risk of Harm to Self, to Others and From Others.

# 4 NOTIFICATIONS

## 4.1 Informing the prisoner

[Annex A](#) 'Prisoner subject to contact restrictions' must be given to the prisoner as soon as possible after identification. The notification does not replace the communications compact but instead further supports it. The prison must arrange for an approved translator if the prisoner does not fully understand English, if there is an identified learning need staff must ensure that the notification has been understood by the prisoner.

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<sup>34</sup> This is an interim workaround until there is a digital solution to record separate contact restrictions on NOMIS/DPS alerts.

## 4.2 Notifications to others

The OMU are required to share risk information with the Community Offender Manager (COM) or Youth Offending Team (YOT), and where necessary the police and children's services at key parts in a prisoner's sentence.

The OMU must inform the relevant Community Offender Manager (COM) (if allocated) or YOT case manager for children when they implement communication restrictions and inform them who the prisoner is restricted from contacting and why. This may be at the start of the prisoners' sentence, or later during their sentence, when such restrictions are identified as necessary. This will allow the relevant COM or YOT case manager to update their records and share any relevant information they may have with the prison. Where the prison identifies risks to a member of the public, they should share information with the police, and if there is a risk to a child, share information with children's services. Communication is particularly important during the pre-release planning phase when the OMU **must** share details of any contact restrictions applied during the prisoners' sentence, including the reasons for the contact restrictions and any breaches or attempts to breach those restrictions, with the COM or YOT case manager. This process should start at OMiC handover stage (where applicable) or least 6 months pre-release and allow sufficient time to consider victim safety planning as part of the risk management plan on release.

## 4.3 Discharge

The police are primarily responsible for protecting the public. Although it is not mandatory to notify the police on discharge of all prisoners who are subject to communication restrictions, consideration should be given case by case to notification of such prisoners if they will not be subject to MAPPA management on release. This should be considered particularly when dealing with persistent offenders. The notification of release will allow the police time to consider whether any additional mechanisms are needed to enhance the victim's safety in the community.

# 5 ASSESSING REQUESTS FOR CONTACT

## 5.1 Requests from prisoners

Prisoners must demonstrate there are exceptional circumstances which justify allowing contact with their victim, including where the victim is a child, they must put these in writing and **following a risk assessment** the Governor will decide whether contact, either via letters, telephone, or visits including social video calling, can be permitted.

Exceptional circumstances may include;

- When a victim is defined as a close relative<sup>35</sup> and they request contact with a prisoner,

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<sup>35</sup> A close relative is defined as a spouse/partner (including a person - whether of the same or different sex - with whom the prisoner was living as a couple in an established relationship immediately prior to imprisonment) parent, child, brother, sister (including half or step-brothers and sisters), grandparent, civil partner, fiancé or

- If there are exceptional circumstances such as the prisoner has additional needs and contact with their victim would provide support, **and** the victim wishes to receive contact.

In all cases, the risk assessment should consider whether approaching the victim to seek their views on receiving contact would add unduly to the victim's or family's distress. Where the victim is a child, the risk assessment should consider whether approaching the child's primary carer would add unduly to their or the child's distress. If the assessment concludes it would, the Governor must refuse the request.

The Prison Offender Manager (POM) must contribute to the risk assessment and should contact the Community Offender Manager (where applicable) and any probation Victim Liaison Officers involved with the victim or victim's family and consider any concerns they raise about the victims receiving contact.

When assessing exceptional circumstances and exploring whether a victim may want to receive contact, prisons must avoid 'cold calling' a victim as this could add to their distress. Instead, prisons are required to write to the victim (using Annex B 'Victim Contact Request: Letter Template to Victim') asking for their views on contact and any exceptional circumstances providing a return address, functional email address or telephone number the victim can respond to. Where there is a VLO involved with the case the POM should ask the VLO to contact the victim for their views. The VLO may have already discussed no-contact conditions and may be aware the victim doesn't want contact; in these circumstances, if the VLO advises it would be inappropriate to contact the victim again, the prison should make their assessment based on the VLOs contribution to avoid adding unduly to the victim's or family's distress. If a victim responds to say they do want to receive contact from the prisoner, the prison should consider the guidance in section 5.2 'Requests from victims' when making their assessment.

When assessing contact with a victim who is a child, prisons should follow the process set out in Chapter 5c 'Child Contact Procedures' where the prisoner is assessed as a PPRC. Where a prisoner is not assessed as a PPRC, the prison should follow the process outlined in this chapter but write to the primary carer of the child.

When notifying the prisoner of the outcome of the assessment, the prison should be cautious about how decisions not to allow contact are relayed to the prisoner to minimise the risk of victim blaming, which could increase the risk to the victim. It is important that the victim is able to voice their views and any concerns without fear of further repercussions. The prison should not refer to the victim and/or VLO and instead provide the decision based on the prison's risk assessment and whether they deem there to be any exceptional circumstances. Prisons may also consider whether any further controls, such as monitoring communications are necessary and proportionate, in line with the [ACCI PF](#) and guidance.

## 5.2 Requests from victims

Victims wishing to contact prisoners while protected by a restraining order, non-molestation order, or other order or injunction, should be advised to seek legal advice in order to obtain a variation of the court order. The prison should not facilitate any request that would result in a breach of a court order.

Victims not protected by an order or conditions set by a court can make a request in writing or via a secure email provided by the prison outlining their wishes and any exceptional circumstances. The prison should follow the process as outlined above and the governor will make a decision, considering any protective

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fiancée, or a person who has been acting in loco parentis to a prisoner, or a person to whom the prisoner has been in loco parentis i.e. where they have had/have parental responsibility for that person. Those who have clearly demonstrated the intention to register a civil partnership with the prisoner but have not yet done so may also be included within this definition of close relative for the purposes of correspondence.

measures and safeguards that can be applied to facilitate any agreed contact while in the prison. If the victim is defined as a close relative and asks for contact to be allowed, then the restriction should normally be removed, and the outcome documented electronically. The only exception to this would be if the prison had compelling evidence that the request for contact with the prisoner was made under duress, this should be discussed with the police intelligence officer and documented via the IRMM. Prisons cannot prevent contact against a victim's (who is a close relative) wishes solely based on their view of the victim's best interests. Where the victim asking for contact is not a close relative, discretion may be applied on a case-by-case basis.

Given the persistent and coercive nature of domestic abuse, harassment and stalking offending, prisons need to be alert to signs that would suggest that the victim has made the request as a result of bullying, intimidation, or coercive or controlling behaviour and consider whether any further controls, such as monitoring communications or assessment for a contact of concern are necessary and proportionate, in line with the [ACCI PF](#) and guidance.

### 5.3 Changes to a no-contact request

If someone who has made a no-contact request wishes to resume contact with a prisoner, they should put their request in writing or email to the UPCS or the prison's secure functional mailbox. Only in very exceptional circumstances, where a request is too urgent to go through the standard procedure, should the prison consider allowing contact to resume without written notification from the individual concerned.

## 6 MONITORING COMMUNICATION RESTRICTIONS

### 6.1 Monitoring

The Authorised Communications Controls and Interception Policy Framework outlines the policy requirements for all monitoring activity, including Offence Related Monitoring (ORM), and the Interception and Restriction of Communications Operations Manual provides further guidance.

The process for authorising interception and monitoring of communications has been streamlined; the Public Protection Interception Risk Assessment (PPIRA) has been decommissioned and all applications for interception and monitoring of communications must be made using the Application for the Authorisation of Monitoring of Communications form in the Interception and Restriction of Communications Operations Manual.

The OMU must ensure that decisions to apply for interception and monitoring of communications be guided by risk considerations; the primary risk assessment used to inform decisions about ORM is OASys, or Asset Plus in the YCS. In the absence of a full OASys, or where there is a significant change that requires urgent action, the OMU should use the information available, or the new information received, to inform their decision. A checklist is provided in [Annex C](#) to assist the decision-making process for newly sentenced prisoners who do not yet have an OASys or Asset Plus.

ORM is not mandatory but must be considered in all cases where public protection restrictions are in place. There should be a presumption that an initial period of monitoring (on first reception into prison) will be instigated in cases where the prisoner is currently serving a sentence for harassment, breaches of Restraining Order, or stalking as the behaviour already demonstrates persistent attempts to communicate with the victim. In these cases, there must be defensible reasons if the decision is made not to commence monitoring. The

checklist in [Annex C](#) outlines the offences and risks the OMU must consider for ORM. Prisons are not required to monitor communications for the full duration of a court order; decisions to start and cease monitoring must be based on an assessment of risk, information and intelligence which will guide whether the activity is necessary and proportionate, in line with the Authorised Communications Controls and Interception Policy Framework. Any initial periods of monitoring completed before the OASys or Asset Plus should be used to inform the risk assessment and ongoing decisions about the added value of monitoring. Decisions to monitor communications should not be based on available resources. Prisoners subject to communication restrictions following a no-contact request may be considered for ORM, but this is not mandatory. Any decision to initiate a period of monitoring should be made case by case in line with the risk presented by the prisoner.

The Authorised Communications Controls and Interception Policy Framework contains the policy regarding authorising applications to monitor and the review process.

When reviewing monitoring of communications, the OMU must consider the evidence from the initial or subsequent period of monitoring, and any other information or intelligence received during this time. ORM may be considered at any point in a prisoner's sentence and can be triggered by a significant change in circumstances, for example the start of a new relationship or concerns raised during release planning.

The OMU must ensure monitoring processes are supported by robust record keeping; maintaining a record of all prisoners subject to ORM, including the date monitoring was initiated and the dates of subsequent reviews. The OMU must record any actions taken following a review.

## 6.2 Electronic contact via social media

Prisoners are not allowed access to the internet except for educational purposes, employment and resettlement activities, and even then only to pre-approved websites while under close supervision. Prisoners are warned on induction that they are not allowed to access any social networking site, either directly or indirectly, while in custody. The [ACCI PF](#) contains policy on prisoners access to the internet.

Despite this prohibition, there have been occasions when prisoners have accessed the internet, in particular social media sites such as Facebook, to update their profiles and/or contact victims. This has been done in a number of ways, including:

- by illicit use of illegal mobile phones;
- via a third party, after instructing family or friends; and
- by accessing the internet while on ROTL.

In 2009, an agreement was reached between NOMS and Facebook whereby profiles found to have been updated by serving prisoners (it is not an offence for a prisoner to have a profile, as one may have existed before their incarceration) can be removed if HMPPS makes an official request. Further, intimidating content and the updating of a personal profile by a third party are breaches of Facebook's terms and conditions and, if reported, may also lead to the profile being removed by Facebook.

All reports of prisoners accessing social networking sites should be directed to the Single Point of Contact Operational Intelligence Team, National Intelligence Unit, Security Group – [spoc@noms.gsi.gov.uk](mailto:spoc@noms.gsi.gov.uk) or 030 0047 6354. Reports should contain as much detail as possible, including details of the social networking site being used and if possible the URL that allows direct access to the profile page.

## 7 BREACH

### 7.1 Breach or attempted breach of a restraining order or injunction

Breach of a restraining order or injunction, without reasonable excuse, is a criminal offence. Any incident of breach or attempted breach **must** be reported to the police to pursue, and for sentenced prisoners the responsible offender manager **must** also be informed of the breach.

### 7.2 Breach or attempted breach by prisoner remanded for witness intimidation

Where a prisoner does make contact with a victim or witness they have been restricted from contacting, the prison should inform the police as a matter of urgency. Where unauthorised contact does occur, the prison should consider what action they take, depending on the circumstances this may be in line with ACCI PF or the Prisoner Discipline Procedures (Adjudications) [PSI 05/2018](#).

### 7.3 Breach or attempted breach in cases of harassment offences and orders

In other cases, decisions about referring a breach to the police **must** be made on case-by-case basis. If the matter is not referred to the police, it may be appropriate to deal with the prisoner through the prison discipline system, where governors have several disciplinary measures available to consider.

## 8 RELEASE ON TEMPORARY LICENCE (ROTL)

The primary purpose of most ROTL is to help to prepare the prisoner for release into the community. The general approach is therefore to begin a gradual programme of ROTL some time before the potential release date. In doing so, governors **must** ensure that account is taken of the potential effect of release on victims. It is important to be aware of significant anniversaries and venues, with particular reference to victims, when considering the timing of the prisoner's temporary release from prison and where the prisoner will go in the community. Before any release is considered, a check **must** be made with the offender manager to establish the whereabouts of any identified victims and whether the victim or their family is participating in the Victim Contact Scheme. If so, there is a statutory requirement that reasonable steps **must** be taken to allow them to make representations about the conditions to be attached to any temporary release licence, and any representations **must** be put before the ROTL Board. The offender manager **must** be informed of the outcome of the ROTL Board, including any victim-specific conditions, in order for it to be communicated to the victims via the Victim Liaison Officer. Refer to the [Release on Temporary Licence Policy Framework](#) for further information on ROTL and input from external agencies

## Chapter 6

### Annex A

#### Prisoner subject to contact restrictions

Copy this form into a new blank document for use, and **replace** the sections marked in red before printing.

Not to Contact Notice to Prisoner	
Name	
Prison	
Prison Number	
You are subject to contact restrictions. Details of the person/s you are not allowed to contact are in the section below.	
<b>You are not allowed to contact:</b> <b>[Insert name of person]</b>	<p>The prison has put this restriction in place because:</p> <p><b>[delete those that don't apply]</b></p> <ul style="list-style-type: none"><li>• You are not allowed to contact your victim</li><li>• You are subject to a restraining order, non-molestation order, domestic abuse protection order, or other civil order or injunction which specifies a no-contact restriction</li><li>• You are not allowed to contact the victims or witnesses involved with your court case</li><li>• There has been a request for a no-contact restriction</li></ul>

If there is more than one person the prisoner is restricted from contacting add here, and for any additional restrictions copy and paste this table. Delete this table if no further restrictions to add.	
<b>You are not allowed to contact:</b> <b>[Insert name of person]</b>	<p>The prison has put this restriction in place because:</p> <p><b>[delete those that don't apply]</b></p> <ul style="list-style-type: none"><li>• You are not allowed to contact your victim</li><li>• You are subject to a restraining order, non-molestation order, domestic abuse protection order, or other civil order or injunction which specifies a no-contact restriction</li><li>• You are not allowed to contact the victims or witnesses involved with your court case</li></ul>

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>There has been a request for a no-contact restriction</li> </ul> |
|--|---|

**Important information about this restriction:**

You must not

- submit any telephone numbers for the above person to be enabled onto your PIN phone account,
- send any mail to their addresses or for their attention,
- ask anyone else to contact them by phone or in writing for you.

The Prison will

- Check all telephone numbers you submit before we enable your PIN phone account.
- Only add numbers where the recipient has agreed to receiving phone calls from you
- Listen to your calls and read your mail.
- Tell the police and your offender manager if you attempt to contact someone you are not allowed to contact or if you ask others to do so for you. This could result in you being charged with a new offence or being disciplined through the internal prison discipline procedure.
- Review this non-contact notice periodically and make any decision about changes in line with a current assessment of your risk.

This document supports the communications compact.

**I fully understand the contents of this document**

Prisoner's signature	
Procedures explained by (print name)	
Date	



## Chapter 6

### Annex B

#### Victim Contact Request: Letter Template to Victim

Copy the letter below into a new blank document for use, and **replace** the sections marked in red before printing.

Dear [insert name of victim],

I am writing to you from [insert name of prison] because [insert name of prisoner] has requested they be allowed to have contact with you. I understand you were a victim of this person's offending.

Usually, we prevent prisoners from contacting victims of their offences, but they are allowed to request contact if they tell us there are exceptional circumstances. We then make a risk assessment to help us decide if this contact should be allowed. Part of this assessment includes contacting victims to ask for their views about whether they want to receive contact, and if they feel there are exceptional circumstances we should consider when making this decision.

You do not have to respond to this letter, if we don't hear from you, we won't take this request any further and [insert name of prisoner] will not be allowed to contact you.

If you do want to receive contact, please let me know your reasons, for example, if you are family, friends or in a relationship. You should be aware that even if you want to have contact with the prisoner, this may not always be possible.

If you do wish to respond, you can contact us at;

[insert prison address]

[insert prison functional mailbox address]

I would like to apologise if this letter has caused you additional anxiety or distress. I hope that the information provided is sufficient for you to make an informed choice. If you have any questions, you can contact [insert contact name and telephone number].

If you are receiving contact from someone in prison and you want it to stop, please use the contact details below to inform the Unwanted Prisoner Contact Service. I also attach a list of other organisations offering help and support.

## Further information about unwanted prisoner contact and support services

The Unwanted Prisoner Contact Service (formerly Victims Helpline) is a national service that prevents victims, or any member of the public, receiving unwanted contact from prisoners. The service can be used by anyone who wishes to stop contact from prisoners.

The UPCS can be contacted in a number of ways:

- Go to: [www.gov.uk/stop-prisoner-contact](http://www.gov.uk/stop-prisoner-contact) or the QR code below:



- Email: [unwantedprisonercontact@justice.gov.uk](mailto:unwantedprisonercontact@justice.gov.uk)
- Telephone: 0300 060 6699, Monday to Friday, 9am to 4pm

### Victim Services further support

Victim Support 08 08 16 89 111

Free and confidential help to victims of crime, witnesses, the family and friends with 24 hours live chat and helpline available.

Samaritans- 116 123

Available 24 hours offering support for any problems or concern.

Support U 0118 321 9111

Provides specialist support for LGBTQ+

Refuge 0808 2000 247

Supporting those suffering from domestic abuse 24- hour service

Solace 0800 970 9952

Supporting the victims of rape and serious sexual assault

National Centre for Domestic Violence 0800 970 2070

A free service that lets anyone who has recently suffered from, or been threatened with domestic abuse apply for an emergency court injunction

Women's Aid

Free 24-hour national helpline run by Women's Aid and Refuge

National Stalking Helpline 0808 802 0300

Guidance on the law, how to report stalking, gathering evidence, staying safe and reducing the risk.

Karma Nirvana 0800 5999 247

Confidential helpline providing emotional and practical support and advice for victims and survivors of forced marriage and/or honour-based violence

Forced Marriage Unit 0207 008 0151

Contact the Forced Marriage Unit (FMU) if you are trying to stop a forced marriage or you need help leaving a marriage you've been forced into.

FLAWS (Finding Legal Options for Women Survivors) 0203 745 7707  
Legal support to help protect women against domestic abuse

Sharan Project 0844 504 3231  
Provides support to vulnerable women, particularly of South Asian origin, who have been disowned

Men's Advice Line 0808 801 0327  
Confidential helpline for male victims of domestic abuse

Respect.uk -Call 0808 8010327  
Advice and support for those who are finding it difficult to manage their behaviour, male victims of domestic abuse, and young people using violence and abuse in close relationships.

ManKind initiative 01823 334244  
Confidential helpline for male victims of domestic abuse and domestic violence

Hourglass 0808 808 8141  
Hourglass confidential helpline provides information and support to anyone concerned about harm, abuse or exploitation of an older person.

Sign Health 020 3947 2600  
Support and advice for victims of domestic abuse who are deaf or hard of hearing

Childline 0800 111  
24-hour helpline for children

NSPCC 0808 800 5000  
Includes a helpline for adults who are concerned about a child

## Chapter 6

### Annex C

## Offence Related Monitoring (ORM) Checklist

Decisions about ORM should be informed by a risk assessment; the primary risk assessment is OASys, or Asset Plus in the YCS. In the absence of a full risk assessment, or where there is a significant change that requires urgent action, the OMU should use the information available, or the new information received, to inform their decision. The checklist below should be completed to inform the decision-making process for newly sentenced prisoners who do not yet have an OASys or Asset Plus.

Offence Related Monitoring (ORM) Checklist		
Name:		
Prison:		
Prison Number:		
The OMU should review a range of information as part of the public protection screening process and to inform decisions about ORM in the absence of a full OASys/Asset Plus:		
Source of information:	Available:	Reviewed:
Pre-Sentence Reports	Yes/No	Yes/No
PNC Previous Conviction Record	Yes/No	Yes/No
Court orders and records	Yes/No	Yes/No
Prisoner Escort Records	Yes/No	Yes/No
Prison-NOMIS/DPS alerts	Yes/No	Yes/No
ViSOR records	Yes/No	Yes/No
Offending and risk information:		
Current and/or previous offence against children		
Current and/or previous harassment offence		
Court orders specifying no-contact restrictions		
Breaches of court orders		
Risk of domestic abuse		
Risk of Stalking		
Victim information		

Criminal/sexual exploitation	
Serious Organised Crime	
<b>Further considerations</b>  The OMU must consider if a period of communications monitoring is necessary and proportionate on the grounds listed in the <a href="#">Authorised Communications Controls and Interception</a> Policy Framework.  Further considerations to determine if ORM is necessary and proportionate include;	
The prisoners current contacts; consider the relationship with contacts listed on their current PIN account, are there any contacts that would cause concern? This will help to inform whether both mail and telephone monitoring is required.	
Evidence of previous breaches or attempts to breach restrictions	
Visits information; who has been visiting the prisoner, are there any contacts that would cause concern	
Information received from other agencies such as police, the Probation Service, and social services	

## Chapter 7

# SEXUAL OFFENDER REGISTRATION AND NOTIFICATION

## 1 INTRODUCTION

This chapter provides information and guidance on how establishments must deal with prisoners who are subject to sexual offender registration requirements. These arrangements may apply both during custody and on release.

The registration (or notification) scheme applies to anyone who has been cautioned, convicted or otherwise dealt with in respect of a sexual offence listed in Schedule 3 to the Sexual Offences Act 2003. Registration requirements also apply to anyone subject to a sex offender order (SOO), a sexual restraining order, a sexual offences prevention order (SOPO) or a sexual harm prevention order (SHPO).

The length of time an individual remains on the “sex offender register” will depend on the offence they have committed, the sentence they have been given and their age when they were convicted or cautioned for the relevant offence.

## 2 REGISTRATION REQUIREMENTS

### 2.1 Overview

The sex offender registration requirements were introduced as part of the Sex Offenders Act 1997. They were enhanced and amended under Part 2 of the Sexual Offences Act 2003 (“the Act”) and have been amended again since then.

Part 2 of the Act imposes registration requirements for up to an indefinite period, depending on the offender's age, length and type of sentence. The requirements are to:

- register in person at a prescribed police station in the area where they live, within three days of release<sup>36</sup>, in order to provide relevant personal details (including name or alias that the person may have, address, the address of any other premises in the UK he/she regularly stays, date of birth and National Insurance number), and to submit, if asked to by the police, to being photographed and fingerprinted;
- notify the police of passport, debit, credit card and bank account details;
- notify the police in person of any changes to their details, within three days;
- notify the police in person, again within three days, if they have stayed for **seven days or more** within any 12-month period at any address or addresses that they have not notified to the police;

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<sup>36</sup> The Act requires notification *within three days* beginning with the relevant date. How this three-day period should be calculated is not set out in the Act. If the prisoner asks when the period runs out, the best response is to advise them to consult their lawyer. Only if pressed should prison staff go further. Prisoners should not be told anything that could inadvertently lead to their registering late. Thus, the safest interpretation is that the period expires at the end of the **second day after** the day on which they are released. For example, if released on Monday, they will need to register before the end of Wednesday; and if released on Friday, they will need to register before the end of Sunday. Other periods specified in the Act should be treated the same.

- notify the police of any intended foreign travel at least seven days before departure (with a minimum of 12 hours before travel for travel not known about seven days beforehand, eg emergency travel);
- notify the police when living / staying at a relevant household for a period of **12 hours or more** where a child under 18 also resides / stays;
- notify the police weekly when there is no fixed abode; and
- re-confirm their notified details **annually**.

The “relevant offences” that trigger these requirements are set out in Schedule 3 of the Act ([Annex A](#)). The requirements are imposed on prisoners **convicted of or cautioned for** any of the offences listed in Schedule 3; some offences on this list also require a sentencing and/or age threshold to be met. The list of offences that have sentencing thresholds is in [Annex B](#).

Where a person receives a conditional discharge, the provisions that prevent convictions with a conditional discharge from being treated as convictions is disapplied for the purposes of the registration requirements. So if a person has received a conditional discharge for any of the offences listed in Schedule 3 after May 2004, the registration requirements apply.

The registration requirement does not apply to a prisoner for a relevant offence that pre-dates 1 September 1997 unless, before that date:

- they had not been dealt with in respect of the offence;
- they were serving a sentence of imprisonment or a term of service detention or were subject to a community order in respect of the offence;
- they were subject to supervision following release from prison for a relevant offence; or
- they were detained in hospital in respect of a relevant offence.

In effect, this means that the only “old” offences where the registration requirements do not apply are those where the sentence has completely expired.

## 2.2 Sexual offences prevention order (SOPO)

Section 104 of the Act introduced the sexual offences prevention order (SOPO), which replaced the sex offender order (SOO) and sexual restraining order. A SOPO (including an interim SOPO) was intended to protect the public from the risks posed by sex offenders by placing restrictions on their behaviour. It was a civil measure available to the court when convicting a person of an offence listed in Schedule 3 or 5 to the Act, or on application by the police in respect of a person who has previously been dealt with for such an offence.

The imposition of a SOPO triggers the registration requirements found in Part 2 of the Act for the duration of the order. A SOPO and the registration requirements under the Act can differ in length. Where they do, the longer of the two always takes precedence. So where a prisoner is already subject to registration requirements but the duration of the SOPO exceeds that period, the prisoner must continue with registration requirements for the duration of the order. Conversely, if registration requirements due to an offence listed in Schedule 3 exceed the SOPO duration, the registration requirement will remain in place after the SOPO expires, up to the end of the statutory notification period.

SOPOs can no longer be issued by the courts but there will still be a number of offenders who are subject to them. When managing offenders subject to a SOPO, it is important that the prison is aware of how long the order lasts and its effects. The prison **must** consider the specifics of the restrictions contained in the order

when managing the risk posed by the prisoner. For example, if the prisoner is restricted from contacting an individual by telephone, the prison **must** ensure that the necessary PIN phone restrictions have been put in place. This may not necessarily mean the terms of the order prevent the offender communicating by mail, although if this method of communication is not restricted it would be advisable to check with the protected individual about receiving such correspondence.

## 2.3 Risk of sexual harm order

The risk of sexual harm order (RSHO) was a civil preventative order that could be made against any person thought to pose a risk to children under 16. An RSHO does not place Part 2 registration requirements on the offender, but breach of an RSHO is a criminal offence. If cautioned or convicted for breach of the order, the offender will become subject to the registration requirements for the duration of the order. Prisons need to be aware both of newly-received offenders convicted of breaching an RSHO and of breach convictions of serving prisoners, in order to be able to inform them of the registration requirements. They need also to be aware of the terms of RSHOs applying to prisoners, since the grounds for making an RSHO include sexual communication with children and breaches will need to be reported to the police. RSHOs can no longer be issued by the courts but there will still be a number of offenders who are subject to them.

## 2.4 Notification orders

Notification orders and interim notification orders are civil orders designed to protect the public from the risk posed by sex offenders convicted or cautioned outside of the United Kingdom for a sexual offence. An offender on whom a notification order is imposed is automatically subject to the registration requirements in Part 2 of the Act. Where an offender with a qualifying sexual offence is received from overseas, the prison **must** liaise with the local police to allow them to consider whether to apply to the courts for a notification order. It is the police's responsibility to make the application, and the final decision on doing so rests with them too.

The effect of the notification order is to impose registration requirements as though the offender had been convicted or cautioned for the offence in the United Kingdom. Because of this, an overseas conviction or caution that pre-dates 1 September 1997 does not qualify for a notification order.

## 2.5 New civil orders

The Anti-social Behaviour, Crime and Policing Act 2014 amended the Act to repeal SOPOs and RSHOs. They were replaced by two new orders:

- Sexual harm prevention order (SHPO) and
- Sexual risk order (SRO)

The SHPO (including an interim SHPO) replaced the SOPO in March 2015. SHPOs are a public protection tool available to the courts. A SHPO is similar to a SOPO but the threshold is lower: the court must be satisfied that it is necessary to make a SHPO to protect the public or any particular members of the public from sexual harm from the defendant.

The SHPO is available at point of conviction or by application from the police. It is important that the prison is aware of the order's duration and effects. The prison **must** consider the specifics of the restrictions contained in the order when managing the risk posed by the prisoner. Any breach of a SHPO or interim SHPO, without



reasonable excuse, is a criminal offence. The imposition of a SHPO will mean the prisoner is automatically subject to Part 2 registration requirements of the Act.

The SRO (including an interim SRO) replaced the RSHO in March 2015. An SRO prohibits the prisoner from doing anything described in it for the minimum duration of two years. A SRO may be issued where the defendant has done an act of a sexual nature and as a result there is reasonable cause to believe that it is necessary for such an order to be made. Unlike SHPOs, the imposition of an SRO does not trigger registration requirements.

Prisoners subject to SROs will not necessarily have a conviction or previous conviction for a sexual offence. It is important that prison staff are alert to SROs, as any breach of the order may constitute a criminal offence and then trigger the registration requirements.

### 3 RELEVANT DATE

The notification or registration period begins on the relevant date. In most cases the relevant date means the date of conviction or caution. However, where a sentence threshold has to be met before the offender becomes subject to the registration requirements, the relevant date will be the date that the sentence threshold was met. Examples are given below; refer to [Annex B](#) for further details.

#### Example

Paragraph 18 of Schedule 3 specifies that an adult offender becomes subject to the notification requirements for the offence of sexual assault (s.3 of the Act) only where:

- the victim was under 18, or
- the offender is, in respect of the offence, sentenced to a term of imprisonment, detained in a hospital, or sentenced to at least a 12 month community sentence (or in the case of an offender aged under 18 a sentence of imprisonment of at least 12 months).

Three adult offenders are convicted of sexual assault on 1 June.

- The first offender committed the offence against a child under the age of 18; his "relevant date" is 1 June regardless of the sentence he receives (other than an absolute discharge) on that or a later date.
- The second offender committed the offence against someone aged 18 or over and on 1 July she is sentenced to a term of imprisonment; her "relevant date" is 1 July.
- The third offender also committed the offence against someone aged 18 or over and he too is sentenced on 1 July, but he receives only a 6 month community punishment; he does not meet the threshold and does not become subject to the notification requirements.

### 4 CALCULATING THE REGISTRATION PERIOD

Unlike terrorist notification requirements (see Chapter 8), the period in custody and extended supervision period count towards the offender's period of registration. For offenders under eighteen the registration period is halved, apart from indefinite registration and conditional discharge.

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

#### 4.1 The Sexual Offences Act 2003 (Remedial) Order 2012

In April 2010 the Supreme Court declared indefinite notification for sex offenders to be incompatible with the Human Rights Act. The indefinite notification requirements in section 82 of the Act have been amended by the Sexual Offences Act 2003 (Remedial) Order 2012 to introduce a mechanism for reviewing indefinite registration periods. Review is triggered by a relevant offender making an application to the police at least fifteen years after their first notification following release. First notification will usually be within three days of their release from custody; but if the offender fails, whether deliberately or in error, to notify within that deadline, the fifteen years will not begin to run until the first notification.

The Remedial Order came into force on 30 July 2012 and all prisoners serving sentences at that time have been informed of the changes that apply to them. If a relevant offender has not already been informed of the change in legislation due to oversight or process failure, the prison **must** ensure that the Changes to legislation notice at [Annex C](#) is served on the offender. No specific action is likely to be needed, separately from confirming what registration requirements apply and reminding prisoners on discharge.

#### 4.2 The Sexual Offences Act 2003 (Notification Requirement) (England & Wales) Regulations 2012

These Regulations, which took effect in August 2012, enhanced the previous sex offender registration requirements. They added the following requirements for all registered sex offenders:

- police must be notified of **any** travel outside of the United Kingdom (this was previously three or more days' travel).
- weekly notification must be made to police when the offender has no fixed abode.
- police must be notified when living / staying at a relevant household for a period of 12 hours or more where a child under 18 also resides / stays. This includes a household at which the offender is already living and which a child comes to join.
- bank and debit and credit card details, and information about passports and other identity documents, must be provided at each notification.

All prisoners serving sentences at the time the Regulations took effect have been informed of the changes that apply to them. If a relevant offender has not already been informed of the change in legislation due to

oversight or process failure, the prison **must** ensure that the Changes to legislation notice at [Annex C](#) is served on him/her. For most prisoners no specific action is likely to be needed, separately from confirming what registration requirements apply and reminding prisoners on discharge ([Annex D](#)).

## 5 THE ROLE OF THE PRISON SERVICE

Offenders are told of their registration requirements on conviction but they have to be reminded of them on prison reception and release. Establishments need to be alert to the possibility that requirements may have changed between reception and release. For example, an offender may have been made subject to a SOPO or SHPO while serving a custodial sentence, as an application for a SOPO or SHPO can be made to the courts at any point.

It is the responsibility of the prison to ensure that, for all offenders subject to registration requirements of the Act, it has:

- identified the relevant offender on reception to custody
- flagged the offender under the relevant MAPPA category on Prison-NOMIS alerts
- where there is a court conviction notice, kept one copy on file and sent another copy to the offender manager who will be responsible for supervising the offender
- made a timely ViSOR partnership request and entered all relevant information on the nominal in line with the ViSOR minimum data set and standards
- transferred the court notice and all relevant documentation with the offender if he/she is moved to another prison / hospital / Immigration Removal Centre
- ensured that all relevant information about an offender managed at MAPPA Level 3 is shared with the area MAPPA co-ordinator
- explained the details of [Annex D](#): Sexual offender registration notice to the offender during the discharge process. The prison **must** arrange for an approved translator if English is not the offender's first language; staff **must** also be prepared to explain the contents of the document if there is an identified learning need. The Annex **must** be signed by both member of staff and offender
- provided the offender with all original court notices and any SOPOs / SHPOs, and a copy of [Annex E](#) on release
- sent copies of [Annex D](#) and [Annex E](#): Notification of release to the police area where the offender is to be discharged.

For offenders subject to a RSHO or SRO careful attention should be paid to applying the correct alert on Prison-NOMIS. As the imposition of a RSHO or SRO does not identify the offender as a sex offender or subject him/her to registration requirements, alert code 'SOR or 'SONR' should not be applied to their Prison-NOMIS record. Instead risk alert 'SSHO' should be used.

### 5.1 Violent and Sexual Offenders Register (ViSOR)

ViSOR plays a key role in supporting Multi-Agency Public Protection Arrangements (MAPPA) and relevant sex offences legislation. ViSOR is a database that includes the records of all offenders subject to registration requirements in accordance with the Act. The records for all registered sex offenders (RSOs) are created and "owned" by the police; but it is the prison's responsibility to request partnership to the ViSOR record of any offender in custody who is subject to registration requirements, within seven days of his entering custody. Following partnership status and in line with the ViSOR minimum data set, the required information **must** be

entered and updated throughout their sentence. Active ViSOR records are live, so relevant risk information should include any changes to key dates, licence conditions and transfers.

In all cases where a period of ROTL has been approved, the details of the release period and discharge address **must** be added to ViSOR **before** the offender is released on ROTL. If there is an offender manager, they **must** be notified using [Annex E](#).

## 5.2 Release from custody

Prison management **must** ensure that all prisoners subject to registration requirements are aware of their obligations before being released from custody. A member of staff **must** give the prisoner a copy of the Sexual Offenders Registration Notice ([Annex D](#)) and explain it to him/her verbally. Translations **must** be provided where the prisoner's English is not good enough to allow him/her to understand the requirements. The member of staff and the prisoner must both sign and date the form at the bottom. If for any reason the offender refuses to sign the form, the member of staff **must** note that at the end. A copy of the form **must** be placed on the prisoner's core record. A copy of [Annex D](#) and [Annex E](#) **must** also be sent to the police area to which the offender is being discharged. If it is not clear to which area the prisoner is being discharged, the police copy **must** be sent to the Chief Constable of the area where the establishment is located. The prison **must** update ViSOR as well as the prisoner's core record with the release date.

The prisoner **must** be provided with all original court notices and any SOPOs, SHPOs or other notification orders on release.

## Chapter 7

### Annex A

## Sexual Offences Act 2003, Schedule 3 - offences that trigger registration requirements

### England and Wales

- 1 An offence under section 1 of the Sexual Offences Act 1956 (rape).
- 2 An offence under section 5 of that Act (intercourse with girl under 13).
- 3 An offence under section 6 of that Act (intercourse with girl under 16), if the offender was 20 or over.
- 4 An offence under section 10 of that Act (incest by a man), if the victim or (as the case may be) other party was under 18.
- 5 An offence under section 12 of that Act (buggery) if -
  - (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.
- 6 An offence under section 13 of that Act (indecency between men) if -
  - (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.
- 7 An offence under section 14 of that Act (indecent assault on a woman) if -
  - (a) the victim or (as the case may be) other party was under 18, or
  - (b) the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to imprisonment for a term of at least 30 months; or
    - (ii) admitted to a hospital subject to a restriction order.
- 8 An offence under section 15 of that Act (indecent assault on a man) if -
  - (a) the victim or (as the case may be) other party was under 18, or
  - (b) the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to imprisonment for a term of at least 30 months; or
    - (ii) admitted to a hospital subject to a restriction order.
- 9 An offence under section 16 of that Act (assault with intent to commit buggery), if the victim or (as the case may be) other party was under 18.
- 10 An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16).
- 11 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child).
- 12 An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to have incestuous sexual intercourse).
- 13 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children), if the indecent photographs or pseudo-photographs showed persons under 16 and -
  - (a) the conviction, finding or caution was before the commencement of this Part, or
  - (b) the offender -
    - (i) was 18 or over, or
    - (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 14 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs

Consolidation Act 1876 (indecent or obscene articles), if the prohibited goods included indecent photographs of persons under 16 and -

- (a) the conviction, finding or caution was before the commencement of this Part, or
  - (b) the offender -
    - (i) was 18 or over, or
    - (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 15 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child), if the indecent photographs or pseudo-photographs showed persons under 16 and -
- (a) the conviction, finding or caution was before the commencement of this Part, or
  - (b) the offender -
    - (i) was 18 or over, or
    - (ii) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 16 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust), if the offender was 20 or over.
- 17 An offence under section 1 or 2 of this Act (rape, assault by penetration).
- 18 An offence under section 3 of this Act (sexual assault) if -
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 19 An offence under any of sections 4 to 6 of this Act (causing sexual activity without consent, rape of a child under 13, assault of a child under 13 by penetration).
- 20 An offence under section 7 of this Act (sexual assault of a child under 13) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 21 An offence under any of sections 8 to 12 of this Act (causing or inciting a child under 13 to engage in sexual activity, child sex offences committed by adults).
- 22 An offence under section 13 of this Act (child sex offences committed by children or young persons), if the offender is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months.
- 23 An offence under section 14 of this Act (arranging or facilitating the commission of a child sex offence) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months.
- 24 An offence under section 15 of this Act (meeting a child following sexual grooming etc).
- 24A An offence under section 15A of this Act (sexual communication with a child).
- 25 An offence under any of sections 16 to 19 of this Act (abuse of a position of trust) if the offender, in respect of the offence, is or has been -
- (a) sentenced to a term of imprisonment,
  - (b) detained in a hospital, or
  - (c) made the subject of a community sentence of at least 12 months.
- 26 An offence under section 25 or 26 of this Act (familial child sex offences) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

- 27 An offence under any of sections 30 to 37 of this Act (offences against persons with a mental disorder impeding choice, inducements etc. to persons with mental disorder).
- 28 An offence under any of sections 38 to 41 of this Act (care workers for persons with mental disorder) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to a term of imprisonment,
    - (ii) detained in a hospital, or
    - (iii) made the subject of a community sentence of at least 12 months.
- 29 An offence under section 47 of this Act (paying for sexual services of a child) if the victim or (as the case may be) other party was under 16, and the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 29A An offence under section 48 of this Act (causing or inciting child prostitution or pornography) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 29B An offence under section 49 of this Act (controlling a child prostitute or a child involved in pornography) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 29C An offence under section 50 of this Act (arranging or facilitating child prostitution or pornography) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 30 An offence under section 61 of this Act (administering a substance with intent).
- 31 An offence under section 62 or 63 of this Act (committing an offence or trespassing, with intent to commit a sexual offence) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the intended offence was an offence against a person under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 32 An offence under section 64 or 65 of this Act (sex with an adult relative) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- 33 An offence under section 66 of this Act (exposure) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or

(c) made the subject of a community sentence of at least 12 months.

- 34 An offence under section 67 of this Act (voyeurism) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 35 An offence under section 69 or 70 of this Act (intercourse with an animal, sexual penetration of a corpse) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- 35A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender -
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.
- 35B An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender -
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.
- 35C An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual) if the offender
- (a) was 18 or over, or
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.

## Scotland

- 36 Rape [at common law]
- 37 Clandestine injury to women.
- 38 Abduction of woman or girl with intent to rape.
- 38A Abduction with intent to commit rape under section 1 (rape) of the Sexual Offences (Scotland) Act 2009.
- 38B Abduction with intent to commit rape under section 18 (rape of a young child) of that Act.
- 39 Assault with intent to rape or ravish.
- 39A Assault with intent to commit rape under section 1 (rape) of the Sexual Offences (Scotland) Act 2009.
- 39B Assault with intent to commit rape under section 18 (rape of a young child) of that Act.
- 40 Indecent assault.
- 41 Lewd, indecent or libidinous behaviour or practices.
- 41A Public indecency if -
- (a) a person (other than the offender) involved in the offence was under 18, and



- (b) the court determines that there was a significant sexual aspect to the offender's behaviour in committing the offence.
- 42 Shameless indecency, if a person (other than the offender) involved in the offence was under 18.
- 43 Sodomy, unless every person involved in the offence was 16 or over and was a willing participant.
- 44 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles), if -
  - (a) the prohibited goods included indecent photographs or pseudo-photographs of persons under 16 and the offender -
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of the Act, as a person who has committed an offence under this paragraph.
- 44A An offence under section 51A of the Civic Government (Scotland) Act 1982 (possession of extreme pornography) if -
  - (a) the offender -
    - (i) was 18 or over, and
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of more than 12 months, and
  - (b) in imposing sentence, the court determines that it is appropriate that Part 2 of this Act should apply in relation to the offender.
- 45 An offence under section 52 of the Civic Government (Scotland) Act 1982 (taking and distribution of indecent images of children) if -
  - (a) the child was under 16 and the offender -
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.
- 46 An offence under section 52A of that Act (possession of indecent images of children) if -
  - (a) the child was under 16 and the offender -
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.
- 47 An offence under section 106 of the Mental Health (Scotland) Act 1984 (protection of mentally handicapped females).
- 48 An offence under section 107 of that Act (protection of patients).
- 49 An offence under section 1 of the Criminal Law (Consolidation) (Scotland) Act 1995 (incest), if a person (other than the offender) involved in the offence was under 18.
- 50 An offence under section 2 of that Act (intercourse with a stepchild), if a person (other than the offender) involved in the offence was under 18.
- 51 An offence under section 3 of that Act (intercourse with child under 16 by person in position of trust).
- 52 An offence under section 5 of that Act (unlawful intercourse with girl under 16), save in the case of an offence in contravention of subsection (3) of that section where the offender was under 20.

- 53 An offence under section 6 of that Act (indecent behaviour towards girl between 12 and 16).
- 54 An offence under section 8 of that Act (abduction of girl under 18 for purposes of unlawful intercourse).
- 55 An offence under section 10 of that Act (person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16).
- 56 An offence under section 13(5) of that Act (homosexual offences) unless every person involved (whether in the offence or in the homosexual act) was 16 or over and was a willing participant.
- 57 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust), where the offender was 20 or over.
- 58 An offence under section 311(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (non-consensual sexual acts).
- 59 An offence under section 313(1) of that Act (persons providing care services: sexual offences).
- 59A An offence under section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (meeting a child following certain preliminary contact) if -
  - (a) the offender -
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.
- 59B An offence under section 9 of that Act (paying for sexual services of a child), if -
  - (a) the victim or (as the case may be) other party was under 16 and the offender -
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.
- 59C An offence under any of sections 10 to 12 of that Act, if -
  - (a) the provider of sexual services or (as the case may be) person involved in pornography was under 16 and the offender -
    - (i) was 18 or over, or
    - (ii) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months, or
  - (b) in imposing sentence or otherwise disposing of the case, the court determines that it is appropriate that the offender be regarded, for the purposes of Part 2 of this Act, as a person who has committed an offence under this paragraph.
- 59D An offence under section 1 of the Sexual Offences (Scotland) Act 2009 (rape).
- 59E An offence under section 2 of that Act (sexual assault by penetration).
- 59F An offence under section 3 of that Act (sexual assault).
- 59G An offence under section 4 of that Act (sexual coercion).
- 59H An offence under section 5 of that Act (coercing a person into being present during a sexual activity).
- 59I An offence under section 6 of that Act (coercing a person into looking at a sexual image).
- 59J An offence under section 7(1) of that Act (communicating indecently).

- 59K An offence under section 7(2) of that Act (causing a person to see or hear an indecent communication).
- 59L An offence under section 8 of that Act (sexual exposure) if -  
 (a) the offender, in respect of the offence, is or has been -  
     (i) sentenced to a term of imprisonment, or  
     (ii) admitted to a hospital, or  
 (b) the offender was 18 or over and the victim was under 18.
- 59M An offence under section 9 of that Act (voyeurism).
- 59N An offence under section 11 of that Act (administering a substance for sexual purposes).
- 59O An offence under section 18 of that Act (rape of a young child).
- 59P An offence under section 19 of that Act (sexual assault on a young child by penetration).
- 59Q An offence under section 20 of that Act (sexual assault on a young child).
- 59R An offence under section 21 of that Act (causing a young child to participate in a sexual activity).
- 59S An offence under section 22 of that Act (causing a young child to be present during a sexual activity).
- 59T An offence under section 23 of that Act (causing a young child to look at a sexual image).
- 59U An offence under section 24(1) of that Act (communicating indecently with a young child).
- 59V An offence under section 24(2) of that Act (causing a young child to see or hear an indecent communication).
- 59W An offence under section 25 of that Act (sexual exposure to a young child).
- 59X An offence under section 26 of that Act (voyeurism towards a young child).
- 59Y An offence under section 28 of that Act (having intercourse with an older child) if the offender -  
 (a) was 18 or over, or  
 (b) in respect of the offence, is or has been -  
     (i) sentenced to a term of imprisonment, or  
     (ii) admitted to a hospital.
- 59Z An offence under section 29 of that Act (engaging in penetrative sexual activity with or towards an older child) if the offender -  
 (a) was 18 or over, or  
 (b) in respect of the offence, is or has been -  
     (i) sentenced to a term of imprisonment, or  
     (ii) admitted to a hospital.
- 59ZA An offence under section 30 of that Act (engaging in sexual activity with or towards an older child) if the offender -  
 (a) was 18 or over, or  
 (b) in respect of the offence, is or has been -  
     (i) sentenced to a term of imprisonment, or  
     (ii) admitted to a hospital.
- 59ZB An offence under section 31 of that Act (causing an older child to participate in a sexual activity) if the offender -  
 (a) was 18 or over, or  
 (b) in respect of the offence, is or has been -  
     (i) sentenced to a term of imprisonment, or  
     (ii) admitted to a hospital.

- 59ZC An offence under section 32 of that Act (causing an older child to be present during a sexual activity) if the offender -
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.
- 59ZD An offence under section 33 of that Act (causing an older child to look at a sexual image) if the offender -
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.
- 59ZE An offence under section 34(1) of that Act (communicating indecently with an older child) if the offender -
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.
- 59ZF An offence under section 34(2) of that Act (causing an older child to see or hear an indecent communication) if the offender -
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.
- 59ZG An offence under section 35 of that Act (sexual exposure to an older child) if the offender -
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.
- 59ZH An offence under section 36 of that Act (voyeurism towards an older child) if the offender -
- (a) was 18 or over, or
  - (b) in respect of the offence, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) admitted to a hospital.
- 59ZI An offence under section 37(1) of that Act (engaging while an older child in sexual conduct with or towards another older child) if, in respect of the offence, the offender is or has been -
- (a) sentenced to a term of imprisonment, or
  - (b) admitted to a hospital.
- 59ZJ An offence under section 37(4) of that Act (engaging while an older child in consensual sexual conduct with another older child) if, in respect of the offence, the offender is or has been -
- (a) sentenced to a term of imprisonment, or
  - (b) admitted to a hospital.
- 59ZK An offence under section 42 of that Act (sexual abuse of trust) where (either or both) -
- (a) the offender is 20 or over,
  - (b) the condition set out in section 43(6) of that Act is fulfilled.
- 59ZL An offence under section 46 of that Act (sexual abuse of trust of a mentally disordered person).
- 60 An offence in Scotland other than is mentioned in paragraphs 36 to 59 if the court, in imposing sentence or otherwise disposing of the case, determines for the purposes of this paragraph that there was a significant sexual aspect to the offender's behaviour in committing the offence.

## Northern Ireland

- 61 Rape.
- 62 An offence under section 52 of the Offences against the Person Act 1861 (c. 100) (indecent assault upon a female) if -
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 63 An offence under section 53 or 54 of that Act (abduction of woman by force for unlawful sexual intercourse) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 64 An offence under section 61 of that Act (buggery) if -
- (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.
- 65 An offence under section 62 of that Act of assault with intent to commit buggery if the victim or (as the case may be) other party was under 18, and the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 66 An offence under section 62 of that Act of indecent assault upon a male person if -
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 67 An offence under section 2 of the Criminal Law Amendment Act 1885 (procurement) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 68 An offence under section 3 of that Act (procuring defilement of woman by threats or fraud, etc.) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 69 An offence under section 4 of that Act (unlawful carnal knowledge of a girl under 14) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 70 An offence under section 5 of that Act (unlawful carnal knowledge of a girl under 17), if the offender was 20 or over.
- 71 An offence under section 7 of that Act (abduction of girl under 18) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 72 An offence under section 11 of that Act (homosexual offences) if -
- (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 18.

- 73 An offence under section 1 of the Punishment of Incest Act 1908 (incest by males), if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim or (as the case may be) other party was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment, or
      - (b) detained in a hospital.
- 74 An offence under section 2 of that Act (incest by females), if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim or (as the case may be) other party was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment, or
      - (b) detained in a hospital.
- 75 An offence under section 21 of the Children and Young Persons Act (Northern Ireland) 1968 (causing or encouraging seduction or prostitution of a girl under 17) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 76 An offence under section 22 of that Act (indecent conduct towards a child) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 77 An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 78 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles), if the prohibited goods included indecent photographs of persons under 16, and the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 79 An offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 80 An offence under Article 122 of the Mental Health (Northern Ireland) Order 1986 (offences against women suffering from severe mental handicap).
- 81 An offence under Article 123 of that Order (offences against patients) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to a term of imprisonment,
    - (ii) detained in a hospital, or
    - (iii) made the subject of a community sentence of at least 12 months.
- 82 An offence under Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (possession of indecent photographs of children) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.

- 83 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust), if the offender, in respect of the offence or finding, is or has been -
- (a) sentenced to a term of imprisonment,
  - (b) detained in a hospital, or
  - (c) made the subject of a community sentence of at least 12 months.
- 84 An offence under Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery) if -
- (a) the offender was 20 or over, and
  - (b) the victim or (as the case may be) other party was under 17.
- 85 An offence under Article 20 of that Order (assault with intent to commit buggery) if the victim was under 18 and the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 86 An offence under Article 21 of that Order (indecent assault upon a male) if -
- (a) where the offender was under 18, he is or has been sentenced, in respect of the offence, to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 87 An offence under section 15 of this Act (meeting a child following sexual grooming etc.).
- 88 An offence under any of sections 16 to 19 of this Act (abuse of trust) if the offender, in respect of the offence or finding, is or has been -
- (a) sentenced to a term of imprisonment,
  - (b) detained in a hospital, or
  - (c) made the subject of a community sentence of at least 12 months.
- 89 An offence under section 47 of this Act (paying for sexual services of a child) if the victim or (as the case may be) other party was under 17 and the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to a term of imprisonment of at least 12 months.
- 89A An offence under section 48 of this Act (causing or inciting child prostitution or pornography) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 89B An offence under section 49 of this Act (controlling a child prostitute or a child involved in pornography) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 89C An offence under section 50 of this Act (arranging or facilitating child prostitution or pornography) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 90 An offence under section 66 of this Act (exposure) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,

- (b) detained in a hospital, or
- (c) made the subject of a community sentence of at least 12 months.

- 91 An offence under section 67 of this Act (voyeurism) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (a) sentenced to a term of imprisonment,
      - (b) detained in a hospital, or
      - (c) made the subject of a community sentence of at least 12 months.
- 92 An offence under section 69 or 70 of this Act (intercourse with an animal, sexual penetration of a corpse) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- 92A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender -
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.
- 92B An offence under Article 5 or 6 of the Sexual Offences (Northern Ireland) Order 2008 (rape, assault by penetration).
- 92C An offence under Article 7 of that Order (sexual assault) if -
- (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (aa) sentenced to a term of imprisonment,
      - (bb) detained in a hospital, or
      - (cc) made the subject of a community sentence of at least 12 months.
- 92D An offence under Article 8, 12 or 13 of that Order (causing sexual activity without consent, rape of a child under 13, assault of a child under 13 by penetration).
- 92E An offence under Article 14 of that Order (sexual assault of a child under 13) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92F An offence under any of Articles 15 to 19 of that Order (causing or inciting a child under 13 to engage in sexual activity, sexual offences against children committed by adults).
- 92G An offence under Article 20 of that Order (sexual offences against children committed by children or young persons), if the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92H An offence under Article 21 of that Order (arranging or facilitating the commission of a sexual offence against a child) if the offender -
- (a) was 18 or over, or
  - (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92I An offence under Article 22 of that Order (meeting a child following sexual grooming etc).



- 92J An offence under any of Articles 23 to 26 of that Order (abuse of a position of trust) if the offender, in respect of the offence, is or has been -  
 (a) sentenced to a term of imprisonment,  
 (b) detained in a hospital, or  
 (c) made the subject of a community sentence of at least 12 months.
- 92K An offence under Article 32 or 33 of that Order (familial sexual offences against children) if the offender -  
 (a) was 18 or over, or  
 (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92L An offence under Article 37 (paying for sexual services of a child) if the victim or (as the case may be) other party was under 16, and the offender -  
 (a) was 18 or over, or  
 (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92M An offence under Article 38 (causing or inciting child prostitution or pornography) if the offender -  
 (a) was 18 or over, or  
 (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92N An offence under Article 39 (controlling a child prostitute or a child involved in pornography) if the offender -  
 (a) was 18 or over, or  
 (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92O An offence under Article 40 (arranging or facilitating child prostitution or pornography) if the offender -  
 (a) was 18 or over, or  
 (b) is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months.
- 92P An offence under any of Articles 43 to 50 of that Order (offences against persons with a mental disorder impeding choice, inducements etc. to persons with mental disorder).
- 92Q An offence under any of Articles 51 to 54 of that Order (care workers for persons with mental disorder) if -  
 (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;  
 (b) in any other case, the offender, in respect of the offence or finding, is or has been -  
 (i) sentenced to a term of imprisonment,  
 (ii) detained in a hospital, or  
 (iii) made the subject of a community sentence of at least 12 months.
- 92R An offence under Article 65 of that Order (administering a substance with intent).
- 92S An offence under Article 66 or 67 of that Order (committing an offence or trespassing, with intent to commit a sexual offence) if -  
 (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;  
 (b) in any other case -  
 (i) the intended offence was an offence against a person under 18, or  
 (ii) the offender, in respect of the offence or finding, is or has been -  
 (aa) sentenced to a term of imprisonment,  
 (bb) detained in a hospital, or  
 (cc) made the subject of a community sentence of at least 12 months.
- 92T An offence under Article 68 or 69 of that Order (sex with an adult relative) if -  
 (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;

- (b) in any other case, the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- 92U An offence under Article 70 of that Order (exposure) if -
  - (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (aa) sentenced to a term of imprisonment,
      - (bb) detained in a hospital, or
      - (cc) made the subject of a community sentence of at least 12 months.
- 92V An offence under Article 71 of that Order (voyeurism) if -
  - (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case -
    - (i) the victim was under 18, or
    - (ii) the offender, in respect of the offence or finding, is or has been -
      - (aa) sentenced to a term of imprisonment,
      - (bb) detained in a hospital, or
      - (cc) made the subject of a community sentence of at least 12 months.
- 92W An offence under Article 73 or 74 of that Order (intercourse with an animal, penetration of a corpse) if -
  - (a) where the offender was under 18, he is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
  - (b) in any other case, the offender, in respect of the offence or finding, is or has been -
    - (i) sentenced to a term of imprisonment, or
    - (ii) detained in a hospital.
- 92X An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender -
  - (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.
- 92Y An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual) if the offender -
  - (a) was 18 or over, or
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.

## Service offences

- 93 (1) An offence under -
  - (a) section 70 of the Army Act 1955,
  - (b) section 70 of the Air Force Act 1955, or
  - (c) section 42 of the Naval Discipline Act 1957,
 of which the corresponding civil offence (within the meaning of that Act) is an offence listed in any of paragraphs 1 to 35.
- (2) A reference in any of those paragraphs to being made the subject of a community sentence of at least 12 months is to be read, in relation to an offence under an enactment referred to in sub-paragraph (1), as a reference to being sentenced to a term of service detention of at least 112 days.
- (3) In sub-paragraph (2), the reference to detention is to detention awarded under section 71(1)(e) of the Army Act 1955 or Air Force Act 1955 or section 43(1)(e) of the Naval Discipline Act 1957.
- 93A(1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence listed in any of paragraphs 1 to 35B.

- (2) A reference in any of those paragraphs to being made the subject of a community sentence of at least 12 months is to be read, in relation to an offence under that section, as a reference to -
  - (a) being made the subject of a service community order or overseas community order under the Armed Forces Act 2006 of at least 12 months; or
  - (b) being sentenced to a term of service detention of at least 112 days.
- (3) Section 48 of that Act (attempts, conspiracy, encouragement and assistance and aiding and abetting outside England and Wales) applies for the purposes of this paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.

## General

- 94 A reference in a preceding paragraph to an offence includes -
  - (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
  - (b) except in paragraphs 36 to 43, a reference to aiding, abetting, counselling or procuring the commission of that offence.
- 94AA reference in a preceding paragraph to an offence ("offence A") includes a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed.
- 95 A reference in a preceding paragraph to a person's age is -
  - (a) in the case of an indecent photograph, a reference to the person's age when the photograph was taken;
  - (b) in any other case, a reference to his age at the time of the offence.
- 96 In this Schedule "community sentence" has -
  - (a) in relation to England and Wales, the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000, and
  - (b) in relation to Northern Ireland, the same meaning as in the Criminal Justice (Northern Ireland) Order 1996.
- 97 For the purposes of paragraphs 14, 44 and 78 -
  - (a) a person is to be taken to have been under 16 at any time if it appears from the evidence as a whole that he was under that age at that time;
  - (b) section 7 of the Protection of Children Act 1978 (interpretation), subsections (2) to (2C) and (8) of section 52 of the Civic Government (Scotland) Act 1982, and Article 2(2) and (3) of the Protection of Children (Northern Ireland) Order 1978 (interpretation) (respectively) apply as each provision applies for the purposes of the Act or Order of which it forms part.
- 98 A determination under paragraph 60 constitutes part of a person's sentence, within the meaning of the Criminal Procedure (Scotland) Act 1995, for the purposes of any appeal or review.

## Chapter 7

### Annex B

#### Sexual offender registration - sentencing & age thresholds

This table sets out the thresholds that must be met in order for an offender to be subject to sex offender registration. It is a general reference guide only; **please consult the Sexual Offences Act 2003** directly in order to inform operational decisions.

Paragraph numbers in the second column refer to Schedule 3 to that Act, as updated by other legislation. Where an age is stated (offender or victim) it always refers to the age **at the time the offence was committed**.

Convicted, cautioned, final-warned or reprimanded for these offences	Paragraph number	Automatic registration (no thresholds)  unless specified otherwise	Offender 18 or over <b>and</b> victim under 18  unless specified otherwise	Offender 18 or over <b>and</b> sentenced to		Offender under 18 <b>and</b> sentenced to
				Imprisonment <b>or</b> hospital order	12 months or more community sentence	12 months or more imprisonment
Offences under the Sexual Offences Act 2003						
Rape	17	✓				
Assault by penetration	17	✓				
Sexual assault	18		✓	✓	✓	✓
Causing person to engage in sexual activity without consent	19	✓				
Rape of a child under 13	19	✓				
Assault of a child under 13 by penetration	19	✓				
Sexual assault of a child under 13	20		✓			✓
Causing /Inciting child under 13 to engage in sexual activity	21	✓				
Sexual activity with a child	21	✓				
Causing /inciting a child to engage in sexual activity	21	✓				
Engaging in sexual activity in the presence of a child	21	✓				

Causing a child to watch a sexual act	21	✓				
Child sex offences committed by children & young persons	22	Offender under 18 <b>and</b> sentenced to 12 months or more imprisonment **				
Arranging/facilitating commission of a child sex offence	23		✓			✓
Meeting a child following sexual grooming	24	✓				
Sexual communication with a child	24A	✓				
Abuse of position of trust offences <i>* ages immaterial - sentence is the only threshold factor</i>	25			✓*	✓*	
Sexual activity with a child family member	26		✓			✓
Inciting a child family member to engage in sexual activity	26		✓			✓
Offences against persons with a mental disorder	27	✓				
Care worker offences	28			✓	✓	✓
Paying for the sexual services of a child <i>* only if victim was under 16</i>	29		✓*			✓*
Other sexual exploitation of children offences	29A-29C		✓			✓
Administering a substance with intent	30	✓				
Committing an offence with intent to commit a sexual offence	31		✓	✓	✓	✓
Trespass with intent to commit a sexual offence	31		✓	✓	✓	✓
Sex with an adult relative: penetration	32			✓		✓
Sex with an adult relative: consenting to penetration	32			✓		✓
Exposure	33		✓	✓	✓	✓
Voyeurism	34		✓	✓	✓	✓
Intercourse with an animal	35			✓		✓
Sexual penetration of a corpse	35			✓		✓
<b>Offences from other sources</b>						
Rape	1	✓				
Intercourse with girl under 13	2	✓				
Intercourse with girl under 16 <i>* only if offender was over 20</i>	3	✓*				
Incest by a man <i>* only if offender was under 18</i>	4	✓*				
Buggery <i>* only if offender was 20 or over <b>and</b> victim under 18</i>	5		✓*			
Indecency between men <i>* only if offender was 20 or over <b>and</b> victim under 18</i>	6		✓*			
Indecent assault on a woman	7	Victim under 18 <b>or</b> offender sentenced to at least 30 months imprisonment <b>or</b> is subject to a restriction order **				

Indecent assault on a man	8	Victim under 18 <b>or</b> offender sentenced to at least 30 months imprisonment <b>or</b> is subject to a restriction order **				
Assault with intent to commit buggery <i>* only if the victim was under 18</i>	9	✓*				
Causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16	10	✓				
Indecent conduct towards young child	11	✓				
Inciting girl under 16 to have incestuous sexual intercourse	12	✓				
Indecent photographs of children	13	Victim in the indecent photograph(s) must be under 16. Conviction before commencement of Part <b>or</b> offender 18 or over <b>or</b> sentenced to 12 months' imprisonment or more				
CEMA 1979 Goods prohibited to be imported - indecent or obscene articles	14	Victim in the indecent photograph(s) must be under 16. Conviction before commencement of Part <b>or</b> offender 18 or over <b>or</b> sentenced to 12 months' imprisonment or more				
Possession of indecent photograph of a child	15	Victim in the indecent photograph(s) must be under 16. Conviction before commencement of Part <b>or</b> offender 18 or over <b>or</b> sentenced to 12 months' imprisonment or more				
Abuse of position of trust <i>* only if offender was over 20</i>	16	✓*				
Sexual communication with a child	24A	✓				
Possession of extreme pornographic images <i>* sentenced to at least 2 years</i>	35A				✓*	
Possession of prohibited images of children <i>* sentenced to at least 2 years</i>	35B				✓*	
Possession of paedophile manual	35C	Offender over 18 <b>or</b> sentenced to 12 months imprisonment **				

\*\* or the conviction, finding or caution was before 1 May 2004.

## Chapter 7

### Annex C

#### Changes to legislation notice

Copy **the whole of** this form onto a blank document for use, update the reference to Regulations<sup>37</sup>, and **delete** this red text and the title before printing.

**HM PRISON SERVICE**  
**SEXUAL OFFENCES ACT 2003 (REMEDIAL) ORDER 2012**  
**SEXUAL OFFENCES ACT 2003 (NOTIFICATION REQUIREMENTS) (ENGLAND & WALES)**  
**REGULATIONS 2012**  
**SEXUAL OFFENDERS WHO NEED TO REGISTER WITH THE POLICE**

This notice contains a summary of the changes to the notification requirements with which you must comply. It is not a complete statement of the law. If you need further explanation or advice, you should consult a solicitor. It is important that you are aware that all notifications have to be made in person at a police station. You must notify at a prescribed police station within the local area into which you are released. A list of prescribed stations can be found in the **Sexual Offences Act 2003 (Prescribed Police Stations) (No. 2) Regulations 2015**.

There are a number of amendments to the scheme for registration of sexual offenders. These changes are the result of the Sexual Offences Act 2003 (Remedial) Order 2012, which amends the Sexual Offences Act 2003, and the Sexual Offences Act 2003 (Notification Requirements) (England & Wales) Regulations 2012.

#### Sexual Offences Act 2003 (Remedial) Order 2012

Offenders subject to notification requirements for an indefinite period will have the opportunity to apply for the requirement to be reviewed. In most cases this will mean fifteen years following release from custody (eight years if the offender is under eighteen on the date of first registration). The fifteen years is calculated from the date of the first notification post release so if there is a delay for any reason the fifteen years will not start to run until the first notification is made.

The review process is triggered by making an application to the police in your area. The review is police-led and they will take into account a range of factors, including relevant risk information from agencies involved in the Multi-Agency Public Protection Arrangements (MAPPA), before making a decision. In order to qualify for the review you must not be subject to a Sexual Offences Prevention Order (SOPO), Sexual Harm Prevention Order (SHPO) or an interim SHPO at the time of making an application.

The Remedial Order came into effect on 30 July 2012.

#### Sexual Offences Act 2003 (Notification Requirements) (England & Wales) Regulations 2012

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<sup>37</sup> These Regulations are updated periodically and each revision cancels the previous version. Please check the title of the current version and amend the first paragraph as necessary.

The Regulations 2012 came into force on 13 August 2012. It is important that you are aware of the changes to your notification requirements.

### **Foreign travel**

If you intend to travel abroad you must notify the police at least seven days before departure. In cases where travel is required at short notice you must still notify the police at least 12 hours before departure. Where you have given notice of your intention to leave the UK and not given details of your return, you must report your return to the police at a prescribed police station within three days of arriving back to the UK.

### **Passport, credit card and bank account details**

You must notify the police of your name as it appears in your passport or other identification document, your passport number or issue number of your identity document and what type of document that is, and details of all bank accounts and credit card accounts to which you have access.

### **Registered as 'no fixed abode'**

You must attend a police station and notify police every week if you are registered as having 'no fixed abode'.

### **Living with a child**

You must notify police if you are living / staying in the same house for 12 hours or more as a person who has not yet reached the age of 18 also resides / stays.

IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS YOU ARE LIABLE TO BE ARRESTED AND  
COULD FACE UP TO FIVE YEARS' IMPRISONMENT, OR A FINE, OR BOTH



## Chapter 7

### Annex D

#### Sexual offender registration notice

Copy **the whole of** this form onto a blank document for use, and **delete** this red text and the title before printing.

**HM PRISON SERVICE**  
**SEXUAL OFFENCES ACT 2003, PART 2**  
**SEXUAL OFFENDER'S REGISTRATION REQUIREMENT**

This notice contains a summary of the registration requirements with which you must comply. It is not a complete statement of the law. If you need further explanation or advice, you should consult a solicitor. It is important that you are aware that all notifications have to be made in person at a prescribed police station.

##### **Notification on release from imprisonment**

Your initial notification must be made at a police station in your local police area, **within three days** of your release from imprisonment, beginning from your day of release. If you have already made an initial notification to the police (because you were subject to these requirements before entering prison), you must still notify the police, even if the details you originally notified have not changed, with three days of your release.

##### **Changes to your notified details**

You must notify the police of any change to your notified details (such as your name, any new aliases, or your home address) **within three days** of making such a change.

##### **Staying at another address for seven days or more**

You must notify police if you stay at any other address for a total of seven days or more. This includes any address or addresses at which you have spent two or more periods in any 12 months that add up to seven days or more. You must notify the police of this **within three days** of the seven-day period ending.

##### **Advance notification of changes**

It is possible to notify the police of changes to your notified details in advance. If you do this, you will have to inform the police of the date you expect the changes to happen.

If you make an advance notification and the change then happens more than two days earlier than the expected date, you must make a fresh notification to the police. If you make an advance notification and the change has not happened **within three days** of the expected date, you must, **within six days** of that date, notify the police that the change has not happened. You must then continue to comply with the requirement to notify changes in your details.

##### **National Insurance number**

All registered sexual offenders who are notifying their details to the police must provide their National Insurance number.

### **Annual notification**

At least once every 12 months, you must confirm to the police that your notified details are correct, even if they have not changed. The 12-month period begins on the date you last notified your details (or changes to your details) to the police. If you are unable to confirm your details because you are out of the UK, in prison, or detained in hospital, you must do so **within three days** of your return / release.

### **Fingerprints and photographs**

The police may take your photograph and your fingerprints when you first notify them of your details, when you notify them of any changes to your details, and when you make your annual notification.

### **Foreign travel**

If you intend to travel abroad you must notify the police **at least seven days** before departure if you have the necessary information. In cases where travel is required at short notice, you must still notify the police 12 hours before departure. Where you have given notice of your intention to leave the UK and have not given details of your return, you must report your return to the police **within three days** of arriving back in the UK.

### **Passport, credit card and bank account details**

You must notify the police of your name as it appears in your passport or other identification document, your passport number or issue number of your identity document and what type of document that is and details of all bank accounts and credit card accounts to which you have access.

### **Registered as “no fixed abode”**

You must attend a police station and notify police every week if you are registered as having “no fixed abode”.

### **Living with a child**

You must notify the police when living / staying at a relevant household for a period of 12 hours or more where a child under 18 also resides / stays.

IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS YOU ARE LIABLE TO BE ARRESTED  
AND COULD FACE UP TO FIVE YEARS' IMPRISONMENT, OR A FINE, OR BOTH

**How long you must do this for**

On the basis of your sentence, we calculate that you must continue to notify your details to the police for the period shown in the box below. We suggest you confirm this with the police when you make your initial notification. **It is your responsibility to check this** if you are not certain.

If the offender was over 18 when convicted or cautioned - tick whichever box applies					
Indefinitely	<input type="checkbox"/>	For 10 years	<input type="checkbox"/>	For 7 years	<input type="checkbox"/>
For 5 years	<input type="checkbox"/>	For 2 years	<input type="checkbox"/>	Conditional discharge *	<input type="text"/>

\*If the offender received a conditional discharge specify the duration

If the offender under 18 when convicted or cautioned - tick whichever box applies					
Indefinitely	<input type="checkbox"/>	For 5 years	<input type="checkbox"/>	For 3½ years	<input type="checkbox"/>
For 2½ years	<input type="checkbox"/>	For 1 year	<input type="checkbox"/>	Conditional discharge *	<input type="text"/>

\* If the offender received a conditional discharge specify the duration

I acknowledge that I have had this notice explained to me during discharge procedures and I confirm that I fully understand the notification requirements that apply to me.		
Offender's full name (print)		Prison number
<input type="text"/>		<input type="text"/>
Date	Offender's signature	<input type="text"/>
<input type="text"/>	Staff member's signature	<input type="text"/>

## Chapter 7

### Annex E

#### Notification of release

Copy this form onto a blank document for use, replace sections marked in red, and **delete** this red text and the title before printing.

Sexual Offences Act 2003	
To	From
The Chief Constable [insert name of force]	[insert name of establishment]
I am writing to inform you that [insert offender's full name and DOB], whose details are below, will be released from prison on [insert date] to the address set out below. He/she [delete as appropriate] is subject to sexual offender registration requirements under the 2003 Act.	
Offence(s)	Sentence(s)
Sentencing court	Date sentenced
CRO number	ViSOR number
The prisoner has been reminded of his/her [delete as appropriate] registration requirements - a copy of this reminder has been attached to this notice.	
Discharge address	
Full name (print)	
Email and telephone contact	
Department	
Signature	
Date	

## Chapter 8

# TERRORIST NOTIFICATION REQUIREMENTS

## 1 INTRODUCTION

This chapter provides information and guidance on how establishments must deal with prisoners who are subject to terrorist notification requirements. These arrangements may apply both during custody and on release.

The notification scheme applies, broadly speaking, to anyone over 16 who has been convicted of certain types of offences and received a sentence of 12 months or more. Offenders are told of their notification requirements on conviction but they have to be reminded of them on release, and establishments need to be alert to the possibility that they may have changed between reception and release.

## 2 NOTIFICATION REQUIREMENTS

### 2.1 Overview

Part 4 of the Counter-Terrorism Act 2008 and regulations made under it impose requirements for up to 30 years, depending on the offender's age at conviction and on the length and type of sentence. The requirements are to:

- register in person at a police station in the area where they live, within three days of release<sup>38</sup>, in order to provide relevant personal details (including name, address, date of birth and National Insurance number), and to submit to being photographed and fingerprinted;
- notify the police in person of any changes to their details, within three days;
- notify the police in person, again within three days, if they have stayed for a total of **seven days or more** within any 12-month period at any address or addresses that they have not notified to the police;
- notify the police of any intended foreign travel of **three days or more**, at least seven days before departure; and
- renew their notification at least **once a year**.

The offences and sentences that trigger these requirements are set out in sections 41 to 45 of the Act and Schedule 2 to it. Details are given at [Annex A](#), but in summary they are:

- terrorist offences - a number of offences under the Terrorism Act 2000, the Anti-Terrorism, Crime & Security Act 2001, and the Terrorism Act 2006, to do with (among other things) directing, preparing and training for terrorism, and membership of proscribed organisations; and

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<sup>38</sup> The 2008 Act requires notification *within three days* beginning with the day on which a prisoner is released. How this three day period should be calculated is not set out in the Act. If the prisoner asks when the period runs out, the best response is to advise them to consult their lawyer. Only if pressed should prison staff go further. Prisoners should not be told anything that could inadvertently lead to their registering late. Thus, the safest interpretation is that the period expires at the end of the **second day after** the day on which they are released. For example, if released on Monday, they will need to register before the end of Wednesday; and if released on Friday, they will need to register before the end of Sunday. Other periods specified in the Act should be treated the same.

- offences where a terrorist connection has to be considered - a wide range of common-law offences (such as murder and manslaughter) and statutory offences (such as causing explosions, hijacking, and hostage-taking).

Section 43 of the Act covers offences for which prisoners were sentenced before it came into force (in October 2009). This section will not now have any effect, as all such prisoners will have had appropriate notification requirements applied to them. Anyone **freshly convicted** of a triggering offence, even if they are already a serving prisoner, or if the offence was committed before October 2009, will come under the other sections.

## 2.2 General practice for notification requirements

Any offender to whom the notification requirements apply will be told of this fact by the court when passing sentence. A Court Conviction Notice will be included with the paperwork sent by the court and recorded on the Person Escort Record. An example is at [Annex B](#) (not all court notices will look exactly like this). This Notice must be kept with the prisoner's core record. The requirements can be assumed to apply unchanged unless something material changes (see 3.2 below).

## 2.3 Release and transfer

All terrorist offenders are managed under MAPPA and will therefore be the subject of extensive preparation and planning for release. As part of this, the relevant police force and Probation Service division will remind the prisoner of the notification requirements at the same time as their licence conditions are explained to them. The prison is then responsible for reminding the prisoner again when they are released from custody. The precise time when this is done will vary from prison to prison. At prisons with discharge boards, the best time is at the board; at others, it will have to be done at discharge, by reception staff.

Where the offender is to be released on temporary licence, the prison has lead responsibility for explaining notification requirements.

In all cases the member of staff must give the prisoner a copy of the Notice to Prisoner form ([Annex C](#)) and explain it to him/her verbally. Translations must be provided where necessary. The member of staff and the prisoner must both sign and date the form at the bottom. If for any reason the prisoner refuses to sign the form, the member of staff must note this at the end. A copy of the form must be placed on the prisoner's core record. Copies must also be sent to the Chief Constable of the area to which the prisoner is being discharged, and to the offender manager who will be supervising the offender. If it is not clear to which area the prisoner is being discharged, which will be rare (see the FAQ at part 4 below), the police copy must be sent to the Chief Constable of the area where the establishment is located. The prison must update ViSOR as well as the prisoner's core record. However, if for any reason this is not done, covering notes with details of the prisoner's background must be sent with the police and probation copies of the forms. These are provided at [Annex D](#).

If the prisoner has already been given a Court Conviction Notice, it will be on the prisoner's core record and a copy must be given to the prisoner. If it has different requirements from the Notice to Prisoner (see 3.2 below), the member of staff must explain that the notification requirements have changed and that the newer form is the correct one.

If an offender subject to notification requirements is transferred to another prison, a hospital or local authority secure accommodation from which they could be discharged from custody, the Court Conviction Notice must be transferred with them.

The prison does not have to make any appointments or other arrangements for offenders to notify the police under these requirements (with one exception - see part 3.1 below). In most cases the police or the offender manager will have done this.

## 2.4 Calculating the notification period

The notification period begins when an offender is dealt with for the offence(s) in question. However, notification requirements apply only while an offender is in the community. Time spent on remand, serving a sentence of imprisonment or detention (whether in the UK or abroad), detained in hospital or detained under immigration legislation, does not count towards the expiry of a notification period. This means that, for practical purposes, a prisoner's notification period starts on his release. In addition, if the prisoner is jailed again later, the notification period is suspended for the duration of his imprisonment.

The notification period depends on the sentence received and on the prisoner's age at conviction. The details can be found under section 53 of the Act but, in summary:

### Offenders aged 18 or over at conviction

Sentence (imprisonment or detention)	Notification period
10 years or longer (including life and indeterminate sentences)	30 years
5 years or more, but less than 10 years	15 years
12 months or more, but less than 5 years	10 years
Hospital order	10 years

### Offenders aged 16 or 17 at conviction

Sentence	Notification period
Any court disposal	10 years

## 2.5 Multiple sentences

If a prisoner is awarded **consecutive sentences**, they must be added together to determine the notification period. If a prisoner is awarded **concurrent sentences** at the same time, the longer or longest must be used to determine the notification period.

If a prisoner has qualifying sentences imposed on more than one occasion, they will be **partly concurrent**. The notification period is then based on the combined length of the sentences, less the overlapping period. For example, a prisoner receives a 6-year sentence for a first offence, and three years later receives an 8-year for another offence. The combined length of the two is 14 years; the overlap is the remainder of the first sentence, which is 3 years. This gives an effective sentence for notification purposes of 11 years. This will change the notification period - for more on this, see part 3.2 below.

## 3 SPECIAL CASES

### 3.1 Immediate release from remand on conviction

A prisoner can, of course, be held on remand and then given a sentence that means he/she must be released immediately, even if he/she has received a long enough sentence for notification requirements to apply. The relevant police force and Probation Service division should be aware of this possibility in advance and should be ready to deal with it. Close liaison with both by the prison, in the run-up to the trial, is essential for ensuring that the prisoner receives the Notice to Prisoner on discharge. The prison should ensure that Special Branch / Counter-Terrorism Unit have arranged a first notification appointment for the prisoner post-release.

### 3.2 Changes to notification requirements

Apart from fresh convictions, notification requirements can change in one of four ways on appeal:

- the sentence is reduced or a conviction for a different offence is substituted, taking the sentence below the 12-month threshold at which notification requirements apply;
- the sentence is increased, or a conviction for a different offence is substituted, taking the sentence beyond 12 months and making the notification requirements apply;
- the sentence changes, and notification requirements apply both before and after the change; and
- a conviction for a different offence is substituted, and notification requirements apply to both convictions.

In the first of these, the effect is that the notification requirements **have never applied**. The offender does not have to be given a Notice to Prisoner on discharge.

In the second case, the effect is that the notification requirement **does now apply**, and applies **from the point where the change occurred**.

In the third and fourth cases, **the notification period may change**. If it does, it is treated as **starting at the original decision**, not the point where the change occurred.

#### Examples

- a person is originally sentenced to 15 months, which means they will have to notify the police for 10 years after release. They appeal and the sentence is reduced to 11 months. This means that they will not have to notify the police at all after release.
- a person is originally sentenced to 10 months, which means that they will not have to notify the police on release. The sentence is reviewed for being too lenient and is increased to 2 years. This means they will have to notify the police after release, for 10 years. The notification period starts at the point the court increased the sentence.
- a person is originally sentenced to 11 years, which means they will have to notify the police for 30 years after release. They appeal and the sentence is reduced to 9 years. This means that they will still have to notify the police after release, but for only 15 years. The notification period will still start at the point of conviction.

In rare cases, someone may be subject to a hospital order at first, and later tried and convicted for the same offence. They will be subject to notification requirements under the hospital order, but the conviction replaces



it. This means that their original notification period will come to an end and **a new one will begin on the date of conviction.**

This is a complex area. If there is any doubt about how to calculate a notification period, legal advice should be sought.

### 3.3 Civil orders

The Counter-Terrorism Act also makes provision for a civil order - the Notification Order - which ensures that a person convicted abroad of a similar offence can be made subject to UK notification requirements as well. These orders are granted by the High Court on application from a chief officer of police. If a prison receives an offender from abroad who has a conviction for a terrorism offence, the Governor must inform the police in the area where the prison is situated. They will then consider whether to apply for a Notification Order.

The Act also provides for a Foreign Travel Restriction Order, which can prevent an offender travelling to specific countries or more generally.

Both orders must be explained to the qualifying offender on release with any original court documentation. Copies of the orders should be maintained on file.

## 4 FREQUENTLY ASKED QUESTIONS

Prisoners subject to notification requirements should have had the position explained to them upon conviction, and again during their sentence as part of preparation for release. Nonetheless, they may still want advice and guidance and cannot wait to speak to the offender manager. Some of the more common questions, and follow-up advice, are dealt with here.

### **What happens if notification requirements aren't explained to an offender by the court, or are explained incorrectly?**

Courts make every effort to explain notification requirements clearly to all affected offenders. However, if for any reason this does not happen, it does not affect the position. The requirements apply automatically following a qualifying conviction and neither the police nor the courts can remove them or change how they apply to an offender.

### **What "home address" must be registered if the offender has no fixed abode?**

Under section 60 of the Act, the definition of "home address" is:

- the address of the person's sole or main residence in the United Kingdom, or
- where the person has no such residence, the address or location of a place in the United Kingdom where the person can regularly be found. If there is more than one such place, the person must choose one.

Examples of places where a person can regularly be found include a homeless shelter, a friend's house, a caravan, or a park bench. However, some locations are unlikely to be accepted as release addresses, and offenders should be discouraged from nominating them.

**Can a person provide more than one home address?**

No. They can provide only one. If they have more than one, they must choose one, which (for release purposes) will usually be their main residence.

However, under section 47 of the Act they must also notify to the police the address of any other address where they regularly reside or stay. This means that, in effect, they must notify all their addresses to the police, although they will still have to pick one as the home address.

Offenders should also be reminded that if they stay at any other address for a total of seven days in any 12-month period, they must notify that address to the police as well.

**What is my “local police area”?**

It is the police area that covers the offender's home address. If the offender has no current home address, it is the police area that covered the offender's last notified address. If there is no such address either, it is the police area covering the court where the offender was convicted.

**Does a person have to go to the same police station every time they need to update their details or renew their notification?**

No. The legislation stipulates only that they must make their notification(s) at a police station in their local police area. However, the police may have limited processing facilities and may therefore ask offenders to notify them only at selected police stations.

**What happens if someone who poses a threat tells the police 24 hours before leaving that they are going abroad?**

If the police believe the offender poses a threat, it is likely that they will have applied for a Foreign Travel Restriction Order. If they have not, and last-minute notification is given, they will probably use the information to alert their counterparts in the other country.

# Chapter 8

## Annex A

### 1 Offences that trigger notification requirements

#### Counter-Terrorism Act 2008, section 41

Section 41(1) lists the **terrorism offences** that trigger the notification requirements:

- (a) an offence under any of the following provisions of the Terrorism Act 2000 -  
section 11 or 12 (offences relating to proscribed organisations),  
sections 15 to 18 (offences relating to terrorist property),  
section 38B (failure to disclose information about acts of terrorism),  
section 54 (weapons training),  
sections 56 to 61 (directing terrorism, possessing things and collecting information for the purposes of terrorism and inciting terrorism outside the United Kingdom);
- (b) an offence in respect of which there is jurisdiction by virtue of any of sections 62 to 63D of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc);
- (c) an offence under section 113 of the Anti-terrorism, Crime and Security Act 2001 (use of noxious substances or things);
- (d) an offence under any of the following provisions of Part 1 of the Terrorism Act 2006 -  
sections 1 and 2 (encouragement of terrorism),  
sections 5, 6 and 8 (preparation and training for terrorism),  
sections 9, 10 and 11 (offences relating to radioactive devices and material and nuclear facilities);
- (e) an offence in respect of which there is jurisdiction by virtue of section 17 of that Act (extra-territorial jurisdiction in respect of certain offences committed outside the United Kingdom for the purposes of terrorism etc).

Section 41(2) adds that any ancillary offence in relation to these offences will also trigger the notification requirements.

#### Counter-Terrorism Act 2008, section 42 and Schedule 2

Section 42(1) sets out the basic conditions for **offences having a terrorist connection** to trigger the notification requirements:

- (a) an offence as to which a court has determined under section 30 (sentences for offences with a terrorist connection: England and Wales) that the offence has a terrorist connection, and
- (b) an offence in relation to which section 31 applies (sentences for offences with terrorist connection: Scotland).

Schedule 2 then lists the offences where a terrorist connection must be considered, as required under section 30:

#### Common-law offences

- Murder
- Manslaughter
- Culpable homicide
- Kidnapping
- Abduction

## **Statutory offences**

- An offence under any of the following sections of the Offences against the Person Act 1861 -
  - (a) section 4 (soliciting murder),
  - (b) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm),
  - (c) section 28 (causing bodily injury by explosives),
  - (d) section 29 (using explosives etc with intent to do grievous bodily harm),
  - (e) section 30 (placing explosives with intent to do bodily injury),
  - (f) section 64 (making or having gunpowder etc with intent to commit or enable any person to commit any felony mentioned in the Act).
- An offence under any of the following sections of the Explosive Substances Act 1883 -
  - (a) section 2 (causing explosion likely to endanger life or property),
  - (b) section 3 (attempt to cause explosion or making or keeping explosive with intent to endanger life or property),
  - (c) section 4 (making or possession of explosive under suspicious circumstances),
  - (d) section 5 (punishment of accessories).
- An offence under section 1 of the Biological Weapons Act 1974 (restriction on development etc of certain biological agents and toxins and of biological weapons).
- An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).
- An offence under any of the following sections of the Aviation Security Act 1982 -
  - (a) section 1 (hijacking),
  - (b) section 2 (destroying, damaging or endangering safety of aircraft),
  - (c) section 3 (other acts endangering or likely to endanger safety of aircraft),
  - (d) section 4 (offences in relation to certain dangerous articles),
  - (e) section 6(2) (inducing or assisting commission of offence under section 1, 2 or 3 outside the United Kingdom).
- An offence under any of the following sections of the Nuclear Material (Offences) Act 1983 -
  - (a) section 1B (offences relating to damage to the environment),
  - (b) section 1C (offences of importing or exporting etc nuclear materials: extended jurisdiction),
  - (c) section 2 (offences involving preparatory acts and threats), so far as relating to an offence specified in this Schedule.
- An offence under any of the following sections of the Aviation and Maritime Security Act 1990 -
  - (a) section 1 (endangering safety at aerodromes),
  - (b) section 9 (hijacking of ships),
  - (c) section 10 (seizing or exercising control of fixed platforms),
  - (d) section 11 (destroying ships or fixed platforms or endangering their safety),
  - (e) section 14(4) (inducing or assisting the commission of an offence outside the United Kingdom), so far as relating to an offence under section 9 or 11 of that Act.
- An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (offences against the safety of channel tunnel trains and the tunnel system).
- An offence under any of the following sections of the Chemical Weapons Act 1996 -
  - (a) section 2 (use etc of chemical weapons),
  - (b) section 11 (premises or equipment for producing chemical weapons).
- An offence under any of the following sections of the Anti-Terrorism, Crime and Security Act 2001 -
  - (a) section 47 (use etc of nuclear weapons),
  - (b) section 114 (hoaxes involving noxious substances or things).

## **Ancillary offences**

Any ancillary offence in relation to an offence specified in Schedule 2 to the 2008 Act.

## 2 Disposals that trigger notification requirements

### Counter-Terrorism Act 2008, section 45

Section 45(1) lists the disposals, following conviction for an offence or offences listed above, that trigger the notification requirements.

Sub-section (a) lists the applicable sentences:

- (i) imprisonment or custody for life,
- (ii) imprisonment or detention in a young offender institution for a term of 12 months or more,
- (iii) imprisonment or detention in a young offender institution for public protection under section 225 of the Criminal Justice Act 2003,
- (iv) detention for life or for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences),
- (v) a detention and training order for a term of 12 months or more under section 100 of that Act (offenders under age of 18),
- (vi) detention for public protection under section 226 of the Criminal Justice Act 2003 (serious offences committed by persons under 18), or
- (vii) detention during Her Majesty's pleasure.

Sub-section (b) lists the other disposals:

- (i) [the person has been] convicted of an [applicable] offence carrying a maximum term of imprisonment of 12 months or more,
  - (ii) found not guilty by reason of insanity of such an offence, or
  - (iii) found to be under a disability and to have done the act charged against them in respect of such an offence,
- and has been made subject to a hospital order.

## Chapter 8

### Annex B

### Sample Court Conviction Notice

#### Notice of requirement to notify details to the police

##### To the defendant named in the certificate on the reverse of this notice:

You have been dealt with in relation to an offence to which Part 4 of the Counter-Terrorism Act 2008 applies. The details of the court's decisions are set out in the Certificate of Conviction or Finding on the reverse of this Notice. **The court's decisions mean that you must, by law, comply with the notification requirements in Part 4 of the 2008 Act.**

This Notice tell you about the **notification requirements**. This Notice is not a complete statement of the law. If you need further explanation or advice, you should contact a solicitor.

##### The notification requirements

You must:

- **Report to a police station in your local police area to make an initial notification within the next 3 days**, beginning today, unless you are in custody or detained in a hospital in which case you must do so within 3 days of your release on licence (or release from hospital).

If you have already made an initial notification because of a previous conviction or finding under the Counter-Terrorism Act 2008, then you do not need to make an initial notification again. However, you must comply with all the other notification requirements.

You must give the police:

- your name and any other names both on the date you were dealt with and the date you notify.
- your date of birth.
- your National Insurance number.
- your home address (on the date you were dealt with and the date you notify). Your home address is the address in the United Kingdom where you live permanently or, if you have no permanent home, any place in the United Kingdom where you regularly live or stay.
- the address of any other premises in the United Kingdom where you regularly reside or stay
- **Notify the police if you change your name or home address**, within 3 days of the date of the change.
- **Notify the police of any address where you live or stay for 7 days or longer**. This means either 7 days at a time, or a total of 7 days in any 12 month period. You must contact the police **within 3 days** beginning on the seventh day you stay at the address.
- **Notify the police of your details every 12 months** even if there is no change to those details.
- If the police want to take your fingerprints and/or photograph you when you make a notification, you must agree to that being done.
- **Notify the police of any plans to travel abroad for 3 or more days**. The details of what you must notify and when (both before and after travel) are found in the Counter-Terrorism Act 2008 (Foreign Travel Notification Requirements) Regulations 2009.

### **How to notify the police**

You must go in person to a police station in your local police area (unless you are making certain notifications of foreign travel in which case you can use any police station). (Your 'local police area' is defined in section 51 of the Act and usually means the police station nearest to your home address).

#### **Take Notice that:**

- If you fail to comply with any of these requirements without a reasonable excuse, or knowingly give the police false information, you may on conviction be sent to prison for up to 5 years, or pay a fine, or both.
- The notification requirements apply to you from the date on which the Court dealt with you and apply for a period of [30] [15] [10] years. This period does not include any time you are in custody or are otherwise detained.
- If you are taken into custody or detained in a hospital during the period when the notification requirements apply to you: when you are released, you must notify the police within 3 days, beginning on the day you are released. The notification period is suspended during any such time spent in custody or detention.

In the Crown Court



at

Court Location Code

Case Number .

Pre Trial Issues Unique Reference Number

Certificate of Conviction or Finding

Counter-Terrorism Act 2008

Name		
Address		
Date of birth		
Date of conviction / finding		Convicting Court (if different)
Date of sentence (if different)		
Offence(s)		
Sentence(s) imposed		
Ancillary orders		

I certify that the above named defendant was, on the above date [convicted] [found not guilty by reason of insanity] [found to be under a disability and to have done the act charged against the defendant] [and sentenced] [and made the subject of a hospital order] such that the notification requirements provided for by Part 4 of the Counter-Terrorism Act 2008 apply.

An Officer of the Crown Court  
Date

For immediate service: Police / HM Prison or HM Young Offender Institution / Hospital (if applicable) / Copy for the Defendant (to sign below)  
Defendant's signature  
Date



## Chapter 8

### Annex C

#### Notice to prisoner

Copy this form onto a blank document for use, and delete this red text before printing.

**HM PRISON SERVICE  
COUNTER-TERRORISM ACT 2008, PART 4  
TERRORIST OFFENDER'S REQUIREMENT TO NOTIFY THE POLICE**

This notice contains a summary of the notification requirements with which you must comply. It is not a complete statement of the law. If you need further explanation or advice, you should consult a solicitor. It is important that you are aware that all notifications have to be made in person at a police station. The police in the area where you will be released may prescribe which police stations can be used.

#### **Notification on release from imprisonment**

Your initial notification must be made at a police station in your local police area, **within three days** of your release from imprisonment. If you have already made an initial notification to the police (because you were subject to these requirements before entering prison), you must still notify the police, even if the details you originally notified have not changed, with three days of your release.

#### **Changes to your notified details**

You must notify the police of any change to your notified details (such as your name, any new aliases, or your home address) **within three days** of making such a change.

#### **Staying at another address for seven days or more**

You must notify police if you stay at any other address for a total of seven days or more. This includes any address or addresses at which you have spent two or more periods in any 12 months that add up to seven days or more. You must notify the police of this **within three days** of the seven-day period ending.

#### **Advance notification of changes**

It is possible to notify the police of changes to your notified details in advance. If you do this, you will have to inform the police of the date you expect the changes to happen.

If you make an advance notification and the change then happens more than two days earlier than the expected date, you must make a fresh notification to the police. If you make an advance notification and the change has not happened within three days of the expected date, you must, **within six days** of that date, notify the police that the change has not happened. You must then continue to comply with the requirement to notify changes in your details.

#### **National Insurance number**

All terrorist offenders who are notifying their details to the police must provide their National Insurance number.

#### **Annual notification**

At least once every 12 months, you must confirm to the police that your notified details are correct, even if they have not changed. The 12-month period begins on the date you last notified your details (or changes to

your details) to the police. If you are unable to confirm your details because you are out of the UK, in prison, or detained in hospital, you must do so **within three days** of your return / release.

### Fingerprints and photographs

The police may take your photograph and your fingerprints when you first notify them of your details, when you notify them of any changes to your details, and when you make your annual notification.

### Foreign travel

If you intend to travel abroad for three days or more, you must notify the police **at least seven days** before departure if you have the necessary information. In cases where travel is required at short notice, you must still notify the police 24 hours before departure. Where you have given notice of your intention to leave the UK and have not given details of your return, you must report your return to the police **within three days** of arriving back in the UK.

IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS YOU ARE LIABLE TO BE ARRESTED  
AND COULD FACE UP TO FIVE YEARS' IMPRISONMENT, OR A FINE, OR BOTH.

### How long you must do this for

On the basis of your sentence, we calculate that you must continue to notify your details to the police for the period shown in the box below. We suggest you confirm this with the police when you make your initial notification. **It is your responsibility to check this** if you are not certain.

Tick whichever box applies			
For 10 years	<input type="checkbox"/>	For 15 years	<input type="checkbox"/>
		For 30 years	<input type="checkbox"/>

I have read and explained the contents of this notice to the offender named in it.		
Date notice issued	Issued by (print name)	
	Staff member's signature	
I acknowledge that I have had this notice explained to me and I confirm that I fully understand the notification requirements that apply to me.		
Offender's full name (print)	Prison number	CRO / PNC number
Date	Offender's signature	
	Staff member's signature <i>use where offender refuses to sign</i>	

## Chapter 8

### Annex D

## Notice to prisoner - covering notes for police and probation

### 1 Full release version

Copy this form onto a blank document for use, and replace sections marked in red before printing.

Counter-Terrorism Act 2008, Part 4	
To	From
The Chief Constable [insert name of force] and [where appropriate] [insert name], offender manager	[insert name of establishment]
I am writing to inform you that [insert offender's full name and prison number], whose details are below, will be released on [insert date] to the discharge address set out below. He/she [delete as appropriate] is subject to notification requirements under the 2008 Act.	
Offence details are set out in the attached Court notice	
Offence details are set out below [tick whichever applies]	
Offence(s)	Sentence(s)
Sentencing court	Date sentenced
CRO / PNC number	ViSOR number
The following report is attached [tick whichever applies]. The offender will be given the original on release.	
A copy of the notice issued by the court / prison	
A copy of a civil Notification Order made by the court	
Discharge address	
Full name (print)	
Grade	
Department	
Signature	
Date	

## 2. ROTL version

Copy this form onto a blank document for use, and fill in sections marked in red before printing.

Counter-Terrorism Act 2008, Part 4	
To	From
The Chief Constable [insert name of force] and [where appropriate] [insert name], offender manager	[insert name of establishment]
I am writing to inform you that [insert offender's full name and prison number], whose details are below, will be released on temporary licence on [insert date] for [ ... ] days to the address set out below. He / she [delete as appropriate] is subject to notification requirements under the 2008 Act.	
Offence details are set out in the attached Court notice	
Offence details are set out below [tick whichever applies]	
Offence(s)	Sentence(s)
Sentencing court	Date sentenced
CRO / PNC number	ViSOR number
The following report is attached [tick whichever applies]. The offender will be given the original on release.	
A copy of the notice issued by the court / prison	
A copy of a civil Notification Order made by the court	
Discharge address	
Full name (print)	
Grade	
Department	
Signature	
Date	

## Chapter 9

# FOREIGN NATIONAL OFFENDERS

## 1 INTRODUCTION

This chapter should be read in conjunction with [PSI 52/2011 Immigration, Repatriation and Removal Services](#), and [PSI 29/2014 – PI 26/2014 Release on Licence for Foreign National Prisoners Pending Deportation](#).

### 1.1 Terminology

A Foreign National Prisoner (FNP) is a foreign prisoner in custody serving the custodial element of their sentence. A Foreign National Offender (FNO) is a prisoner who remains in detention past the expiry of their custodial element, also known as a Time Served Foreign National Offender (TSFNO).

Anyone who is not a British citizen is defined as a foreign national. Prison staff are required to notify the Home Office Immigration Enforcement Criminal Casework (HOIE CC) on the reception of convicted and sentenced FNPs ([PSI 52/2011](#), paragraph 2.7). Where there is any doubt about a prisoner's nationality, the establishment **must** refer the case to HOIE CC to enable them verify nationality. FNOs who meet certain criteria ([PSI 52/2011](#), paragraph 2.8) are considered for deportation by HOIE CC.

FNOs are prisoners first and foremost and should be managed in the same way as British nationals. All requirements of the Public Protection Manual therefore apply equally. No assumption should be made that FNOs who are of interest to the HOIE CC will all be deported from the UK at the end of their sentence. While most will be removed or deported, some will have the right to remain in the UK or may be successful in appeals against deportation. Others may be released into the community on immigration bail, either directly from prison or from an Immigration Removal Centre, pending ongoing deportation proceedings.

Where deportation is being pursued, an FNO may be detained beyond the end of the custodial part of their sentence under immigration detention powers. These individuals are called immigration detainees, but they remain FNOs. Immigration detainees remain subject to the Prison Rules but should be treated on the same basis as unconvicted prisoners. This is because detainees held within the prison estate, while not necessarily enjoying all the privileges available in an IRC, have the same rights and privileges as prisoners held on remand. An immigration detainee can, however, remain in convicted conditions if this is acceptable operationally and if the FNO's agreement is recorded on the "detainees in convicted conditions" form ([PSI 52/2011](#), paragraph 2.66).

## 2 SERVICE LEVEL AGREEMENT

NOMS and the Home Office (HO) have a Service Level Agreement (SLA) for detention services provided by NOMS to HO. This includes the provision for an agreed number of prison beds to be made available for HO to hold immigration detainees in prison. Unless agreed with NOMS otherwise, these detainees should be held in prison only when they present a serious risk of harm to the public or a threat to the good order of the detention estate. HO may also use these spaces if there is insufficient capacity in the IRC estate to hold an

immigration detainee or for other operational reasons, in particular to support the removal of other immigration detainees.

## 2.1 Immigration Removal Centres

IRCs are holding centres for a mixed population of “over-stayers”, asylum seekers, illegal immigrants and individuals in breach of immigration rules and awaiting removal and/or court proceedings. They include a proportion of foreign national offenders awaiting decisions on asylum or human rights claims or waiting for documentation for removal from the United Kingdom. Immigration detainees held in IRCs are managed under the Detention Centre Rules 2001, and have access, for instance, to the internet, mobile phones, unrestricted visits and other privileges.

An FNO who is liable to deportation and who is not otherwise released can be detained in prison under immigration powers. The Detention Estate Population Management Unit (DEPMU) determines the suitability of an FNO held as an immigration detainee for remaining in the prison estate or for transfer to an IRC.

## 2.2 Red, Amber, Green assessment (RAG)

HOIE is responsible for all decisions to detain and to maintain detention under immigration powers. HOIE is also responsible for conducting individual assessments of immigration detainees for suitability for an IRC, and for all decisions on transferring detainees between prison and IRC.

A RAG assessment is applied by DEPMU to assess an FNO’s suitability for transfer to IRC:

- Red: unsuitable for transfer.
- Amber: case could be managed within the IRC estate, providing accommodation is available in an IRC appropriate to meet the detainee’s needs.
- Green: suitable for transfer to the IRC estate.

Circumstances such as threat to national security, criminality, specific identification of harm, and serious risk to security and control in an IRC setting are considered by DEPMU as part of the RAG assessment. In making this assessment, any risk alert flags from an FNO’s P-NOMIS record are also made available to DEPMU to support them in identifying suitability for transfer.

In some cases DEPMU may need further information in order to effectively assess the risk posed by the offender. Where this is requested of the prison, staff **must** ensure that it is provided promptly, comprehensively and accurately.

## 2.3 Risk information

PI 52/2014 and PSI 34/2014<sup>39</sup> detail the revised arrangements for prisons and the probation service to provide HOIE, on request, with offender risk information to help them with decisions about deportation and immigration detention. They took effect on 1 August 2014.

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<sup>39</sup> [PI 52/2014 - PSI 34/2014 Provision of Offender Risk Information to Home Office Immigration Enforcement regarding Foreign National Offenders who are being considered for Deportation.](#)

The revised procedures, mandatory for prisons and probation services , have been developed so that they may also be used as guidance by Community Rehabilitation Companies to support their information sharing with HOIE about CRC-allocated foreign nationals.

The new arrangement is that offender risk information will be requested by a caseworker from HOIE Criminal Casework through a Request Risk Information (RRI) form sent to the responsible offender manager . These revised arrangements for responding to requests by HOIE for offender risk information about FNOs require a copy of the current OASys to be sent to HOIE by:

- prisons (for offenders in custody sentenced to 12 months and over, other than those subject to Offender Management Phases 2 or 3); or
- the probation service (for PS-allocated offenders on licence - whether in the community or in immigration detention - or directly managed in custody as above).

Additionally, community offender managers may be asked (as under the OM Model 2007 arrangements) to confirm whether or not they will approve a proposed address for an offender on licence, or to comment on HOIE-provided accommodation options.

### 3 TRANSFER TO THE DETENTION ESTATE

In cases where HOIE has decided to transfer an FNO to an IRC, the prison **must** ensure that the F2050 core record (to include the public protection file), security file and any open ACCT plan are transferred to the IRC in the same manner as an inter-prison transfer. This information is essential to enable IRC staff to properly manage prisoners within their care.

Once the detainee has been deported or released from the IRC, the file will be returned to the sending prison for storage, in the same way as for other discharged prisoners.

#### 3.1 Sex offender registration requirements

In line with Chapter 7, FNOs who are subject to sex offender registration requirements **must** be issued with an [Annex D](#) Sexual Offender Registration Notice, whether detained under immigration powers in prison or transferred to an IRC. A copy **must** be available on file for the IRC to re-issue should the FNO be bailed or otherwise discharged into the community.

The original Certificate of Conviction or Finding, or the original Sexual Offences Prevention Order, should not be handed to the offender on transfer. Instead, a copy **must** be given to the offender and the original held on file for the IRC to issue when discharged. The prison **must** update the ViSOR record with details of the transfer to the detention estate and contact **must** be made with the lead agency to relinquish partnership to the record.

#### 3.2 Part 4 terrorist notification requirements

In line with Chapter 8, FNOs who are being transferred to an IRC and who are subject to Part 4 terrorist notification requirements **must** be served with an [Annex C](#) Notice to Prisoner Form, with a copy made available on file for the IRC to re-issue if release is directed. A copy of the Court Conviction Notice **must** also be given to the offender and the original held on file for the IRC to return to the offender when discharged.

The ViSOR record **must** be updated by the prison with details of the transfer to the detention estate and contact **must** be made with the lead agency to relinquish partnership to the record.

## 4 MAPPA

Where a FNO has been assigned a MAPPA level of management, that level will continue to apply in both prison and the IRC while they are in immigration detention. MAPPA-eligible status or the MAPPA level will not, in itself, prevent an immigration detainee from moving to an IRC.

In July 2011, UKBA became a Duty to Co-operate Agency (see Chapter 2). UKBA no longer exists and the duty to co-operate requirement has been assumed by HOIE. This means that where an offender is subject to MAPP management, the case owner from HOIE will, where required, share information and provide contribution reports to Level 2 and 3 MAPP meetings.

HOIE CC will not be expected to attend MAPP meetings but should contribute through a request for information via a MAPPA R form request for any FNOs who are detained in an IRC. For FNOs in prison, the prison will provide the MAPPA F instead.

### 4.1 Offender manager & FNO

Probation offender managers have to continue to actively manage detained FNOs, whether held in prison or detained in the IRC estate while on licence. The prison **must** ensure that they continue to share all relevant risk information with the offender manager while the FNO is still held.

For FNOs who have no offender management involvement (eg an expired licence or a sentence that does not qualify), the prison **must** share risk information with the HOIE case owner.

## 5 RELEASE

An FNO may remain in immigration detention, either in prison or in an IRC, up until he or she is deported. However, there remains the potential, following either an executive decision of the HOIE CC or a decision of a court or Tribunal to release the offender directly into the community. HOIE CC or an immigration judge may impose immigration bail, which continues to run in parallel to licence conditions, if any are in force.

It is therefore essential that a licence be produced for a FNO as for any prisoner at the end of the custodial period and explained to the FNO, including giving them a physical copy and placing one on file. There is further information on the release of FNOs in [PSI 29/2014 – PI 26/2014](#).



## Chapter 10

# CONTROLLED MATERIAL

## 1 INTRODUCTION

This chapter gives guidance for dealing with prisoners' access to, and possession and display of, material that should be excluded from the prison environment or carefully controlled. It applies only to material as defined at part 1.1 below. Other items are covered by the relevant policies on security and prisoners' property.

There are two broad purposes to controlling access to material of these kinds:

- to regulate prisoners' offending behaviour, to prevent crime and to promote rehabilitation and the reduction of re-offending (this does not apply only to the prisoner who is seeking access to material); and
- to allow good order and discipline to be maintained.

These aims can allow considerable restrictions to be placed on individual prisoners or on establishments as a whole. Nonetheless, any decisions taken **must** be necessary and proportionate to one or both of these aims and **must** also be taken with regard to HMPPS equality policy. Where neither of the aims is an issue, it is unlikely that it will be justifiable to restrict the material, even if others might be regarded it as undesirable or offensive.

This chapter covers:

- pornographic material;
- violent material;
- terrorist / extremist material;
- material that may be discriminatory in terms of the protected characteristics in the Equality Act 2010; and
- material that is none of these, but prisoners should not have it because of the effect on offending behaviour, crime prevention or good order and discipline.

The same principles apply equally to all these areas, although this does not necessarily mean that they will lead to the same results.

Policy on controlled material follows on from the [Prisoners' Property Policy Framework](#) :

the Governor must temporarily confiscate, pending a decision, any publication where they consider the content presents a threat to good order or discipline or to the interests of prison or national security, or that possession of the material is likely to have an adverse effect on the prisoner's physical or mental health. ... it is important that governors impose restrictions on the display of material which could cause offence, even if an item is otherwise allowed in possession. It is not appropriate for items to be displayed where, for example, the content is indecent or violent, or where it would be inconsistent with commitments to eliminate discrimination and harassment and to promote equality. It is important that prisoners understand what content would fall into these categories and why it is not allowed.

In practice this means that Governors have discretion over what can be allowed within their establishments, and in particular can take account of the nature of their establishments. So, for example, an establishment

specialising in people convicted of sexual offences (PCoSOs) may have a different approach from one with a more mixed population. All such decisions **must** be reasonable and proportionate.

In addition, PSI 49/2011: Prisoner Communication Services places a number of restrictions in the content of prisoners' correspondence (in respect of written material and enclosures) that need to be read in conjunction with this guidance. In particular, paragraph 11.3 of the PSI covers offensive and obscene material - although it must be remembered that it deals only with material coming through the post, whereas this chapter covers material obtained by any means.

## 1.1 Definition of “material”

“Material” includes, but is not confined to, books, periodicals, newspapers, leaflets, catalogues, posters, computer games, DVDs (including films and collected TV series, and other formats such as VHS and Blu-Ray), music, pictures, photographs, and other forms of written, graphic or recorded material.

# 2 BANNED MATERIAL

Prisoners **must not, under any circumstances**, be allowed access to material that:

- **is obscene within the meaning of the Obscene Publications Act 1959.** This covers the publication of material that has a tendency to “deprave and corrupt” those likely to read, hear or see it. No absolute definition of “obscene” is possible; each individual item has to be judged on its own merits. The CPS website has a list of the *types* of content that might be prosecuted, but this is not exhaustive. It is important to note that obscenity is not confined to images. Written material can be obscene as well, eg graphic descriptions of child abuse. Also, obscenity is not limited to material of a sexual nature.

Section 85 of the Postal Services Act 2000 also prohibits the sending through the post of indecent or obscene material. If there is any doubt about whether material falls within this legislation, legal advice should be sought.

- **uses threatening words and is intended to stir up racial or religious hatred** contrary to the Public Order Act 1986 and the Racial and Religious Hatred Act 2006.
- **features children inappropriately.** It is an offence under the Protection of Children Act 1978 (as amended) and section 160 of the Criminal Justice Act 1988 to make, take, distribute or possess indecent photographs and pseudo-photographs of children under the age of 18. It is also an offence to possess tracings or other derivatives of indecent photographs. “Indecency” is not defined in the statute; it is ultimately a question of fact whether the material would be regarded as indecent based on “recognised standards of propriety”.

The Coroners and Justice Act 2009 creates an offence of the possession of prohibited images of children. The definition is that they:

- are pornographic (defined as below);
- focus solely or principally on a child's genitals or anal region, or portray a number of sexual acts; and
- are grossly offensive, disgusting or otherwise of an obscene character.

“Image” excludes indecent photographs and pseudo-photographs as these are the subject of other offences.

- **is extreme pornography.** Sections 63-67 of the Criminal Justice and Immigration Act 2008 create a new offence of possession of extreme pornographic images. These are images that:
  - are pornographic - that is, of such a nature that they must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal; **and**
  - are explicit and realistic; **and**
  - are “grossly offensive, disgusting or otherwise of an obscene character”; **and**
  - portray:
    - an act that threatens a person’s life;
    - an act that results, or is likely to result, in serious injury to a person’s anus, breasts or genitals;
    - an act that involves sexual interference with a human corpse; or
    - a person performing an act of intercourse or oral sex with an animal.
- **is otherwise sexually explicit.** This restriction applies even though the material in question may be legal and/or no longer classified as obscene. “Explicit” means any image of:
  - ejaculation;
  - penetration (whether oral, vaginal or anal);
  - a young person (whether naked or clothed, and including both instances where the subject can be identified as under 18 and those where the subject appears to be under 18) if the image appears to be exploitative. This applies even if the image would not lead to a conviction under the Protection of Children Act 1978;
  - a sexual act that depicts restraint, coercion or violence, even if the image would not be classed as extreme pornography under the Criminal Justice and Immigration Act 2008.
- **promotes or supports acts of terrorism, domestic extremism or radicalisation.** The Managing Extremism and Terrorism Amongst Offenders in Custody and the Community Policy Framework provides full policy guidance. HMPPS staff are encouraged to refer to this guidance to identify, assess and remove extremist material. This framework contains a central list of inappropriate material managed by the Joint Extremism Unit (JEXU) and subject to regular review and updates.
- **is a film, video game or other material to which the BBFC has refused a certificate.** Further guidance on film classification is at 4.1 below.
- **is an 18-rated film and or video game** - See Incentives Policy Framework, Annex C National Facilities List.

A list of banned publications was drawn up in 2009 when the Public Protection Manual was first issued and can be found at Annex A. It covers materials of concern in respect of child sex offending. A number of things should be noted about the list:

- it is not exhaustive and has not been updated since first publication. It should not therefore be relied on as a definitive statement of what cannot be permitted; nor does a publication’s absence from the list mean that it can always be permitted.
- we cannot vouch for the correct identification of publishers, nor for correct spellings.
- it should not be assumed that other items from the listed publishers will always be undesirable.

- no equivalent list exists for other types of publication such as adult erotica.
- **in all cases** where a publication does not appear on the list, prisons should consider the content carefully against the criteria in this chapter.

## 3 RESTRICTING MATERIAL IN INDIVIDUAL CASES

Any material not described in part 2 above will not automatically be restricted, even if some might be considered offensive by the majority of people. Note that “offensive” is not necessarily the same thing in law as “indecent” or “obscene”. Because of this these materials are not automatically banned, but they can be withheld in individual cases.

### 3.1 Basic principles

All decisions **must** be based **only** on an assessment of the effect of the material on the rehabilitation or offending behaviour of the prisoner requesting it, or of other prisoners, crime prevention, or of the effect of the material or its display on good order and discipline. Governors’ powers over the display of materials are wider than over their possession: while it may be right to ban some items from display because of their capacity to cause offence to others, it will not usually be reasonable to prevent their possession solely for that reason.

Any restrictions adopted (including completely withholding materials) **must** be necessary and proportionate to the nature of the risk, and **must** be the least needed to address that risk. Proper account **must** be taken of the prisoner’s right to receive information and the general HMPPS policy of not applying censorship. These **must** be balanced against the potential harm before a decision is taken.

### 3.2 Offending behaviour

Material may not be illegal or offensive, but can still be unsuitable when the nature of a prisoner’s offence and intervention to address their offending behaviour are taken into account, or where the nature of the material is such that it might be used to encourage criminal behaviour or undermine rehabilitation. Examples include:

- Those who have sexually offended against children should not generally be allowed catalogues, or pages of catalogues, that depict children. Catalogues that are allowed for the legitimate placing of orders may need to be edited.
- For those who have sexually offended against children, the possession of certain children’s literature may be undesirable if it is likely to be used for grooming purposes.
- It may be undesirable for violent offenders to possess violent films or magazines about weapons.

These are not the only possible instances. In each case a judgement is needed over whether the material will reinforce the prisoner’s offending behaviour, encourage criminogenic fantasies, lead to the prisoner attempting to commit offences while in custody, or otherwise undermine the aim of rehabilitation and reducing re-offending.

A particular concern is an account of offences as set out in evidence and court records. In some cases this can be held legitimately, for example in connection with an offending behaviour programme or an appeal. In others it may be held by a prisoner to whom these do not apply and is, effectively, being used as a form of pornography.

The effect on the prisoner seeking access to material is not the only one to consider. Once material is inside an establishment, it cannot be assumed that it will stay with the prisoner who originally received it. Consideration **must** also therefore be given to the possibility that, while the material may be suitable for the original prisoner, it could be shared with others for whom it would be less suitable, or traded as a form of currency. Another problem to guard against is one prisoner agreeing to obtain material on behalf of another for whom it would not be allowed.

### 3.3 Good order and discipline

Material that might be regarded by some as acceptable in one context can cause problems in other contexts. Examples include:

- religiously provocative literature or posters, particularly in an establishment with a large population of one particular religion; or
- material that might promote intolerant attitudes or beliefs.

None of this material is automatically banned unless it falls within part 2 above, and there may be legitimate reasons (such as academic study) for a prisoner to possess them. The most likely problem is one of prisoners taking offence at others' material, possibly leading to disorder or a threat to security. Displaying such material is more likely to create offence and disorder than merely possessing it, although either could create conflict. The potential for offence is always present and is not necessarily determined by the number of other prisoners who could be offended. Context is also important: some things can be less offensive when held by a member of one group than they would be when held by someone from another group whose motivation may be very different.

Establishments **must** also be aware of the possibility that prisoners may seek to use material to recruit others to organisations that are illegal or, if not illegal, would not be conducive to good order or crime prevention if they gained a foothold in the prison. The potential for material to pose a threat to prison security, or even to national security, **must** also be considered.

It is important to recognise that these two broad areas can overlap. For example, the use of pornographic material as currency could give rise to general discipline problems even among prisoners for whom personal possession would not necessarily be an issue.

### 3.4 Controlling material

Once a judgement has been reached that particular material may raise problems as outlined above, it is not always necessary to withhold it. The action taken **must** be proportionate to the identified risk and the least necessary to address it. Alternatives to outright prohibition should be considered and include, among other things:

- allowing the prisoner to possess the material but not to share it or display it. The use of this option **must** be informed by an assessment of how likely the prisoner is to comply with the restriction;
- allowing the prisoner access to the material instead of being allowed to hold it, either in a controlled setting or through the prison library. This would, for example, be suitable for serious study of objectionable material, although it is unlikely to be suitable for pornography.

Items such as magazines may contain limited instances of controlled material but otherwise be generally acceptable. Where physically possible, the controlled material should be removed and the prisoner allowed to have the rest of the item.

## 4 PRISON-LEVEL RESTRICTIONS

All decisions to restrict an item at prison level **must** be based on the characteristics of that prison's population and **must** be based on an assessment of the item's effect on them. Invalid reasons for restrictions include:

- notoriety - this brings two risks:
  - basing the prison's response on reports and impressions of an item's content, as opposed to an informed assessment of it; and
  - focusing too narrowly on one item where there might be many others that are similar and so need to be considered with it.
- being considered by some to be offensive - this is both too subjective, and not related to the public protection basis for restrictions;
- because another prison has restricted it;
- price;
- because "no prisoner at all should read it" - this is not a sound analysis against the public protection factors.

It is possible to restrict whole categories of material in preference to individual items. But in doing so, prisons need to be sure that:

- a category can be defined precisely, so that whether an item falls within it is clear and not open to challenge; and
- every item in that category needs to be restricted, without exception.

Any specific item can be restricted. But thought should be given to whether restricting one selected example of a genre is sensible without considering others in the same genre. If the genre comes under consideration, the principles above will apply.

Prison-level lists should generally not be compiled from restrictions applied to individuals. Individual restrictions are specific to their circumstances and do not necessarily say anything about an item's suitability for the rest of the prison's population. However, if items are repeatedly restricted for individuals, their shared characteristics allow a prison-level restriction to be considered.

Periodicals can be restricted as well as books, films etc. In considering whether to restrict a title prisons **must** consider whether specific issues should be restricted, or the title as a whole. The latter can be done only if the prison can be satisfied that all future issues will share the same characteristics.

All decisions to restrict materials **must** be based on an assessment of the material in question. Nothing can be restricted without such an assessment. This, plus the general rule that HMPPS does not censor materials unless there is a good reason to do so, means that prisons **must** not adopt an approach whereby all periodicals are banned apart from those on a pre-approved list.

## 5 PROCESS

All decisions to include an item on a prison-level list, and all decisions to restrict materials at the individual level, **must** be taken by prison staff only. Library staff may suggest items for inclusion and can advise on content, but they are not authorised to apply restrictions.

### 5.1 Checking material

No definitive listing of banned or questionable publications, publishers, films or organisations is possible. Items should be inspected individually and a judgement formed about their content and source. It may be possible with experience to identify sources that deal only in material that cannot be permitted in a particular establishment, but even then it is impossible to say definitively that everything from such sources must be prohibited.

Guidance on obscene publications is available from the CPS website as noted at part 2 above.

Guidance on material that gives rise to concerns about discrimination can be obtained from HMPPS Diversion and Inclusion Team on its intranet site, or via [HMPPS\\_DI@justice.gov.uk](mailto:HMPPS_DI@justice.gov.uk)

It is not generally possible to view a DVD as readily as looking through printed material in order to establish what action to take. The best recourse is to consider its classification. Guidance on this is available from the British Board of Film Classification. The BBFC's website sets out the various rating levels and their general characteristics. In addition, DVD releases carry not only their certificate but also a brief summary of the reasons for granting it, and further details can be found on the BBFC site. This information can be helpful in considering the DVD as it relates to the particular prisoner.

It is important to remember that many films and TV series with restrictive certificates can be seen freely on TV after the 9pm watershed. A general policy of limiting prisoners to pre-watershed material would be inconsistent with this and hard to defend. Nonetheless, the effect of a particular item on the prisoner concerned **must** be considered, and in particular the difference between watching it on TV and being able to pause and rewind particular scenes to watch them repeatedly on DVD. Home recordings should be considered in the same way as commercial releases.

Prisoners should not be allowed items where they are too young for the age rating. This includes all pornographic material, in all media.

For guidance on photographs of children, see Chapter 5d *Personal Photographs of Children*.

### 5.2 Procedures

On arrival at an establishment, prisoners **must** be advised by reception / induction staff that their access to material may be restricted or controlled. If the establishment has developed a local policy on the possession and/or display of restricted material (in line with the [Prisoners' Property Policy Framework](#)), it **must** be explained to newly arrived prisoners and a written copy provided. Prisoners **must** also be told that controlled material to which they have been allowed access is not to be passed to other prisoners, and that breach of this is a breach of prison rules. It can be subject to action under:

- the Incentives Scheme; and

- the Prison Rules - Rule 51, paragraph 23 (prisoner disobeys or fails to comply with any rule or regulation applying to him).

Prisoners transferring from one establishment to another may have material in their possession that are allowed in the sending prison but might not be in the receiving prison. Such material should not simply be taken away automatically. Each case should be considered on its own merits.

Material may come to an establishment by a number of means: mail order, ordering through the prison library, being brought in by visitors. The standard processes for checking incoming items **must** be used.

Any material found in a prisoner's possession that raises concerns over its suitability **must** be removed and a decision taken about whether to allow it. It should not be assumed that an item is suitable because it has come in by legitimate means.

If material is in a language other than English, they (or in the case of DVDs the packaging) **must** be translated before any decision on possession can be taken. Consideration **must** also be given to whether other prisoners would be able to read the items in question if they were passed on or displayed.

If such a decision is necessary, the material should not be passed to the prisoner until it has been taken. If the material can be handed over, any terms attached to it **must** be explained to the prisoner. If it cannot be allowed, it **must** be either:

- returned to the sender or, if that is impossible,
- placed with the prisoner's property in line with the applicable policy.

Where an item is confiscated temporarily, it **must** be returned to the prisoner on release. Alternatively, the prisoner can be encouraged to have the item sent or given back to a relative or friend where this facility is available. The [Prisoners' Property Policy Framework](#) provides the policy on the Confiscation and disposal of property.



## Chapter 10

### Annex A

#### Banned publications and sources

Publication	Author (Publisher)	Address
Abuse Of Innocence	P Eberle, S Eberle (Ophelia Editions)	
Adult Sexual Interest In Children	M Cook, K Howells (London Academic Press)	
Alice	Hajime Sawatari	
Andy	Gallery Im Medium Verlag	Barthuer Strasse 21, 1000 Berlin 61, Germany
As Far As The Eye Can See	Ron Oliver	
Au-Dela	Joyce Tenneson (Contrejour)	
Age Of Innocence	David Hamilton (Aurum)	
The Betrayal Of Youth	Middleton Warren	
Bilderlust	David Hamilton (William Morrow)	
Blaze	Blaze	PO Box N231, Strawberry Hill, NSW 2021, Australia
Boy Love World	Boy Love World	Postbus 308, NL 6200 AP Maastricht
Boy Photo	Janssen	Postfach 1507 01, D-1000 Berlin
Boys Art Magazine	Gallery Im Medium Verlag	Barthuer Strasse 21, 1000 Berlin 61, Germany
Boys Speak Out On Man-Boy Love	North American Man-Boy Love Association	
Certain People	Robert Mapplethorpe (Twelvetrees Press)	
Childhood And Sexuality - A Radical Christian Approach	LJ Randall (Pittsburgh Dorrance / Ophelia Editions)	
Children And Sex	L Constantine, F Martinson (Little, Brown & Co)	
The Classic Nude	George Hester (Amphoto)	
Color	Sheila Metzner (Clarkson N Potter Inc)	

Publication	Author (Publisher)	Address
Complete Course In Photographing Children	John Hedgecoe	
Crimes Without Victims	P Hertoft / Trobriands Collective (Global Academic Publishers)	
Daniel	Edition Fotokunst Krueberg	
Daniel Extra	Edition Fotokunst Krueberg	
Daniel mini-mag	Edition Fotokunst Krueberg	
Divadlo Zivota	Jan Suadek	
Dreams Of A Young Girl	David Hamilton (William Morrow)	
Dressup: Playacts And Fantasies Of Childhood	Starr Ockenga (Addison House)	
The Effect of Paedophilia Attention On A Child	G Powell, N Chalkley, B Taylor	
Erotic Photographs	Wilhelm von Gloeden (Taschen)	
Erotic Photographs	Guglielmo Pluschow	
Filles Nature Morte & Dominik Paysages	Alterio DMK	
Flesh And Blood	Various (Cornerhouse Publications)	
Free Will	Project Truth	PO Box 244, Paramis, NJ 07653-0244, USA
Garden Of Adonis	Oliver Hill (Phillip Allan & Co)	
Girlhood Sexual Experiences	Parents Special Interest Group (Passion Press - US Ophelia Editions)	
Graham Ovenden	Graham Ovenden (Academy Editions)	
Helios	Helios	Postbus 460, 3300 AG Dordrecht, Netherlands
Immediate Family	Sally Mann (Phaidon)	
Innocence In The Mirror	Angelo Cozzi (William Morrow)	
Intermale Catalogue	Intermale	PO Box 12721, NL 1100 Amsterdam
Jeunes et Naturels	Maison D'Edition Peenhill	
Jimmy	Gallery Im Medium Verlag	Barthuer Strasse 21, 1000 Berlin 61, Germany

Publication	Author (Publisher)	Address
Jonquil	Oliver Hill (Phillip Allan & Co)	
Jung und Frei	Verlag Peenhill	Abo-Dienst Lottner, Postfach 1242, D-8110, Murnau, Germany
Kind Frua	Angela Fensch (Benteli Verlag)	
Kinder Der Sonne	Gerd Berendt	Hasfeldorfer Strasse 11, W2081 Heist Der Hauptstrasse, D-25492 Heist, Germany
Koinos Magazine	Koinos	Postbus 12.710, 1100 AS Amsterdam
The Last Days Of Summer	Jock Sturges (Aperture)	
Les Immortelles	Irina Ionesco (Contrejour)	
Lewis Carroll's Photographs Of Nude Children	Lewis Carroll (The Rosenbach Foundation)	
Libido	Schweizerische Arbeitsgemeinschaft Pädophilie	Postfach 3216, CH-8031 Zurich
Living Room	Nick Waplington (Cornerhouse Publishing)	
Love, Life, Death And Other Such Trifles	Robert Mapplethorpe (Jonathan Cape)	
Loving Boys	E Brongersmama (Global Academic Publishers)	Postbus 22167, NL 1100 KD Amsterdam
Making An Issue Of Child Abuse	B Nelson (Chicago University Press)	
Martijn	Martijn	PO Box 442, 7000 Hoogeveen, Netherlands Postbus 5478, 1007 AL Amsterdam
Merlin Catalogue	Merlin	Medienvertrieb Vorm Olaf Stubien, Postfach 3605 04, 10975 Berlin
NAMBLA Bulletin	NAMBLA	Postbox Midtown Station, New York 537 Jones Street, San Francisco, CA 94102, USA
New Colour / New York	Joel Meyerowitz (Abbeville Press)	
Nude	Constance Sullivan (Harper & Row)	
Ny Sexualpolitik	Danish Paedophile Association	PO Box 843 DK-2400 Copenhagen NV
Objects Of Desire	Sheila Metzner (Clarkson N Potter Inc)	
OK	Martijn-Vereniging	PB 43 548, 1009 MA Amsterdam

Publication	Author (Publisher)	Address
Oliver	Edition Rosa Panther Presse	
Oliver Extra	Edition Rosa Panther Presse	
Oliver mini-mag	Edition Rosa Panther Presse	
Ophelia Editions Catalogue	Ophelia Editions	Postbus 408, 1000 AK Amsterdam Geldersekade 80A, NL-1012 Amsterdam PO Box 2377, NY 10185, USA
Paedophiles Discussing Paedophilia	M Pieterse (Global Academic Publishers)	Postbus 22167, NL 1100 KD Amsterdam
Paedophilia: A Factual Report	F Bernard (Enclave)	Postbus 6591, NL 3002 Rotterdam
Paedophilia: The Radical Case	Peter Owen	
Pan's Garden	Oliver Hill (Phillip Allan & Co)	
Philius	Wolfgang Timmer Verlag	PO Box 110765, D-1000 Berlin
Photographe	Claude Batho (Editions des Femmes)	
Photographing Children	Time Life Books	
Photographing The Nude	Wynn Bullock (Gibbs Smith & Co)	
Photographs 1974-1984	Bill Henson (Deutscher - Gertrude Street)	
Pojkart	Pojkart	Hogenbergerstrasse 16, D-800 München, Germany Kunst im Bild, Moslinger Allee 191, D-2400 Lubeck, Germany
The Politics Of Child Abuse	N Parton (Macmillan)	
Portobello - Fotografia de Panama	Sandra Eleta la Aztea	
Portraits Nus	Jean-Francois Bauret (Contrejour)	
Private Collection	David Hamilton (Swan Productions AG)	
Radiant Identities	Jock Sturges (Aperture)	
Rising Goddess	Cynthia Macadams (Morgan & Morgan)	
The Satanism Scare	J Richardson, J Best, D Bromley (Ophelia Editions)	

Publication	Author (Publisher)	Address
Selections 1: From The Polaroid Collection	Christian Vogt (Verlag Photographie)	
Sex Abuse Hysteria	R Gardner	
The Sexual Apects of Paedophiliac Relationships	T Sandfort (Utrecht Sociological Institute)	
Sexual Experience Between Men And Boys	P Rossman (Association Press)	
Show Me	Will McBride (St Martin's Press)	
Show Me Yours	R Goldman (Penguin)	
Sisters	David Hamilton (William Morrow)	
Situationen / Projekte Ein Fotobuch	Will McBride (Rimbaud)	
Sonderheft - Aus der Velt der FKK Jugend	Berendt Verlag	
Sonnenfreunder Sonderheft	Berendt Verlag	
Souvenirs	David Hamilton (Editions Robert Laffont)	
Sugar And Spice	S Lees (Penguin)	
Tender Cousins	David Hamilton (William Morrow)	
30 Postcards	Wilhelm von Gloeden (Taschen)	
Threatened Children	Joel Best (University Of Chicago Press)	
25 Years Of An Artist	David Hamilton (Aurum)	
Unbound	Free Forum Books	1800 Market Street, San Francisco, CA 94102, USA
Uncommon Desires Newsletter	Uncommon Desires	Postbus 408, NL 1000 AK Amsterdam PO Box 2377, New York 10185, USA
Varieties of Man Boy Love	Mark Pascal (Wallace Hamilton Press [NAMBLA])	
Victorian Children	Graham Ovenden (Academy Editions)	
Victorian Erotic Photography	Graham Ovenden (Academy Editions)	
Victorian Vault	White Knight Products	Box 656, Wautoma, WI 54982, USA
Vogue Bambini	Servizio Abbonamenti	
The World of Jan Saudek	Jan Saudek (Aperture)	

Publication	Author (Publisher)	Address
	AA Music	PO Box 12223, NL 1100 AE Amsterdam
	Acolyte Press	Po Box 12731, NL 1100 AS Amsterdam
	AFL (Aktion Fries Leben)	Peter Koch, Untergasse 13, D-5388 Homberg (EFZE), Germany
	AKP (Arbeitskreis Pederastie-Pädophile)	Rolf Jagenburg, PF 630113, D-4630 Bochum, Germany Dieter, PF 800648, D-4320 Hättingen 1, Germany
	Ariel's Pages	PO Box 2487, New York 10185-2486, USA
	Award Films	PO Box 685195, Austin, Texas 78768, USA
	Black & White Books	41 Sutter, Suite 1056, San Francisco, CA 94104-4987, USA
	Body-N-Mind	PO Box 22552, Santa Barbara, CA 93121, USA
	Bonded Mailing Service	Box 3531, Van Nuys, CA 91407, USA
	Brazil Video	PO Box 8572, La Jolla, CA 92038, USA
	BTR Enterprises	PO Box 46, Voldendam 1130, Netherlands
	Buchhandlung Mannerschwarm	Neuer Pferdemarkt 32, 20359 Hamburg, Germany
	Michael Caignet	64 Rue De Crimée, 75019 Paris
	Circle Video	Box 7020, Tarzana, CA 91357, USA
	Class Sales	Box 4887, North Hollywood, CA 91607, USA
	Club Mundial	PO Box 2573, 3000 CN Rotterdam
	Coltsfoot Press	PO Box 3496, 1001 AG Amsterdam
	Cultural Research Team	PO Box 191127, Miami Beach, FL 33119-1708, USA
	CVMC	3233 S Cambridge Road, Lansing, MI 48911-1030, USA
	DK	PO Box 21499, Denver, CO 08221-0499, USA
	Danish Paedophile Group	PO Box 330 DK-1503 Copenhagen NV

Publication	Author (Publisher)	Address
	Dokumentatiedienst-Pedofile	Langstraat 27, B-3890 Montenaken-Gingelom, Belgium
	Dover Publications Inc	31 East 2 <sup>nd</sup> Street, Mineola, New York
	Editions Albert	Lisboa, Berlin
	Elysium Institute	814 Robinson Road, Topanga, CA 9020-9672, USA
	Entis Verlag Vitto Vertrieb U Tomek GmbH	Mudelheimer Veg 60 40472, Düsseldorf, Germany
	Euromen	Postbus 10923 NI 1000 Amsterdam
	Events Unlimited	PO Box 203, Pequannock, NJ 07440, USA
	Foerster-Verlag	Vertrieb D-60553, Frankfurt am Main, Germany
	Frank Endo Co	18011 La Salle Avenue, Gardena, California
	Free Spirits	245 8th Avenue, Suite 2456, NY 1011, USA
	Global Academic Publishers	PO Box 12731, NL 1100 Amsterdam
	Gruppe Krumme 13	Postfach 130308, D-40553 Düsseldorf, Germany
	Heritage Video International	PO Box 42068, Los Angeles, CA 90042-0068, USA
	Home Labs	Box 1426, North Hollywood, CA 91614, USA
	Insider Video Club	PO Box 93399, Hollywood, CA 90099-4419, USA
	International Naturist Information Centre	PO Box 2082, 2800 BE Gouda, Netherlands
	International Smoothie Club	Postbus 291, 170 Heerhugowaard, Netherlands
	Jenssen Versand	Pariser Strasse 45, D-10719 Berlin
	Jeunes et Naturels	BP 38, 16F-75761, Cedex 16, Paris
	Kein Verleich	Postfach 1507 01, D-1000 Berlin
	Klass Gerrits	Postbus 6402, 3002 AK Rotterdam
	LC	PO Box 29557, Denver, CO 80229, USA
	La Sprague	Postbus 17274, 1001 AG Amsterdam

Publication	Author (Publisher)	Address
	Les Editions Rares	5 Rue Pastuel, 75011 Paris
	Lekturhaal Candy	PO Box 118, 7890 Klazienaveen, Netherlands
	Les Dioscures	19-23 Rue d'Hautpoul, 75010 Paris
	Les Editions Des Mouettes	8 Rue Nicolet, 75018 Paris
	Librarie Le Scarabée d'Or	61 Rue Monsieur Le Prince, 75006 Paris
	Lifestyles	PO Box 661268, Los Angeles, CA 90055, USA
	Marlin	PO Box 59158, 1040 KD Amsterdam
	Medein Vertrieb Ptere Schaubelt	Berlin
	MM-Verlagsbetreuung	Postfach 1611, D85316 Freising, Germany
	Mrs PL	3531 Van Owen St, Van Nuys, CA 91407, USA
	NAT-FAM	PO Box 838, Venice, CA 90294, USA
	Natuurlijk	PO Box 5278, Santa Monica, CA 90409, USA
	New Perspectives	Postbus 12731, 1100 AS Amsterdam
	Nudelife Videos Ltd	PO Box 9296, Newark, DE 19714-9296, USA
	NVSH	Blauwburgal 7-9, NI-1015 AG Amsterdam Postbus 92151, NI-3002 GD Rotterdam Postbus 692, NI-4700 NA Deventer, Netherlands Marslan 35, NI-3318 JE Dordrecht, Netherlands Postbus 1387, NI-9701 BJ Gröningen, Netherlands Postbus 6728, NI-6503 GE Nimwegen, Netherlands Rooseveltlaan 912, NL-3526 BN Utrecht, Netherlands
	Olaf Stuben	Medienvertrieb Liegnitzer Strasse 37 1000, Berlin 36
	Orwid (Mathias Theile)	Pistfach D-4521, Pegau, Germany
	Pädogruppe, Rat und Tat-Zentrum	Franz Korner Strasse 91, D-2800, Bremen, Germany



Publication	Author (Publisher)	Address
	Paidika	Postbus 22630, 1100 DC Amsterdam
	Peenhill Ltd, Dept F	PO Box 2110, Cathedral St, NY 10025, USA
	Peenhill Service	BP 38 16 F75761, Cathedral St, NY 10025, USA
	Phantasm Video Productions	133 Quai de la Pie, 94100 St Maur des Fosses, France
	Pour l'Art Européen	19-23 Rue d'Hautpoul, 75019 Paris
	Rimbaud Verlagsguellschaft	MVH, Postfach 86, D-1500 Aachen, Belgium
	Robert Broekstra	PO Bos 2082, 280 BE Gouda, Netherlands
	Rosa Panther Presse Verlag	Bond Vertrieb, Peter Schnaubelt, Berlin
	Schorer	Hoftstraat 5, 1071 BL Amsterdam
	Signal Video	Box 4261, North Hollywood, CA 91607, USA
	Spartacus Coltsfoot	PO Box 3496, NL 1001 AG Amsterdam
	Studiegroep Pedofile	Brueghelstraat B-2018, Antwerpen, Belgium
	Sun West	PO Box 85204, Los Angeles, CA 90071-0204, USA
	Sunat Natplus	PO Box 9296, Newark, DE 19714-9296, USA
	Verlag Enrich Scheer	Babelsbergerstrasse 47, D-1000 Berlin Havelbergerstrasse 17, 10559 Berlin
	Voyage	41 Sutter 1309-U, San Francisco, CA 94104, USA
	Voyeur Video	270 N Canon Dr, 1296RS, Beverly Hills, CA 90210, USA
	Wholesale City	Box 38191, Los Angeles, CA 90038, USA
	Why Not and Blue Boyz	Voorburgwal 28, 1012 Amsterdam
	Words and Pictures	PO Box 95057, NL 1090 HB Amsterdam