



Home Office



# **Sex Offender Notification Requirements: Review Mechanism**

## **What are my rights as a victim?**

July 2017

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## What is the law?

- All registered sex offenders are required to notify their personal details to the police. This system is often referred to as the 'sex offenders register', and requires offenders to provide their local police station with a record of (amongst other things) their: name, address, date of birth, and national insurance number.
- The length of time for which an offender is subject to the requirements will vary dependent upon the sentence they have been given for the relevant offence.
- Offenders who have been given a sentence of over 30 months' imprisonment are required to notify for life
- These offenders can, however, submit an application to the police asking to be removed from the register.
- This application can only be made after they have been on the register for 15 years (8 years for those under the age of 18 at the date of conviction or sentence - in some cases the type/length of sentence affects the length of notification) following their release from custody.
- Any review is carried out by the police and is applicant led, meaning that a qualifying offender is required to submit an application directly to the police seeking a review of the indefinite notification requirements.
- Offenders will need to satisfy police that they no longer pose a risk to the public. Those who the police consider pose a risk will not be removed, and will remain on the register.
- **Offenders will remain on the register for life if necessary.**

## Why can offenders apply for a review of their notification requirements?

- In 2010, the Supreme Court found that being subject to the notification requirements for life without any mechanism to have this reviewed was incompatible with the European Convention on Human Rights.
- As a result, on 30 July 2012, the Sexual Offences Act 2003 was amended by the Sexual Offences Act 2003 (Remedial) Order 2012 to introduce a mechanism which enables registered sex offenders who are subject to notification requirements for life to apply for those requirements to be reviewed.
- Sexual offenders will not automatically come off the register; the order only provides a mechanism by which a sexual offender can apply for a review.
- Public protection is the priority consideration. The Home Office is confident that it has developed a robust and workable process that puts public safety first.

## How is the decision made?

- A review is carried out by police and takes into account a range of prescribed factors, including any relevant information provided from other agencies.

## What does this mean for me as the victim or survivor of a sexual offence?

- This means that the perpetrator of the crime committed against you can apply to be removed from the sex offender register.
- An offender will only be removed from the register if they no longer present a significant risk to the public. This will be determined through a robust review led by the police and involving all relevant agencies, so that a full picture of the risks can be considered.
- Protecting the public from harm remains the overriding priority for both the Home Office and the police, and those offenders who continue to pose a sufficient risk will remain on the register, and will do so for life if necessary.

### How to submit information

You have the right to submit information and/or evidence to the police in the event that the offender applies for a review of their notification requirements. The police are required to consider your information and/or evidence as a factor when reviewing an offender's application.

If you would like to register your contact details with the police to enable them to contact you in the event that an application for review is made please:

- complete the slip below and hand it in to your local station, or,
- Email it to your local police force. You can select the email address for your local force from the police contact list located at:  
<https://www.gov.uk/government/publications/changes-to-notification-requirements-for-registered-sex-offenders-information-for-victims>

The police will not contact you if you do not register your details. This is because some victims and survivors prefer not to be contacted at all in the event of the offender making an application.

If you move or change your telephone number or email address you will need to update your details with the police. Failure to provide police with updated details may prevent them from being able to contact you in the event of an application being made.

## Frequently Asked Questions

### **When can an offender apply for a review?**

Offenders are able to seek a review 15 years (8 years for under 18s) after the date of their first notification following their release from custody (under 18 on the date of conviction for the relevant offence (in certain cases it may be calculated on the date of sentence)).

### **What does it mean if an offender comes off the register?**

If an offender comes off the register, it means that the offender will no longer need to provide their local police station with their personal details.

### **When will an offender on the register for life come off the register?**

An offender will only come off the register if they make an application and, following a robust review, the police are satisfied that it is not necessary, for the purpose of protecting the public from sexual harm, for the offender to remain subject to the register. An offender will come off the register as soon as they are notified of the decision.

### **What if the offender is subject to a Sexual Harm Prevention Order (SHPO) or a Sexual Offences Prevention Order (SOPO)?**

Offenders will not be eligible to seek a review while they remain subject of a SHPO or SOPO. Offenders who are subject to an SHPO or SOPO, who are subject to the notification requirements for life, must apply to the courts to have the order discharged before they are able to apply to come off the register.

### **What input can I have?**

Victims/survivors of the offence which led to an offender being on the register are able to provide a statement or evidence for consideration in the event that an application is made.

### **How do I make a statement?**

If you wish to provide a statement or evidence following an application for review this should be made directly to the police.

## **Will my statement stop an offender coming off the register?**

The police must give consideration to a number of factors when making a decision. These factors are prescribed within law and include statements from victims/survivors. A statement from a victim/ survivor will be considered by police in their assessment of risk and will be done so in relation to all other information gathered. Evidence provided by a victim/survivor will not be the sole determining factor.

## **When can I submit my evidence?**

A statement or evidence can be submitted once an application for review is made by the offender. This submission should not be made at the point of sentencing.

## **How will the police know how to contact me?**

This leaflet contains a registration slip which you can complete if you would like to register your contact details with the police. This will enable them to contact you in the event that an application for review is made. If an application for review is made the police will contact you once a decision has been made.

## **What happens if a victim is a child or an individual who requires an appropriate adult to represent them**

Where a victim is under the age of 18 or requires additional support, a responsible adult, such as a parent or elected 'appropriate adult', can provide a statement or evidence on their behalf.

## **Can the family of a victim have input?**

The legislation requires the police considering the application to take into account certain matters including "any ... submission or evidence of the risk of sexual harm posed by the qualifying relevant offender" (section 91D(2)(m) of the Sexual Offences Act 2003). This includes evidence from the victim/survivor of the offence which led the offender to be subject to the notification requirements for life. This would normally be in the form of a written statement. The police can also consider information provided by third parties where it is relevant to the assessment of risk.

## **I now live in Scotland or Northern Ireland – can I still register?**

Yes. You should contact your local police station who will register your interest on the national database and pass this onto the relevant force in England and Wales.

## **What if an offender applies from Scotland or Northern Ireland?**

In the event that an offender makes an application for review in Scotland or Northern Ireland, they will be subject to the review processes in place in those areas of the UK. Consideration will be given to the fact that a victim/survivor has registered their interest with a police force within the UK, and the police will make a determination regarding victim/survivor engagement on a case by case basis.

## **I don't want to go to the police station, how else can I register my details?**

You can email your registration slip to your local force, using the email address from the police contact list located at: <https://www.gov.uk/government/publications/changes-to-notification-requirements-for-registered-sex-offenders-information-for-victims>

## **What if I don't want to register my details at all?**

It is up to you whether you wish to register your details with the police. You are not obliged to do so and can choose not to. If you do not register your details, the police will not attempt to contact you. Remember that you can register your details with the police at any time but won't be able to submit evidence until an application is made.

## **I have registered my details but have changed my mind?**

You can choose to de-register by contacting your local police and telling them that you no longer wish to be contacted in the event of the offender making an application for review. You can do this at anytime.

## **Which law covers the review mechanism?**

Sections 91A-F of the Sexual Offences Act 2003.

## **Where can I go for support?**

A number of organisations will be able to provide you with the specialist support you need. We have included a list of those organisations on the next page.

## **Where can I find a copy of this leaflet?**

This leaflet is available on your local force's website and at <https://www.gov.uk/government/publications/changes-to-notification-requirements-for-registered-sex-offenders-information-for-victims>.

**I still have more questions.**

If you have further questions about the review mechanism you can contact the Home Office by email to [SexOffenderManagement@homeoffice.gsi.gov.uk](mailto:SexOffenderManagement@homeoffice.gsi.gov.uk) or alternatively, in writing to the following address:

**Home Office**

Direct Communications Unit  
2 Marsham Street  
London SW1P 4DF



## Support organisations that can help

There are a number of organisations that can give you advice, information and support.

<b>Citizens Advice Bureau</b> – provides free, independent and confidential advice	08444 111 444 (England) 03444 77 20 20 (Wales) <a href="http://www.adviceguide.org.uk">www.adviceguide.org.uk</a>
<b>Samaritans</b> – provides confidential emotional support 24/7 to those experiencing despair, distress or suicidal feelings	116 123 (Freephone 24 hours) <a href="http://www.samaritans.org">www.samaritans.org</a>
<b>NSPCC</b> – Children’s charity to end child abuse and cruelty to children	0800 800 500 (Freephone 24 hours) <a href="http://www.nspcc.org.uk">www.nspcc.org.uk</a>
<b>ChildLine</b> – provides help and advice to children	0800 1111 (Freephone 24 hours) <a href="http://www.childline.org.uk">www.childline.org.uk</a>
<b>Lucy Faithfull Foundation</b> – Child protection charity dedicated solely to reducing the risk of children being sexually abused	0800 1000 900 (Freephone) <a href="http://www.lucyfaithfull.org">www.lucyfaithfull.org</a>
<b>Victim Support</b> – national charity for victims of crime in England and Wales	08 08 16 89 111 <a href="http://www.victimsupport.org.uk">www.victimsupport.org.uk</a>
<b>Voice UK</b> – supporting people with learning disabilities and other vulnerable people who have experience crime or abuse	080 880 28 686



# Review Mechanism - Example Victim Notification Letter

## PRIVATE & CONFIDENTIAL

Mr/s

*Insert Date*

Dear Mr/s

**RE: *(Insert name of offender)***

I am writing to inform you that *(insert name of offender)* has served 15 years as an adult or 8 years as a youth as a Registered Sexual Offender *(delete as appropriate)* and has applied to be removed from the notification requirements.

In 2010, the Supreme Court found that being subject to the notification requirements for life without any mechanism to have this reviewed was incompatible with the European Convention on Human Rights.

As a result, on 30 July 2012, the Sexual Offences Act 2003 was amended by the Sexual Offences Act 2003 (Remedial) Order 2012 to introduce a mechanism which enables registered sex offenders who are subject to notification requirements for life to apply for those requirements to be reviewed.

You informed us on *(insert date)* that you wished to be consulted before a decision is made by Police whether to remove the offender or whether he/she *(delete as appropriate)* should remain on the notification requirements. The police will consider your information and/or evidence as a factor when reviewing *(insert name)* application.

If you would like to speak to us or give a statement please get in touch either by email *(insert relevant email address for force)* or telephone *(Insert landline and/or mobile as appropriate)* or post *(Insert full postal address)*.

There are some time constraints for this process so please get in touch as soon as you can.

Yours sincerely

MOSOVO Unit  
Public Protection  
Cumbria Constabulary