

Information booklet for people on licence for a sex offence

March 2022

This booklet contains information for people convicted of a sexual offence on release from prison. It may also be helpful to families, employers and people working with those convicted of a sexual offence.

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Release on licence

If you have been released 'on licence', it means that you will serve the rest of your sentence in the community. Your licence includes rules about what you should or shouldn't do. These rules are called licence conditions.

You will have an allocated Community Offender Manager (COM) who will check if you are following the rules in your licence.

You may be taken back to prison if you do not follow these rules. This may be because you commit an offence or break some other rules. This is also called a breach of licence.

If you are on a licence, it might seem that there are a lot of rules and restrictions. However, these can sometimes be reduced if you follow the rules successfully.

There are sources of support and many people who leave prison following a conviction for a sexual offence go on to lead productive lives.

How long is my licence?

This depends on

- when you were sentenced
- the length of your sentence
- any extended licence period given at sentencing.

If you have an extended sentence there will be an extra period on licence in the community which will have been decided by the judge. For more details see our information sheet on *Extended Sentences*.

If you have a determinate sentence your Licence End Date (LED) should be included on the notification the prison gives you when it works out your sentence. It will also be on the copy of the licence which you are given on release.

If you are serving a life sentence you will be on licence for life after you are released from custody.

If you are serving an IPP sentence, you will be on licence indefinitely after your release from custody. You can apply to the parole board to have your licence removed after ten years. For more details see our information sheet on *Licence Conditions and Recall for indeterminate sentences*.

What are licence conditions?

Licence conditions are the rules which you must follow when you are on licence. If you do not follow these conditions you could be returned to prison. This is called recall.

Your licence conditions will be written on your licence document which you will be given when you are released. You will be asked to sign this to show you understand the conditions. In some cases, these conditions will have been discussed with you by your offender supervisor and/or offender manager in advance of your release.

There are standard licence conditions which apply to everyone. There are also additional licence conditions which your offender manager can add to your licence if they think they are needed.

Licence conditions are covered in detail by the *Licence Conditions Policy Framework*.

Standard licence conditions

The following are standard licence conditions and will be on every licence:

During your licence period you must:

- a) *be of good behaviour and not behave in a way which undermines the purpose of the licence period;*
- b) *not commit any offence;*
- c) *keep in touch with the supervising officer in accordance with instructions given by the supervising officer;*
- d) *receive visits from the supervising officer in accordance with instructions given by the supervising officer;*
- e) *reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address;*
- f) *not undertake work, or a particular type of work, unless it is approved by the supervising officer and notify the supervising officer in advance of any proposal to undertake work or a particular type of work;*
- g) *not travel outside the United Kingdom, the Channel Islands or the Isle of Man except with the prior permission of your supervising officer or for the purposes of immigration deportation or removal.*

Additional licence conditions

You may also have additional licence conditions if your offender manager thinks it is necessary and proportionate to do this. These can restrict the things you do or require you to do something. These could include:

- restrictions on some activities
- restrictions on using the internet
- restrictions on using mobile phones and cameras
- not be permitted to contact your victim, or anyone under 18 or not be permitted to stay in a house with anyone under 18
- not to enter or remain in sight of places where there are children, such as schools or children's play areas
- not be permitted to be in contact with any known sex offenders, except during courses or where they live at the same hostel as you
- not to enter a certain area or go to a certain place ('an exclusion zone')
- not to be in contact with another prisoner
- not to be in contact with someone who was also convicted of sex offences
- not to work or volunteer in a place that will involve a person under a certain age
- to take part in a sex offender programme
- to attend polygraph test sessions
- to tell your supervising officer if you start a new relationship or to tell your supervising officer if you start a new relationship where the person resides in a house with someone under 18
- to stay at home between certain hours (curfew)
- to report to a police station to give details of any car you use
- to attend appointments with a psychiatrist or mental health worker, (this condition can only be used with your consent and if mental health services agree to treat you).

Some licence conditions will include the words, "without the prior approval of your supervising officer", so they may be allowed if your probation officer is aware and agrees.

Your offender manager must make sure that a request for additional licence conditions is necessary and proportionate. The *Licence Conditions Policy Framework* defines this criteria in the following way:

Necessary: Any licence condition requested must have been identified as a way to manage a specific risk or issue posed by the individual, without limitation to the current index offence;

Proportionate: Any licence condition must be the least intrusive means of enabling that management.

Some victims have the right to have their views considered about what conditions they think you should be subject to, and to be told about relevant conditions which are included in your licence. There is more information about this in the *Licence Conditions Policy Framework*.

The *Licence Conditions Policy Framework* lists the following categories of licence condition which could be added to your licence:

- 1) *residence at a specified place;*
- 2) *restriction of residency;*
- 3) *making or maintaining contact with a person;*
- 4) *participation in, or co-operation with, a programme or set of activities;*
- 5) *possession, ownership, control or inspection of specified items or documents;*
- 6) *disclosure of information;*
- 7) *curfew arrangement;*
- 8) *freedom of movement;*
- 9) *supervision in the community by the supervising officer, or other responsible officer, or organisation.*
- 10) *restriction of specified conduct or specified acts;*
- 11) *extremism;*
- 12) *polygraph condition*
- 13) *drug testing conditions*
- 14) *electronic monitoring conditions*

Within each category there are different types of licence condition which your offender manager could add to your licence. The following pages gives some more detail and examples about things that might be included.

Approved Premises

Your COM may include residing in Approved Premises (AP) as part of the residence conditions of your licence. They might do this if they think it will help to manage any risks when you return to the community.

Refusing to do stay at an AP would be considered a breach of your licence and you could be recalled to prison.

In addition to your licence conditions, if you are staying at an AP you will have to follow their rules as well, which may include a curfew and signing in.

There is more information in our *information sheet about Approved Premises* and in PI 32/2014 *Approved Premises*.

Use of computers and mobile phones

Under additional condition 5) there are a number of restrictions which could be added to your use of devices such as mobile phones and computers.

For example, you may not be allowed to have more than one mobile phone, or any device with a camera function. You may be expected to make devices such as computers and phones available

for inspection and told not to delete internet history information. You may be restricted from using any computer or device which is internet enabled without the prior agreement of your COM.

Exclusion zones

You may have an exclusion zone included in your licence. This means you cannot enter a specific area whilst on licence. This could be based on where previous victims live or locations that are linked to offending behaviour. The Policy Framework states that 'exclusion zones must have clear boundaries that can be understood on the ground.'

You should speak to your COM if you do not understand an exclusion zone or have a concern about access to something within it such as a hospital.

Alcohol

There is guidance to supervising officers that prohibiting consumption of alcohol can be hard to enforce, because it is difficult to argue that drinking a small amount should lead to recall. The law does not allow for an alcohol test to be a licence condition.

However, the condition to 'be of good behaviour' could be enough to justify recall if your behaviour or risk after consuming alcohol is unacceptable. You should also be aware that complying with alcohol testing could be a condition of an Approved Premises. Being evicted from an Approved Premises for consuming alcohol could result in being recalled to prison.

Polygraph examinations

Polygraph examinations can be included as a licence condition for people convicted of relevant sexual offences and people convicted of relevant terrorist and terrorist connected offences. There is more information in the *Polygraph Examinations Policy Framework*.

Electronic monitoring

Electronic monitoring, also known as 'tagging', is used to monitor conditions such as curfews and exclusion zones. It means having a 'tag' attached to you, usually on your ankle, and a monitoring unit installed in your agreed place of residence.

The Electronic Monitoring Service (EMS) will check the information from your tag and tell your COM if there is any indication you are breaching your licence condition. If you have any problems or questions about your electronic tag, you should contact EMS on 0800 137 291.

Electronic monitoring can now be included as a licence condition for a wider range of people, including people serving extended sentences (e.g. EDS, EPP). If you have this on your licence and are not sure why, speak to your POM or COM about it, or call our advice service for more information.

Bespoke conditions

Your supervising officer may decide that the wording of the standard or additional licence conditions are not enough to manage a specific risk. They may make an application to the Public Protection Casework Section (PPCS) for a bespoke condition to be used.

Can I request a change to my licence conditions?

Licence conditions for indeterminate sentenced prisoners must have changes to licence conditions considered by the Parole Board. Your offender manager must contact Public Protection Casework Section (PPCS) to make a request. PPCS will then liaise with the Parole Board who will review the request.

For other people on licence, it may be possible to get your licence conditions changed but it can be difficult and take time. Your offender manager should keep your licence conditions under review. The greater the restriction on you, the more often they should be reviewed. Licence conditions may be changed if you are making progress, for example, if you have successfully completed an offending behaviour programme in the community.

If you would like ask for a change your licence conditions you can:

1. Speak to your offender manager. It may be helpful to explain why you are unhappy with the conditions and see if they will reconsider this.
2. If you have spoken to your offender manager and still think your licence conditions are unnecessary or disproportionate, you can make a complaint. Your initial complaint should be made to the relevant probation service.
3. If you are not happy with the response you can make a complaint in writing to Regional Probation Director for the relevant region.
4. If you are still unhappy with the response, you write to Regional Probation Director and explain why you want to appeal the decision. They will organise an independent review of the complaint.
5. If you are still unhappy after following the complaints process you can then ask the Prison and Probation Ombudsman (PPO) to investigate it. You can do this by writing to the following address and enclosing copies of any paperwork you have such as responses to your complaints:

Prisons and Probation Ombudsman
Third Floor
South Colonnade
Canary Wharf
London
E14 4PU

There is more information about making probation complaints can be found in our information sheet about *Probations Complaints* and in Probation Instruction 51/2014 *HMPPS Probation Standard Complaints Procedure*.

Get legal advice

It may be worth speaking to a solicitor to see if you can get any legal support challenging licence conditions. If you are in prison and need details of local solicitors, our Advice and Information Service can look for this information for you.

Polygraph examinations

Mandatory cases

Polygraph examinations will be included on your licence if you;

- are aged 18 years or over,
- will be subject to a period on licence having received a custodial sentence of 12 months or more for a relevant sexual offence as per Part 2 of Schedule 15 of the Criminal Justice Act (2003) (or, where they are transferred from another jurisdiction within the UK, paras 1-21 of Schedule 16 or Part 2 of Schedule 17). This includes both determinate and indeterminate sentenced prisoners... and its Scottish and Northern Irish equivalent (see Annex 2, for the full list);
- Is assessed as High/Very High Risk of Serious Harm using OASys and High/Very High risk of sexual reconviction using an HMPPS approved actuarial risk tool e.g. OSP/C or Risk Matrix 2000 (RM2000).

Discretionary cases

You could also be subject to polygraph examinations if your case meets the legal criteria (first two bullet points above) and you are High/Very high risk of serious harm on OASys, but who do not meet the criteria of being High/Very High risk of sexual reconviction (third bullet point).

You can be referred if it can be evidenced that polygraph examination is a necessary and proportionate measure to manage the risk you are considered to pose in the community. There is more information in the *Polygraph Examinations Policy Framework*.

If polygraph examinations are on your licence the first will normally take place within 8 to 16 weeks of date of release. The examiner will liaise with your offender manager to arrange this.

After this you will usually have to attend a polygraph examination every 3 to 6 months depending on outcome – although it could be within 4 weeks if the result of an examination is inconclusive.

During a polygraph examination you will be asked questions which will be related to following your licence conditions and risky sexual behaviours. The polygraph has sensors which measure:

- breathing
- heart rate
- skin conductivity (sweating).

You should be given information about polygraph examinations prior to attending and a full explanation given on the day. A polygraph examination will involve:

1. A pre-test interview which will include an assessment of suitability and a discussion about your history and risk factors. They will check you understand your licence conditions and tell you what questions will be asked. You can choose to tell the examiner about anything which you think might affect your responses.
2. A data collection phase – this is when you are asked and answer the questions whilst the polygraph records your heart rate and other things. Each question will have a 'yes' or 'no' answer. You will be asked the questions at least 3 times.

3. A post-test interview in which the examiner will tell you the results of the polygraph examinations. You can choose to tell the examiner about anything which might explain your polygraph examination result.

The examiner will send a polygraph report to your offender manager within 5 working days of the examination.

Can I be recalled to prison because of polygraph examination?

You cannot be recalled to prison based on the result of a polygraph examination on its own.

However, if there is other information which indicates you can no longer be safely managed in the community you could get recalled. This could include something you told the examiner which means you have breached your licence conditions or your risk has increased.

If the polygraph examinations suggests you might be at risk of offending your offender manager, or the police, will investigate. If they find you have breached other licence conditions or your risk has increased, you may be recalled.

Failure to attend the test or failing to co-operate during the test, may also be considered a breach and could lead to recall.

There is more information in the Easy Read guide - *Information for people who have a polygraph licence condition*.

Suitability for polygraph examination

The Policy Framework says that 'polygraph examinations are suitable for most people providing they understand the difference between a truth and a lie'.

There should be an assessment of your suitability in the following ways:

- consultation with your offender manager regarding any health issues or other factors that may affect the examination
- a medical screening questionnaire during the pre-test interview
- a 'practice' examination which helps the examiner to assess your ability to understand and follow instructions and whether any health or other factors are affecting the examination

If you are concerned that you are not suitable for polygraph tests due to health reasons, we advise raising your concerns with your offender manager. You can also speak to the examiner about this. However, it is rare for somebody to be considered unsuitable for health reasons.

You are only able to take the test as part of your licence conditions. You cannot volunteer for the polygraph test.

Offending Behaviour Programmes

As part of your licence conditions, you may have to go for an assessment for a relevant offending behaviour programme (OBP). These programmes look at the causes of offending and how to avoid offending behaviour. The programme may last from a few months to a year or more.

Maintaining innocence

If you are maintaining innocence and a course requires admission of the offence, an objective can still be added to your sentence plan to take part in an assessment of suitability for that course. You may then be assessed as eligible for the course but not ready because it requires talking about the lead up to offences.

If you are assessed as not ready for such a course, it can still remain on your sentence plan as a future target. Other objectives may be included in the meantime aimed at addressing your readiness or other identified issues.

Changes to courses in recent years

One of the main courses which previously concerned people maintaining innocence was the Sex Offender Treatment Programme (SOTP) which required admission of guilt.

In 2018 HMPPS stopped the use of SOTP and introduced new courses.

Horizon is an accredited group work programme for men aged 18 and over who have a conviction for a sexual or sexually motivated offence/offences. It is suitable for males who are medium risk and above of reconviction

Kaizen is an accredited offending behaviour programme for adult males who have been convicted of sexual or violent offences and who are high or very high risk.

These courses are designed to be as inclusive as possible and do not require participants to talk about their offending – rather areas of their lives that have caused them problems. This means that those maintaining their innocence can take part, although participants do need to be willing to talk about those problem areas.

Please contact our advice service if you would like more information about Horizon, Kaizen or other Offending Behaviour Programmes

Getting help

You can ask your probation officer for help with problems you may have, such as finding a job, somewhere to live or managing your feelings. They may not be able to provide help themselves but they might be able to direct you to other organisations.

Sex offender notification requirements (the sex offenders' register)

The sex offender notification requirements, sometimes known as the 'sex offenders register', were introduced in September 1997. Anyone convicted of a sexual offence after this is required to tell the police their details. If you do not do this, it is a criminal offence, with a maximum sentence of five years in prison.

You may also have to follow these requirements if, on 1st September 1997, you were still in prison, were subject to a community order or on supervision following release from prison for a sexual offence. If you are not sure you should get advice from a legal adviser.

First notification

During the first three days of leaving prison, (or from conviction if you are in the community) you must go in person to a police station and tell them your details. When you leave prison you will be given a list of police station addresses. They should give you a copy of the form, which you should keep to show that you have registered.

What information do I have to give?

- name, other names used (aliases)
- date and place of birth
- National Insurance number
- address at time of conviction
- current address
- if living with a child (someone who is under the age of 18)
- if staying in a household where a child lives for at least 12 hours a day
- date of conviction, court and offence
- passport details: number and name
- details of bank accounts to which you have access (account number, sort code, bank, account name); expiry date, issuer and number(s) of credit cards and debit cards; savings account details
- any other address where you stay for seven nights or more in any 12 month period
- any other address where you stay for two or more periods which add up to seven days.

Changes and 'periodic notification'

If any of your details change, you have three days to tell the police your new details. This includes if you get a new debit or credit card. Even if none of your details change, you must report to the police once every 12 months. This is called **periodic notification** and the police may send you a reminder letter about it.

The Secretary of State (a government minister) has the power to change the regulations so the information you are required to tell them may change in future. The police should inform you of changes.

What if I am homeless?

If you are homeless or of no fixed abode, you must notify police weekly and tell them the area where you can be found. You can also contact Shelter for housing advice - their details are in the further information section of this booklet.

What happens when I'm on the register?

The police (Public Protection Team, not in uniform) will visit you at home to check you are living there and do an informal assessment. If they have a warrant, they have a right of entry and search. They may ask you what you have been doing. How often they visit you will depend on your risk level. They can come round at any time but, as they do not make appointments, if you are out you will not see them.

They may also decide to inform others about your convictions, see below under disclosure.

How long am I on the register?

This depends on the length of your sentence at conviction. You can use the following table:

Length of sentence	Registration period	
	Adult	Under 18
30 months or more	Indefinitely	Indefinitely
More than 6 months – up to 30 months	10 years	5 years
6 months or less	7 years	3½ years
Community order	5 years	2½ years
Caution	2 years	1 year

If you are serving an extended sentence, such as an Extended Determinate Sentence (EDS), the whole sentence including the extended licence period is the length of sentence for the purpose of registration.

Review of an indefinite notification

If you are on the register indefinitely, you can apply to the police to have your name removed after 15 years (eight years for juveniles). You must not be subject to a SHPO to ask for a review.

The police will consider whether you still need to be on the register. They do not have to remove you from the register.

Some of the factors they will consider when deciding whether to keep you on it are

- the seriousness of the original offence
- the time since the offence
- if you have broken any of the notification requirements
- your age at the time of the offence and the age of the victim
- any assessment of risk made by any MAPPA agency
- any other sexual offences
- any other evidence of risk of sexual harm.

The following Home Office document has further details in the review process and factors considered in the decision: *Guidance On Review Of Indefinite Notification Requirements Issued Under Section 91F Of The Sexual Offences Act 2003*

Unlock also have useful information about appealing an indefinite notification on their website here: <https://unlock.org.uk/advice/information-sex-offence-notification-requirements/>

If the police turn down your request, you can appeal to a Magistrates Court. You will not get legal aid for this. You may have to pay a fee for this hearing. If your appeal fails, you have to wait at least eight years before you can ask for a review again. It might be helpful to get legal advice on this.

You can get a job or work as a volunteer when you are on the register, subject to your licence requirements. Some information about you may be disclosed to your employer - see the section on disclosure of information below.

Foreign travel

If you are on the register it does not mean you cannot travel abroad. However, if you are planning to travel abroad, you must notify the police in person at least seven days in advance, with details of your travel plans, such as

- dates
- times
- airports
- numbers of flights
- where you are going.

You must also notify the police in person within three days of your return. You may also be restricted from travelling abroad by conditions in a SHPO, see below.

Human Rights

The courts have looked at whether being on the register is a breach of human rights. They have considered for example, whether giving your details to the police is a breach of your right to privacy.

The courts have said that it is not a breach of your human rights, because giving the police some information is a reasonable condition.

The courts have also looked at whether it is fair that some people are on the register indefinitely. They decided that you should have the right to ask for a review after 15 years.

Multi-Agency Public Protection Arrangements (MAPPA)?

MAPPA is when the police, probation and prison service work together with other professionals to manage people convicted of violent and sexual offences. These agencies can share information they have about your risk. The aim is to protect the public from harm.

The main MAPPA agencies are:-

- police
 - probation
 - prisons
- It may also involve other agencies like \longrightarrow
- local authority
 - social services
 - housing
 - children's services
 - employment
 - health services, including mental health services

There are three MAPPA 'categories':

Category One: All Registered Sexual Offenders

Category Two: Violent or other sex offenders not subject to notification requirements

Category Three: Other dangerous offenders

MAPPA also allocates people to one of three levels depending on how serious their level of risk is.

Level 1 - Ordinary agency management is for people who can be managed by one or two agencies (e.g. police and/or probation).

Level 2 - Active multi-agency management is for people who are assessed as needing the ongoing involvement of several agencies to manage them. This involves discussion about their case in regular multi-agency public protection meetings.

Level 3 – This involves the same arrangements as level 2 but is for cases that are likely to require more resources and involvement of senior people from the agencies.

If you have a MAPPA assessment it will be used to make a risk management plan. It will also help staff decide if you are a risk to other people, such as children.

The types of things that might be on your risk management plan could be:

- Making sure you have suitable accommodation on release, such as Approved Premises.
- Strict licence conditions such as not having contact with a named individual or not to enter a defined exclusion zone.
- Intensive supervision by probation or community public protection police.
- Ensure you attend accredited programmes and other interventions aimed at reducing further offending.

There is more information in *Multi-agency public protection arrangements (MAPPA): Guidance* which can be found at www.gov.uk.

Risk assessment

The risk you pose may be assessed or monitored in a variety of ways.

Some assessments are based on static risk factors – this means things that can't change like age at first offence, nature and frequency of offending, number of custodial sentences that you have had.

Some are based on dynamic factors – this means things that can change over time such as substance misuse, employment, accommodation, thinking and behaviour and attitudes.

Some risk assessment also use acute risk factors – this means things that can change quickly which would mean that serious offending becomes very likely.

Things which can affect your current level of risk include:

Risk factors

- opportunity and access to potential victims
- sexual interest in children
- thinking about sex a lot
- seeing other people as a problem
- not managing your feelings, 'poor me'
- thinking rules don't apply to me
- drinking alcohol or taking drugs

Supportive factors

- having supportive friends or family
- commitment to not offending again
- having a partner *may* be a positive factor
- having a job or being active in the community
- having stable accommodation

Offending behaviour programmes and other interventions can help you be aware of your own risk factors and how to manage them.

OASys

Prison and probation services use a tool called the Offender Assessment System. This is usually called OASys. OASys is a computer-based risk assessment tool used to examine a person's behaviour and assess the chances of them offending in the future.

Staff use OASys to complete a risk and needs assessment. This means working out why you offend and what you can do to help you stop offending. It also means working out if you are likely to harm yourself or other people, and what can be done to make this less likely.

The assessment includes an interview and a self-assessment questionnaire for you to complete.

Your OASys report includes different assessments of risk based on different types of information.

Risk of Serious Harm (RoSH)

The Risk of Serious Harm (RoSH) assessment estimates the risk of serious harm to others.

PSO 2205 defines risk of serious harm to be '*a risk which is life-threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible*'.

The RoSH assessment includes looking at the following:

- risk of serious harm to others
- risks to children
- risks to the individual – including risks of suicide or self harm, ability to cope in custody or hostel settings and general vulnerability.
- other risks – including escape or abscond risks, control issues or other risks around breach of trust.

The assessment is divided into a screening and a full risk assessment. The screening process is used to decide if a full assessment is needed.

The RoSH assessment will give a rating of Very High, High, Medium or Low risk of serious harm.

These are described in PSI 18/2016 *NOMS Public Protection Manual* as follows:

- **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.

If you receive a rating of very high, high, or medium risk of serious harm, a risk management plan must be completed.

Risk Matrix 2000

The Risk Matrix 2000 (RM2000) is a risk assessment tool which uses static risk factors to predict the likelihood of reconviction for a sexual or violent offence. It is used by prisons, police and probation for men aged 18 and over with at least one conviction for a sexual offence, though it is being replaced by OSP, as below.

OSP

The OASys Sexual reoffending Predictor (OSP) predicts the likelihood of proven reoffending for a sexual or sexually motivated contact offence and for offences relating to indecent images of children. It has begun to replace the Risk Matrix 2000 (RM2000) as the main tool used to assess the likelihood of repeat sexual reconviction.

OSP must be calculated for all adult males:

- with an index offence or previous sanction for a sexual offence
- where the assessor has identified, in OASys, a current or previous nonsexual offence which has a sexual motivation.

There is more information in the Implementation and use of *OASys Sexual reoffending Predictor (OSP) Policy Framework*.

ARMS

From 2015 a new risk assessment tool was introduced for male sex offenders aged 18 and over called Active Risk Management System (ARMS). This uses things about your current life to assess your current risk. This information feeds into the OASys RoSH and Sentence Management Plan.

There is more information about risk indicators in PSI 18/2016 *NOMS Public Protection Manual*

Sexual Harm Prevention Order

A Sexual Harm Prevention Order (SHPO) is put in place to protect the public from sexual harm by putting restrictions on your behaviour. Sexual harm means physical or psychological harm caused by you.

A court can make a SHPO if it is satisfied it is necessary to protect the public. It does not need to be proved beyond reasonable doubt that you intend harm.

These orders replaced SOPO (Sexual Offences Prevention Order) from 2015. If you had a SOPO before it will have been converted into a SHPO under the law and the conditions will remain the same.

A SHPO can be given to anyone convicted of a sexual offence (listed in Schedule 3 of the Sexual Offences Act 2003). You can also get a SHPO if convicted of some non-sexual offences. These are listed in Schedule 5 of Sexual Offences Act 2003.

The breaking of any of the SHPO conditions is a criminal offence, with a maximum penalty of five years imprisonment.

You can be given a SHPO when

- you are sentenced for a sexual offence
- if your behaviour shows you may be a risk.

When you are sentenced the judge has to consider whether a SHPO is necessary. Your solicitor may be able to give you advice about it.

In the community, the police may assess your behaviour as risky. If they do, the local police or National Crime Agency can apply to a court to make a SHPO. You should get details of the reasons why the police think you are a risk. If you disagree, you should get legal advice.

A SHPO can contain any restrictions necessary to protect the public from sexual harm. This can include restrictions on foreign travel. You can be prevented from travelling abroad or just to specific countries.

Examples of SHPO conditions

- not to approach or have any direct or indirect contact with the victim
- not to do any work (paid or unpaid) or take part in any recreational activity which means you might come into contact with someone under 16 years old
- not to travel to or attempt to travel to a particular country
- not to use any device such as a computer and mobile phone to connect to the internet unless it can store your history of internet use
- not to use a computer to download any photographs of anyone under the age of 16
- not to enter or remain in any house where anyone under 16 is present.

SHPO conditions must relate directly to your risk of sexual offending.

The conditions on a SHPO should not duplicate:

- sex offender notification rules
- your licence conditions
- rules on not working with children.

A SHPO can make restrictions but cannot make you do things, such as attend a sex offender programme. While the SHPO is in place you will be subject to the notification requirements, as above.

You can apply to a court at any time to have the SHPO changed. You should seek advice from a solicitor.

How long does a SHPO last?

A SHPO lasts a minimum of five years. If no period is set, it applies until it is appealed, discharged or a new order is made. If you have foreign travel restrictions, it lasts a maximum of five years.

Until it is spent, you will need to declare a SHPO when asked by people like employers and insurance companies.

A SHPO becomes spent after the length of the order. After this you do not have to declare it, except for occupations that are exempt from the Rehabilitation Offenders Act

A SHPO will be disclosed on standard and enhanced unless it is eligible for filtering. After it is spent, it will not appear on basic checks.

A SHPO will stay on the Police National Computer (PNC) indefinitely and can be referenced in future criminal proceedings even if spent.

There is more information about *Sexual Harm Prevention Order (SHPO)* on the Crown Prosecution Service (CPS) website and on Unlock's website.

You can also call Unlock's helpline on 01634 247350 for more information if you have questions about disclosure and when convictions become spent.

Legal Aid

You may be able to get Legal Aid if challenging a SHPO, but this can be very difficult.

If you need help with this, you can contact Liberty or the Prisoners' Advice Service for further help.

Sexual Risk Orders (SRO)

A Sexual Risk Order (SRO) can be given to someone who has committed an act of a sexual nature, if the police think that you are a risk.

The difference between an SRO and an SHPO is that you do not need to have been convicted or cautioned for a sex offence to be given an SRO.

An act of a sexual nature includes behaviour that by itself would not be wrong but becomes wrong because of the intention to cause harm.

An SRO by itself does not make you subject to the register, but you do have to notify police of your name and home address. You must do this within three days of the order or whenever the information changes.

Breaking any of the conditions in an SRO is a criminal offence, with a maximum penalty of five years in prison. You also become subject to the register if you breach an SRO condition.

Like an SHPO, an SRO can make restrictions, but cannot make you do anything, apart from giving the police your name and address.

It lasts a minimum of two years. It can stop before then if the police agree. The police can apply to have it renewed if they believe you still pose a risk to the public. Like an SHPO, if you have a foreign travel restriction it lasts a maximum of five years.

If you wish to appeal, you have to put in an appeal to the Crown Court.

Disclosure of Information

As part of MAPPA, the police may decide to disclose information about your convictions.

The reasons for providing information about you to other people must be due to your risk of sexual harm to the public or to individuals. For example, if you have a conviction for a child sex offence and a neighbour in the same building as you has children, they may be told about your case. Information about you or your offence can only be disclosed if you are considered to be a risk to somebody. The police will assess your situation carefully before they make a decision about this.

If you have a conviction for adult rape the police may inform anyone living in your household of your conviction if they consider there is a risk.

The police may decide to tell your employer of your convictions, whatever the job, if they consider you a high risk.

Child Sex Offender Disclosure Scheme (CSOD)

Anyone concerned about a child can ask if you have any sexual convictions.

The process is:

- the person contacts the police with a potential concern
- the police check if there is any immediate risk of harm
- the person makes a formal application
- a face to face meeting is held with the person who applied
- the police do a risk assessment and make a decision
- disclosure is made at a face to face meeting, not in writing.

The police consider whether disclosure will prevent a risk of harm to children. They will consider whether you have convictions for sexual offences. Your convictions will be disclosed to the person best able to protect the child, not necessarily the person who applied for the information. The person who is told about your convictions is not allowed to tell anyone else.

During this process

- a face to face meeting is held with the person who applied
- it is explained that if disclosure is made, the information must be kept confidential and only used to keep the child in question safe
- criminal record checks are carried out on the applicant
- any disclosure is only made after a risk assessment.

In the pilot of the CSOD, 585 enquiries resulted in 21 disclosures of information. The police are aware of the risk to public order if information about those convicted of a sex offence is widely available.

You may or may not be told that a disclosure of your convictions has been made. In some situations you may be invited to disclose yourself.

If there is a risk to a child, that child may be referred to social services.

If a member of the public contacts the police with general concerns about your behaviour with children, the police will investigate and do a risk assessment. They may decide it would prevent a risk of harm to children to disclose your convictions. This would not fall under the CSOD.

The Domestic Violence Disclosure Scheme

The Domestic Violence Disclosure Scheme was launched in March 2014.

The Domestic Violence Disclosure Scheme (DVDS) is about giving your partner information to allow them to make an informed choice about their relationship with you. This may affect some people convicted of a sex offence as the Home Office guidance contains a list of offences which may be disclosed. It includes rape, sexual assault and sexual activity with a child.

The scheme has two elements: the 'Right to Ask' and the 'Right to Know'.

Anybody has a 'right to ask' the police if a current partner or ex-partner has a history of domestic violence or abuse. When this happens, the police may tell them about your sexual convictions.

In the year ending March 2020, 11,556 'right to ask' applications were applied for in England and Wales. 4,236 (37%) applications resulted in disclosure

The police can also decide to tell a partner about your convictions if they think it may impact on their safety. This is called 'the right to know'. You may also have a condition in your licence which says you have to inform your probation officer of any new sexual relationships

In the year ending March 2020, 8,591 'right to know' applications were applied for in England and Wales. 4479 (52%) applications resulted in disclosure.

There is more information in the *Domestic violence disclosure scheme: guidance* which can be found on Gov.uk.

Disclosure and Barring Service (DBS)

This scheme replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). CRB checks are now called DBS checks.

It allows employers to see information on an applicant's criminal record.

- A standard disclosure will show convictions held on the Police National Computer (PNC). It will also show cautions, reprimands and final warnings.
- An enhanced disclosure is the same as the standard check plus investigations or information which did not lead to a conviction.

A person who is barred from working with children commits an offence if they apply for a job working with children. This also applies to volunteer work.

The DBS only applies to certain jobs, although you may still be asked about convictions on an application form.

Disqualification by association

If you have a conviction for a sexual offence against a child, then anyone who lives in the same household as you is also disqualified from working in the provision of childcare of children up to the age of eight, where the childcare is provided in domestic settings – for example where childminding is provided in the home.

Following a change to the childcare disqualification arrangements in 2018, disqualification by association no longer applies to school and non-domestic settings.

There is more information in statutory guidance *Disqualification under the Childcare Act 2006* which can be found on www.gov.uk.

Further Information

If you are in prison and would like one of the following documents, please ask the library or contact our Advice and Information service.

HMPPS policy documents

PSI 18/2016 *NOMS Public Protection Manual*

PI 32/2014 *Approved Premises*

PI 51/2014 *HMPPS Probation Standard Complaints Procedure.*

Licence Conditions Policy Framework

Polygraph Examinations Policy Framework

Easy Read guide - *Information for people who have a polygraph licence condition*

OASys Sexual reoffending Predictor (OSP) Policy Framework

PRT Information sheets

Extended Sentences.

Licence Conditions and Recall for indeterminate sentences

Approved Premises

Probations Complaints

Other useful documents

Information on **sex offender notification requirements** can be found at:

www.gov.uk/government/publications/sexual-offences-act-2003-notification-requirements-england-and-wales-regulations-2012

Helpful information and advice about **registration, SOPOs and other sex offender issues** from the charity Unlock: unlock.org.uk/advice/sexual-offence-convictions-what-you-need-to-know/

Guidance on the review of the **notification requirements**:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/98378/review-notification-requirements.pdf

Multi-agency public protection arrangements (MAPPA): Guidance (November 2021)

www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa-guidance

Information on the evaluation of the pilot of **Active Risk Management System** can be found at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/308159/sex-offender-management-and-dynamic-risk.pdf

Information on **Sexual Harm Prevention Orders** can be found at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/251341/27_28_sexual_offences_and_VOO_fact_sheet.pdf

Guidance on the **Child Sex Offender Disclosure Scheme** can be found;

- on Crown Prosecution Service website (www.cps.gov.uk/legal-guidance/rape-and-sexual-abuse-chapter-14-sexual-harm-prevention-orders-shpos)
- and Unlock's website (<https://unlock.org.uk/advice/sexual-harm-prevention-order-shpo/>)

The **Domestic Violence Scheme** guidance is available at:

www.gov.uk/government/publications/domestic-violence-disclosure-scheme-pilot-guidance

Disclosure Barring Service (DBS) - Overview

www.gov.uk/government/collections/dbs-checking-service-guidance--2

Guidance from Department of Education on **disqualification**

www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN

You do not need to use a stamp.

Sources of support

If you want help after a conviction for a sexual offence, there are some sources of support, advice and information that you can access. The following may be helpful:-

For former prisoners:

Lucy Faithfull Foundation: A child protection charity which works with people who have sexually harmed or fear they may harm a child. They run private courses in Epsom, Surrey and provide a range of advice publications.

General enquiries:

The Lucy Faithfull Foundation, 2 Birch House, Harris Business Park, Hanbury Road, Stoke Prior, Bromsgrove, B60 4DJ

Referrals: referrals@lucyfaithfull.org.uk

Website: lucyfaithfull.org.uk

Stop it Now: Stop it now is part of the Lucy Faithfull Foundation. They run a free telephone helpline for those concerned about their sexual behaviour towards children. You can talk to an experienced counsellor by appointment.

Free helpline: 0808 1000 900

Email: help@stopitnow.org.uk

Website: stopitnow.org.uk/helpline

Circles UK: Circles of Support and Accountability provide social support and practical guidance to sex offenders working with volunteers, to encourage social reintegration into the community. There are a number of Circles around the UK. The head office and give you details of any Circles local to you.

Circle UK Head office, Abbey House, Abbey Square, Reading, RG1 3BE.

Telephone: 0118 950 0068

Website: circles-uk.org.uk

Email: info@circles-uk.org.uk

This is not a helpline, but they can direct you to your regional Circles group.

Shelter: Shelter is a housing and homelessness charity, their housing experts can advise you, no matter what your housing situation.

Free helpline: 0808 800 4444 - the helpline is open 8am to 8pm on weekdays and 8am to 5pm on weekends, 365 days a year.

Website: england.shelter.org.uk/

Unlock: Unlock offers information, advice, training and advocacy, dealing with the ongoing effects of criminal convictions. Their website contains helpful information, particularly in relation to opening bank accounts and offering access to insurance.

Helpline: 01634 247350

Email address: advice@unlock.org.uk.

Website: unlock.org.uk

For people in prison:

Prisoners' Advice Service: for legal advice and information to prisoners in England and Wales regarding their rights, the application of the Prison Rules and conditions of imprisonment. Their address is PO Box 46199, London, EC1M 4XA

Telephone: 020 7253 3323 / 0845 430 8923 between 9:30am and 5:30pm on Monday, Wednesday and Friday

Website: www.prisonersadvice.org.uk

Liberty: Liberty campaigns to protect basic rights and freedoms through the courts, in Parliament and in the wider community. They take on a limited number of test cases and run a legal advice helpline.

Liberty House, 26-30 Strutton Ground, London, SW1P 2HR

Advice line: 0845 123 2307 or 020 3145 0461

For families:

Prisoners' Families Helpline

Offers support for families who have a loved one in contact with the criminal justice system.

The Helpline can be reached on 0808 808 2003.

The Helpline is open Monday – Friday from 9am – 8pm, and 10am – 3pm on weekends.

You can also contact the Helpline team via email on info@prisonersfamilies.org.

Website: prisonersfamilies.org

Mosac: Mosac supports non-abusing parents and carers of sexually abused children. They run a free confidential helpline

Telephone: 0800 980 1958 or 020 8293 999

Website: www.mosac.org.uk

Feedback

We would be interested in any feedback you would like to give us on any of the subjects raised in this information booklet. We would be particularly interested to know of any other subjects that it would be helpful to have more information about.

If you can access the internet you can email: advice@prisonreformtrust.org.uk

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