

Sexual Offences

What are the sentence implications of being convicted of a Schedule 15 offence?

The Criminal Justice Act 2003 introduced 153 categories of 'specified offences' which are listed in Schedule 15 of the 2003 Act. They include sexual offences from rape to indecent exposure. In certain circumstances this could qualify someone for a discretionary life sentence, or an extended determinate sentence which has an extended licence period that entitles a prisoner to automatic release. Extended sentences are triggered by the date of conviction, and not the date of the offence.

What treatment programmes might I have to do?

Horizon is designed for medium and above risk adult men who have been convicted of a sexual offence.

Kaizen is for adult males who are assessed as high or very high risk. It is for people who have been convicted of a sexual, Intimate Partner Violence (IPV) or general violent offence.

Becoming New Me + is for high or very high-risk adult men who have learning disabilities or challenges and have been convicted of a sexual, Intimate Partner Violence (IPV) or general violent offence.

Healthy Sex Programme (HSP) is designed for adult men who have a conviction of a sexual offence or an offence with a sexual element. It is designed to respond to meet the needs of individuals with learning disabilities and challenges and is delivered one to one.

OASys and risk management

There are specific tools used to assess risk for those convicted of a sexual offence:

Structured Assessment of Risk and Need for sex offenders (SARN) identifies treatment needs against risk factors including sexual interests, attitudes, relationships, and self-management.

OASys Sexual Reoffending Predictor (OSP) replaced the Risk Matrix 2000 in March 2021. It is considered to be more reliable. It assesses

the static risk of proven reoffending for a sexual offence and distinguishes between contact and non-contact offences. You can find details in the Implementation and Use of OSP policy framework

Active Risk Management System (ARMS) is a framework for male sex offenders aged 18+ which guides professional judgement in relation to risk and protective factors and the priority level they should be afforded.

Persons Posing a Risk to Children (PPRC)

For more details see our **Information sheet on child contact and photos**. A person convicted of a sexual offence may be considered a potential PPRC, based on the list in PSI 18/2016. On arrival in prison, any potential PPRC will be made subject to full restrictions on any contact with children. An assessment will be done to see if there is a continuing risk to children.

A PPRC may request contact (including letters, telephone calls, and visits) to be made with a child, which will usually only be granted if they are very close family. If the child's primary carer supports contact a risk assessment will be carried out. Any decision would be made on the basis of the child's best interests and will be reviewed annually. There may be restrictions on photos of children.

What about MAPPA?

Multi Agency Public Protection Panels (MAPPA) may be involved in assessing and managing your risk. The prison service, probation and police work together and may involve the local authority and other agencies. MAPPA is convened for 3 categories of prisoner;

Category 1- statutory registered sexual offenders under Part 2 of the Sex Offences Act 2003) convicted or cautioned of a sexual offence.

Category 2- people convicted of a Schedule 15 sexual offence with a sentence of 12 months or more.

Category 3- those considered to be dangerous and pose serious risk of harm.

What licence conditions can be imposed on me?

For more details about licence conditions in general see our **Information sheet on Release and Licence conditions**. For a copy of the Prison Reform Trust's booklet '**Information for people on licence for a sex offence**' contact them on 08088020060 or at PRT, Freepost ND 6125, London, EC1B 1PN.

The Licence conditions policy framework sets out the provisions for licence conditions. Additional licence conditions can be imposed if necessary and proportionate to risk, and bespoke licence conditions can be imposed where those are not considered to be sufficient.

Sex offenders are likely to have additional conditions relating to their risk. These could include: polygraph tests; engagement with offending behaviour programmes, ban on contact with children; requirement to disclose new relationships; bans or restrictions on possession or use of mobiles, SIM cards, cameras, IT equipment unless approved by COM; restrictions on activities and or employment involving contact with children unless approved by COM; ban on being near schools, play areas, swimming pools etc; requirement to give details of any vehicles you use.

The licence is lawful whether or not a prisoner signs it. If you think a condition is unreasonable you could make and escalate a complaint. In exceptional circumstances it might be possible to challenge licence conditions by judicial review.

What is the sex offenders register?

The register is a system of notification whereby people convicted of sexual offences must register their details with the police, including name, date of birth, addresses, and any changes.

The register contains the details of anyone convicted, cautioned or released from prison for a sexual offence since September 1997 when it was set up. The register does not include anyone convicted before that date. However Section 81 of the Criminal Justice Act 2003 amended the requirements of the register so that anyone convicted of a Schedule 3 offence (such as rape or indecent assault on someone under 16 years old) and who was on 1 September 1997 serving a sentence of

imprisonment for that offence is still required to register.

The register operates a sliding scale based on the length of your sentence;

- 30 months to life- indefinite term of registration (S.82 SOA 2003);
- Over 6 months and under 30 months- 10 years on the register;
- Under 6 months (including cautions or community rehabilitation orders)- 7 years;
- For those under 18, the length of time on the register is usually ½ that of the adult term.

Can my name ever be removed from this register?

In 2010 the Supreme Court in *F and Angus Thompson* agreed that keeping people on the sex offender register for life without giving them the chance to prove they are no longer a danger to the public was incompatible with Article 8 of the European Convention- the right to private and family life. This means that people have the right to appeal to have their names removed, following the Sexual Offences Act 2003 (Remedial) Order 2012.

The process is not automatic but people on the register indefinitely can apply for consideration of removal after 15 years following release.

Additional notification requirements

These apply irrespective of when you were placed on the register:

- To report to the authorities before travelling abroad for even 1 day;
- To notify the authorities whenever living in a household with a child under 18 years old;
- Someone who is of no fixed abode will be required to notify the authorities weekly as to where they can be found;
- To notify the police of their passport details and details of any debit or credit card.

People convicted of sex offences will not be able to avoid being on the register by changing their name by deed poll.

PRISONERS' ADVICE SERVICE PO BOX 46199 LONDON EC1M 4XA Advice Line: TEL: 020 7253 3323 Mon. Wed. Fri 10am-12.30pm & 2pm-4pm
