

Devon and Cornwall Multi-Agency Public Protection Arrangements including the Housing of Sex Offenders Information Exchange Protocol



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CONTENTS

1. Parties/Signatories
2. Purpose
3. Definitions and Interpretation
4. Core Objectives and Standards
5. Changes to the Protocol
6. Law Governing and Enabling the Exchange of Personal Data Under this Protocol
7. Scope and Requests for the Disclosure of De-personalised Information
8. Legality of Disclosures
9. Procedures for Disclosing Data
10. Nominated Officers
11. Procedures for MAPAA Information Requests and Disclosures
12. Linked exchange of information between Devon & Cornwall Constabulary and Housing Providers in Devon & Cornwall for the housing of sex offenders.
13. Procedures for exchange of information on sex offenders between Devon & Cornwall Constabulary and Housing Providers in Devon & Cornwall
14. Registration/Notification under the DPA 1998
15. Compliance with the DPA 1998
16. Accuracy of Data
17. Data Standards
18. Use of Personal Data and Confidentiality
19. Security
20. Agents, Contractors and Service Partners
21. Retention and Disposal of Personal Data
22. Subject Access Requests and other Rights of Data Subjects
23. Complaints
24. Compliance and Good Practice
25. Changes to Signatories
26. Indemnity
27. Publication of Protocol
28. Race Relations (Amendment) Act 2000 Impact Statement
29. Third Party Rights
30. Counterparts
31. Certification
32. Revision Information

- APPENDIX ONE:Part I: Glossary**
Part II: Interpretation
- APPENDIX TWO: Contact Information**
Part I: Partnership Contact Officers
Part II: Nominated Officers for Information Requests and Disclosures
- APPENDIX THREE: Process Map: Fig 1. The Four Stages of Multi-Agency Public Protection Arrangements.**
- APPENDIX FOUR: Process Map: Fig 2. Registered Sex Offenders, Violent and Other Sex Offenders**
Process map: Fig 3. Other Offenders.
- APPENDIX FIVE: Process map: Fig 4, Information Requests and Disclosures relating to the Housing of Sex Offenders**
- APPENDIX SIX: Form for Information Request to D&CC relating to the Housing of Sex Offenders.**
- APPENDIX SEVEN: Restrictions on the Disclosure of Personal Data**
- APPENDIX EIGHT: Procedures for Handling Subject Access Requests**
- APPENDIX NINE: Definition of sexual or violent offences under the Criminal Justice Act 2003**
- APPENDIX TEN: Schedule 3 Sexual Offences Act 2003**
- APPENDIX ELEVEN: Offences Listed in Schedule 1 of the Children & Young Persons Act 1933.**

APPENDIX TWELVE: Sample of record of signatories for purpose of information requests under sex offenders information exchange protocol

**Devon and Cornwall
Multi-Agency Public Protection Arrangements
Information Exchange Protocol**

1. Parties/Signatories

1.1 The Signatories to this Protocol are:

- 1.1.1 Devon and Cornwall Constabulary
- 1.1.2 Devon and Cornwall Police Authority
- 1.1.3 Chapter 1
- 1.1.4 Coastline Housing Limited
- 1.1.5 Cornerstone Housing
- 1.1.6 Cornwall Council
- 1.1.7 Cornwall Partnership NHS Trust
- 1.1.8 Cornwall and Isles of Scilly Primary Care Trust
- 1.1.9 Cornwall Rural Housing Association
- 1.1.10 Council of the Isles of Scilly
- 1.1.11 Devon & Cornwall Housing Association
- 1.1.12 Devon County Council
- 1.1.13 Devon Partnership NHS Trust
- 1.1.14 NHS Devon
- 1.1.15 Exeter Housing Society
- 1.1.16 Exeter City Council
- 1.1.17 Guinness Hermitage
- 1.1.18 H. M. Prison Service
- 1.1.19 Habinteg Housing Association
- 1.1.20 Hanover Housing Association
- 1.1.21 Hastoe Housing Association
- 1.1.22 Housing 21
- 1.1.23 Jephson Housing Association
- 1.1.24 Magna Housing Association
- 1.1.25 Mid-Devon District Council
- 1.1.26 Devon and Cornwall Probation Trust
- 1.1.27 North Devon District Council
- 1.1.28 North Devon Homes Ltd
- 1.1.29 Northern Devon Healthcare NHS Trust
- 1.1.30 Ocean Housing Limited
- 1.1.31 Orbit Housing Association
- 1.1.32 Penwith Housing Association
- 1.1.33 Plymouth City Council
- 1.1.34 Plymouth Community Homes
- 1.1.35 NHS Plymouth
- 1.1.36 Plymouth Hospitals NHS Trust
- 1.1.37 Riviera Housing Trust
- 1.1.38 Royal Cornwall Hospitals NHS Trust
- 1.1.39 Royal Devon & Exeter NHS Foundation Trust
- 1.1.40 Sanctuary Housing Association
- 1.1.41 Signpost Care Partnerships
- 1.1.42 Signpost Housing Association Ltd
- 1.1.43 South Devon Healthcare NHS Foundation Trust
- 1.1.44 South Rural Housing Association
- 1.1.45 South Hams District Council
- 1.1.46 South Western Ambulance Services NHS Trust

- 1.1.47 Southwestern Housing Association
- 1.1.48 Sovereign Housing Association Limited
- 1.1.49 Stonham Housing Association
- 1.1.50 Tamar Housing Society
- 1.1.51 Teignbridge District Council
- 1.1.52 Teign Housing
- 1.1.53 Tiverton Almshouse Trust
- 1.1.54 Torbay Care Trust
- 1.1.55 Torbay Council
- 1.1.56 Tor Homes
- 1.1.57 Torridge District Council
- 1.1.58 Westcountry Housing Association Ltd
- 1.1.59 West Devon Borough Council
- 1.1.60 West Devon Homes Limited
- 1.1.61 Western Challenge Housing Association

1.2 Nominated Persons who are to be the point(s) of contact in respect of each of the Signatories for the purposes of this Protocol are identified in Appendix Two.

2. **Purpose** The purpose of this Protocol is to facilitate the exchange of information (including Personal Data) between the Signatories in furtherance of the compliance of relevant Signatories with the duty imposed on them to;

2.1 Provide and support inter agency action, via the exchange of information on relevant sexual or violent offenders (Appendix Nine) who are subject to the Multi Agency Public Arrangements (MAPPA):

Such Offenders can be categorised and summarised as follows;

Category 1

Registered Sex Offenders, that is those sexual offenders required to register their details under the terms of Part 2 of The Sexual Offences Act 2003. (refer to Appendix Ten).

Category 2

Violent offenders and those sexual offenders who are not required to register (refer to Appendix Nine).

Category 3

Any other offender who, because of the offences committed by them (wherever they have been committed) are considered to pose a risk of serious harm to the public. Offenders must have been convicted of an offence which indicates a capability of causing serious harm to the public AND the Responsible Authority must reasonably consider that he/she may cause serious harm to the public.

(NB: Offenders from Category 1 and 2 who are considered to still pose a risk of serious harm at the point they would leave the MAPPA (i.e. at the end of registration period), can be included under Category 3.)

2.2 Provide a method of exchanging information at Strategy Meetings, at scheduled Multi-Agency Public Protection Meetings or promptly via formal request and disclosure forms. This information will be used to conduct risk assessments and construct risk management action plans. This protocol is concerned with the exchange of personal data. Such information may act as a catalyst for action and assistance by any partner agency.

- 2.3. To incorporate the working practices that already exist between the Devon and Cornwall Constabulary and housing providers, previously processed within the Devon and Cornwall Exchange of Information on Sex Offenders.
- 2.4 This protocol shall provide the framework for the exchange of information described in clauses 2.1 to 2.3.

3 Definitions and Interpretation

- 3.1 All defined terms used throughout this Protocol are described in the Glossary contained at Part I of Appendix One to this Protocol.
- 3.2 This Protocol shall be interpreted in accordance with all and any rules of interpretation set out in Part II of Appendix One.

4 Core Objectives and Standards

- 4.2 The Signatories when preparing this Protocol subscribe to the core objectives and standards set out in clause 4.3 and the Signatories agree that all amendments to the Protocol agreed by the Signatories from time to time pursuant to clause 4.3.6. shall subscribe to the same.
- 4.3 The Signatories agree that any ancillary protocols shall comply with the core objectives and standards set out in clause 3.3.
- 4.4 The core objectives and standards referred to in clauses 3.1 and 3.2 are:
 - 4.3.1 the protocol must provide safeguards and an appropriate framework for the controlled and timely exchange of accurate Personal Data relating to the relevant Data Subjects;
 - 4.3.2 the protocol must set out the legal basis for the exchange of the information covered by the protocol;
 - 4.3.3 in respect of all exchanges of information the DPA 1998 and, in particular, the Data Protection Principles set out in Schedule 1 of the DPA 1998 should be upheld;
 - 4.3.4 the common law principles of confidentiality should be upheld;
 - 4.3.5 the rights of the Data Subjects and other individuals under The Human Rights Act 1998 should be upheld;
 - 4.3.6. the protocol should be reviewed on a regular basis and in the light of new legislation and/or official guidance; and the nominated holder of this protocol shall on behalf of the signatories to the protocol:-
 - Ensure that a review is carried out in the first six months of the document being signed and subsequently on an annual basis
 - Accept any requests for a change in the protocol at any time submitted in writing by a signatory to the protocol
 - Circulate all requests for change, record and make responses, obtain agreement for the changes from the signatories and distribute Codes of Practice in guidance as these become available.

- The Signatories shall consult with each other regarding matters of policy and strategy which directly arise from or in any way impact on this Protocol.

4.3.7 any signatory to the protocol may request any change to the protocol at any time and all such requests shall be considered by all of the signatories.

5. Changes to the Protocol

5.1 All and any signatories may request any change to the Protocol at any time by submitting a request to the Nominated Holder.

5.2 Upon receipt of any requests for changes to the Protocol the Nominated Holder shall:

- 5.2.1 circulate the requests to all the Signatories;
- 5.2.2 co-ordinate responses received from any Signatories to the same; and
- 5.2.3 where appropriate, seek the agreement to the requested changes from the Signatories.

5.3 No change shall be made to the Protocol except with the requested agreement of all of the Signatories, which agreement shall be recorded in writing.

5.4. A memorandum of any changes to this Protocol agreed by the Signatories from time to time shall be endorsed upon this Protocol and the Nominated Holder shall be responsible for arranging the same.

6 Law Governing and Enabling the Exchange of Personal Data Under this Protocol

6.1 Legal Power to Make Disclosures - The Signatories recognise that they may each only make Disclosures insofar as they are legally empowered to do so. In particular, in each case one or more of the conditions set out in Schedule 2 of the DPA 1998 (and in respect of Sensitive Personal Data, one of the conditions set out in Schedule 3 of the DPA 1998 also) must be met.

6.2. Criminal Justice Act 2003

6.2.1 The signatories acknowledge their duty to co-operate in the assessing of risks posed by sexual or violent offenders

6.2.2 Sec. 325 Arrangements for assessing etc risks posed by certain offenders

(1) In this section-

"relevant sexual or violent offender" has the meaning given by section 327; "responsible authority", in relation to any area, means the chief officer of police, the local probation board for that area and the Minister of the Crown exercising functions in relation to prisons, acting jointly.

(2) The responsible authority for each area must establish arrangements for the purpose of assessing and managing the risks posed in that area by-

- (a) relevant sexual and violent offenders, and
- (b) other persons who, by reason of offences committed by them (wherever committed), are considered by the responsible authority to be persons who may cause serious harm to the public.

(3) In establishing those arrangements, the responsible authority must act in co-operation with the persons specified in subsection (6); and it is the duty of those persons to co-operate in the establishment by the responsible authority of those arrangements, to the extent that such co-operation is compatible with the exercise by those persons of their functions under any other enactment.

(4) Co-operation under subsection (3) may include the exchange of information.

(5) The responsible authority for each area ("the relevant area") and the persons specified in subsection (6) must together draw up a memorandum setting out the ways in which they are to co-operate. [E.G. The MAPPA Protocol]

(6) The persons referred to in subsections (3) and (5) include-

(a) every youth offending team established for an area any part of which falls within the relevant area,

(b) the Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training,

(c) every local education authority any part of whose area falls within the relevant area,

(d) every local housing authority or social services authority any part of whose area falls within the relevant area,

(e) every registered social landlord which provides or manages residential accommodation in the relevant area in which persons falling within subsection (2)(a) or (b) reside or may reside,

(f) every Health Authority or Strategic Health Authority any part of whose area falls within the relevant area,

(g) every Primary Care Trust or Local Health Board any part of whose area falls within the relevant area,

(h) every NHS trust any part of whose area falls within the relevant area, and

(i) every person who is designated by the Secretary of State by order for the purposes of this paragraph as a provider of electronic monitoring services.

6.2.3. Section 327 Interpretation - Section 327 identifies those offenders who can be considered relevant violent or sexual offenders for the purposes of this Act as identified within Appendix Nine).

6.3. Criminal Justice and Court Services Act 2000 - The Signatories acknowledge that they are legally empowered to make Disclosures between partner agencies for the purposes of assessing and managing risks posed by relevant sexual or violent offenders or other persons who may cause serious harm under Section 67 & 68 of this Act.

6.4. The Code of Practice on the Management of Police Information. - This code was developed under section 39 and 39a of the Police Act 1996 and enacted in November 2005. The code sets out principles governing the management of police information, including procedures governing authorised sharing of information obtained and recorded for policing purposes within the police service, and with other agencies. A full Manual of Guidance on the Management of Police Information supporting the requirements of the code was published in March 2006.

6. 4.1. Policing purposes are defined within the code as;

- a) protecting life and property;
 - b) preserving order;
 - c) preventing the commission of offences;
 - d) bringing offenders to justice; and
 - e) any duty or responsibility of the police arising from common or statute law.
- 6.4.2. The code allows the police to disclose police information to other person or bodies where this is reasonable and lawful to do for the policing purposes as set out in 6.4.1. Any sharing of information must comply with the ACPO Guidance on the Management of Police Information 2006 and any protocol, national or local, which may be agreed with the persons or bodies needing to receive the information.
- 6.4.3. Additionally the Code of Practice sets out obligations on the persons or bodies receiving police information which equate to the requirements set out in section 6.1, 9.3, 15.1,16,18,19 and 21 of this protocol
- 6.5. Data Protection Act 1998 - The Signatories acknowledge that they are legally empowered to make Disclosures by any of the following sections of the DPA 1998 Provided that the conditions of those sections are met:
- 6.5.1. section 28 (for the purpose of safeguarding national security);
 - 6.5.2. section 29 (for the prevention or detection of crime, the apprehension or prosecution of offenders, and taxation purposes);
 - 6.5.3. section 34 (where information is to be made available to the public by or under enactment.
 - 6.5.4. section 35 (where the disclosure is required by law or by the order of a court or is made in connection with legal proceedings, for the purpose of obtaining legal advice, and establishing, exercising or defending legal rights);
 - 6.5.5. section 38 (by order of the Secretary of State).

N.B. - This list is not intended to be exhaustive. Explanations of the content of the sections shown in brackets are not intended to be full descriptions of the content of the sections and should not be relied on. Signatories shall each be responsible for taking appropriate advice on the application of any such sections in the event that they intend to rely on the same when making a Disclosure.

6.6. Crime and Disorder Act 1998

- 6.6.1 Section 17. – Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in the area.
- 6.6.2. Section 115 - Where certain conditions are satisfied, section 115 of the Crime and Disorder Act 1998 enables any person to disclose information (including Personal Data) where that disclosure is necessary or expedient for the purposes of any provision of the Crime and Disorder Act 1998 to a Relevant Authority or to a person acting on behalf of such a Relevant Authority.
- 6.6.3. The Signatories who are Relevant Authorities as specified within this section acknowledge that section 115 of the Crime and Disorder Act 1998 will enable them to make disclosures to those Signatories which are also Relevant Authorities, or who are acting as authorised agents of the Relevant Authorities in respect of the relevant Disclosure, but that section 115 of that

Act does not in itself place a Signatory under a statutory duty to make a Disclosure to a Relevant Authority or their agent.

- 6.7. Consent. Disclosures may be made if the informed consent of the Data Subject has been obtained or the Disclosure is made at the request of the Data Subject.
- 6.8. Sex Offences Act 2003. - The Act imposed on the police, the statutory responsibility for the Registration of Sex Offenders. The Act also imposed on the police, the primary responsibility for;
- a) The Risk Assessment/Management of Risk posed by Sex Offenders.
 - b) The Disclosure of information concerning Sex Offenders in the Community
- 6.9. The Rehabilitation of Offenders Act 1974 - This Act provides that after varying periods of time, ex-offenders become rehabilitated and their conviction(s) spent. (Sentences of over 2.5 years' imprisonment can never become spent.) When a conviction becomes spent it does not have to be disclosed, other than in certain specified circumstances.
- 6.9.1. The specified circumstances can be where there is a disclosure to persons who clearly have a lawful and proper use for them for the purposes of:-
- Detection of crime
 - Court use
 - Police use
 - Welfare practice and procedures
 - Assessment of those having care of the young
 - Co-operation and assistance to other officials.
- 6.9.2 Any spent convictions, which would only be disclosed under the control of a MAPP meeting, should be relevant for determining 'risk' to an individual or to the community. Any malicious reference to spent convictions other than in the course of official duties may lead to civil and criminal proceedings.
- 6.10. Data Protection Act 1998, Human Rights Act 1998, Common Law Duty of Confidence - The Signatories acknowledge that the legal powers to exchange information described in clauses 6.1 to 6.9 inclusive above do not override other legal obligations on the Signatories in respect of the disclosure and exchange of Personal Data and, more particularly, those set out in and/or ascribed to:
- The Data Protection Act 1998;
 - The Human Rights Act 1998; and
 - The common law duty of confidence.
- 6.11. The Signatories shall each take into account and comply with the requirements of the legal obligations on each of them described in clause 6.10.
- 6.12. In the case of Personal Data held under a duty of confidence a Disclosure may be made in respect of that Personal Data if there is a compelling reason of overriding public interest or another overriding statutory justification which permits the Disclosure.
- 6.13 For the purposes of clause 5.12, the Signatories understand the public interest criteria to include (but not be limited to):
- the administration of justice;
 - maintaining public safety;

- the apprehension of offenders;
- the prevention of Crime and Disorder;
- the detection of Crime; and
- the protection of vulnerable members of the community

6.14. The Signatories agree to consider the following points when deciding if the public interest criteria should override any duty of confidentiality:

- Is the intended Disclosure proportionate to the intended aim?
- What is the vulnerability of those who are at risk?
- What is the impact of the Disclosure likely to be on the Offender?
- Is there another equally effective means of achieving the same aim?
- Is the Disclosure necessary to prevent or detect Crime and uphold the rights and freedoms of the public?
- Is it necessary to disclose the information, to protect other vulnerable people?

6.15 The Signatories recognise that Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, home and his correspondence and that there shall be no interference by a public authority with this right except as in accordance with the law and is necessary in a democratic society in the interests of:

- national security;
- public safety;
- economic well being of the country;
- the prevention of crime and disorder;
- the protection of health and morals; or
- the protection of the rights or freedoms of others

and shall apply the same when considering and/or making any Disclosures.

6.16 The Signatories will comply with all relevant guidance issued by the Home Office and other Government Departments pursuant to or in respect of the Acts or laws referred to in this Section 6 from time to time Provided that, in the event of any conflict between such guidance and the relevant Act(s) or laws then the Act(s) or laws (as may be appropriate) will prevail.

6.17 Defamation - A person who communicates information about another person which is untrue and likely to damage the reputation of that person is defamatory and may lead to a claim in damages. It is therefore important that the accuracy of information about a potential offender is established before it is shared with fellow agencies or communicated to a third party. (See Section 16 - Accuracy of Information)

7. Scope and Requests for the Disclosure of De-personalised Information

7.1 This Protocol is primarily concerned with the exchange of Personal Data between the Signatories.

7.2 The Signatories agree that Disclosures of Personal Data shall not be made under this Protocol where a disclosure of De-personalised Data would, instead, suffice. For example, De-personalised Data consisting of aggregated data or statistical data may instead be disclosed.

7.3 In the event that a Signatory requests that another Signatory discloses De-personalised Data to it, the Signatory receiving the request shall make the disclosure requested subject to the following conditions:

- the De-personalised Data shall only be used for the purpose for which it is requested and that that purpose shall accord with the Purpose;
- the De-personalised Data shall not be Processed in such a way that information about a living individual may be extracted from the De-personalised Data.

8. Legality of Disclosures

8.1 Each of the Signatories acknowledges that it alone is responsible for ensuring and satisfying itself that it is permitted by law to disclose Personal Data to another Signatory in accordance with this Protocol.

8.2 Each of the Signatories acknowledges that it alone is responsible for ensuring and satisfying itself that it is permitted by law to receive all and any Disclosures of Personal Data from another Signatory in accordance with this Protocol.

8.3 For the avoidance of doubt, acceptance of Personal Data by a Signatory from another Signatory shall not be taken to be confirmation of the legality of the Disclosure.

9. Procedures for Disclosing Data

9.1 The Signatories shall follow the procedures set out in Section 10 and Section 11 when requesting and making Disclosures and shall be mindful of the restrictions on Disclosures detailed in Appendix Seven.

9.2 Caldicott

The Signatories also acknowledge that those Signatories in the health sector or which have Social Services Departments each have their own procedures governing the release of information to third parties, which have been developed as part of the Caldicott arrangements and that Signatories may be required to comply with these. Those Signatories in the health sector or which have Social Services Departments shall notify the Nominated Holder of all and any such procedures with which they expect Signatories requesting a Disclosure to comply with and the Nominated Holder shall circulate details of the same to the Signatories.

Direct information exchange between a Hospital NHS Trust and the Devon & Cornwall Constabulary will utilize the Information Sharing Protocol agreed between the Constabulary and Bevan Ashford in 2002, where the specific information request is linked to the three areas of this protocol and the Hospital is a signatory to this protocol.

9.3 Compliance with law, this Protocol and internal policies

Each Signatory shall be responsible for ensuring that it complies with all relevant legislation and laws, this Protocol, its own internal procedures and policies, and the relevant policies of any professional and/or regulatory bodies which govern the work of the Signatory when making a Disclosure. To this end, each Signatory shall obtain its own legal advice where necessary.

9.4 necessary to achieve the purpose of the Disclosure and, where appropriate, be as generalised as possible. This will be determined on a case by case basis.

9.5. Proportionality. - The Signatories agree that if a Disclosure will in some way restrict

the rights of the relevant Data Subject the relevant Signatory or Signatories (as may be appropriate) will consider the rule of proportionality. This is to ensure that a fair balance is achieved between the protection of the Data Subject's rights and the general interests of society.

- 9.6. Disclosure to any Third Parties or Members of the Public. - The Multi Agency Public Protection process will include a decision about disclosure beyond the meeting and particularly in relation to community notification. The Police have a responsibility for disclosure to any third party or public in respect of sex or violent offenders and will take into account a recommendation from the Multi Agency Public Protection meeting before making a final decision.

10. Nominated Officers

- 10.1 Information sharing related to Multi-Agency Public Protection issues will mainly take place with case conferences or meetings [Section 2.2. applies] However where urgent disclosure is required, for the purposes of maintaining the security of Personal Data, each of the Signatories shall nominate a member (or members) of their staff who shall act as a Nominated Officer (or Nominated Officers) who shall be the point(s) of contact for that Signatory for the purposes of matters concerning this Protocol. The Nominated Officers nominated at the date hereof are identified in Appendix Two.
- 10.2 The relevant Nominated Officers shall be the only point of contact for each Signatory for (without limitation):
- any other Signatory requesting a Disclosure or other request for relevant information from it; and
 - to whom Disclosures should be made.
- 10.3. Any change in a Nominated Officers will be notified to the Protocol Holder, in writing, by the relevant Signatory. The Protocol Holder shall then inform all other Signatories of the change made.
- 10.4. Due to the sensitive nature of information relating to Sex Offenders, disclosures by the Constabulary related to the Housing of Sex Offenders, under Section 13 and Appendix Five and Six of this protocol, will only be made on receipt of a application signed by a identified Nominated Officer. Specimen signatures will be sought by the Protocol Holder and forwarded for retention by the Force Intelligence Centre at Headquarters.

11. Procedures for MAPAA Information Requests and Disclosures

- 11.1. Making Requests for Disclosure prior to the calling of a Level 2 or Level 3 Meeting
- The information sharing procedures within this protocol are designed to follow the process maps within the National Offender Management Service MAPPA Guidance 2009, Version 3.0. These process maps are reproduced at Appendix Three and Four.
 - A request for an inter-agency Disclosure will be instigated once the behaviour of an individual causes serious concern to officers of a signatory agency to this protocol. The officer raising the concern will make contact with the Nominated Officer within their own

organisation who will be responsible for making the official contact with the other signatory agency.

- All inter-agency requests for Disclosures should be made by the Nominated Officer of the relevant Signatory organisation, and, for the avoidance of doubt, requests made by any other person within the relevant Signatory organisation will be declined.
- Information should only be exchanged where necessary for the purpose of properly assessing and managing the risks posed by those offenders who are subject to the MAPPA Provisions. All requests for Disclosures should be phoned to the Nominated Officer of the relevant Signatory. The disclosures should comply with the requirements of **Section 9.4** that the “minimum necessary is the maximum possible”. Therefore this request will concentrate on the disclosure of the details of the behaviour witnessed and the seeking of confirmation of any similar concerns from the receiving agency. Disclosures from those Signatories with Caldicott Guardians must be endorsed by the relevant Caldicott Guardian (see 9.2 above).
- Once a mutual concern is identified the two agencies will decide to instigate a Level 2 meeting and identify those signatory organisation that need to be asked to attend the Level 2 meeting.

11.2. Making Disclosures in Level 2/3 Meetings

- The emphasis placed within the MAPPA Framework Guidance [National Offender Management Service MAPPA Guidance 2009, Version 3.0., Page 60] is the replacement of a bureaucratic process with effective face-to-face meetings that achieve interagency working.
- The current system is that Level 2 meetings will be chaired by the Probation Trust or Devon & Cornwall Constabulary. Level 3 meeting will be chaired by the MAPPA manager. The meetings will work to a set agenda.
- Officers attending a Level 2 meeting must make themselves aware of the specific information that their organisation is prepared to share at the meeting, with whom, and the power under which these disclosures will be made. It is recommended that the decision to disclose specific information within a Level 2 meeting should be recorded on the incident or nominal records of the disclosing agency.
- Disclosures from those Signatories with Caldicott Guardians must be endorsed by the relevant Caldicott Guardian (see section 9.2).
- If the proposed attendance of the meeting indicates that not all the agencies represented would be entitled to all levels of information to be shared, the agenda of the meeting must allow the general issues to be discussed first, thus allowing those agencies not empowered to receive particularly sensitive information to leave at the given time. For example, a representative from a Housing Association may need to be present to discuss a Registered Sex Offenders need for accommodation and its location, but should not

be present when the identification of previous victims and the risk of re-offending against these persons is discussed.

- The Level 2 meeting should commence with a statement of confidentiality from all attendees which states that information disclosed that the meeting will only be used for the purpose for which it has been provided, the Risk Assessment of the data subject.
- All Level 2 meeting should be minuted and specific disclosures recorded within the minutes. Due to empowerment of specific attendees to receive only certain levels of information, areas of these minutes may need to be restricted prior to circulation to some attendees. All minutes must receive restricted circulation and be labelled a 'Confidential' documents.
- Where secondary personal information is disclosed at a meeting which is identified as critical information to inform other areas of crime prevention or detection, the police officer attending the meeting must obtain the permission of the individual making the disclosure to retain this secondary personal information within police systems, in order that its accuracy can be maintained. If this permission is not forthcoming and the police officer wishes to exercise any legal exemptions or powers to use the information, the legal power for such action must be identified to the person making the disclosure. However, it must be noted that abuse of such action may effect the willingness of persons to make secondary disclosures at meetings.

11. 3. General

- All queries regarding any Disclosures to be or being made or which have been made by a Signatory shall only be addressed to the Nominated Officer of that Signatory.
- All queries relating to the strategic use of the Protocol shall be referred to the relevant Contact Officer identified in Appendix Two Part I.

12.. Policy on the exchange of information between Devon & Cornwall Constabulary and Housing Providers in Devon & Cornwall for the housing of sex offenders.

12.1. Introduction

- 12.1.1 This section of the protocol focuses on the housing by local authorities of sex offenders including those who have committed offences against children, but may equally apply to people who have committed other types of sexual offences and who are assessed as potentially posing a serious risk to vulnerable people in the community.
- 12.1.2 Within this section of the protocol the term Registered Provider is used to describe both local authority 'Council' housing and Registered Social Landlord (RSL) or Housing Association housing.
- 12.1.3 A serious offender is defined by Part 1 of the Criminal Justice Act 1991 as any person convicted (cautioned) of a violent or sexual offence where there is a need to protect the public from serious harm. Serious harm is death or serious personal injury whether physical or psychological.
- 12.1.4 The legal framework for the allocation of accommodation by local authorities in England and Wales is set out in the Housing Act 1996. Allocations from the waiting list or housing register are covered in Part VI of the Act and responsibilities of local authorities towards homeless people are contained in Part VI., as amended by the Homeless Act 2002.
- 12.1.5 Under Part VI of the Housing Act 1996, authorities can seek to limit the access to social housing in their area of people judged to be 'undesirable' by identifying classes of such people as not qualifying persons. Some authorities have responded to such concerns by considering 'blanket bans' to exclude offenders generally or sex offenders in particular from registering for housing. This is not the view taken by Devon and Cornwall Housing authorities. Local authorities cannot impose a 'blanket ban' on convicted or cautioned sex offenders or any other groups under Part VII of the 1996 Act.
- 12.1.6 The legal framework for the allocation of RSL properties is set out in the Regulatory Framework published by the Tennant Services Authority (a government agency). The Performance Standards state that 'RSLs' selection and allocation policies and practices for new lettings should give reasonable preference to those in the greatest need, except where this would lead to unsustainable tenancies or unstable communities
- 12.1.7 In practice Registered Providers are expected to let properties to the same broad categories of applicants as laid down for local authorities in Part VI of the Housing Act 1996. RSLs are also expected to consult local authorities from time to time about the way in which they can assist those authorities in meeting housing needs. Consultation papers from the Housing Corporation indicate that Performance Standards are to be altered to be more in-line with local authority duties, giving increased flexibility and discretion on housing applicants with a difficult history.
- 12.1.8 Registered Providers are able to ask applicants for council housing to provide any reasonable information which will assist the authority in allocating the most appropriate accommodation. Some Registered Providers have decided to specifically ask applicants to confirm whether or not they have been convicted or cautioned for sex offences.
- 12.1.9 Tenants who are housed in local authority accommodation are usually allocated secure tenancies, however, there is provision in the Housing Act 1996 for local authorities to allocate 'introductory tenancies' which in fact require some tenants to undertake a 12 month probation period.

- 12.1.10 Where local Registered Providers have introduced specific questions on their housing applications relating to sex offences, they do in theory have the ability to seek possession of any property allocated where the tenants have failed to answer any questions truthfully. Furthermore where introductory tenancies are allocated, local authorities have the ability in theory to bring a tenancy to an end should they discover that a Schedule 3 Sexual Offences Act 2003 (SOA) offender has been housed without their knowledge.
- 12.1.11 Generally speaking local housing providers ('Registered Providers' as defined by the Tenant Services Authority (TSA) will find it difficult to move a Schedule 3 SOA 2003 offender once housed unless they can either convince the county court possession is appropriate or alternatively the tenant themselves volunteers to move.
- 12.1.12 Registered Providers do need to be aware of assessments made by agencies, such as the police and probation services of the risk which individuals pose to the community rather than the nature of the offence.
- 12.1.13 Registered providers should ensure they do not attempt to assess the risk posed by offenders. This will be the role of specialist agencies such as the police and probation service

12.2. Offender Criteria

- 12.2.1. This protocol applies to people convicted or cautioned of certain sexual offences set out in Schedule 3 of the Sex Offences Act 2003 (SOA 2003) which set out in comprehensive terms on individuals to meet the notification requirements of the act and are attached to this protocol at Appendix Ten.
- 12.2.2 Persons who must register must do so with the police within three days of conviction (not sentence), or upon release from hospital or supervision.
- 12.2.3. The period a person is required to register may vary, according to the criteria set out in the SOA 2003, between two years and an indefinite period.
- 12.2.4. The SOA 2003 applies to under 18s as well as those over 18 years of age but the registration period will be dependant on the age of the offender.

12.3. Consideration for Assessing the Risk

- 12.3.1. The fact that an offender is covered by the Act will not always mean they pose a risk to the wider community or to children in particular. The process of assessing the risk posed by an offender must be carried out on a case-by-case basis by professionals with relevant expertise.
- 12.3.2. Other persons who present a significant risk either to children or to other vulnerable groups in the community will not be covered by the legislation or be flagged on the Police National Computer

12.3.3. Assessing the risk posed by an individual is a complex process involving a number of factors:-

- Pattern of previous offending
- Context in which offending took place
- Responsiveness to rehabilitation
- Context in which the offender is released
- Supervision arrangements

12.3.4. Housing professionals will rely on those who have specialist knowledge and training in this area such as police, probation, prison and social services.

12.3.5. The involvement of housing staff is an important factor in managing risk. A housing department representative should therefore be fully aware of any risks posed before making an allocation of housing.

13. **Procedures for exchange of information on sex offenders between Devon & Cornwall Constabulary and Registered Housing Providers in Devon & Cornwall**

13.1 Exchange of Information - The Practicalities: To assist those agencies in managing the risk of those offenders needing to register under the Sexual Offences Act 2003 [SOA] and in order to obtain information which will assist housing officers making informed decisions in the placement of such individuals, the following will apply.

13.2.1 Upon a person making application for housing the Registered Provider will seek to obtain information from them on whether they have been convicted or cautioned for an offence on a person under 18 years under Schedule 3 of the SOA and also if they are a Schedule 1 offender under the Children and Young Persons Act 1933. In doing so the Registered Provider will need to notify the applicant that a police check may be made to verify details.

13.2.2 The 'nominated officer' may contact the police by faxing the Force Intelligence Bureau on telephone number (01392) 452814 and make enquiry as to the applicant's status as registered sex offender as defined within Part 2 of The Sexual Offences Act 2003 (see Appendix Ten), or a Schedule 1 offender under the Children and Young Persons Act 1933 (see Appendix Eleven) by completing Part A of the agreed request form set out at Appendix Six. The e-mailing of these requests, via an insecure Internet address is NOT PERMITTED

13.2.3. Where the person is not a Schedule 3 SOA 2003 offender, the police within 7 working days in receipt of the enquiry will advise the Registered Provider by completing part B the agreed form at Appendix Six. As a result the council will process the housing application in the usual manner.

13.2.4. Where the person is a Schedule 3 SOA 2003 offender or a Schedule 1 offender under the Children and Young Persons Act 1933 the police will, before notifying the Registered Provider 'nominated officer', liaise with other agencies to determine whether a risk to the community or individuals exist. The Registered Provider 'nominated officer' will then be informed within 14 working days: (a) that the person is a Schedule 3 (SOA 2003) offender or Schedule 1 offender under CYPA 1933 and (b) that a risk does/does not exist using part B of the agreed form at Appendix Six. Where a risk does not exist the application will again be dealt with in the usual manner.

- 13.2.5. Any information disclosed by the police under this protocol must be **initially** managed by the 'nominated officer' as set out in Section 1.2 and 5.1. If police checks reveal that the tenant or applicant is not an offender, all records relating to the enquiry will be destroyed. In the event of confirmation of offences, information will only be disclosed to those Housing Officers involved in the allegation/application on a need to know basis.
- 13.2.6. Where it is confirmed that an applicant, by his/her own admission or by other means, is a reported Schedule 3 offender under the Sexual Offences Act (SOA 2003) and poses a risk to the community or individual, housing officers (who may not be the "nominated officer) will become involved in joint discussions with other agencies to assist in the management of risk. Neither Housing Officers or the nominated officer will not usually become involved in the actual assessment of risk, other than to give relevant agencies information in respect of the likely chances of the applicant being re-housed and the type of accommodation likely to be offered.
- 13.2.7. Any information passed to the Registered Provider will be kept confidential for the protocol purpose or purposes and shall not be kept for longer than is necessary for that purpose of purposes.
- 13.2.8. Any notification to the community as a whole is the responsibility of the police at ACPO level, following agreement of all parties at the risk assessment. The housing authorities and/or Registered Social Landlords will not disclose the information to any third parties without prior written consent of the police.
- 13.2.9. Elected members of local housing authorities and management or committee members of Registered Social Landlords will not be provided with information about sex offenders by housing officers. Such information may be passed by the police and at their discretion.
- 13.2.10. Housing authorities or Registered Social Landlords will undertake when housing sex offenders to provide the most appropriate accommodation available depending on the risk posed by them to individuals or the community.
- 13.2.11. Where a local housing authority intends to nominate an identified sex offender to an RSL for housing then it will ensure that the RSL is invited to attend any multi-agency public protection meetings (MAPPAs). Full details of the sex offender will be made available by the local housing authority to the RSL. Such information can only be passed between organisations that have adopted and signed up to this protocol.
- 13.2.12. Where the Registered Provider becomes aware of allegations, rumours or incidents relating to sex offences by an existing tenant, it may wish to inform the police.
- 13.2.13. The police will decide what information will be disclosed under this protocol and whether a MAPP meeting is required to involve housing.

13.3. Information to be considered and brought to the MAPP meeting

13.3.1. Information provided by the Registered Provider may be information that;

- disclosure is justified on the basis of the likelihood of harm if non disclosure is made
- will assist in the overall plan to manage the risk posed by an offender to a child, vulnerable person or the community
- informs the seriousness of the risk of displacing the offender
- informs on the circumstances in which the offender will be placed
- informs of likely harm or potential for public disorder based on the location of the offender's accommodation or offer of accommodation.

13.3 Flow charts on the flow of information between police and housing services are attached at Appendix Five in relation to:-

- Identification and management of sex offenders applying for housing
- Identification and management of sex offenders living in council/RSL accommodation.

14. Registration/Notification under the DPA 1998

14.1 Each Signatory will ensure that it is appropriately notified under the DPA 1998 at all times to receive, disclose and otherwise Process Personal Data in accordance with the provisions of this Protocol.

15. Compliance with the DPA 1998

15.1 Each of the Signatories shall ensure that it complies with the DPA 1998 at all times in respect of its Processing of Personal Data which is the subject of this Protocol.

15.2 Without prejudice to clause 15.1, each Signatory shall ensure that it complies with the First Data Protection Principle, set out in Schedule 1 of the DPA 1998, when obtaining and otherwise processing Personal Data which is the subject of this Protocol unless for any reason stated in the DPA 1998 or other relevant legislation such compliance is not required or only partial compliance is required.

16 Accuracy of Data

16.1 The Signatories acknowledge that they each have a responsibility to verify and maintain the accuracy of Personal Data held by them which is subject to this Protocol, this being a statutory duty set out in Schedule One of the DPA 1998.

16.2 Where an inaccuracy is discovered, after a Disclosure has been made, it will be the responsibility of the Signatory discovering the inaccuracy to bring this to the notice of the Signatory making the Disclosure, in writing, who will notify all other Signatories who have also received the same Personal Data from it of the inaccuracy and any correction required in respect of that inaccuracy.

16.3 In order to meet the obligations under clause 16.2, Signatories are expected to record Disclosures made.

17. Data Standards

17.1. The Signatories acknowledge that the national standard for making data (including Personal Data) "fit for use" is industry standard BS7666. The Signatories recognise the benefits which might be brought to the Disclosure process and other information sharing carried out under this Protocol by the Processing of data which they hold in accordance with this standard BS7666. To this end the Signatories will endeavor to adopt this standard in respect of such Processing to the extent that this accords with their respective internal policies and procedures in this regard.

18. Use of personal data and Confidentiality.

18.1 Process in accordance with Purpose - The Signatories shall only use and otherwise Process any Personal Data received by means of a Disclosure in accordance with the Purpose of this Agreement and any specific purpose identified on a Request for Disclosure Form submitted in accordance with the Procedures set out in Section 13.

18.2. Confidentiality. - Each Signatory shall at all times keep confidential all Personal Data supplied pursuant to this Protocol.

18.3. Publication of Personal Data - Signatories may only publish Personal Data disclosed to them by another Signatory pursuant to this Protocol if such Personal Data is anonymised and presented in such a way that it is De-personalised Data.

18.4. Disclosure of Personal Data to Another Signatory - For the avoidance of doubt, a Signatory which received Personal Data through a Disclosure made by another Signatory shall not Disclose such Personal Data to a different Signatory without the consent of the Signatory which made the original Disclosure.

18.5. This clause 18 shall survive termination of the Protocol or the withdrawal of or removal of any Signatory.

19. Security

19.1 Each Signatory will take all reasonable steps to adequately protect the Personal Data received by it from another Signatory from both a technological and physical point of view from unauthorised or unlawful Processing of the Personal Data and accidental loss or destruction of, or damage to, the Personal Data.

19.2 The Devon and Cornwall Constabulary will grade the Personal Data provided to them, to restrict access, where this is applicable.

19.3 Without prejudice to clause 19.1, each Signatory shall ensure that access to Personal Data and other information obtained from another Signatory pursuant to and/or in accordance with this Protocol by individuals employed or otherwise engaged by that Signatory shall be restricted to those individuals who require such access.

19.4 The Signatories recognise the merit of maintaining a full audit record of all Disclosures made to them.

19.5 The Signatories acknowledge that the national standard for making data (including Personal Data) secure is industry standard BS7799. The Signatories will endeavour to adopt this standard in respect of all Processing of Personal Data, De-Personalised Data and other data which they carry out as a result of this Protocol insofar as this accords with their respective internal policies and procedures in this regard.

19.6 The provisions of this clause 19 will survive termination of the Protocol or the withdrawal of or removal of any Signatory.

20. Agents, Contractors and Service Partners

20.1 Whereas the Data Protection Act 1998 permits the sharing of Personal Data between Signatories to the Protocol it is recognised that the Signatories may wish and/or need to engage a third party Data Processor to Process all and/or any Personal Data received through a Disclosure. When making a release of such Personal Data to a third party Data Processor the relevant Signatory shall:

20.1.1. ensure that an appropriate written contract is put in place between the Signatory and the Data Processor which makes provision for and controls the Processing to be carried out by the Data Processor and which provides that the Data Processor is act only on the instructions of the relevant Signatory;

20.1.2. obtain from the Data Processor sufficient guarantees in respect of the technical and organisational security measures governing the Processing to be carried out;

20.1.3. ensure that it retains and/or obtains sufficient access rights to enable it to confirm that such guarantees are being complied with, to respond to any complaints and breaches made in respect of any Processing and to satisfy Subject Access Requests;

20.1.4. take reasonable steps to ensure that the Data Processor complies with any such guarantees;

20.1.5. take measures to ensure that the Data Processor does not transfer the Personal Data to a third party; and

20.1.6. inform any other Signatory from whom it obtained any of the relevant Personal Data that the Processing is to be carried out by the Data Processor.

21. Retention and Disposal of Personal Data

21.1. The Signatories acknowledge that Schedule 1 of the DPA 1998 provides that excessive Personal Data must not be retained.

21.2. The Signatories agree that they must destroy Personal Data provided to them under this Protocol as soon as it is no longer required for the original purpose for which it was supplied or collected.

21.3. In order to meet their obligations under clause 20.1, all Signatories are expected to introduce a procedure and nominate a person to conduct reviews of Personal Data received through a Disclosure on a regular basis and at least every six (6) months.

22. Subject Access Requests and Other Rights of Data Subjects

22.1 The Signatories acknowledge that Data Subjects have, amongst other rights, a right to access certain Personal Data relating to them held by or under the control of Data Controllers pursuant to section 7 of the DPA 1998.

22.2 The Signatories agree that they shall apply their own internal procedures to dealing with Subject Access Requests made in respect of access to Personal Data held by

them. Where the Subject Access Request relates in whole or in part to Personal Data received from other Signatories through a Disclosure the Signatory in receipt of the Subject Access Request shall also apply the Subject Access Request Procedure set out in Appendix Eight.

- 22.3 The Signatories shall each comply with their own internal procedures when dealing with notices received from Data Subjects which are made under the Data Protection Act 1998 in respect of Personal Data held by them. Where the notice relates in whole or in part to Personal Data received from other Signatories through a Disclosure the Signatory in receipt of the notice shall, where reasonably appropriate, consult with the Signatories who made the Disclosures.
- 22.4 The Signatories shall each comply with the provisions of the DPA 1998 when handling Subject Access Requests and any other notices received from Data Subjects which are made under the Data Protection Act 1998.
- 22.5 The Signatories recognise that the Data Protection Act 1998 does not cover data relating to deceased persons and that, accordingly, requests received from third parties for access to data relating to deceased persons will not be treated in the same manner as Subject Access Requests. The Signatories recognise that access to such data is covered by the Access to Health Records Act 1990 (as amended) and the common law of confidentiality. The Signatories agree that request for access to such data will be dealt with in accordance with their own respective internal procedures with consultation with other Signatories where reasonably appropriate in the event that any of the data concerned originated from such other Signatories by means of a Disclosure.

23 Complaints

- 23.1 Any and all complaints made in respect of Disclosures or other matters relating to this Protocol or addressed in this Protocol will be brought to the attention of the Nominated Officer of the relevant Signatories by the Signatory receiving the complaint, and they will be dealt with in accordance with the relevant internal policies and procedures of the relevant Signatories.
- 23.2 Signatories will keep each other informed of developments following a complaint received, where relevant.

24. Compliance and Good Practice

- 24.1 Any further guidance or codes of practice should be reviewed annually and distributed via the Nominated Holder for consideration and possible attachment to this Protocol.

25. Changes to Signatories

- 25.1 Withdrawal/Removal of Signatory from Protocol - Any Signatory may withdraw from being a Signatory to this Protocol upon giving written notice to the other Signatories.
- 25.2 In the event that a Signatory materially breaches a term of this Protocol or persistently breaches the terms of this Protocol the other Signatories may upon a majority vote where each Signatory other than the Signatory in breach has one vote remove that Signatory's status as a Signatory of this Protocol Provided that all of the other Signatories submit their vote.
- 25.3 The Signatories will do all acts and enter into all such documents as are necessary to

give legal effect to the withdrawal or removal of a Signatory pursuant to clauses 25.1 or 25.2.

- 25.4. All Personal Data received by means of Disclosures from other Signatories must be returned or destroyed at the reasonable request of those Signatories in the event of a Signatory withdrawing from or being removed from this Protocol.
- 25.5. Any Signatory who withdraws or is removed from this Protocol must continue to comply with the terms of this Protocol in respect of any information (including Personal Data) that the Signatory has received as a result of being a Signatory to this Protocol.
- 25.6. Additional Signatories - Third parties may also become Signatories to the Protocol where this is necessary or expedient to the successful implementation of the Purpose or necessary expedient to that third party's compliance with any statutory duty imposed on it by section 17 or section 115 of the Crime and Disorder Act 1998.
- 25.7. The Signatories shall do all acts and enter into all such documents as are reasonably necessary to give legal effect to a third party, becoming a party to this Protocol where appropriate.

26. Indemnity

- 26.1 This Deed of Indemnity made the 1st Day of July 2010 between the Signatories whereas in consideration of the agreement to make disclosures of Personal Data in accordance with this Agreement, each Signatory shall indemnify all other Signatories and keep them fully and effectively indemnified against all direct losses, claims, damages, liabilities (whether criminal or civil), costs, charges, expenses (including legal fees and costs), demands, proceedings and actions which all, or any, of the other Signatories may incur or which may be established against them by any person and which in any case arises out of:
 - any breach by the Indemnifying Signatory, its servants or agents, of any of the provisions of the agreement, or
 - any processing by the Indemnifying Signatory, its servants or agents, of Personal Data received, for purposes other than the originating purpose, or
 - any breach of the Indemnifying Signatory, his servants or agents, of any law in respect of its processing of Personal Data received by reason of a disclosure made by another Signatory, or
 - Each Signatory shall be under a duty to mitigate against all losses that it may incur.

27. Publication of Protocol

- 27.1. Subject to clause 27.2 this Protocol may be published by each of the Signatories in accordance with their respective obligations under the Freedom of Information Act [FoIA] 2000.
- 27.2. The 'Durant' ruling of the Court of Appeal (Civil Division) in December 2003 has indicated that, in relation to this protocol, data linked to an individual's role, e.g. role title and contact number is not 'personal information'. Therefore the contact details of each Contact and Nominated Officer quoted with Appendix Two will be published within the protocol under FoIA.
- 27.3. No Signatory may publish:

27.3.1. Appendices 5, 6 or 12 this Protocol (exemption claimed under Section 31(1)(a) of the FoIA 2000); or

27.3.2. any other part of the Protocol which the Signatories agree from time would if published compromise the security of any Personal Data subject to the Protocol or prejudice the Purpose.

28 Race Relations (Amendment) Act 2000 Impact Statement

28.1 The assessment of the relevance and impact of this Protocol in relation to each Signatory's general duties under the Race Relations (Amendment) Act 2000 is the responsibility of each of the individual Signatories.

29 Third Party Rights

29.1 A person who is not a Signatory to this Protocol has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Protocol.

30 Counterparts

30.1 This Protocol may be entered into in any number of counterparts and by the signatories to it in separate counterparts, each of which when so executed and delivered shall be an original.

31 Certification – Devon and Cornwall Multi-Agency Public Protection Information Exchange Protocol

By signing below, the Signatories accept and agree to be bound by the provisions contained in this Protocol.

Signed(Insert signature)

By
for and on behalf

Date

32. Revision Information

Version No	Date of Version	Nature of Amendment
Working Version 1.0	September 2004	Drafted by J. Ellis by combining MAPPA protocol Version 1.1 with the Protocol on the Housing of Sex Offenders Circulated for signature September 2004
Working Version 1.1	February 2006	Devon & Cornwall Housing Association added. Amended with changes to contact point as highlights by partners Section 1.1 & Appendix 2 Part 1 & 2. - Change of Kerrier Homes Trust to Coastline Housing Limited
	March 2006	Contact for Housing 21 changed.

<p>Working Version 2.0 (resulting from Draft Version 1.2 July 2006)</p>	<p>October 2006</p>	<p>General: Text amended to include changes driven by Sexual Offences Act 2003. Contents page amended to reflect re numbering of sections and appendices. Section 1.1 List of Partners amended to reflect new structure of PCTs in Devon & Cornwall. Section 2.1 replaced to reflect changes in legislation. Section 4.3.6 expanded to define the role of the protocol holder. Addition of Section 6.4 to 6.8 re Code of Practice on the Management of Police Information, subsequent sections renumbered. Section 8.5 and Disclosable Personal Data (as listed in Version 1.1) removed and Section 8.6 renumbered to 8.5. Section 11. Procedures for MAPAA Information Requests and Disclosures moved into the body of the protocol from the appendices. Appendix 3 deleted</p>
<p>Version 2.0 October 2006 (cont'd)</p>		<p>(Cont'd) Section 12. Policy on the exchange of information between Devon & Cornwall Constabulary and Registered Providers in Devon & Cornwall for the housing of sex offenders moved into the body of the protocol from the appendices. Previous non-designated appendix deleted. Section 13. Procedures for the exchange of information on sex offenders between Devon & Cornwall Constabulary and Registered Providers in Devon & Cornwall moved into the body of the protocol from the appendices. Previous Appendix 6 deleted. Section 13.1.2. Amended to include non use of email in submission of requests. Section 21 Regular review of the protocol, now incorporated in the Section 4 Core Objectives and Standards. Section 22 Changes to the protocol now incorporated in Section 5 Section 27.2 New clause relating the 'Durrant ruling' Dec 2003 inserted, subsequent renumbering of this section. Appendix 1 Definition of Protocol Holder added. Appendix 2 Definition of Partnership Contact and Disclosure Officers added. SW Health Authority removed. Change of contact details within PCTs to reflect change of structure within Devon & Cornwall PCTs. South Western Ambulance Service NHS Trust from West Country Ambulance Service Trust. Previous Appendix 11 - Disclosable Personal Data - deleted Previous Appendix A - renumbered as Appendix 11 and updated with the Children &</p>

		Young Persons Act – first Schedule extract from Police National Legal Database. Previous Appendix b – Deleted.
Version 2.1. Feb 2007		Corrections made to Revision Information within version 2.0, re sections 6.4 and 8. Contact points for Torbay Council updated Contact point for Council of IoS updated July 09
Version 2.2 July 2010		Section 1.1 – Amended Partnership listing. Section 26 – Indemnity clause replaced with standard reduced format (ex DCC) as used in all D&CC ISAs. Appendix 2 – Revised partner listing and contact information Appendix 6 - Revised Police Response Form re Housing of Sex Offenders. Appendix 9 - Revised offence listings
Post circulation changes		NHS Direct removed from SWAST listing Additional operational contact points added to Appendix 2, Part 2, for Cornwall Council 07/09/10. Devon Community Housing Society defunct. Removed from section 1.1 and Appendix 2 01/09/10. Section 1.1 and Appendix 2 Exeter Housing Society replaced with Cornerstone Housing 25-10-10.

APPENDIX ONE

PART I: GLOSSARY

In this Protocol the following words shall have the following meaning unless the context otherwise requires:

“Ancillary Protocols”	means all and any information protocols entered into pursuant to clause 2.3;
“Crime”	means any act, default or conduct prejudicial to the community, the commission of which by law renders the person responsible liable to punishment by a fine, imprisonment or other penalty;
“Dangerous”	means the potential or capability to present serious of direct harm to others, i.e. death or damage (physical or psychological) which is life threatening and/or traumatic and from which recovery is usually incomplete
“Data Controller”	means a person who either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any Personal Data are, or are to be Processed;
“Data Processor”	means any person (other than the employee of the data controller) who processes the data on behalf of the data controller;
“Data Subject”	means an individual who is the subject of Personal Data;
“De-personalised Data”	means any information where any reference to or means of identifying a living individual has been removed;
“Disclosure”	means a disclosure by one Signatory to any other Signatory of Personal Data;
“Disorder”	means a level or pattern of Anti-social Behaviour within a particular area;
“DPA 1998”	means the Data Protection Act 1998;
“Level 2/3 Meeting”	means a meeting called by a MAPPA agency to discuss the construction and implementation of a risk assessment and management plan.
“Nominated Holder”	means the nominated holder of this Protocol, which shall be the Information Manager of Devon and Cornwall Constabulary;
“Nominated Officers”	means all those individuals identified in Appendix Two Part II and any changes to the same notified to the Signatories by the Nominated Holder in accordance with clause 9.3;

“Personal Data”	means data which relates to a living individual who can be identified from those data, or from those data and other information which are in the possession of or are likely to come into the possession of any Signatory. They include, without limitation, any expression of opinion or intentions in respect of such a living individual.
“Processing”	means obtaining, recording or holding Personal Data or carrying out any operation or set of operation on the information or data including: <ul style="list-style-type: none"> (a) organisation, adaptation or alteration of the Personal Data; (b) retrieval, consultation or use of the Personal Data; (c) disclosure of the Personal Data by transmission, dissemination or otherwise making available; or (d) alignment, combination, blocking, erasure or destruction of the Personal Data; <p>and “Process” shall be interpreted accordingly.</p>
“Protocol”	means this protocol;
“Protocol Holder”	The protocol holder is the Force Information Manager, Devon & Cornwall Constabulary.
“Purpose”	means the purpose of this Protocol, as set out in clause 2;
“Relevant Authority”	means any of those bodies or persons described in section 115(2) of the Crime and Disorder Act 1998 and “Relevant Authorities” shall be interpreted accordingly;
“Responsible Authority”	means, within the Criminal Justice Act Section 325, the chief of police, the local probation board and the Minister of the Crown exercising functions in relation to prisons, acting jointly.
“Risk”	means the probability of specified harm occurring.
“Risk Assessments”	means a probability assessment that a negative incident or behavior will occur and an estimate of the likely impact should the behavior or incidents take place. Risk assessment must involve a calculation of both probability and impact and balance the potential benefit that may also follow from decisions.
“Risk Management”	means action taken to monitor a person behavior and attitudes to intervene in his/her life in order to try and prevent them harming others and maximize beneficial outcomes. This may include actions that the individual can take on their own behalf.
“Secondary Personal Information”	means personal information not relating to the data subject.

**“Sensitive
Personal Data”**

means Personal Data consisting of information as to-

- (a) the racial or ethnic origin of the Data Subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- (e) his physical or mental health or condition,
- (f) his sexual life,
- (g) the commission or alleged commission by him of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings;

“Signatories”

means the signatories/parties to this Protocol which are identified in clause 1 and, for the avoidance of doubt, “Signatory” shall mean any one of them;

**“Subject Access
Request”**

means a request made by a Data Subject to a Signatory pursuant to section 7 of the DPA 1998.

PART II: INTERPRETATION

In this protocol where the context requires:

- 1.1 the masculine gender includes the feminine and the neuter and the singular includes the plural and vice versa;
- 1.2 references to any statute or statutory provision include a reference to that statute or statutory provision as from time to time amended, extended or re-enacted and also include any subordinate legislation made thereunder from time to time;
- 1.3 references to clauses and appendices are, unless otherwise stated, references to clauses in and Appendices to this Agreement.

In this Protocol headings are for ease of reference and shall not affect its interpretation.

APPENDIX TWO

CONTACT INFORMATION

PART I: PARTNERSHIP CONTACT OFFICERS

[Officers who will deal with non operational, process issues directly linked to the protocol]

Organisation	Post	Address	Tel/Fax
Devon and Cornwall Constabulary	Information Manager	Executive Support Department Force Headquarters Middlemoor, Exeter, EX2 7HQ	Tel: 01392 452903 Fax: 01392 452815
Chapter 1	Regional Manager	Portland House, Longbrook Street Exeter, EX4 6AB	Tel: 01392 202315
Coastline Housing Ltd	Customer Services Manager	11 Basset Road, Camborne, Cornwall TR14 8IE	Tel: 01209 722454 Fax: 01209 722444
Cornwall & Isles of Scilly Primary Care Trust.	Transition Manager	St Ingunger Country Offices. Nr. Lanlivet, Bodmin, Cornwall. PL30 5HS	Tel 01208 252502
Cornwall Council	Verity Bennett Crime & Disorder Reduction Partnership Officer	Crime and Disorder Reduction Team Fire and Community Safety Service Cornwall Council Old County Hall Truro TR1 3HA	07872 197 134 vbennett@cornwall.gov.uk
Cornwall Partnership NHS Trust	Development Manager, Systems & Infrastructure	Headquarters Porthpean Road St Austell PL26 6AD	Tel: 01726 291000
Cornwall Rural Housing Association Ltd	Director Peter Moore [peter@crha.org.uk]	1 Dreason Barns, Bodmin Road, Bodmin Cornwall, PL30 4BG	Tel: 01208 264530 Fax: 01208 264540
Council of the Isles of Scilly	Director of Community Services; Penny Penn-Howard	Town Hall St. Mary's Isles of Scilly TR21 0LW	Tel: 01720 422148 annievickers@scilly.gcsx.gov.uk
Devon & Cornwall Housing Association	Enforcement Officer	Paris Street, Exeter EX1 2JZ	Tel: 01392 814505 Fax: 01392 251225 Glenn.Parker@dcha.co.uk

Organisation	Post	Address	Tel/Fax
Devon County Council	Children's Safeguarding Manager	Devon County Council Children & Young People's Directorate Foxhole Dartington TQ9 6ET	Tel: 01803 696550
Devon Partnership NHS Trust.	Medical Director	Wonford House Hospital Dryden Road Exeter EX2 5AF	Tel: 01392 20 8653 j.parke@nhs.net
NHS Devon	Caldicott Guardian	NHS Devon Commissioning HQ County Hall Topsham Rd., Exeter EX2 4QL	Tel: 01392 267628
East Devon District Council	Housing Needs Manager; Dennis Boobier	Council Offices, The Knowle Sidmouth EX10 8HL	Tel: 01395 517566 Fax: 01395 517534 dboobier@eastdevon.gov.uk
Exeter City Council	Head of Housing Services Housing Operations Manager Lawrence Blake	Civic Centre, Paris Street, Exeter. EX1 1JN	Tel: 01392 265214 Fax: 01392 265533 lawrence.blake@exeter.gov.uk lawrence.blake@exeter.qcsx.gov.uk
Exeter Housing Society	Housing Manager	18 Southernhay East Exeter EX1 1QD	Tel: 01392 265214 Fax: 01392 26553
Guinness Hermitage	Operations Manager	7 Hillfield House Matford Court, Sigford Road, Exeter, EX2 8NL	Tel.: 01392 822912
HM Prison Service, Eastwood Park Prison,	Governor, Andrea Whitfield	HM Prison Eastwood Park, Falfield, Wotton-under-Edge, GL12 8DB	Tel: 01454 382100 Fax: 01454 382101 Andrea.whitfield@hmps.gsi.gov.uk

Organisation	Post	Address	Tel/Fax
HM Prison Service, Exeter, Dartmoor and Channings Wood Prisons.	Governor	H.M. Prison & Remand Centre, 30 New North Road, Exeter, EX4 4EX	Tel: 01392 415800 Fax: 01392 496952 OMU.Exeter@h mps.gsi.gov.uk
Habinteg Housing Association	CHO Tracey Ford	26a Crofty Close, Pool, Cornwall, TR15 3DT	Tel: 01209 214602 Fax 01209 214037 info@habinteg. org.uk
Hanover Housing	Housing Management Officer	South West Regional Office Gateway House Cornbrash Park Bumpers Way Chippenham SN14 6RA	Tel: 01249 707000 Fax: 01249 707007
Hastoe Housing Association	Regional Manager Judith Dearlove Tel: 01305 216 940	Fleur de Lis, Middlemarsh Street, Pundbury, Dorchester DT1 3GX	Tel: 01305 250103 Fax : 01305 250106 idearlove@hast oe.com
Housing 21	Head of Housing Services	9 Avro Court Ermine Business Park Huntingdon PE29 6WG	Tel: 01480 425212 Fax:
Jephson Housing Association Group	Housing Manager	450 Woodland Court, Ash Ridge Road, Bradley Stoke, Bristol BS32 4LB	Tel: 01454 618822 Fax: 01454 620022
Magna Housing Association	Area Housing Manager	Hollands House, Poundbury, Dorchester DT1 1SW	Tel: 01305 216134 Fax: 01305 216099
Mid-Devon District Council	Homeless Team Leader	Phoenix House. Phoenix Lane, Tiverton EX16 6PP	Tel: 01884 234924 Tel: 01884 234355
Devon & Cornwall Probation Trust	Chief Officer, Rob Menary	Queens House, Little Queen Street, Exeter EX4 3LJ	Tel: 01392 474100 Fax: 01392 413563 Rob.Menary@d evon- cornwall.probat on.gsi.gov.uk

Organisation	Post	Address	Tel/Fax
North Devon District Council	Deputy Data Protection Officer	Civic Centre Barnstaple, EX31 1EA	Tel: 01271 388229 Fax: 01271 324280 David.collins@northdevon.gcsx.gov.uk
North Devon Homes Ltd	Tenancy Services Manager Neighbourhoods Team Leader – Lindsey Luxton Neighbourhood Services Manager; Miles Sellick	Westacott Road, Barnstaple, Devon, EX32 8TA	Tel: 01271 312508 Fax: 01271 377810 01271 312511 Lindsey.luxton@ndh-ltd.co.uk 01271 312507 miles.sellick@ndh-ltd.co.uk
Northern Devon Healthcare NHS Trust	Caldicott Guardian Dr Alison Diamond	North Devon District Hospital Raleigh Park, Barnstaple, EX31 4JB	Tel: 01271 349567 Alison.Diamond@ndevon.swest.nhs.uk
Ocean Housing Limited	Managing Director	Stennack House, Stennack Road, St Austell PL25 3SW	Tel: 01726 874450 Fax: 017256 874451
Orbit Housing Association	Housing Centre Manager		Garden Court Harry Weston Road Binley Business Park Binley Coventry CV3 2SU Tel: 024 7643 8000 Fax: 024 7643 8299 info@orbit.org.uk
Penwith Housing Association	Head of Housing Paul Duffy	67 Morrab Road, Penzance TR18 2QJ	Tel: 0736 331799 Fax: 101736 331647 p.duffy@penwithha.org.uk
Plymouth City Council	Corporate Information Manager	Civic Centre Plymouth PL1 2AA	Tel: 01752 304067 Fax: 01752 30499

Organisation	Post	Address	Tel/Fax
Plymouth Community Homes	Housing Needs and Resources Manager	10-12 Granby Way, Devonport, PLYMOUTH PL1 4AB	
Plymouth Hospitals NHS Trust	Emergency Planning and Liaison Officer	Operational Support Team, Derriford Hospital, Plymouth PL6 8DH	Tel: 01752 792832 Fax: 01752 517501
Plymouth ; NHS Plymouth	Safeguarding Adults Manager Safeguarding Children's Designated Nurse	River View Mt Gould Hospital Mt Gould Road Plymouth PL4 7QD	Tel: 01752 314001 karenhoward@nhs.net
Riviera Housing Trust	Neighbourhood Services Manager; Katie Poole	Woodview House Torbay Business Park Woodview Road Paignton TQ4 7HP	Tel: 01803 696165 Fax: 01803 696101 Riviera@sanctuary-housing.co.uk
Royal Cornwall Hospitals NHS Trust	DPO/Legal Services Manager	Royal Cornwall Hospitals NHS Trust, Truro, TR1 3LJ	Tel: 01872 255025
Royal Devon and Exeter NHS Foundation Trust	Joint Medical Director & Caldicott Guardian	Royal Devon & Exeter Hospital (Wonford) Barrack Road, Exeter EX2 5DW	Tel: 01392 403919 Fax: 01392 402011
Sanctuary Housing Association	Janet Swales Area Manager	Estuary House, Peninsula Park Rydon Lane, Exeter EX2 7XE	Tel; 0800 083 9283. Fax 01392 813468 sanctuaryshaftebury@sanctuary-housing.co.uk
Signpost Care Partnerships	Supported Services Manager	Hawthorne House Emperor Way Exeter EX1 3QS	Tel: 01258 484769 Fax: 1258 484727
Signpost Housing Association Ltd	Housing Services Manager	Hawthorne House Emperor Way Exeter EX1 3QS	Tel: 01392 361122 Fax: 01392

Organisation	Post	Address	Tel/Fax
South Devon Healthcare NHS Foundation Trust	Caldicott Guardian, via Judy Crathorne Data Protection & Freedom of Information Lead	Torbay Hospital, Lawes Bridge Torquay, TQ2 7AA	Tel: 01803 654507 Safe Haven Fax; 01803 617162 01803 654868 judy.crathorne@nhs.net infogov.sdhct@nhs.net
South Devon Rural Housing Association Ltd.	Housing Officer	Forder Lane House, Dartington, Totnes, TQ9 6HT	Tel. and Fax No.: 01803 863550
South Hams District Council	Housing Advice Manager	Follaton House Plymouth Road, Totnes, Devon TQ9 5NE	Tel: 01803 861278 Fax: 01803 866151 Peter.dale@southhams.gcsx.gov.uk
South Western Ambulance Service NHS Trust	Information Governance Manager	Trust Headquarters, Abbey Court, Eagle Way, Sowton, Exeter. EX2 7HY	Tel: 01392 452 452500 Fax: 01392 261510
Southwestern Housing Association	Housing Manager Martin Carney	504 Worle Parkway, Wole Weston-super-Mare BS22 6WA	Tel: 01934 529900 Fax: 01934 522157 info@swhs.org.uk
Sovereign Housing Association Ltd.	Marketing & Lettings Manager	Vale House, Pynes Hill, Rydon Lane, Exeter, EX2 5SJ	Tel: 0845 6021214 Fax: 01392 413610
Stonham Housing Association	Area Business Manager	2 nd Floor, Hi Point, Thomas Street, Taunton TA2 6HB	Tel: 01823 327388 Fax: 01823
Tamar Housing Society	Housing Director Stuart Francis-DeBois	Belgrave House, 73 Mutley Plain, Plymouth PL4 6JJ	Tel: 01752 389122 Fax: 01752 2752 257285 Stuart.fd@tamars.org
Teign Housing	Ops Director	Templar House, Collett Way, Newton Abbot, TQ12 4ZW	Tel: 01626 210210 Fax: 01626 215316
Teignbridge District Council	Senior Community Safety Officer	Forde House Newton Abbot TQ12 4XX	Tel: 01626 215873

Organisation	Post	Address	Tel/Fax
Tiverton Almshouse Trust	Clerk & Treasurer	Market House, Bampton Street, Tiverton Ex16 6AA	Tel: and Fax: 01884 251444
Tor Homes	Tenancy Enforcement Manager	Tor House, St. Peters Quay, Totnes TQ9 5SH	Tel 01803 869600 Fax 10803 869636 info@torhomes.com
Torbay Care Trust	Helen Thorn Head of Information Governance	Torbay Care Trust Bay House Nicholson Road Torquay TQ2 7TD	Tel: 01803 210509 Fax: 01803 210598 helen.thorn@nhs.net
Torbay Council	Supporting People Manager	Civic Offices Castle Circus Torquay TQ1 3DS	Tel: 01803 208109
Torrige District Council	Housing Manager (Private Sector)	Town Hall Bideford EX39 2HS	Tel: 01271 428805 Fax: 01271 429014
West Devon Borough Council	Corporate Director	Kilworthy Park Drake Road Tavistock. PL19 0BZ	Tel: 01822 813515
West Devon Homes Ltd.	Neighbourhood & Communities Coordinator Housing Services Manager	The Quay, Plymouth Road, Tavistock PL19 8AB	Tel: 01822 813770 Fax 01822 813799 Sue.james@wdh.org.uk
Westcountry Housing Association Ltd	Housing Manager	Hatfield House, Hatfield Road, Torquay	Tel: 01803 200300 Fax: 01803 292227
Western Challenge Housing Association	Senior Housing Officer	Unit 5, Cranmere Court, Lustleigh Close, Exeter, EX2 8PW	Tel [via call Centre] 01425 383600 Fax; 01425 283736

**PART II: NOMINATED OFFICERS FOR INFORMATION REQUESTS AND
DISCLOSURES**

[Officers who will deal with operational issues directly linked to the objectives of MAPPA]

Organisation	Name or Post of Nominated Officer	Name or Post of Backup	Address and Tel No
Devon and Cornwall Constabulary	Detective Inspector Force Intelligence Centre	Detective Sergeant Force Intelligence Centre	Force Headquarters Middlemoor Exeter EX2 7HQ Tel: 01392 452477 Fax:01392 452025 Secure email publicprotectionunit@devonandcornwall.pnn.police.uk
Cornwall Council MID	David George Crime and Disorder Reduction Officer (Mid)	Cornwall Council Community Safety manager Tamsin Lees tamsin.lees@cornwall.gov.uk 07764 787979	Fire and Crime and Disorder Reduction Room 106a Council Offices 39 Penwinnick Road St Austell PL25 5DR Tel: 01726 223509 Email: (not secure) david.george@cornwall.gov.uk
	Mark Vinson Area Housing Manager (Central)		Carrick House, Pydar Street, Truro TR1 1EB Tel.01872 224619 Email: (not secure) MVinson@cornwall.gov.uk
	Michelle Davies Domestic & Sexual Violence Strategic Coordinator]		Room 717 Old County Hall Station Road Truro TR1 3HA Tel: 01872 323 766 Fax: 01872 225 702 Email: (not secure) mdavies1@cornwall.gov.uk

Organisation	Name or Post of Nominated Officer	Name or Post of Backup	Address and Tel No
Cornwall Council EAST	David Parker Community Safety Officer (East)	Cornwall Council Community Safety manager Tamsin Lees tamsin.lees@cornwall.gov.uk 07764 787979	Community Safety Cornwall Council Rm 229 St Austell One stop Shop 39 Penwinnick Road St Austell PL25 5DR Tel: 01726 223420 Mobile: 07807 192187 E mail: (not secure) david.parker@cornwall.gov.uk .
	Phillippa Maryland Area Housing Manager (East)		Trevanion, Trenanion Road Wadebridge, PL27 7NU Tel: 01208 893420 Fax: -1208 893481 Email: (not secure) Phillippa.Maryland@cornwall.gov.uk .
Cornwall Council WEST	Steve Rowell Community Safety Officer (West)	Cornwall Council Community Safety manager Tamsin Lees tamsin.lees@cornwall.gov.uk 07764 787979	Crime and Disorder Reduction Team Fire and Community Safety Service Cornwall Council Penzance One Stop Shop St Clare, Penzance, Cornwall. TR18 3QW <u>Tel:(01736) 336587</u> Steve.rowell.cornwall.gov.uk
	Anna Brooks Area Housing Manager (West)		Camborne One Stop Shop Dolcoth Avenue Camborne TR14 8SX Tel: 01209 614350 Email: (not secure) abbrooks@cornwall.gov.uk .
	Jane Bruce Homeless Accommodation Manager		Council Offices (address as above) Tel: 01209 614405 01872 224279 Email: (not secure) Jane.Bruce@cornwall.gov.uk .

Organisation	Name or Post of Nominated Officer	Name or Post of Backup	Address and Tel No
Chapter 1	Regional Manager South West		22 Southernhay East Exeter, EX1 1QL Tel: 01392 202315
Coastline Housing Ltd	Supported Housing Manager		11 Basset Road, Camborne, Cornwall TR14 8IE Tel: 01209 722413 Fax: 01209 722444
Cornerstone Housing	Chief Executive		18 Southernhay East Exeter EX1 1QD Tel: 01392 265214 Fax: 01392 26553
Cornwall Partnership NHS Trust	Service Governance Manager		Trust Headquarters Porthpean Road, St Austell, Cornwall. PL26 6AD Tel: 01726 291034. Fax: 01726 291207
Cornwall & Isles of Scilly Primary Care Trust.	Transition Manager	St Ingunger Country Offices. Nr. Lanlivet, Bodmin, Cornwall. PL30 5HS	Tel 01208 252502
Cornwall Rural Housing Association Ltd	Director Peter Moore [peter@crha.org.uk]		1 Dreason Barns, Bodmin Road, Bodmin Cornwall, PL30 4BG Tel: 01208 264530 Fax: 01208 264540
Devon & Cornwall Housing Association	Regional Housing Managers, Home Ownership Manager	Enforcement Officer, Housing Policy Manager,	Paris Street, Exeter EX1 2JZ Tel: 01392 814520 Fax: 01392 251225 Glenn.Parker@dcha.co .uk 01392 252566.
Independent Futures support services:	Area Managers – (Older Persons Services, General Support, and Young persons)	Service managers – (Older Persons, General Support and Young Persons), and Business Services Manager .	01752 2750276.

Organisation	Post	Address	Tel/Fax
Devon County Council	Social Services Liaison Officer		Dangerous Offenders Unit. Police HQ Exeter EX2 7HQ Tel: 01392 452286 Fax: 01392 452272
NHS Devon	Information Governance Manager		NHS Devon Commissioning HQ, County Hall, Topsham Rd., Exeter, EX2 4QL Tel; 01392 267628
Devon Partnership NHS Trust.	Directorship Manager (Forensic Service) Jim Masters		Wonford House Hospital Dryden Road Exeter EX2 5AF Tel: 01626 884473 j.masters@nhs.net
East Devon District Council	Head of Housing & Social Inclusion	Housing Needs Manager; Denis Boobier	Council Offices, The Knowle Sidmouth EX10 8HL Tel: 01395 516551 Fax: 01395 517507 dboobier@eastdevon.gov.uk
Exeter City Council	Head of Housing	Lawrence Blake Housing Operations Manager	Civic Centre, Paris Street, Exeter. EX1 1JN Tel: 01392 265257 Fax: 01392 265268 Tel: 01392 265691 Fax: 01392 265852 E-mail: lawrence.blake@exeter.gcsx.gov.uk
The Guinness Hermitage	Operations Manager		7 Hillfield House Matford Court, Sigford Road, Exeter, EX2 8NL Tel.: 01392 822912

Organisation	Post	Address	Tel/Fax
HM Prison Service, Eastwood Park Prison,	Senior Probation Officer	Governor; Andrea.whitfield @hmps.gsi.gov.	H.M. Prison Eastwood Park, Falfield, Wotton Under Edge, Gloucs. Tel: 01454 382046 Fax: 01454 262101
HM Prison Service, Exeter, Dartmoor and Channings Wood Prisons.	Governor	Offender Management Unit	H.M. Prison & Remand Centre, 30 New North Road, Exeter, EX4 4EX Tel: 01392 415800 Fax: 01392 496952 OMU.Exeter@hmps.gsi.gov.uk
Habinteg Association	Housing CHO Tracey Ford	Sylvia Bentley	26a Crofty Close, Pool, Cornwall, TR15 3DT Tel: 01209 214602 Fax; 01209 214037 info@habinteg.org.uk
Hanover Association	Housing Housing Management Officer		South West Regional Office, Gateway House Cornbrash Park Bumpers Way Chippenham SN14 6RA Tel: 01249 707000 Fax: 01249 707007
Hastoe Housing Association	Regional Manager	Judith Dearlove Area Housing Manager Hastoe Housing Association Tel: 01305 216 940 jdearlove@hastoe.com	Fleur de Lis, Middlemarsh St, Poundbury, Dorchester DT1 3GX Tel: 01305 250103 Fax: 01305 250106
Housing21	Head of Housing Services		9 Avro Court Ermine Business Park HUNTINGDON PE29 6WG Tel: 01480 425212 Fax:

Organisation	Post	Address	Tel/Fax
Jephson Housing Association	Housing Services Officer		450 Woodlands Court Ash Ridge Road, Bradley Stoke, Bristol BS32 4LB Tel: 01454 618822 Fax: 01454 620022
Magna Housing Association	Re housing of sex offenders. Area Housing Manager		Hollands House, Poundbury, Dorchester DT1 1SW Tel: 01305 216134 Fax: 01305 216099
Mid-Devon District Council	Community Safety Officer re MAPPA issues Homeless Team Leader re Sex Offenders		C/o Phoenix House. Phonix Lane, Tiverton EX16 6PP Tel: 01884 232720 Tel: 01884 234934 Fax: 01884 234907
Devon & Cornwall Probation Trust	Chief Officer, Rob Menary Rob.Menary@devon-cornwall.probation.gsi.gov.uk Senior Probation Officer Mark Benden Mark.Benden@devon-cornwall.probation.gsi.gov.uk Jamie McGregor Jamie.McGregor@devon-cornwall.probation.gsi.gov.uk Alex Jones Alex.Jones@devon-cornwall.probation.gsi.gov.uk	Assistant Chief Officer Anne Proctor Anne.Proctor@devon-cornwall.probation.gsi.gov.uk Anne Proctor Anne.Proctor@devon-cornwall.probation.gsi.gov.uk Nariman Dubash Nariman.Dubash@devon-cornwall.probation.gsi.gov.uk	Head office Devon & Cornwall Probation Trust Queen's House Little Queen Street Exeter EX4 3LJ Tel : 01392 474100 North & East Devon Local Delivery Unit 3/5 Barnfield Road, Exeter EX1 1RD Tel 01392 42112 Fax: 01392 434839 Kingsley House, Castle Street, Barnstaple, EX31 1DR Tel: 1271 321681 Fax: 1271 329864 South Devon local delivery unit Thurlow House, Thurlow Road, Torquay.TQ1 3EQ Tel: 01803 213535 Fax: 01803 290871

Organisation	Post	Address	Tel/Fax
Devon & Cornwall Probation Trust (Continued)	Duncan Moss Duncan.Moss@devon-cornwall.probaton.gsi.gov.uk	Pete Vallis Peter.Vallis@devon-cornwall.probaton.gsi.gov.uk	Plymouth local delivery unit St Catherine's House, 5, Notte Street, Plymouth, PL1 3TS Tel: 01752 827500 Fax: 01752 267189
		Jon Nason Jon.Nason@devon-cornwall.probaton.gsi.gov.uk	Cornwall local delivery unit
	Chris Fitzsimmons Christopher.Fitzsimmons@devon-cornwall.probaton.gsi.gov.uk		Tremorvah Wood Lane, Off Mitchell Hill, Truro TR1 1HZ Tel: 01872 261293 Fax: 01872 261311
	Kerri Nason Kerri.Nason@devon-cornwall.probaton.gsi.gov.uk		Trebecca, Culverland Rd, Liskeard PL14 6RF Tel :01579 344299 Fax: 01579 340277
	Chris Fitzsimmons Christopher.Fitzsimmons@devon-cornwall.probaton.gsi.gov.uk		Endsleigh House, Roskear, Camborne TR14 8DW Tel : 01209 612006 Fax: 01209 612551
	Chris Fitzsimmons Christopher Fitzsimmons@devon-cornwall.probaton.gsi.gov.uk		1 Guildhall Rd, Penzance TR18 2QL Tel : 01736 363934 Fax: 01736 330690
	Ann Parkinson Ann.Parkinson@devon-cornwall.probaton.gsi.gov.uk		3 Kings Avenue, St Austell PL25 4TT Tel : 01726 72654 Fax: 01726 63553
North Devon District Council	Team Leader Homeless & Housing Register David Collins 01271 388229	Team Leader Prevention & Options	Civic Centre, North Walk, Barnstaple, EX31 1DU Tel: 01271 325757 Fax: 01271 323827 David.collins@northdevon.gcsx.gov.uk

Organisation	Post	Address	Tel/Fax
North Devon Homes Ltd	Tenancy Services Manager	Neighbourhood Services Manager; Miles Sellick	Riverside Road Potterton Business Park Barnstaple EX31 1XL Tel: 01271 312508 Fax: 01271 377810 01271 312507 miles.sellick@ndh-ltd.co.uk
Northern Devon Healthcare NHS Trust	Caldicott Guardian Dr Alison Diamond		North Devon District Hospital Raleigh Park, Barnstaple, EX31 4JB Tel: 01271 349567 Alison.Diamond@ndevon.swest.nhs.uk
Ocean Housing Limited	Dave Parke Antisocial Behaviour Coordinator. d.parke@oceanhousing.com		Stennack House, Stennack Road, St Austell PL25 3SW Tel: 01726 874450 Fax: 017256 874451 david.parke@oceanhousing.cism.net
Orbit Housing Association	Housing Centre Manager		Garden Court Harry Weston Road Binley Business Park Binley Coventry CV3 2SU Tel: 024 7643 8000 Fax: 024 7643 8299 info@orbit.org.uk
Penwith Housing Association	Neighbourhood Manager David Ellin; Mob: 07855 238280 Tel: 01736 335346	Neighbourhood Team Leader	67 Morrab Road, Penzance TR18 2QJ Tel: 0736 331799 Fax: 01736 331647 d.ellin@penwithha.org.uk
Plymouth City Council	Child Protection Officers [Social Services] Children & Families Housing Managers		Civic Centre Plymouth PL1 2EW Tel : 01752 306340 Fax : 01752 306344 Civic Centre Plymouth PL1 2EW 01752 304063/305496 Fax: 01752 306765

Organisation	Post	Address	Tel/Fax
Plymouth Community Homes	Housing Needs and Resources Manager	10-12 Granby Way, Devonport, PLYMOUTH PL1 4AB	
Plymouth Hospitals NHS Trust	<ul style="list-style-type: none"> • Operation Continuity Planner • Ops Support Team • Executive Director of Nursing and Operations • Divisional Nurse Manager, Women's and Children's Division • Child Protection Nurse • Deputy Director of Nursing • Divisional Nurse Manager Surgical Division • Divisional Nurse Manager Medical Division • Divisional General Manager Women's and Children Div. 		Derriford Hospital, Plymouth PL6 8DH Tel: 01752 792832 Fax: 01752 517680
Plymouth; NHS Plymouth	<p>Safeguarding Adults Manager: Karen Howard</p> <p>Safeguarding Children's Designated Nurse</p>		<p>NHS Plymouth River View, Mt Gould Hospital Mt Gould Road Plymouth PL4 7QD Tel: 01752 314001 Mobile 07771783397 Fax: 01752 314003 karenhoward@nhs.net</p> <p>Tel: 01752 268011 Via switchboard</p>
Riviera Housing Trust	Neighbourhood Services Manager; Katie Poole Katie.Poole@sanctuary-housing.co.uk	Neighbourhood Manager	Woodview House Torbay Business Park Woodview Road Paignton TQ4 7HP Tel: 01803 696123 Fax: 01803 696101 Riviera@sanctuary-housing.co.uk

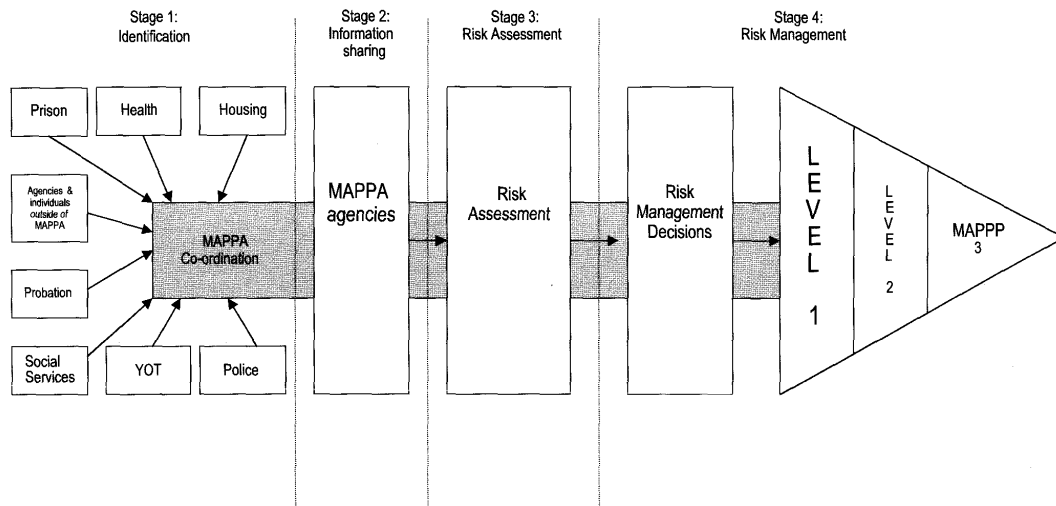
Organisation	Post	Address	Tel/Fax
Royal Cornwall Hospitals NHS Trust	Health Records Manager		Royal Cornwall Hospitals NHS Trust, Truro, TR1 3LJ. Tel: 01872 254500
Royal Devon and Exeter NHS Foundation Trust	Information Governance Manager		Royal Devon & Exeter Hospital (Wonford), Barrack Road, Exeter, EX2 5DW Tel 01392 402261
Sanctuary Housing Association	Janet Swales Area Manager		Estuary House, Peninsula Park Rydon Lane, Exeter EX2 7XE Tel: 0800 083 9283. Fax 01392 813468 sanctuaryshafesbury@sanctuary-housing.co.uk
Signpost Care Partnerships Ltd	Supported Housing Services Manager		Hawthorne House Emperor Way Exeter EX1 3QS Tel: 01392 361122 Fax: 01392 361124
Signpost Housing Association	Housing Services Manager		Hawthorne House Emperor Way Exeter EX1 3QS Tel: 01392 361122 Fax: 01392 361124
South Devon Healthcare NHS Foundation Trust	Caldicott Guardian, via Judy Crathorne Data Protection & Freedom of Information Lead 01803 654868 judy.crathorne@nh.net	John Lowes	Torbay Hospital, Room 5 Hengrave House Lawes Bridge Torquay, TQ2 7AA Tel 01803 654507 Fax; 01803 617162 john.lowes@nhs.net & infogov.sdhct@nhs.net
South Devon Rural Housing Association Ltd.	Housing Officer	Forder Lane House, Dartington, Totnes, TQ9 6HT	Tel. and Fax No.: 01803 863550
South Hams District Council	Housing Advice Manager; Paul Eells		Follaton House Plymouth Road, Totnes, Devon TQ9 5NE Tel: 01803 861186 Fax: 01803 861479. Paul.Eells@southhams.gcsx.gov.uk

Organisation	Post	Address	Tel/Fax
South Western Ambulance Service NHS Trust	Information Governance Manager		Trust Headquarters, Abbey Court, Eagle Way, Sowton, Exeter. EX2 7HY Tel: 01392 452 452500 Fax: 01392 261510
Southwestern Association	Housing Manager Martin Carney	Housing Officer Yvonne Dennis	504 Worle Parkway, Worle Weston-super-Mare BS22 6WA Tel: 01934 529900 Fax: 01934 522157 info@swhs.org.uk
Sovereign Association	Housing Area Housing Manager		Abbey House, North Road, West, Plymouth PL1 5DH Tel :01752 234460 Fax: 01752 234485
Stonham Association	Housing		Devon County Area Office 4/5 Southernhay West Exeter EX1 1JG Tel: 01392 431212 Fax: 01392 426621
Tamar Housing Society	Housing Director; Stuart Francis DeBois		Belgrave House, 73 Mutley Plain, Plymouth PL4 6JJ Tel: 01752 389122 Fax: 01752 257285 Stuart.fd@tamarhs.org
Teign Housing	Neighbourhood Services Manager	Neighbourhood Support Advisor	Templar House, Collett Way, Newton Abbot, TQ12 4ZW Tel: 01626 210210 Fax: 01626 215316
Teignbridge District Council	Crime & Disorder Officer		Forde House Newton Abbot TQ12 4XX Tel: 01626.361101
Tiverton Almshouse Trust	Clerk & Treasurer to the Trustees		Market House Bampton Street Tiverton EX16 6AA Tel: 01884 25144 Fax: 01884 25144

Organisation	Post	Address	Tel/Fax
Tor Homes	Tenancy Enforcement Manager		Tor House, St. Peters Quay, Totnes TQ9 5SH Tel 01803 869600 Fax 10803 869636 info@torhomes.com
Torbay Care Trust	Helen Thorn Head of Information Governance	Caldicott Guardian, Viv Thorn	Bay House, Nicholson Road, Torquay, TQ2 7TD Tel: 01803 210509 Fax: 01803 210598 helen.thorn@nhs.net viv.thorn@nhs.net
Torbay Council	Supporting People Manager Safeguarding Manager Children's Services		Civic Offices Castle Circus Torquay TQ1 3DS Tel: 01803 208424 Tel:01803 208411
Torrige District Council	Housing Manager (Private Sector)	Town Hall, Bideford, EX39 2HS	Tel: 01271 428805 Fax: 01271 429014
Westcountry Housing Association	Housing Manager		Hatfield House, Hatfield Road, Torquay. TQ1 3HF Tel: 01803 200300 Fax: 01803 292227
West Devon Borough Council	Director for the Environment,		Kilworthy Park Drake Road Tavistock. PL19 0BZ Tel: 01822 813710
West Devon Homes	Housing Services Manager Sue James	Neighbourhood & Communities Coordinator	The Quay, Plymouth Road, Tavistock PL19 8AB Tel: 01822 813509 Fax 01822 813799 Sue.james@wdh.org.uk
Western Challenge Housing Association	Senior Housing Officer		Unit 5, Cranmere Court, Lustleigh Close, Exeter, EX2 8PW Tel [via call Centre] 01425 383600 Fax; 01425 283736

PROCESS MAP – FIG 1:THE FOUR STAGES OF MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS.

Figure 1: The four core stages of MAPPA



[Source - Home Office/National Probation Service for England & Wales - Multi-Agency Public Protection Arrangements Guidance. Published March 2003.]

APPENDIX FOUR.

PROCESS MAPS RE:

FIG 2: REGISTERED SEX OFFENDER AND VIOLENT AND OTHER SEX OFFENDERS

Figure 2: RSOs and Violent & Other Sex Offenders (Categories One & Two)

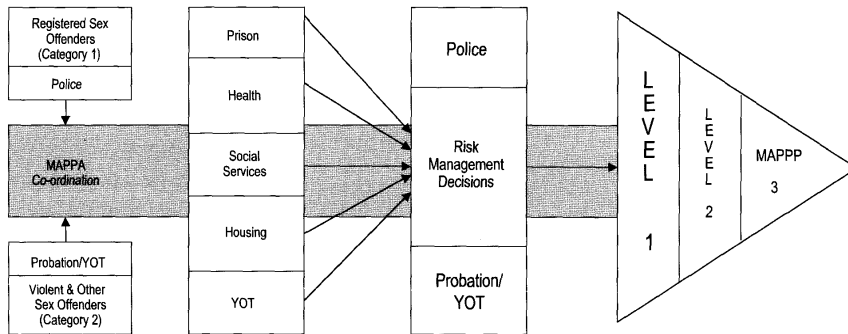
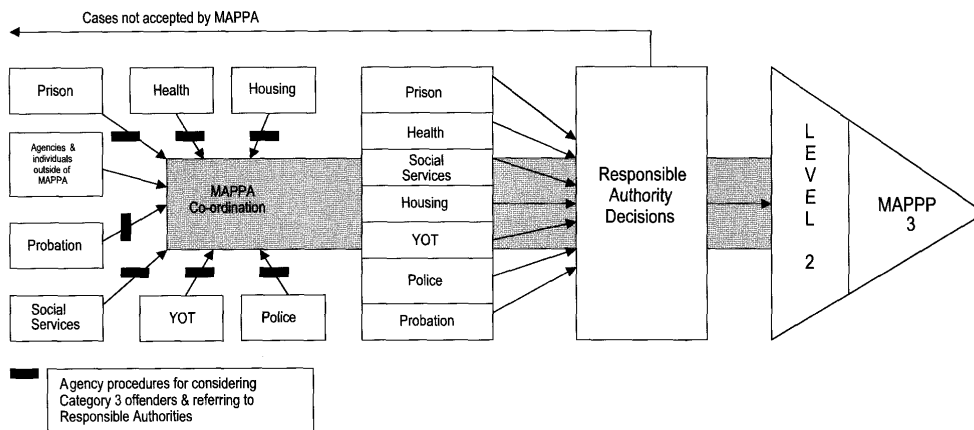


FIG 3: OTHER OFFENDERS

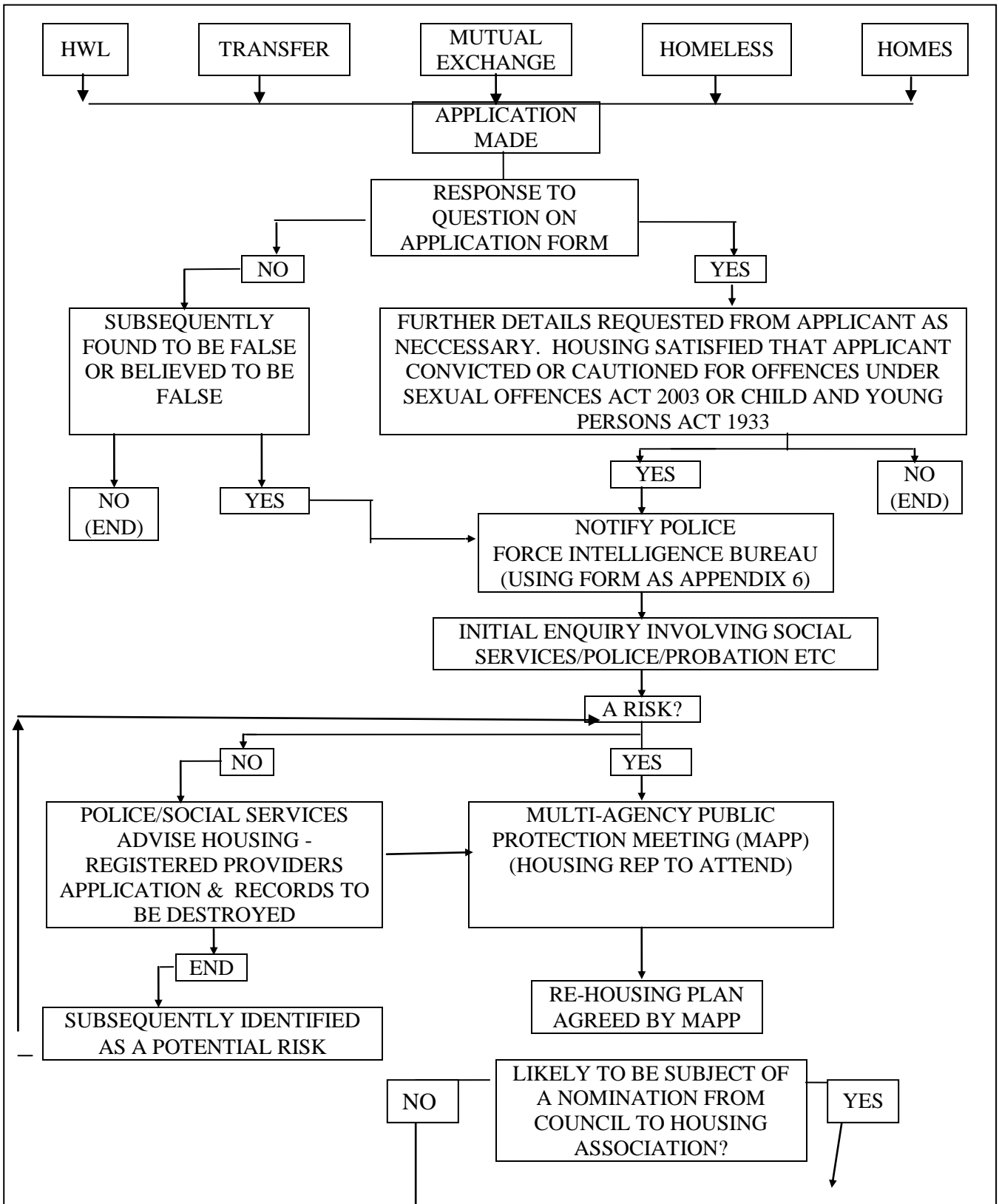
Figure 3: Other Offenders (Category Three)

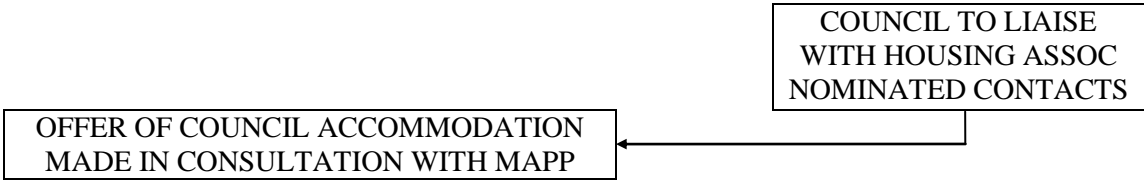


[Source - Home Office/National Probation Service for England & Wales - Multi-Agency Public Protection Arrangements Guidance. Published March 2003.]

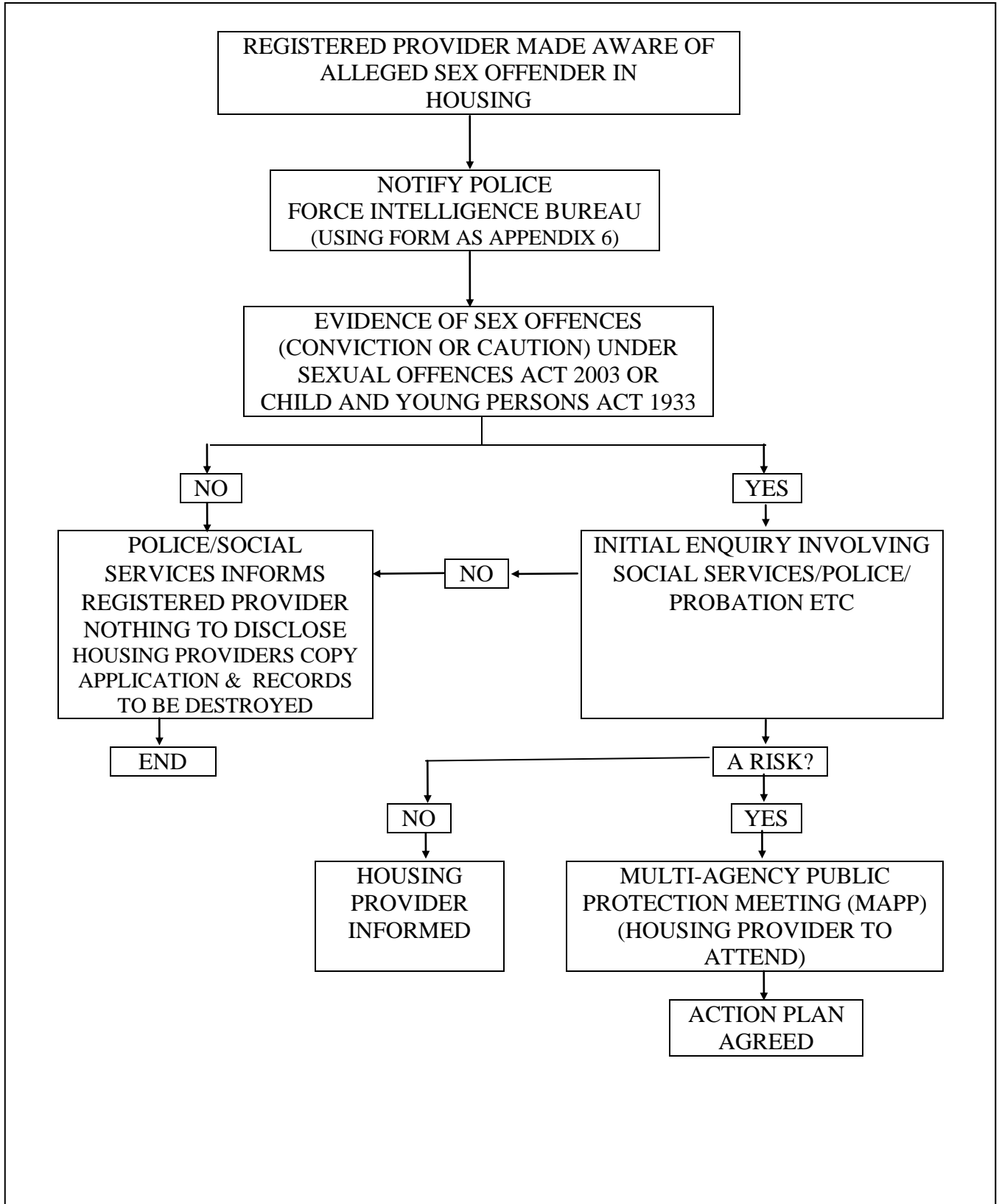
APPENDIX FIVE
PROCESS MAP – INFORMATION REQUESTS AND DISCLOSURES RELATING TO
THE HOUSING OF SEX OFFENDERS.

FLOW CHART 1 – ILLUSTRATION OF PROCESS - 'IDENTIFICATION AND MANAGEMENT OF
SEX OFFENDERS
(AS DEFINED BY SEXUAL OFFENCES ACT 2003) APPLYING FOR HOUSING





**FLOW CHART 2 – ILLUSTRATION OF PROCESS - 'MANAGEMENT OF SEX OFFENDERS
(AS DEFINED BY SEXUAL OFFENCES ACT 2003) LIVING IN COUNCIL
ACCOMMODATION**



APPENDIX SIX

**INFORMATION REQUEST FORM RELATING TO THE HOUSING OF SEX
OFFENDERS. (to be submitted on partners headed paper)**

REQUEST FOR POLICE CHECK

IN RESPECT OF A) IN EXISTING HOUSING, OR B) APPLICATION FOR HOUSING

A. TO BE COMPLETED BY HOUSING PROVIDER IN BLOCK CAPITALS

The below named is a) in social housing or b) has made an application to the above named housing provider. Under the agreed Sex Offenders information exchange protocol this person is subject to Police Record Check. I hereby declare that the information I have given below is true and I request a check to be made.

TO BE COMPLETED BY THE NOMINATED OFFICER

Surname of Applicant:.....All Forenames:.....

Maiden Name:.....Any previous Surnames:.....

Date of Birth:...../...../..... Place of Birth: Sex: M / F

Present Address:

.....

Previous Address in Last 5 years: Date From: Date To:

.....

.....

Address applied for:

.....

.....

- A. has made application for Housing provision
- B. is currently in Social Housing

Reason for Check

The applicant has revealed he/she is: (delete as applicable)

- A. a Schedule 1 offender under the Children and Young Persons Act 1933
- B. a Registered Sex Offender under Schedule 3 of the Sexual Offences Act

2003

or

- C. believed that the applicant has given false information in respect of A or B
- D. believed that the applicant is an offender as in A or B above.

The particulars above have been verified and I am satisfied they are accurate.
The person identified above satisfies the conditions for requesting a Police Check under the Sex Offenders Information Exchange protocol between Police and Housing Providers

Signature of Nominated Officer:.....Date:.....

APPENDIX SIX

POLICE DISCLOSURE FORM

B. FOR POLICE USE ONLY (HQ PPU OFFICE)

Applicant's initials

No trace

Subject known to Police as:

- Schedule 1 Offender under CYPA 1933
- Schedule 3 Offender under SOA 2003

Subject has offended against:

- Child
- Adult

Subject has committed a sexual offence:

- No
- Yes

Subject is currently managed by Police as a Registered Sex Offender:

- No
- Yes If yes, Risk considered VH / H / M / L

Subject is subject to a sexual preventative order (e.g., SOPO)

- No
- Yes If yes, what prohibitions are relevant to housing?

.....

Brief circumstances of offence (if relevant):

.....
.....
.....

Signature: Date:

APPENDIX SEVEN
Restrictions on the Disclosure of Personal Data

1. The Signatories acknowledge that details of victims, witnesses or complainants must not be disclosed without their written consent.
2. Disclosures relating to cautions will be made by the Devon and Cornwall Constabulary for a period of twelve (12) months after acceptance of the same. Details of cautions (or reprimands/warnings issued under the Crime and Disorder Act 1998) which relate to an adult will not generally be the subject of a Disclosure as the Signatories acknowledge that the cautioning procedure creates an expectation that the offence has been dealt with and that no further action will be taken.
3. Devon and Cornwall Constabulary will allow Disclosure of warnings given pursuant to the Protection from Harassment Act 1997 in the event that two (2) or more warnings have been given in a period of twelve (12) months.
4. The Signatories understand that the exchange of Personal Data post conviction will be subject to a presumption of confidentiality but that this may be overridden on the grounds of public interest, as described in clause 5.18 of the MAPPA Protocol

APPENDIX EIGHT

PROCEDURES FOR HANDLING SUBJECT ACCESS REQUESTS

1. All Signatories should have internal procedures in place for handling and responding to Subject Access Requests (i.e. requests for access to Personal Data made pursuant to section 7 of the Data Protection Act 1998).
2. The following procedures should also be used for dealing with Subject Access Requests in respect of Personal Data which is held for Crime and Disorder purposes:
 - 2.1 On receipt of a Subject Access Request, if the request refers only to Personal Data Processed by the Signatory receiving the request, that Signatory should follow its own standard procedures for dealing with such requests.
 - 2.2 On receipt of a Subject Access Request, if the request refers to any Personal Data which originated from another Signatory it will be the responsibility of the Signatory receiving the Subject Access Request to contact the Signatory from whom the Personal Data Originated. via the nominated contact person to determine whether they wish to claim an exemption to withhold the Personal Data under the provisions of the Data Protection Act.
 - 2.3 Any decisions made to withhold Personal Data from a Data Subject should be taken with care, and if necessary, legal or other appropriate professional advice sought. They should also be formally recorded in case of subsequent dispute. There is no requirement to inform the Data Subject requesting access that Personal Data has been withheld from them for these purposes.
3. **Third Party Information**
 - 3.1 When a Signatory cannot comply with a Subject Access Request without disclosing information relating to another **individual** who can be identified from that information the provisions of sections 7 and 8 of the Data Protection Act 1998 shall govern whether or not the disclosure is made to Data Subject making the Subject Access Request.
4. Time Limit for Dealing with Subject Access Requests
 - 4.1 Subject Access Requests must be dealt with as quickly as possible in order to ensure that the Subject Access Requests are able to respond to the Subject Access Request within the 40 day period required by statute from the date that sufficient information is received from the Data Subject that enables the Signatory to process the Subject Access Request.

APPENDIX NINE

The definition of sexual and violent offenders is set out in section 327 Criminal Justice Act 2003, that section in turn refers to Part 2 of the Sexual offences Act and Schedule 15 of the Criminal Justice Act 2003 , the relevant sections / schedules are set out in full below;

1 – Section 327 Criminal Justice Act 2003.

- (1) For the purposes of section 325, a person is a relevant sexual or violent offender if he falls within one or more of subsections (2) to (5).
- (2) A person falls within this subsection if he is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42) [see Appendix 10].
- (3) A person falls within this subsection if-
 - (a) he is convicted by a court in England or Wales of murder or an offence specified in Schedule 15 [see 2& 3 below], and
 - (b) one of the following sentences is imposed on him in respect of the conviction-
 - (i) a sentence of imprisonment for a term of 12 months or more,
 - (ii) a sentence of detention in a young offender institution for a term of 12 months or more,
 - (iii) a sentence of detention during Her Majesty's pleasure,
 - (iv) a sentence of detention for public protection under section 226,
 - (v) a sentence of detention for a period of 12 months or more under section 91 of the Sentencing Act (offenders under 18 convicted of certain serious offences),
 - (vi) a sentence of detention under section 228,
 - (vii) a detention and training order for a term of 12 months or more, or
 - (viii) a hospital or guardianship order within the meaning of the Mental Health Act 1983 (c. 20).
- (4) A person falls within this subsection if-
 - (a) he is found not guilty by a court in England and Wales of murder or an offence specified in Schedule 15 by reason of insanity or to be under a disability and to have done the act charged against him in respect of such an offence, and
 - (b) one of the following orders is made in respect of the act charged against him as the offence-
 - (i) an order that he be admitted to hospital, or
 - (ii) a guardianship order within the meaning of the Mental Health Act 1983.
- (5) A person falls within this subsection if-
 - (a) the first condition set out in section 28(2) or 29(2) of the Criminal Justice and Court Services Act 2000 (c. 43) or the second condition set out in section 28(3) or 29(3) of that Act is satisfied in his case, or
 - (b) an order under section 29A of that Act has been made in respect of him.
- (6) In this section "court" does not include a service court, as defined by section 305(1) CJA 2003.

2- Definition of Specified Sexual Offence Schedule 15 - Criminal Justice Act 2003

1. An offence under section 1 of the Sexual Offences Act 1956 (c. 69) (rape).
2. An offence under section 2 of that Act (procurement of woman by threats).
3. An offence under section 3 of that Act (procurement of woman by false pretences).
4. An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse).
5. An offence under section 5 of that Act (intercourse with girl under thirteen).
6. An offence under section 6 of that Act (intercourse with girl under 16).
7. An offence under section 7 of that Act (intercourse with a defective).
8. An offence under section 9 of that Act (procurement of a defective).
9. An offence under section 10 of that Act (incest by a man).
10. An offence under section 11 of that Act (incest by a woman).
11. An offence under section 14 of that Act (indecent assault on a woman).
12. An offence under section 15 of that Act (indecent assault on a man).
13. An offence under section 16 of that Act (assault with intent to commit buggery).
14. An offence under section 17 of that Act (abduction of woman by force or for the sake of her property).
15. An offence under section 19 of that Act (abduction of unmarried girl under eighteen from parent or guardian).
16. An offence under section 20 of that Act (abduction of unmarried girl under sixteen from parent or guardian).
17. An offence under section 21 of that Act (abduction of defective from parent or guardian).
18. An offence under section 22 of that Act (causing prostitution of women).
19. An offence under section 23 of that Act (procuration of girl under twenty-one).
20. An offence under section 24 of that Act (detention of woman in brothel).
21. An offence under section 25 of that Act (permitting girl under thirteen to use premises for intercourse).
22. An offence under section 26 of that Act (permitting girl under sixteen to use premises for intercourse).
23. An offence under section 27 of that Act (permitting defective to use premises for intercourse).
24. An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under sixteen).

25. An offence under section 29 of that Act (causing or encouraging prostitution of defective).
26. An offence under section 32 of that Act (soliciting by men).
27. An offence under section 33 of that Act (keeping a brothel).
28. An offence under section 128 of the Mental Health Act 1959 (c. 72) (sexual intercourse with patients).
29. An offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent conduct towards young child).
30. An offence under section 4 of the Sexual Offences Act 1967 (c. 60) (procuring others to commit homosexual acts).
31. An offence under section 5 of that Act (living on earnings of male prostitution).
32. An offence under section 9 of the Theft Act 1968 (c. 60) of burglary with intent to commit rape.
33. An offence under section 54 of the Criminal Law Act 1977 (c. 45) (inciting girl under sixteen to have incestuous sexual intercourse).
34. An offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children).
35. An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).
36. An offence under section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of a child).
37. An offence under section 1 of the Sexual Offences Act 2003 (c. 42) (rape).
38. An offence under section 3 of that Act (sexual assault).
39. An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).
40. An offence under section 5 of that Act (rape of a child under 13).
41. An offence under section 6 of that Act (assault of a child under 13 by penetration).
42. An offence under section 7 of that Act (sexual assault of a child under 13).
43. An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
44. An offence under section 9 of that Act (sexual activity with a child).
45. An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
46. An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).

47. An offence under section 12 of that Act (causing a child to watch a sexual act).
48. An offence under section 13 of that Act (child sex offences committed by children or young persons).
49. An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
50. An offence under section 15 of that Act (meeting a child following sexual grooming etc.).
51. An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child).
52. An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity).
53. An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child).
54. An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act).
55. An offence under section 25 of that Act (sexual activity with a child family member).
56. An offence under section 26 of that Act (inciting a child family member to engage in sexual activity).
57. An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).
58. An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity).
59. An offence under section 32 of that Act (engaging in sexual activity in the presence of a person with a mental disorder impeding choice).
60. An offence under section 33 of that Act (causing a person with a mental disorder impeding choice to watch a sexual act).
61. An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder).
62. 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).
63. 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).
64. 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).
65. An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder).
66. An offence under section 39 of that Act (care workers: causing or inciting sexual activity).

67. An offence under section 40 of that Act (care workers: sexual activity in the presence of a person with a mental disorder).
68. An offence under section 41 of that Act (care workers: causing a person with a mental disorder to watch a sexual act).
69. An offence under section 47 of that Act (paying for sexual services of a child).
70. An offence under section 48 of that Act (causing or inciting child prostitution or pornography).
71. An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).
72. An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
73. An offence under section 52 of that Act (causing or inciting prostitution for gain).
74. An offence under section 53 of that Act (controlling prostitution for gain).
75. An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).
76. An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).
77. An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).
78. An offence under section 61 of that Act (administering a substance with intent).
79. An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).
80. An offence under section 63 of that Act (trespass with intent to commit a sexual offence).
81. An offence under section 64 of that Act (sex with an adult relative: penetration).
82. An offence under section 65 of that Act (sex with an adult relative: consenting to penetration).
83. An offence under section 66 of that Act (exposure).
84. An offence under section 67 of that Act (voyeurism).
85. An offence under section 69 of that Act (intercourse with an animal).
86. An offence under section 70 of that Act (sexual penetration of a corpse).
87. An offence of -
88. aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,
89. conspiring to commit an offence so specified, or
90. attempting to commit an offence so specified.

3 - Definition of a Violent Offence under the Schedule 15 - Criminal Justice Act 2003

- 1 Manslaughter.
- 2 Kidnapping.
- 3 False imprisonment.
- 4 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (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 (c. 3) (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).
- 23 An offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction).
- 24 An offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children).
- 25 An offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide).
- 26 An offence under section 16 of the Firearms Act 1968 (c. 27) (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 (c. 60) (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 (c. 48).
- 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 (c. 28) (hostage-taking).
- 38 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (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 (c. 20) (ill-treatment of patients).
- 43 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 44 An offence under section 1 of the Public Order Act 1986 (c. 64) (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 (c. 33) (torture).
- 48 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).
- 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 (c. 31) (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 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 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- 57 An offence under section 4 of the Protection from Harassment Act 1997 (c. 40) (putting people in fear of violence).
- 58 An offence under section 29 of the Crime and Disorder Act 1998 (c. 37) (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 (c. 64)).
- 60 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

- 61 An offence under section 1 of the Female Genital Mutilation Act 2003 (c. 31) (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).
- 64 An offence of -
- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,
 - (b) conspiring to commit an offence so specified, or
 - (c) attempting to commit an offence so specified.
- 65 An attempt to commit murder or a conspiracy to commit murder.

APPENDIX TEN

SCHEDULE 3 SEXUAL OFFENCES ACT 2003

SEXUAL OFFENCES FOR PURPOSES OF PART 2 England and Wales

- 1 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) (rape).
- 11 An offence under section 5 of that Act (intercourse with girl under 13).
- 12 An offence under section 6 of that Act (intercourse with girl under 16), if the offender was 20 or over.
- 13 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.
- 14 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.
- 15 An offence under section 13 of that Act (indecentcy 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.
- 16 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.
- 17 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.
- 18 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.
- 19 An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16).
- 20 An offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent conduct towards young child).
- 21 An offence under section 54 of the Criminal Law Act 1977 (c. 45) (inciting girl under 16 to have incestuous sexual intercourse).

- 22** An offence under section 1 of the Protection of Children Act 1978 (c. 37) (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.
- 23** An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (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.
- 24** An offence under section 160 of the Criminal Justice Act 1988 (c. 33) (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.
- 25** An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust), if the offender was 20 or over.
- 26** An offence under section 1 or 2 of this Act (rape, assault by penetration).
- 27** 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.
- 20 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).
- 21 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.
- 22 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).
- 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-
 - (a) 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.
- 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.

Scotland

36 Rape.

37 Clandestine injury to women.

38 Abduction of woman or girl with intent to rape.

39 Assault with intent to rape or ravish.

40 Indecent assault.

41 Lewd, indecent or libidinous behaviour or practices.

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 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles), if the prohibited goods included indecent photographs of persons under 16.

45 An offence under section 52 of the Civic Government (Scotland) Act 1982 (c. 45) (taking and distribution of indecent images of children).

46 An offence under section 52A of that Act (possession of indecent images of children).

47 An offence under section 106 of the Mental Health (Scotland) Act 1984 (c. 36) (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 (c. 39) (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 tepchild), 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 (c. 44) (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 (asp 13) (non-consensual sexual acts).
- 59 An offence under section 313(1) of that Act (persons providing care services: sexual offences).
- 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 (c. 69) (procuration) 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 of 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 of 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 (c. 45) (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 (c. 34) (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 (S.I. 1978/1047 (N.I. 17)) (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 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (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 (S.I. 1980/704 (N.I. 6)) (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 (S.I. 1986/595 (N.I. 4)) (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 (S.I. 1988/1847 (N.I. 17) (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 (c. 44) (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 (S.I. 2003/1247 (N.I. 13)) (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.
- 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.

Service offences

- 93 (1) An offence under-
- (a) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18),
 - (b) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), or
 - (c) section 42 of the Naval Discipline Act 1957 (c. 53),
- 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.

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.
- 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 (c. 6), and
 - (b) in relation to Northern Ireland, the same meaning as in the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- 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 (c. 37) (interpretation), subsections (2) to (2C) and (8) of section 52 of the Civic Government (Scotland) Act 1982 (c. 45), and Article 2(2) and (3) of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (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 (c. 46), for the purposes of any appeal or review.

APPENDIX ELEVEN

OFFENCES LISTED IN SCHEDULE ONE OF THE CHILDREN AND YOUNG PERSON ACT 1933 (SCHEDULE ONE OFFENCES')

Common law

Murder

Manslaughter

Infanticide Act 1938

Infanticide (section 1(1))

Causing or allowing the death of a child or vulnerable adult

Section 5 Domestic Violence Crime and Victims Act 2004

Offences Against The Person Act 1861

Manslaughter (section 5) (if against a child or young person)

Exposing child to danger (section 27)

Criminal Justice Act 1988

Common assault (section 39)

Battery (section 39)

Children and Young Persons Act 1933

Assault/neglect etc of person under 16 (section 1)

Allowing person under 16 to be in brothel (section 3)

Causing/allowing person under 16 to beg, etc (section 4)

Exposing child under 12 to risk of burning (section 11)

Children in dangerous performances (section 23)

Sexual Offences Act 2003

Any offence against a child or young person under any of sections 1 to 41, 47 to 53, 57 to 61, 66 and 67 of the Sexual Offences Act 2003, or any attempt to commit such an offence.

Note

Although the offences referred to in the Sexual Offences Act 2003 substitute those of the Sexual Offences Act 1956, persons convicted of offences under the earlier Act still remain "Schedule 1 offenders".

Any offence under section 62 or section 63 of the Sexual Offences Act 2003 where the intended offence was an offence against a child or young person, or any attempt to commit such an offence.

Note

For the purposes of determination of age under section 99(2), only the offences (and attempts where indicated) under sections 10, 11, 12, 14, 15, 16, 20 and 28 of the Sexual Offences 1956 are applicable.

PLUS

**** ANY OTHER OFFENCE INVOLVING BODILY INJURY TO A CHILD OR YOUNG PERSON ****

APPENDIX TWELVE

This is a sample of the information requested to validate authorised requests for information under this protocol. Section 10.4 refers

RECORD OF SIGNATORIES FOR PURPOSE OF INFORMATION REQUESTS UNDER SEX OFFENDERS INFORMATION EXCHANGE PROTOCOL

Organisation	Name of Nominated Officer and Details of Position	Signature of Nominated Officer