| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-1070Responded to: 16 May 2023 |
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Your recent request for information is replicated below, together with our response.

Police Scotland is committed to keeping people safe. Our focus is on the protection of those at risk of harm through prevention, early intervention and the robust investigation of those who pose such a risk. We fulfil our role as a Responsible Authority in the delivery of MAPPA providing effective and efficient management of Registered Sex Offenders (RSO’s) and Other Risk of Serious Harm Offenders.

This is achieved through each of Police Scotland’s 13 local policing Divisions having a dedicated Sex Offender Policing Unit (SOPU) with specialist officers working in partnership to police and reduce the risk posed by such offenders.

While we can never eliminate risk entirely, we want to reassure communities that all reasonable steps are being taken to protect them

**Q1- how many sex offenders were registered with the force and subject to indefinite notification requirements (ie they were on the “sex offenders register”)?**

To explain the differences of being subject to indefinite notification requirements and being on the “Sex Offenders Register” please see below.

The application of the Notification Requirements, commonly referred to as Sex Offender Notification Requirements (SONR), is not a sentencing option for the court but an automatic consequence of conviction for a relevant sexual offence.

Any offender who has received a conviction or finding, in respect of a specified sexual offence under Schedule 3 of the Sexual Offences Act 2003, is automatically subject to the [Notification Requirements of Part 2 of the Sexual Offences Act 2003](http://www.legislation.gov.uk/ukpga/2003/42/part/2) and identified as a Registered Sex Offender (RSO).

The length of time a RSO is subject to the SONR is dictated by the sentence issued for that conviction and age at time of conviction.

The notification periods are dictated by [Section 82 of the Sexual Offences Act 2003](http://www.legislation.gov.uk/ukpga/2003/42/section/82) and are listed as follows:

| **Description of relevant offender** | **Notification period** |
| --- | --- |
| A person who, in respect of the offence, is or has been sentenced to imprisonment for life, to imprisonment for public protection under section 225 of the Criminal Justice Act 2003, to an indeterminate custodial sentence under Article 13(4)(a) of the Criminal Justice (Northern Ireland) Order 2008 or to imprisonment for 30 months or more | An indefinite period beginning with the relevant date |
| A person who, in respect of the offence, has been made the subject of an order under section 210F(1) of the Criminal Procedure (Scotland) Act 1995 (order for lifelong restriction) | An indefinite period beginning with that date |
| A person who, in respect of the offence or finding, is or has been admitted to a hospital subject to a restriction order | An indefinite period beginning with that date |
| A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of more than 6 months but less than 30 months | 10 years beginning with that date |
| A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of 6 months or less | 7 years beginning with that date |
| A person who, in respect of the offence or finding, is or has been admitted to a hospital without being subject to a restriction order | 7 years beginning with that date |
| A person within section 80(1)(d) (Cautioned for an offence in England & Wales) | 2 years beginning with that date |

|  |  |
| --- | --- |
| A person in whose case an order for conditional discharge or, in Scotland, a community payback order imposing an offender supervision requirement, is made in respect of the offence | The period of conditional discharge or, in Scotland, the specified period for the offender supervision requirement |
| A person of any other description (i.e. fine, Restriction of Liberty Order) | 5 years beginning with the relevant date |

Where an offender is under 18 at time of conviction, then the length of time they are subject to the SONR as described in Section 82 Sexual Offences Act 2003 is halved.

This does not apply to Community Payback Order Disposals.

To ensure the question is answered fully the table below provides the number of RSO’s in each of the 5 years *(“ie they were on the “sex offenders registe*r””), and the number of RSO’s who were subject to *“indefinite notification requirements”*

| **Year** | **Total RSO’s** | **Subject to Indefinite Notification** |
| --- | --- | --- |
| 2019 | 5898 | 3014 |
| 2020 | 6197 | 3144 |
| 2021 | 6070 | 3114 |
| 2022 | 6354 | 3238 |
| 2023 | 6745 | 3407 |

**Q2- how many individuals applied to have those indefinite notification requirements revoked ( ie to be “removed from the sex offenders register”?)**

**Q3- how many of those individuals were successful in those applications?**

**Q4- what offences had those individuals committed?**

In response to the three questions above I must respond in terms of Section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

By way of explanation, there is no process in Scotland for RSO’s to apply “to have those indefinite notification requirements revoked (ie to be “removed from the sex offenders register”?)”

**Q5- how many individuals on the register went missing?**

A missing person is defined as anyone whose whereabouts is unknown and:

* where the circumstances are out of character or
* the context suggests the person may be subject to crime or
* the person is at risk of harm to themselves or another.

Police Scotland treats all missing Registered Sex Offenders with the utmost seriousness and will carry out all possible enquiries to trace their whereabouts and to re-establish the management required to protect the public. On all occasions a Senior Investigating Officer (SIO) of a rank no less than Inspector will be appointed to lead these investigations.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, Police Scotland, on a monthly basis, publish data regarding the number of Registered Sex Offenders in our communities, broken down by policing division and postcode area.

Information regarding “Missing” Registered Sex Offenders is also published via the link below:

[Registered Sex Offender (RSO) Numbers - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/specialist-crime-division/sex-offender-policing-units/registered-sex-offender-rso-information/)

In answer to the question I have provided data from the last 5 full calendar years, along with the current data from 2023.

| **Year** | **Number of RSO’s reported “Missing”** |
| --- | --- |
| 2018 | 11 |
| 2019 | 6 |
| 2020 | 11 |
| 2021 | 13 |
| 2022 | 9 |
| 2023 (to date) | 2 |

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.