



## Sarah's law: the child sex offender disclosure scheme

Standard Note: SN/HA/1692  
Last updated: 6 March 2012  
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Section: Home Affairs

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This note describes the child sex offender disclosure scheme, which enables members of the public to ask the police whether an individual (e.g. a neighbour or family friend) is a convicted sex offender. The scheme is commonly referred to as “Sarah’s law” after Sarah Payne, who was abducted and murdered by a man with a previous conviction for abducting and indecently assaulting another young girl. It has similarities to “Megan’s law” in the United States, which required all states to establish some form of community notification system in respect of sex offenders living locally.

The scheme was initially piloted in four police force areas (Cambridgeshire, Cleveland, Hampshire and Warwickshire) over a twelve month period from September 2008. During the course of the pilot a total of 585 enquiries were made. Of these, 315 were proceeded with as applications, resulting in 21 disclosures being made. A further 43 applications resulted in child safeguarding actions other than a disclosure (e.g. referral to social services). Research commissioned by the Home Office suggested that the police and other criminal justice agencies had seen benefits in the formalisation of processes, the provision of increased intelligence and the provision of a better route in for the public to make enquiries should they have concerns.

In August 2010 it was announced that the scheme would be rolled out to a further 20 police force areas by October 2010, and the scheme is now operational across all 43 police areas. During the scheme’s rollout, several organisations (including the NSPCC) expressed concern that the scheme might encourage vigilante attacks. Senior police figures, however, said they were confident that was “realistic” to expect that individuals to whom information was disclosed under the scheme would be able to keep it confidential.

Constituents who would like further information on how the scheme operates in their community should be advised to contact their local police force in the first instance.

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### 1 Megan’s law

In 1994, after seven year old Megan Kanka was killed by a convicted sex offender who had moved into her New Jersey street, her parents circulated a petition demanding immediate legislative action to give parents the right to know if a potentially dangerous sex offender moves into their neighbourhood. This led the state of New Jersey to pass what became known as “[Megan’s law](#)”: legislation that required convicted sex offenders to register with the authorities and enabled local communities to find out whether any registered offenders live in their neighbourhoods.<sup>1</sup>

The New Jersey state law was followed in 1996 by a federal [Megan’s law](#), which was passed as an amendment to the *Jacob Wetterling Crimes Against Children And Sexually Violent Offender Registration Act*. This required all states to establish community notification systems relating to sex offenders, which they have all now done in some form or other.<sup>2</sup>

### 2 Sarah Payne

In July 2000, eight year old Sarah Payne was abducted while playing outside her grandparents’ house in West Sussex. Her body was discovered some days later. Roy Whiting, who lived approximately five miles away from the scene of Sarah’s disappearance, was eventually charged with her abduction and murder. Following his conviction in December 2001 it emerged that he was on the sex offenders’ register as the result of a previous conviction for abducting and indecently assaulting another young girl.

Shortly after Sarah’s disappearance, the News of the World newspaper (supported by Payne’s parents) launched a “For Sarah” campaign calling for the introduction of “Sarah’s law”, a UK version of Megan’s law. As part of the campaign, in July 2000 the newspaper published the names, photographs and general locations (but not exact addresses) of a number of people it said were convicted paedophiles. This led to a spate of vigilante attacks, in some cases on innocent members of the public who happened to have the same name as a person named by the News of the World, as a result of which the “naming and shaming” campaign was suspended in August 2000.<sup>3</sup> However, the campaign for legal change continued.

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<sup>1</sup> The New Jersey State Police website, [New Jersey Sex Offender Internet Registry](#) [accessed 6 March 2012] provides further details of the scheme in that state

<sup>2</sup> See “[The story of Megan’s law](#)”, *BBC News*, 12 December 2001 for a brief overview

<sup>3</sup> “[Tabloid ends its naming of sex offenders](#)”, *Independent*, 5 August 2000

The then Government was not initially in favour of Sarah's law, describing it as "unworkable":

Home Office minister Beverley Hughes said the home secretary had looked at the idea of Sarah's Law and had concluded that it would make protecting children even harder for the police.

"It's unworkable," she told BBC Radio 4's Today programme.

"There's nothing to stop an offender whose name has been disclosed in one area buying a van and driving 100 miles to another area.

"Parents themselves also move. They visit family, they go on holiday. The idea that you can give parents all the time the names of people who might be a threat is simply unworkable."<sup>4</sup>

However, in 2006 the then Home Secretary John Reid indicated that the Government would look again at the issue of disclosing sex offenders' details to local communities.

### **3 The Review of the Protection of Children from Sex Offenders**

In June 2006, John Reid announced that he was sending Gerry Sutcliffe, then a Home Office minister, to the United States to examine the operation of Megan's law.<sup>5</sup> The move was criticised by the office of the children's commissioner:

The office of the children's commissioner issued a statement yesterday in the name of its director of policy and research, Claire Phillips. "Introducing a version of 'Megan's law' in the UK would do nothing to help parents keep their children safe from sex offenders," she said. "In fact, it could increase the risk of sexual abuse from strangers as offenders could be forced 'underground' after being released into the community, making it more difficult for authorities to monitor them. And it could encourage vigilante activity within communities.

"We are concerned that a version of Megan's law could detract from the fact that children are most at risk from people known to them. We would prefer to see more efforts directed in this area with further emphasis on early therapeutic treatment for the victims of sexual abuse."<sup>6</sup>

The Home Secretary also commissioned a review into protecting children from sex offenders, the results of which were published in June 2007.<sup>7</sup> The review made the following comments on introducing a UK equivalent of Megan's law:

#### **Sharing Specific Information**

More information can and should be placed in the public domain as long as it can be shown, in every case, that sharing the information enhances public protection.

There have been calls from some groups for the public to have direct, uncontrolled access to information about specific sex offenders living in their area. This would be similar to the US system under 'Megan's Law'. Others have expressed concern that such a law could be counterproductive and hinder child protection, as uncontrolled access to information could lead to offenders going 'underground'. We have examined the options and the experiences of child protection professionals in the US, and have

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<sup>4</sup> "Sarah's law 'unworkable'", *BBC News*, 13 December 2001

<sup>5</sup> "Minister examines Megan's law", *BBC News*, 18 June 2006

<sup>6</sup> "Megan's law won't work, Reid warned", *Guardian*, 22 June 2006

<sup>7</sup> Home Office, *Review of the Protection of Children from Sex Offenders*, June 2007

considered what increases child protection in the US model and what has a negative impact.

'Megan's Law' was introduced in the US in 1996 and requires individual states to keep a register of offenders convicted of sex crimes against children, and to make private and personal information about registered sex offenders available to the public. Information may include their name, address and photograph. Individual states can decide how they implement 'Megan's Law', but all states proactively advise members of local communities about the presence of some sex offenders, and all states operate websites on which members of the public can search for known sex offenders living in their area.

When considering this kind of information disclosure, it is important to remember that it only applies to offenders who have committed an offence and have been convicted of it. Disclosure about known, convicted offenders does not remove the need for public engagement to protect children from new and unknown offenders.

Under existing MAPPA [*multi-agency public protection arrangements*] guidance, the police in England and Wales already disclose information about registered sex offenders in a controlled way. The police disclose information to a variety of people, including head teachers, leisure centre managers, employers and landlords, as well as parents. However, the extent to which information is disclosed and the way decisions are recorded varies from area to area.

In addition to disclosure under MAPPA guidance, the website operated by the Child Exploitation and Online Protection (CEOP) Centre ([www.ceop.gov.uk](http://www.ceop.gov.uk)) publishes details of high-risk offenders who have gone missing.

There is a risk, which is supported by evidence from the US, that if offenders' details were automatically made available to all members of the public, a proportion would no longer comply with the notification requirements and could disappear, leaving the authorities unsure of their whereabouts and unable to monitor them. Also, some US states have a high proportion of offenders registering as 'homeless', suggesting that they either are not being truthful with the authorities or are choosing to live rough to avoid having their whereabouts published. In either case, the risk they pose increases considerably.

The aim of sharing information about offenders must always be to provide greater protection to children. High levels of non-compliance with the notification requirements would make it harder for authorities to manage offenders, and would therefore increase the risk to children. Public disclosure of non-compliant offenders' details, as on the CEOP website, is helpful, however, as it reinforces the offender's need to comply with notification requirements, and helps the police find them and take further action if they do not.

There also needs to be a responsibility on the person receiving the information to use it solely for the purpose of child protection. It should not be used to facilitate vigilante activity, or to attack or harass offenders.

Greater use should be made of controlled disclosure of information about child sex offenders to those who need to know, for example a single mother who might be sharing a home with a registered offender. We will introduce a new legal duty on the responsible authorities to consider disclosure in every case. This process should be formalised and auditable, with clear guidance to ensure it is a consistent and accountable part of the MAPPA process.

Disclosure should be a two-way process. The police will continue to proactively disclose information where appropriate and members of the public will share information with them. The public will be able to register an interest in someone with whom they have a personal relationship and who has regular unsupervised access to their children in a private context. The police will then establish whether that individual has any convictions for child sex offences, and, if so, whether they present a risk of serious harm to the children of the member of the public who registered the interest. If they are considered to pose a risk, the presumption will be that the police will disclose that information to the member of the public.

This model would offer the advantage of bringing to light intelligence about risk that would not otherwise have been available to the authorities. Anyone providing false information in registering their interest, or misusing any information disclosed, for example by engaging in vigilantism or the harassment of sex offenders, would be subject to police action.

### **ACTION 3**

Introduce a legal duty for MAPPA authorities to consider the disclosure of information about convicted child sex offenders to members of the public in all cases. The presumption will be that the authorities will disclose information if they consider that an offender presents a risk of serious harm to a member of the public's children.

### **ACTION 4**

Pilot a process where members of the public can register their child protection interest in a named individual. Where this individual has convictions for child sex offences and is considered a risk, there will be a presumption that this information will be disclosed to the relevant member of the public.

We want to pilot the new policy in order to work through the details of implementation and to ensure we have a system of two-way disclosure that is as effective as possible without increasing the risk to children. It will be important for people who register an interest to receive a timely response. In all cases they should be given generic information on how best to protect their children. Following the pilot, we will consider whether this principle of two-way disclosure should be extended.<sup>8</sup>

Action 3 was implemented by way of section 140 of the *Criminal Justice and Immigration Act 2008*, which inserted a new section 327A and 327B into the *Criminal Justice Act 2003*. The new sections required MAPPA authorities (i.e. the police, the local probation board and the prisons minister) to consider whether to disclose information in its possession about the relevant previous convictions of any child sex offender managed by it to any particular member of the public. Further details are set out in the explanatory notes to the 2008 Act and in a Ministry of Justice circular.<sup>9</sup>

Action 4 was implemented in September 2008 when a pilot disclosure scheme was launched. Further details on the scheme (and its subsequent expansion) are set out in the following section of this note.

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<sup>8</sup> Ibid, pp10-11

<sup>9</sup> [Explanatory notes to the Criminal Justice and Immigration Act 2008](#), paras 806-815 and Ministry of Justice circular 2008/01, [Criminal Justice and Immigration Act 2008 \(Provisions commencing in July 2008\)](#), pp12-13

## 4 The child sex offender disclosure scheme

On 15 September 2008, the Home Office launched a 12-month pilot child sex offender disclosure scheme, which enabled members of the public (e.g. parents, carers and guardians) to formally ask the police whether a person had a record for child sexual offences. The pilot initially ran in four police areas: Cambridgeshire, Cleveland, Hampshire and Warwickshire.

In March 2010, the Home Office published an independent research report into the pilot's operation (conducted by De Montfort University). The report set out the following overview of how the pilot had been implemented:

### Overview of the pilot process

The pilot provided members of the public with a formal mechanism to ask for disclosure about people they were concerned about who have unsupervised access to children. This development builds on existing, well-established third-party disclosures that operate under the Multi-Agency Public Protection Arrangements (MAPPA). Members of the public, initially parents, guardians and carers but later, in March 2009, extended to include anyone who had a concern about an individual could make an enquiry under the scheme by phone, by walking into a police station or by contacting the police by other means to register a concern about an individual. Upon completion of initial questions and risk assessment checks, enquiries meeting pilot criteria<sup>10</sup> proceed to an application stage. Here, further checks are undertaken and a face-to-face interview with the applicant is used to confirm identity, seek consent for information sharing and to clarify the boundaries of confidentiality. Following a final risk assessment, a decision is made whether or not to make a disclosure to the applicant or to take further action where necessary.

Forces varied in how they operated and staffed the pilot scheme. Area D implemented the pilot by putting in place a dedicated pilot team drawn from civilian personnel with a background in child protection or offender management. Other areas integrated the pilot process into normal police duties.

Perceptions about the quality of pilot briefings and training received by pilot staff and police were mixed; it was thought that process and administrative issues were prioritised over how to support applicants. Interviews with wider stakeholders in all the areas suggested that they had not always been briefed on the pilot and in future a strategy of dissemination to other agencies would be required.<sup>11</sup>

Applications were mainly received from parents, carers or guardians of children (87 per cent), and nearly half of the applications were in respect of either an ex-partner's new partner, a neighbour or a family member/friend of a family member.<sup>12</sup>

The report's key findings were as follows:

- The number of enquiries and subsequent disclosures under the scheme were smaller than initially anticipated: a total of 585 enquiries were made and 315 proceeded with as applications. Twenty-one disclosures (4% of applications) were

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<sup>10</sup> Pilot criteria were that: the applicant had to be a parent, carer or guardian of the child in question (although this was later extended in March 2009 to all members of the public); there was unsupervised access to a child; and the applicant had to reside in the pilot force area.

<sup>11</sup> Kemshall, Wood et al, *Home Office Research Report 32 - Child Sex Offender Review (CSOR) Public Disclosure Pilots: a process evaluation*, March 2010

<sup>12</sup> Ibid, p9

made under the remit of the pilot with a further 11 applications resulting in non-pilot disclosures, i.e. information not relating to convictions for child sex offences. Analysis of 159 application forms, found a further 43 applications that resulted in other child safeguarding actions e.g. referral to Children's Social Care.

- Of the small number of applicants interviewed, most were largely satisfied with the pilot process, valuing timely contact and the professional conduct of staff. On the whole, applicants interviewed thought the pilot contributed to general levels of alertness about risks to, and protection of, children. Anxiety sometimes remained following applications when some individuals were left to cope with difficult situations. This highlights the need for appropriate follow-up support regardless of whether a disclosure is made.
- Applicants understood the restrictions about disclosure and about confidentiality though they expressed some difficulties in keeping information to themselves. There was no evidence to suggest any serious or damaging breach of confidentiality during the evaluation, but this should be closely monitored in the future. Police and offender managers interviewed perceived that the disclosure process formalised what they thought should be good practice in child protection. It was seen as providing greater clarity for staff by focusing on risk, focusing on the child, and permitting the sharing of information with members of the public. Police interviewees said the pilot had 'sharpened up' child protection work by tightening procedures and being explicit about what the public could expect. In terms of the Multi-Agency Public Protection Arrangements (MAPPA) though, these arrangements largely operated as they had done before the pilot.
- The pilot was described in some cases by those linked to MAPPA as a 'parallel' process that required some further attention with regards to the interface between the pilot and MAPPA.
- Of the small group of RSOs [*registered sex offenders*] interviewed, the most common initial reaction was anxiety about negative reactions from communities. As the pilot progressed this decreased and most saw it as an extension of existing controls. No changes in behaviour were reported by the RSOs interviewed, and practitioners working with RSOs did not perceive any changes in compliance with registration and probation supervision. Longer-term monitoring, particularly of compliance should be considered.<sup>13</sup>

The report concluded that the pilot scheme had "worked well in some respects", with the police, pilot staff and criminal justice agencies seeing:

...mainly benefits with the scheme particularly in the formalisation of processes, the provision of increased intelligence and providing a better route in for the public to make enquiries should they have concerns.<sup>14</sup>

In March 2010, the then Home Secretary Alan Johnson announced that the pilot scheme would be rolled out nationally, with the first phase of forces "going live" from August 2010.<sup>15</sup> Detailed guidance on operating the disclosure scheme was made available to practitioners who would be responsible for running the schemes in participating police force areas.<sup>16</sup>

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<sup>13</sup> Ibid, "Key findings"

<sup>14</sup> Ibid, p20

<sup>15</sup> Home Office news, *Protecting Children*, 3 March 2010

<sup>16</sup> Home Office, *The Child Sex Offender (CSO) Disclosure Scheme Guidance Document*, April 2010



Following the general election, the new Government expressed support for the scheme established by its predecessor and announced that it would be continuing with the nationwide rollout:

Having already protected more than 60 children from abuse during its pilot, the scheme is expanding to eight additional forces from today, taking the total number of areas covered to 12. A further 12 forces will come online by the autumn and the remainder of areas by spring next year.

#### **Home Secretary's statement**

Home Secretary Theresa May said:

'The roll-out of this scheme is an important step forward for child protection in this country. Being able to make these checks reassures parents and the community and more importantly keeps children safer.

'Not only will it help parents, carers or guardians ensure that their children are safe, but it also assists the police in managing known sex offenders living in the community more effectively.

'The start of the nationwide roll-out will mean even more children will be protected from potential harm.'<sup>17</sup>

In addition to the four areas that ran the pilot schemes, by October 2010 the disclosure scheme had also been rolled out to the following areas: Bedfordshire; Cheshire; Dorset; Durham; Essex; Gloucestershire; Leicestershire; Lincolnshire; Norfolk; Northamptonshire; North Yorkshire; Northumbria; Staffordshire; Suffolk; Surrey; Sussex; Thames Valley; West Mercia; West Midlands; and Wiltshire. National rollout of the scheme has now been completed and it is operational in all 43 police areas.<sup>18</sup>

During the scheme's rollout some organisations, including the NSPCC, expressed concern that the scheme might lead to vigilantism of the sort seen during the News of the World's "name and shame" campaign.<sup>19</sup> However, the Association of Chief Police Officers said it was confident that it was "realistic" to expect that individuals to whom information was disclosed under the scheme would be able to keep it confidential.<sup>20</sup>

The Home Office has published [a range of support materials](#) designed to help participating forces to increase awareness and understanding of the child sex offender disclosure scheme. These materials include a pro forma leaflet - [Keeping Children Safe – Your Right to Ask: The Child Sex Offender Disclosure Scheme](#) - that police forces can hand out to parents who are interested in the scheme.

Constituents who would like further information on how the disclosure scheme operates in their community should be advised to contact their local police force in the first instance.

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<sup>17</sup> Home Office press release, [National rollout of scheme to protect children](#), 2 August 2010

<sup>18</sup> Home Office website, [Child sex offender disclosure scheme](#) [accessed 3 September 2010]

<sup>19</sup> "'Sarah's Law' may backfire, say campaigners", *Independent*, 2 August 2010

<sup>20</sup> "Police doubt 'Sarah's Law' will cause vigilante attacks", *BBC News*, 1 August 2010