
STATUTORY INSTRUMENTS

2022 No. 191

The Polygraph (Amendment) Rules 2022

Amendments to the 2009 Rules

- 2.—(1) The 2009 Rules are amended as follows.
- (2) In rule 1(2) (citation, commencement and interpretation) –
- (a) after the definition of “comparison question”, insert –
- ““polygraph operator” means any employee (either temporary or permanent) of a probation provider appointed to conduct polygraph examinations;”;
- (b) in the definition of “probation provider”, omit “or a local probation board”.
- (3) In rule 3 (qualifications of polygraph operators) –
- (a) in paragraph (1), for sub-paragraph (a) substitute –
- “(a) completed a polygraph training programme, which includes post-conviction sex offender testing training, accredited by the American Polygraph Association; and”;
- (b) in paragraph (1)(b), for “under the supervision of an American Polygraph Association examiner” substitute “reviewed by a polygraph supervisor”;
- (c) in paragraph (2) –
- (i) for “15” substitute “30”;
- (ii) for “twelve months from the date these Rules come into force” substitute “two years”;
- (d) in paragraph (2)(b), for “sexual” substitute “relevant”.
- (4) In rule 5 (polygraph session requirements) –
- (a) in paragraph (4), for each instance of “one”, substitute “two”;
- (b) after paragraph (4), insert –
- “(4A) In setting the questions, where it is reasonably practicable to do so, the polygraph operator must liaise with the relevant offender’s probation practitioner and take the probation practitioner’s views into account when formulating the questions.”;
- (c) in paragraph (5), before “questions”, insert “relevant”.
- (5) In rule 6 (polygraph session requirements) –
- (a) in paragraph (1), for “At the start of each polygraph session, the polygraph operator”, substitute “Before each polygraph session, an employee of the probation provider”;
- (b) in paragraph (2) –
- (i) for “commencing the pre-test interview, the polygraph operator” substitute “the relevant offender’s first polygraph session, an employee of the probation provider”;
- (ii) for “obtain” substitute “ask for”.
- (c) for paragraph (3), substitute –

“(3) An employee of the probation provider must attach that written confirmation to the relevant offender’s case record.”

(6) In rule 7(2) (polygraph supervisor), after “rule 3”, insert “(except where that supervisor’s only role is the review of reports produced during polygraph sessions under rule 5(5), pursuant to paragraph 2(b) of the Schedule)”.

(7) In rule 8 (reports of polygraph session reviews) –

(a) after the first instance of “Secretary of State”, insert “at least”;

(b) in paragraph (a) –

(i) for “the polygraph supervisor”, substitute “polygraph supervisors”;

(ii) for “six months” substitute “period”;

(c) for paragraph (b), substitute–

“(b) an overview of reviews conducted during the period covered by the report;”.

(8) In Schedule 1 –

(a) in paragraph 2(a), for “electronic recordings of”, substitute “charts produced during”;

(b) in paragraph 3(a)(i), for each instance of “offender manager”, substitute “probation practitioner”;

(c) in paragraph 4, for sub-paragraph (d), substitute –

“(d) arrange for additional sessions conducted by that polygraph operator to be reviewed, if the review indicates a concern about practice.”