

COVID-19: End of Custody Temporary Release Operational Guidance

This document is version 3 of the End of Custody Release (ECTR) guidance for prisons, issued on 15/04/2020. It supersedes previous versions issued on 07/04/2020 and 09/04/2020.

It contains the following updates on version 2:

- Refreshed data on the COVID-19 Early Release Data Tool – please note that updated data will be available in the afternoon of Wednesday 15th April. **You will be notified when it is live.**
- Update on transport to dedicated locations via PECS (section 3). Prisons should ensure that the prisoner is available for collection by the PECS contractor at **12.00** (not 10.00, as previously stated).
- Revised **Annex A** (amending the curfew hours to between **7pm** and **7am**, and correcting minor typos).
- Clarification that prisons should send completed licence to EMS (section 3).
- Contact details to engage Scottish/NI police, where a prisoner would be released to an address in Scotland or Northern Ireland (section 3).
- Updated guidance on health and social care support (sections 6 and 7).
- Updated guidance on referrals to the Multi Agency Safeguarding Hubs (section 3). *Further guidance will follow.*
- Updated guidance on risk screening check to be conducted by prisons (section 3) – clarifying that healthcare checks should be undertaken by prison healthcare service at least 48 hours prior to release, and adding the need for assurance of continuity of adult social care support where the individual has eligible care and support needs.
- Clarification that all prisoners released on ECTR will be subject to electronic monitoring throughout the ECTR period (section 5).
- Revised **Annex E**, specifying arrangements for payment of private cash.

Updated guidance will be issued later this week, including further information on recall, referrals to the Multi Agency Safeguarding Hubs, and support with electronic monitoring.

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1. Summary

In response to the impact of the COVID-19 outbreak on prisons, eligible prisoners approaching their release date may be considered for End of Custody Temporary Release on licence (ECTR) under statutory criteria set out in Rule 9A of the Prison Rules 1999, 'Coronavirus Restricted Temporary Release'.

This is separate to cohorts covered by the ROTL (Special Purpose Licence) for compassionate reasons, for whom you will receive separate guidance.

The ECTR process, like the ROTL process, is voluntary. If a prisoner does not wish to be released in this manner, they may remain in prison.

2. Who is in scope for End of Custody Temporary Release under Rule 9A?

Eligible offenders must:

- Be a standard determinate sentence prisoner released under section 244 of Criminal Justice Act 2003;

OR

- A fine defaulter or contemnor released under section 258 of the Criminal Justice Act 2003;

AND

- Be assessed as having a low or medium Risk of Serious Harm score;
- Be within 61 days of their automatic release date;
- Have already served at least half the custodial term they were sentenced to.

Exclusions:

- Offenders serving an offence that would entail MAPPA supervision on release
- Offenders serving a sentence for a COVID-related offence, or a sexual or violent offence;
- Offenders subject to a recall;
- Offenders identified as posing a risk of Domestic Violence or Child Safeguarding;
- Offenders assessed as posing a risk to national security if released;
- Offenders whose sentence is subject to initial Parole Board release (which includes Indeterminate Sentenced Prisoners (life and IPP), extended sentences, sentences for serious offences of particular concern (SOPCs) and terrorist offenders who will be released under section 247A of the Criminal Justice Act 2003);
- Registered sex offenders (including those who are currently on the register, and those who will be subject to the notification requirements and signing the register on release);
- Category A and Restricted Status prisoners;
- Remand prisoners and those committed for trial or sentencing or to be otherwise dealt with by a Court (i.e. those not yet serving a custodial sentence);
- Those being deported who have exhausted in-country appeal rights;
- Those who have committed an offence whilst on ROTL;
- Offenders without suitable accommodation to be released to. *NB – if a prisoner has no suitable accommodation they may still apply for ECTR, and the Homelessness Prevention Taskforce will seek suitable accommodation. However, they cannot ultimately be released unless suitable accommodation is identified.*
- People for whom assurance is not available that their healthcare needs, including any COVID considerations, can safely be managed post-release;

- Offenders who are subject to any outstanding charges, or who have been referred to the police or the Independent Adjudicator;
- Offenders who present a level of risk of harm, reoffending, failure to return or other significant challenge that cannot reasonably be managed in the community.
- Those serving a custodial sentence of 4 years or more for possession of a firearm/offensive weapon.

Other reasons an individual may not be suitable for ECTR:

- Where a prisoner is already due for release on or before the 20th of April, standard release procedures should continue and those prisoners will not be subject to ECTR.
- Where there is an overlap with HDC and ECTR and prisoners are eligible for both, the prison must determine which process will release prisoners quicker. Normally, this will mean that ECTR should be used. Prisons should continue with HDC preparations as usual where prisoners will not become eligible for ECTR in the immediate future.

3. ECTR process

See **Annex B** for detailed ECTR process maps.

Pre-release checks: PRISONS

- A COVID-19 early release data tool has been produced to identify prisoners who appear to be in scope for release. However, there are additional checks prisons must conduct – either to verify data contained in the app, or to account for exclusion criteria for which central data is currently unavailable (e.g. for offences related to COVID-19). These are set out below.
- Prisons should access the COVID-19 early release data tool (<https://covid19-early-release.apps.alpha.mojanalytics.xyz/>) to view a list of prisoners locally, and see data on each to help further assess eligibility. The tool will list only those who appear to be in scope. The app will allow Prison staff to download a blank spreadsheet which they must fill out in full and return to the COVID-19 OMU Support Hub within 24 hours.
- The data tool combines data from NOMIS, Delius, OASys and the BCST. While the merging of the data has been quality assured, it is possible that errors have occurred. You should check that the data reported in the app relates to the correct individual and is accurate. In particular, you should confirm that the individual does fulfil all of the criteria for early release, including ROSH.
- Prison staff must ensure a ‘risk screening check’ is undertaken, which includes:
 - Healthcare check – could their release be safely managed (both for themselves and others). This should be undertaken by prison healthcare **service at least 48 hours prior to release;**
 - Assurance of continuity of adult social care support where the individual has eligible care and support needs;
 - Consideration of any outstanding adjudications referred to the IA or Police;
 - Pending criminal charges;
 - Whether the prisoner is an FNO. Please note this does not necessarily exclude the individual from ECTR, but should be flagged on the spreadsheet. The COVID-19 OMU Support Hub will confirm whether the individual is of interest to the Home Office, who will recommend whether they meet the criteria for the scheme.
 - Check offender is not serving a sentence for an offence related to COVID-19 – to be determined through facts/sentencing remarks, if necessary;
 - Safeguarding concerns or known risks to individuals or children;

- Whether the offender has breached ROTL during the current sentence, including where they have been convicted of an offence whilst on ROTL or whilst unlawfully on large after ROTL;
 - Any behaviour which is such that the Governor feels it unlikely that the individual can be trusted to complete the licence.
- Note the prison does NOT have a veto, and must submit the case to the OMU Hub for further consideration. Any concerns on screening to be noted on the spreadsheet.
 - Once potentially eligible prisoners have been identified, prison staff issue application forms to eligible prisoners who complete and return forms, stating two preferred addresses if possible. If only one address can be provided, this is acceptable – a second address minimises delays if probation staff find the first is unsuitable. Prisoners may also apply with no fixed address, and the Homelessness Prevention Taskforce will seek suitable accommodation – but they cannot ultimately be released unless suitable accommodation is identified.
 - **Spreadsheet confirming applications and screening results should be sent to COVID-19 OMU Support Hub within 24 hours, via the functional mailbox: [REDACTED]**

Pre-release checks: PROBATION

- The Central OMU Hub will send a spreadsheet to each of the 7 Probation Early Release and Homelessness Prevention Taskforces via SPOC and Mailbox. This spreadsheet will contain a list of those shortlisted for an ECTR licence in the Region, including proposed releases for both CRCs and NPS.
- The Spreadsheet will identify up to two addresses for those who can provide them, in order that they can be verified as suitable. The second address only needs checking if the first is unsuitable. The list will also contain those who have past the initial risk screening but require accommodation.
- On receipt of the list, the Probation SPOCs will share the data with the Regional Police SPOCs who will check with local forces for risk concerns regarding individuals or addresses. If a prisoner would be released to an address in Scotland or Northern Ireland, then Scottish/NI police should be engaged through the NPICC mailbox: [REDACTED] Urgent queries can also be directed to [REDACTED]
- Probation providers should also conduct checks regarding risk flags and home circumstances. Known domestic abuse and child protection cases should have been screened out already, but there may be local intelligence which highlights a concern. We are only looking at recent or immediate concerns regarding risk to family members or groups. The EDM on Home Circumstances checks applies.
- Referrals to the Multi Agency Safeguarding Hubs (MASH) will initially be undertaken retrospectively. For ECTR releases which take place without a referral to MASH, as with any ECTR release, if there is evidence that the offender can no longer be managed safely in the community, recall will be considered. *Further guidance on both MASH referrals and recall will follow.*
- Probation providers should use the spreadsheet supplied to record the outcomes, and update Delius records with the enquiries that have been made.
- The process is expected to take 48 hours, however, recognising you are dependent on others for answers to your enquiries and to ensure there are limited delays in processing those who are eligible for ECTR release, Probation SPOCs should collate the information relevant to their Divisional Taskforce and return the spreadsheets **every 24 hours from the point of receipt via the functional mailbox: [REDACTED]**

- It would be good practice to identify any cases which are flagged as IOM and ensure the relevant IOM scheme knows the individual may be released.
- For those without accommodation:
 - TTG staff will also commence searches for accommodation for those who are of No Fixed Abode. This includes both those where addresses are assessed as unsuitable by the police or probation, or the occupants don't want them to reside there.
 - This activity needs to be linked into the 7 Probation Homelessness Prevention Taskforces associated with the applicant's home address, not the prison, as the accommodation will be sourced in the home area. Separate guidance will be issued regarding accommodation referral pathways.
 - Once accommodation is secured the SPOCs should collate the release address on the spreadsheet and **make the return to the Hub via the daily update**.

Pre-release checks: COVID-19 OMU Support Hub

- Whilst probation pre-release checks are occurring, The COVID-19 OMU Support Hub will also consult the Home Office to establish whether Foreign National Offenders of interest to the Home Office may meet the criteria for the scheme. Home Office will provide a recommendation within 24 hours.
- For prisoners sentenced to 4 years or more who may be eligible for ECTR, the Hub will conduct an additional layer of oversight. All release decisions will be signed off within the central offender management hub by a Band 11 Governor, before a decision is communicated to prisons. The Hub will also provide advanced sight of release decisions in this cohort at Ministerial level. A process map for this cohort is attached at **Annex B**.

Preparations for release: ALL

- Once the Hub has received all the relevant information it will make a final decision within 24 hours and notify prisons.
- Once prisons receive the final list they should create and issue an ECTR licence and a standard licence to the prisoner in accordance with the directions at section 5.
- Prior to release on ECTR, establishments will complete a sentence calculation check. It will not be necessary to complete the 14 or 2-day sentence calculation check for those already released under ECTR.
- Prisons should work with TTG team support to consider ongoing healthcare and medication needs, as well as adult social care arrangements, in preparation for ECTR. TTG teams are working to their TTG Exceptional Delivery Model (EDM), which will be published shortly, and should be consulted about what support they can give within this reduced model of delivery.
- The prison will notify Probation, Police and EMS (including sending of the ECTR decision, completed licence and release date). This will come from the Prison not the Hub as it will be dependent on other factors including healthcare and Electronic Monitoring arrangements.
- The prison will also notify the Home Office of any FNOs being released. Emails should be sent to the Home Office SPOC, at [REDACTED] with the subject heading 'ECTR – [Prisoner name]'. The following information should be included:

- Name of prisoner
 - NOMIS number of prisoner
 - Proposed date of release
 - Release address
 - Prisoner telephone number
 - End date of temporary release
 - Discharge prison.
- Transport is available to designated locations via PECS. It is not mandatory for prisoners to use this, but we would encourage take-up to avoid multiple unnecessary journeys and comply with the governments instruction to limit travel. Prisons should notify Population management unit (PMU) of planned releases providing a minimum of 72 hours' notice. Notification should include an identified destination point which will be the nearest designated location (Court, Prison, Police station).
 - PMU will schedule moves with Prisoner Escort and Custody Services (PECS) suppliers. Prisons should ensure that the prisoner is available for collection by the PECS contractor at 12.00. The PECS contractor will pick up from reception as per current IPT arrangements. Prisons are required to provide a PER for each prisoner who is handed over to the Contractors care.

Electronic Monitoring

Further guidance will follow on EM.

NB: EMS will endeavour to tag everyone as early as possible but it is likely that this may be any time on the day of release.

- **Identifying prisoners to be tagged**
 - The COVID-19 OMU Support Hub will send orders for those prisoners who require Electronic Monitoring to EMS who will schedule the installation at the prison.
- **Arrangements for the installation of electronic monitoring equipment**
 - Prisoners will be fitted with a GPS location monitoring tag at the prison in which they are being held on the day of their release.
 - EMS Field Monitoring Officers will attend the relevant prisons to fit the tags and will be briefed about the process prior to attending the establishment. We have designed a security procedure (not yet ready to be shared) that will be issued which outlines clear procedures for how this process should be conducted. There are a number of provisions that we ask establishments to make to facilitate the fitting of the tags. For example, Field Monitoring Officers will require a space to fit the tags on the prisoners where they can attain a signal (most likely the reception). The Field Monitoring Officers will also need to bring equipment, including fittings tools, chargers and tablets, into your establishment to complete the fitting – these items will be outlined in the security procedure.
 - Where possible, Field Officers will aim to brief prisoners in groups prior to their tag being fitted as this saves a considerable amount of time. Thereafter the Field Monitoring Officers will go through the regular fitting process with each individual prisoner, which includes giving instructions on how to charge their tag and providing them with both a portable and wall socket charger.

- To help facilitate information sharing and organise the arrangements for the installation of the tags, **we would ask that each establishment provide a central contact number that can be used as the primary communications channel for the central hub and EMS.**
Please send these details to: [REDACTED]

- **Monitoring the prisoners**

- The prisoners that are released will be temporarily released on licence, and therefore will remain the responsibility of the prison.
- In order to limit the burden on the prison, the ambition is that the majority of the monitoring work will be conducted by a central support team, who would collate, assess and investigate information from the electronic monitoring tags and where necessary escalate to prison governors to make decisions on whether enforcement action is required. This is still to be determined, and more details will follow when this guidance is updated.

- **Information for prisoners**

- Guidance information for prisoners about the tag-fitting process, their conditions, instructions on charging and contact information will be shared, most likely by the EMS Field Monitoring Officer, but this is still to be confirmed.

On an ongoing basis: ALL

- There will be a rolling programme of ECTR applications until the COVID-19 OMU Support Hub issues notification that these should cease. The biggest batch will be the initial cohort.
- PRISONS: A Data run will be carried out weekly and prisons must access the app at the beginning of each week and repeat this process weekly. Data will not be refreshed until the following week. You will be notified when the data is ready each week.
- PROBATION: The Central OMU Hub will send a spreadsheet to each of the 7 Probation Early Release and Homelessness Prevention Taskforces weekly. You should then repeat the same process.

4. Using the Covid-19 Early Release Data Tool

- Prison staff can access the tool at (<https://covid19-early-release.apps.alpha.mojanalytics.xyz/>) from a web browser on Dom1 or Quantum.
- Staff can login using their NOMIS credentials.
- The tool gives a list of prisoners who appear to be in scope in that prison and information about the prisoners. Along with the ability to download a blank spreadsheet to fill out and send to the support hub, staff can click on a prisoner's record to view more information about that prisoner's offence, and risks and needs associated with the prisoner. This information is taken from NOMIS, Delius, OASys and BCST (Basic Custody Screening Tool).
- To download the spreadsheet, click the 'Download Excel List' button at the top right of the prisoner list. This spreadsheet will include basic information on the prisoners (Establishment name,

Offender surname, Offender forename, DOB, NOMIS Number) and a series of blank columns for staff to fill in.

- Information about prisoners held within in the tool will also be helpful for management in the community – we are working to set up Delius authentication to the app as well to facilitate access to this information for probation staff.
- The app does not include Limited Access Offenders. If you are responsible for the management of a Limited Access Offender who could be in scope for early release, you will have access to the necessary data and should check their eligibility.
- Sometimes your access can 'time out' / 'grey out'. This will mean that no data will be visible in the app. The solution to this is:
 - Quantum users: shut down Firefox and log in again
 - Dom1 users: reset cookies (for Firefox: <https://support.mozilla.org/en-US/kb/clear-cookies-and-site-data-firefox> , Chrome: <https://support.google.com/accounts/answer/32050>)
- If you need support in using the app or you have any issues, you can contact [REDACTED] Note that we do not offer 24-hour support and are a small team so please avoid contacting us unless absolutely necessary. Any questions about the policy, process or criteria for inclusion will need to be sent to the COVID-19 OMU Support Hub.

5. Licence conditions

Prisons should use the new “ECTR/SPL (Covid) Licence Template” which will be placed on NOMIS. A copy is attached at Annex A. This licence should be updated with any necessary additional conditions, such as those agreed to protect any victims (the Covid-19 OMU Support Hub will notify you of any additional conditions as necessary). All prisoners released on ECTR will be subject to electronic monitoring throughout the ECTR period.

Drug testing on licence cannot be considered, and therefore where this is deemed essential to manage risk, the individual should not be considered for ECTR. This does not mean a blanket ban for somebody who is treatment, and indeed it may be a written into their licence conditions that they are required to attend an appointment.

As individuals will be close to their Conditional Release Date (CRD), when issuing an ECTR licence prisons should also issue the release licence that will come into effect at CRD, when probation supervision commences. The usual process should be followed to issue this licence and the differences between each should be explained to the offender as well as making clear the transition date, and that once the ECTR licence ends they will no longer be bound by that licence but instead be bound by their standard release licence conditions. Prisoner signatures should be gained to ensure they understand.

6. Health support on release

Prison healthcare services must consider ongoing healthcare and medications needs of the individual in their preparation for ECTR and must provide an assurance that healthcare needs can be safely managed following release. Prisons must work highly collaboratively with the healthcare provider to deliver this check and resolve any issues.

Prisons should refer to [NOMS guidance on discharge](#). However in the current context, people being considered for release should be checked by healthcare services **at least 48 hours prior to release**.

Specifically in relation to Covid-19 risk, any person isolated because they are symptomatic or because they are identified as a close contact of a symptomatic person must complete their period of protective isolation (either 7 or 14 days) before release. When this isolation period is complete, a person may still be released if they have some symptoms, for example an ongoing cough, if healthcare services advise that it is safe to proceed.

Prisons should be advised by healthcare services of any individuals considered for release who may require **shielding** and appropriate arrangements made to assure that can be achieved post release.

7. Social care support on release

Prisons should refer to [NOMS guidance on adult social care](#). For those with care and support needs, prisons should engage with local authorities and social care providers **at the earliest opportunity** in order to make arrangements for safe care upon release.

8. Accommodation on release

Prisons should work in collaboration with the Through the Gate (TTG) teams, who are operating in accordance with the new Exceptional Delivery Model (EDM) for both ROTL and TTG. These teams are linked into the 6 National Probation Service and Community Rehabilitation Companies and Wales Joint Homelessness Prevention Taskforce Teams.

If an individual already has accommodation to be released to, then in accordance with the appropriate EDM an assessment will be undertaken on its suitability and confirmation provided to you that it is appropriate for that individual to be released to that address.

If an individual does not have identified accommodation to be released to, then in accordance with the appropriate EDM, the TTG Worker or Community Offender Manager will investigate options for securing temporary accommodation, which could include Bed & Breakfasts, hotels or hostels. In accordance with the appropriate EDM an assessment will be undertaken on its suitability and confirmation provided to you that it is appropriate for that individual to be released to that address.

Until confirmation of a suitable address has been received, then the individual must remain in custody.

You should emphasise the importance of keeping regular contact with their TTG worker and/or Community Offender Manager (where appropriate).

9. Financial Support on release

Prisons should provide prisoners on release:

- A grant of £80 (to cover their first week in the community, as the regular payments are processed, given the short notice of release limits preparation time);
- A travel warrant (to cover travel from the prison/PECS drop off to their accommodation).

And for those who are eligible:

- A discretionary accommodation payment up to £50 (to cover accommodation costs paid directly to the accommodation provider – as is usually the case for people released from prison).

They will then be eligible to claim Universal Credit. You should hand them the flier contained in Annex D. Separate guidance on financial support and private cash is attached at Annex E.

10. Reporting procedures

- Prisons must log all releases under this guidance on NOMIS, using the movement code **'Emergency Temp Release – End of Sentence' (ETR3)**
- If the prisoner subsequently breaches the emergency release licence/is recalled from emergency licence, please use either **'Breach of Emergency Temporary Release' (ETRB)** or **'Recall from Emergency Temporary Release' (ETRLR)**

Please ensure that movement codes are used correctly as above to ensure appropriate movements are picked up centrally and reported to Gold Command and Ministers.

11. Sources of additional information and support

The COVID-19 OMU Support Hub has been established to support prisons and community probation teams with offender management tasks relating to the release of prisoners under the End of Custody Temporary Release (ECTR) arrangements, including:

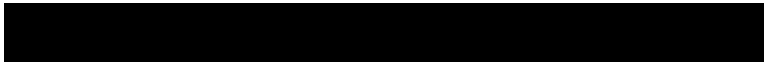
- Technical Support
- Knowledge,
- Advice and guidance regarding HDC, RoTL, (inc. ECTR & SPL) and Bail.

The Hub will act as a single point of contact for OM related matters and will also serve the wider organisation by tracking and overseeing the safe release of risk assessed prisoners as part of the exceptional measures to manage the impact of Covid-19.

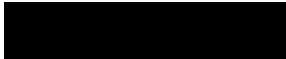
Hub contact details

Location: 1st Floor, Edwards House, Edward Quay, Birmingham

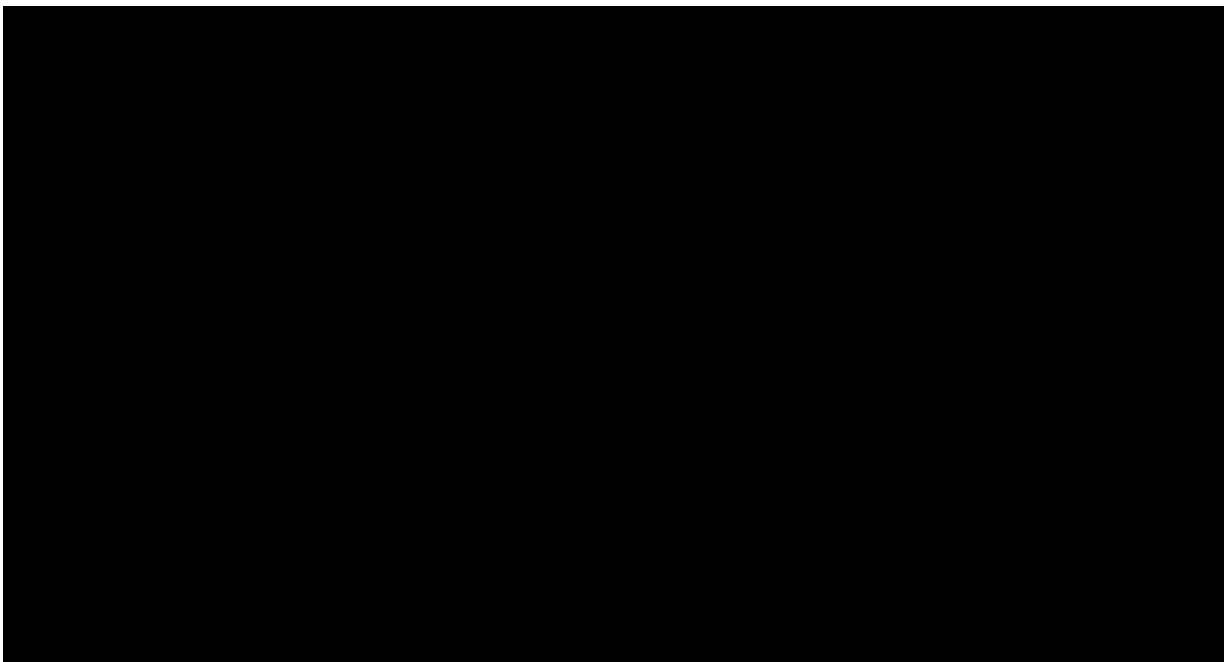
Email:

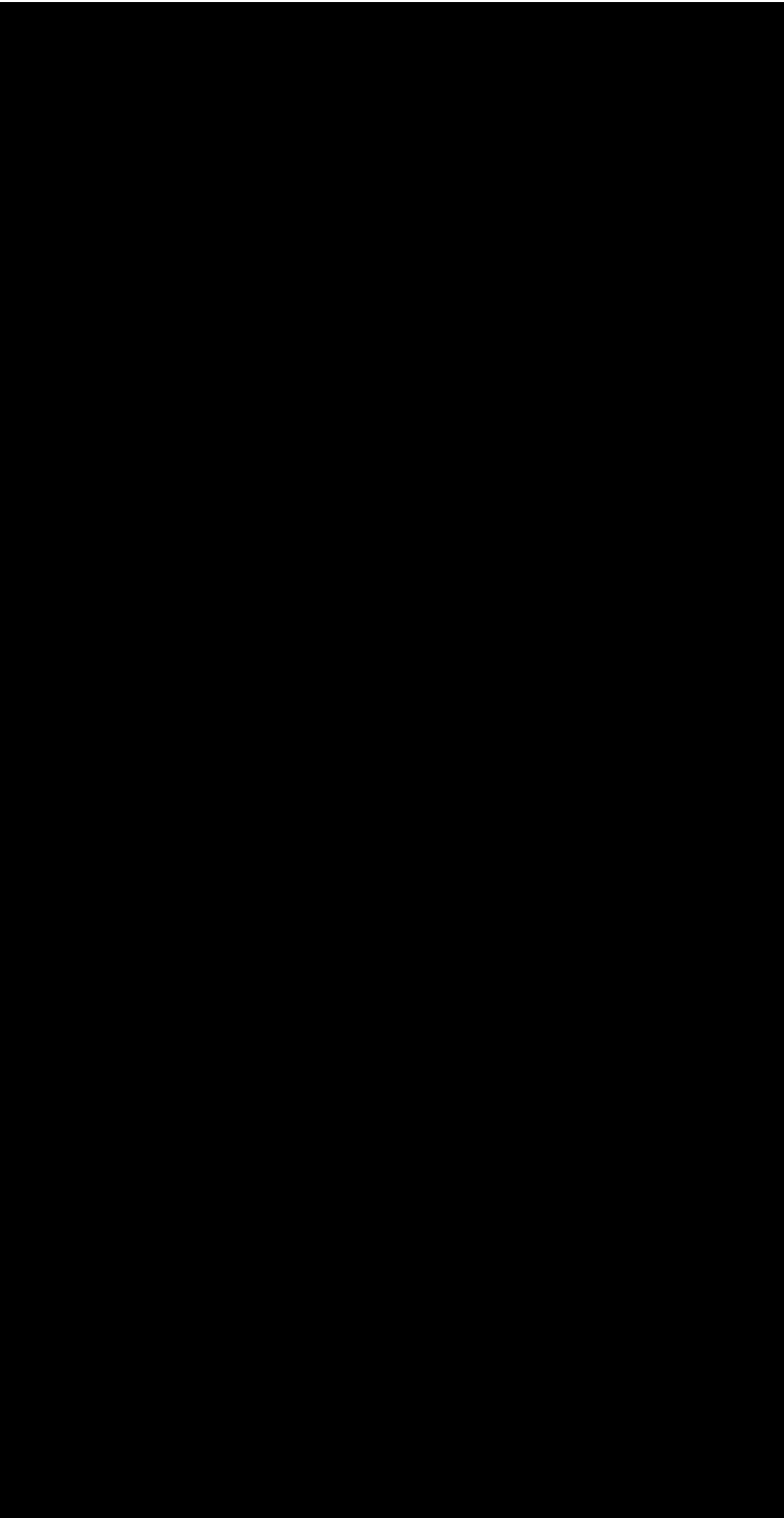


Phone:



Leadership Team





ANNEX A: ECTR/SPL (COVID19) LICENCE



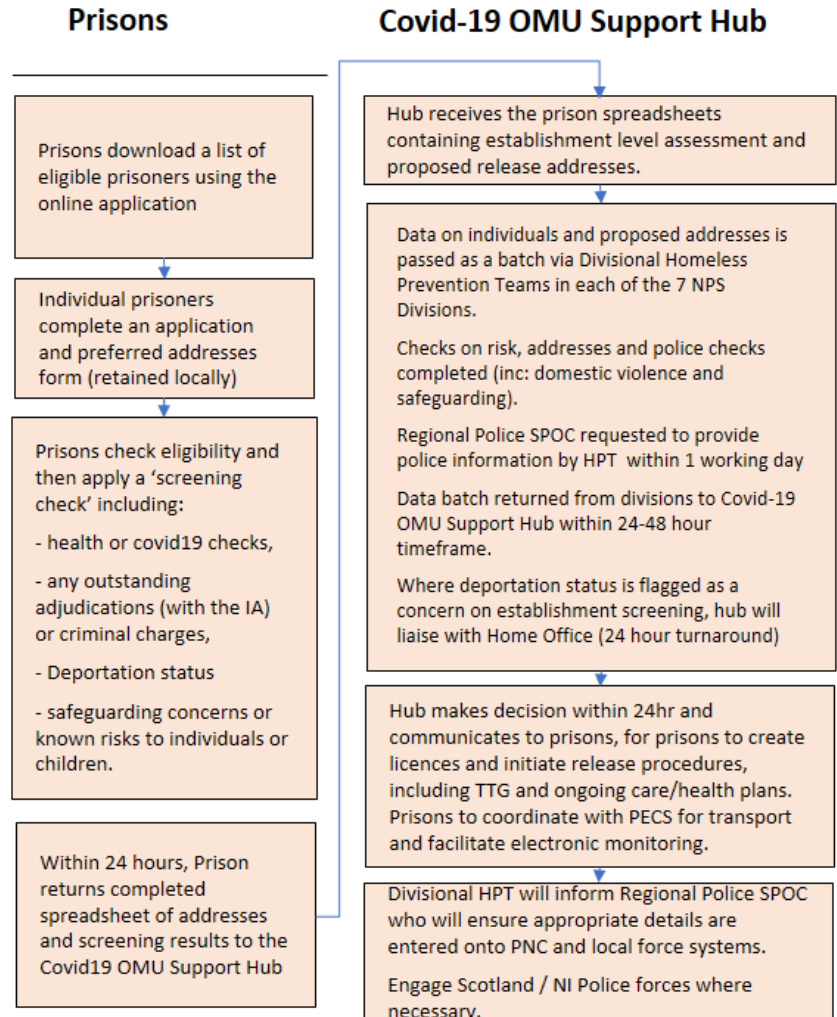
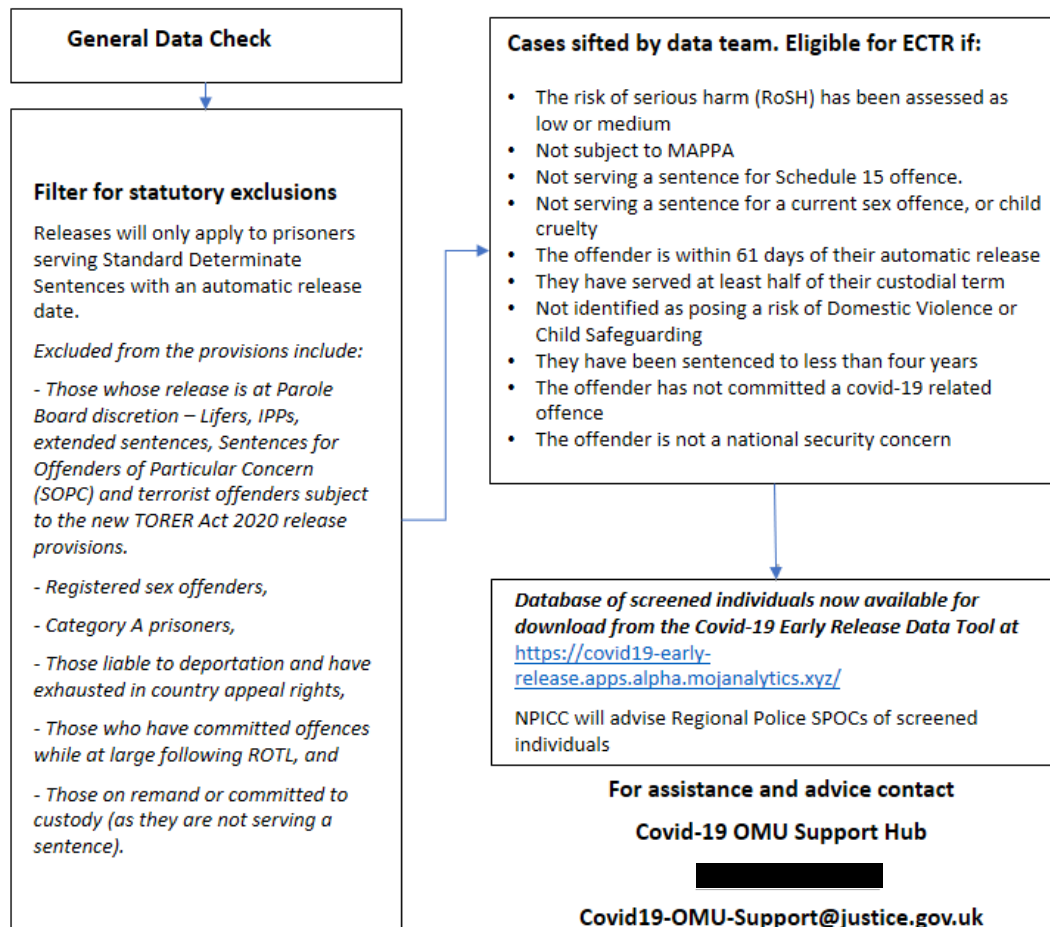
ECTR or SPL (Covid)
Licence v2.doc

ANNEX B: ECTR Process Map

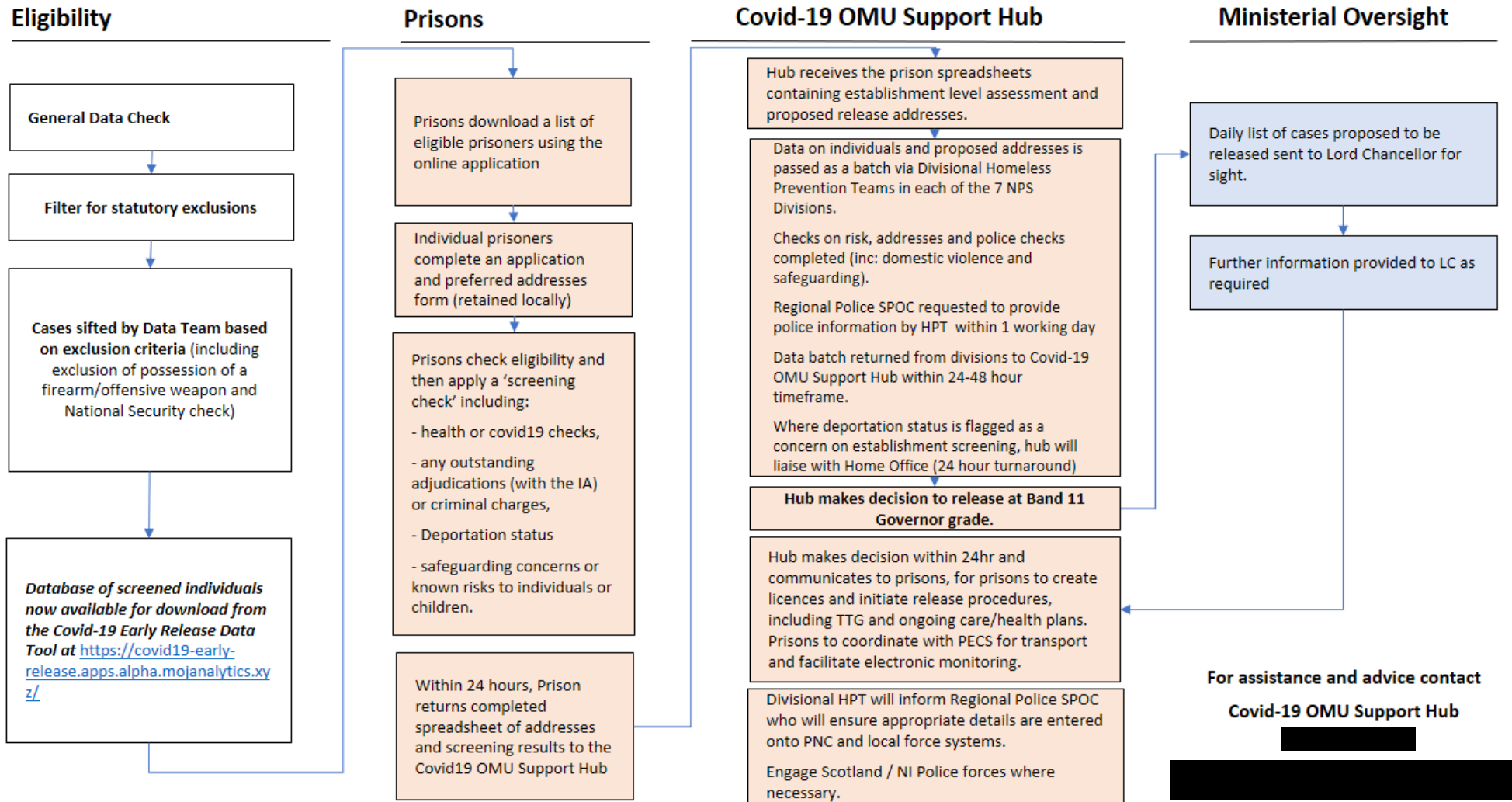
Standard ECTR process

End of Custody Temporary Release

Eligibility Process in COVID-19 context



End of Custody Temporary Release – 4+ year cohort



ANNEX C: COVID 19 End of Custody Temporary Release Application



COVID 19 End of
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Claiming benefit on your release – advice from 6 April

On release, you should make your claim online as soon as possible

- Input your claim online <https://www.gov.uk/apply-universal-credit>
- You will then have an interview over the phone
- Your personal details will be verified
- You will be supported with applying for an advance

If you don't have access to or are not able to use a smartphone or computer:

Call 0800 169 0345

- We will input your claim over the phone
- Verify your personal details
- Support you with applying for an advance

For all new claims you will need:

- Release licence number if applicable
- Bank account details (If you don't have your own account you may use a trusted friend or family member's account as a one-off)
- Details of your accommodation, including any housing costs

If you do not have access to a smartphone, computer or telephone you may still be able to get support in the Jobcentre but we strongly advise that you try to make your claim online or by phone if possible

Jobs available – there is significant demand for agricultural workers, warehouse and retail workers. Go to www.findajob.dwp.gov.uk

If you are **over pension age** you may need to claim Pension Credit - call the application line on **0800 99 1234**

You must stay at home, self-isolate and contact us online or by phone if you have:

- been **confirmed as having Coronavirus**
- **Or have medical condition which places you at very high risk of severe illness** from coronavirus

Or have

- **a high temperature** – this means you feel hot to touch on your chest or back (you do not need to measure your temperature)
- **a new, continuous cough** – this means coughing a lot for more than an hour, or 3 or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual)



Early Release
Financial Support fii