**COVID-19: ROTL on Compassionate Grounds – Pregnant women, MBUs and the Extremely Medically Vulnerable**

*This document is as of 09/04/2020 and supersedes previous versions. It:*

* *Confirms that the extremely medically vulnerable are in scope for SPL, subject to the normal ROTL restrictions and risk assessments*
* *Mandates the referral of cases to the central OMU hub before final decision on release*
* *Includes more detail about the financial support available post-release*
* *Clarifies the guidance, including on reporting procedures, license conditions, and the option of PECS transport*

***To Note:*** *This guidance covers the use of pre-existing ROTL powers. It is separate to the End of Custody Temporary Release scheme for those near the end of their sentence, on which you have received separate guidance.*

1. **Summary**

In response to the impact of the COVID-19 outbreak on prisons it has today been agreed that the following groups **may** be considered grounds for Release on Temporary Licence (ROTL) under the special purpose licence (SPL) provisions, subject to individual risk assessment:

* Pregnant women
* Prisoners with their baby in custody
* Those defined by the NHS guidelines as ‘extremely vulnerable’ to COVID-19. A full definition of this group is given in Annex A – Priority 1.

This guidance is supplementary to the [ROTL Policy Framework](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863600/rotl-pf.pdf). All procedures set out there for assessing risk levels and issuing a Special Purpose Licence must be followed. **Once a recommendation on release has been reached at a local establishment level by the ROTL board, prisons should refer the case to the central OMU Hub for confirmation before release**.

1. **Who is in scope for consideration?**

Normally, being a member of the groups set out above, would not be sufficient grounds for considering compassionate release under a Special Purpose License. However, in the specific circumstances of the COVID-19 epidemic you should treat them as sufficient for conducting a full risk assessment until further notice.

Certain offenders are either excluded from ROTL entirely or only qualify for ‘Restricted ROTL,’ which is an enhanced risk assessment. Restricted ROTL is only granted for those in closed male prisons in exceptional circumstances, as set out in the ROTL Policy Framework.

|  |  |
| --- | --- |
| **No ROTL possible** | **Must go through Restricted ROTL assessment** |
| * Category A and Restricted Status * Those held on remand or committed for trial * Some Deportees * Extradition and International Criminal Court cases * Unacceptable risk of reoffending or failing to comply with conditions * Those so close to the beginning of their sentence that it would undermine the administration of justice to ROTL them * Have reoffended on ROTL and it would undermine the administration of justice to ROTL them | * Indeterminate sentence prisoners (ISPs) * Prisoners serving Extended Determinate Sentences, or other legacy extended sentences * Prisoners serving sentences imposed under section 236A of the Criminal Justice Act 2003 (offenders of particular concern) * Any other offender who is currently assessed as high or very high risk of serious harm |

It is important to note that the ROTL process is voluntary. If a prisoner does not wish to be considered for release in this manner they are entitled to remain in prison.

1. **What should you do now?**

You should **immediately** take steps to identify all prisoners who are in the following groups and not excluded from ROTL:

* Pregnant Women
* Prisoners with babies in custody
* Extremely Vulnerable Offenders (as defined under NHS Guidelines in Annex A – Priority 1)

This should include confirming pregnancy or the existence of health conditions with the prison health team where necessary. Prison Healthcare services are able to confirm that an individual meets the criteria without giving precise details of medical conditions as considerations of medical confidentiality continue to apply. If you have multiple prisoners in these groups and resources are limited, you should prioritise according to need.

We have identified an initial list of medically vulnerable offenders which will be shared with each prison as a starting point of identifying in-scope offenders, and an initial list of pregnant women and those in Mother and Baby Units was shared last week. However, you will also need to assess applications from others who meet the criteria. Work is ongoing to identify extremely vulnerable individuals in prisons in Wales. The names of any additional individuals you identify should be reported into the central OMU hub to ensure national security considerations can be considered as part of the assessment.

Where a prisoner is willing to take part in the process, you should risk assess these prisoners in line with the guidance on Special Purpose Licences (SPL) set out in the ROTL Policy Framework. **They should only be recommended for release if they do not present a level of risk of harm, reoffending, failure to return or other significant challenge that cannot reasonably be managed in the community**. The assessment should be based on the most recent available assessment of risk that is available for the individual, including OASys.

**The recommendation on release must be referred to the Central OMU Hub (see Annex B for contact details) before final approval is given.**

For the full process please see the flow chart in Annex D.

1. **Risk assessment process**

In addition to the usual SPL risk assessment, including consultation with the community offender manager, input from your local Security & Intelligence Department, police and other agencies (such as children’s services) as required, you should work in conjunction with the Through the Gate (TTG) team. Release on temporary licence must be informed by the specific areas of support individuals will need in the community; which is particularly important in light of changes to services as a result of COVID-19 and the need for social distancing. These checks will need to be conducted urgently.

An Exceptional Delivery Plan for Home Circumstances enquiries has been agreed. This makes clear that enquiries will be conducted via phone rather than face to face. It includes consideration of proximity to victims, the continuation of police checks in Domestic Abuse cases, and is clear that safeguarding checks should be made as usual.

Attention should be paid to any information indicating that the person could be at risk of Domestic Abuse if released to a particular address.

Conditions to protect any victim(s) should be put in place where necessary and the victim liaison officer (VLO), or appropriate agency, should be consulted in relevant cases. It will not always be possible to consult victims before release but those participating in the Victim Contact Scheme must be notified of the release and the conditions put in place for their protection by the VLO, so that they can consider whether they want the VLO to seek additional conditions. It is for the current offender manager (prison or community) to ensure that the VLO is consulted.

You should work with the TTG team to consider ongoing healthcare and medication needs, as well as adult social care arrangements, in preparation for ROTL. TTG teams should be consulted about the support they can offer within their reduced model of delivery.

A COVID-19 Central Offender Management Hub is being mobilised to provide support to establishments. Full contact details for the Hub are detailed in Annex B, and a member of the Hub team will be in touch with each prison to offer support.

1. **Health check process and social care**

You should work in partnership with local health teams, local authorities, and other relevant agencies; making every effort to ensure prisoners are seen by healthcare services at least 48 hours before release so that arrangements for safe care and continuity of medications can be completed. Local authorities should be contacted at the earliest opportunity where an individual has social care support needs. The specific needs of the individual must be considered. These include adult social care requirements, access to pre-and post-maternity care in the community from a midwife, and for expectant mothers, referral to a GP and local maternity unit. **You should only release the prisoner if their accommodation, immediate social care and health needs can be met post-release, and they can travel safely to their accommodation.**

1. **Licence conditions**

Prisons should use the new “ECTR/SPL (Covid) Licence Template” which will be placed on NOMIS. A copy is attached at Annex C. This should also include 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). Note that the provisions on electronic monitoring do not necessarily require electronic monitoring to be applied, just for the individual to comply where it is.

If the individual is close to their Conditional Release Date (CRD), they may reach this while they are on this temporary release. In these cases, therefore, when issuing a ROTL licence you should also issue the release licence that will come into effect at CRD, when probation supervision commences. You should clearly explain the differences between the two sets of conditions.

1. **Clearance Process**

For COVID-related releases under SPL, Prisons are required to seek additional clearance, via the OMU hub, from the Deputy Director Prisons before a final decision is made. The ROTL dossier should be sent to the Hub for clearance.

A higher risk assessment is required for these cases as some of these prisoners would not in normal times be released on RoTL, but in the unique circumstances of COVID-19 it may be appropriate.

1. **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 E.** Specific guidance on financial support is attached at **Annex F.**

1. **Transport**

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 government’s 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 10:00 am. 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.

1. **Accommodation on release**

You 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.

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.

Assessments should be made of the home/accommodation that the individual will stay at during ROTL to ensure that appropriate isolation (shielding) under NHS guidelines can be maintained and supported at all times including the provision of adequate food and appropriate space to sleep bed/cot equipment etc.

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).

1. **Reporting**

Any releases under this guidance must be logged on NOMIS. The ‘Reason’ field should be completed with the '*Emergency Temporary Release – Preg/MBU*' code for pregnant women and women with babies in MBUs, and ‘*Emergency Temporary Release – Vulnerable*’ for those who are extremely medically vulnerable as defined in the summary section on page one of this document.

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)*

**It is critically important that the correct codes are used when logging releases so outcomes for these individuals can be tracked accurately**

**ANNEX A - Prioritisation**

All of the in-scope cases are urgent and a review should be undertaken as soon as possible. Where resources are constrained, the list below – in combination with the clinical judgment of the prison health team – should be used to prioritise.

|  |
| --- |
| **Priority 1: Extremely vulnerable People:**   1. Solid organ transplant recipients. 2. People with specific cancers:    * people with cancer who are undergoing active chemotherapy or radical radiotherapy for lung cancer    * people with cancers of the blood or bone marrow such as leukaemia, lymphoma or myeloma who are at any stage of treatment    * people having immunotherapy or other continuing antibody treatments for cancer    * people having other targeted cancer treatments which can affect the immune system, such as protein kinase inhibitors or PARP inhibitors    * people who have had bone marrow or stem cell transplants in the last 6 months, or who are still taking immunosuppression drugs 3. People with severe respiratory conditions including all cystic fibrosis, severe asthma and severe COPD. 4. People with rare diseases and inborn errors of metabolism that significantly increase the risk of infections (such as SCID, homozygous sickle cell). 5. People on immunosuppression therapies sufficient to significantly increase risk of infection. 6. Women who are pregnant with significant heart disease, congenital or acquired. |
| **Priority 2: Those who are eligible for flu vaccination, pregnant or suspected pregnant**  Eligible for flu vaccination includes those who:   * are 65 years old or over * are pregnant * have certain medical conditions defined on [www.nhs.uk](http://www.nhs.uk) as follows: * *chronic (long-term) respiratory diseases, such as asthma (that requires an inhaled or tablet steroid treatment, or has led to hospital admission in the past), chronic obstructive pulmonary disease (COPD), emphysema or bronchitis* * *chronic heart disease, such as heart failure* * *chronic kidney disease* * *chronic liver disease, such as hepatitis* * *chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis (MS), a learning disability or cerebral palsy* * *diabetes* * *problems with your spleen – for example, sickle cell disease or if you have had your spleen removed* * *a weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy* * *being seriously overweight (a BMI of 40 or above)*   This list of conditions is not definitive. It is always an issue of clinical judgement. |
| **Priority 3: Other underlying long-term conditions** |
| **Priority 4: Anyone else** |

**ANNEX B**

**COVID 19 OMU Support Hub Details**

The COVID19 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 Restricted Release (ECRR) arrangements, including;

* Technical Support
* Knowledge,
* Advice and guidance regarding HDC, RoTL, (inc. ECRR & 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.

**Contact details**

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

Email: [Covid19-omu-support@justice.gov.uk](mailto:Covid19-omu-support@justice.gov.uk)

Phone: 07973 759 298

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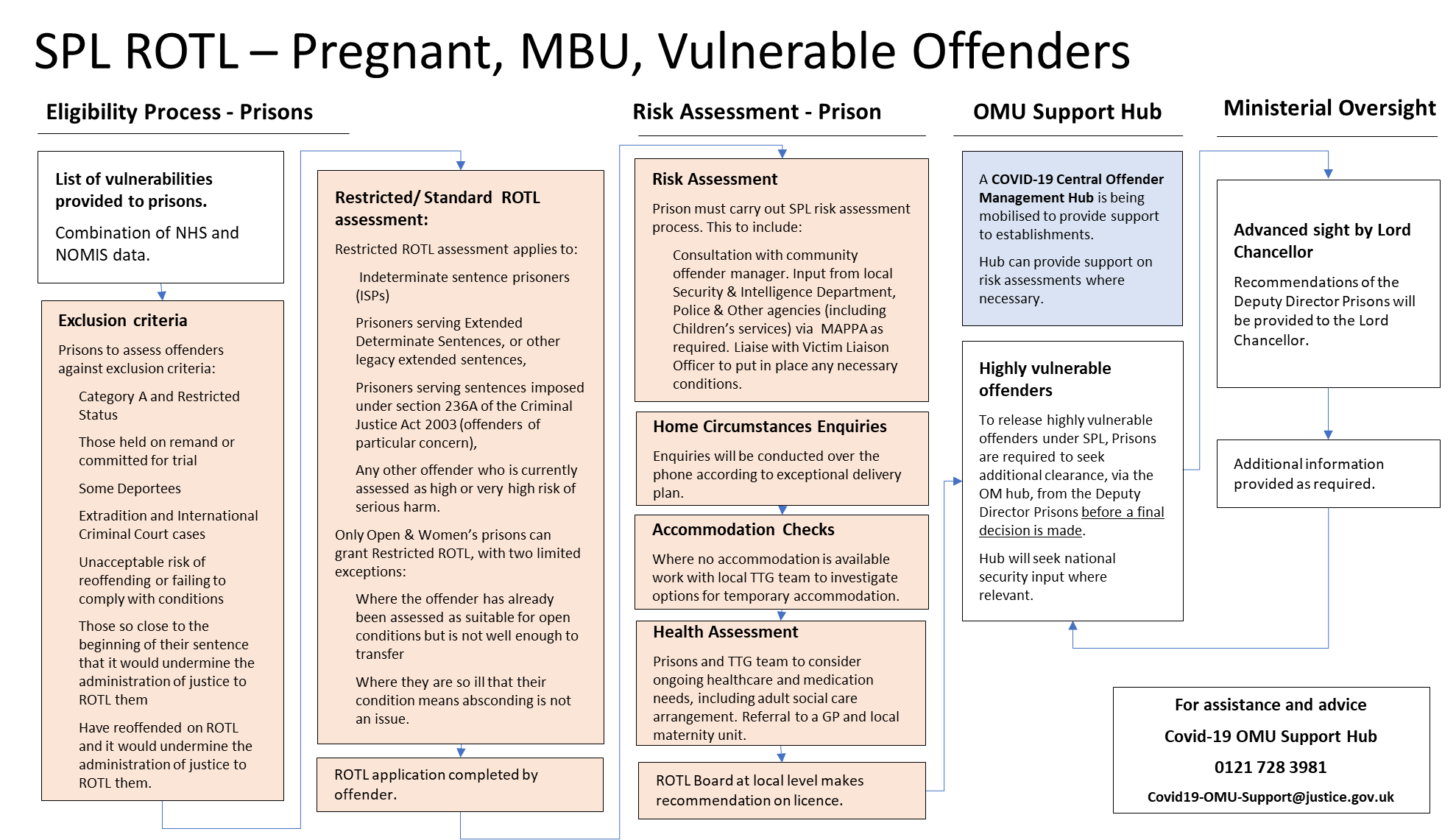
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**ANNEX C**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ECTR/SPL (COVID19) LICENCE** | | | |  |  | Insert Picture here   |  | | --- | |  | |  |  |  |  |  |
|  |  | PROTECT - PERSONAL | | | | |  |  |  |  |  |
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|  |  |  | [Establishment Name] | | |  |  |  |  |  |  |
|  |  | [Establishment Telephone Number] | | | | |  |  |  |  |  |
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| Name: |  | |  |  |  |  |  |  |  |  |  |
| NOMS No: |  | | CRO No |  | | Date of Birth: |  | |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| Prison No: |  | | PNCID No: |  | |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| 1. Under the provisions of Prison Rule 9/9A or YOI Rule 5/5A you are being released on temporary licence. Temporary release is not an entitlement but is at the discretion of the prison. You may be recalled to prison at any time whether or not you have broken any of the terms and conditions of temporary release as stated below. | | | | | | | | |  |  |  |
| 2. You must: |  |  |  |  |  |  |  |  |  |  |  |
| 1. be of good behaviour and not behave in a way which undermines the purpose of the licence period; 2. not commit any offence; 3. comply with all current Government COVID-19 announcements, directions and guidelines; 4. keep this form with you at all times throughout your release on temporary licence, and must provide it if requested to do so by a police officer or a probation officer; 5. reside at [address] between the hours of 11pm and 6am unless otherwise authorised by a variation to this licence; 6. not partake in gambling, or making payments for other games of chance; 7. not consume alcohol or enter any premises whose primary function is the sale and consumption of alcohol; ie pubs, club and bars. You may enter licenced premises such as supermarkets provided you do not purchase or consume alcohol; 8. not contact the media (including any person or place associated with broadcasting or publication); 9. not upload, add or modify any material on any social networking site or internet chat-room; 10. not take unauthorised controlled drugs or psychoactive substances; 11. not return to the establishment with any unauthorised articles; 12. not leave the United Kingdom; and 13. comply with any electronic monitoring conditions which may be imposed at any time during the release as directed.   3. While subject to electronic monitoring you must–  (a) allow an electronic device to be fitted to your person, or if electronically monitored by another device, carry that device on your person at all times;  (b) allow the installation of any equipment associated with electronic monitoring and/or install any electronic monitoring equipment provided to you as directed;  (c) not damage or tamper with the electronic device or equipment associated with electronic monitoring;  (d) ensure at all times that the electronic device is sufficiently charged;  (e) immediately report to the prison or any person nominated by the prison if the electronic device or equipment associated with electronic monitoring is not working correctly;  (f) allow any person nominated by the prison to check whether the electronic device or equipment associated with electronic monitoring is working correctly. | | | | | | | | |  |  |  |
| 7.    If you remain at large after an instruction from the prison recalling you has been made, you will be liable to arrest and may be excluded from further ROTL and transfer to open conditions  **Additional Conditions** | | | | | | | | |  |  |  |
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| Signed: |  | | | Role | : | | | |  |  |  |
| Date: |  | | |  |  |  |  |  |  |  |  |
| for the Secretary of State for Justice | | | |  |  |  |  |  |  |  |  |
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| This licence has been given to me and its requirements have been explained. | | | | | | | |  |  |  |  |
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| Name: |  | | | | | | | |  |  |  |
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| Signed: |  | | | | | | | |  |  |  |
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| Date: |  | | |  |  |  |  |  |  |  |  |
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**Annex D: Full Process Flow Chart**



# ANNEX E

**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**](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 trustedfriend 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**](http://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)

**ANNEX F - Financial Support for End of Custody Temporary Release during COVID-19**

