

COVID-19: End of Custody Temporary Release Operational Guidance

This document is version 1 of the End of Custody Release (ECTR) guidance for prisons, issued on 07/04/2020. Revised guidance will be issued as necessary.

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 MAPPAs supervision on release
- Offenders serving a sentence for a COVID-related offence, or a sexual or violent offence;
- Offenders subject to a Fixed Term 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;

- Offenders whose healthcare, including any COVID considerations, cannot 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 sentenced to more than 4 years in custody. We are reviewing whether this group could be suitable for early release subjected to an enhanced risk assessment, and more guidance will be issued shortly.

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

What should you do immediately?

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.
 - Consideration of any outstanding adjudications referred to the IA or Police;
 - Pending criminal charges;
 - Known deportation status;
 - 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 identified, prison staff issue application forms to eligible prisoners who complete and return forms, stating two preferred addresses.
- **Spreadsheet confirming applications and screening results should be sent to COVID-19 OMU Support Hub within 24 hours.**

What happens next?

- COVID-19 OMU Support Hub pass batch names via spreadsheet to the joint NPS/CRC Divisional Early Release, Homeless Prevention Taskforces for address and police checks to be completed (including domestic violence and safeguarding).
- The Joint Taskforce Teams will record the checks and articulate any concerns, via spreadsheet and send to the Hub within 48 hours.
- The Homelessness Prevention Taskforce teams will also commence accommodation referrals for those who do not have suitable address and notify the Hub as soon as one is located. This will be on a case by case basis as opposed to batch notification.
- The 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 response within 24 hours.
- Once the Hub has all the relevant information it will make 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.
- 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.
- 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 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.
- *Further guidance will follow on criteria and arrangements for electronic monitoring.*

On an ongoing basis

- 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.
- The central Hub will notify prisons when releases under ECTR should cease.

See **Annex B** for a detailed ECTR process map.

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 datascience.hub@justice.gov.uk. 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

You 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). 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.

As individuals will be close to their Conditional Release Date (CRD), when issuing an ECTR licence you 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

Prisons must consider ongoing healthcare and medications needs, as well as adult social care arrangements, in their preparation for ECTR. They should work in partnership with local health teams, local authorities, and other relevant agencies.

- They should refer to [NOMS guidance on discharge](#), which states:
 - all prisoners must be examined by a healthcare practitioner during the 24 hours prior to discharge, and necessary medications / prescriptions are issued to escorting staff or the prisoner, according to your protocols, along with information of the time place, date and time of any medical appointments
 - Relevant agencies have been informed about an offender's physical and mental health needs and risks of harm
- And to [NOMS guidance on adult social care](#), which states:
 - If a prisoner is in receipt of care and support, or may require care and support on transfer or discharge, prisons must provide timely notice to local authorities, and to care and support service providers when a decision is made to transfer a prisoner to another establishment and must advise local authorities of planned discharge dates.
 - Prisons must identify the contribution of custodial services and any contribution under the Prisoners Assisting other Prisoners scheme as part of the information provided, so that appropriate arrangements can be made for the new location.
 - Prisons should ensure early involvement of all agencies in resettlement planning, including the Community Rehabilitation Company (CRC) delivering the Through The Gate resettlement services and the agency with overall responsibility for the management of the offender (either the CRC or the National Probation Service - NPS).

You must work with prison healthcare to ensure that offenders with identified needs will have access to the treatment and medication they need on release.

7. 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. 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).

8. Financial Support on release

You 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 is attached at Annex E.

9. Reporting procedures

- All releases under this guidance must be logged 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.

10. 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: Covid19-omu-support@justice.gov.uk

Phone: 0121 728 3981

Leadership Team

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Support with PECS and PMU queries is available from:

Roy Stevenson: PECS Covid lead

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Tim Coates: Head of PECS

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Diane Dean: PMU lead

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Alan Lowe: Head of PMU

Alan.lowe@justice.gov.uk

ANNEX A

End of Custody Temporary Release Conditions (to replace conditions in ROTL licence)

Under the provisions of Prison Rule 9A (Coronavirus Restricted Temporary Release) 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.

1. You must:

- a) be of good behaviour and not behave in a way which undermines the purpose of the licence period;
- b) not commit any offence;
- c) comply with all current Government COVID-19 announcements, directions and guidelines;
- d) 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;
- e) reside at [address] between the hours of 11pm and 6am unless otherwise authorised by a variation to this licence;
- f) not partake in gambling, or making payments for other games of chance;
- g) 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;
- h) not contact the media (including any person or place associated with broadcasting or publication);
- i) not upload, add or modify any material on any social networking site or internet chat-room;
- j) not take unauthorised controlled drugs or psychoactive substances;
- k) not return to the establishment with any unauthorised articles;
- l) not leave the United Kingdom;
- m) comply with any electronic monitoring which may be imposed at any time during the release as directed; and
- n) comply with any additional curfew conditions applied to allow for the fitting / removal of any electronic monitoring equipment.

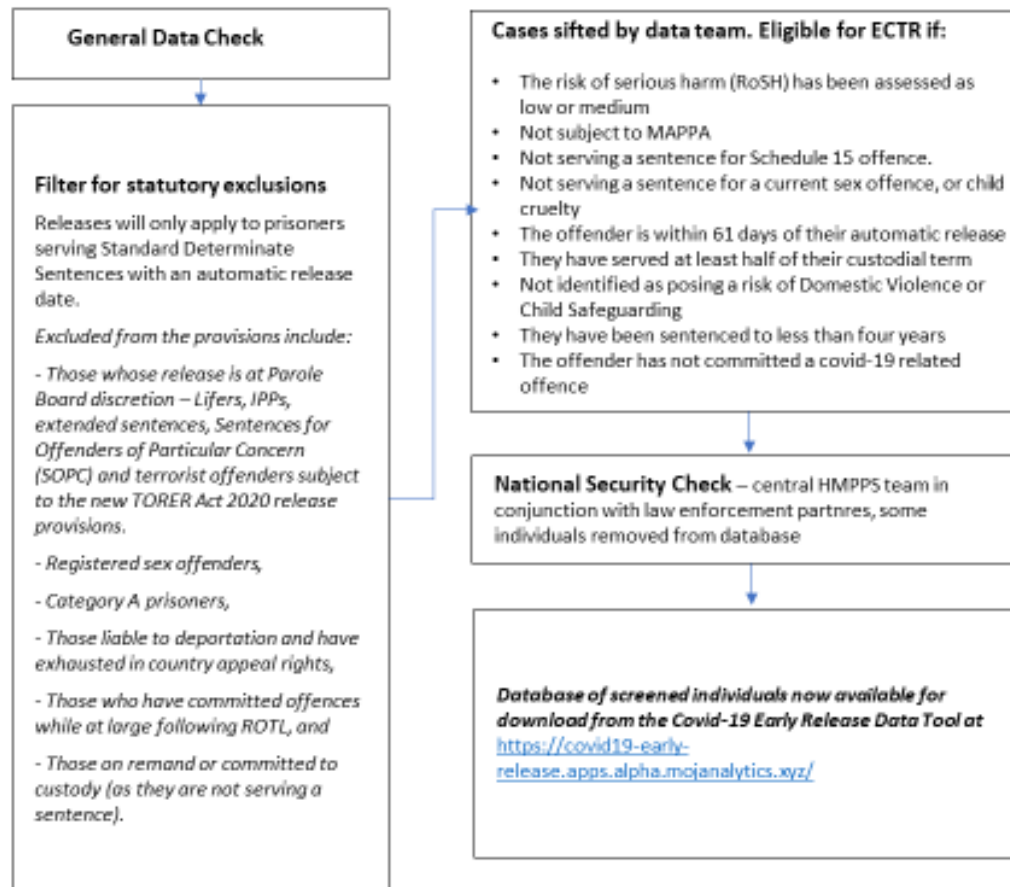
2. While subject to electronic monitoring you must:

- 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.

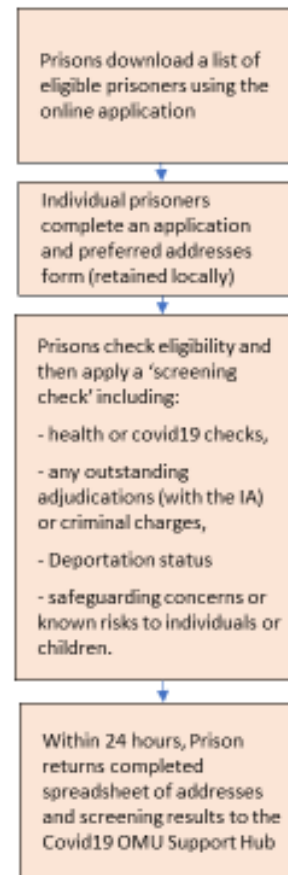
ANNEX B
ECTR Process Map

End of Custody Temporary Release

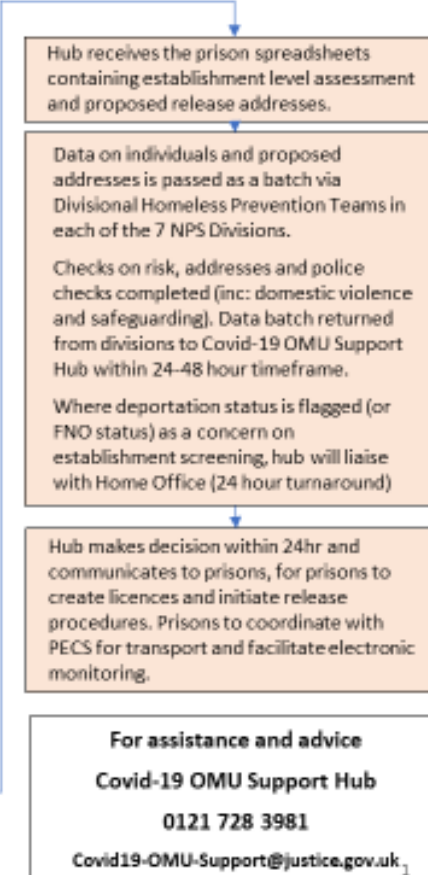
Eligibility Process in COVID-19 context



Prisons



Covid-19 OMU Support Hub



ANNEX C

COVID 19 End of Custody Temporary Release Application



COVID19 Application
V6.docx

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)

ANNEX E

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



Early Release
Financial Support fii