



HM Prison & Probation Service

Home Detention Curfew Assessment Process

This instruction applies to: -		Reference: -
Providers of Probation Services Prisons		PI 01/2018 PSI 01/2018
Issue Date	Effective Date Implementation Date	Expiry Date
2 January 2018	3 January 2018	
Issued on the authority of	HMPPS Agency Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> HMPPS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> National Probation Service (NPS)</p> <p><input type="checkbox"/> HMPPS Immigration Removal Centres (IRCs)</p> <p><input checked="" type="checkbox"/> Community Rehabilitation Services (CRCs)</p> <p><input checked="" type="checkbox"/> Other Providers of Probation and Community Services</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input checked="" type="checkbox"/> Heads of Groups</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	Service improvement	
For information	All staff	
Provide a summary of the policy aim and the reason for its development / revision	<p>This instruction revises the process for considering release on home detention curfew (HDC). The revised process has been streamlined to deliver the aims of the HDC scheme, which is intended to lead to the release on HDC of most offenders who are eligible under the existing criteria. The eligibility criteria remain the same.</p> <p>The reason for the change is that the previous process had become overly bureaucratic and tended to frustrate the objectives of the scheme, meaning that only a minority of eligible offenders were being released on HDC.</p> <p>Update 22 March 2018 –</p> <ul style="list-style-type: none"> • Paragraph 1.7 - amended to update the review requirement to cover individuals refused HDC between 3 January 2018 and 22 March 2018 • Section 6 – amended to clarify the offences committed during current sentence that constitute exceptional reasons to refuse HDC; • Annex B – amended to update Best Practice Guidance and FAQ • Annex E – minor changes to Annex E (Forms) in light of user feedback since implementation. 	
Contact	HDC Policy Team	

	<p>Tel: 0203 334 5044/4689 Email - release.policy@justice.gov.uk</p>
<p>Associated documents</p>	<p>PSO 6700 – Home Detention Curfew PSI 12/2015 – Licence Conditions, Licences and Licence and Supervision Notices PI 9/2015 – Licence Conditions and Temporary Travel Abroad PSI 30/2014 – Recall, Review and Re-Release of recall offenders PSI 25/2013 – PI 10/2013 – Accommodation and Support Service for Bail and HDC PSI 43/2012 – Legal Aid, Sentencing and Punishment of Offenders Act 2012 - HDC (consolidates CJA 91 & 03 schemes, guidance on multiple sentences, updates presumed unsuitable offence lists) PSI 52-2011 – paras 2.42-2.52 and Annex D add guidance on Foreign National Prisoners and HDC. PSI 41 and PC 17/2008 - Introduction of Cross Border Arrangements between England & Wales and Scotland for HDC purposes PSI 31/2006 – Impact of CJA 2003 & consolidation of guidance (and guidance on presumed unsuitability) PSI 31/2003 – Changes to HDC (guidance on presumed unsuitability) PC 82/98 – HDC – Accommodation and outstanding HDC issues PC 44/1998 – HDC: The Role of the Probation Service National Probation Service Policy Statement: Safeguarding and Promoting the Welfare of Children National Probation Service Policy Statement: Safeguarding Adults at Risk NOMS Domestic Abuse Strategy MAPPa Guidance PI 17/2016 & PSI 18/2016 Public Protection Manual PSI 05/2014 - Safeguarding of children and vulnerable adults PI 07/2014 - Security Vetting PI 57/2014 – Risk Escalation</p>
	<p>Replaces the following documents which are hereby cancelled: PSI 39/2002 – Extension of Presumptive HDC PSI 19/2002 – Introduction of Presumptive HDC PSI 53/2004 - Changes to HDC Risk Assessment Process</p>
	<p>Audit/monitoring: Mandatory elements of instructions must be subject to management checks (and may be subject to self or peer audit by operational line management/contract managers/HQ managers, as judged to be appropriate by the managers with responsibility for delivery. In addition, HMPPS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.</p>
	<p>Introduces amendments to the following documents: PSO 6700 – Home detention curfew – Replaces chapter 5 in full and forms HDC 1, 1a, 2, 3, 3a, 3b, 4, 6 and 9.</p>
	<p>Notes: <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i></p>

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1. Executive summary

- 1.1 This instruction introduces revised processes for considering release under the home detention curfew (HDC) scheme. The focus is the process from assessing eligibility for the scheme to the decision on whether to release, and it therefore needs to be read in conjunction with existing guidance listed on the front page that covers other aspects of the scheme.

Background

- 1.2 The HDC scheme was introduced in 1999 to provide a managed transition from prison to community for offenders serving short sentences. From its inception, it was expected that release on HDC would be a normal part of the sentence for most eligible offenders. The data shows that this is not currently happening. In 2016, only 21% of offenders potentially eligible for the scheme were in fact released on HDC.
- 1.3 HMPPS has reviewed current processes and practice during 2017 and plans to consolidate all existing HDC instructions and issue a new HDC Policy Framework in due course. We are issuing this instruction now because we are satisfied that the current processes are unnecessarily bureaucratic and tend to frustrate the objectives of the scheme. **As has always been the case, refusal of HDC for those eligible and not presumed unsuitable for release should be the exception. It should be reserved for those cases where early release would undermine risk management planning to protect the public.**
- 1.4 No changes are being made to the eligibility criteria, nor to the policy of presuming certain offenders unsuitable for release on HDC. The main changes are:
- *The responsible officer who is responsible for completing the address suitability check must advise the governor of cases where specific risk management actions are required prior to release;*
 - *The governor or delegated decision-maker is responsible for determining whether there are exceptional grounds for refusing HDC;*
 - *The minimum curfew length is 10 days; and*
 - *A suite of revised forms replaces those currently used for HDC consideration.*

Mandatory Actions

- 1.5 *Governors, NPS Heads of Division, and Chief Executives of CRCs must ensure that all staff responsible for HDC actions are aware of and act in accordance with the principles and procedures set out in this instruction.*
- 1.6. *The measures set out in this instruction must be implemented immediately; i.e. the new forms must be used as each stage of the process is reached. Where an offender is mid-stage on the date of implementation of this instruction then that stage should be completed as now but all assessments and recommendations must be made in line with the revised requirements. For example, where a home circumstances report has already been commissioned under the previous process, the responsible officer must respond to the prison with the information required under the revised process; i.e. with confirmation of informed occupier consent and electricity supply, the reporting instructions, any non-standard licence conditions and advice about risk management planning actions required pre-release. And, the decision-maker must consider solely whether there are exceptional reasons for refusal.*
- 1.7. *Governors must review the cases of serving prisoners where HDC has been refused or postponed since 3 January 2018 because of offences committed during the current sentence against the criteria as clarified in the revised section 6. Review in these cases should only commence where there is at least 4 weeks to CRD, to allow sufficient time to complete the review, any further assessment, two weeks advance notice for the responsible officer, police*

and EM provider and at least 10 days on HDC. Cases should also be reviewed where there has been a decision to approve release but the release has not yet taken place. There is no requirement to review cases where release has already taken place. In any Victim Contact Scheme (VCS) qualifying case where they have opted into the scheme, a check must be made to ensure that the victim has been notified of the fresh decision.

- 1.8. *Governors, NPS Heads of Division, and Chief Executives of CRCs will need to demonstrate the Public-Sector Equality Duty as per the Equality Act 2010. This must include monitoring, analysis of the HDC outcomes and addressing any disproportionately identified groups.*

Desired outcomes

1.9 The desired outcomes are that:

- Eligible offenders are identified early and invited to submit an address;
- The process operates to time without delays, particularly to HDC releases;
- Release on HDC is the norm for eligible offenders, so that most can benefit from the extra stability on release that home detention curfew offers; and,
- HDC is refused or postponed for eligible offenders by exception, including when they are unsuitable because of offences committed during the current sentence (as defined in section 6 of this instruction), or outstanding risk management plan actions, including those to protect identified victims.

Resource Impact

- 1.10 This revised approach reduces the administrative burden on prisons in particular but also on probation in terms of the work required in each case. It will mean that more cases will be processed as a result but the effects are estimated to be broadly cost neutral and will be met from existing resources. Additional demand on electronic monitoring services is also anticipated but has been assessed as manageable. The impact on resources will be monitored following implementation.

Approved for publication

Phil Cople

Director, HMPPS

2. Summary of Assessment Process

- 2.1 A flow chart setting out the stages of the assessment process is attached at [Annex A](#). The remainder of this instruction offers more detailed guidance about each of the stages.
- 2.2 It is important that all eligible offenders are identified early and that thereafter all stages of the process are completed on time. Although there is no statutory entitlement to release on HDC, the policy is that offenders who are eligible and suitable for the scheme are released on or shortly after the HDC eligibility date (HDCED), wherever possible. [Annex B](#) sets out best practice pointers to assist in delivering timely HDC and includes several frequently asked questions (FAQ) about the policy. If there are queries not covered here, the HDC Policy Team should be contacted on 020 3334 5044, 020 3334 4689 or release.policy@justice.gov.uk.
- 2.3 The following timetable illustrates the latest points at which the various stages of the process should happen with prisoners serving sentences of 40 weeks or more. And in such cases, practitioners might act before the deadlines to give more time. Shorter sentences and remand time will mean that a shorter timetable will be necessary. There is some flexibility built into the timetable below - for example the decision could be taken immediately after the responsible officer has returned the Address Checks form and the notifications issued immediately – and other elements could be shortened – for example, the prisoner could be supported to complete the Proposed Address form immediately and the notifications could go nearer to the release date.

Timing	Action
5 days after sentence calculation	<ul style="list-style-type: none"> Identify HDC eligibility and presumed unsuitability. Notify offender using HDC Eligibility Notification Forms Provide copy to responsible officer and the Through the Gate (TTG) provider in the prison.
Thirteen weeks before HDC Eligibility Date	In relevant cases, case admin submits HDC-FNP to Home Office Immigration Enforcement (HOIE) - requiring return within 20 business days - to establish current immigration status and HOIE intentions on removal and detention
Ten weeks before HDCED	Offender given and supported to complete Proposed Address Form, providing details of their proposed release address or opt out notification.
Nine weeks before HDCED	Case Admin completes Part 1 of Address Checks form and invites responsible officer to complete part 2 within 10 business days.
Seven weeks prior to HDCED	Responsible officer returns completed Address Checks form, confirming informed occupier consent and electricity supply, reporting instructions, details of contact in victim contact service cases, and any non-standard licence conditions and outstanding risk management plan actions.
Five weeks prior to HDCED	Assessment and decision form completed. Decision-maker considers whether there are exceptional reasons to refuse HDC, and then decides whether or not to release on HDC.
Three weeks prior to HDCED	If necessary, case admin checks with responsible officer about outstanding risk management plan actions
Two weeks prior to HDCED	Offender, responsible officer, police and the Electronic Monitoring Contractor to be informed of decision on HDC

Day of Release (on or as soon after HDCED as possible)	Copy of the licence to be sent to responsible officer, police and the Electronic Monitoring Contractor
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- 2.4 Although the aim is to complete the process before the HDC eligibility date, this is not always possible; in some cases, the process will start after the eligibility date. Offenders may be released on HDC up to 10 days prior to their Conditional Release Date (CRD).

3. Eligibility Checks

- 3.1 *The case administrator must establish the offender's eligibility for HDC within a week of sentence date calculation.* This is to ensure that the process starts in good time to allow release on or shortly after the eligibility date wherever possible. It also allows the responsible officer and TTG provider in the prison to be notified of those cases where early release on HDC is likely. This will aid release and sentence planning, for example prompting the commissioning of information from other agencies in good time. We recommend that responsible officers and TTG providers assume that an eligible offender will be released on the HDCED, and therefore plan accordingly.
- 3.2 Offenders referred to the Criminal Casework Directorate of Home Office Immigration Enforcement (HOIE) and whose immigration status remains unclear should be notified that they are presumed unsuitable for HDC until their immigration status has been confirmed.
- 3.3 This instruction makes no change to the criteria governing eligibility for HDC. [Annex C](#) sets out a guide to the offenders who are excluded from HDC by law and those who must be presumed unsuitable for release under the scheme. Full details on determining eligibility are set out in [PSI 43/2012 - Legal Aid Sentencing and Punishment of Offenders Act 2012](#), with additional guidance on the presumed unsuitable process set out in [PSI 31/2003 Changes to HDC \(guidance on presumed unsuitability\)](#) and [PSI 31/2006 - Impact of CJA 2003 & Consolidation of guidance](#). In cases of doubt, case administrators should contact the HDC Policy Team on 020 3334 5044, 020 3334 4689 or release.policy@justice.gov.uk.

Minimum Curfew length

- 3.4 The minimum curfew length is 10 days. This is to ensure that the offender has the benefit of curfew for at least a week. If there are less than 4 weeks between the date at which the offender's eligibility has been established and the conditional release date, the governor or delegated manager (at least band 7) may agree not to start the process.
- 3.5 *Once eligibility has been determined, the case administrator must notify the offender using the HDC Eligible form or the HDC Ineligible/Presumed Unsuitable/Insufficient Time form. A copy of the form must be sent to the responsible officer.* This form includes advice for those offenders who have been presumed unsuitable for release on HDC. It also encourages eligible offenders to give some thought as to potential release addresses.

4. Submitting the Address

- 4.1 *At least ten weeks prior to the HDC eligibility date, where possible, the offender must be provided with the Proposed Address form. (It should be possible to start the process 10 weeks before the HDC eligibility date in most cases where the offender is serving at least 40 weeks and remand time has not “eaten into” the 10 weeks pre-HDC eligibility date period). The prison is expected to encourage the offender to complete the form and must ensure that the offender is able both to understand the purpose of the form and to complete it. Where the offender wishes to be considered for HDC but is unable to propose an address, or where an address that has been proposed is deemed to be unsuitable, the prison must make the offender aware of the opportunity for release to Bail, Accommodation and Support Service (BASS) accommodation. Where the offender wishes to opt out of HDC the reason why must be recorded.*
- 4.2 How the prison complies with these requirements will vary but best practice is suggested at [Annex B](#). The eligibility criteria, process and forms can be complicated and some offenders will need assistance. In addition, particularly in the early days of implementing this instruction, some offenders may have a misplaced, negative view of their prospects of being released, so it is important to ensure that those thinking of opting out clearly understand how the scheme currently operates. *Offenders must be encouraged to offer more than one address, if they have more than one that might be suitable, but to indicate which is the preferred option as this will be assessed first and the alternative(s) will be considered only if this is found unsuitable.*
- 4.3 The Bail, Accommodation and Support Service seeks to support HDC releases by providing suitable accommodation for offenders whose lack of a suitable address prevents their being released through the HDC scheme. BASS provides a national service and more information about the scheme can be found in [PSI 25/2013 / PI 10/2013 - Accommodation and Support Service for Bail and HDC](#). *Referral to BASS must be considered in each such case.* Where there is no immediate BASS accommodation in the offender’s preferred location of release, in some cases it may be appropriate – with the offender’s agreement – to seek BASS accommodation out of area. Questions about the scheme provider should be directed to the provider, currently Stonham Home Group, on 0300 555 0264 or email contactus@stonham-bass.org.uk. Questions about the scheme as a whole can be directed to the BASS Contract Management Team at BASS1@justice.gsi.gov.uk.

5. Checking the Address

- 5.1 A Clearing Office has been established to ensure that requests for Address Checks are accurately allocated, and is a temporary measure whilst a digital solution is developed. *Until further notice Address Checks forms must be sent to the "Home Circumstance Report Clearing Office" - HDC.ClearingOffice@probation.gsi.gov.uk. Where there is a query about what has been recorded on a form which has passed through the Clearing Office, however, the prison and the responsible officer should communicate directly, not via the Clearing Office.*
- 5.2 *At least 9 weeks before the HDCED, case admin must send the Address Checks form to the Clearing Office for onward transmission to the responsible officer who must confirm:*
- *Informed Consent by the main occupier;*
 - *Electricity Supply;*
 - *Reporting instructions;*
 - *Any non-standard licence conditions, including any variation on the usual 7pm-7am curfew hours; e.g. to accommodate work pattern; and*
 - *Whether there are any risk management planning actions, including to safeguard children or adults, that must take place prior to release to that address.*
- 5.3 *The Address Checks form must be used instead of the PD1 for all cases where release is to be on HDC. Under [PSI 05/2014 - Safeguarding of children and vulnerable adults](#), unallocated cases remain the responsibility of the NPS.*
- 5.4 *The responsible officer must complete and return the HDC Address Checks form to the Clearing Office within 10 business days of the date it was received. The form must be returned within this timescale even in those cases where the responsible officer is still waiting for information they consider is essential to risk management planning.*

Informed Consent

- 5.5 *The responsible officer must contact the main occupier at the address to explain the nature of HDC so that they know what to expect and how that will impact on their lives. In multiple occupancy accommodation, where there are shared facilities, it is not expected that the responsible officer would normally contact other residents at the address unless they will live in the same room(s) as the offender.*
- 5.6 *The main occupier must be invited to ask questions about HDC and to raise any concerns they have. They must also be asked to identify all the other occupants of the address and give their ages. Where there are any children under 18 at the house, the main occupier must be asked to confirm whether any of the children is known to Children's Services. They must be advised that if they have concerns during the HDC period they should raise these with the responsible officer, whose details will be on the licence, or with the Electronic Monitoring (EM) contractors, who are available 24 hours per day, 7 days per week via the monitoring unit they will install. Further guidance on how to explain HDC and a list of suggested questions is at [Annex D](#).*

Licence Conditions and Risk Management Plan Actions

- 5.7 It is for the responsible officer to determine whether, based on the available information and using their professional judgement, any non-standard licence conditions and/or any other specified risk management planning actions must be taken before release in order to manage the offender safely at that address after release. Such actions would include where a Multi-

Agency Public Protection Arrangements (MAPPA) meeting has been convened pre-release and any case where HMPPS is committed to allowing the victim the opportunity to make representations about licence conditions. They will also include cases where the responsible officer is recommending licence conditions that exclude the offender from that location because of the risk to identified victims or potential victims at or in close proximity to the address.

- 5.8 Offenders eligible for HDC are serving relatively short sentences and certain more serious/complex offenders are excluded, including any with a sexual offending history or currently serving sentences for specific violent offences. It is therefore expected that most cases will be managed via standard licence and curfew conditions but there remain some offenders within this cohort who will require specific public protection measures to be in place before they can safely be released. It is therefore essential that current public protection practice is followed by prison and responsible officers, and takes account in the planning stages of the earlier potential release date.
- 5.9 *The responsible officer must inform the prison about the assigned MAPPA level at least six months before a MAPPA eligible offender is due for release.* This release date includes HDC eligibility date as that is the earliest possible release date for qualifying offenders. In exceptional cases, where HDC is being considered but a MAPPA level has not been received by the prison, staff should use the MAPPA escalation process to ensure the level is assigned as a priority. Due to sentence length and conviction exclusions, the number of eligible HDC cases that require MAPPA level 2 or 3 management will be minimal. However, in these cases the MAPPA risk management plan would need to be considered in the HDC decision making process and any necessary actions taken before any release on HDC.
- 5.10. Obtaining comments from the Police, Local Authority Children's Services and, where appropriate, Local Authority Adult Safeguarding Services is good sentence planning practice, and requests for information should have been made long before release. The responsible officer is expected to use their professional judgement to determine those cases where it is essential to have those comments pre-release because it is likely that specific actions will need to be taken pre-release, in order to protect the public. *In making this decision, the responsible officer must consider whether there are concerns about release to the proposed address (primarily because of who lives there or in close proximity) that mean it is essential to obtain the information they are seeking before release on HDC.*

Things to consider are whether:

- the offender has been assessed as a *continuing risk* to children whilst in custody (see chapter 5 of the Public Protection Manual);
- the offender has a history of domestic abuse and/or risk to vulnerable adults;
- there is domestic abuse, substance misuse and/or mental health concerns that may put a child at risk of harm.

- 5.11 The imposition of an electronically monitored curfew adds structure and a degree of control to the early part of the licence period. Responsible officers will wish to take this into account when considering what actions need to take place to manage risk on release. Particular care, however, needs to be taken in relation to the release on HDC of an offender with a history of inter-personal violence, to the home of a previous victim or potential victim. Adapting to life back in the community can be a stressful and challenging time for offenders and this can heighten the risk posed during a period of curfew. For those with a history of domestic violence, not being able to take a 'time out' (due to curfew) as a way of managing their behaviour is problematic, and means that the burden of safeguarding is placed onto the potential victim. *Similarly, releasing offenders to an address they will share with someone with a history of domestic violence towards them must also be very carefully considered*

because the offender (and potential victim) will feel constrained by the curfew requirements which could inhibit self-protection.

- 5.12 *Each case must be considered on its merits but it is expected that, in most instances where a high risk of interpersonal harm is identified, recommendations for release to an alternative address (to that proposed by the offender) should be considered, particularly if there is an identified need to undertake further, specific work to reduce any risk of serious harm to the partner and children at the address prior to release.*
- 5.13 *When returning the form, the responsible officer must make clear whether this is one of those cases where specific information has been requested from other agencies because they think it is essential to have the information before release. They must indicate when they expect to receive the information, arrange to chase for the information and provide it to the prison offender supervisor as soon as it becomes available.*
- 5.14 *Victims and families of victims of serious sexual and violent offending who have opted into the Victim Contact Service (VCS) operated by NPS must be afforded a reasonable opportunity to make representations about the conditions to be attached to any release. When returning the forms, the responsible officer must make clear whether this is a VCS qualifying case and when the comments are expected. The responsible officer must consult the victim liaison officer to check the timings. It is reasonable to allow the victim two weeks to make representations and the date of the letter to the victims must be indicated when returning the Address Checks form. If representations are submitted after this time they must nevertheless be considered and further recommendations on licence conditions made to the governor as necessary.*
- 5.15 *Conducting a home visit has never been a general requirement for HDC. It is for the responsible officer, using their professional judgement and based on what is known about the address, to determine whether a home visit is required in order to inform a risk management plan. NPS good practice guidance is that a home visit is undertaken in all cases where child safeguarding issues are identified. Other relevant factors are whether a home visit has previously been undertaken, and when, and whether there is anything in the information provided by the offender and occupier of the proposed address that raises concerns or questions that would best be dealt with face to face. When returning the form, the responsible officer must make clear whether this is one of those cases where they have conducted a home visit and why.*
- 5.16 *Where “bespoke” licence conditions are under consideration, responsible officers and Governors must follow the relevant guidance set out in paragraph 2.18 of [PSI 12/2015 - Licence Conditions, Licences and Licence Supervision Notices](#), and in paragraph 2.23 of [PI 9/2015 - Licence Conditions and Temporary Travel Abroad](#).*

6. Assessment and Decision

6.1 *At least 5 weeks before the HDC Eligibility date, once the Address Checks form has been returned, and it is clear that the responsible officer is not at that point awaiting further information, the case administrator must complete sections 1 – 3 of the Assessment form, and submit to the delegated HDC decision maker. Where the responsible officer is awaiting information before finalising comments, the case administrator must arrange to contact them after the date at which the missing information is expected.*

6.2 *The decision whether or not to release a prisoner on HDC must be taken by the Governing Governor, who may delegate the decision to a competent member of staff of at least band 7. In contractually managed prisons the decision must be taken by the Controller or Deputy Controller. The decision-maker must authorise release unless the following exceptional grounds to refuse HDC, or to postpone the decision, apply:*

HDC must be refused where:

- *it is not possible to manage the offender safely at the proposed address.*

The HDC decision must be postponed where:

- *specific public protection measures have been identified and planned to manage risk in the community but they are not yet in place; or*
- *the offender has been referred to the police or other law enforcement agency or to the independent adjudicator (IA) in relation to an alleged offence committed during the current sentence and the matter remains unresolved; or*
- *the offender is the subject of a confiscation order and, having consulted the prosecuting/enforcement authority and regional confiscation unit (details in PSI 16/2010), it is determined by the HDC decision-maker that there is an unacceptable risk of the offender frustrating the order of the court by, for example, going to ground, leaving the jurisdiction or hiding assets if released on HDC.*

6.3 *If the offender is under investigation and/or facing criminal or IA proceedings for an offence committed during the current sentence, the HDC assessment process may be started at the usual time so that if the case is discontinued or dismissed there is no additional delay in processing HDC. "Current sentence" in this instruction is to be taken to include the whole of the current, unbroken custodial period, including time on remand or serving civil or criminal terms of imprisonment. Where some time has elapsed since the matter was referred there should be a check to verify the current status before deciding to postpone the HDC decision, with regular checks thereafter. *Before releasing any offender subject to additional criminal proceedings, you must check whether there is a remand warrant in relation to any outstanding charges (i.e. whether or not committed during the current sentence).**

6.4 *Where the offender is found guilty by the courts or independent adjudicator of an offence committed during the current sentence, they must serve the penalty imposed. Where added days are awarded, the release dates must be adjusted accordingly and the offender must be considered for release on or after the adjusted HDCED. Where a further sentence of imprisonment is imposed, fresh release dates must be calculated in relation to the new sentence envelope and, if the offender remains eligible for HDC, they must be considered for release on or after the new HDCED. Such considerations of HDC against revised HDC eligibility dates must be considered on the same basis as other HDC considerations for eligible prisoners; i.e. the disciplinary or criminal offence will have led to additional time in custody being served, but if the prisoner remains eligible for HDC then the consideration of*

suitability for HDC, and whether to approve or refuse HDC or postpone the decision, must be made in accordance with the standard provisions of this PSI.

6.5 *Where the decision maker is satisfied that there are exceptional reasons to refuse HDC, or the decision is being postponed, the offender must be notified using the HDC Refuse/Postpone form, making clear that they may submit an appeal against the refusal and/or submit another address for consideration. Appeals are processed via the prison complaints system*

6.6 The HDC decision should be recorded on NOMIS as follows:

Approved where there are no exceptional reasons to refuse/postpone.

Rejected where it is not possible to manage the offender safely at the proposed address.

Postponed (outstanding risk) where the address has not yet been ruled out as unsuitable but it is not possible to approve release because there is a risk management planning action required before release. *Once this is resolved, the Assessment and Decision Form must be updated accordingly and a decision must be taken.* Once notified that the HDC decision has been postponed for these reasons, the offender may choose to withdraw this address and submit another.

Postponed (investigation) where the offender is under investigation and/or facing criminal or IA proceedings for an offence committed during the current sentence. Or there is an outstanding confiscation order and it has been determined that release on HDC would frustrate the order of the court.

6.7 Where HDC is refused because the address is unsuitable, a further address may be considered if there is time (i.e. at least 4 weeks to CRD).

7. Inter-prison transfer during the HDC process

- 7.1 It is best practice to transfer offenders as quickly as possible to the appropriate establishment, but if the offender reaches the point at which HDC should be started then the *holding prison must still ensure the process is commenced, keeping clear records on NOMIS.*
- 7.2 *Governors must ensure that there is a process in place so that all Offender Management Unit (OMU) paperwork, including that for ongoing HDC, is sent with an offender moving to a new establishment as part of a planned transfer. The responsible officer must be notified of the transfer and where the completed Address Checks form should now be sent.*
- 7.3 *Where this process fails for any reason, then the sending OMU must contact the receiving OMU to let them know the stage of the HDC process that has been reached and make sure that any paperwork not recorded on NOMIS and any reports received after transfer are forwarded as a priority. HDC paperwork that has not travelled with the offender must be scanned and/or sent by email to the appropriate functional mailbox at the receiving prison.*

8. Transfer of Responsible Officer during the HDC process

- 8.1 As indicated in paragraph 2.5 of [PI 7/2014 - Security Vetting](#), pre-release transfer requests should be made at the earliest opportunity and good practice suggests a minimum of six months prior to release to initiate the transfer process. Responsible officers should use professional judgement when considering the merits and timing of case transfers. However, certain processes such as HDC, Release on Temporary Licence (ROTL) and Parole may trigger a request or decision to transfer. For example, where the proposed HDC address is in a different area to that of the allocated responsible officer. *In such circumstances, the transferring NPS or CRC must not seek to transfer before the HDC decision has been made but must involve the receiving area in the process.* The prison should continue to communicate (directly or via the HDC Clearing Office) with the transferring NPS or CRC with responsibility for completing these assessments until a transfer decision is made.
- 8.2 Until a case is allocated, it remains the responsibility of the NPS. Where the Address Checks form has been sent to a CRC but responsibility for the offender transfers to NPS under the risk escalation review process as set out in [PI 57/2014 Risk Escalation](#), NPS also assume responsibility for completion of the form. The CRC should ensure that all relevant HDC paperwork is passed to the NPS as part of the risk escalation process and that this is clearly recorded on the appropriate case management system.

9. Recording HDC Action on NOMIS and nDelius

- 9.1 It is important that all stages of HDC are recorded on NOMIS and nDelius and that all forms used in the HDC process are generated from NOMIS. This will ensure that we can track the progress of HDC cases and that only the correct forms are used, which will be automatically populated with the prisoner's details. It is particularly important to record when:
- eligibility checks have been completed;
 - the prisoner is given the Proposed Address form;
 - the prisoner returns the Proposed Address form;
 - the Address Checks form is sent to the Clearing Office;
 - the completed Address Checks form is received from the Clearing Office;
 - the final HDC decision is made; and
 - HDC release takes place.
- 9.2 Revised "How To" guides on the completion of NOMIS for HDC are being prepared and will be issued shortly after implementation of this Instruction.
- 9.3 The nDelius case recording instructions (CRI012 – Throughcare) set out how to update nDelius with key HDC events for responsible officers, with the Address Checks form replacing the HDC3.

10. Offenders under the age of 18

- 10.1 HDC is available to individuals aged under 18 years serving sentences of detention under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 and the provisions of this instruction apply equally to them. *The decisions ascribed to the governor or delegated decision-maker above must be taken by the governor or delegated decision-maker in relation to any offender held in a Young Offender Institution. In relation to an offender held in a Secure Training Centre or in a local authority secure children's home, the decisions must be taken by HMPPS Youth Custody Service. In either case, part 2 of the Address Checks form must be completed by the youth offending team.*

HDC Assessment Process Flow Chart

The flow chart is embedded in this pdf document:



HDC process flow
chart v5.pdf

HDC – BEST PRACTICE AND FREQUENTLY ASKED QUESTIONS

This document is to be used as a quick reference resource accompanying PSI/PI 1/2018. The PSI/PI and related documents should be consulted for detailed guidance and the HDC Policy helpline contacted if there is any doubt over interpretation on 020 3334 5044, 020 3334 4689 or release.policy@justice.gov.uk.

Best Practice Pointers**1. Work to the HDC eligibility date**

For sentence planning purposes, work on the assumption that the HDC eligibility date will be the release date, in all cases where the offender is eligible and not presumed unsuitable, until the point where HDC has been refused. Probation providers should work on the basis that this will be the release date when they are giving reporting instructions on the Address Check Form.

2. Help the offender complete the Proposed Address Form

The use of prisoner peer supporter/prison signpost worker can assist in this process in order to get the form completed in one day. Forms are taken to the wing and issued to the peer supporter and collected at the end of the day without the need to use internal mail systems. Peer supporters would also have blank BASS forms available to use. Peer supporters would be used to promote HDC, BASS and be able to explain the HDC process to offenders.

- Make sure the offender can read and/or understand the form.
- Make sure they know that the address they nominate must be assessed as suitable by probation/CRC.
- Ask them to nominate an alternative address where possible.
- Ensure that they give full contact details, including as least one phone number for the address – even where this is housing association or local authority. It cannot be assumed that the responsible officer will know. The number can be a mobile telephone number or landline.
- If the offender has no address; complete BASS referral form
- Any BASS referral form completed by a peer supporter will need to be checked and added to before referral to ensure that risk, present and previous offences are inserted and that the information is accurate – to avoid the form being returned.
- If the offender is opting out of HDC – get peer supporter to record the reasons why for opting out. This will need recording and monitoring to identify any trends.

3. Monitor progress against key events

We are working towards a digital approach to the HDC process to help with recording and reporting on HDC locally and nationally. In the meantime, we recommend that you ensure you have in place local arrangements to monitor the following:

- Is offenders' eligibility status being correctly identified early in the sentence – are they: eligible; presumed unsuitable?
- Is the HDC process being commenced early enough (date offender given Proposed Address form)?
- Are offenders being enabled to complete and return Proposed Address forms?
- Are BASS referrals being made when they should be? Are there any issues around the level of provision / level of rejections?
- Is the level of opting out of HDC being monitored?
- Are Address Checks forms being sent to the Clearing Office in time?
- Are Address Checks forms being returned on time (the provider has a deadline of 10 working days)?
- Are release/refusal/postponement decisions being made in good time?
- Is the outcome recorded, including the reasons for any refusals/postponements?
- How many eligible offenders are not being considered for HDC and what are the reasons why?
- Is the establishment using the correct version of the forms? The best way to be sure is to always use forms generated from NOMIS, and Word versions on the Address Checks forms should be sent to probation providers rather than PDFs

- Are the forms being completed accurately? The Address Checks form in particular has a number of Yes/No options and failing to amend accurately can prompt unnecessary follow-up questions, delaying the process. If forms are generated from NOMIS, many fields will be automatically completed, ensuring accuracy and saving time.
- Are HDC outcomes being monitored at Senior Management team level to ensure that the final decision maker is following the revised processes and principles. Ensure there is a quality check process in place for sampling outcomes.
- How do you promote the HDC process with offenders? What do your offender forums say about HDC?
- Are you able to see the status of all HDC eligible prisoners in the establishment? Develop a local tracker, a useful starting point for which is the new National HDC DQ MI Report on NOMIS (found in Operational Reports, under Sentencing)

4. Raise Performance issues through local implementation groups.

If there are concerns about delays in commissioning or providing reports, or about the content of reports, or indeed any other aspect of HDC performance by one or other agency, this will often be dealt with most effectively at a local level. The Service Integration Group (SIG) is held in each CRC contract package area, with prison and probation providers and is chaired by the local Senior Contract Manager (SCM). These groups are one route for prisons, probation and contracted providers to raise concerns each has about their joint ability to deliver against individual performance metrics. The SCM may also have contact with the local police force and it is possible to invite them to attend the SIG as is appropriate. Contact details of Senior Contract Managers are available from the HMPPS Directorate of Community Interventions or Heads of Stakeholder and Engagement in the NPS divisions.

5. If in doubt, use the HDC Helpline

The MOJ provides an HDC policy helpline. The main purpose is to advise practitioners on the interpretation of the policy. The most frequently asked questions (and answers) are set out in the attached FAQ but the helpline team are ready to answer any questions about the policy.

Contact details:

Release.policy@justice.gov.uk
Tel 0203 334 5044/4689

Frequently asked questions

Eligibility related questions

Q. What is the difference between being ineligible for HDC and being presumed unsuitable for HDC?

A. Some offenders are ineligible in law and cannot be released on HDC under **any** circumstances. Those who are presumed unsuitable for HDC may be considered for release but only in exceptional circumstances.

Q. What makes someone PRESUMED UNSUITABLE for HDC consideration?

A. Offenders that are presumed unsuitable for HDC consideration are eligible in law but as a matter of policy (i.e. set out in HDC Instructions and guidance, rather than in the legislation) may be considered for HDC but only if exceptional circumstances exist. For example, they are low risk, first-time offenders who are currently infirm and HDC would bring a significant benefit in their case. These are example circumstances; each case must be considered on its merits.

The HDC Eligibility form must be given to the offender informing them of their HDC eligibility date (HDCED), that they are presumed unsuitable due to the nature of their offence, and would only be considered if there are exceptional circumstances, and they may put these forward to the governor for consideration (**please see paragraphs 28 of PSI 31/2003**).

Offenders presumed unsuitable include:

- anyone with a history of sexual offending but not currently required to register (this includes current offences where the registration threshold has not been met);
- foreign national offenders liable to deportation but not yet served with a decision to deport;
- anyone who has been recalled during a previous period of HDC for reasons not linked to curfew breach;
- anyone currently serving a sentence of imprisonment for any of the following categories of offence:
 - o Homicide
 - o Explosives
 - o Possession of an offensive weapon
 - o Possession of firearms with intent
 - o Cruelty to Children
 - o Hate Crime offences
 - o Terrorism.

Q. What makes someone INELIGIBLE for HDC Consideration?

A. This is a matter of **law/statute** and means that the offender may not be released on HDC under any circumstances. The following are ineligible for HDC:

- Anyone serving 4 years or more for any offence;
- Sex offenders required to register;
- Offenders convicted of violent or sexual offences currently serving an extended sentence;
- Offenders serving a sentence under section 1 of the Prisoner's Return to Custody Act 1995 (covers fail to return from ROTL, absconds and escapes);
- Offenders serving a sentence for breach of the curfew requirement of a Community Order;
- Offenders who have ever been recalled to prison for failing to comply with the HDC curfew conditions;
- Offenders who have ever been returned to custody by the court for committing an imprisonable offence during the at-risk period;
- Offenders currently serving a recall from early release on compassionate grounds;
- Foreign national offenders who have been recommended for deportation by the court and those who are liable to deportation and a decision to deport has been issued.

Q. What about Category A prisoners?

A. Very occasionally a Category A prisoner will be serving a sentence of under four years and not otherwise excluded. However, such prisoners have already been assessed as "those whose

escape would be highly dangerous to the public or national security". Establishments must therefore not follow the normal procedure of automatically embarking upon an HDC assessment for such prisoners, and instead preparations must be made for their release on the assumption that this will take place at the conditional or automatic release date. If a Category A prisoner requests consideration for HDC, the Governor must consider whether there are exceptional circumstances to merit initiating the risk assessment

Q. What about offenders serving multiple sentences with one offence being presumed unsuitable/eligible for HDC?

A. An offender is presumed unsuitable for HDC if any sentence forming part of the overall sentence envelope currently being served is in respect of a presumed unsuitable offence. If one of the offences is ineligible (e.g. a Failure to return from ROTL offence) then the offender cannot be released on HDC whilst that sentence is being served and will be presumed unsuitable throughout the overall sentence envelope. **Please see paragraph 2.5 of PSI 43/2012**

Q. If an offender has an offence of 'disclosing private sexual photographs and films with intent to cause distress', are they eligible to be considered for HDC?

A. This offence (commonly referred to as a "revenge porn" offence) is not a sexual offence so does not attract the presumption of unsuitability – because the objective is to cause distress and is not sexually motivated. The offender may be considered for HDC in the usual way.

Q. Would an offender serving a sentence for 'causing death by careless or inconsiderate driving' be presumed unsuitable for HDC?

A. Yes. Any offence where the offender was responsible for the death of the victim falls under the homicide category for the purposes of the HDC policy.

Annex B of PSI 43/2012 outlines (on the left side of the table) the offence *categories* for which offenders currently serving a sentence for an offence that falls under any of the offence categories, would make them presumed unsuitable. The right side of the table provides a few examples – and the list of examples is not exhaustive.

Q. How do the different types of recall/return to custody affect HDC?

A. A previous recall or return to custody might: mean that the offender is ineligible or presumed unsuitable, whilst other recalls can be ignored. Details below:

Previous Recall or return to custody making the offender ineligible

- Section 38A(1)(a) of the Criminal Justice Act 1991 (CJA 91) – breach of HDC curfew
- Section 255(1)(a) of the Criminal Justice Act 2003 (CJA 03) – breach of HDC curfew
- Section 40 of the CJA 91 - return to custody by the court for committing an imprisonable offence during the at-risk period.
- Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000 - return to custody by the court for committing an imprisonable offence during the at-risk period

Current recall making the offender ineligible

- Section 39 of the CJA 91 or section 254 of the CJA 03 – standard recall where the offender had been released early on compassionate grounds

Recall making the offender presumed unsuitable

- Section 39 of the CJA 91 – standard recall during the HDC period
- Section 254 of the CJA 03 – standard or fixed term recall during the HDC period

Recall to be ignored

- Section 39 of the CJA 91 – standard recall not during the HDC period
- Section 254 of the CJA 03 – standard or fixed term recall not during the HDC period
- Section 38A(1)(b) – inability to monitor on HDC
- Section 255(1)(b) - inability to monitor on HDC

Q. What about an offender currently serving a standard or fixed term recall but also sentenced for another offence on which they are eligible for HDC.

They cannot be released on HDC on the new sentence until the recall has been served. If they were on HDC when recalled, they will be presumed unsuitable for release on the new sentence. If the recall followed early release on compassionate grounds the prisoner would be ineligible for HDC – see above.

Q. Can someone serving a default term be considered for HDC?

A. Fine defaulters and contemnors, whether civil or criminal, are not eligible for Home Detention Curfew on that term since they are not serving a **sentence** of imprisonment but a **term** of imprisonment instead (see paragraph 2.2.2 of PSO 6700.)

However, where an offender is serving a criminal sentence (e.g. for drugs offences or fraud) and consecutive to this criminal sentence the offender is to serve a **default term** for non-payment, the offender may still be considered for HDC on the **criminal sentence** providing there is a minimum of 10 days to spend on HDC between the end of the custodial period of the default term and the Conditional Release Date of the original sentence.

Q. When can an offender be released on HDC if they have consecutive default term?

A. For the purposes of HDC, a (civil) term of imprisonment to be served consecutively will begin on the **day after the “notional HDC release date.”** This is the date that the governor approves release unless the approval is given in advance of the HDCED. In such a case, the HDCED becomes the “notional HDC release date”. Provided there is a minimum of 10 days to spend on HDC between the end of the custodial period of the default term and the Conditional Release Date of the original sentence, the prisoner may be released.

Q. How does a return to custody for breach of top-op supervision (BOTUS) affect HDC eligibility?

A. A BOTUS term is a court disposal and not an HDC recall so it does not affect HDC eligibility but it will affect when the offender can be released.

Q. May a prisoner who is serving a BOTUS term be released on HDC?

A. A BOTUS term is not a sentence of imprisonment so the prisoner may not be released on HDC while a BOTUS is being served, and it is not aggregated with any sentence also being served. Where the prisoner has a period of BOTUS ordered to be served consecutively to a sentence on which they are eligible for HDC, the HDC eligibility date should be calculated on the sentence and the BOTUS may be served from the day after the date on which release on HDC was approved - or the day after HDCED, if release has been approved before the HDCED – provided that this allows at least 10 days’ release on HDC.

Address Checks related questions

Q: Which probation provider is responsible for completing address checks in pre-ORA (Offender Rehabilitation Act) under 12 months’ cases, i.e. where the sentence is less than 12 months for an offence committed before 1 February 2015.

A: Community Rehabilitation Companies have no contractual basis for providing services to offenders who were sentenced to under 12 months’ imprisonment pre-ORA. The Clearing Office will therefore send the Address Checks form to the NPS Local Delivery Unit that is linked to the

Sentencing Court in the case for completion. There will be no reporting instructions or additional licence conditions.

Q. Can probation providers be asked to check more than one address?

A. Probation providers should be asked to check one address at a time. Whilst prisoners may provide more than one possible address in the Proposed Address form, they must be advised to nominate their preferred address and it is this address alone which must be recorded in part 1 of the Address Checks form. If that address is found unsuitable then the second address may be submitted on a further Address Checks form and the RO allowed a further 10 days to complete the form, and so on. Once the proposed addresses are exhausted, BASS options should be explored.

Q. When should address checks be commissioned?

A. Wherever possible, no later than 10 weeks before the HDCED (where sentence length and remand time allows.) Commissioning the checks more than 3 months before HDCED should be avoided as this will be counterproductive as circumstances may change.

Q. How should HDC Address Checks forms be recorded on nDelius?

A. Probation providers should only use the HDC Address Checks forms sent to them by the Clearing Office. Any local versions of the old "home circumstances reports" (HDC 3 etc.) must not be used and local ICTs should arrange to have them removed.

Changes are planned to allow the uploading onto nDelius of the Address Checks forms received from the Clearing Office. In the meantime, a blank template has been created within the institutional report screen and probation providers should cut and paste the Address Checks form there once part 2 has been completed and the form is ready to return via the Clearing Office.

Q. How many attempts should be made to contact to obtain the consent of the home owner?

A. All reasonable efforts should be made to establish contact with the homeowner but as soon as this point has been reached (i.e. before the 10-day deadline), the Address Checks form should be suitably completed and returned, so that the prison can try to get better contact details or another address from the prisoner and the process can be restarted with the minimum of delay. Where a letter is sent this should be early in the 10-day timescale in order to maximise the likelihood of establishing contact and obtaining the required information and consent within the 10-day period. Where phone contact is attempted and unsuccessful, multiple attempts should be made at different times of day as the home owner may be in work, taking children to school etc.

Q. What happens where the proposed address is in a different area to the allocated responsible officer?

A. Responsibility for returning the completed Address Check form remains with the allocated responsible officer even where they have asked another probation provider to conduct the check. Probation providers should work together to try to ensure that the form is returned within the 10-day time limit. To facilitate this, the provider responsible for the completion of the report should alert the area checking the address as early as possible within the 10-day time frame.

Q. Whose responsibility is it to make sure there is a contact number for the homeowner on the Address Checks form?

A. It is for the prison to ensure that the offender provides full contact details, including where the address is housing association or local authority.

Q. What if you have a query about something the prison or the responsible officer has put on the Address Checks form?

A. You should contact them via the contact details (email addresses) provided in the form. Queries to the prison should be made early in the 10-day period so that they can be resolved at the earliest opportunity and the required checks undertaken within the 10-day request period. Queries should not go via the Clearing Office.

BASS related questions

Q. What happens if the offender does not meet the BASS referral criteria?

A. If the offender has not proposed any other release address, HDC should be refused on the grounds there is no suitable address.

Q. What happens when a case has been referred to BASS and the BASS provider confirms that there is no suitable BASS address in the proposed area?

A. The BASS provider may suggest, and if they don't they should be invited to suggest, a BASS address in another area and the offender should be asked whether they are content to be considered for release to that area, subject to the views of the responsible officer. If so, the HDC process may be restarted. If not, or there is no address available, HDC should be refused on the grounds there is no suitable address.

Q. What happens when the prisoner is accepted for a BASS address, placed on a waiting list but the address does not become available in time to allow HDC release?

A. The prison should wait until there are 10 days left to CRD, then HDC should be refused on the grounds that there is no suitable address.

Q. When will the responsible officer be notified of the BASS Address?

A. All BASS properties are deemed to be suitable addresses for HDC in principle. So, the probation provider is only asked for i) a view on whether release to the area/town proposed by the offender presents unmanageable risks, ii) reporting requirements and iii) any non-standard licence conditions. In cases where a subsequent BASS referral is successful and HDC is approved, the responsible officer will be notified of the release and release address ideally at least two weeks before the release as part of the normal notification procedures.

Assessment and Release Decision related questions

Q. What happens if the offender is referred to the police or to the independent adjudicator for an offence after HDC release has been agreed.

A. The decision must be reversed and, if the decision to release has already been notified to the responsible officer etc, an HDC 11 must be issued. Prisons should have in place checks to ensure that before actual release the offender has not been referred to the police or the independent adjudicator in relation to a further offence in custody.

Q. May a prisoner be released on HDC to an Approved Premises?

A. There is no rule/guidance excluding those on HDC from APs. Where it has been agreed to send an HDC eligible offender to an AP on release this includes release on HDC, provided there are no other outstanding risk management actions that need to be taken.

Q. Does the governor need to have sight of the risk management plan before making the decision?

A. No, and in some lower risk cases managed by CRCs there will be no risk management plan. It is for the responsible officer to indicate whether risk management planning actions are required before release and to indicate what they are. Generally, there will be no reason to ask for further information of the responsible officer.

Q. How do we deal with potentially confidential reasons for refusal?

A prisoner should generally be given clear reasons why HDC has been refused and guidance on disclosure of reasons for refusal is set out on chapter 7 of PSO 6700. The general rule is that all information that has been taken into account in reaching the HDC decision must be disclosed to the prisoner on request, except where the HDC decision maker determines that non-disclosure is necessary:

- in the interests of national security;
- for the prevention of crime or disorder, including information relevant to prison security; or
- in the interests of the health and welfare of the prisoner or anyone else.

The need to consider disclosure issues may arise where the homeowner, victim or a third party has offered information/expressed concerns about the release but does not wish the offender to be notified of those concerns. The first decision may be for the responsible officer - to determine whether they can incorporate the necessary information unattributably within the comments about risk management planning in the Address Checks form which may be disclosed to the offender. For example, where the homeowner has been coerced into giving consent despite their concerns but there is sufficient other, existing evidence of risk and the responsible officer can effectively "overrule" the homeowner's consent to HDC.

If this is not possible, for example where it is implausible that the information came from any other source and/or there is no other sufficiently strong evidence about risk, then the information from the homeowner will have to be included in a separate document clearly marked "not for disclosure to the offender" and submitted alongside the Address Checks form. The homeowner must be advised that the governor will determine whether the information can be withheld from the offender under the grounds above and that if it is withheld, and the decision is to refuse HDC to that address, the offender must be advised that information has been taken into account but is being withheld. The homeowner must also be advised that they will have the option of withdrawing the information if the decision is that it must be disclosed to the offender.

The decision on disclosure may be made on the governor's behalf by a member of staff of at least band 7 deemed competent to do so. Where the decision is that the information cannot be withheld under the grounds above, the individual making the disclosure decision must contact the responsible officer to explain the decision. The responsible officer must contact the homeowner to give them an opportunity to withdraw the information – the homeowner should be allowed a few days to decide. The individual who makes the disclosure decision must not be the individual who makes the HDC release decision in any case where the information has been withdrawn by the homeowner.

HDC Eligibility and Presumed Unsuitability

Statutorily Excluded

- Anyone serving 4 years or more for any offence;
- Sex offenders required to register;
- Offenders convicted of violent or sexual offences currently serving an extended sentence;
- Offenders serving a sentence for ROTL fail to return, absconds and escapes;
- Offenders serving a sentence for breach of the curfew requirement of a Community Order
- Offenders who have ever been recalled to prison for failing to comply with the HDC curfew conditions;
- Offenders who have ever been returned to custody by the court for committing an imprisonable offence during the at-risk period;
- Offenders currently serving a recall from early release on compassionate grounds;
- Foreign national offenders who have been recommended for deportation by the court and those who are liable to deportation and a decision to deport has been served (i.e. not just those with a Deportation Order).

Presumed unsuitable

Other offenders are statutorily eligible to be considered for HDC but are, as a matter of policy, **presumed unsuitable** for the scheme in the absence of exceptional circumstances. There is no definition of “exceptional circumstances” but guidance to prisons makes clear that a case must clearly stand out to justify overturning the presumption. All eligible offenders will be given an HDC eligibility date but the practical effect of the presumption is that it is very unlikely that an offender affected by it will, in fact, be released on HDC.

Offenders presumed unsuitable include:

- Category A offenders;
- anyone with a history of sexual offending but not required to register;
- foreign national offenders liable to deportation but not yet served with a decision to deport;
- anyone who has been recalled for poor behaviour during a previous period of HDC
- plus, anyone serving a sentence for any of the following categories of offence:
 - Homicide
 - Explosives
 - Possession of an offensive weapon
 - Possession of firearms with intent
 - Cruelty to Children
 - Racially aggravated offences
 - Terrorism.

Full details on determining eligibility are set out in PSI 43/2012, with additional guidance on the presumed unsuitable process set out in PSI 31/2003 and PSI 31/2006. In cases of doubt, case administrators should contact the HDC Policy Team on 020 3334 5044, 020 3334 4689 or release.policy@justice.gov.uk.

Suggested Questions for the main occupier of the proposed release address

Making contact

Firstly, confirm that you are speaking to the person nominated by the offender. If it isn't them and the named person is not present, and you can't arrange a time to talk to them, you will need to contact the prison to ask them to confirm alternative contact details with the offender.

You may need to arrange to call after 5pm.

Once you do speak to the named contact you can explain in more detail why you are calling and ask the questions set out below.

Explain why you are calling

[NAME] has said that he/she can come to this address if he/she is released early from his/her sentence under the home detention curfew (HDC) scheme. This could happen on or after [DATE] I am calling so that you as the main occupier or homeowner at the address are aware of this, understand what it means and have a chance to ask any questions.

Explain what HDC is.

HDC is early release from a prison sentence. It is only available to people serving between 12 weeks and four years who meet the eligibility and suitability criteria. If a person is released on HDC they must remain at the release address every night (7 days per week) for at least 9 hours every day until they reach the half-way point of the sentence, i.e. the date they would have been released if it were not for HDC. Usually the curfew starts at 7pm and goes on to 7am but might be varied to accommodate approved work patterns, for example. They can't leave the house during this time – even to go into the garden - without permission or a verified emergency and if they do they can be recalled to prison.

If released on HDC [NAME] will be required to arrive at the release address before the start of the curfew time on their licence and be there when the Electronic Monitoring contractors arrive to install the home monitoring unit (a small box plugged into the mains) and attach a tag, usually to their ankle. The EM contractor's staff may from time to time be required to visit the address during the curfew times and they must be allowed to enter or [NAME] could be recalled.

Suggested questions

- How long have you known [NAME] / what is your relationship with [NAME]?
- Have you lived at the same address as [name] before?
- Do you have any concerns about [NAME] being at the address on HDC?
- Addresses where people on licence are released will be checked with the Police. Could you tell me if the Police have ever been called to your address for any reason?
- Please give the names and ages (if under 18) of everyone living at the property.
- If there are any children, what is [NAME]'s relationship with them?
- Addresses where people on licence are released will be checked with children's services. Could you tell me if any children at your address known to them?
- Do you have any questions about anything I have said?
- Is there anyone else at the property you need to speak to before giving consent to [NAME] being released on HDC to this address?
- Do you give your consent to [NAME] being released on HDC to this address?

Revised Forms

HDC Notification of Eligibility HDC Notification of Ineligibility/Presumed Unsuitability/Insufficient Time	Replaces the HDC9
HDC Proposed Address	Replaces the HDC 2
HDC Address Checks	Replaces the HDC 3, HDC 3A, HDC 3B and the PD1 (where used in an HDC Release)
HDC Assessment and Decision	Replaces the HDC 1, HDC 1A and HDC4
HDC Refuse/Postpone Notification	Replaces the HDC 6

HOME DETENTION CURFEW (HDC): HDC ELIGIBLE

Surname:	Forename(s):	NOMIS No:
Location:	Sentence:	
HDCED:	CRD:	

Under the 2003 Criminal Justice Act you must be released no later than your conditional release date (CRD).

This notice informs you that you are eligible for the HDC scheme, which allows you to serve part of your sentence in the community before your CRD. This notice informs you of your Home Detention Curfew eligibility date (HDCED).

You should now start thinking about where you would like to be released on HDC and make the necessary arrangements, including obtaining contact details.

Home Detention Curfew

The Home Detention Curfew scheme applies to most offenders who have received sentences of 12 weeks or more but less than 4 years. If you qualify for this scheme you may be released on a curfew at your HDC eligibility date, which will be in advance of your CRD. You will only be released on HDC if you appear suitable for release and have a suitable release address. You would be subject to a curfew until your CRD date. If you break your curfew you can be recalled to prison.

Assessment for Home Detention Curfew

As your eligibility date approaches you will be given a form to complete which will ask you to provide details of an address to which you can be curfewed. Your offender manager/supervisor will contact any occupants at this address to discuss its suitability. You must also pass a risk assessment which will be completed by staff at the prison. You will be notified in writing whether you have been considered suitable for release on HDC.

Release arrangements

If you are considered suitable for release on HDC you will normally be released on your Home Detention Curfew Eligibility Date or as soon as possible thereafter. You will be released on licence. The licence will include the hours of curfew set by the prison governor. The curfew will usually be for 12 hours a day but cannot be for less than 9 hours a day.

Monitoring of the curfew

If you are released on HDC, you will go to the curfew address you have provided where you will meet with the contractor. The contractor will fit you with an electronic tag and install monitoring equipment at the address. Your presence at the curfew address during the hours of curfew will then be monitored by the contractor who will report any breaches of the curfew.

If you violate the curfew or damage the equipment you can immediately be recalled to custody until your conditional release date.

**HOME DETENTION CURFEW (HDC): INELIGIBLE / PRESUMED UNSUITABLE/
INSUFFICIENT TIME**

Surname:	Forename(s):	NOMIS No:
Location:	Sentence:	
HDCED:	CRD:	

DELETE AS APPROPRIATE

- A. This notice informs you that you are ineligible for the HDC scheme. This means that you are excluded from the scheme by law.**
- B. This notice informs you that you are eligible but Presumed Unsuitable for the HDC scheme. This means that you will only be considered for release on HDC in exceptional circumstances. This would require you to make representations to the Governor as to why you should be released on HDC. For more details please consult your offender supervisor.**
- C. This notice informs you that you will not be considered for HDC because there is insufficient time to consider your release.**

Please give the offender details of why they are ineligible/presumed unsuitable. Or confirm that there is insufficient time to complete the HDC process.

Under the 2003 Criminal Justice Act you must be released no later than your conditional release date (CRD).

The Home Detention Curfew (HDC) scheme applies to most offenders who have received sentences of 12 weeks or more but less than 4 years and allows them to serve part of their sentence in the community before their CRD.

Certain offenders are statutorily ineligible for HDC (excluded by law from the scheme). For example, registered sex offenders and those who have previously had HDC but were recalled after breaching the curfew.

Other offenders are statutorily eligible to be considered for HDC but are, as a matter of policy, presumed unsuitable for the scheme and may be considered only where the governor is satisfied that there is a compelling case to make an exception (exceptional circumstances).

The minimum period on HDC is 10 days and the assessment process generally takes at least two weeks. Therefore, in any case where there is less than 4 weeks to the conditional release date, HDC will generally be refused before assessment on the grounds of insufficient time.

HOME DETENTION CURFEW (HDC): PROPOSED ADDRESS

Offender Address Information

You are being assessed for release on Home Detention Curfew (HDC), please provide information of an address that you wish to be released to.

OFFENDER'S DETAILS		
Surname:	Forename(s):	NOMIS No:
Location:		
Sentence:		
HDCED	CRD/ARD	

If you do not have a release address accommodation may be found by BASS.

I do not have a release address and I wish to be considered for BASS.	
Proposed Town:	Proposed County:
Offender / YO Signature:	
Date:	

RELEASE ADDRESS INFORMATION: Proposed Address 1

Proposed address:	Tel No:
Post code	
Does this address: Have an electricity supply	Yes/No
A telephone	Yes/No
Will you or any other person at the address have an alternative contact number?	
Alternative Tel No:	
(This number will only be used by the monitoring company to facilitate entry to the curfew address to install the monitoring equipment)	

Who is the main occupier of this address?

Probation will contact this person.

If there is no other occupier, please supply the name of the landlord

Name:

Tel. No:

Address:

What is your relationship to the people living there?

Name:

Relationship to you:

Age (if under 18):

Have you ever been convicted or cautioned for an offence against any of the above, or any neighbours to the above address? If so, please give details.

RELEASE ADDRESS INFORMATION: Proposed Address 2

Proposed address:

Tel No:

Post code

Does this address: Have an electricity supply

Yes/No

A telephone

Yes/No

Will you or any other person at the address have an alternative contact number?

Alternative Tel No:

(This number will only be used by the monitoring company to facilitate entry to the curfew address to install the monitoring equipment)

Who is the main occupier of this address?

We will contact this person.

If there is no other occupier, please supply the name of the landlord

Name:

Tel. No:

Address:

What is your relationship to the people living there?

Name:

Relationship to you:

Age (if under 18):

Have you ever been convicted or cautioned for an offence against any of the above, or any neighbours to the above address? If so, please give details.

The above information is to the best of my knowledge correct. I am content for the main occupier / landlord to be contacted.

Offender / YO Signature:

Date:

OPT OUT

If you don't wish to be considered for HDC you should sign the box below. Please note that you will not be released until your CRD.

I have / do not have a release address and I do not wish to be considered for Home Detention Curfew.

Offender / YO Signature:

Date:

Please provide reasons for opting out:

Guidance for completion of the form

The information which you give on this form will be used when the Governor decides if you should serve part of your sentence in the community on HDC in advance of your automatic or conditional release date.

You should provide details on this form of a suitable home address to which you can be curfewed. The details you provide will be passed to the probation provider. It may be necessary for the probation to visit the address to discuss with other residents there the possibility of your curfew to that address. There is space to provide two addresses and you might provide more but you should put them in order of preference as they will be assessed one at a time.

A suitable home address does not guarantee that you will be released on HDC.

Please read the following notes before completing the form.

1. The proposed address must be connected to an electricity supply for the monitoring equipment to function.
2. There is no need for a telephone line to be at the proposed curfew address to facilitate electronic monitoring. The monitoring equipment relies on the mobile network to transmit data to the monitoring centre. In the event of the mobile network not being able to transmit data, the monitoring company will make alternative arrangements which may include arranging for a dedicated landline to be installed at the company's expense. In that event, it cannot be used by anyone other than the monitoring company, and you, and any other person having responsibility for the property, must agree to its installation.
3. If you do not have a release address, one may be provided by BASS.
4. If there is another adult resident at the proposed curfew address who has responsibility for the property you must give their name.
5. If you will be the only person living at the proposed address and you do not own the property, please provide the name of the landlord and an address and telephone number where they can be contacted.
6. You will need to provide the name and age (if under 18) of all other people who will be living at the proposed address and their relationship to you. You must also disclose whether you have been convicted or cautioned for any offence involving those residents at the address or living in neighbouring properties.
7. If, after you have completed this form, the address you have provided becomes unavailable you will need to supply details of an alternative address as soon as possible.
8. If you do not wish to be release on HDC you should sign the box in the 'Opt Out' Section and we ask that you indicate why you are opting out. You should note that opting out means that you are released at your CRD/ARD.

HOME DETENTION CURFEW (HDC): HDC ADDRESS CHECKS

(This form may be disclosed to the offender on request)

ADDRESS CHECK, REPORTING INSTRUCTIONS, LICENCE CONDITIONS AND RISK MANAGEMENT

PART 1 - PRISON TO COMPLETE

1. OFFENDER DETAILS

Surname:	Forename(s):
DoB:	NOMIS No:
PNC No:	Prison:
Date of Sentence:	Court:
Sentence Length:	Offences:
HDCED:	CRD/ARD:
TUSED:	SLED/SED:

2. RELEASE ADDRESS INFORMATION PROVIDED BY THE OFFENDER:

Is this a BASS Case? Yes/No
If Yes - see s.3 below, which indicates the proposed area for release)

Proposed address:	Tel No:
Post code	
Does this address: Have an electricity supply	Yes/No
A telephone	Yes/No
Main occupier/landlord details.	
Name:	Tel. No:
Address:	
Alternative Tel No:	

4E - Reporting Instructions

Offender to report to:

Date:

Time:

am/pm

Address:

Post Code:

Tel No:

4F - Licence conditions:

Please provide details of any **non-standard** licence conditions that are required, including any designed to protect identified victims (See Para 2.23 PI 09/2015 and Para 2.18 PSI12/2015)

4G - Managing Risk in the Community

Are there any risk management planning actions that must take place prior to release before the address can be considered suitable?

Yes / No

Are you still waiting for information?

Yes/No

If yes to either, please outline what the actions are and why the address is unsuitable until they have been taken. Where information is awaited, please indicate when it is expected.

You must make arrangements to obtain the information and notify the prison offender supervisor immediately by phone/email once the necessary risk management plan actions are in place.

4H - Victim Liaison

Is this a Victim Contact Service qualifying case where the victim has opted in? Yes/No

If yes, when were the victims invited to provide comments?

Please give details of any comments received.

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HDC Assessment Form completed by:

Name:

Grade: Tel:

Email:.....

Signed:

Date:

HOME DETENTION CURFEW (HDC): HDC Assessment & Decision Form

(This form maybe disclosed to the offender on request)

HDC Assessment & Decision Form

1. Eligibility

Case admin records details of eligibility and suitability for HDC.

OFFENDER'S DETAILS	
Surname:	Forename(s):
DoB:	NOMIS No:
Dates of Sentence:	Court:
Sentence:	Offences:
CRD	SLED/SED
TUSED	HDCEd

ELIGIBILITY/SUITABILITY

1 A Is the prisoner ineligible for HDC? If yes, please give details:	Yes / No
1 B Is the prisoner presumed unsuitable? If yes, please give details, including confirmation that the prisoner has been given the opportunity to make representations as to exceptional circumstances:	Yes / No
1 C Has the offender been referred to the police or to the independent adjudicator in relation to an offence committed during the current sentence and the matter remains unresolved? If yes, please give details:	Yes / No

2. Address confirmation

PROPOSED HDC ADDRESS – OWNER / OCCUPIER CONSENT AND ELECTRICITY SUPPLY:	
2 A Has informed consent been provided by the home occupier? Details:	Yes / No
2 B Does proposed address have an electricity supply? Details:	Yes / No

Attach the returned Address Checks form

3. Reporting instructions, licence conditions and risk management

Date sent to probation provider:

Date returned from probation provider:

Attach the returned Address Checks form

4. Prison manager decision

Prison manager, grade 7 or above, authorises release on HDC.

<p>4 A Has the offender has been referred to the police or to the independent adjudicator in relation to an offence committed during the current sentence and the matter remains unresolved. Yes / No If yes, please give details (if different from above):</p> <p>4 B Are there any risk management planning actions to take place prior to release? Yes/No If yes, please outline the issues and identify the date when this work will be completed.</p> <p>4 C Will there be fewer than 10 days to serve on HDC before CRD by the time release on HDC could be arranged? Yes / No</p> <p>4D Is there no suitable release address? Yes / No</p> <p>If Yes to either 4 A, B, C or D you must refuse or postpone the HDC decision. If No to all 4, you must authorise release.</p>
Are the Licence Conditions approved? Yes / No

Reasons for refusal/postponement of HDC
--

HDC Approved

Yes / No

Signed:

Name:

Grade:

Date:

HOME DETENTION CURFEW (HDC): REFUSE OR POSTPONE DECISION

OFFENDER'S DETAILS		
Surname:	Forename(s):	NOMIS No:
Location:		
Sentence:		
HDCED	CRD/ARD	

You have been considered for released on Home Detention Curfew.

*DELETE AS APPROPRIATE

- A) It has been decided, based on the evidence available, that you should not be released on Home Detention Curfew. Reasons for this decision are given below.
- B) The decision has been postponed pending further information.

Reasons for refusal/postponement of HDC
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Signed:
Name:
Grade:
Date: