

End of Custody Temporary Release

24th April 2020

1. The following is an overview of the eligibility criteria and the process for offenders to be released early on End of Custody Temporary Release on licence (ECTR) under statutory criteria set out in Rule 9A of the Prison Rules 1999 and Rule 5A of the Young Offender Institution Rules 2000, '*Coronavirus Restricted Temporary Release*'. At present, there is no power in place for ECTR to be applied to Secure Children's Homes (SCHs) and work is underway to resolve this.
2. This is being done to enable risk-assessed prisoners, who are within two months of their release date, to be temporarily released from custody, as part of the national approach to managing public services during this challenging period.
3. It will operate for releases from the **7th April 2020** for the duration of the Transmission Control Period as set by the Secretary of State for Health and Social Care. It will operate alongside, and has close links to, the existing Release on Temporary Licence (ROTL) Policy.

Rationale

4. The Ministry of Justice and Her Majesty's Prison and Probation Service are implementing measures to limit the spread and impact of Covid-19 in the prison estate¹, protect the health of staff and prisoners, maintain safety and order, and minimise the impact of the pandemic on the NHS.
5. Creating headroom in prisons by a combination of new buildings and some temporary releases is one part of this package of measures, because it will allow more space to shield and isolate vulnerable prisoners and new entrants to custody.
6. In deciding which prisoners should be eligible for early release (set out in full below), a number of factors have been taken into account. These include:
 - a. The need to minimise the risk to public protection, so those assessed as a high risk of serious harm or convicted of sexual or violent offences are excluded

¹ This document applies to prisons, Young Offender Institutions (YOIs), and Secure Training Centres. For simplicity the terms 'prison' and 'prisoner' are generally used except where there are specific differences for children and young people.

- b. The need to maintain public confidence in the justice system, so only those who are already close to release and who have already served at least half of their time in prison are considered
 - c. The need to comply with Government directions on Covid-19 will mean that only those who have suitable accommodation and whose healthcare needs (including Covid-related ones) can be safely managed on release are eligible
 - d. Some groups of prisoners have separate processes governing their release so those serving a recall to custody have been excluded.
7. Not everyone who meets the eligibility criteria has to be or will be released. Releases may be targeted at specific prisons to relieve particular pressures in relation to Covid-19. This will be decided on the basis of operational need and public health guidance.
8. Separately from the ECTR process, where prisoners meet the criteria for compassionate release (for example if they are pregnant or extremely medically vulnerable to Covid-19), they may be considered for Release on Temporary Licence under the ROTL Policy Framework based on a case-by-case assessment of whether it would be safe to do so. Where they are ineligible or unsuitable for release under this scheme, our wider package of measures, including ECTR, will help shield them in custody.

Cohort release criteria

9. There are several levels of criteria which determine who is suitable for release from prison or a YOI:
- e. Statutory criteria in the new Rule itself (the fixed legal parameters);
 - f. Exclusions of specific groups which will be set out in the Direction made by the Secretary of State;
 - g. Policy criteria, against which prisoners are assessed for suitability including Governor/HMPPS discretion.
10. The ECTR process, like the ROTL process, is voluntary. If a prisoner does not wish to be considered for released in this manner, they may remain in custody.

Statutory criteria:

11. The statutory criteria are set out in the new Rule 9A of the Prison Rules 1999 for prisons and Rule 5A of the Young Offender Institution Rules 2000 for Young Offender Institutions introduced by the Prison and Young Offender Institution (Coronavirus) (Amendment) Rules 2020, which determines those who may legally be considered for release. This applies only to prisoners serving standard determinate sentences with an automatic release point and those committed to custody for fine default or contempt, and excludes the following offenders from being eligible for ECTR:
- h. Those 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);

- i. 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);
- j. Category A prisoners and Restricted Status prisoners;
- k. Remand prisoners and those committed to custody for trial or sentencing or to be otherwise dealt with by a Court (i.e. those not yet serving a custodial sentence)
- l. Those being deported who have exhausted in country appeal rights; and
- m. Those who have committed an offence whilst on ROTL.

Direction parameters:

12. Within the statutorily eligible cohort, the Secretary of State (SofS) may decide which offenders should be considered for release by setting policy criteria and restrictions. This will be set out in the Directions the SofS issues under the Rule and can be tailored according to what is considered appropriate and necessary in the circumstances pertaining at the time the Direction is made.
13. This allows the SofS to determine the categories of cases which may or may not be considered for release at a particular time based upon risk, public interest and other relevant considerations. There are therefore no exemptions from the Direction criteria, even in exceptional circumstances.
14. The Direction signed by the Secretary of State on 7th April 2020 specifies that eligible offenders must:
 - i. Be assessed as having a low or medium Risk of Serious Harm level
 - ii. Not be eligible for MAPPA management on release
 - iii. Not be serving a sentence of any length for any of the violent or sexual offences specified in Schedule 15 of the Criminal Justice Act 2003, or one on the list of further violent and sexual offences set out in Annex A.
 - iv. Not serving a sentence of four or more years imprisonment for an offence on the 'Possession of weapon offences' list set out at Annex B in this Policy;
 - v. Be within 61 days of their conditional release date
 - vi. Have already served at least half the custodial term they were sentenced to
 - vii. Not be serving a fixed term or standard recall
 - viii. Not be identified as posing a risk of domestic abuse or a concern related to child safeguarding (see Annex C)
 - ix. Not be assessed as posing a risk to national security if released.
15. The Direction signed by the Secretary of State on 24th April 2020 covering children and young people is the same, except that:
 - i. where they are serving a Detention and Training Order (DTO) rather than a standard determinate sentence they must be within 61 days of the one-half point of the term of the DTO
 - ii. They must not be serving a sentence for one of the sentences listed in Annex D ('Young Offenders – drug offence exclusions'). These extra exclusions for serious drug offences are because children and young people are subject to a different system of security categorisation.

Policy parameters

16. Not everyone who falls into the Direction has to be or will be released. Under any direction made they may be released. Decisions can be taken with regard to the policy, but prisoners can be excluded for other reasons. There is no right to be released and release can be targeted at specific prisons to relieve particular pressures in relation to Covid-19 or staffing in accordance with the Rule. This will be decided on the basis of operational need and public health guidance.
17. As well as these specific exclusions, there are other more general exclusions. Prisoners must:
- i. Not be serving a sentence for a Covid-19-related offence, for example an offence under the Coronavirus Act 2020 or a conviction for theft of medical supplies intended to tackle Covid-19
 - ii. Have suitable accommodation to be released to and, where relevant, the property owner agrees to the installation, charging and maintenance of any devices to support electronic monitoring
 - iii. Not be subject to any outstanding charges, or have been referred to the police or the Independent Adjudicator
 - iv. Their healthcare, including any Covid-19 considerations, must be able to be safely managed post-release
 - v. **Fundamentally, they must not present a level of risk of harm, reoffending, failure to return or other significant challenge that cannot reasonably be managed in the community.**
18. There is a very strong presumption that prisoners who do not meet the conditions above are not to be eligible for ECTR unless there are exceptional circumstances to depart from this. It is for HMPPS to make the assessment as to whether the test of exceptional circumstances is met in each given case.

Assessment process

19. A national list of potentially eligible prisoners will be drawn up, based on the exclusions in statute and the Direction set out above.
20. Following administrative errors in a small number of the first releases under ECTR, we have introduced additional checks and strengthened our audit and assessment processes to ensure only those who are eligible for the scheme and appropriately low-risk are released.
21. A central Offender Management Hub (OMU) will consider the list of potentially eligible adult prisoners, and work with local establishments, probation services and the police to assess individuals. There will be a presumption that those who meet the statutory and policy criteria should be released, but subject to checks and assessments of the following:
- i. The offender is willing to take part in the ECTR process
 - ii. The offender has not been mistakenly identified as falling in the eligible group
 - iii. Any previous failures on ROTL
 - iv. The offender must have a verifiable, safe and suitable address to be released.
 - v. A prison based Healthcare check has been completed considering whether their release can be safely managed (both for themselves and others).
 - vi. The release would not put the offender or others at any health or Covid-19 risks.

- vii. Due consideration of any expected further criminal charges or adjudications being managed locally.
 - viii. Due consideration of any underlying safeguarding concerns and known risks to individuals or children.
 - ix. Due consideration of any behaviour which is such that the Governor considers it unlikely that the individual can be trusted to complete the licence.
22. For children and young people, the equivalent role will be done by the Youth Custody Service Release and Resettlement teams (YCS RRTs), working with Casework and Social Work teams in local secure settings and Youth Offending Teams to assess individual cases.
23. Again, there is a very strong presumption that prisoners who do not meet the conditions above are not to be eligible for ECTR unless there are exceptional circumstances to depart from this. It is for HMPPS to make the assessment as to whether the test of exceptional circumstances is met in each given case.

Notification and referral to partner agencies:

24. As part of the screening process the central HMPPS team will notify the police and other relevant partner agencies (including Youth Offending Teams for children and young people) of an offender's proposed release and invite them to provide any additional information regarding risk surrounding an individual's release, including risks around domestic abuse and safeguarding.
25. Due to the exclusion criteria and assessment process, only relatively low-risk offenders will be eligible, and no cases where there is a statutory right for victims to be notified by the Victim Contact Scheme will be considered. Where victims are concerned for their immediate safety, they should call 999 as normal.
26. Final decisions on release under the power will be made by the central team on behalf of the Secretary of State and communicated to the offender by the establishment, to maintain consistency in decision-making. Establishments will liaise with Electronic Monitoring Services (EMS) to arrange tagging of individuals prior to release.
27. We will share information on releases with our partners in line with information sharing agreements. These include the police, the Department for Work and Pensions for the purposes of establishing benefits payments, and the voluntary sector for the purposes of supporting offenders on their release.

Conditions of release

28. The conditions of End of Custody Temporary Release, which will be included in all licences issued, are as follows. Further conditions can be imposed as necessary based on the individual circumstances of the case. Offenders released 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 their temporary licence with them at all times throughout the release on temporary licence, and must provide it if requested to do so by a police officer or a probation officer;
- e) reside at their address between the hours of 7pm and 7am unless otherwise authorised by a variation to the 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; i.e. pubs, club and bars. They may enter licenced premises such as supermarkets provided they do not purchase or consume alcohol;
- h) not contact the media (including any person or place associated with broadcasting or publication), either directly or via a third party;
- i) not upload, add or modify any material on any social networking site or internet chat-room either directly or via a third party;
- j) not take unauthorised controlled drugs or psychoactive substances;
- k) not return to the establishment with any unauthorised articles; and
- l) not leave the United Kingdom.

29. All offenders released on ECTR will have their whereabouts electronically monitored from the moment of release. Where an offender is subject to electronic monitoring, they must:

- a) allow an electronic device to be fitted to their person, or if electronically monitored by another device, carry that device on their person at all times;
- b) allow the installation of any equipment associated with electronic monitoring and/or install any electronic monitoring equipment provided to them 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.

Supervision

30. All offenders released on ECTR will be subject to electronic monitoring, which will be in place before they are released from custody. Offenders will be curfewed to their agreed address for twelve hours per day and their whereabouts captured by the electronic monitoring system. They may also be required to comply with an electronically monitored exclusion zone if one is imposed as part of the licence conditions.

31. Adult offenders released will not be subject to statutory probation supervision, as they remain prisoners in legal terms. However, upon release Community Rehabilitation Companies will deploy Through the Gate staff to ensure each offender has a nominated offender manager to remain in contact with for the duration of the temporary licence.

32. In addition, they will be provided with mobile phones prior to release by the CRC, if they do not already own one, to support remote contact.

33. For children and young people, the YOT will provide the normal level of statutory supervision, taking into account adjustments being made by for all children and young people being supervised in the community while the COVID-19 public isolation requirements are in place.

Licence Variation, Enforcement & Return to custody

34. The responsible officer for temporarily released offenders will be the prison governor, or the YCS RRT for those released from Secure Training Colleges. They are responsible for varying the licence, which should in practice only be necessary if the offender moves address.
35. Governors will revoke the licence if it does not remain safe or appropriate for the offender to remain in the community, and instruct the police to arrest the individual and return them to custody. This decision will be supported by input from central HMPPS teams, including electronic monitoring information. The police should operate in line with the enforcement process for prisoners who are unlawfully at large following licence revocation.

Transition from ECTR licences

36. When their ECTR licence expires, the offender will transition onto the standard probation licence (at the point they would otherwise have been released automatically on licence). The default is that unless the offender has returned to custody they will transition to standard probation licence conditions without having to return to the prison establishment. The prison will give the offender both licences at the point of release, and explain the difference to them.
37. Once the Transmission Control Period ends, the Direction by the Secretary of State will no longer be in force and so, from that point, no further releases can be made under the Direction. Released offenders will not automatically have their licence revoked, but we will carry out a review at that point to determine the most appropriate course of action.

Home Detention Curfew (HDC) interaction

38. There are some overlaps between the cohort of offenders in custody who are already eligible for Home Detention Curfew), and those eligible for ECTR.
39. Offenders are currently eligible for HDC within the last 135 days of their sentence, where they are serving a sentence of less than 4 years. Offenders released on HDC must have served at least one quarter of their sentence, and have suitable accommodation on release. All HDC offenders are subject to electronic monitoring following release. There are a number of exclusions for HDC including those convicted of sexual offences, weapons offences, those convicted of terrorism offences, and those who have previously breached their HDC. The HDC process normally takes around 12 weeks to complete, meaning those on particularly short sentences may not always have enough time to complete the process.
40. The process that is likely to be completed earliest should be prioritised. This will generally be ECTR, except where an HDC application is already almost complete, or

where the individual will become eligible for HDC significantly before they are eligible for ECTR.

41. Where someone is eligible for HDC but not early release under ECTR, the HDC process should continue as normal.

Annex A - Additional Sexual and Violent offences to be excluded from End of Custody Temporary Release

As well as the specific offences set out below, those serving a sentence for offences specified in Section 15 of the Criminal Justice Act 2003 are excluded from ECTR.

Administering poison with intent to injure or annoy – Section 24 of the Offences against the Person Act 1861.

Common assault and battery- Section 39 of the Criminal Justice Act 1988.

Common assault and battery (including attempt) of an emergency worker – section 39 of the Criminal Justice Act 1988.

Assaulting a court security officer – Section 78 of the Criminal Justice Act 1991.

Assaulting a prison custody officer or custody officer (STC) – Section 90 of the Criminal Justice Act 1991; Section 13 of the Criminal Justice & Public Order Act 1994.

Harming or threatening to harm a witness, juror or person assisting in investigation (Intimidation of Witnesses) – Section 51 of the Criminal Justice & Public Order Act 1994.

Assault on a constable, resisting or obstructing a person assisting a constable – Section 89 of the Police Act 1996.

Use etc. of chemical weapons – Section 2 of the Chemical Weapons Act 1996.

Assaulting a designated or accredited person, or person assisting him or her, in the execution of his or her duty – Section 46 of the Police Reform Act 2002.

Knowingly notifying police with false information in purported compliance with Section 83(1), 84(1) and 85(1) or Regulations made under Section 86(1) of the Sexual Offences Act 2003 – Section 91 of the Sexual Offences Act 2003.

Encouraging or assisting in the commission of an offence or offences believing it will be committed -Sections 45 and 46 of the Serious Crime Act 2007.

Assault a custody officer performing custodial duties at a contracted-out secure college – paragraph 14 of Schedule 10 to the Criminal Justice and Courts Act 2015.

Harassment - putting people in fear of violence – section 4 of the Protection from Harassment Act 1997

Racially / religiously aggravated harassment with fear of violence – section 32 of the Crime and Disorder Act 1998

Buggery or attempted buggery by a male with a male or female - Section 12 of the Sexual Offences Act 1956.

Failure to notify police of name or names – Section 3 of the Sex Offenders Act 1997.

Abuse of position of Trust - Sexual activity other than intercourse – Section 3 of the Sexual Offences (Amendment) Act 2000.

Failure to comply with notification requirements under Sections 83(1), 83(1), 84(1) and (4)(b), 85(1), 87(4), (5A) and (5B), 89(2)(b) and or regulations made under Section 86(1) of the Sexual Offences Act 2003 – Section 91(1)(a) & (2) of the Sexual Offences Act 2003.

Fail to comply with a requirement of a Sexual Harm Prevention Order, an Interim Sexual Harm Prevention Order, a Sexual Offences Prevention Order, an Interim Sexual Offences Prevention Order, or a Foreign Travel order – Section 103I or 113 of the Sexual Offences Act 2003.

Fail to comply with a requirement in relation to a Sexual Risk Order (or Interim Order) or Risk of Sexual Harm Order (RSHO) or interim RSHO – Section 122H or 128 of the Sexual Offences Act 2003.

Possession of extreme pornographic images – i.e. act of intercourse or oral sex with an animal or dead human or an act that threatens life etc. – Section 63 of the Criminal Justice and Immigration Act 2008.

Possessing prohibited images of children – Section 62 of the Coroners and Criminal Justice Act 2009.

Possess paedophile manual – section 69 of the Serious Crime Act 2015

Annex B – Possession of weapon offences

Individuals serving a sentence of 4 years or more for the following offences are excluded from ECTR:

Possession of offensive weapons without lawful authority or reasonable excuse (Prevention of Crime Act 1953 S.1)

Having an article with a blade or point in a public place (Criminal Justice Act 1988 S.139)

Having an article with a blade or point on school premises (Criminal Justice Act 1988 S.139A(1) as added by Offensive Weapons Act 1996 S.4(1))

Possession of offensive weapons without lawful authority or reasonable excuse on school premises (Criminal Justice Act 1988 S.139(2) 139A(2) as added by Offensive Weapons Act 1996 S.4(1))

Using another to look after, hide or transport a dangerous weapon – firearm, offensive weapon, knife or bladed weapon (Violent Crime Reduction Act 2006 SS.28(1) & 29(2), s29(3))

Threaten with an offensive weapon in a public place (Prevention of Crime Act 1953, S1A)

Threaten with a blade or sharply pointed article on school premises (Criminal Justice Act 1988, S.139AA)

Threaten with an offensive weapon on school premises (Criminal Justice Act 1988, S.139AA)

Threaten with blade/sharply pointed article in a public place (Criminal Justice Act 1988, S.139AA)

Possessing etc. firearms or ammunition without firearm certificate (Groups I and II) (Firearms Act 1968 S.1(1) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Trading in firearms without being registered as a firearms dealer (Groups I and II) (Firearms Act 1968 S.3(1) (Group II) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Selling firearm to person without a certificate (Groups I and II) (Firearms Act 1968 S.3(2) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Repairing, testing etc. firearm for person without a certificate (Groups I and II) (Firearms Act 1968 S.3(3) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Falsifying certificate etc. with view to acquisition of firearm (Groups I and II) (Firearms Act 1968 S.3(5) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Shortening a shotgun or other smooth bore gun (Group I) (Firearms Act 1968 S.4(1) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Conversion of firearms (Group I) (Firearms Act 1968 S.4(3) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Possessing or distributing prohibited weapons or ammunition (Group I) (Firearms Act 1968 S.19 (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Carrying firearm in public place etc. (Group I) (Firearms Act 1968 S.19 (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Carrying loaded firearm in public place etc. (Group II) (Firearms Act 1968 S.19 (Group II) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Trespassing with firearm or imitation firearm in a building (Groups I and II) (Firearms Act 1968 S.20(1) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Possession of firearms by persons previously convicted of crime (Group I, II and III) (Firearms Act 1968 S.21(4) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Supplying firearms to person denied them under Section 21 (Groups I, II and III). (Firearms Act 1968 S.21(5) (Group I) as amended by Criminal Justice & Public Order Act 1994 S.157 Sch.8 part III)

Failure to transfer firearms or ammunition in person (Group I) (Firearms (Amendment) Act 1997 SS.32 & 36(a)(i) and (ii))

Failure to give notice in writing to the Chief Officer of Police of transfers involving firearms (Group I) (Firearms (Amendment) Act 1997 SS.33 & 36(a)(i) and (ii))

Failure by certificate holder to notify in writing Chief Officer of Police of deactivation, destruction or loss of firearms or ammunition (Group I) (Firearms (Amendment) Act 1997 SS.34 & 36(a)(i) and (ii))

Failure by certificate holder to notify in writing Chief Officer of Police of events taking place outside Great Britain involving firearms and ammunition (sold or otherwise disposed of, lost etc) (Group I) (Firearms (Amendment) Act 1997 SS.35 & 36(a)(i) and (ii))

Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police (Group I) (Firearms Act 1968 S.42 S42A as amended by the Criminal Justice & Public Order Act 1994 S 157 Sch.8 Pt.III)

Possessing or distributing prohibited weapons designed for discharge of noxious liquid etc. (Group I) (Firearms Act 1968 S.5(1)(b) (Group 1) as amended by Criminal Justice Act 2003 S.288)

Possessing or distributing firearm disguised as other object. (Group I) (Firearms Act 1968 S.5(1A)(a) (Group 1) as amended by Criminal Justice Act 2003 S.288)

Possessing or distributing other prohibited weapons (Firearms Act 1968 S.5(1A)(b)(c)(d)(e)(f) or (g) as amended by Criminal Justice Act 2003 S.288)

Offence in relation to the unlawful IMPORTATION of any weapon or ammunition of a kind mentioned in S.5(1)(a)(ab)(aba)(ac)(ad)(ae)(af) or (c) of the Firearms Act 1968 (Customs and Excise Management Act 1979 S.50 (1)(2)(3)(4)(5A))

Offence in relation to the unlawful EXPORTATION of any weapon or ammunition of a kind mentioned in S.5(1)(a)(ab)(aba)(ac)(ad)(ae)(af) or (c) of the Firearms Act 1968 (Customs and Excise Management Act 1979 S.68 (2)(3)(4A))

Selling or transferring an air weapon unlawfully (Firearms Act 1968 S3(1) and S.3(2) as amended by Violent Crime Reduction Act 2006)

Carrying a loaded or unloaded or imitation firearm or air weapon in public place (Firearms Act 1968 S.19 as amended by Violent Crime Reduction Act 2006)

Knowingly being concerned in activity prohibited by Parts 2, 3 or 4 of the Order with intent to evade the relevant prohibition (Export Control Order 2008 Export Control Order 2008/3231, A.34(5))

Import prohibited weapon / ammo (Anti-social Behaviour, Crime and Policing Act 2014 S.50(3), (4) and (5A)(a))

Export prohibited weapon / ammunition with intent to evade prohibition / restriction (Anti-social Behaviour, Crime and Policing Act 2014 S.68(2), (3) and (4A))

Carry / remove / deposit etc. prohibited weapons / ammunition with intent to evade a prohibition / restriction (Anti-social Behaviour, Crime and Policing Act 2014 S.170(1)(b) and (3))

Knowingly concerned in fraudulent evasion of prohibition / restriction on prohibited weapon / ammunition (Anti-social Behaviour, Crime and Policing Act 2014 S.170(2), (3) and (4A)(a))

Manufacture weapon / ammunition specified in section 5(1) of the Firearms Act 1968 (Anti-social Behaviour, Crime and Policing Act 2014 S.5(2A)(a))

Sell / transfer prohibited weapon / ammunition (Anti-social Behaviour, Crime and Policing Act 2014 S.5(2A)(b))

Possess prohibited weapon / ammunition for sale / transfer (Anti-social Behaviour, Crime and Policing Act 2014 S.5(2A)(c))

Purchase / acquire prohibited weapon / ammunition for sale / transfer (Anti-social Behaviour, Crime and Policing Act 2014 S.5(2A)(d))

Import / acquire / possess / use a regulated explosives precursor without a licence (Explosives Precursors Regulations 2014 The Control of Precursors Regulations 2014 2014/1942 S.4(1), (2) and 12(1))

Manufacture an offensive weapon (Reclassified) (Criminal Justice Act 1988 S.141(1))

Unlawful marketing of knives (selling or hiring) (Knives Act 1997 S.1(1), (2), (3), (4a) and (5))

Unlawful marketing of knives (offering or exposing to sell or hire) (Knives Act 1997 S.1(1), (2), (3), (4b) and (5))

Unlawful marketing of knives - having in possession for the purpose of sale or hire (Knives Act 1997 S.1(1), (2), (3), (4c) and (5))

Publication of any written, pictorial or other material in connection with the marketing of any knife - the material suggesting/indicating knife suitable for combat (Knives Act 1997 S.2(1)(a))

Publication of any written, pictorial or other material in connection with the marketing of any knife - the material is otherwise likely to stimulate or encourage violent behaviour involving use of the knife as a weapon (Knives Act 1997 S.2(1)(b))

Annex C – Domestic Abuse and Safeguarding

Serving a sentence for the following offences is taken as an indication of the individual being a domestic abuse/safeguarding risk:

Offences specified under schedule 15 of the Criminal Justice Act 2003:

Excise, infibulate or otherwise mutilate the whole or any part of a girl's labia majora, labia minora or clitoris; Aid, abet, counsel or procure a girl to excise, infibulate or otherwise mutilate the whole or any part of her own labia majora, labia minora or clitoris; Aid, abet, counsel or procure a non-UK national or person who is not a permanent UK resident to do a relevant act of female genital mutilation outside the UK (Female Genital Mutilation Act 2003 SS.1(1) and 5; SS.2 & 5; SS.3 & 5)

Cruelty to or neglect of children (Children and Young Persons Act 1933 S.1)

Stalking involving fear of violence, serious alarm or distress (Protection from Harassment Act 1997, S.4A(1)(a)(b)(i))

Other offences:

Breach a Female Genital Mutilation protection order (Female Genital Mutilation Act 2003 Schedule 2 para 4)

Neglecting to provide for apprentice or servant (Offences against the Person Act 1861 S.26)

Abandoning children under two years (Offences against the Person Act 1861 S.27)

Causing or allowing a person under 16 to take part in dangerous performance; causing or allowing the training of a person under 12, or without a licence a person under 16 to take part in a dangerous performance (Children and Young Persons Act 1933 SS.23 and 24)

Offences related to privately fostered children (Children Act 1989 SS.70)

Exposing child to risk of burning (Children and Young Persons Act 1933 S.11)

Allowing child or young person to be in brothel (Children and Young Persons Act 1933 S.3)

Neglecting to provide for safety of children at children's entertainment (Children and Young Persons Act 1933 S.12)

Neglecting the cleanliness of a pupil (Education Act 1996 S.525 (consolidating Acts 1944 - 1996))

Engage in controlling / coercive behaviour in an intimate / family relationship (Serious Crime Act 2015 s. 76)

Disclose private sexual photographs and films with intent to cause distress (Criminal Justice and Courts Act 2015 s. 33(1) & (9))

Sending letters etc. with intent to cause distress or anxiety (Criminal Justice and Courts Act 2015 s. 32)

Breach of stalking protection order / interim stalking protection order (Stalking Protection Act 2019 s. 8)

Breach of a Restraining Order issued on acquittal (Protection from Harassment Act 1997 s. 5A(2))

Breach of a Non-Molestation Order (Family Law Act 1996 s. 42A)

Fail to notify police - stalking protection order / interim stalking protection order (Stalking Protection Act 2019 s.11)

Breach of a domestic violence protection order (Crime and Security Act 2010 s. 28/29)

In addition, certain flags placed on the Offender Assessment System or the Delius probation system in accordance with the Domestic Abuse Policy Framework, the 2016 Prison Public Protection Manual, and the Case Recording Instruction on Child Safeguarding are taken as indicators of a domestic abuse/safeguarding risk:

- Identified as a Child Sexual Exploitation Perpetrator
- Has a registered Child Protection Plan
- Identified as a Domestic Violence Perpetrator
- Current offence was against partner or child

Annex D - Young Offenders – drug offence exclusions

Children and young people serving a sentence for any of the following offences are excluded from ECTR:

1. Unlawful importation of a controlled drug – Class A – section 3(1)(a) Misuse of Drugs Act 1971.
2. Unlawful importation of a controlled drug – Class B - section 3(1)(a) Misuse of Drugs Act 1971.
3. Unlawful importation of a controlled drug – Class C - section 3(1)(a) Misuse of Drugs Act 1971.
4. Unlawful exportation of a controlled drug – Class A – section 3(1)(b) Misuse of Drugs Act 1971.
5. Unlawful exportation of a controlled drug – Class B - section 3(1)(b) Misuse of Drugs Act 1971.
6. Unlawful exportation of a controlled drug – Class C - section 3(1)(b) Misuse of Drugs Act 1971.
7. Production, supply and possession with intent to supply a controlled drug - Class A – sections 4 and 5(3) Misuses of Drugs Act 1971.
8. Production, supply and possession with intent to supply a controlled drug - Class B - sections 4 and 5(3) Misuses of Drugs Act 1971.
9. Production, supply and possession with intent to supply a controlled drug - Class C - sections 4 and 5(3) Misuses of Drugs Act 1971.
10. Possession of a controlled drug - Class A – section 5(1) and (2) Misuses of Drugs Act 1971.
11. Incite another to supply a controlled drug - Class A – section 19 Misuse of Drugs Act 1971.
12. Incite another to supply a controlled drug - Class B - section 19 Misuse of Drugs Act 1971.
13. Incite another to supply a controlled drug - Class C - section 19 Misuse of Drugs Act 1971.
14. Conspiracy to supply a controlled drug – Class A – section 1 Criminal Law Act 1977 in conjunction with section 4(1)(b) Misuse of Drugs Act 1971.
15. Conspiracy to supply a controlled drug – Class B - section 1 Criminal Law Act 1977 in conjunction with section 4(1)(b) Misuse of Drugs Act 1971.
16. Conspiracy to supply a controlled drug – Class C - section 1 Criminal Law Act 1977 in conjunction with section 4(1)(b) Misuse of Drugs Act 1971.
17. Permitting premises to be used for unlawful purposes - Class A – section 8 Misuse of Drugs Act 1971.
18. Permitting premises to be used for unlawful purposes - Class B - section 8 Misuse of Drugs Act 1971.
19. Produce a psychoactive substance – section 4 Psychoactive Substances Act 2016.
20. Supply psychoactive substance – section 5(1) Psychoactive Substances Act 2016.
21. Offer to supply psychoactive substance – section 5(2) Psychoactive Substances Act 2016.
22. Possess psychoactive substance – section 7 Psychoactive Substances Act 2016.
23. Import psychoactive substance – section 8(1) Psychoactive Substances Act 2016