



Home Office

# Home detention curfew scheme

## Home detention curfew scheme

### About this guidance

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document, on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This guidance tells criminal casework (CC) staff how to approach foreign national offender (FNO) cases where the home detention curfew (HDC) scheme may be applied.</p> <p>Changes to this guidance - This page tells you what has changed since the previous version of this guidance.</p> <p>Contact - This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner - This page tells you about this version of the document and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p><b>In this section</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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### Changes to this guidance

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document, on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This page lists changes to the 'Home detention curfew scheme' guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="495 395 831 432">Date of the change</th> <th data-bbox="831 395 1532 432">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="495 432 831 1222">24 March 2014</td> <td data-bbox="831 432 1532 1222"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> <li>• Introduction to the home detention curfew scheme and its application:                             <ul style="list-style-type: none"> <li>○ new related link 'PSO 6700 – Home detention curfew' added.</li> <li>○ content added to the penultimate sentence.</li> </ul> </li> <li>• HDC eligibility criteria and liability to removal:                             <ul style="list-style-type: none"> <li>○ sentence added to the paragraph after the first set of bullet points.</li> <li>○ second set of bullet points, second bullet point amended.</li> </ul> </li> <li>• Background to the home detention curfew scheme:                             <ul style="list-style-type: none"> <li>○ new content after the first set of bullet points and new related link.</li> </ul> </li> <li>• Minor housekeeping and plain English changes throughout.</li> </ul> </td> </tr> <tr> <td data-bbox="495 1222 831 1398">23 September 2013</td> <td data-bbox="831 1222 1532 1398"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> <li>• Introduction of the home detention curfew scheme and its application</li> </ul> </td> </tr> </tbody> </table>	Date of the change	Details of the change	24 March 2014	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> <li>• Introduction to the home detention curfew scheme and its application:                             <ul style="list-style-type: none"> <li>○ new related link 'PSO 6700 – Home detention curfew' added.</li> <li>○ content added to the penultimate sentence.</li> </ul> </li> <li>• HDC eligibility criteria and liability to removal:                             <ul style="list-style-type: none"> <li>○ sentence added to the paragraph after the first set of bullet points.</li> <li>○ second set of bullet points, second bullet point amended.</li> </ul> </li> <li>• Background to the home detention curfew scheme:                             <ul style="list-style-type: none"> <li>○ new content after the first set of bullet points and new related link.</li> </ul> </li> <li>• Minor housekeeping and plain English changes throughout.</li> </ul>	23 September 2013	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> <li>• Introduction of the home detention curfew scheme and its application</li> </ul>	<p><b>Related links</b></p> <p><a href="#">Introduction to the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Background to the home detention curfew scheme</a></p> <p><b>See also</b></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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24 March 2014	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> <li>• Introduction to the home detention curfew scheme and its application:                             <ul style="list-style-type: none"> <li>○ new related link 'PSO 6700 – Home detention curfew' added.</li> <li>○ content added to the penultimate sentence.</li> </ul> </li> <li>• HDC eligibility criteria and liability to removal:                             <ul style="list-style-type: none"> <li>○ sentence added to the paragraph after the first set of bullet points.</li> <li>○ second set of bullet points, second bullet point amended.</li> </ul> </li> <li>• Background to the home detention curfew scheme:                             <ul style="list-style-type: none"> <li>○ new content after the first set of bullet points and new related link.</li> </ul> </li> <li>• Minor housekeeping and plain English changes throughout.</li> </ul>							
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		<ul style="list-style-type: none"> <li>○ Wording added to the third paragraph from the bottom</li> <li>● HDC eligibility criteria and liability to removal <ul style="list-style-type: none"> <li>○ changes to the second main bullet point in the second set of bullet points</li> <li>○ fifth paragraph, bullet points added</li> <li>○ changes to the seventh paragraph</li> </ul> </li> <li>● Prison requests for Home Office information in HDC cases <ul style="list-style-type: none"> <li>○ page renamed because of re-branding</li> <li>○ new sub-heading 'when a deportation decision must be made' and new related link under sub-heading</li> <li>○ new sub-heading 'Where the FNOs immigration status is unconfirmed' new related links and bullet points added underneath</li> </ul> </li> <li>● Effect of IS91, authority to detain document on HDC <ul style="list-style-type: none"> <li>○ bullet points added to the second paragraph</li> </ul> </li> <li>● Minor housekeeping and plain English changes throughout.</li> </ul>		
		<p>For previous changes you will need to access the archived guidance. See related link: <a href="#">Home detention curfew (HDC) - archive</a></p>		

## Home detention curfew scheme

### Introduction of the home detention curfew scheme and its application

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document, on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This page tells criminal casework (CC) staff the purpose of the home detention curfew (HDC) scheme.</p> <p>It clarifies the respective roles of prisons and the Home Office, and introduces a new form to help establish if a foreign national offender (FNO) is eligible and suitable for HDC.</p> <p>The purpose of HDC is set out in paragraph 1.4 of Prison Service Order 6700 - 'to manage more effectively the transition of prisoners from custody back into the community'.</p> <p>This cannot be achieved if the prisoner is being removed from UK rather than re-settling here. This is reflected in the statutory bar on HDC for prisoners liable to removal from the UK and attendant policy.</p> <p>For more information, see link on left: <a href="#">HDC eligibility criteria and liability to removal</a> and related link: <a href="#">PSO 6700 – Home detention curfew</a>.</p> <p>The decision to authorise the release of a prisoner under this scheme must be taken on behalf of the Justice Secretary by the governor of the prison or the controller in contractually managed prisons.</p> <p>CC does not make any decision relating to the HDC scheme.</p> <p>CC's decisions and intentions which relate to the deportation, removal and detention of FNOs are significant to the HDC decision. You may receive requests from prisons for information on the current immigration status of prisoners being considered for HDC.</p> <p>The National Offender Management Service (NOMS) has introduced a new form (form HDC-FNP) specifically to determine eligibility and suitability for HDC. The prison send the form by fax to CC and then to the immigration compliance and engagement (ICE) teams for them to complete where they pursue enforcement of the FNO's departure because the case</p>	<p>Links to staff intranet removed</p>
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	<p>does not meet CC criteria.</p> <p>The form is sent to the Home Office by the holding establishment around 10 weeks before the FNO's earliest possible release on HDC (the HDC eligibility date, or HDCED). This means any actions and views from the Home Office are taken into account during the HDC process.</p> <p>For more information, see link on left: <a href="#">Prison requests for Home Office information in HDC cases</a>.</p>	
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## Home detention curfew scheme

### HDC eligibility criteria and liability to removal

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document, on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This page tells criminal casework (CC) staff how foreign national offenders (FNOs) are affected by the eligibility criteria for the home detention curfew (HDC) scheme.</p> <p>Under section 259 of the Criminal Justice Act 2003 (CJA 2003), FNOs are not eligible for HDC if they:</p> <ul style="list-style-type: none"><li>• are liable to deportation under section 3(5) of the Immigration Act 1971 and have been notified of a decision to make a deportation order against them</li><li>• are liable to deportation under section 3(6) of the Immigration Act 1971, this means there is a court recommendation for deportation</li><li>• have been notified of a decision to refuse leave to enter the UK</li><li>• are an illegal entrant within the meaning of section 33 of the Immigration Act 1971, or</li><li>• are liable to removal under section 10(1) of the Immigration and Asylum Act 1999.</li></ul> <p>Before a FNO is made statutorily ineligible for HDC, there must be a decision to deport under one of the following categories of deportation as appropriate:</p> <ul style="list-style-type: none"><li>• automatic deportation under section 32(5) of the UK Borders Act 2007, when they must have been issued with a:<ul style="list-style-type: none"><li>○ deportation notice (ICD.3805), and</li><li>○ deportation order (ICD.3813 or ICD.3814), or</li></ul></li><li>• conducive deportation under section 3(5) or court recommended deportation under 3(6) of the Immigration Act 1971, when an ICD.1070 has been served which tells them of a decision to make a deportation order against them.</li></ul> <p>If a FNO is served with a notice of liability to deportation (ICD.0350, 0350AD), but not notified of a deportation decision or served with a deportation order, they are unsuitable for release on HDC, unless there are exceptional circumstances justifying release.</p> <p>For example, HDC may be justified if deportation is not possible in the near future and the Home Office confirms the offender will not be detained under immigration powers on release</p>	<p>Links to staff intranet removed</p>
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from prison.

In these cases the FNO is risk assessed for:

- release on HDC, and
- the likelihood of future deportation,

along with any evidence from the Home Office of previous non-compliance with immigration conditions.

This information must be provided by CC on the HDC-FNP form. For more information, see the link on left: Prison requests for Home Office information in HDC cases.

If the court recommends deportation but CC make a decision not to deport, for example if it is not practical to enforce deportation, you must notify the prison as soon as possible to allow the FNO to be considered for HDC.

In cases where a deportation decision has still not been made, the FNO is ineligible for HDC if they have:

- been notified of a decision to refuse leave to enter the UK, or
- previously been notified they are an illegal entrant or immigration offender subject to removal under section 10 of the Immigration and Asylum Act 1999.

You must check the FNO's records for evidence these notifications have been served and, if they have, they are still valid. For example, the notice has not been superseded by a grant of leave.

You must notify the prison contact immediately of any significant change in the information provided which happens before the offender's conditional release date (CRD), using the HDC-FNP form. A significant change is one that could affect an HDC decision, for example, where it has been decided later:

- to deport or remove



- |  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"><li>• not to pursue deportation or removal at all, or</li><li>• not to pursue deportation or removal at least for the foreseeable future and there is no intention to detain on release from prison.</li></ul> <p>If a FNO is lawfully released on HDC, and a decision is later taken by the Home Office that would make the offender 'liable to removal' if they were still in prison, this does not mean they are automatically recalled to prison.</p> <p>The FNO is not liable for recall to prison on their original sentence unless they breach the terms of the HDC licence.</p> |  |
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## Home detention curfew scheme

### Prison requests for Home Office information in HDC cases

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document, on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This page tells criminal casework (CC) staff how prison staff get information from the Home Office to help consider foreign national offenders (FNOs) for the home detention curfew (HDC) scheme.</p> <p><b>When a deportation decision must be made</b></p> <p>If possible, before an FNO reaches a point in their sentence when they can be considered for HDC. For eligibility of FNOs for HDC see related link.</p> <p>This makes sure an offender who is liable to removal from the UK at the end of their sentence cannot lawfully be released on HDC. This can happen up to four and a half months earlier than the usual release date (half-way point of the sentence).</p> <p>If it is not possible to reach a decision, the prison must know the Home Office's intentions on deportation or removal, and detention as the view on detention will impact on HDC decisions.</p> <p><b>Where the FNO's immigration status is unconfirmed</b></p> <p>The prison must contact the Home Office at the start of the HDC consideration process, around 10 weeks before the HDC eligibility date, to establish the FNOs immigration status.</p> <p>The prison can email or fax form HDC – FNP (see related link), with a request for them to complete the form and return it within four weeks to:</p> <ul style="list-style-type: none"><li>• CC if the case meets their criteria for considering deportation, see related link: When to refer a case to CC, or</li><li>• the immigration compliance and engagement (ICE) team if they are pursuing the case because it didn't meet CC's criteria.</li></ul> <p>If the prison knows the identity of the CC case owner who is dealing with the case, they must contact them directly.</p> <p>If the prison does not know the identity of the CC case owner they must contact the CC</p>	<p>Links to staff intranet removed</p>
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	<p>workflow team using related link: Email CC workflow with the information request.</p> <p>The contact form asks for:</p> <ul style="list-style-type: none"><li>• the current status of the case. For example, whether the deportation decision has been served) and</li><li>• any extra information relevant to the HDC consideration. For example, evidence of previous non-compliance with immigration conditions.</li></ul> <p>The form must be completed as fully as possible.</p>	
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## Home detention curfew scheme

### Effect of IS91, authority to detain document, on HDC

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document, on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This page tells criminal casework (CC) staff about the effect the IS91 has on home detention curfew (HDC).</p> <p>Service of form IS91 (notice of authority to detain under immigration powers) does not make a foreign national offender (FNO) statutorily ineligible for release on HDC. However, they cannot be released into the community when the IS91 comes into force on their release after they have completed their sentence.</p> <p>Issuing an IS91 defeats the objective of release on HDC. You must tell the FNO:</p> <ul style="list-style-type: none"><li>• they are not suitable for HDC because they cannot meet the criteria to be released into the community for resettlement purposes, but</li><li>• suitability for HDC will be re-assessed if the IS91 is withdrawn.</li></ul> <p>You must notify the prison contact immediately using the HDC-FNP form if a decision is made to:</p> <ul style="list-style-type: none"><li>• abandon deportation proceedings and/or withdraw the IS91, or</li><li>• deport the FNO.</li></ul> <p>For more information on the Home Office detention policy and deportation criteria, see related link: 55 Detention and temporary release.</p> <p>You must be familiar with this guidance before you make a decision to detain a FNO under immigration powers.</p>	<p>Links to staff intranet removed</p>
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## Home detention curfew scheme

### Irish nationals and home detention curfew scheme

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This page tells criminal casework (CC) staff about Irish nationals and the home detention curfew (HDC) scheme.</p> <p>On 19 February 2007 the Home Secretary decided the public interest will not generally be met by the deportation of citizens of the Irish Republic, except in exceptional circumstances.</p> <p>The position of Irish nationals in the UK prison system is different from all other foreign nationals.</p> <p>Irish nationals who live in the UK can be considered for HDC in the same way as British prisoners, but those normally living in the Irish Republic may not be considered if they have no suitable address in the UK to which they can be placed under curfew.</p> <p>It is not possible for Irish nationals to be released on HDC to the Irish Republic as it is outside the jurisdiction of the UK and so it is not possible to enforce any curfew conditions.</p>	
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## Home detention curfew scheme

### Background of the home detention curfew scheme

<p><a href="#">About this guidance</a></p> <p><a href="#">Introduction of the home detention curfew scheme and its application</a></p> <p><a href="#">HDC eligibility criteria and liability to removal</a></p> <p><a href="#">Prison requests for Home Office information in HDC cases</a></p> <p><a href="#">Effect of IS91, authority to detain document on HDC</a></p> <p><a href="#">Irish Nationals and home detention curfew scheme</a></p> <p><a href="#">Background of the home detention curfew scheme</a></p>	<p>This page gives criminal casework (CC) staff brief background information on the home detention curfew (HDC) scheme and contact information for more help.</p> <ul style="list-style-type: none"><li>• Fixed-term offenders serving between three months and four years may be released between 15 days and four and a half months (depending on sentence length) earlier than their 'normal' release date at the half-way point of the sentence.</li><li>• Offenders must pass a risk assessment, which includes an assessment of home circumstances carried out by the probation service, before release can be granted.</li><li>• Offenders must serve a minimum of one quarter of their sentence in custody, subject to a minimum of 30 days, before release on HDC.</li><li>• Certain offenders are ineligible, including:<ul style="list-style-type: none"><li>○ those who are 'liable to removal' from the UK</li><li>○ registered sex offenders, and</li><li>○ serious sexual and violent offenders.</li></ul></li><li>• Others are presumed unsuitable unless there are exceptional circumstances. This includes those serving sentences for particular offences, for example:<ul style="list-style-type: none"><li>○ homicide</li><li>○ terrorist related</li><li>○ offensive weapons, or</li><li>○ child cruelty offences.</li></ul></li><li>• Offenders released on HDC are subject to an electronically monitored curfew to their home, usually for 12 hours a day. Offenders may be placed under curfew to an address in England and Wales or, on a restricted transfer basis, to Scotland.</li></ul> <p>For policy guidance on HDC in general, see related link: PSO 6700 – Home detention curfew, or by using the contact below.</p> <div style="border: 2px solid red; padding: 5px;"><p style="text-align: center;">Restricted – do not disclose – start of section</p><p>The information in this page has been removed as it is restricted for internal Home Office use only.</p></div>	<p>Links to staff intranet removed</p>
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Restricted – do not disclose – end of section

For guidance on when a prisoner has been released before deportation action could be considered, or in the case of an offender being released in error, please see related link: [01/09 Action on cases that have been released before deportation.](#)

## Home detention curfew scheme

### Contact

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## Home detention curfew scheme

### Information owner

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