



HM Prison &
Probation Service

Probation
Service



Gwasanaeth
Prawf



Prison Group Directors
Governors and Directors of Prisons
Probation Service Heads of PDUs
Probation Service Heads of Operations
Probation Service Heads of Public Protection

HM Prison & Probation Service
8th Floor
102 Petty France
London SW1H 9AJ

Email: chiefprobationofficer@justice.gov.uk

KEVIN REILLY

Deputy Director Prisons

ANDREA BENNETT

Regional Probation Director – North West
HMPPS

4 April 2022

Dear Colleague

ELECTRONICALLY MONITORED CURFEW – MANDATING OF DOMESTIC ABUSE AND SAFEGUARDING CHECKS

Senior leaders are asked to note this important change coming in immediately today (4 April) and to ensure that this message is cascaded to all staff involved the process of Home Detention Curfew (HDC), including every person who has authority to sign off HDC, and all staff involved in the process of proposing an electronically monitored curfew in Court. This note will also be circulated to Offender Management Units in prisons and all Probation staff and Youth Offending Teams. EQuIP will be updated with FAQ, and messages about the change will be issued via Probation Service News and the Hub.

Summary

In line with our responsibilities for public protection and in response to a recommendation from HM Inspectorate of Probation, HMPPS is introducing a new requirement to make enquiries with Police and Children's Services in every case before making a recommendation to the Court for a curfew requirement on a community sentence or before an individual is released on Home Detention Curfew. We are doing this so that we recommend curfews only to addresses where it is safe to do so.

Probation Practitioners and YOT workers will instigate the enquiries and will use the information to help understand the impact a curfew would have on others in the household and inform judgements as to whether they can support a curfew at the address. Without this information an address cannot be recommended as suitable and HDC cannot be authorised.

To support this decision, we are communicating with all relevant stakeholders nationally including Courts, Police and Local Authority colleagues to inform them of this change and the reasons for it.

This instruction supersedes the guidance given in Annex G to the HDC Policy Framework which indicates that requests for information from Police and Children's Services are discretionary. Annex G will be updated in the coming months.

Action – Probation/Youth Offending Teams

- In all cases where HDC Address Checks are commissioned by the prison from the community offender manager (COM) or YOT worker on or after 4 April, the COM must obtain (if not already available) relevant, current information from the Police and from Children's Services in relation to both the offender and the address before confirming whether the proposed address is suitable for HDC.
- Where fresh requests for information are required, COMs/YOT workers should commission them immediately once the HDC Address Checks commission is received, to help reduce delays. POMs are reminded of the need for prompt allocation to the COM which will assist in avoiding delays.
- When completing the Risk Management Screen in the HDC Digital Service, the COM must indicate in the comments box whether the relevant information has been obtained and taken into account in their assessment. An amendment to the Digital Service to prompt this is under review.
- These changes apply equally to licence variations where the offender is changing address and remains on HDC.

Action – Prisons

- From 4 April, case administrators (CAs) must check when the address check was sent to the COM. For all requests made on or after 4 April CAs must check that the COM has confirmed that any risk information from police and children's services has been considered. The CA should not submit the case to the decision maker unless this has happened and there is no outstanding information pending. If information is still outstanding this should be recorded as 'postponed – outstanding risk' on the digital HDC service.
- The Decision maker must not authorise release on HDC unless it is clear from the comments made by the COM in the Risk Management Screen in the HDC Digital Service that information from police and children's services has been taken into account.

Action - Courts

- From 4 April, all Probation court teams will be mandated to collate information from Police (DA), local authority (SG) and main occupier to formulate a risk assessment before an electronically monitored curfew recommendation can be proposed at Court.
- This is a change to previous expectation and associated guidance where these checks were only required on cases where there was evidence to suggest a current risk associated with either domestic abuse and/or safeguarding.
- The new mandate supersedes all previous guidance that specifically relate to the standard of 'checks' required before an electronic monitored curfew requirement can be proposed by Probation at Court.

Yours sincerely



KEVIN REILLY
Deputy Director
Prisons



ANDREA BENNETT
Regional Probation Director
Probation Service – North West

Probation Finder: Find information on probation, contact centres in England & Wales, including opening times and contact details as well as local services offered: <https://www.gov.uk/government/collections/probation-finder>