**Gold Briefing – Christmas ROTL and Mandatory Testing for ROTL**

**16 December 2021**

**Purpose**

On 9th December 2021 guidance came into effect which made changes to the testing requirements for prisoners going on Resettlement Overnight Release (ROR) to mandate testing on return and to amend the advice around self-isolation when on ROR.

The increased risk picture that we currently face as a result of the Omicron variant has necessitated that the HMPPS Prison Recovery Board and HLT have now decided that the time is right to expand these requirements to **ALL** forms of ROTL, inclusive of domestic and workplace ROTL placements. As we move into the festive period, the number of ROTL placements occurring will increase and it is increasingly important that we are able to balance these risks and the potential risk of incursion. The purpose of this briefing is to share these updates.

**Testing for ROTL**

As outlined above, this change in guidance means that as of **20 December 2021** all prisoners going on ROTL must agree to take part in the testing on return requirements relevant to that type of ROTL as set out in the testing guidance accessible [here.](https://pogp.hmppsintranet.org.uk/2020/04/28/staff-testing-in-england/) Medical exemptions will apply to this requirement, and any prisoner who has a medical reason why they are unable to take a test will not be required to do so. This requirement is being introduced to minimise risk of incursion of infection through returning prisoners from stays in the community.

It is now a licence requirement for all prisoners on ROTL to be subject to testing.

**Resettlement Overnight Release (ROR)**

* Testing following ROR is already **mandatory** as of 09.12.21. Upon return from Resettlement Overnight Release (ROR) prisoners will be required to undertake a mandatory LFD test (unless medically exempt).
* The return LFD test must be taken **within 12 hours** of the prisoner’s return to the prison from ROR. This will be undertaken either in reception or using Prisoner Self Collect testing in the prisoner’s own room/cell/dorm
* The following condition should have been added to all ROR licences issued from 09.12.21:

*By signing this licence, you have agreed to be tested for Covid-19 on your return (unless you are medically exempt from testing).*

**Resettlement Day Release (RDR)- Workers**

* Prisoners who are on ROTL RDR work placements in the community must take LFD tests twice per week (day 1 and day 4).
* This will be undertaken either in reception or using Prisoner Self Collect testing in the prisoner’s own room/cell/dorm. This will now be a **mandatory** requirement from 20.12.21 and will be reflected in the prisoner’s licence. Establishments may come to local agreements whereby prisoners can evidence that they have completed testing in their workplace. So long as the prison are content with the evidence provided this can be used as an alternative to testing on site.
* The following condition should now be added to all RDR licences (including workplace licences) issued from 20.12.21:

*By signing this licence, you have agreed to be tested for Covid-19 twice per week (unless you are medically exempt from testing).*

* Testing prior to ROTL remains recommended for prisoners on ROR but remains voluntary at this time.

**Resettlement Day Release (RDR) other than for work placements, plus Special Purpose Licence (SPL) or Childcare Resettlement Licence (CRL)**

* Prisoners who are on RDR for reasons other than work, or on SPL or CRL; must take a **mandatory** LFD test upon return to the prison.
* The LFD test must be taken within 12 hours of the prisoner’s return to the prison from RDR, SPL or CRL. This will be undertaken either in reception or using Prisoner Self Collect testing in the prisoner’s own room/cell/dorm
* This will now be a **mandatory** requirement from 20.12.21 and will be reflected in the prisoner’s licence.
* The following condition should now be added to all RDR (non-work placement), SPL or CRL licences issued from 20.12.21:

*By signing this licence, you have agreed to be tested for Covid-19 on your return (unless you are medically exempt from testing).*

**Continued Testing**

In addition to taking a test within 12 hours of return from RDR and ROR any prisoners who are granted ROTL who are not already subject to twice weekly LFD testing are required to undertake twice weekly LFD for the 14 days following their return from ROTL. (This is in addition to the LFD test taken on the morning of the ROTL release.

It should be explained to prisoners that the purpose of this requirement is to continue to manage the risk of COVID-19 within the prison population and to protect them and those around them. Going out into the community increases the risk of close contact and thus incursion of the virus back into the establishment. Therefore, in order to best protect them and those around them, testing on return is really important way to control that risk. This applies to both vaccinated and non-vaccinated people as whilst effective at reducing risk, the vaccination does not eliminate the potential of virus transmission.

If they are not prepared to agree to this, then the ROTL cannot take place. If the ROTL takes place and they fail to submit to testing as required, this must be recorded on IRS as a temporary release failure and suspension of ROTL or other disciplinary action will be considered in line with the ROTL policy framework. The refusal will be taken into account in decisions on future ROTL while the requirement to test is in place.  The staff member carrying out the review must document the outcome and the reasons why future ROTL should or should not be approved.

**Christmas ROTL and Licence Requirements**

The Prison Recovery Board and HLT have agreed that at the time of publication, ROTL over the festive period is still able to go ahead as planned and establishments are able to continue with plans to facilitate placements and agree licences for this period. The rehabilitative value of prisoners being able to see their families during this important period is not overlooked and therefore so long as required risk assessments and processes are followed, these placements can continue.

Governors must remain vigilant about any emerging risk, including identified variants of concern in the local area of the prison and locations where ROTL activity has been approved to take place, this includes being mindful of differential guidance that may exist where ROTL is proposed to take place within another country within the United Kingdom (these are detailed below but are subject to change).

Given the ever-developing COVID risk picture however it is critically important that establishments are clear in structuring expectations with prisoners. This includes setting out clearly that if community guidelines were to change potentially at the last minute to a position that meant that ROTL over the festive period was no longer appropriate, it would be necessary to cancel the release and licences would be revoked.

The following condition should now be added to all ROTL licences from 20.12.21:

*I understand that if the Government guidance changes whilst I am on licence then it may be necessary for my licence to be revoked. If this occurs I understand that I will be informed of this by my prison and I will be recalled. If this occurs I understand that I will be required to return to the prison within 24 hours.*

**Isolation Advice**

If, during ROR a prisoner **develops symptoms** of Covid 19, under their ROTL licence conditions, they must isolate immediately at their licence address and arrange for a PCR test. The prisoner must notify the prison that they have arranged the PCR test as soon as possible and again when the result is received. They must isolate at the licence address whilst they await the result but must return to the prison by their licence return date and time, even if the result has yet to arrive. If on RDR then they must return to the prison immediately and be isolated in line with current guidance.

For ROR - If the prisoner **tests positive** they must notify the prison immediately and return that day if practicable (due to the time of day the result is received and the distance from the prison- the prison will discuss this with the prisoner when they make contact) and in any event within 24 hours in order to self-isolate. Once they have returned, they must notify contact tracers of the names of each person living at the licence address.

If, during ROTL, a prisoner becomes aware that they are **a contact of a positive case** (either due to a person at the licence address or by notification from the contact tracing service), they must inform the prison immediately and then test and isolate **in line with the actions required for their vaccination status and the country** they are licenced to as detailed in the links below. If the prisoner is required to isolate they must notify the prison immediately and return that day if practicable, or in any event within 24 hours in order to self-isolate.

For example, in England, if the prisoner is identified as a close contact of a positive case **AND** the prisoner is not fully vaccinated\* the prisoner must notify the prison immediately and return that day if practicable, or in any event within 24 hours in order to self-isolate and take a PCR.

If this occurs during RDR then the prisoners must return to the prison immediately to isolate.

Those who have close contact with a positive case whilst on ROTL (including household contact) and are not required to isolate (i.e. they are fully vaccinated), can continue their ROTL period but should **test on return** to the establishment as required by the licence. Prisoner Risk Mitigation Testing (PRMT) may also be used for fully vaccinated prisoners upon return, where suitable, for those that have been identified as contact of a positive case.

Where prisoners are identified as contacts of positive cases from within the prison and are engaging in Prisoner Risk Mitigation Testing (PRMT), they may continue to go out on ROTL but will be expected to participate in the [community DTCC](https://www.gov.uk/government/news/daily-rapid-testing-for-covid-19-contacts-launches-this-week) and test regularly.

HMPPS has a responsibility to reduce the risk of COVID-19 transmission and to offer additional support to help prisoners reach the prison when required. The prison OMU team is responsible for ensuring appropriate transport arrangements are in place for those who are required to isolate and communicating those plans appropriately. Options include:

* Where friends or family of the prisoner on ROTL, using private vehicle to return the prisoner to prison, appropriate PPE provided, and advice offered to them on cleaning the vehicle after use.
* Official vehicles, (non-PECS vehicles), may be used to transport individuals, the use of PPE and subsequent cleaning of vehicles should follow HMPPS advice outlined in the *COVID-19 Cleaning and Infection Control Guidance*
* Using transport arrangements through local taxi or private hire firm. (These must be Covid Safe vehicles)

The licence conditions required for ROR licences as of 09.12.21 remain in place and are as below:

*If you* ***develop COVID-19 symptoms*** *(a high temperature; a new, continuous cough; a loss/ change of smell or taste) you must isolate* ***immediately*** *at your licence address and arrange for a PCR test via https://www.gov.uk/get-coronavirus-test. Notify the prison that you have arranged the PCR test as soon as possible and when you get the result. You must isolate at your licence address whilst you await the result but you must return to the prison by your return date and time above, even if the result has yet to arrive.*

*If you test* ***positive*** *you must notify the prison immediately and return to prison that day if practicable and in any event within 24 hours in order to self-isolate.  Once you have returned, you must notify Test & Trace and the establishment Health Resilience Lead of the names of each other person living at the address where you spent this ROR.*

*If you test* ***negative****, you can continue your ROTL and return to your prison as per the licence conditions. You must notify the establishment of this result*

*If a member of the household at your licence address tests positive or you are told to self-isolate by the NHS Covid-19 App or by Test & Trace then you must test and isolate* ***in line with the actions required for their vaccination status and the country*** *you are licenced to. {Establishment to enter specific details here based on the country of licence. E.g.*

* *If you are* ***fully vaccinated*** *and are in England, then you are not required to isolate and can continue your ROTL period but must test on return to the establishment as required by the licence. You are also expected to engage in DTCC in the community.*
* *If you are* ***fully vaccinated*** *and are in Wales, then you must self-isolate until you have received a negative PCR test result. If the contact is not a household contact, then you must take a PCR test but are not required to isolate.}*

*If you are required to isolate you must notify the prison immediately and return that day if practicable, or in any event within 24 hours in order to self-isolate.*

*When travelling back to the prison following a positive test result or instruction to self-isolate, you should wear a face covering. Where possible, you should utilise your own transport or ask a family/friend to assist you with returning to the prison. If this is not possible, you can work with your prison to find a safe method of transport back (the prison arranging a prison vehicle and driver to pick you up,or use of a taxi). However, you must return to the prison.*

**The testing regime frequency for prisoners on ROR and RDR are set out in the** [**prisoner testing manual**](https://pogp.hmppsintranet.org.uk/2020/04/28/staff-testing-in-england/) **which will be updated to reflect this briefing.**

The below links outline the current community guidelines in the UK. These are subject to frequent change and so prisons should use the links provided for reference to understand the testing that prisoners will be expected to participate in whilst in the community. Prison testing regimes and frequency will apply on their return to the establishment.

[England](https://www.nhs.uk/conditions/coronavirus-covid-19/self-isolation-and-treatment/when-to-self-isolate-and-what-to-do/)

[Wales](https://gov.wales/self-isolation#section-83763)

[Scotland](https://www.nhsinform.scot/illnesses-and-conditions/infections-and-poisoning/coronavirus-covid-19/test-and-protect/coronavirus-covid-19-contact-tracing)

[Northern Ireland](https://www.publichealth.hscni.net/covid-19-coronavirus/covid-19-information-public)

*\*Please note that fully vaccinated is currently defined as having received both doses of an MHRA approved vaccination, with 14 days having elapsed since the final dose*

**Please direct any questions to** COVID19.RegimesOpsGuidance1@justice.gov.uk