

EM Review Training

2023

EM Review Overview

The EM Hub is responsible for conducting EM Reviews for all FNO RC Cases to ensure that the use of electronic monitoring (EM) and any supplementary conditions (curfews, inclusion zones or exclusion zones) remain proportionate. Directorates other than FNO RC must review their own EM cases unless an agreement has been made with the EM Hub to review cases on their behalf.

EM Reviews are conducted on a quarterly basis except where representations are received, including requests to vary EM, from the individual or a person/rep acting on their behalf – these are completed as ad hoc reviews by the Legal stream and may be prior to the quarterly scheduled review date.

The EM Review Tool should be completed when carrying out reviews and decision makers must consider:

- **The need for continued monitoring.**
- **The continued necessity of the supplementary condition(s) and whether each condition is still necessary or if the circumstances have changed and the condition no longer serves its intended purpose.**
- **Whether the individual is suitable for a change of device or removal of EM.**

The proportionality of the supplementary condition – whether the current restrictions imposed by that condition are still appropriate as follows:

- **Curfews - both in terms of timing and length, whether there is a basis on which to alter the curfew – e.g. compliance/family.**
- **Inclusion or Exclusion zones – in terms of the location, size and number of zones.**
- **Any challenge to the supplementary conditions or conditions – whether there has been a challenge to the supplementary condition or conditions from the individual or legal representatives – usually completed by Legal stream.**

Purpose of EM Reviews

The purpose of the review is to ensure that the individual remains suitable for EM and any supplementary condition and that any these conditions continue to be necessary and proportionate, in light of the facts at the date the review is undertaken. Factors to be taken into consideration will include, but are not limited to:

- **Overall time spent on EM**
- **Compliance with immigration bail** (See next slide for compliance thresholds)
- **The time on a particular device – consideration of a non-fitted device (NFD) is given where available**
- **Risks of: harm to the public, absconding and re-offending**
- **Expected time until removal and potential barriers.**
- **Vulnerabilities**

The general expectation is that a person who poses a greater risk of harm and has been less compliant with immigration bail will remain on EM/fitted device longer than a compliant person who poses a lower risk of harm. Where NFD transition is available and subject to EM compliance, the timescales are as follows:

Tier	Harm score (harm score relates to the score used within the decision support tool)	Sentence	Months on devices
1	Greater than or equal to 600	15 years	24 months on fitted device and indefinitely on non-fitted device
2	Greater than or equal to 400	6 years	12 months on fitted device and 30 months on non- fitted device
3	Greater than or equal to 250	4 years	9 months on fitted device and 24 months on non- fitted device
4	Greater than or equal to 150	3 years	6 months on fitted device and 18 months on non- fitted device
5	Less than 150	< 3 years	3 months on fitted device and 18 months on non- fitted device

Compliance Threshold Guidance

Detailed below are the breach thresholds for each tier (for the latest 3-month period).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Types of Review

Full Review & Out of Contact Review

Reviews are completed via the EM Review Tool. The review tool will generate an excel document with the information/wording pre-populated based on the information you input into the tool. The full review option is selected for all reviews except for those that are currently Out of Contact (OOC).


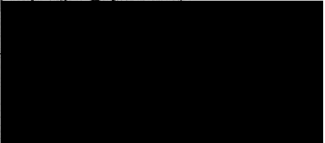
If an FNO is OOC then you would complete an OOC review using the word document pro-forma.

There are other options available on the EM review tool, however, at present they are not used as updates are required, please disregard until told otherwise.

OOC Review

Out of Contact Pro Forma

- Cases currently OOC for >7 days and with Breach Management
- As apparently non-compliant, reviewer assesses vulnerabilities or possible mitigations
- If none apply, proforma template is completed to maintain EM as non-compliant
- Person Details and OOC date filled in – signed off by reviewer at the end
- Refer to Breach Management (BM) (if not on the BM Spreadsheet) or Case Owner for further action if required
- Not subject to approval and can be uploaded and post review actions completed by reviewer

 Home Office		HO Ref: 
<p>The purpose of the review is to ensure that the individual remains suitable for Electronic Monitoring (EM) and any supplementary conditions continue to be necessary and proportionate in light of the facts at the date the review is undertaken.</p>		
SUBJECT'S DETAILS		
HO Ref:		Nationality:
Full Name:		Date of Birth:
Date immigration bail granted:	Immigration bail:	
BAIL ADDRESS:	TAGGING CONDITIONS:	
Address:	GPS Tag – No Curfew	
Out of Contact Since Date:		16/01/2023
CONSIDERATIONS		
<p>As it has been identified that Mr XYZ is currently out of contact, compliance cannot be considered sufficient.</p> <p>Whilst Mr XYZ remains out of contact, it is unlikely that any decision to alter their existing electronic monitoring conditions will be made.</p> <p>Breach management action has been initiated and should contact be resumed with Mr XYZ, steps will be taken to resume electronic monitoring as soon as can be arranged.</p> <p>I have considered the information on this case to determine if vulnerabilities or safeguarding issues exist which would mean that the current EM bail condition might be disproportionate. However, I have not identified any previously unknown vulnerabilities or other factors that would affect the decision to sustain the electronic monitoring condition.</p> <p>Action plan: Based on the information available, it is deemed necessary to maintain EM at this time.</p>		
Case Owner:	Name: Unit: EM Hub	Date of Review:
	Approving Manager:	

OOOC Review Process

1. **Check Daily Active Immigration Order to check still OOC. If a ST with dial in, check BM sheet or EMS laptop (if available) – If back in contact conduct a full review.**
2. **Check Atlas, CID notes and enquiries inbox for any new vulnerabilities/safeguarding issues/rep/s/ mitigations etc - If any discovered conduct a full review, unless rep/s received as this would need to be dealt with by the legal stream.**
3. **Check any indication that FNO has been re-called/detained on NOMIS sheet. If re-called/detained, seek authorisation to Cease EM from Team Leader.**
4. **Check if appeal won/deported that would explain OOC. If deported seek authorisation to Cease EM from Team Leader.**
5. **Any NRM claims that have Positive Conclusive Grounds must be completed as a full review and saved within the PCG folder for approval by a G7.**

Continue to pages 8,9 & 10 for further guidance on each point and where to find the relevant information.

OOO Review Process

1. Check Daily Active Immigration Order to check still OOC. If a ST with dial in, check BM sheet or EMS laptop (if available)
2. Check Atlas, CID notes and enquiries inbox for any new vulnerabilities/safeguarding issues/rep/s/ mitigations etc



<REDACTED>

1. Daily reports found in Inductions mailbox – either within the inbox or if archived they are found in the ‘Daily Reports/IE New Install’ folder within the inbox.
2. EMS laptop to be used for cases that are on the Strap Tamper sheet and are still dialling in to check if a visit has taken place – if not, these are still considered OOC.
3. Check for any emails/calls/letters from FNO, probation or their reps as there may be a reason that they are OOC – this should be considered in a full review

*Reviews Stream do not yet have a laptop so checks to be done with Breaches.

OOC Review Process

3. Check any indication that FNO has been re-called/detained on NOMIS sheet

<REDACTED>

4. Check if appeal won/deported that would explain OOC

<REDACTED>

OOC Review Process

5. Any NRM claims that have Positive Conclusive Grounds must be completed as a full review.

If a PCG decision has been made then it should show on the NRM tab with the date decided.

<REDACTED>

A second NRM tab should show the Modern Slavery DL – if not, the PCG is outstanding.

<REDACTED>

If the above shows 'No Leave Granted' in the drop down, review can be completed as OOC.

Post Review Actions for OOC Review

- Once the OOC EM Review is complete, this can be deleted from your allocation sheet as they are not subject to [REDACTED]

- **Complete Atlas actions as follows:**

- Perform EM Review

1. Open compliance and enforcement card
2. Select 'Manage Electronic Monitoring'
3. Click 'Add Electronic Monitoring Action'
4. Choose 'Perform EM Review'
5. Select – Scheduled Review
6. Name of Authorising Manager– add your manager's name
7. Date Completed
8. Responsible Unit – Electronic Monitoring Hub

<REDACTED>

Post Review Actions (OOC Review)

Schedule Next Review Date

1. Open compliance and enforcement card
2. Select 'Manage Electronic Monitoring'
3. Click 'Add Electronic Monitoring Action'
4. Choose 'Set Electronic Monitoring Review Date'
5. Select – Scheduled Electronic Review
6. Date – Set for 3 months from the date the review was completed.
7. Responsible Unit – Electronic Monitoring Hub

<REDACTED>

Upload the Review

1. Open compliance and enforcement card
2. Select 'Manage Documents' from the 'Manage Case' drop down
3. Select 'Upload Document'
4. Select 'Other' for both Recipient & Document Type

Post Review Actions (OOC Review)

Add note on Atlas Communications

1. From the main page select 'View and record communications'
2. Record new communication
3. Fill in the fields as appropriate & select case information under reason for communication
4. Add the following note:

EM reviewed.

EM device OOC since **/**/****

Breach management commenced.

EM maintained.

Next EM review date scheduled **/**/****

EM review proforma uploaded.


The review can then also be uploaded to your folder: 

Full Review

- **EM Review Tool**

(The latest version will be saved within the reviews file on SharePoint)

- Firstly, you would need to gather the information to enable you to complete the review via the tool. See gathering information doc to see what information is needed and where to find: [REDACTED]
- Excel tool used to input the information and generate review form see [REDACTED] on how to operate the EM review tool
- Case information pre-populated include – individual's details, risk of harm, offences etc.
- Based on breach information inputted, the tool assesses compliance/risk of harm and provides recommendation as to whether to maintain current EM conditions or Transition to a Non-Fitted Device.
- Further information to be added manually e.g. mitigations, vulnerabilities, MAPPA, barriers etc.
- Reviewer to change recommendation if required based on the above.
- If suitable for a change to EM condition i.e. suitable to transition to NFD please ensure the reporting details are inputted on the allocation spreadsheet so these can be easily located by the NFD team.

 Home Office		HO Ref: Please ensure this is the HO Ref not PID (This can be found on Axtel)	
<div style="background-color: black; width: 100px; height: 80px; margin: 10px auto;"></div>			
The purpose of the review is to ensure that the individual remains suitable for Electronic Monitoring (EM) and any supplementary conditions continue to be necessary and proportionate in light of the facts at the date the review is undertaken.			
SUBJECT'S DETAILS:			
PID	Pre-populated	Date of Birth	Pre-populated
Full Name:	Pre-populated	Immigration Bail Type:	Pre-populated
Nationality:	Pre-populated		
Date Monitoring Started:	Pre-populated		
BAIL ADDRESS:		TAGGING CONDITIONS:	
Address:		Pre-populated	
Telephone Number:		Always check pre-populated fields have the correct information.	
Email:			
OFFENDING HISTORY:			
Pre-populated			
HARM / RISKS:			
Harm Tier:	Pre-populated	Risk of Re-offending (is it a MAPPA case?)	Check if MAPPA (This can be found on the Bail 505)
1. STATE ANY RELEVANT IDENTIFIED VULNERABILITIES / EXCEPTIONS / CHANGES OF CIRCUMSTANCES			
Do these factors suggest an immediate cessation of EM is needed?			
			No
2. COMPLIANCE AND BEHAVIOUR			
Is subject's attendance at reporting events satisfactory?			
Number of breaches across whole monitored period (including within last 3 months):			
Compliance with EM conditions across whole monitoring period within acceptable threshold?			Yes/No
Number of breaches since last review:			
Compliance with EM conditions since last review within acceptable threshold?			Yes/No
Further criminal offences resulting in a conviction since EM instigated?			Yes/No
Absented, currently out of contact, or continuously out of contact for more than seven days since last review?			True/False
Mitigations sufficient to account for breaches?			Have they provided any mitigations for breaches?

NFD Transitions

The EM Review tool will assess the suitability to transition to a Non-Fitted Device based on the information available and the information inputted by you.

Currently we have a limited number of appointments available at the following ROMS: **Eaton House, Lunar House, Solihull, Manchester, Liverpool, Middlesbrough, Swansea, Loughborough, Cardiff, Sheffield, Belfast, Leeds and Glasgow.** A complete list can be located on the allocation spreadsheet and will be updated as more ROM's come on board.

When completing reviews, can you please be mindful of the above ROMS, and if an FNO would be suitable for transition, please input the following wording if not already generated by the tool:

'In line with the agreed principles for assessing harmfulness, in particular considering Offending History, I have decided it is proportionate for X to be transitioned to a non-fitted device when they become widely available'.

Any other reporting area please continue **with the maintain EM wording.**

Cases would not be suitable to transition to NFD if:

- Minimum period on fitted device has not yet expired relevant to harm tier (See page 3)
- Mappa cases
- Cases with no barriers to removal
- Cases non-compliant with Bail conditions i.e. strap tampers, periods out of contact within the last three months, non-compliant with reporting conditions

NFD Transitions – Assessing Suitability

Minimum period on fitted device Each harm tier has a minimum period of time they should spend on a fitted device before they are able to be transitioned, whilst this should be assessed by the 'EM Review Tool' you should always check if the minimum period from the induction date has expired relevant to harm tier (See page 3).

Mappa cases

Mappa cases will only be suitable if mappa status has expired, please see below for further info:

Cat 1 – Registered sex offenders - The expiry date that they will be under MAPPA will be the expiry date their sex offender registration ends.

Cat 2 – Anyone receiving 12 months or more for a schedule 15 offence – the expiry date their MAPPA status ends will be when the sentence/licence expires.

Cat 3 – Other dangerous offenders – there is no fixed expiry date, these cases only come off MAPPA when the panel decides, so you would be best to contact our hub to clarify for you. You won't get many of these but there will be a few.

Cat 4 – Terrorist offenders – not sure with this one as it's something new and not likely to be on your caseload, so for those I would probably send a query to our hub to investigate.

Barriers

Barriers to removal should be stated on the review – It is evident from experience that barriers can be difficult to identify on Atlas, if this is the case, please put a note at the bottom of the review for the approver to double check as **barrier free cases should not be transitioned**.

Compliance

-Check compliance with EM & Reporting.

-Detailed below are the breach thresholds for each harm tier (for the latest 3-month period).

Please note - no matter the harm tier, if they have registered a ST or period OOC for >7 days without mitigations then they would be non-compliant.

For battery breaches/reporting it's as follows:



It is always good practice to check the BM Spreadsheet to ensure there have been no periods out of contact, even if there is no evidence of breaches/ST.

Post Review Actions for Full Review

EM Maintained Cases

- Once the EM Review is complete, you should upload to Atlas docs, perform the review and set the next review date for 3 months from the date of completion. Please see paged 11 - 13 for guidance on how to carry out Atlas actions.
- Fill out the allocation's spreadsheet with the date completed and any additional notes/comments you feel relevant. [REDACTED]
- Please then save the completed EM review within your personal folder on SharePoint [REDACTED]
- Reviews completed will be subject to QA by the designated authorising officers, once completed you will receive a report detailing the outcome and any feedback.

NFD Transition Cases

- If your case is suitable for transition to NFD please add the case details and reporting details to the 'NFD Tab' within the allocation sheet so these can be sourced by the NFD team to arrange transition. [REDACTED]
- Please then save the completed EM review with the "NFD EM Reviews Requiring Authorisation" folder on SharePoint [REDACTED]
- The authorising officer will approve/upload and complete any atlas actions, however if it is found not to be suitable it may be return to you for amendments.

NRM PCG Cases

- **NRM PCG – EM Maintained** cases should be saved with the "PCG EM Reviews Requiring Authorisation folder" [REDACTED] for authorisation by a Grade 7, currently [REDACTED]
- **NRM PCG – NFD Suitable** cases should be e-mailed directly to [REDACTED] for authorisation [REDACTED]

Please note any complex NRM PCG Cases can be referred to [REDACTED] for advice, she will set up a case management call with you to discuss any issues.

EM Scheduled Review QAF Criteria

Not in public interest? Criteria by which staff's work is QA'd – would we just have to release it anyway?

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-
- | Government | Percentage |
|---------------------|------------|
| Current government | 100% |
| Previous government | 0% |