

This guidance is based on the Immigration Rules



Immigration judge bail

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About this guidance

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| About this guidance | This guidance explains the administrative processes around a bail hearing. | Related links Changes to this guidance Contact Information owner Links to staff intranet removed |
| Bail overview | These instructions are intended for all presenting staff including administration teams within presenting officers' units, but apply equally to asylum teams where caseworkers represent cases in court. | |
| Bail application | Changes to this guidance – This page tells you what has changed since the previous version of this guidance. | |
| Bail summary | Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question. | |
| Bail hearings | Information owner – This page tells you about this version of the guidance and who owns it. | |
| Post hearing | 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. | |
| Bail outcomes | | |
| Bail files | | |

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Changes to this guidance

| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page lists changes to the 'Immigration judge bail' guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="490 440 831 480">Date of the change</th><th data-bbox="831 440 1532 480">Details of the change</th></tr></thead><tbody><tr><td data-bbox="490 480 831 668">20 January 2014</td><td data-bbox="831 480 1532 668">Six month review by the modernised guidance team:<ul style="list-style-type: none">• Minor housekeeping changes.</td></tr><tr><td data-bbox="490 668 831 857">15 July 2013</td><td data-bbox="831 668 1532 857">Six month review by the modernised guidance team:<ul style="list-style-type: none">• Minor housekeeping changes.</td></tr><tr><td data-bbox="490 857 831 970"></td><td data-bbox="831 857 1532 970">For previous changes to this guidance you will find all earlier versions in the archive. See related link: Unified appeals system - archive.</td></tr></tbody></table> | Date of the change | Details of the change | 20 January 2014 | Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes. | 15 July 2013 | Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes. | | For previous changes to this guidance you will find all earlier versions in the archive. See related link: Unified appeals system - archive . | <p>Related links</p> <p>See also</p> <p>Contact</p> <p>Information owner</p> <p>Links to staff intranet removed</p> |
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| Date of the change | Details of the change | | | | | | | | | |
| 20 January 2014 | Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes. | | | | | | | | | |
| 15 July 2013 | Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes. | | | | | | | | | |
| | For previous changes to this guidance you will find all earlier versions in the archive. See related link: Unified appeals system - archive . | | | | | | | | | |

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Bail overview

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page gives an overview of the bail process.</p> <p>These instructions are for all presenting staff, including appeal administration teams within presenting officers' units (POUs) and presenting officers (POs).</p> <p>An applicant can apply for bail to:</p> <ul style="list-style-type: none">• a chief immigration officer (CIO)• the Secretary of State, or• an immigration judge. <p>This guidance applies only to immigration judge bail. This is the only type of bail an appeals unit deals with. For guidance on CIO bail you will need to consult the border force operations manual. For more information, see related link: Bail.</p> <p>The caseworker is responsible for preparing a bail summary outlining why bail is opposed. The restrictions screen on CID will tell you which unit is responsible for the bail applicant.</p> <p>The appeals administration team must obtain a bail summary from the caseworker and serve on Her Majesty's Courts and Tribunals Service (HMCTS) and the applicant's representative.</p> <p>A PO will represent the Home Office at the bail hearing.</p> <p>For further guidance, see link on the left: Bail application.</p> <p>Asylum cases</p> <p>Asylum caseworkers may choose to present their own bail hearing before the immigration judge. The caseworker will tell you if they intend to present the case when they send the bail</p> | <p>Related links</p> <p>Links to staff intranet removed</p> |
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| | <p>summary to the appeals administration team. This is subject to regional variation. You should assume a PO will be needed for all bail hearings unless you are told otherwise. In cases where the caseworker presents the bail, POUs are responsible for serving the bail summary. For further details, see link on left: Bail summary.</p> <p>If you are not sure whether a regional variation applies in your area, you must speak to a senior caseworker or your line manager.</p> | |
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Bail application

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains how to prepare for a new bail case.</p> <p>These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)).</p> <p>Her Majesty's Courts and Tribunals Service (HMCTS) list a bail hearing within three days of receiving the bail application. If the application is received after 3.30pm, it is treated as being received on the next working day (Tribunal Practice Direction 19).</p> <p>You should receive notice of the bail application 48 hours before the hearing, but in some cases you may have less notice (Tribunal Procedure Rule 39). When you have received the application, you will need to check if a bail file exists. You can do this by checking CID notes:</p> <ul style="list-style-type: none">• If a file does exist, you will need to attach the bail application to the file.• If a file exists but is in another POU, you will need to request the file without delay.• If a bail file does not exist you will need to create one and attach the application to the file. <p>If you need to create a new bail file, you can do this using a general use file or folder. You will need to add a bail folder template to the front of the file to record the relevant details. The template is on doc gen (template reference, ICD.4144).</p> <p>CID must be updated to show the new bail hearing details and a note added with details of the bail file location.</p> <p>You will need to obtain a bail summary. The caseworker is usually responsible for writing the summary. You will be able to identify them from the notes or calendar events screen on CID</p> | <p>External links</p> <p>The Asylum and Immigration Tribunal (Procedure) Rules 2005</p> |
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| | <p>or by looking in the Home Office (HO) file.</p> <p>You must fax to the caseworker:</p> <ul style="list-style-type: none">• the bail application• any supporting documents, and• a form to request a bail summary printed from doc gen (template reference ICD.4141). <p>You must do this as soon as possible so the caseworker has the maximum time possible to complete the bail summary and surety checks by 12pm on the day before the hearing. There should be no less than 48 hours notice that a bail application has been listed by HMCTS, but there may be cases where HMCTS has had to list a bail application hearing at short notice.</p> | |
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Bail summary

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains how to obtain and serve a bail summary for a new bail application, but also applies when opposing a bail renewal.</p> <p>These instructions apply to all presenting staff including appeals administration teams within presenting officer's units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)).</p> <p>You may disclose Police National Computer (PNC) checks for legal proceedings. For more information, see related link: Substantive hearing.</p> <p>The bail summary</p> <p>The bail summary produced by the caseworker contains:</p> <ul style="list-style-type: none">• the applicant's personal details• the criteria considered for detention• details of the sureties the applicant has put forward• a full immigration history and chronology• the reasons for opposing bail, and• the conditions to be set if bail is granted. <p>When you receive the bail summary you must:</p> <ul style="list-style-type: none">• Check which sections can be disclosed. These are generally limited to the:<ul style="list-style-type: none">○ immigration history and chronology using doc gen template ICD.4143○ reasons for opposing bail, and○ conditions to be set if bail is granted.• Make sure you have hidden any sections not to be disclosed.• Fax the summary to the:<ul style="list-style-type: none">○ hearing centre responsible for the case | <p>Related links</p> <p>Links to staff intranet removed</p> |
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| | <ul style="list-style-type: none">○ applicant's legal representative (if there is one) using doc gen template ICD.4143○ applicant at their place of detention (even if they are represented) using doc gen template ICD.4140, see related link: Immigration removal centres (IRCs).● Keep the fax receipts as proof of service and attach them to the bail file.● Keep the full copy of the bail summary on file for the presenting officer (PO) to see. And● Pass the bail file to the PO to prepare for the appeal hearing. | |
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You must do this by 2pm on the day before the hearing.

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Bail hearings

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| About this guidance | This section explains how to prepare for bail hearings. | In this section |
| Bail overview | These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and presenting officers (POs). See related links: <ul style="list-style-type: none">• Bail video link hearings• Bail renewal and variation hearings• Bail forfeiture hearings. | Bail video link hearings |
| Bail application | | Bail renewal and variation hearings |
| Bail summary | | Bail forfeiture hearings |
| Bail hearings | | |
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Bail video link hearings

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains how to prepare for a bail hearing by video link.</p> <p>These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and presenting officers (POs).</p> <p>Some bail hearings take place by video link. The applicant stays in their place of detention while the application is decided.</p> <p>The bail hearing notice will clearly state if a bail hearing is to take place by video link, and it will have a different reference number at the bottom of the notice:</p> <ul style="list-style-type: none">• IA 80 BL for England and Wales, and• IA 88 BL for Scotland. <p>You will need to fax the bail summary to the hearing centre, representative and appellant at their place of detention, even if they are represented, by 12pm the day before the hearing. You can find the fax number of the hearing centre by using the directory of immigration removal centre fax numbers, see related link: Immigration removal centres (IRCs). In cases where the bail summary is received late it must be faxed as soon as possible.</p> <p>The PO is required to attend the hearing from 9.30am onwards or 1.30pm onwards for afternoon lists.</p> <p>Before the hearing takes place, the representative is offered 10 minutes with their client.</p> <p>The applicant's representative can make an ex parte application, that is one in the absence of and without representation or notification of other parties, for the hearing to be listed 'in person' rather than by video link.</p> | <p>In this section</p> <p>Bail hearings</p> <p>Bail renewal and variation hearings</p> <p>Bail forfeiture hearings</p> <p>Related links</p> <p>Links to staff intranet removed</p> |
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| | For further information, refer to section seven of the PO manual. | |
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Bail renewal and variation hearings

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains how to prepare for a bail renewal or bail variation hearing.</p> <p>These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and presenting officers (POs).</p> <p>Bail renewal</p> <p>A renewal hearing date is set by the immigration judge each time bail is granted or renewed. When a bail renewal notice is received (notice number IA 90 (BL) in England and Wales or IA 91 (BL) in Scotland), you must:</p> <ul style="list-style-type: none">• Check if the applicant has reported as required using the events screen on CID. The PO will need this information for the hearing.• Contact the caseworker by telephone to inform them of the renewal and find out if they want to oppose it.• Get a bail summary if the renewal is opposed. You do not need to get a bail summary for a bail renewal hearing, unless the renewal is opposed.• Serve the bail summary, see link on the left: Bail summary. And• Minute the file and pass to the PO for the hearing. <p>Bail variation</p> <p>An application can be made for a change of sureties or a variation of conditions, if the case is listed for a bail variation hearing.</p> <p>When a bail variation notice is received (notice number IA 90 (BL) in England and Wales or IA 91 (BL) in Scotland) you must:</p> <ul style="list-style-type: none">• Contact the caseworker by telephone to inform them of the variation and find out if they want to oppose it. | <p>In this section</p> <p>Bail hearings</p> <p>Bail video link hearings</p> <p>Bail forfeiture hearings</p> |
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| | <ul style="list-style-type: none">• Fax a copy of the new details to the caseworker and ask them to return a fax with their comments on the variation using doc gen template ICD.4142. And• When you have received the caseworker's comments, fax the hearing centre responsible for the case, using doc gen template ICD.4142 stating whether the variation is opposed with reasons (if relevant). | |
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An immigration judge will decide if a hearing is necessary.

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Bail forfeiture hearings

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains how to prepare for a bail forfeiture hearing.</p> <p>These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and presenting officers (POs), and may apply to caseworkers.</p> <p>If an applicant fails to comply with the conditions of their bail, bail forfeiture can take place. A caseworker can decide to make an application for forfeiture if they are aware the appellant is not complying with their bail conditions. Or an immigration judge may order a bail forfeiture if the appellant fails to attend their bail renewal hearing.</p> <p>When a caseworker decides to apply for bail forfeiture, they forward a forfeiture application to the hearing centre responsible for the case using doc gen template ICD.4146. Some POUs forward completed applications for forfeiture hearings to the hearing centre on behalf of the caseworker.</p> <p>The immigration judge asks the sureties to attend the forfeiture hearing to explain why they should not forfeit the recognizance (surety monies) they offered in support of the bail application.</p> <p>When a forfeiture hearing has taken place, you must:</p> <ul style="list-style-type: none">• make sure the bail file is updated• make sure the restrictions screen on CID is updated with the outcome of the hearing, see related link: Quick appeals guide to CID• refer the case to the caseworker for action, and• attach the bail file to the Home Office (HO) file if bail has been forfeited. | <p>In this section</p> <p>Bail hearings</p> <p>Bail video link hearings</p> <p>Bail renewal and variation hearings</p> <p>Downloads</p> <p>Links to staff intranet removed</p> |
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Post hearing

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains the procedures to be followed after a bail hearing has taken place.</p> <p>These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and presenting officers (POs).</p> <p>The PO should return the bail file to the admin team on the same day as the hearing, or the following morning if the hearing finishes after 5pm.</p> <p>For criminal casework cases the PO will need to:</p> <ul style="list-style-type: none">• Contact the bail hotline by telephone immediately after the hearing to inform the contact management team (CMT) of the outcome of the hearing.• Call the hotline at lunch time and the end of the bail list if there is no break after each case. And• Keep a note on the bail file of the person who took the call in CMT and the time of the call. <p>For all cases, the PO will need to:</p> <ul style="list-style-type: none">• Write a full hearing minute detailing the outcome of the hearing.• Attach the IA 93 (BL) notice issued by Her Majesty's Courts and Tribunals Service (HMCTS) to the file if bail is granted, continued or varied.• Attach the IA 95 (BL) notice issued by HMCTS to the file if bail is refused. And• Inform the detainee escorting and population management unit (DEPMU) if an applicant has been granted bail so detention space can be re-allocated as soon as possible. To contact DEPMU, see related link: Contact. | <p>Related links</p> <p>Contact</p> |
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Bail outcomes

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains how to notify the relevant units of bail hearing outcomes.</p> <p>These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)) and presenting officers (POs).</p> <p>Bail granted or varied If bail is granted or varied you will need to:</p> <ul style="list-style-type: none">• Notify the caseworker or workflow manager of the outcome as soon as possible by faxing them the IA 93 (BL), notice of bail conditions, or IA 90(BL) notice of bail renewal or variation, issued by Her Majesty's Courts and Tribunals Service (HMCTS). For criminal casework cases this must be done within 24 hours of the notice being received.• Check the PO has notified the detainee escorting and population management unit (DEPMU).• Notify the appropriate reporting centre or police station if an applicant has been given reporting conditions by faxing a copy of the IA 93 (BL), notice of bail conditions, or IA 90 (BL), notice of bail renewal or variation, which sets out the applicant's reporting conditions. And• Update CID with the bail outcome. <p>Bail Refused If bail is refused you will need to:</p> <ul style="list-style-type: none">• Notify the caseworker of the outcome as soon as possible by faxing them the IA 95 (BL) and PO minute. For criminal casework cases this must be done within 24 hours of the IA 95 (BL), notice of bail refused, being received.• Update CID with the bail outcome. And | |
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| | <ul style="list-style-type: none">• Store the file in the POU bail hold. | |
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Bail files

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| About this guidance | This page explains how to store bail files. |
| Bail overview | These instructions apply to all presenting staff including appeals administration teams within presenting officers' units (POUs) or immigration compliance and engagement (ICE) teams (formerly known as local immigration teams (LITs)). |
| Bail application | Bail files are stored in the POU until the file has been inactive for six months or is requested by another POU. |
| Bail summary | Asylum team bail files are kept in the POU after the hearing, but the documents need to be copied to the relevant workflow manager to make sure the asylum team's Home Office (HO) file is kept up to date. |
| Bail hearings | The bail hold must be cleansed on a regular basis and each file checked against CID. |
| Post hearing | If an applicant has absconded and no forfeiture action taken, you must inform the relevant caseworker or reporting centre by telephone or by fax. |
| Bail outcomes | If an applicant has: <ul style="list-style-type: none">• left the country• been granted leave• is in detention, or• has had a forfeiture hearing the contents of the file can be linked to the HO file and the bail file closed. |
| Bail files | If the file is not in your unit, you will need to either request the file or send the documents to the unit holding the file. Put a note on CID to say the bail file has been merged with the HO |

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| | file due to being inactive. | |
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Contact

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page explains who to contact for more help with a specific case immigration judge bail hearing.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email the operational policy and rules unit for guidance on the policy using related link: Email: Appeals operational policy.</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><p style="text-align: center;">Restricted – do not disclose – end of section</p></div> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the operational policy and rules unit, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p> | <p>Related links</p> <p>Changes to this guidance</p> <p>Information owner</p> <p>Links to staff intranet removed</p> |
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Information owner

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| <p>About this guidance</p> <p>Bail overview</p> <p>Bail application</p> <p>Bail summary</p> <p>Bail hearings</p> <p>Post hearing</p> <p>Bail outcomes</p> <p>Bail files</p> | <p>This page tells you about this version of the 'Immigration judge bail' guidance and who owns it.</p> <table border="1" data-bbox="499 440 1632 823"><tr><td>Version</td><td>7.0</td></tr><tr><td>Valid from date</td><td>20 January 2014</td></tr><tr><td>Policy owner</td><td>Official – sensitive: information removed</td></tr><tr><td>Cleared by director</td><td>Official – sensitive: information removed</td></tr><tr><td>Director's role</td><td>Official – sensitive: information removed</td></tr><tr><td>Clearance date</td><td>12 July 2011</td></tr><tr><td>This version approved for publication by</td><td>Official – sensitive: information removed</td></tr><tr><td>Approver's role</td><td>Official – sensitive: information removed</td></tr><tr><td>Approval date</td><td>16 January 2014</td></tr></table> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the operational policy and rules unit using see related link: Email: Appeals operational policy, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p> | Version | 7.0 | Valid from date | 20 January 2014 | Policy owner | Official – sensitive: information removed | Cleared by director | Official – sensitive: information removed | Director's role | Official – sensitive: information removed | Clearance date | 12 July 2011 | This version approved for publication by | Official – sensitive: information removed | Approver's role | Official – sensitive: information removed | Approval date | 16 January 2014 | <p>Related links</p> <p>Changes to this guidance</p> <p>Contact</p> <p>Links to staff intranet removed</p> |
| Version | 7.0 | | | | | | | | | | | | | | | | | | | |
| Valid from date | 20 January 2014 | | | | | | | | | | | | | | | | | | | |
| Policy owner | Official – sensitive: information removed | | | | | | | | | | | | | | | | | | | |
| Cleared by director | Official – sensitive: information removed | | | | | | | | | | | | | | | | | | | |
| Director's role | Official – sensitive: information removed | | | | | | | | | | | | | | | | | | | |
| Clearance date | 12 July 2011 | | | | | | | | | | | | | | | | | | | |
| This version approved for publication by | Official – sensitive: information removed | | | | | | | | | | | | | | | | | | | |
| Approver's role | Official – sensitive: information removed | | | | | | | | | | | | | | | | | | | |
| Approval date | 16 January 2014 | | | | | | | | | | | | | | | | | | | |