Prison Service Order

ORDER NUMBER 6000

Parole Release and Recall

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EXECUTIVE SUMMARY

STATEMENT OF PURPOSE

This Order replaces the present Prison Service Order (PSO) 6000 and covers the permanent release of all determinate sentence prisoners. It has been revised to reflect the relevant legislative changes introduced by the Criminal Justice Act 2003 ("the Act"), which commence...
on the 4 April 2005.

The revision of the Order also incorporates changes in policy since the Order was last issued (in 1999) and the relevant accepted recommendations of the subsequent Comprehensive Review of Parole and Lifer Processes. A number of Prison Service Instructions are also cancelled, details of which can be found at the ‘Introduction’ section of this Order. Also cancelled is the hitherto issued ‘Licence and Breach guide – Criminal Justice Act 1991’.

PSO 6000 now extends to 14 separate chapters (formerly 13 chapters), each focusing on separate areas of release and recall policy and related processes.

**DESIRED OUTCOME**

The desired outcome is the implementation of the relevant legislative provisions of the Act in relation to new sentencing and releasing arrangements, new powers for the courts to recommend additional licence conditions and the new procedures for the recall to custody of prisoners. The provisions relate only to those who commit their offence(s) on or after 4 April 2005 and are subsequently sentenced to 12 months or more but not life. However, the recall provisions are retrospective. Changes in policy and the acceptance of relevant recommendations of the Comprehensive Review of Parole and Lifer Processes are also contained within the Order. The Order also includes a copy of all release licences, which have been amended to reflect the new recall provisions. It also contains a copy of the two new licences and explanatory note; one of these, together with a copy of the note, must be issued when releasing a prisoner under the provisions of the Criminal Justice Act 2003.

The essential modifications, which includes changes to all existing licences and the creation of the two, new licences and explanatory note, to the LIDS and the central IIS will be in place for 4 April. A number of other necessary amendments will be rolled-out during April 2005 and beyond. The IT contractors, EDS, will be issuing detailed instructions on the changes made to both LIDS and IIS.

Below is a brief summary of the fourteen chapters and what the main changes are:

**Chapter 1: Summary**

This chapter sets out the responsibilities of the Early Release and Recall Section of the Sentencing Policy and Penalties Unit (the Section that is responsible for all permanent release and recall policy relating to determinate sentence prisoners, save for the release of prisoners on the Home Detention Curfew Scheme (HDC). It also includes information about the Parole Board, the Executive Non-Departmental Public Body responsible for the significant majority of decision-making in respect of whether or not to grant early release (on parole); the same body also decides whether or not a prisoner previously recalled to prison should be released (see chapter 7 below).

Chapter 1 also includes a copy of the Parole Standard, which has been amended to reflect a change to the Parole Timetable (see chapter 5 of this Order) and policy changes in respect of the Early Removal Scheme for those prisoners liable to deportation (see chapter 9 of this Order). The Standard also places, in terms of a reference to report writing, a greater responsibility on the establishment with the greater knowledge of the prisoner, to produce parole reports when a prisoner has been transferred during their parole review.

**Chapter 2: Automatic Unconditional Release**

This chapter is largely un-amended. However, it does carry a copy of the amended HDC licence. The guidance on sentence calculation has also been updated.
Chapter 3: Automatic Conditional Release

Again, this chapter is similar to that it replaces. However, the release licences have been amended, as has the guidance on sentence calculation. The chapter also includes a copy of the new licence and explanatory note which are to be issued in relation to those prisoners due to be released under the provisions of the Criminal Justice Act 2003.

Chapter 4: Standard Determinate Sentence

Chapter 4 hitherto referred to the recall process in respect of short-term offenders. This chapter has been deleted and replaced with a new chapter about the new Standard Determinate Sentence (SDS), introduced under the provisions of the Criminal Justice Act 2003. The SDS is the new sentence for those who commit their offence(s) on or after 4 April 2005 and who, if not assessed as “dangerous” by the courts and are subsequently to be sentenced to 12 months or more, must be given a Standard Determinate Sentence. All prisoners sentenced to a SDS are automatically released at the half-way point of sentence and are on licence supervision until the end of sentence. For example, a prisoner sentenced to 16 years imprisonment will be conditionally released after serving 8 years and will spend the remaining 8 years on licence (if not recalled to prison).

This chapter contains detailed guidance about the SDS sentence and how it applies. It also includes a copy of both of the two, new release licences and explanatory note, which must be used when releasing a prisoner under the provisions of the Criminal Justice Act 2003. Guidance on the new sentence calculation provisions and those that enable the courts to recommend to the Secretary of State additional licence conditions is also set out in the chapter.

Chapter 5: Discretionary Conditional Release (Parole)

This chapter has undergone extensive modification. A summary of the changes are as follows:

- A copy of the latest Secretary of State Directions to the Parole Board about the release of determinate sentence prisoners, which took effect on 1 May 2004, has been included.
- Changes to the parole timetable: establishments now have a further three weeks with which to ensure that parole dossiers are received by the Parole Board (by week 12 before PED). This should also provide additional time for representations to be submitted by prisoners.
- The guidance relating to early/special reviews has been revised.
- The criteria to prevent the transfer of prisoners during their parole review have been strengthened. The guidance also makes clear that the establishment with the greater knowledge of the prisoner (assumed to be the sending establishment) should normally accept responsibility for the provision of parole reports in such circumstances.
- A cessation of the need for governors to complete the ‘psychiatric tick sheet’.
- New guidance on non-disclosure procedures. The existing criteria has been made much clearer and, in cases where governors believe that disclosure to the prisoner of any information is not possible, new procedures for processing such cases is set out in the guidance.
- New guidance on repatriation and how this affects parole reviews.
- New guidance on the ‘opt-out’ procedures.
- A request for a security report to accompany each parole review (please see relevant appendix)
- The need for the latest category A review reports, OASys assessment and Victim
Personal Statements to be included, where applicable, in parole dossiers.

- A copy of the amended criteria to be used by probation officers when completing parole reports.
- The incorporation of information contained in a PSI issued in 2004 about the cessation of automatic Parole Board Member interviews.
- All licences, forms and guidance set out in the appendices have been amended. The PSO version must be used until such time as they appear on LIDS & IIS.

The new parole timetable should be used from the 4 April 2005. Any cases from this date currently being processed should have their IIS actions and targets modified accordingly. In terms of the need to commission the new reports (i.e. security report etc.), these should be commissioned only if you (parole clerk) have yet to commission any part of the parole dossier.

The monthly extract sent by the Early Release and Recall Section to establishments about prison parole performance is being modified to reflect the new timetable from 4 April. The information contained in the extract is however, unlikely to reflect the revised timetable until performance statistics are issued in August 2005, covering July parole performance.

Chapter 6: Non-Parole Release (NPD)

Very little has been amended, save for changes to the licences and the text on the Victims’ Charter.

Chapter 7: Recalls

Chapter 7 previously set out instructions about the recall process for long-term prisoners. However, as the new recall provisions are to be applied retrospectively one, new recall chapter has replaced both of the existing chapters 4 and 7. The chapter sets out the new process and procedures and includes a copy of the Secretary of State’s new Directions to the Parole Board on the recall of determinate sentence prisoners. The new recall arrangements will apply to all determinate sentence prisoners serving a sentence of 12 months or more (but not life) whose breach leads to a request for revocation of licence on or after 4 April 2005, whether under a new sentence or an existing one. Recalls in respect of prisoners serving a sentence of less than 12 months and where the breach is in relation to a further offence being committed while subject to the Home Detention Curfew scheme, will continue to be dealt with under the present arrangements. The key differences from the present arrangements are:

- A decision to recall will have immediate effect in all cases (i.e. there will be no Parole Board involvement in the initial decision to recall)
- Recalls will not necessarily be for the full duration of the remaining licence period
- All recalls will be referred immediately by ERRS to the Parole Board who may take one of the following decisions:
  
  i) Order immediate release (or as soon as possible once probation areas have been able to prepare for the release)
  ii) Set a date for release, possibly within a few weeks, if they believe the risks to be sufficiently low
  iii) Set no date for release, but set a date to review the case again. Reviews must take place at least once a year.

A recent Judgment (Smith and West) by the House of Lords will also mean that prisoners who are recalled and make representations against the reasons for their recall will be entitled to an oral hearing should they receive a negative provisional decision by the Parole Board, at which the relevant agencies will need to be represented. The impact to establishments of this
judgment is significant and is likely to lead to a considerable increase in the number of oral hearings.

**Chapter 8: Extended Sentences**

This chapter has been completely revised and now outlines the parallel procedures for dealing with extended sentence prisoners due to be released either under the current CJA 1991 or the CJA 2003 provisions. Under the new provisions offenders convicted of a specified violent or sexual offence carrying a maximum penalty of up to 10 years imprisonment, AND who are considered by the court to be dangerous, will receive this sentence. The sentence comprises two parts: a custodial period (which must be at least 12 months) and an extended licence period. Release is at the discretion of the Parole Board any time between the halfway point of the custodial period and the custodial end date. The extended licence period may be up to 5 years for violent offences, or 8 years for sexual offences, so long as the total period of the sentence and the extended licence does not exceed the maximum penalty available for the offence committed.

As mentioned above, under the 2003 Act provisions extended sentence prisoners will have their suitability for initial release determined by the Parole Board. This chapter contains advice about the nature of this parole process and where further information can be found. Details can be found in this chapter about calculating the release date of extended sentence prisoners that are due for release under either the CJA1991 or CJA2003 and the procedures for applying and amending licence conditions, including those recommended by the courts.

Chapter 8 also introduces the new annual review timetable for extended sentence prisoners who are recalled to prison and whose initial representations against recall are not accepted by the Parole Board. Appendix L contains a copy of this timetable and the body of the chapter provides an explanation of the new procedures and the requirements of the parole clerk relevant to this process.

**Chapter 9: Early Removal Scheme and Parole for prisoners liable to deportation**

This chapter has been replaced by PSI 59/2011 - The Early Removal Scheme and Release of Foreign National Prisoners

**Chapter 10: Young Offenders**

This chapter has been replaced by PSI 37/2012 - PI 19/2012 – Supervision of Young Offenders

**Chapter 11: Prisoners Transferred under the Mental Health Act**

Again, all licences have been amended. Parole clerks are now also required to routinely inform the Early Release and Recall Section of those DCR prisoners that are transferred to a secure hospital at any time within six months prior to their release. This is to ensure that ERRS can consult the Parole Board about the need for any additional licence conditions that might be necessary upon the prisoner’s release from custody.

**Chapter 12: Emergency Release on Compassionate Grounds**

This chapter has witnessed little modification, save for changes to all licences. Details about the powers of the courts to recommend to the Secretary of State additional licence conditions is also set out in this chapter.
Chapter 13: Transfer of Prisoners and Post-Release Supervision between United Kingdom Jurisdictions and the Islands – Parole and Supervision

Governors are now required to make decisions in respect of the post-release transfer of supervision irrespective of length of sentence (currently, all such decisions are taken by ERRS if the prisoner is serving a sentence of four years or more). The existing Transfer Orders have been amended and the chapter now includes template Transfer Orders in respect of DCR and SDS prisoners and Young Offenders subject to a Notice of Supervision.

Chapter 14: Licence Conditions

This is a new chapter and replaces all current guidance on the setting of standard licence conditions and the arrangements for varying release licences, so as to include, vary or delete additional licence conditions. It also contains detailed information about the courts’ new powers to recommend to the Secretary of State additional licence conditions in respect of those to be released under the provisions of the CJA2003 and the arrangements for the consideration of such conditions. Changes to the use of the ‘Drug Testing as a licence condition’ are also set out. Governors will wish to note that plans are being put in place to extend the use of Drug Testing as a Licence Condition beyond the initial pilot areas to include adult Prolific and other Priority Offenders (PPOs) who are subject to licence conditions for offences committed on or after 4 April 2005 and who are convicted of a trigger offence under the Criminal Justice and Court Services Act 2000. **Governors should note that drug testing as a licence condition should only be considered for prisoners, from 1 April 2005, who are identified as PPOs.**

As of 4 April, Governors must choose from a prescriptive menu of additional licence conditions only when inserting additional licence conditions. The Early Release and Recall Section will cease to be routinely involved in the setting of additional conditions, save for where the supervising officer has asked for a condition to be added which is not available to the Governor in the prescribed menu of conditions. Where there is divergence of views between the supervising officer and the Governor, the ERRS will be the arbiter of whether or not the condition should be placed on the licence. Furthermore, where the supervising officer does not wish for the release licence to contain a court-recommended licence condition, the Governor must seek the authority of the ERRS to not include the condition on the licence.

Arrangements for the inclusion, variation or deletion of additional licence conditions in respect of prisoners serving a sentence of 4 years or more and that are due to be released under the provisions of the Criminal Justice Act 1991 remain unchanged, and the Parole Board must, by law, continue to be consulted about such matters. **The Board is not restricted by the menu of additional licence conditions.**

**MANDATORY ACTIONS**

All instructions in the PSO that include the word ‘must’ are mandatory instructions. They are in italics for ease of identification. **Area managers, governing governors and directors of contracted prisons must implement proceedings to ensure that these instructions are strictly enforced.**

**The new forms and licences contained in the revised PSO 6000 must be used from 4 April. LIDS and IIS are being modified so that they contain the modified licences, relevant forms and review screens. In cases where establishments have difficulty in producing or are uncertain about a particular licence featured on either of these systems, they must use the version contained in PSO 6000.**
RESOURCE IMPLICATIONS

The revised PSO 6000 introduces many changes to current procedures and new legislative requirements. Some of these changes, such as the need for Governors to take all decisions in respect of post-release supervision, the need for a security report in parole dossiers etc., will mean additional workload pressures. However, all necessary changes have been kept to a minimum and changes in policy have, where possible, been made with the intention of reducing the burden on Governors.

Moreover, there will be a significant number of savings for Governors, for example a diminishing need for the collation of parole dossiers because of the policy changes to the Early Removal Scheme and because parole is effectively abolished by the CJA2003 other than for those that are to receive an extended sentence – projections currently indicate that the parole caseload is likely to be 60% fewer by 2008/09 than the current rate -, the cessation of the need to complete a ‘psychiatric tick sheet’ in parole cases, a cessation of the need to routinely refer requests for additional licence conditions to ERRS etc. Overall, the effect of all of the changes (notwithstanding the ramifications of the House of Lords judgment in Smith and West) is believed to be resource neutral.

IMPLEMENTATION DATE: 4 April 2005

(signed)

Michael Spurr
Director of Operations

Area/Operational Manager

Further advice or information on this PSO or the systems contained within it can be sought from: Simon Greenwood, Early Release and Recall Section, Sentencing Policy and Penalties Unit, NOMS, Room 137, Abell House. Telephone Number: 020 7217 5861.

INTRODUCTION

This Order replaces the present PSO 6000 and is intended to cover the permanent release of all determinate sentence prisoners. The Early Release and Recall Section, Sentencing Policy and Penalties Unit of the Home Office will arrange for the issue of replacement pages with up-dated
instructions from time to time. A copy of this Order must be placed in the prison library for prisoner use and should, where possible, be retained in the existing ring-bound A4 PSO 6000 volume.

All existing /unused licence forms must be destroyed and replaced by the new licence forms issued with this PSO.

The following orders and instructions are cancelled:

All previous issues of PSO 6000
PSI 27/2003
PSI 27/2004
PSI 29/2004
PSI 37/2004

These instructions relate only to prisoners serving determinate sentences. Any enquiries about life sentence prisoners should be directed to the Lifer Review and Recall Section, Sentencing Policy and Penalties Unit, Home Office.

Early Release and Recall Section
Sentencing Policy and Penalties Unit
Home Office

Back to Contents
CHAPTER 1

SUMMARY OF RELEASE ARRANGEMENTS AND RESPONSIBILITIES
SUMMARY OF RELEASE ARRANGEMENTS AND RESPONSIBILITIES

1.1 Types of Early Release Scheme for prisoners sentenced on or after 1 October 1992 in respect of offences committed before 4 April 2005

1.1.1 A diagram showing the schemes for early release, automatic release and supervision periods for determinate sentence prisoners (other than those serving an extended sentence) sentenced under the provisions of the Criminal Justice Act 1991 (ie a sentence for offences committed prior to 4 April 2005) is set out below.

<table>
<thead>
<tr>
<th>1/2</th>
<th>2/3</th>
<th>3/4</th>
<th>SED</th>
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<tbody>
<tr>
<td><strong>AUTOMATIC UNCONDITIONAL RELEASE (AUR)</strong></td>
<td><strong>CUSTODY</strong></td>
<td></td>
<td><strong>AT RISK</strong></td>
</tr>
<tr>
<td>Adults serving under 12 Months</td>
<td>(HDC eligibility if 3 months or more)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AUTOMATIC CONDITIONAL RELEASE (ACR)</strong></td>
<td><strong>CUSTODY</strong></td>
<td><strong>SUPERVISION</strong></td>
<td><strong>AT RISK</strong></td>
</tr>
<tr>
<td>Adults and YOs serving 12 Months to Under 4 Years</td>
<td>(HDC eligibility)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DISCRETIONARY CONDITIONAL RELEASE (DCR)</strong></td>
<td><strong>CUSTODY</strong></td>
<td><strong>PAROLE ELIGIBILITY</strong></td>
<td><strong>SUPERVISION</strong></td>
</tr>
<tr>
<td>Adults and YOs serving 4 Years or more</td>
<td></td>
<td></td>
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</tbody>
</table>

Young offenders serving less than 12 months are also subject to supervision. These arrangements are set out in more detail in Chapter 10 of this PSO. Guidance on Extended Sentences is also given at Chapter 8 of this PSO.

AUTOMATIC UNCONDITIONAL RELEASE - AUR (See Chapter 2)

Prisoners sentenced to less than 12 months are:

- eligible to be placed on Home Detention Curfew if serving 3 months or more
- can be recalled to prison by the Early Release & Recall Section, Home Office for breaching an HDC condition or if charged with a further offence committed whilst...
they were subject to HDC. They must be re-released at the halfway point of sentence

- released at the half-way point of the sentence if not placed on HDC

- at risk of return to prison to serve all or part of the remainder of the sentence if a further imprisonable offence is committed before the end of the sentence (Sentence Expiry Date - SED).

AUTOMATIC CONDITIONAL RELEASE - ACR (See Chapter 3)

Prisoners sentenced to 12 months or more but under 4 years are:

- eligible to be placed on Home Detention Curfew

- released on licence at the half-way point of the sentence if not placed on HDC

- subject to supervision by the Probation Service until the three-quarters point of the sentence (LED) or the equivalent period of supervision if placed on HDC.

- can be recalled to prison either by the courts or the Early Release & Recall Section, Home Office for breaches of the licence for a period of time up to the three-quarters point of the sentence. Most prisoners will be re-released on a new licence to SED following recall.

- at risk of return to prison if they commit a further imprisonable offence before the SED

DISCRETIONARY CONDITIONAL RELEASE - DCR (See Chapter 5)

Prisoners sentenced to 4 years or more are:

- eligible to be considered for parole at the half-way point in the sentence

- if not released on parole, automatically released on licence at the two-thirds point of the sentence (the Non-Parole Date - NPD)

- subject to supervision until the three-quarters point (LED)

- can be recalled to prison by the Early Release & Recall Section, Home Office if they breach a condition of their release licence, for a period of time up to the three quarter point of sentence. Most prisoners are re-released on licence to SED following recall.

- at risk of return to prison if a further imprisonable offence is committed before the SED
1.2 Types of early release scheme for prisoners whose offence was committed on or after 4 April 2005 and who are due to be released under the provisions of the Criminal Justice Act 2003

1.2.1 A diagram showing the schemes for early release, automatic release and supervision periods for prisoners whose offence was committed on or after 4 April 2005 and who are to be released under the provisions of the Criminal Justice Act 2003 is set out below:

<table>
<thead>
<tr>
<th>1/2</th>
<th>2/3</th>
<th>3/4</th>
<th>SED</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUTOMATIC UNCONDITIONAL RELEASE (AUR)</td>
<td>CUSTODY (HDC eligibility if 3 months or more)</td>
<td>AT RISK</td>
<td></td>
</tr>
<tr>
<td>Adult prisoners serving under 12 months</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[NB, The new custodial sentence for sentences of less than 12 months (custody plus) is not yet in force]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STANDARD DETERMINATE SENTENCE (SDS)</td>
<td>CUSTODY (HDC eligibility)</td>
<td>SUPERVISION</td>
<td></td>
</tr>
<tr>
<td>All prisoners serving a sentence of 12 months or more (where at least one sentence (if there is more than one sentence being served) is for a term of at least 12 months)</td>
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<td></td>
<td></td>
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</tbody>
</table>

Although the relevant Criminal Justice Act 2003 provisions draw no distinction between adult and young offenders, save for those prisoners who receive an extended sentence, until the new custodial sentence of less than 12 months (Custody plus) is enacted all prisoners who receive a sentence of less than 12 months will continue to be treated under the provisions set out in the Criminal Justice Act 1991.
STANDARD DETERMINATE SENTENCE (SDS) (See Chapter 4)

Prisoners who’s offence was committed on or after 4 April 2005 and sentenced to 12 months or more are:

- eligible to be placed on Home Detention Curfew
- released on licence at the half-way point of the sentence if not placed on HDC
- Subject to supervision by the Probation Service until the end of sentence (SED)
- Can be re-called to prison by Early Release and Recall Section, NOMS. For breaches of the licence.
- If recalled, the case must be referred to the Parole Board, who will review the decision to recall and may either: i) order the prisoner’s immediate re-release; ii) set a future re-release date; or iii) fix a date for the next review of the prisoner’s case.

Prisoners sentenced before 1st. October 1992

Prisoners sentenced prior to the introduction of the Criminal Justice Act 1991:

- remain eligible for parole at the one-third point of their sentence
- if not released on parole, are released unconditionally without supervision at the two-thirds point or Earliest Date of Release (EDR).

Roles & responsibilities

1.3 The Early Release & Recall Section

1.3.1 The Early Release & Recall Section is part of the Sentencing Policy and Penalties Unit in the National Offender Management Service. It has responsibility for policy on release (excluding temporary release) and recall issues for determinate sentence prisoners and has overall responsibility for the efficiency of the parole process. Other responsibilities include:

- examining the recommendations of the Parole Board in respect of applications for parole from domestic prisoners on behalf of the Home Secretary for all those sentenced to fifteen years or more under the provisions of the Criminal Justice Act 1991.
• dealing with Enhanced Risk Assessments in respect of the Early Removal Scheme for those prisoners who are liable to deportation or removal from the United Kingdom and who were sentenced to 4 years or more under the provisions of the Criminal Justice Act 1991 and the Criminal Justice Act 2003 for a specified offence.

• dealing with applications for early release on parole of those prisoners serving 4 years or more for a sexual or violent offence who are subject to deportation or removal from the United Kingdom.

• considering applications for Early Release on Compassionate Grounds (ERCG) from all determinate sentence prisoners

• advising Probation Service and establishments on the use of additional licence conditions, including those recommended by the courts as set out on the menu of approved conditions.

• Deciding whether to recall determinate sentence prisoners in response to a breach report from the Probation Service and coordinating the recall process once a prisoner has been returned to custody.

• Advising establishments about the resettlement of offenders to a jurisdiction outside England and Wales

• Deciding whether to recall offenders subject to HDC and who breach the conditions of curfew and considering appeals against those decisions

• representing the Secretary of State at any oral hearing of the Parole Board to consider the recall of a determinate sentence prisoner

• advising prison staff on Sex Offender Registration (contained in the Public Protection Manual), Schedule 1 Offenders (IG 54/94 refers) and PSO4400: Chapter 2 – Harrassment

• advising the Secretary of State on the appointment of members to the Parole Board

• sponsorship and monitoring of the Parole Board’s performance.

1.4 Establishments

1.4.1 Each prison establishment is responsible for:

• assessing prisoner’s suitability for HDC
• compiling parole dossiers

• authorisation and issuing of licences

• arranging release dates for parolees and ensuring that release plans agreed by the Parole Board remain in place so that parolees can be released safely into the community

• collation of documentation in respect of post-recall reviews

• Consider the release of deportees either under the presumptive ERS or parole.

1.5 The Parole Board

1.5.1 The Parole Board is an Executive Non-Departmental Public Body (ENDPB) and is independent of the Prison Service. It is headed by a Chairman and has around 145 members, including psychiatrists, psychologists, probation officers, judges, criminologists and lay members, all appointed by the Secretary of State. The Board is supported by a Secretariat headed by a Chief Executive.

1.5.2 In respect of determinate sentence prisoners (other than those serving an extended sentence), the Parole Board:

• has delegated authority to make decisions on the early release and the setting of additional licence conditions in respect of determinate sentence prisoners sentenced under the provisions of the Criminal Justice Act 1991 to four or more but less than fifteen years.

• makes recommendations to the Secretary of State for the early release and the setting of additional licence conditions for determinate sentence prisoners (as above) serving fifteen years or more.

• reviews recall decisions and and determines the date on which the prisoner should be re-released or further reviewed.

• gives advice to the Secretary of State on the risk of those prisoners who have applied for early release on compassionate grounds

1.5.3 The Parole Board Secretariat is responsible for the following:

• submitting cases to panels of the Board for consideration;

• issuing notifications of the Board’s decisions to establishments;
• advising Board members of challenges to the Board’s decisions;
• advising parole clerks and others on Board procedures and policy; and
• allocating Parole Board members, where the Board considers it necessary, to carry-out interviews in respect of DCR (domestic) prisoners who have applied for parole.

1.5.4 The Secretariat should not be consulted about general parole policy and procedures. Such enquiries should be directed to the Early Release and Recall Section.

1.6 Parole Standard

1.6.1 The following Standard has been developed to bring about an acceptable and consistent level of service delivery by staff in establishments. It is the measure by which Area Managers should measure performance and will be the basis for other inspections of establishments e.g by Standards Audit Unit.

**STANDARD:**

- Parole dossiers (for domestic prisoners) contain all applicable reports and are received in the Parole Board Secretariat by the target date of 12 weeks before the Parole Eligibility Date.

- For prisoners liable to deportation, parole dossiers contain all applicable reports and are received in the Early Release and Recall Section by, in relation to the first parole review, the target date of 31 weeks before the Parole Eligibility Date [or, if the Immigration and Nationality Directorate advise that it is not currently possible to remove the prisoner, so removal under the Early Removal Scheme cannot be considered, 12 weeks before the Parole Eligibility Date].

- For subsequent annual parole reviews, the parole dossier must contain all applicable reports and be received by the appropriate authority by 12 weeks before the Parole Eligibility Date.

**PERFORMANCE INDICATOR:**

- Audit Compliance
  - To ensure that at least 80% of parole dossiers reach the Parole Board Secretariat (or in the case of prisoners subject to deportation, the Early Release and Recall Section) by the target date.
  - No more than 5% of incomplete dossiers returned to establishment because they are incomplete.

**APPLICABILITY**

- Establishments

<table>
<thead>
<tr>
<th>BASELINE ELIGIBILITY</th>
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<tbody>
<tr>
<td>REQUIRED ACTIONS</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td><strong>PAROLE CLERKS</strong>&lt;br&gt;Parole clerks are aware of their duties and responsibilities.</td>
</tr>
<tr>
<td>• Duties of the parole clerk are contained in a job description/specification.</td>
</tr>
<tr>
<td>• Parole clerk uses the Inmate Information System to support the parole process.</td>
</tr>
<tr>
<td>• Parole clerk has a system for chasing up late or missing reports.</td>
</tr>
<tr>
<td><strong>SENIOR MANAGERS</strong>&lt;br&gt;There must be a senior nominated officer responsible for the delivery of the parole process in the establishment.</td>
</tr>
<tr>
<td>• Parole clerk knows which senior manager is responsible for the parole process in the establishment.</td>
</tr>
<tr>
<td>• The duties/responsibilities of the senior manager are contained in a job description/specification.</td>
</tr>
<tr>
<td>• The senior manager is directly accountable to the governing governor for the parole process in the establishment.</td>
</tr>
<tr>
<td><strong>PROCESS</strong>&lt;br&gt;Procedures laid out in Prison Service Order 6000 are accurately followed.</td>
</tr>
<tr>
<td>• A process is in operation to ensure that the parole dossier is complete, properly ordered, numbered, legible and submitted according to the timetable.</td>
</tr>
<tr>
<td>• The dossier is signed off by a nominated senior manager to ensure it is complete.</td>
</tr>
<tr>
<td>• A system is in operation to ensure that, in the case of prisoners transferred into or out of an establishment during the parole process or within 3 months of it starting, required reports</td>
</tr>
</tbody>
</table>
are provided by the establishment with the greater knowledge of the prisoner – the assumption will be that responsibility rests with the sending establishment unless the receiving establishment agrees otherwise.

- A system is in operation to deal with the disclosure and withholding of information in the parole dossier.
- Parole clerk has access to a copy of PSO 6000.

**MONITORING**

The establishment must have a procedure in place to monitor the efficiency of the parole process.

- The senior manager ensures that a system is in place within the establishment to monitor compliance with PSO 6000 and the progress of individual cases.

**REFERENCES:**
- PSO6000 Parole, Release and Recall Manual
- PSO0200 HM Prison Service Standards manual
- National Probation Standards – C6

1.7 **Job Descriptions/Specifications**

1.7.1 Job descriptions/specifications are of course a matter for individual establishments but the following may be used as a template in setting job descriptions for the parole clerk and manager.

**JOB DESCRIPTION/SPECIFICATION FOR PAROLE CLERKS**

- Identify those prisoners eligible for parole and start process in line with the timetable, including requesting reports for parole dossiers
• Compilation of parole dossier, in line with PSO 6000. Responsible for ensuring the dossier reaches the Parole Board Secretariat (or, in the case of prisoners subject to deportation, to the Early Release & Recall Section) by the target date of at least 12 weeks before the Parole Eligibility Date.

• Use the Inmate Information System to support the parole process.

• Notify the prisoner of the decision, negotiate release date with the probation service and arrange for the issue of parole licence. Liaise with outside agencies.

JOB DESCRIPTION/SPECIFICATION FOR MANAGER OF PAROLE PROCESS

• Management of the parole process within the establishment to ensure that at least 80% of parole dossiers reach the Parole Board Secretariat (or, in the case of prisoners subject to deportation, the Early Release & Recall Section) by the target date of at least 12 weeks before the Parole Eligibility Date and that no more than 5% of incomplete dossiers are returned.

• Ensure that a system is in place to manage the compilation of dossiers for those prisoners transferred in and out of the establishment during the parole process or within 3 months of it starting.

• Ensure sufficient resources and support are available to the Parole Clerk including helping to obtain late and missing reports when necessary.

• Responsibility for decisions on disclosure/non-disclosure of documents on the parole dossier.
2.1 Summary

2.1.1 This section deals with the release arrangements for adult prisoners serving less than 12 months. The arrangements for young offenders serving less than 12 months are outlined in Chapter 10 of this Order. The following chart shows the key sentence dates of the Automatic Unconditional Release Scheme (AUR):

<table>
<thead>
<tr>
<th>CUSTODY (HDC Eligibility)</th>
<th>AT RISK</th>
</tr>
</thead>
<tbody>
<tr>
<td>½ SED</td>
<td>ARD</td>
</tr>
</tbody>
</table>

Issue No..226 Issued xx/xx/05
MAIN ACTIONS AND RESPONSIBILITIES

Prisoners sentenced to less than 12 months are:

- eligible to be placed on Home Detention Curfew (HDC) unless exempt by statute
- liable to recall for breach of HDC licence
- if not placed on Home Detention Curfew, released automatically and unconditionally without supervision at the halfway point of the sentence - ARD - Automatic Release Date
- issued with an “At Risk” Notice one week before discharge
- “at risk” of being returned to custody if a further imprisonable offence is committed before the expiry of the sentence. If the period of return and new sentence (if one is imposed) is 12 months or less, the prisoner will be subject to a three month supervision period

2.2 Release

2.2.1 All prisoners serving 3 months or more but less than 12 months are eligible to be placed on the Home Detention Curfew scheme. Detailed instructions on the Scheme are contained in PSO 6700 as amended by relevant Prison Service Instructions (PSIs). Adult prisoners must be released on the licence at Appendix A.

2.2.2 Those adult AUR prisoners not placed on Home Detention Curfew are released automatically once they have served half of their sentence (Automatic Release Date - ARD). There is no selection and release may be delayed only if additional days are awarded. Adult prisoners released under the AUR scheme are not subject to statutory supervision on release. (Section 33(1)(a), Criminal Justice Act (CJA) 1991). Young offenders serving under 12 months are subject to statutory supervision. Details are outlined in Chapter 10 of this PSO (which also includes, amongst others, a copy of the relevant HDC licence for Young
offenders).

2.2.3 Short-term prisoners who are released unconditionally will, however, be “at risk” of being returned to prison if they commit a further imprisonable offence before the expiry of the sentence. The court dealing with the new offence may add all or part of the outstanding period of the original sentence (at the time the further offence was committed) to any new sentence it may impose (Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000). For the most part, prisoners returned to prison by the courts under Section 116 of the 2000 Act fall to be re-released according to the total length of their new sentences. However prisoners returned to prison under Section 116 for a total term of 12 months or less in respect of new post-release offences committed on or after 30 September 1998 must be re-released on licence at the half-way point under Section 40A of the Criminal Justice Act 1991. The licence (a copy of which is at appendix B) will remain in force for three months.

2.2.4 The Custody to Work Unit, Prison Service HQ, will notify Force Intelligence Bureaux, 28 days prior to release, of final discharge dates and addresses for all prisoners, with the exception of civil cases and those imprisoned for non-payment of fines. This is not intended to replace other arrangements and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this chapter/PSO.

2.2.5 In addition to the above and as a separate intitiative, each establishment must make arrangements to notify the home Basic Command Unit (BCU) (and in licence cases, the Probation Service), of Prolific and other Priority Offenders’ (PPOs) release dates at least 28 days prior to release. These arrangements apply to all PPOs, regardless of the length of sentence. If PPOs are likely to be released early, for example on HDC, the HDC date should also be notified. As a
precaution, the BCU must also be notified on the day the prisoner is actually released. Again, these arrangements do not replace the other arrangements set out in this chapter and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this PSO. Further information on PPOs can be found in PSO 4615.

2.3 At Risk

2.3.1 On release, prisoners not placed on Home Detention Curfew must be issued with an At Risk Notice by a designated officer (example attached at Appendix C to this chapter). This sets out the provisions of the Act and the Sentence Expiry Date (SED). The Notice must be explained to the prisoner and he/she must be asked to sign it. If he/she will not sign the notice, this should be witnessed by another member of staff. The Governor or person issuing it must certify on the notice that the requirements have been explained and that the prisoner has refused to sign. This is important because if a further imprisonable offence is committed by the prisoner, it will need to be shown that the notice was served and explained. The witness should also sign.

2.3.2 The notice must be issued wherever possible one week before discharge. The top copy must be given to the prisoner, a copy retained in the prisoner's F2050 record and a copy must be sent by the Parole Clerk to the National Identification Service (NIS), Room 390, New Scotland Yard, SW1.

2.3.3 A check must be made as to whether the prisoner is covered by additional special arrangements relating to banning orders under the Football (Disorder) Act 2000; or the “release of persons convicted of offences against children and young persons under the age of 18” (IG 54/1994); or Sex Offender Registration (contained within the Public Protection Manual). If so, appropriate action must be taken in accordance with...
those instructions.
Under the provisions of Section 34A of the Criminal Justice Act 1991 you are being released on licence and must comply with the conditions of this licence.

You will be subject to a Home Detention Curfew. The objective of the Home Detention Curfew is to help you manage your return into the community.

Your Home Detention Curfew commences on [INM_COND.LIC_START_DATE] and expires on [latest SEN_HIST.REL_DATE]. Your licence will expire on this date, unless it is revoked before that date.

The address to which you are curfewed is:

[ADDRESS.ADDRESS1]
[ADDRESS.ADDRESS2]
[ADDRESS.ADDRESS3]
[ADDRESS.ADDRESS4]
[ADDRESS.POSTCODE]

Details of curfew times are shown below at paragraph 6.

or if more than one curfew address

The addresses to which you are curfewed are:

[ADDRESS.ADDRESS1]
[ADDRESS.ADDRESS2]
[ADDRESS.ADDRESS3]
[ADDRESS.ADDRESS4]
[ADDRESS.POSTCODE]

[ADDRESS.ADDRESS1]
[ADDRESS.ADDRESS2]
Details of curfew dates and curfew times are shown at paragraph 6 below.

5. On the day of your release, you will be curfewed at the first curfew address shown at paragraph 4 from [INM_COND.LIC_START_HR]:[INM_COND.LIC_START_MIN] until midnight. During this period the contractor will visit you at this address in order to fit you with the tag. You must show the contractor this copy of the licence to confirm your identity. Your curfew will then run until [INM_COND.LIC_EXPIRY_HR]:[INM_COND.LIC_EXPIRY_MIN] the following morning. On your last day of curfew the contractor will visit you to remove the tag and monitoring equipment. This will take place in the last two hours of your last curfew period, i.e. between 10pm and midnight.

Standard wording where there is only one curfew address

6. After your day of release, you are required to remain at your place of curfew during the following hours:
Every day from 7pm each evening until 7am the following morning.

these words are held in LIC_COND record associated with the INM_COND record where CONDITION_TYPE eq “C”

and

alternative wording where there is more than one curfew address or where there are variations in the curfew times on any day (in this example the inmate is curfewed to a second address at weekends).

6. After your day of release, you are required to remain at your place(s) of curfew during the following hours within the dates shown:

Insert LIC_COND.CONDITION.TXT records here. One curfew condition of up to eight lines for each curfew address.

The first line of the address and curfew times are held in LIC_COND records for the inmate and licence type. The INM_COND records are for CONDITION_TYPE eq “C” (for curfew) in CONDITION_LINE within INM_COND.NO order

7. Your compliance with the conditions of the Home Detention Curfew will be monitored by [Natcode table 89 DESCRIPTION where alpha-code eq DIARY.REMARK on latest diary record for inmate where MOVEMENT_CODE eq (“HU” or “HE”) or if no diary record found Natcode table 89 DESCRIPTION where alpha-code eq MOVEMENT.FROM_OR_TO on movement record for inmate where MOVEMENT_CODE eq “HU” or “HE”):(name of monitoring company). You must provide the contractor with access to the curfew address to install and check the monitoring equipment and electronic tag. Such visits will be made during your curfew hours but not between midnight and 6.00am. However, the contractor may visit the curfew address between midnight and 6:00am in order to investigate a reported violation.
8. The monitoring equipment will operate via a telephone line. You will be responsible for meeting the cost of the electricity used by the monitoring equipment in your curfew address. It is your responsibility to ensure that there is an electricity supply available during your time on curfew. You must agree to the installation of a new telephone line at your curfew address for use by the contractor if there is not already a suitable line. The contractor will notify you of the time and date and you must be present, and provide access to, the curfew address at the notified time to allow installation to take place. The installation will normally take place during standard working hours.

9. While on Home Detention Curfew you may be liable to recall to prison if you breach the condition of this licence relating to the curfew. You will be in breach of this condition if:
   - you are absent from your curfew address during the specified curfew hours;
   - you commit violence against or threaten the contractor or any of his staff with violence;
   - you damage or tamper with the monitoring equipment;
   - you withdraw your consent to the monitoring arrangements.

10. In addition, you may be recalled to prison if:
   - your whereabouts can no longer be electronically monitored at the specified address;
   - it is necessary to recall you to prison in order to protect the public from serious harm.
   - you commit a criminal offence or engage in conduct that suggests you have committed an offence while on licence (see paragraph 14 below).

11. The contractor may authorise your absence from your place of curfew in clearly defined circumstances, which you will be informed about by the contractor in writing. You must contact the contractor in advance of any such absence to seek authorisation where this is possible. If it is not possible to contact the contractor in advance, you must contact them as soon as possible thereafter. Absence for any other reason other than these clearly defined circumstances will constitute a breach of your curfew condition.

12. If you need to seek a permanent change to your curfew conditions (for instance because of the requirements of a new job), you must contact the Prison Service establishment from which you were released. A contact number is included at the bottom of this licence.

13. It is a condition of your release on licence that you do not commit an offence or engage in conduct that suggests you have committed an offence whilst on licence.

14. The penalties for breaching this condition are explained below:
   - if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding six months, or the date on which your licence expires if that is sooner.
• if the offence for which you are serving this sentence was committed on or after 1 January 1999, you will be liable to have your licence revoked and be recalled to custody until the date on which your licence would otherwise have expired.

15. Your sentence expires on [SEN_HIST.SED]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence onto any new sentence it may impose.

Contact Points

Monitoring Contractor: [Natcode table 89 DESCRIPTION where alpha-code eq DIARY.REMARK on latest diary record for inmate where MOVEMENT_CODE eq (“HU” or “HE”) or if no diary record found Natcode table 89 DESCRIPTION where alpha-code eq MOVEMENT.FROM_OR_TO on movement record for inmate where MOVEMENT_CODE eq “HU” or “HE”] (name of monitoring company).

Tel: [NATCODE 89 for the HDC Centre Alpha_1 + Alpha_2]

HMP: [NATCODE 05. DESCRIPTION]

Tel: [EST_ADD.TELEPHONE]

Signed:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained. I accept the conditions imposed.

Signed:

Date:

HDC ADULT SERVING UNDER 1 YEAR = "HU"
APPENDIX B

LICENCE

Criminal Justice Act 1991

HM Prison / YOI
Tel

Name: Date of Birth:
Prison No.: CRO No.:
PNC No.:

1. Under the provisions of Section 40A of the Criminal Justice Act 1991 you are being released on licence for a period of three months. You will be under the supervision of a probation officer or a social worker of a local authority social services department or member of a Youth Offending Team and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on……………..and expires on………………..(subject to your being returned to custody for any reason).

3. On release you must report without delay to:

Name:
Address:

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v.  not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi.  be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6.  The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37(4) of the Criminal Justice Act 1991.

7.  In accordance with the provisions of Section 40A(4) of the Criminal Justice Act 1991, if you do not comply with the requirements in paragraphs 3, 4 and 5 above you will be liable to prosecution before a court. The court may fine you or recall you to custody. If you are sent back to prison and re-released before the end of the licence period, you will still be subject to supervision.

8.  Your sentence expires on [            ]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:      Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
NOTICE

Criminal Justice Act 1991

HM Prison/YOI .
Tel:

Name: Date of Birth:
Prison No: CRO No:
PNCID No:

Date of Release:
Sentence Expires:

1. In accordance with the provisions of Section 33(1)(a) of the Criminal Justice Act 1991 you are being released from custody. You will continue to serve your sentence in the community.

2. Your sentence expires on {         }. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence onto any new sentence it may impose.

Signed: Status:
Date:

for the Secretary of State for the Home Department

This notice has been given to me and its requirements have been explained.

Signed:
Date:
CHAPTER 3

AUTOMATIC CONDITIONAL RELEASE - ACR

AUTOMATIC CONDITIONAL RELEASE SCHEME - ACR
(Adults/Young Offenders)

3.1 Summary

3.1.1 This section deals with the licence and supervision arrangements for those prisoners sentenced, on or after 1 October 1992 in respect of offences committed prior to 4 April 2005, to a period of imprisonment of 12 months or over but less than 4 years. It also deals with the licence and supervision arrangements for those prisoners whose offences were committed on or after 4 April 2005 and who received a term of imprisonment comprising multiple sentences each being less than 12 months, and where the combined length of the multiple under 12 month sentences amounts to a total term of 12 months or more but less than four years. A diagram showing the key points of the sentence is below.
MAIN ACTIONS AND RESPONSIBILITIES

Prisoners sentenced to 12 months but less than 4 years:

- normally eligible to be placed on Home Detention Curfew (HDC)
- if not placed on Home Detention Curfew, are released automatically on licence at the half way-point of their sentence on their Conditional Release Date (CRD)
- are subject to compulsory supervision normally until the licence expiry date (LED)
- who breach their licence conditions are liable to be recalled by the Secretary of State, or, depending on the date of the original offence, by the magistrates’ courts.
- are also at risk of being returned to custody by the magistrate’s court if they commit a further imprisonable offence before the expiry of their sentence

3.2 Release Date

3.2.1 Most prisoners sentenced to sentences of twelve months or more but less than four years are eligible to be considered for the Home Detention Curfew scheme. Detailed instructions on the scheme, including details of those prisoners who are exempt or who may be presumed as unsuitable, are contained in PSO 6700, amended by PSIs. 9/2001, 19/2002, 39/2002 & 31/2003.

3.2.2 Those adult prisoners not placed on Home Detention Curfew are released automatically once they have served half of the sentence (the Conditional Release Date - CRD). There is no selection process and release may be delayed only if additional days have been awarded. (Section 33 (l)(b), CJA 1991).

3.2.3 Those ACR prisoners, who have been placed on Home Detention Curfew and who have been recalled to prison under section 38A of the 1991 Act, either for a breach of the conditions of that curfew, an inability to monitor or because they posed a
risk of serious harm, must also be re-released on licence at the halfway point of sentence, the Conditional Release Date and are subject to compulsory supervision by the probation service. These prisoners must be released on the licence at Annex C. They remain “at risk” until the expiry of their sentence unless subsequently recalled for breaching the supervision element of the licence. If they are so recalled, and the Parole Board determines that they must be re-released before their (licence and) sentence expires, they must be re-released on the licence at Appendix D, together with explanatory licence note at Appendix E. Appendix E must be correctly completed in terms of the section under which the prisoner is to be re-released (Section 254 if the Parole Board directs the prisoner’s immediate release; or Section 256 if the prisoner is to be released at a future point in the sentence or is to have his/her case reviewed again by the Board at some point prior to the SED and where the Board direct release prior to the the point at which the sentence expires). The prisoner will continue to be subject to probation supervision and further recall to prison until the end of sentence.

3.3 On reception

3.3.1 When a prisoner is received into custody, he/she must be advised of his/her Conditional Release Date, reminded that he/she will be supervised on release and advised of the normal requirements of supervision.

3.4 Sentence planning

3.4.1 A probation officer who will supervise the offender after release is allocated to each prisoner at the start of the sentence and he/she must be actively involved in the sentence plan.

3.4.2 The role of the supervising probation officer, and the measures necessary to ensure that co-ordination between him/her and the prison is effective, are set out in the National Standards for the Supervision of Offenders.

3.5 Remand time

3.5.1 Time spent in custody on remand counts towards reducing the prisoner’s sentence. However, all ACR prisoners must still be supervised for no less than one quarter of the sentence (Section 41, CJA 1991), or up to the Sentence Expiry Date if that is earlier (as supervision cannot run beyond the 100% point of the
If remand time has reduced the sentence to the extent that the prisoner must be released direct from court, arrangements must be made for the prison officer attached to the court (or the Prison Custody officer, where escort arrangements are contracted out) to issue the ACR licence and explain the supervision requirements to the prisoner.

3.6 Additional days

Additional days automatically put back the release and supervision dates. Prisoners, whose behaviour is exceptionally poor, could spend their entire sentence in prison; however, ADAs cannot extend beyond the Sentence Expiry Date. (Section 42(2), CJA 1991.)

3.7 Supervision Arrangements

ACR prisoners must be released on licence and are subject to compulsory supervision by the probation service, normally until the three-quarters point of the sentence. In addition, certain sex offenders and violent offenders may be subject to a period of extended supervision if that was specified by the courts at the time of sentencing. (Section 44, CJA 1991.) Also, they may be subject to a period of extended supervision if they have received extended sentences by the courts. (See Chapter 8).

3.8 Discharge and Feedback reports

So that there is effective liaison between the prison and the supervising officer, key documents must be supplied to the supervising officer where necessary. The PD1 form should also be sent to the supervising officer who, in return, should provide a pre-discharge report one month before release. Shortly before release a discharge report must be completed by the Personal Officer and sent to the supervising officer. At the end of the supervision period, the supervising officer should send a feedback report to the prison.

3.9 Notifications

The Custody to Work Unit, Prison Service HQ, will notify Force Intelligence Bureaux, 28 days prior to release, of final discharge.
dates and addresses for all prisoners, with the exception of civil cases and those imprisoned for non-payment of fines. This is not intended to replace other arrangements and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this chapter/PSO.

3.9.2 In addition to the above and as a separate initiative, each establishment must make arrangements to notify the home Basic Command Unit (BCU) (and in licence cases, the Probation Service), of Prolific and other Priority Offenders’ (PPOs) release dates at least 28 days prior to release. These arrangements apply to all PPOs, regardless of the length of sentence. If PPOs are likely to be released early, for example on HDC, the HDC date should also be notified. As a precaution, the BCU must also be notified on the day the prisoner is actually released. Again, these arrangements do not replace the other arrangements set out in this chapter and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this PSO. Further information on PPOs can be found in PSO 4615.

3.10 The Licence

3.10.1 The licence under which the prisoner is released will be produced by LIDS. The Governor, or an officer authorised by the Governor, must sign and issue the licence. The conditions must be explained to the prisoner and he/she must be asked to sign the licence. If the prisoner will not sign the licence, the Governor, or the designated officer, must certify on it that the conditions have been explained and that the prisoner has refused to sign. This should be witnessed by another member of staff. This is important because if the supervising officer requests recall for breach of conditions, it may need to be shown (for example in a judicial review challenge) that the licence was served and the conditions explained. The licence must be prepared by Custody/Discipline office and explained to the prisoner no less than one week before release.

3.10.2 ACR prisoners are generally given a standard licence, whether placed on HDC or not. However, if the supervising officer requests, the Governor, acting on behalf of the Secretary of State, may approve additional conditions. Further guidance on the process for considering requests for additional licence

Custody/Discipline

Governor

Governor/Probation
conditions, either before or after release, is outlined in Chapter 14 of this Order. If other agencies (police, social services etc.) request additional conditions, they must be referred to the supervising officer by the Custody/Discipline Office.

3.10.3 One copy of the licence must be given to the prisoner on discharge. One copy (as signed or certified) must be kept on the prisoner’s F2050 record and another sent to the supervising officer. Further copies must be sent to the National Identification Service (NIS) at New Scotland Yard and to the Chief Constable of the area to which the prisoner is being released.

3.10.4 A check must be made as to whether the prisoner is covered by additional special arrangements relating to banning orders under the Football (Disorder) Act 2000; or the "release of persons convicted of offences against children and young persons under the age of 18" (IG54/1994); or Sex Offender Registration (contained in the Public Protection Manual). If so, appropriate action must be taken in accordance with those instructions.

3.11 Prisoners who refuse to comply with supervision

3.11.1 There is no mechanism to delay release if a prisoner refuses to comply with supervision. The Governor must ensure that suitable reporting instructions are made. If no release address is given, the Governor must instruct the prisoner to report to the duty officer at the probation office in his/her usual home area or the petty sessional area in which he/she was tried. The prisoner must be advised that a failure to report is likely to result in recall proceedings being initiated.

3.12 Release Information

3.12.1 Under the current Victims’ Charter, if the victim contacts the prison, either directly or via the Prison Service Helpline or through the Probation Service Victim Contact Scheme (the Probation Service Victim Contact Scheme covers victims where the offender has been sentenced to a term of 12 months or more for a sexual or violent offence only (although the probation service can offer contact on a discretional basis if circumstances and resources permit)), to ask for information about the prisoner’s release plan, he/she may be told the month of release, the length of time on licence and general area of release only. No
information about the release address or the precise date of release may be disclosed. The victim should be referred the the Home Probation Officer or Victim Liaison Officer for more information.

3.12.2 Under the new Victims’ Code of Practice – likely to be implemented in late 2005 – apart from the continuing roles of the Prison Service Helpline and the Probation Service Victim Contact Scheme, most communications with victims will be carried out by the probation service victim liaison officer. However, it is important that prisons have systems in place to liaise with the probation service and that all approved conditions are inserted into prisoners’ release licences, including additional licence conditions affecting victims as agreed by the Parole Board or Secretary of State.

3.13 Breach Arrangements

3.13.1 The breach and recall arrangements for prisoners released on licence are outlined in chapter 7 of this PSO.

3.14 At Risk

3.14.1 As the licence period and the "at risk" period overlap, where a prisoner on licence breaches the licence and re-offends, he is liable to recall. In addition, if convicted, the courts may impose an additional custodial period because the prisoner has committed an imprisonable offence during the currency of an earlier sentence.

3.14.2 Those short-term prisoners who are released unconditionally or those that are within the “at risk” period (i.e. where the licence period expired at the three-quarter point of sentence, they remain “at risk” until the sentence has been served in full) will, however, be “at risk” of being returned to prison if they commit a further imprisonable offence before the expiry of the sentence. The court dealing with the new offence may add all or part of the outstanding period of the original sentence (at the time the further offence was committed) to any new sentence it may impose (Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000). For the most part, prisoners returned to prison by the courts under Section 116 of the 2000 Act fall to be re-released according to the total length of their new sentences. However prisoners returned to prison under Section 116 for a total term of 12 months or less in respect of new post-release
offences committed on or after 30 September 1998 must be re-released on licence at the half-way point under Section 40A of the Criminal Justice Act 1991. The licence (a copy of which is at appendix F) will remain in force for three months.

3.15 Fine defaulters/Contempt of Court

3.15.1 Prisoners serving sentences of twelve months or more for fine default or contempt of court are released unconditionally (all fine defaulters are released unconditionally). Such prisoners are not subject to the arrangements outlined in this Instruction. However, where the fine is consecutive to, or concurrent and overlapping, a determinate sentence of 12 months or more, its effect is to defer the actual release date. If there the licence is still extant from the original determinate sentence, establishments must remember that the prisoner must still be released on that licence at the end of the fine. For further information, please refer to the Sentence Calculations Manual (PSO 6650 refers).
HOME DETENTION CURFEW

(YOs aged 18 or over and Adult Prisoners serving 12 months or more,
and YOs under 18 serving over 12 months)

LICENCE
Criminal Justice Act 1991

HMP [Full NATCODE.DESCRIPTION FOR CODE_TYPE eq 05]
Tel.[EST_ADD.TELEPHONE]

Name : [FORENAME1 FORENAME2 SURNAME]
Date of Birth:[BIRTH_DATE]
Prison No : [PRISON_NUMBER]
CRO No : [NIB_NUMBER]
PNCID No: [DFB1.PNCID_NUMBER]

1. Under the provisions of Section 34A of the Criminal Justice Act 1991 you are being released on licence and must comply with the conditions of this licence.

2. You will be subject to a Home Detention Curfew. The objective of the Home Detention Curfew is to help you manage your return into the community. You will also be under the supervision of a probation officer. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

3. Your Home Detention Curfew commences on [INM_COND.LIC_START_DATE] and expires on [latest SEN_HIST.REL_DATE for inmate]

4. Your supervision commences on [INM_COND.LIC_START_DATE] and expires on [INM_COND.LIC_EXPIRY_DATE] unless this licence is previously revoked. Your licence will expire on this date, unless it is revoked before that date.

5. On release you must report without delay to :
   
   [ADDRESS.PERSONS_NAME]
   [ADDRESS.ADDRESS1]
   [ADDRESS.ADDRESS2]
   [ADDRESS.ADDRESS3]
   [ADDRESS.ADDRESS4]
   [ADDRESS.POSTCODE]
   [ADDRESS.TELEPHONE]
Home Detention Curfew

6. The address to which you are curfewed is:

   [ADDRESS.ADDRESS1]
   [ADDRESS.ADDRESS2]
   [ADDRESS.ADDRESS3]
   [ADDRESS.ADDRESS4]
   [ADDRESS.POSTCODE]

   (Details of curfew times are shown below at paragraph 9).

or if more than one curfew address

7. The addresses to which you are curfewed are:

   [ADDRESS.ADDRESS1]
   [ADDRESS.ADDRESS2]
   [ADDRESS.ADDRESS3]
   [ADDRESS.ADDRESS4]
   [ADDRESS.POSTCODE]

   [ADDRESS.ADDRESS1]
   [ADDRESS.ADDRESS2]
   [ADDRESS.ADDRESS3]
   [ADDRESS.ADDRESS4]
   [ADDRESS.POSTCODE]

Details of curfew dates and curfew times are shown at paragraph 9 below.

On the day of your release, you will be curfewed at the first curfew address shown at paragraph 6 from [INM_COND.LIC_START_HR]:[INM_COND.LIC_START_MIN] until midnight. During this period the contractor will visit you at this address in order to fit you with the tag. You must show the contractor this copy of the licence to confirm your identity. Your curfew will then run until [INM_COND.LIC_EXPIRY_HR] : [INM_COND.LIC_EXPIRY_MIN] the following morning. On your last day of curfew the contractor will visit you to remove the tag and monitoring equipment. This will take place in the last two hours of your last curfew period, i.e. between 10pm and midnight.

if one address with standard set of curfew times

9. After your day of release, you are required to remain at your place of curfew during the following hours:

   Every day from 7pm each evening until 7am the following morning.

   (these words are held in CONDITION_TX field of the LIC_COND record associated with the INM_COND record where CONDITION_TYPE = eq "C")

or
alternative wording where there is more than one curfew address or where there are variations in the curfew times on any day (in this example the inmate is curfewed to a second address at weekends).

9. After your day of release, you are required to remain at your place(s) of curfew during the following hours:

Insert LIC_COND.CONDITION.TXT records here. One curfew condition of up to eight lines for each curfew address.

(The first line of the address and curfew dates and curfew times are held in CONDITION.TXT field of LIC_COND records associated with INM_COND records for the inmate and licence type. The INM_COND records are for CONDITION_TYPE eq “C”(for curfew)) in CONDITION_LINE within INM_COND.NO order

10. Your compliance with the conditions of the Home Detention Curfew will be monitored by [Natcode table 89 DESCRIPTION where alpha-code eq DIARY.REMARK on latest diary record for inmate where MOVEMENT_CODE eq (“HR” or “HD”) or if no diary record found Natcode table 89 DESCRIPTION where alpha-code eq MOVEMENT.FROM_OR_TO on movement record for inmate where MOVEMENT_CODE eq (“HR” or “HD”)] (name of monitoring company). You must provide the contractor with access to the curfew address to install and check the monitoring equipment and electronic tag. Such visits will be made during your curfew hours but not between midnight and 6.00am. However, the contractor may visit the curfew address between midnight and 6:00am in order to investigate a reported violation.

11. The monitoring equipment will operate via a telephone line. You will be responsible for meeting the cost of the electricity used by the monitoring equipment in your curfew address. It is your responsibility to ensure that there is an electricity supply available during your time on curfew. You must agree to the installation of a new telephone line at your curfew address for use by the contractor if there is not already a suitable line. The contractor will notify you of the time and date and you must be present, and provide access to the curfew address at the notified time to allow installation to take place. The installation will normally take place during standard working hours.

12. While on Home Detention Curfew you may be liable to recall to prison if you breach the condition of this licence relating to the curfew. You will be in breach of this condition if:

- you are absent from your curfew address during the specified curfew hours
- you commit violence against or threaten the contractor or any of his staff with violence;
- you damage or tamper with the monitoring equipment;
- you withdraw your consent to the monitoring arrangements.

13. In addition, you may be recalled to prison if:

- your whereabouts can no longer be electronically monitored at the specified address;
• it is necessary to recall you to prison in order to protect the public from serious harm;

• you commit an offence or breach any other requirement of your probation supervision (see paragraph 18 below).

14. The contractor may authorise your absence from your place of curfew in clearly defined circumstances, which you will be informed about by the contractor in writing. You must contact the contractor in advance of any such absence to seek authorisation where this is possible. If it is not possible to contact the contractor in advance, you must contact them as soon as possible thereafter. Absence for any reason other than these clearly defined circumstances will constitute a breach of your curfew condition.

15. If you need to seek a permanent change to your curfew conditions (for instance because of the requirements of a new job), you must contact the Prison Service establishment from which you were released. A contact number is included at the bottom of this licence.

Probation Supervision

16. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

17. While under supervision you must:

(points below are held as standard conditions for HDC licences in LIC_COND records)

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address (please note that whilst you are still subject to the Home Detention Curfew, the governor of the prison from which you were released will be responsible for authorising any change of address);

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

v. not travel outside the “United Kingdom” (for the purposes of this licence, “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community.
vii. Additional licence conditions
(unique or special conditions inserted here)

18. The Secretary of State may vary or cancel any of the conditions, in accordance with section 37(4) of the Criminal Justice Act 1991.

19. The penalties for failing to comply with any requirement of your probation supervision (set out in paragraphs 5, 16 and 17 are explained below:

- if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding six months, or the date on which your licence expires if that is sooner.

- if the offence for which you are serving this sentence was committed on or after 1 January 1999, and you fail to comply with the conditions of your probation supervision or otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody.

If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

20. Your sentence expires on [SEN_HIST.SED]. If you are not recalled your licence will expire on [enter three-quarter point of sentence]. From the remainder of the period until the date on which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence onto any new sentence it may impose.

Contact Points

Monitoring Contractor: [Natcode table 89 DESCRIPTION where alpha-code eq DIARY.REMARK on latest diary record for inmate where MOVEMENT_CODE eq (“HR” or “HD”) or if no diary record found Natcode table 89 DESCRIPTION where alpha-code eq MOVEMENT.FROM_OR_TO on movement record for inmate where MOVEMENT_CODE eq (“HR” or “HD”)] (name of monitoring company).

Tel: [NATCODE 89 for the HDC Centre Alpha_1 + Alpha_2]

HMP: [NATCODE 05. DESCRIPTION]

Tel: [EST_ADD.TELEPHONE]

Signed:

Date:
This licence has been given to me and its requirements have been explained. I accept the conditions imposed.

Signed:

Date:

HDC ADULT SERVING OVER 1 YEAR = "HC"
APPENDIX B

LICENSE

Criminal Justice Act 1991

HMP/YOI:  
Tel:  

Name:  Date of Birth:  

Prison No:  CRO No:  
PNCID No:  

1. Under the provisions of Section 33(1)(b) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ............... and expires on ............... unless this licence is previously revoked.

3. On release you must report without delay to

Name:  
Address:  

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:
   
i. keep in touch with your supervising officer in accordance with any instructions that you may be given;
   
ii. if required, receive visits from your supervising officer at your home/place or residence;
   
iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
   
iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
   
v. not travel outside the “United Kingdom” (for the purposes of this licence, “United Kingdom” includes the Channel Islands and Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances.
only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from reoffending and help you to resettle successfully into the community.

(vii. Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (4) of the Criminal Justice Act 1991.

7. The penalties for failing to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5) are explained below:
   • if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding six months, or the date on which your licence expires if that is sooner.
   • if the offence for which you are serving this sentence was committed on or after 1 January 1999, and you fail to comply with the requirements of your probation supervision or otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody.

If you are sent back to prison and released before the end of the your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter the three-quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:       Status:
Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:
Date:
APPENDIX C

LICENCE

Criminal Justice Act 1991

HMP/YOI:  
Tel:  

Name:  Date of Birth:  

Prison No:  CRO No:  
PNCID No:  

1. Under the provisions of Section 33A(2) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................ and expires on ................ unless this licence is previously revoked.

3. On release you must report without delay to  
Name:  
Address:  

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:  
   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;  
   ii. if required, receive visits from your supervising officer at your home/place of residence;  
   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;  
   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;  
   v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);
vi. be well behaved, not commit any offence and not to do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from reoffending and help you to resettte successfully into the community.

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (4) of the Criminal Justice Act 1991.

7. The penalties for failing to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5) are explained below:

- if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding six months, or the date on which your licence expires if that is sooner.

- if the offence for which you are serving this sentence was committed on or after 1 January 1999, and you fail to comply with the requirements of your probation supervision or otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody.

If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter three-quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed: Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed: Date:
APPENDIX D

LICENCE

CRIMINAL JUSTICE ACT 2003

Name: Date of Birth:

Prison No: PNC/CRO No:

Establishment: Establishment Telephone No.:

1. Under the provisions of Chapter 6 of the Criminal Justice Act 2003 you are being released on licence. Unless you are subsequently being detained under the Immigration Act 1971 for the purpose of your deportation/removal from the United Kingdom, you will be under the supervision of a probation officer or a social worker of a local authority Social Services department or of a Youth Offending team and must comply with the conditions of this licence. The objectives of the supervision and the conditions that form part of this licence are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on [ ] and expires on [ ] unless this licence is previously revoked.

3. On release from prison (including, if applicable, any release from detention under the Immigration Act 1971 during the currency of your licence, whether or not leave has been granted to remain in the United Kingdom), unless otherwise directed by your supervising officer, you must report without delay to:

Name:

Address:

☎ Telephone number

4. If, on the date of this licence, you are released to hospital or other suitable care on compassionate grounds under Section 248 of the Criminal Justice Act 2003 or if you are detained under mental health and/or immigration provisions or are subsequently so detained before your licence expires, your supervising officer or another nominated officer, social worker or member of a youth offending team will keep in touch with you. Otherwise, you must place yourself under the supervision of whichever probation officer, social worker of a local authority Social Services department or of a Youth Offending team is nominated for this purpose from time to time.
5. While under supervision you must:
   i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;
   ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;
   iii. If required, receive visits from your supervising officer at your home/place of residence (e.g. approved premises);
   iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
   v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
   vi. Not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal.
   vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 250(4) of the Criminal Justice Act 2003.

7. If you fail to comply with any requirement of your licence (set out in paragraphs 3, 4 and 5 above) or if you otherwise pose a risk to the public, you will be liable to have this licence revoked and be recalled to custody until the date on which your licence would otherwise have expired. If you are sent back to prison and are re-released before the end of your licence, you will still be subject to licensed supervision until the end of your sentence.

8. Your sentence expires on [ ]

for the Secretary of State for The Home Department date

This Licence has been given to me and its requirements have been explained.

Signed: date:
Explanatory note in respect of your licence

You are being released under the provisions of Chapter 6 of the Criminal Justice Act 2003 (“the Act”).

In your case your release on licence is under the Section marked below:

Section 244 of the Act [   ]
Section 246 of the Act [   ]
Section 247 of the Act [   ]
Section 248 of the Act [   ]
Section 254 of the Act [   ]
Section 256 of the Act [   ]

Your release is also subject to the conditions specified on your licence, all of which have been imposed in accordance with Chapter 6 of the Act.
APPENDIX F

LICENCE

Criminal Justice Act 1991

HM Prison / YOI
Tel

Name: Date of Birth:
Prison No.: CRO No.:
PNC No.:

1. Under the provisions of Section 40A of the Criminal Justice Act 1991 you are being released on licence for a period of three months. You will be under the supervision of a probation officer or a social worker of a local authority social services department or member of a Youth Offending Team and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on………………….and expires on………………..(subject to your being returned to custody for any reason).

3. On release you must report without delay to:

Name:

Address:

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only);

vi. be of well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37(4) of the Criminal Justice Act 1991.

7. In accordance with the provisions of Section 40A(4) of the Criminal Justice Act 1991, if you do not comply with the requirements in paragraphs 3, 4 and 5 above you will be liable to prosecution before a court. The court may fine you or recall you to custody. If you are sent back to prison and re-released before the end of the licence period, you will still be subject to supervision.

8. Your sentence expires on [     ]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:      Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:
Date:
CHAPTER 4

STANDARD DETERMINATE SENTENCE - SDS

STANDARD DETERMINATE SENTENCE – SDS  
(Adults/Young Offenders)

4.1  Summary

4.1.1  This section deals with the licence and supervision arrangements for those prisoners whose offence was committed on or after 4 April 2005, and sentenced to a period of imprisonment of 12 months or more, where (if there was more than one element) at least one element of the sentence was for a term of 12 months or more. A diagram showing the key points of the sentence is below. For those prisoners whose offences were committed on or after 4 April 2005 and who received a total term of imprisonment of 12 months or more but which comprises multiple sentences each being less than 12 months, please see paragraph 4.15 below.

CUSTODY  
HDC Eligibility

SUPERVISION

CRD  
SED

MAIN ACTIONS AND RESPONSIBILITIES

Prisoners sentenced to 12 months or more:

- eligible to be considered for the Home Detention Curfew Scheme (HDC) unless statutorily exempt
• if not placed on Home Detention Curfew, are released automatically on licence at the half way-point of their sentence on their Conditional Release Date (CRD)

• are subject to compulsory supervision until the end of sentence (SED)

• who breach their licence conditions are liable to be recalled by the Secretary of State.

• Supervising Officer to consider the need for any additional licence conditions, including those recommended by the courts

• Governor to authorise requests submitted by the supervising officer for additional conditions.

• Release on licence (produced by releasing establishment).

4.2 Release Date

4.2.1 Most prisoners who committed their offence on or after 4 April 2005 and were sentenced to a term of imprisonment of twelve months or more are eligible to be considered for the Home Detention Curfew scheme. Detailed instructions on the scheme, including details of those prisoners who are exempt or who may be presumed as unsuitable, are contained in PSO 6700, amended by PSIs. 9/2001, 19/2002, 39/2002 & 31/2003. Such prisoners must be released on the licence at Appendix A.

4.2.2 Those adult prisoners not placed on Home Detention Curfew are released automatically once they have served half of the sentence (the Conditional Release Date – CRD). There is no selection process and release may be delayed only if additional days have been awarded. (Section 257, CJA 2003). Such prisoners must be released on the licence at Appendix B, together with the explanatory note at Appendix C.

4.2.3 SDS prisoners, who have been placed on Home Detention Curfew and who have been recalled to prison under section 255 of the 2003 Act, either for a breach of the conditions of that curfew or an inability to monitor, must also be re-released on licence at the halfway point of sentence, the Conditional Release Date and are subject to compulsory
supervision by the probation service. They remain subject to supervision until the expiry of their sentence. These prisoners must be released on the licence at Annex B, together with the explanatory note at Appendix C.

4.3 On reception

4.3.1 When a prisoner is received into custody, he/she must be advised of his/her Conditional Release Date, reminded that he/she will be supervised on release and advised of the normal requirements of supervision.

4.4 Sentence planning

4.4.1 A probation officer who will supervise the offender after release is allocated to each prisoner at the start of the sentence and he/she must be actively involved in the sentence plan.

4.4.2 The role of the supervising probation officer, and the measures necessary to ensure that co-ordination between him/her and the prison is effective, are set out in the National Standards for the Supervision of Offenders.

4.4.3 As soon as the sentenced prisoner is received from the court and the related court documents are received (e.g. Order of Imprisonment (court from 5035), court record form (court form 5089) etc.), a copy of the court form 5089 must, where the court has recommended additional licence conditions, be sent to the probation area responsible for supervising the prisoner upon his/her release. The probation area will record any court-recommended licence conditions and ensure that they consider their relevance prior to the prisoner’s release. Establishments must also enter onto LIDS any court-recommended licence conditions. LIDS must be marked so that the court recommended licence conditions will appear on the release licence.

4.5 Remand time

4.5.1 Any court directed remand time will count towards reducing the prisoner’s sentence. However, all SDS prisoners must still be supervised until the end of their sentence.
4.5.2 If remand time has reduced the sentence to the extent that the prisoner must be released direct from court, arrangements must be made for the prison officer attached to the court (or the Prison Custody officer, where escort arrangements are contracted out) to issue the SDS licence and explain the supervision requirements to the prisoner.

4.6 Additional days

4.6.1 Additional days automatically put back the release and supervision dates. Prisoners, whose behaviour is exceptionally poor, could spend their entire sentence in prison; however, ADAs do not extend beyond the Sentence Expiry Date.

4.7 Supervision Arrangements

4.7.1 SDS prisoners must be released on licence and are subject to compulsory supervision by the probation service, until the end of the sentence.

4.8 Discharge and Feedback reports

4.8.1 To ensure effective liaison between the prison and the supervising officer, key documents must be supplied to the supervising officer where necessary. In cases where the courts have made recommendations in respect of additional licence conditions, the court form 5089 must be sent to the supervising officer at the same time as issuing the form PD1. The supervising officer should provide a pre-discharge report one month before release. Shortly before release a discharge report must be completed by the Personal Officer and sent to the supervising officer. At the end of the supervision period, the supervising officer should send a feedback report to the prison.

4.9 Notifications

4.9.1 The Custody to Work Unit, Prison Service HQ, will notify Force Intelligence Bureaux, 28 days prior to release, of final discharge dates and addresses for all prisoners, with the exception of civil cases and those imprisoned for non-payment of fines. This is not intended to replace other arrangements and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this chapter/PSO.

4.9.2 In addition to the above and as a separate initiative, each

Custody/ Discipline

Custody to Work Unit
establishment must make arrangements to notify the home Basic Command Unit (BCU) (and in licence cases, the Probation Service), of Prolific and other Priority Offenders’ (PPOs) release dates at least 28 days prior to release. These arrangements apply to all PPOs, regardless of the length of sentence. If PPOs are likely to be released early, for example on HDC, the HDC date should also be notified. As a precaution, the BCU must also be notified on the day the prisoner is actually released. Again, these arrangements do not replace the other arrangements set out in this chapter and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this PSO. Further information on PPOs can be found in PSO 4615.

410 The Licence

4.10.1 The licence under which the prisoner is released will be produced by LIDS. The Governor, or an officer authorised by the Governor, must sign and issue the licence. The conditions must be explained to the prisoner and he/she must be asked to sign the licence. If the prisoner will not sign the licence, the Governor, or the designated officer, must certify on it that the conditions have been explained and that the prisoner has refused to sign. This should be witnessed by another member of staff. This is important because if the supervising officer requests recall for breach of conditions, it may need to be shown (for example in a judicial review challenge) that the licence was served and the conditions explained. The licence must be prepared by Custody/Discipline office and explained to the prisoner no less than one week before release.

4.10.2 SDS prisoners must be given the standard licence (which can be found at Appendix B, together with the explanatory note at Appendix C – the explanatory note must indicate that release is being effected under Section 244 of the Criminal Justice Act 2003), unless placed on HDC, in which case the licence at Appendix A should be used.

4.10.3 One copy of the licence must be given to the prisoner on discharge. One copy (as signed or certified) must be kept on the prisoner's F2050 record and another sent to the supervising officer. Further copies must be sent to the National Identification Service (NIS) at New Scotland Yard and to the Chief Constable of the area to which the prisoner is being released.

4.10.4 A check must be made as to whether the prisoner is covered by additional special arrangements relating to banning orders under the Football (Disorder) Act 2000; or the "release of persons convicted of
offences against children and young persons under the age of 18" (IG54/1994); or Sex Offender Registration (contained in the Public Protection Manual). If so, **appropriate action must be taken in accordance with those circulars.**

4.10.5 There is no mechanism to delay release if a prisoner refuses to comply with supervision. The **Governor must ensure that suitable reporting instructions are made. If no release address is given, the Governor must instruct the prisoner to report to the duty officer at the probation office in his/her usual home area or the petty sessional area in which he/she was tried. The prisoner must be advised that a failure to report is likely to result in recall proceedings being initiated.**

4.11 **Varying licences and use of additional licence conditions**

4.11.1 **Governor**

As for all forms of release on licence it is possible to vary a licence to facilitate the management of supervision of the prisoner upon release. Guidance on varying licences in respect of the inclusion of additional licence conditions, can be found at chapter 14 of this Order.

4.11.2 The Criminal Justice Act 2003 also introduces a power for sentencers, when passing a standard determinate sentence, to recommend to the Secretary of State, additional licence conditions. There is a requirement for the Secretary of State to pay due regard to any recommendations the courts may make. You must therefore check to see if the courts have recommended any additional licence conditions (which can be found on the court form 5089) and, if so, the guidance at Chapter 14 of this Order must be followed.

4.12 **Release Information**

4.12.1 Under the current Victims' Charter, if the victim contacts the prison, either directly or via the Prison Service Helpline or through the Probation Service Victim Contact Scheme (the Probation Service Victim Contact Scheme covers victims where the offender has been sentenced to a term of 12 months or more for a sexual or violent offence only (although the probation service can offer contact on a discrétional basis if circumstances and resources permit), to ask for information about the prisoner's release plan, he/she may be told the month of release, the length of time on licence and general area of release only. No information about the release address or the precise date of release may be disclosed. The victim should be referred the the Home Probation Officer or Victim Liaison Officer for more information.
4.12.2 Under the new Victims’ Code of Practice – likely to be implemented in late 2005 – apart from the continuing roles of the Prison Service Helpline and the Probation Service Victim Contact Scheme, most communications with victims will be carried out by the probation service victim liaison officer. However, it is important that prisons have systems in place to liaise with the probation service and that all approved conditions are inserted into prisoners’ release licences, including additional licence conditions affecting victims as agreed by the Parole Board or Secretary of State.

4.13 Breach Arrangements

4.13.1 The breach and recall arrangements for prisoners released on licence are outlined in chapter 7 of this PSO.

4.14 Fine defaulters/Contempt of Court

4.14.1 Prisoners serving sentences of twelve months or more for fine default or contempt of court are released unconditionally (all fine defaulters are released unconditionally). Such prisoners are not subject to the arrangements outlined in this Instruction. However, where the fine is consecutive to, or concurrent and overlapping, a determinate sentence of 12 months or more, its effect is to defer the actual release date. If the licence is still extant from the original determinate sentence, establishments must remember that the prisoner must still be released on that licence at the end of the fine. For further information, please refer to the Sentence Calculations Manut (PSO 6650 refers).

4.15 Prisoners whose offences were committed on or after 4 April 2005 and who were sentenced to a total term of imprisonment of 12 months or more, where each multiple sentence was for a term of less than 12 months.

4.15.1 Prisoners whose offences were committed on or after 4 April 2005 and who were sentenced to a term of imprisonment comprising multiple sentences each being less that 12 months, and where the combined length of the multiple under 12 month sentences amounts to a total term of 12 months or more, the release provisions of the Criminal Justice Act 1991 apply. Please refer to Chapter 3 of this Order for those who are sentenced to a total of 12 months or more but less than 4 years, for further details on the release provisions of the 1991 Act and for information concerning the licence on which the prisoner must be released. For those where the total term is 4 years
or more, please refer to Chapters 5 and 6 of this Order for further details on the release provisions of the 1991 Act and for information about the licence (depending on whether the prisoner is to be released on parole or at his/her NPD), upon which the prisoner must be released.
APPENDIX A

HOME DETENTION CURFEW

LICENCE

Criminal Justice Act 2003

HMP/YOI

Tel:

Name:

Date of Birth:

Prison No:

CRO No:

PNCID No:

1. Under the provisions of Chapter 6 of the Criminal Justice Act 2003 you are being released on licence and must comply with the conditions of this licence.

2. You will be subject to a Home Detention Curfew. The objective of the Home Detention Curfew is to help you manage your return into the community. You will also be under the supervision of a probation officer. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

3. Your Home Detention Curfew commences on ………….and expires on…………….

4. Your supervision commences on………………..and expires on……………………… unless this licence is previously revoked. Your licence will expire on this date, unless it is revoked before that date.

5. On release you must report without delay to:

   (name address and tel. No of probation officer here)

Home Detention Curfew

6. The address to which you are curfewed is:

   (insert curfew address)

   Details of curfew times are shown below at paragraph 8.

or if more than one curfew address

The addresses to which you are curfewed are:

   (insert curfew addresses)

Details of curfew dates and times are shown below at paragraph 8.
7. On the day of your release, you will be curfewed at the first curfew address shown at paragraph 6 from ___:___ until midnight. The contractor will visit you at this address during this time in order to fit you with the tag. You must show the contractor this copy of the licence to confirm your identity. Your curfew will then run until ___:___ the following morning. On your last day of curfew the contractor will visit you to remove the tag and monitoring equipment. This will take place in the last two hours of your last curfew period, i.e. between 10pm and midnight.

if one address with standard curfew times

8. After your day of release, you are required to remain at your place of curfew during the following hours:

   i. At first line of address, postcode
   Every day from ___ pm each evening until ___ am the following morning

or

   alternative wording where there is more than one curfew address or where there are variations in the curfew times on any day

8. After your day of release, you are required to remain at your place(s) of curfew during the following hours:

   i. At first line of first curfew address, postcode
   On details of days from start-time details until end-time details

   ii. At first line of second curfew address, postcode
   On details of days from start-time details until end-time details

   Etc, etc.

9. Your compliance with the conditions of the Home Detention Curfew will be monitored by (name of monitoring company). You must provide the contractor with access to the curfew address to install and check the monitoring equipment and electronic tag. Such visits will be made during your curfew hours but not between midnight and 6:00am. However, the contractor may visit the curfew address between midnight and 6:00am in order to investigate a reported violation.

10. The monitoring equipment will operate via telephone line. You will be responsible for meeting the cost of the electricity used by the monitoring equipment in your curfew address. It is your responsibility to ensure that there is an electricity supply available during your time on curfew. You must agree to the installation of a new telephone line at your curfew address for use by the contractor if there is not already a suitable line. The contractor will notify you of a time and a date and you must be present, and provide access to, the curfew address at the notified time to allow installation to take place. The installation will normally take place during standard working hours.

11. While on Home Detention Curfew you may be liable to recall to prison if you breach the condition of this licence relating to the curfew. You will be in breach of this condition if:

   • you are absent from your curfew address during the specified curfew hours
you commit violence against or threaten the contractor or any of his staff with violence

you damage or tamper with the monitoring equipment;

you withdraw your consent to the monitoring arrangements.

In addition, you may be recalled to prison if:

your whereabouts can no longer be electronically monitored at the specified address;

it is necessary to recall you to prison in order to protect the public from serious harm;

you commit an offence or breach any other requirement of your probation supervision (see paragraph 18 below).

The contractor may authorise your absence from your place of curfew in clearly defined circumstances, which you will be informed about by the contractor in writing. You must contact the contractor in advance of any such absence to seek authorisation where this is possible. If it is not possible to contact the contractor in advance, you must contact them as soon as possible thereafter. Absence for any reason other than these clearly defined circumstances will constitute a breach of your curfew condition.

If you need to seek a permanent change in your curfew conditions (for instance because of the requirements of a new job), you must contact the Prison Service establishment from which you were released. A contact number is included at the bottom of this licence.

Probation Supervision

You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

While under supervision you must:

i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;

iii. If required, receive visits from your supervising officer at your home/place of residence (e.g. approved premises);

iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address (please note that whilst you are still subject to the Home Detention Curfew, the Governor/Director of the prison from which you were released will be responsible for authorising any change of address);

v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
vi. Not travel outside the “United Kingdom” (for the purposes of this licence, “United Kingdom includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal proceedings.

vii. (Additional licence conditions)

17 The Secretary of State may vary or cancel any of the above conditions, in accordance with section 250(4) of the Criminal Justice Act 2003.

18 If you fail to comply with any requirement of your probation supervision (set out in paragraphs 5, 15 and 16 above) or if you otherwise pose a risk to the public, you will be liable to have this licence revoked and be recalled to custody until the date on which your licence would have otherwise have expired. If you are sent back to prison and are re-released before the end of your licence, you will still be subject to licensed supervision until the end of your sentence.

19 Your sentence expires on [ ].

Contact Points

Monitoring contractor:

Tel: 

HMP

Tel: 

Signed: 

Date: 

For the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained. I accept the conditions imposed.

Signed: 

Date:
Appendix B

Licence

Criminal Justice Act 2003

Name:      Date of Birth:
Prison No:     PNC/CRO No:
Establishment:    Establishment Telephone No.:

1. Under the provisions of Chapter 6 of the Criminal Justice Act 2003 you are being released on
licence. Unless you are subsequently being detained under the Immigration Act 1971 for the
purpose of your deportation/removal from the United Kingdom, you will be under the supervision
of a probation officer or a social worker of a local authority Social Services department or of a
Youth Offending team and must comply with the conditions of this licence. The objectives of the
supervision and the conditions that form part of this licence are to (a) protect the public, (b)
prevent re-offending and (c) help you to resettles successfully into the community.

2. Your supervision commences on [  ] and expires on [  ] unless this licence
is previously revoked.

3. On release from prison (including, if applicable, any release from detention under the Immigration
Act 1971 during the currency of your licence, whether or not leave has been granted to remain in
the United Kingdom), unless otherwise directed by your supervising officer, you must report
without delay to:

Name:
Address:

/if Telephone number

4. If, on the date of this licence, you are released to hospital or other suitable care on
compassionate grounds under Section 248 of the Criminal Justice Act 2003 or if you are detained
under mental health and/or immigration provisions or are subsequently so detained before your
licence expires, your supervising officer or another nominated officer, social worker or member of
a youth offending team will keep in touch with you. Otherwise, you must place yourself under the
supervision of whichever probation officer, social worker of a local authority Social Services
department or of a Youth Offending team is nominated for this purpose from time to time.
5. While under supervision you **must**:

i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;

iii. If required, receive visits from your supervising officer at your home/place of residence (e.g. approved premises);

iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

vi. Not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in *exceptional* circumstances only) or for the purposes of immigration deportation/removal.

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 250(4) of the Criminal Justice Act 2003.

7. If you fail to comply with any requirement of your licence (set out in paragraphs 3, 4 and 5 above) or if you otherwise pose a risk to the public, you will be liable to have this licence revoked and be recalled to custody until the date on which your licence would otherwise have expired. If you are sent back to prison and are re-released before the end of your licence, you will still be subject to licensed supervision until the end of your sentence.

8. Your sentence expires on [    ].

for the Secretary of State
for The Home Department
date

This Licence has been given to me and its requirements have been explained.

Signed. Date:
**Explanatory note in respect of your licence**

You are being released under the provisions of Chapter 6 of the Criminal Justice Act 2003 ("the Act").

In your case your release on licence is under the Section marked below:

Section 244 of the Act [ ]
Section 246 of the Act [ ]
Section 247 of the Act [ ]
Section 248 of the Act [ ]
Section 254 of the Act [ ]
Section 256 of the Act [ ]

Your release is also subject to the conditions specified on your licence, all of which have been imposed in accordance with Chapter 6 of the Act.
DISCRETIONARY CONDITIONAL RELEASE SCHEME (DCR)

5.1 Summary

5.1.1 This chapter sets out the procedures for early release, licensing and supervision for prisoners sentenced, on or after 1 October 1992 in respect of offences committed prior to 4 April 2005, to a period of imprisonment of four years or more. It also deals with the release, licence and supervision arrangements for those prisoners whose offences were committed on or after 4 April 2005 and who received a term of imprisonment comprising multiple sentences each being less than 12 months, and where the combined length of the multiple under 12 month sentences amount to a total term of 4 years or more. The key dates in such sentences are as set out below.

<table>
<thead>
<tr>
<th>1/2</th>
<th>2/3</th>
<th>3/4</th>
</tr>
</thead>
<tbody>
<tr>
<td>CUSTODY</td>
<td>PAROLE ELIGIBILITY</td>
<td>SUPERVISION</td>
</tr>
<tr>
<td>PED</td>
<td>NPD</td>
<td>LED</td>
</tr>
</tbody>
</table>

N.B Prisoners sentenced before 1 October 1992 (“existing prisoners”) retain their entitlement to be considered for parole when they have served one third of the sentence. If not released on parole, they are released at the
two-thirds point of their sentence unconditionally without supervision. If an “existing” prisoner is believed to be a high risk to the public, the procedures in PSI 24/99 and the Public Protection Manual should be followed.

## THE PAROLE PROCESS - MAIN ACTIONS AND RESPONSIBILITIES

- DCR prisoners are eligible to be considered for parole at the half-way point of their sentence (Parole Eligibility Date - PED);

- the prison compiles a parole dossier which must include the prisoner's application, offence and sentence details, record of previous convictions, Probation Officer Reports, Prison Medical Officer Reports, security manager's report and the prison parole assessment;

- DCR prisoners may be interviewed by a Member of the Parole Board;

- complete parole dossiers must reach the Parole Board Secretariat at least 12 weeks before PED

- the parole dossier is submitted to a panel of 3 Parole Board Members for consideration

- DCR prisoners are normally notified of the result of their parole application no later than two weeks before PED

- If not released early on parole, DCR prisoners are released automatically at the two-thirds point of sentence (Non-Parole Release Date - NPD).

### 5.2 The Parole Clerk/Governor

5.2.1 The Governor/Parole Clerk is responsible for ensuring that a complete dossier is compiled, including the Parole Assessment Report from the external probation officer and is received in the Parole Board Secretariat no later than 12 weeks before the PED. Responsibility for obtaining all the necessary reports lies with the establishment. The IIS system must be used to support this process with actions being entered on the system as soon as they have been completed. If a decision has been made to release a prisoner on parole, the Governor/Parole Clerk is responsible for arranging the release date with the Probation Service and ensuring that the release plan agreed by the Parole Board is still in
place so that the parolee can be released safely and for issuing the licence, ensuring that any extra conditions are included. Governors are ultimately responsible for ensuring that their Parole Clerks receive sufficient support and guidance to enable them to carry out their duties efficiently and effectively.

5.3 The Parole Board

5.3.1 The Parole Board is an Executive Non Departmental Public Body, which means it is independent of the Home Office and the Prison Service. It has delegated authority to make decisions on the parole applications of prisoners sentenced to 4 years or more but less than 15 years imprisonment. For those serving 15 years or more, the Parole Board makes recommendations to the Secretary of State. The Parole Board Secretariat is responsible for supporting the work of the Board, including (where necessary) arranging the interview of prisoners and allocating parole dossiers to a Parole Board panel for consideration. For those serving under 15 years the Board will send the notification to the prison and for those serving 15 years and upwards, a recommendation is sent to the Early Release & Recall Section.

5.4 The Early Release & Recall Section (ERRS)

5.4.1 The Early Release & Recall Section is part of the Home Office Sentencing Policy and Penalties Unit and has overall responsibility for parole policy and procedures, including offering central support to Parole Clerks when necessary. Any queries about general parole procedures or policy, including IIS, should be directed to the ERRS parole help desk. In the cases of prisoners serving sentences of 15 years or more, the Parole Board considers the case and makes a recommendation which is passed to ERRS to consider on behalf of the Secretary of State. A decision to release a prisoner on parole can only be made following a positive recommendation from the Parole Board. The Secretary of State cannot release a prisoner if the Parole Board has not recommended parole. Once a decision is made, the Section is responsible for issuing the notification to the prison.

5.5 Supervising Probation Officer

5.5.1 A probation officer, who will supervise the offender after release, is allocated to each prisoner at the start of the sentence and he/she must be actively involved in the sentence plan.

5.5.2 The role of the supervising probation officer, and the measures necessary to ensure that co ordination between him/her and the prison is effective, are set out in National Standards for the Supervision of Offenders. It is important that the supervising officer ensures that the Parole Assessment Report reaches the establishment at least 17 weeks before the PED.
5.6 Secretary of State’s Directions

5.6.1 The Home Secretary has issued Directions to the Parole Board in respect of the release of determinate sentence prisoners. *The factors listed in the Directions, (see Appendix A), must always be taken into account by the Board when considering applications for early release on parole.*

5.7 Remand time

5.7.1 Time spent on *remand in custody* counts towards the calculation of the Parole Eligibility Date (PED). Therefore if a prisoner has been on remand for a long period, he/she may be eligible to be considered for parole immediately or soon after sentencing. Remand time will not, however, be able to reduce the period of compulsory supervision after release.

5.8 Additional Days Awarded and time spent unlawfully at large.

5.8.1 *Additional days* (ADAs) automatically put back the Parole Eligibility date, the Non-Parole date (NPD) and the Licence Expiry Date (LED), as do days lost on appeal. The SED is not altered. (Section 42, CJA 1991). Conversely, *dates must be advanced by any ADAs remitted.*

5.8.2 Time spent *unlawfully at large (UAL)*, will affect all sentence dates including the SED. Any ADAs awarded for being UAL will be subject to the procedures outlined in paragraph 5.8.1 above. *If a prisoner is UAL, or returns from UAL, during a parole review the Secretariat must be advised by the parole clerk of the receiving prison and a report must be sent to the Board giving details such as the date of reception and any further charges or additional days awarded.*

5.9 Timing of reviews

5.9.1 *The first review must commence in the establishment 26 weeks before the PED.* If ADAs are awarded once the first review has started, but before the dossier has been sent to the Parole Board, *the review must continue as normal and the details of the adjudications must be included in the dossier.* If ADAs are awarded after the dossier has been sent to the Parole Board, *the Parole Board Secretariat must be advised at once. Outstanding ADAs must also be included in the dossier although they must be clearly marked as such.* *The Parole Board Secretariat must be advised at once of the outcome.* *The Secretariat must also be advised if a prisoner goes UAL after the dossier is sent to the Parole Board.* If a prisoner returns from UAL after the dossier is sent to the Parole Board and an excessive number of days has been awarded, the Board has discretion to postpone its consideration of the case to nearer
the revised PED and in those circumstances the Secretariat may need to ask for reports to be up-dated. The Secretariat must also be advised of any ADAs restored after the dossier has been submitted to the Board. If a prisoner goes UAL before the dossier is sent to the Parole Board and is absent for a period exceeding 6 weeks then the review should be closed by arrangement with Early Release and Recall Section. As soon as the prisoner is returned to prison and if it is within 6 weeks, the original review should continue. For those prisoners UAL for a period exceeding 6 weeks, a new review should commence upon their return.

5.9.2. **Second and subsequent reviews** must commence 26 weeks before the anniversary of the PED and must not be delayed by ADAs awarded in the interim period. Review dates must, however, be put back by any time spent unlawfully at large. Prisoners are not entitled to a statutory number of reviews and should instead be reviewed on an annual basis.

5.9.3. In some cases the normal timetable will result in only a short period on licence being available. So that, on completion of the final review, there will, wherever possible, be at least three months on discretionary parole licence if the application is successful, the table below must be used to calculate the timing of the final review:
### Time to NPD from PED Anniversary date or from the panel date if an early/special review has been granted

<table>
<thead>
<tr>
<th>Time to NPD</th>
<th>Next review to begin</th>
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</thead>
<tbody>
<tr>
<td>15 months or more</td>
<td>26 weeks after PED, last anniversary or panel date of early review</td>
</tr>
<tr>
<td>13 months or more, but less than 15 months</td>
<td>39 weeks before NPD</td>
</tr>
<tr>
<td>Under 13 months</td>
<td>Not eligible</td>
</tr>
</tbody>
</table>

5.9.4 Any queries about reviews should be directed to the parole help desk in the Early Release and Recall Section, not the Parole Board Secretariat.

### 5.10 Early/Special Reviews

5.10.1 The Early Release and Recall Section (on behalf of the Secretary of State) has the power to authorise special or early reviews in exceptional circumstances. The Secretary of State has delegated to the Parole Board the authority to determine whether to reconsider an earlier decision in the light of representations. If the Board declines to reconsider a case, the prisoner or his representative may apply to the Early Release and Recall Section to re-refer the case back to the Board. Exceptionally, the Early Release and Recall Section may ask for an early review. The Board and/or the Early Release and Recall Section will advise the Governor if a special or early review is ordered by letter, when appropriate. **In such cases any subsequent reviews must commence 26 weeks after the special/early review panel date.**

### 5.11 Transfer of prisoners

5.11.1 The parole process is considerably disrupted if a prisoner is transferred during the course of a review. While it is accepted that there are sometimes exceptional compassionate or discipline reasons for such a move, prisoners whose applications for parole are underway should not be transferred before their parole dossier has been completed. Only in exceptional circumstances may prisoners be transferred. These are:

i) to maintain an appropriate level of security to protect the public, staff and prisoners from harm;

ii) to maintain good order or discipline within the establishment;

iii) to meet the healthcare or other needs of a prisoner;
iv) to meet compassionate needs, such as the death of a family member; or
v) to manage the prison population, specifically to prevent the risk of prisoners otherwise being placed in police cells.

If a transfer is unavoidable for any of the above reasons, the transfer must be authorised by the Governing Governor (or the Governor in charge) of the sending establishment. If the transfer is relevant to consideration for release, a letter explaining the reason for the transfer may be included in the dossier. This must be disclosed to the prisoner, who must be advised that the transfer may cause the review to be delayed. Any transfer of a prisoner must be flagged-up on LIDS for the benefit of those involved in prisoner transfers. Parole clerks should contact the Parole Helpdesk at the Early Release and Recall Section if there is any uncertainty about how to record on LIDS such a transfer.

5.11.2 In order to minimise the disruption caused by such transfers, a process must be in place within both the receiving and sending prison to manage the transfer of prisoners during the parole process or within 3 months of its starting, co-operation is essential. Where a transfer is necessary, the responsibility for completing parole reports on the prisoner rests with the establishment with the greater knowledge of the prisoner. The assumption will be that responsibility rests with the sending establishment unless the receiving establishment agrees otherwise. The establishment with whom responsibility for completion of the parole reports rests should be agreed and stated prior to or at the point of transfer and documented in the prisoner’s record and parole papers. Establishments should ensure that there are procedures for checking on parole progress before decisions are taken to accept a prisoner on transfer.

5.11.3 All reasonable efforts should be made to ensure that members of staff with responsibility for completing parole reports on the prisoner are able to do so. Reasonable efforts include, inter alia, facility time, travel time and costs, and a safe environment in which to interview the prisoner. The timescale for completion of parole reports remains at 17 weeks before PED irrespective of the need to transfer a prisoner. In cases where it has been decided that the prisoner should move, and where there appears to be insufficient time to complete the parole dossier before the target date, the sending establishment should consider whether the transfer should take place. If so, the establishment compiling the dossier should decide how best to manage the process, the aim being to cause as little disruption as possible to the parole process. The parole clerk should establish working arrangements with the OCA or equivalent at the establishment to ensure that they are aware of any impending transfers and then check IIS for progress on the parole review. It is
also important to make senior managers aware of any potential difficulties with transfers at an early stage to allow discussions with the sending establishment to take place if necessary.

5.12  
**Beginning the review process**

5.12.1  
The normal review timetable is set out at Appendix B to this chapter. *To initiate the review 26 weeks before the PED or anniversary or 39 weeks before the NPD, the prisoner must be given the form at Appendix C on which to formally apply for or to opt out of consideration for parole. The prisoner must be given 5 days to complete the form.*

5.13  
**Opt outs**

5.13.1  
If the prisoner wishes to opt out, or refuses to sign the application form (which will be regarded as opting out), a Governor or a nominated officer, must also sign the application form which should be kept on the prisoner's parole file and F2050 record and included in any future parole applications. The Parole Clerk must also enter the outcome on IIS. The Parole Board Secretariat does not need to be informed of the decision.

5.13.2  
If a prisoner, who has applied for parole, subsequently refuses to comply with the process and/or interviews, this should not be regarded as an opt-out of the parole process. The dossier should be compiled in the normal way, with reports completed as far as report writers are able. Only if the prisoner confirms in writing or expresses the desire to opt-out and this is verified in writing by at least two officers, should the prisoner be regarded as having opted-out of the parole process.

5.13.3  
If a prisoner who has opted out wishes at a later stage to change his mind and apply for parole, he may do so, but only once and provided there are at least 9 months to his NPD. *He must be advised that the review timetable will then run from the date that he opts back in rather than the original date.* Any subsequent reviews will begin on the anniversary of the date he opts in, subject to the overall timetable set out in paragraph 5.9.3 above.

5.14  
**Compiling the dossier**

5.14.1  
The responsibility for compiling complete dossiers for consideration by the Parole Board rests with prison establishments. This includes ensuring that all reports are legible, correctly ordered and numbered, and that disclosure procedures have been followed correctly. If the prisoner is applying for parole, *the Parole Clerk must request reports*
from prison staff and outside agencies. (Please see Appendix F). The timetable to be followed is set by the IIS in individual cases: requests for information must be sent out 25 weeks before PED. It is essential that reports are requested and provided on time; any delays at an early stage in the process are unlikely to be made up later. Parole Clerks must therefore set appropriate deadlines for all report-writers to ensure that the dossier can be completed on time. This includes a request for the Parole Assessment Report by the supervising officer, which must reach the prison in time for inclusion in the final dossier. A completed dossier, outlined at Appendix F to this chapter, which includes the Parole Assessment Report, and any other reports identified by the governing Governor or delegated senior officer, must be sent to the Parole Board Secretariat in its completed form at least 12 weeks before the Parole Eligibility Date. The completed, signed and dated dossier form (Appendix D) must be attached to the dossier.

5.14.2 The Governor must ensure that appropriate systems are in place to certify that the dossier is complete, properly ordered, numbered, legible, disclosed to the prisoner and submitted according to the timetable. A senior nominated officer must sign off the dossier. The Governor or delegated senior officer must complete the final section of the dossier check list (see Appendix D of this chapter). If a dossier does not contain the essential documents which are outlined at Appendix F to this chapter as essential to the Board's consideration of the case, the Parole Board Secretariat will return it to the prison for the missing documents to be added or for appropriate remedial action to be taken. The complete dossier must be received in the Parole Board Secretariat no later than 12 weeks before the PED or anniversary. It will not be recorded on IIS for statistical purposes as having been received in the Parole Board until the dossier is complete. A copy of the dossier must be retained in the prison.

5.14.3 Detailed guidance on parole documentation is given at Appendix G to this chapter

5.14.4 Parole Clerks must also use the IIS to record actions on the system as soon as they have been completed.

5.15 Disclosure

5.15.1 All reports in the dossier must be written with a view to open reporting. The governing Governor or a nominated senior officer must examine the dossier before it is sent to the Parole Board Subject to paragraphs 5.16.1 to 5.16.6 below, the prisoner must be given access to one of the copies of the dossier so that he/she has the opportunity to make
representations to the Parole Board. The dossier remains the property of the Prison Service, but the prisoner may be provided with a copy at his own expense. Similarly if the prisoner’s solicitor requests a copy of the dossier, (s)he may be provided with a copy at his/her own expense. The fee should cover administrative charges in line with Prison Service Policy. Access to the dossier must be allowed in secure and confidential conditions whenever the prisoner reasonably asks to see it. All prisoners must have the opportunity of formal disclosure by the personal officer, wing officer or Governor to ensure that they can cope with the volume of paper. A prisoner who has difficulty with English must be offered assistance in understanding the dossier so that he/she is not disadvantaged.

5.15.2 The Disclosure and Prisoner's representations form at Appendix E must be handed to the prisoner at the time the dossier is disclosed and before the dossier is sent to the Parole Board. The prisoner should sign and date the form and record his/her representations on it, including any comments he/she wishes to make on the reports in the dossier. The front of the Disclosure Form must be properly completed and, in particular, the reference to information being withheld be correctly completed by deleting the relevant words. Those documents, which arrive after the main dossier has been disclosed to the prisoner, must also be disclosed to the prisoner together with a separate Disclosure form. These forms must be included in the dossier before it is sent to the Parole Board Secretariat 12 weeks before PED.

5.15.3 If the prisoner is unhappy with any document in the dossier a complaint may be made through the request/complaint system to the Governor, in addition to making representations on the Disclosure Form. If the dossier has been sent to the Parole Board, the Board must be advised that a complaint has been made and kept informed of the progress in resolving it, which must normally be within 6 weeks. Consideration of the case by the Board will not normally be deferred while the complaint is being investigated, although if new information which might have affected the decision comes to light after it has been made the Board may need to review the case again.

5.16 Information which may be withheld from the prisoner

5.16.1 It is the responsibility of the governing Governor or a nominated senior officer to examine the dossier before it is sent to the Parole Board Secretariat. In the interests of fairness, the presumption must be that all reports are disclosed. However, certain information may be withheld in exceptional cases. There are five areas where information may be withheld from the prisoner:

I. in the interests of national security;
II. for the prevention of disorder or crime. This includes information relevant to prison security;

III. for the protection of information which may put a third party at risk;

IV. if, on medical and/or psychiatric grounds, it is felt necessary to withhold information where the mental and/or physical health of the prisoner could be impaired; and

V. Where the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim, or would generally prejudice the future supply of such information.

5.16.2 The governing Governor must ensure that appropriate arrangements are in place for dealing with requests for withholding of information. As part of these arrangements, the governing Governor must nominate a senior officer (which may be the governing Governor personally) as responsible for considering and deciding upon any request to withhold any document – or part of a document – from a prisoner. In taking such decisions, the nominated officer may first seek advice from the Early Release and Recall Section parole help desk. However if documents raise considerations of national security, these must first be directed to the Early Release and Recall Section for consideration before any decision is taken.

5.16.3 If information has been presented which the Probation Service or police or victim has asked should be taken into account but not disclosed to the prisoner, the governing Governor or nominated senior officer must follow these procedures:

a) determine whether the information is relevant to the decision in question;

b) If it is relevant, consider whether it could be re-written to exclude information which is not disclosable without reducing its impact. Any decision on re-writing such documents should be made in consultation with the author responsible for submitting the material; if re-writing it in this way is not possible;

c) Consider whether a gist of the document can be produced. If it is not possible to produce a gist, consider whether it meets the criteria for non-disclosure set out in paragraph 5.16.1 above.

5.16.4 Where it is decided that a document meets the criteria for non-disclosure, each page must be clearly marked “NOT FOR DISCLOSURE” when the document is included in the parole dossier.
The prisoner must also be told in writing that information has been withheld, and under which part(s) of the criteria, using the last part of the Disclosure Form. The prisoner must not, under any circumstances, be given any information about the non-disclosed material itself.

5.16.5 If it is decided that the information is to be withheld from the prisoner because it meets the criteria for non-disclosure, but only part of the document merits withholding, consideration must be given to whether the document could be re-written to exclude the section that is not for disclosure, and so allow the remainder of the document to be disclosed. In such cases, the author responsible for submitting the original document should be asked to provide two new documents: one setting out the information which is to be withheld and the other setting out the information which can be disclosed.

5.16.6 If the governing Governor or senior nominated officer decides that information which the probation service or police or victim has asked to be kept from the prisoner is relevant but it does not meet the criteria for non-disclosure, then the information must not be included in the parole dossier or otherwise submitted to the Parole Board. However, if the information would affect the decision reached, then the establishment must discuss with the author of the report whether the victim is content for the information to be disclosed, or whether other relevant information could be submitted. The information about the victim must continue to be treated as non-disclosable unless the victim agrees to its disclosure.

5.16.7 Written and dated records must be kept of all decisions on non-disclosure, separate to the main prisoner’s record.

5.16.8 Where a prisoner is being informed of the reasons for a parole decision, and some of the reasons are not disclosable, it must be explained that further information has been taken into account which cannot be disclosed.

5.16.9 If the prisoner is eligible for a further review, arrangements must be made to ensure that undisclosed documents are not inadvertently disclosed at any subsequent review.

5.16.10 There may be rare occasions where information is considered to be so sensitive (e.g. a sensitive police report) that no part of it can be disclosed to the prisoner, under the criteria set out at 5.16.1 above. In such cases the prisoner must be advised. His representative (recognised barrister or solicitor) may apply to have sight of the information. Permission would normally be given only after having...
first received a written undertaking that they will not disclose the information, in full or in part, to the prisoner. Where a governor is minded not to disclose such information to a legal representative, they must contact the Early Release and Recall Section before rejecting the request.

5.17 Parole Board Member Interview

5.17.1 A panel of the Parole Board will consider the dossier and may, from time to time, issue a request for the prisoner to be interviewed. The Parole Board Secretariat will contact the Parole Clerk to arrange a time and date for the interview to take place and will confirm these arrangements by fax. The Parole Clerk should inform the prisoner of the arrangements and provide access to a copy of the dossier (as described in 5.15.1 above). Where the Board decides it needs to interview a prisoner, the establishment can expect to be notified by the Board at some point after week 6 before PED of the parole timetable. All requests for interviews must be dealt with expeditiously. It is not mandatory, however, for individual prisoners to agree to the interview and they can decline the interview. If the prisoner declines to be interviewed, a signed statement to that effect must be obtained from the prisoner and sent to the Parole Board Secretariat as soon as possible, so that any arrangements already in place may be changed.

5.17.2 The prison must ensure that the interviewing Parole Board member is provided with the facilities necessary to carry out the interview and that the prisoner is made available at the appropriate time. The interview must be carried out in private, subject to security considerations. Governors must ensure that interviewing furniture is arranged so that the Parole Board member has an unhindered route to the door and that interview rooms with panic buttons or alarms are used or that personal alarms are provided. Where this is not possible, staff must be close enough to see or hear difficulties, but far enough away not to compromise the interview itself. Governors must also ensure that Parole Board members are briefed prior to commencing an interview about any factors which may affect the behaviour of a prisoner and about any significant developments, which have taken place since the preparation of the parole dossier. The interviewer may need to speak to the Governor or other members of staff if there are points in the dossier which need clarification, missing reports which will be required by the panel, or if the prisoner raises serious issues of concern which have not been resolved by the prison. In some cases there may be problems in communicating properly because of language difficulties: these should be overcome with the assistance of interpreters. The provision of interpreters must be considered in line
5.17.3. The prisoner is entitled to have his/her copy of the dossier with him during the interview and he should be encouraged to look at it again shortly before the interview, so that he may prepare any points he/she may wish to make. The interviewing member will write a report for the panel of the Parole Board which will re-consider the case.

5.17.4 The report must be disclosed to the prisoner, using the Disclosure Form at Appendix E. This whole process must be completed as expeditiously as possible in an effort to enable the Board to reach a decision on parole before PED.

5.18 Parole Board consideration

5.18.1 If the case involves a prisoner who was sentenced to four years or more but less than fifteen years, the Parole Board Secretariat will notify the panel’s decision to the prison. If the case involves a prisoner sentenced to fifteen years or more, the panel’s recommendation will be passed to the Early Release and Recall Section for consideration on behalf of the Secretary of State. The Early Release and Recall Section will issue the notification to the prison in all cases for which the Board does not have delegated authority.

5.18.2 If the panel is unable to make a decision on the basis of the dossier before it, either because of missing or incomplete information, because an additional report is needed or because it requires additional information, it may defer the case pending receipt of the required information. The Board will not defer a case unless it is essential, as this will inevitably mean the decision is delayed. The Parole Board Secretariat will notify reasons for deferrals to governors and Parole Clerks must ensure that this is disclosed to the prisoner and that he/she is given the opportunity to make representations about the reasons for deferral. The Parole Clerk must also ensure that the additional information requested by the Board is sent to the Secretariat quickly. If the information is not available, a note must be sent to the Board by the Governor explaining what action has been taken.

5.18.3 The Parole Board must give reasons, in writing, for every decision or recommendation made, and the prisoner is entitled to see the reasons when advised of the result. Governors or a nominated officer must also look at reasons to ensure that any requests for early/special reviews etc. are noted.

5.19 Notifications of decisions
Notification of negative decisions

5.19.1 If the parole application has been refused, the notification of the decision sets out the reasons for refusal. The Governor must arrange for the reasons to be explained to the prisoner and he/she must be advised of the date of the next review, or, where applicable, advised of the Parole Board’s request for an early or special review. There is no right of appeal against the decision to refuse parole. The decision to refuse will be reviewed by the Board following the notification only if there is significant information which should have been available to the Board at the time the decision was made, or if there have been significant procedural errors in the way the case was handled.

5.19.2 If a refusal is at the last review and the prisoner is therefore due to be released at NPD, the Parole Board will consider whether any extra licence conditions should be added to the NPD licence. These will be sent to the prison with the notification of the Board’s decision and reasons. The parole clerk must send a copy of the decision, reasons and any NPD conditions to the prison probation officer and the supervising probation officer. If the supervising probation officer has any concerns about the NPD conditions, the parole clerk must report these to the Parole Board Secretariat or (in cases where the prisoner is serving a sentence of 15 years or more) to ERRS immediately so that they can be dealt with well before release. (See chapter 6 for non-parole release procedures and chapter 14 in respect of licence conditions.)

Notification of positive decisions

5.19.3 All positive decisions by the Parole Board or the Secretary of State are based on the assumption that the release plan contained in the field probation officer’s report (and any comments or changes required to that plan as indicated by the Board or the Secretary of State in their reasons), can still be put into effect at the point of release. Governors must therefore put in place local procedures to ensure effective liaison with field probation officers in order to satisfy themselves that the release arrangements will be in accordance with those agreed by the Board or Secretary of State. If, for example, the release plan made reference, via the use of additional licence conditions (further information on the Board and its power to set additional licence conditions can be found in chapter 14 of this Order), to residence in a hostel, Governors must be satisfied that such arrangements have been put in place before effecting release. If the release plan cannot be put fully into place at the point of release, or the probation service are planning to change the nature of the release plan, Governors must consult the Parole Board Secretariat or Early Release and Recall Section (depending on who...
issued the notification) and release must not take place until written
correction has been received that the revised release plan is
satisfactory.

5.19.4 The Parole Clerk must then arrange a release date (the Approved
Parole Release Date (APRD) with the supervising officer. If the
decision is issued before the PED, the APRD should be the PED.
Otherwise, release must take place as soon as practicable on an
agreed date. If the PED falls on a Saturday, Sunday or Bank
Holiday, the APRD must be arranged for the next working day: under
the CJA, there is no power to release a prisoner before their PED
other than on compassionate grounds (See Chapter 12 of this
Order).

5.20 Notification to the Police

5.20.1 The Custody to Work Unit, Prison Service HQ, will notify Force
Intelligence Bureaux, 28 days prior to release or as soon as possible
thereafter, of final discharge dates and addresses for all prisoners,
with the exception of civil cases and those imprisoned for non-
payment of fines. This is not intended to replace other arrangements
and establishments must continue to send notifications to the Police
and Probation Service as instructed elsewhere in this chapter/PSO.

5.20.2 In addition to the above and as a separate initiative, each
establishment must make arrangements to notify the home Basic
Command Unit (BCU) (and in licence cases, the Probation Service),
of Prolific and other Priority Offenders’ (PPOs) release dates at least
28 days prior to release or as soon as possible thereafter. These
arrangements apply to all PPOs, regardless of the length of sentence.
As a precaution, the BCU must also be notified on the day the
prisoner is actually released. Again, these arrangements do not
replace the other arrangements set out in this chapter and
establishments must continue to send notification to the Police and
Probation Service as instructed elsewhere in this PSO. Further
information on PPOs can be found in PSO 4615.

5.21 Suspension or cancellation of release arrangements

5.21.1 Approval of release may be suspended at any time up to the moment
of departure, if new information comes to light which would cause the
Parole Board or Secretary of State to review its/his decision. The
prisoner's release plan may break down or he/she may commit
disciplinary offences. If such circumstances arise, the prison must
advise the Parole Board Secretariat or the Early Release and Recall Section (depending on where the notification was issued) immediately. Written confirmation of the changed circumstances may be required. Release must not proceed until the Section or Secretariat confirm that it may go ahead. A decision to withdraw parole can only be made by the Parole Board in cases where the prisoner is serving a sentence of under 15 years and the Early Release and Recall Section in cases where the sentence is 15 years and over.

5.22 Confiscation orders

5.22.1 Confiscation orders are made in the Crown Court. In cases, mainly involving drugs related offences, orders are made under the Drug Trafficking Offences Act 1986. The Crown Court also has the power, under Sections 456 and 457 and schedules 11 and 12 of the Proceeds of Crime Act 2002, to impose confiscation orders on those convicted of other criminal offences if it is satisfied that the defendant has benefited from the offence. In relation to parole a confiscation order does not become part of the single term and release procedures, including release on parole, must therefore be completed as for all other offenders regardless of whether the order has been paid. In considering the case of prisoners applying for parole, the Parole Board does not take into account whether or not a confiscation order has been satisfied, unless it has concerns that it might have an adverse effect upon the prisoner's behaviour whilst subject to supervision.

5.22.2 When release is agreed for a prisoner subject to a confiscation order, (s)he still has a liability to serve the period of the confiscation order. The prisoner must be released from the sentence for which (s)he is serving a period of imprisonment under the same procedures as any other prisoner but should be retained in prison by order of a warrant to serve the period of imprisonment imposed by the confiscation order. If a decision to release on licence from the sentence is made after a confiscation order warrant has been received, the Parole Clerk must ensure that the confiscation order term runs from the day after the notional date the prisoner was released on licence.

5.23 Repatriated Prisoners

5.23.1 There may be occasions where a prisoner has been repatriated from another country to serve the remainder of their prison sentence in the United Kingdom. The sentence calculation will reveal whether or not the prisoner is entitled to be considered for parole. If the calculated PED is at least 6 months hence, then normal parole procedures and timetable will apply. If the PED is historic or within 6 months, the
prisoner must be offered the opportunity to opt-in to the parole process. However, in order for meaningful reports to be prepared, it may be in the prisoner’s best interest to defer the start of the review for three months. But a decision to defer the review must be acted upon only after receipt of the prison’s written authority. Failing receipt of such authority, or in cases where the prisoner is unwilling to put anything to this effect in writing, the parole review should commence with immediate effect.

5.23.2 For those reviews implemented immediately, the timetable can only commence with effect from the reception date of the prisoner into the prison estate. Any subsequent reviews will be in accordance with the timetable set out in paragraph 5.9.3 above. To initiate an immediate review, parole clerks should contact the Parole Helpdesk in the Early Release and Recall Section, as these cannot be activated locally.

5.24 Release Arrangements

5.24.1 So that there is effective liaison between the prison and the supervising officer, the parole clerk must send a copy of the dossier to the supervising officer along with the Parole Board’s reasons for their decision.

5.24.2 A check must be made as to whether the prisoner is covered by additional special arrangements relating to banning orders under the Football (Disorder) Act 2000; or the "release of persons convicted of offences against children and young persons under the age of 18" (CI 54/1994) or Sex Offender Registration (contained in the Public Protection Manual). If so, appropriate action must be taken in accordance with those instructions.

5.25 Licence issue

5.25.1 The Governor must issue the parole licence on behalf of the Secretary of State. The notification of a positive decision will contain any additional conditions to be added to the licence. Care must be taken to ensure that the correct licence is used for prisoners sentenced before 1 October 1992 (standard licence at Appendix I to this chapter). For those prisoners, the LED will be the two-thirds point of the sentence (which is effectively the end of sentence). Prisoners sentenced on or after 1 October 1992, for offences committed prior to 4 April 2005, or those that were sentenced for offences committed on or after 4 April 2005 and who received a term of imprisonment comprising multiple sentences each being less than 12 months, and where the combined length of multiple under 12 month sentences amounts to a total term
of 4 years or more, remain on licence until the three-quarters point and are "at risk" until the SED (standard licence at Appendix J to this chapter).

5.25.2 The Governor, or an officer authorised by the Governor, must sign and issue the licence. The conditions must be explained to the prisoner and he/she should also sign the licence. If the prisoner being released on parole will not sign the licence, the Governor, or authorised officer, must inform the Parole Board Secretariat or Early Release and Recall Section immediately as a refusal to comply with the conditions of release is likely to lead to the suspension or cancellation of release.

5.25.3 One copy of the licence must be given to the prisoner on discharge. One copy (as signed or certified) must be kept on the prisoner's F2050 record and another sent to the prison probation officer. Further copies must be sent to the National Identification Service (NIS) at New Scotland Yard, the Chief Constable and the Chief Probation Officer of the area to which the prisoner is being released, with a copy of the form at Appendix L to this chapter outlining the offence and release address, where this is known.

5.25.4 Where a prisoner has changed his/her name or intends to do so on release, the licence must contain the new name along with the name under which (s)he was previously known. The licence must also include the parole reference and prison number.

5.26 Amendments to licence after release

5.26.1 The Parole Board must, by law, be consulted about amendments to licences following release, whether on parole or at NPD. If the supervising officer wishes to add, amend or delete a licence condition during the supervision period, he/she must apply to the Early Release and Recall Section with a report of the prisoner's conduct and reasons for the request for amendments. If the Parole Board approves the request (in cases where prisoners are serving 15 years or more, the final decision rests with the Secretary of State), the Early Release and Recall Section will issue a fresh licence. The Section will send two copies to the supervising officer, who is responsible for serving and explaining the licence. A copy will be sent to the prison which released the prisoner, another to the National Identification Service and one to the Chief Constable of the area in which the prisoner is living. Further information about the Board and its power to set additional licence conditions can be found at chapter 14 of this Order.

5.27 At Risk Period
5.27.1. All prisoners other than “existing prisoners” are “at risk” of being returned to prison if they commit a further imprisonable offence before the expiry of the sentence. The court dealing with the new offence may add all or part of the outstanding part of the original sentence (at the time the further offence was committed) to any new sentence it may impose. (Section 116, Powers of Criminal Courts (Sentencing) Act 2000.)

5.27.2 DCR prisoners will be “at risk” of being returned to prison if they commit a further imprisonable offence after their licence has expired (the three-quarter point of sentence and before the expiry of the sentence (the “at risk” period). The court dealing with the new offence may add all or part of the outstanding period of the original sentence (at the time the further offence was committed) to any new sentence it may impose (Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000). For the most part, prisoners returned to prison by the courts under Section 116 of the 2000 Act fall to be re-released according to the total length of their new sentences. However prisoners returned to prison under Section 116 for a total term of 12 months or less in respect of new post-release offences committed on or after 30 September 1998 must be re-released on licence at the half-way point under Section 40A of the Criminal Justice Act 1991. The licence (a copy of which is at appendix J) will remain in force for three months.

5.28 Release information

5.28.1. Under the current Victims’ Charter, if the victim contacts the prison, either directly or via the Prison Service Helpline or through the Probation Service Victim Contact Scheme (the Probation Service Victim Contact Scheme) covers victims where the offender has been sentenced to a term of 12 months or more for a sexual or violent offence only (although the probation service can offer contact on a discreional basis if circumstances and resources permit), to ask for information about the prisoner’s release plan, he/she may be told the month of release, the length of time on licence and general area of release only. No information about the release address or the precise date of release may be disclosed. The victim should be referred the Home Probation Officer or Victim Liaison Officer for more information.

5.28.2 Under the new Victims’ Code of Practice – likely to be implemented in late 2005 – apart from the continuing roles of the Prison Service Helpline and the Probation Service Victim Contact Scheme, most communications with victims will be carried out by the probation
service victim liaison officer. However, it is important that prisons have systems in place to liaise with the probation service and that all approved conditions are inserted into prisoners’ release licences, including additional licence conditions affecting victims as agreed by the Parole Board or Secretary of State.

5.29 Fine Defaulters/Contempt of Court

5.29.1 Prisoners serving sentences of twelve months or more for fine default or contempt of court are released unconditionally (all fine defaulters are released unconditionally). Such prisoners are not subject to the arrangements outlined in this Instruction. However, where the fine is consecutive to, or concurrent and overlapping, a determinate sentence of 12 months or more, its effect is to defer the actual release date. If the licence is still extant from the original determinate sentence, establishments must remember that the prisoner must still be released on that licence at the end of the fine. For further information, please refer to the Sentence Calculations Manual (PSO 6650 refers).

5.30 Recall Arrangements

5.31 The recall and breach arrangements for prisoners on a licence issued at the PED are exactly the same as those for prisoners granted non-parole release. These arrangements are outlined in chapter 7 of this PSO.
# APPENDIX A

## DIRECTIONS TO THE PAROLE BOARD UNDER SECTION 32(6) OF THE CRIMINAL JUSTICE ACT 1991

### RELEASE OF DETERMINATE SENTENCE PRISONERS

In deciding whether or not to recommend release on licence, the Parole Board shall consider primarily the risk to the public of a further offence being committed at a time when the prisoner would otherwise be in prison and whether any such risk is acceptable. *This must be balanced against the benefit, both to the public and the offender, of early release back into the community under a degree of supervision and which might help rehabilitation and so lessen the risk of re-offending in the future.* The Board shall take into account that safeguarding the public may often outweigh the benefits to the offender of early release.

2. Before recommending release on parole licence, the Parole Board shall consider:

   a) whether the safety of the public would be placed unacceptably at risk. In assessing such risk, the Board shall take into account:

      i) the nature and circumstances of the index offence including any information provided relating to its impact on the victim or victim’s family;
      ii) the offender’s background, including the nature, circumstances and pattern of any previous offending;
      iii) whether the prisoner has shown by his attitude and behaviour in custody in that he is willing to address his offending behaviour by participating in programmes or activities designed to address his risk, and has made positive effort and progress in doing so;
      iv) behaviour during any temporary release or other outside activities;
      v) any risk to other persons, including the victim, their family and friends;
      vi) any medical, psychiatric or psychological considerations relevant to risk (particularly where there is a history of mental instability);
      vii) if available, the indication of predicted risk as determined by a validated actual risk predictor;
      viii) that a risk of violent or sexual offending is more serious than a risk of other types of offending;

   b) the content of the resettlement plan;

   c) whether the longer period of supervision that parole would provide is likely to reduce the risk of further offences being committed.

   d) whether the prisoner is likely to comply with the conditions of his licence and the requirements of supervision, taking into account occasions where he has breached trust in the past;

   e) the suitability of home circumstances;

   f) the relationship with the supervising probation officer;

   g) the attitude of the local community in cases where it may have a detrimental affect upon compliance; and

   h) representations on behalf of the victim in respect of licence conditions.

3. Each individual case shall be considered on its merits, without discrimination on any grounds.
Parole Timetable

**Week 26**
IIS prompts Parole Clerk to issue application to prisoner

**Week 17**
All reports, including PAR, received. Dossier is complete. Dossier & Reps/Disclosure form provided to prisoner. Update IIS

**Week 13**
Reps/Disclosure form received from prisoner. Dossier checked & signed off by Governor

**Week 12**
Deadline for dossier to be received by Parole Board Secretariat

**Week 6**
Parole Board decision issued (See below)

**25 Weeks**
Parole Clerk requests parole reports and updates IIS

**Week 7**
Dossier considered by Panel

**Decision - Parole**
Awarded/Refused/Deferred
Week 6 -
Receive notice of parole decision.
Notify prisoner & probation

Weeks 3 - 2 -
If applicable, check release arrangements in place with Probation

Week 1 -
If applicable, prepare release licence

Week 0 –
If applicable, release at PED or if anniversary, at earliest opportunity
APPLICATION FOR RELEASE ON PAROLE LICENCE

Note to prison: This form must be issued to the prisoner 26 weeks before PED or anniversary.

HM Prison/YOI.................................................................. Prisoners
Name.................................................................

Review No.................................................................. Prison
No.................................................................

PED.................................................................................. NPD................................................................

You become eligible for parole in about six months time. This means that the Parole Board will consider your case and will recommend whether or not you should be released on licence on or after your Parole Eligibility Date (PED). Parole is not automatic and if you are not successful you will still be released on licence after serving two-thirds of your sentence.

You must sign this form if you wish your case to be considered by the Parole Board. The prison will then obtain reports from the probation service, police, and prison staff to send to the Parole Board. You will have an opportunity to see those reports and then make written representations in support of your application about 4 months before PED. The Parole Board will then meet to reach a decision.

If you do not wish to be considered for parole you should also sign this form (failure to sign this form will be taken as you ‘opting-out’ of the parole process). The Parole Board will acknowledge your wish and no further action will be taken until such time as you may become entitled to a further review.

I wish / do not wish to be considered for release on parole

Signed..................................................
date ..................................................

The Governor, or his or her designated representative, should sign below to indicate that the prisoner does not wish his case to be considered (refusal by the prisoner to sign this form will be taken as an opt-out)

Signed.................................................................. Date................................................................

___________________________________________________________________________________

Official Use Only

Parole Ref..............................

Date Dossier due ..............

Date PAR due ...............
DOSSIER CHECKLIST

To be completed by the Parole Clerk

A. Personal Details:

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<th>Inmate’s name</th>
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<td>Prison number</td>
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<td>Parole Reference</td>
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<td>Interviewing Member</td>
<td>Parole Clerk’s Name and 🙇</td>
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<td>N/A to follow</td>
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B. Contents

1. Front cover sheet and index

2. (A) Summary of offence from **one** of the following sources
   - police report
   - pre-sentence report (probation)
   - pre-sentence psychiatric report
   - Court transcription of sentencing remarks

3. (B) Court papers
   
   *(if applicable, Court of Appeal must be included)*

4. (C) Court Transcript of Sentencing Remarks

5. (D) Previous Convictions

6. (F) Pre-sentence medical, or psych. reports
   
   *(if applicable)*
## For Interviewing

### Member

- **N/A to follow**

- **N/A**

### For PB Panel

- **N/A**

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<td>(G) Copy of previous parole dossiers (if applicable)</td>
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<td>8.</td>
<td>(H) Copy of previous parole decisions (if applicable)</td>
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<td>9.</td>
<td>(J) Sentence Planning and OASys reports</td>
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<td>10.</td>
<td>(M) Adjudications and ADAs</td>
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<td>11.</td>
<td>(N) Prison Parole Assessment</td>
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<td>12.</td>
<td>(P) Seconded Probation Officer’s report</td>
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<td>13.</td>
<td>(Q) Report(s) on offence related work</td>
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<td>(R) Prison medical &amp; Psych. reports (if applicable)</td>
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<td>(K) Post sentence Psychology report</td>
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<td>16.</td>
<td>(L) Category A review report (If applicable)</td>
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<td>17.</td>
<td>(Y) Security Report</td>
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<td>18.</td>
<td>(Z) Victim Personal Statement</td>
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<td>19.</td>
<td>(T) Parole Assessment Report</td>
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<td>20.</td>
<td>(V) Prisoner’s representations disclosure form</td>
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**B.** To be completed by the Governing Governor or delegated senior officer in all cases

Please enter a cross in the appropriate box if, in your opinion, any of the following documents or reports are **NOT** included in this dossier but are **ESSENTIAL** for the Board’s consideration of this case:

- [ ] List of previous convictions
- [ ] Details of prison offences - adjudications and ADAs
☐ Reports on offence-focused work (briefly describe details in box below. Please also indicate in the box below whether or not the prisoner is soon to complete a course or courses for which a report(s) will be available, stating the name of the course(s) and indicating when the report(s) will be available)

☐ Any known medical/psychiatric/psychology reports (enter details of the report in box below) Please use the box below to describe fully any missing reports identified above to enable the Parole Clerk to obtain the correct report/document quickly; or to list any additional reports which, while not part of a standard dossier, should in your opinion be available to the panel which considers this case, or add comments on the likely availability dates of reports on courses currently being undertaken

If you have not identified any additional reports required before this case can be paneled please tick here to indicate that you are content for this case to be paneled on the information currently available:

Please return completed form to the Parole Clerk
APPLICATION FOR RELEASE ON PAROLE LICENCE

DISCLOSURE FORM / PRISONER’S REPRESENTATIONS

Note to prison: This form should be used for prisoners sentenced to four years or more. This form must be issued to the prisoner at the same time that the parole dossier is disclosed.

HM Prison / YOI: Prisoner’s Name:
Parole Review No: Prisoner’s Name:
Parole Ref. No: Prison No:
NPD: PED:

A copy of your parole dossier should have been made available to you and this form allows you to make any comments on the contents of your dossier and also give you any other information about your application that you feel the Parole Board should have.

The following reports have been disclosed to you:

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<td>Summary of Offence</td>
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<td>Court Papers</td>
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<td>Court Transcript of Sentencing Remarks</td>
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<td>Pre-Sentence Medical or Psychiatric Report</td>
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<td>Copy of Previous Parole Dossiers</td>
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<td>Copy of Previous Parole Decision Notices</td>
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<td>Sentence Planning and OASys Documentation</td>
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<td>Offence Related Work Report</td>
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<td></td>
<td>Prison Medical/Psychiatric/Psychological Reports</td>
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Issue No. 226  Issue date 31/03/05
Delete as appropriate

* The Parole Board has not been given additional information which has been withheld from you.

* The Parole Board has been given additional information which has been withheld from you in accordance with rules made by the Secretary of State. The information has been withheld from you [please insert the criterion under which the information is being withheld – please see paragraph 5.16.1 above]. You have no right to see this information and no grounds for appeal to the Parole Board or Prison Service.

Please sign and date this form to indicate that disclosure has taken place.

Signed

Date

Please give any comments that you have about the reports you have seen.
Please give any other information you feel the Parole Board should have when considering your case. The Parole Board will have to decide whether your early release on licence would put the public at risk, whether you are likely to commit any further offences and what the chances of you returning to society to lead a law-abiding life will be.

Signed

Name (print)

Date

Continue on a separate sheet if necessary
**Parole dossiers must include (where applicable)**

<table>
<thead>
<tr>
<th>CONTENTS OF PAROLE DOSSIER</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front cover sheet and index</td>
<td>Parole Clerk</td>
</tr>
<tr>
<td>2. Summary of offence from one or all of the following sources</td>
<td>ERRS (for sentences after 1.1.97)</td>
</tr>
<tr>
<td>- police report</td>
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<td>- pre-sentence report (probation)</td>
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<tr>
<td>- pre-sentence psychiatric report</td>
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<tr>
<td>- Court Transcription of sentencing remarks</td>
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</tr>
<tr>
<td>3. Court papers (including Form 5089 &amp; 5035) (including, if the offender has appealed, the appeal papers must be included)</td>
<td>Sentencing Court/ Court of Appeal</td>
</tr>
<tr>
<td>4. Court Transcript of Sentencing Remarks</td>
<td>Prison/ERRS</td>
</tr>
<tr>
<td>5. List of previous convictions</td>
<td>Police/court/probation</td>
</tr>
<tr>
<td>6. Pre-sentence medical, psychological or psychiatric report (if applicable)</td>
<td>Probation/Healthcare/prison psychology</td>
</tr>
<tr>
<td>7. Copy of previous parole dossiers (if applicable)</td>
<td>Parole Clerk</td>
</tr>
<tr>
<td>8. Copy of previous parole refusal notice(s) (if applicable)</td>
<td>Parole Clerk</td>
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<tr>
<td>9. Sentence Planning and OASys documentation</td>
<td>Prison/Probation</td>
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<tr>
<td>10. Adjudications and ADAs (if applicable)</td>
<td>Prison</td>
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<tr>
<td>11. Prison Parole Assessment</td>
<td>Prison</td>
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<td>12. Seconded Probation Officer’s report</td>
<td>Seconded probation Officer</td>
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<td>13. Report(s) on offence related work (if any)</td>
<td>Prison</td>
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<td>14. Prison medical / psychiatric / psychological reports (if applicable)</td>
<td>Prison/other</td>
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<tr>
<td>15. Post Sentence psychology report (if any)</td>
<td>Prison Psychology</td>
</tr>
<tr>
<td>16. Category A Review report (If applicable)</td>
<td>Category A Clerk</td>
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</table>
The Parole Clerk must check that dossiers contain these reports.
The Secretariat WILL return dossiers to establishments if they do not contain the reports.

The dossier may also contain any other relevant information such as
pre-sentence reports,
Prison Chaplain’s report or job offers or letters of support.
Letters/Other papers
These may be included in the dossier but none of these documents are essential for the parole review.
Guidance on Parole Dossier

The Prison Service is ultimately responsible for the final version of the dossier which is copied to the Parole Board, although the Board itself may request additional information. The Governor or nominated senior officer must monitor reports to ensure that standards are maintained. It is essential that the Board has adequate information on which to base its decision on the early release of a prisoner. The Parole Clerk must attempt to assemble essential parole papers in a dedicated parole file, as soon as possible after sentence has been passed, as this will ensure that all papers essential for the parole dossier are available.

1. Front cover sheet and index

The front cover sheet and index can be printed from the IIS system. The sheet must be countersigned by the senior officer responsible for parole to certify that he/she is content with its contents.

2. Summary of offence(s)

An accurate, brief description of the offence(s) for which the prisoner was found guilty and sentenced is essential. A police report must be requested as soon as a prisoner is sentenced as it will be used in sentence planning and allocation decisions. The report should be included in the Prison Record and transferred when the prisoner moves, although the initial move from a local prison often takes place before the police report has arrived. The police may occasionally provide pre-trial prosecution evidence, such as witness statements or statements of interviews. These must not be included in the dossier as they do not necessarily set out the circumstances of the offence as established in court: they are liable to challenge by the prisoner and could mislead the Parole Board. If, however, these are the only reports of the offence that can be obtained from the police, advice should be sought from Early Release & Recall Section. If it does not prove possible to obtain a police report, details of the offence may be contained in the pre-sentence report or the pre-sentence psychiatric report. However every effort must be made to obtain a police report.

3. Sentencing Court/Court of Appeal papers

These are not always provided, but must be included in the dossier where available. This helps to clarify any confusion about the sentence that the prisoner has been given (e.g. in cases of multiple convictions, it is sometimes difficult to distinguish which conviction attracted which sentence). Court papers should include remand warrants, indictments and court records (5089) as well as the Order for Imprisonment. In every case where the prisoner has appealed against conviction or sentence, there should be papers from the Court of Appeal. These must be included in the dossier.

4. Court Transcripts of sentencing remarks
Judges’ sentencing remarks give a more objective view of the evidence on which the conviction is based. From 1 January 1997, court transcripts of sentencing remarks have been supplied for all prisoners sentenced to 4 years or more. Allowing time for any appeal to lapse, transcripts should reach the Early Release & Recall Section 6-8 weeks after sentencing. The Early Release & Recall Section will record the details, check the current location of the prisoner and send that transcript on to that establishment within 4 weeks. To ensure that all transcripts are received for prisoners serving 4 years or more, Parole Clerks at the holding prison at that stage of the sentence must alert Early Release & Recall Section of any transcripts which have not been received by the establishment by 4 months or more after a prisoner is sentenced.

5. List of previous convictions

It is essential for the Parole Board to have a copy of a list of the prisoner’s previous convictions. The relevant form should be attached by the police to the warrant of committal and this must be obtained when the prisoner is first received if it has not been provided already. The NIS number must also be available for inclusion on the licence on release.

6. Pre-sentence medical/psychiatric reports/psychological reports (if available)

The court cannot decide that a custodial sentence is justified unless it has obtained and considered a pre-sentence report. The only exception is if the offender is being sentenced for an offence triable only on indictment (e.g. manslaughter, rape, robbery). This exception applies only if the court is of the opinion that, in the circumstances of the case, it is unnecessary to obtain a PSR. The court may also request a medical/psychiatric report in certain cases and this should be available to the Parole Board. Where the report has been marked "confidential" and has not been disclosed during court proceedings, the author must be approached to have it re-classified.

7. Copy of previous parole dossiers & refusal decisions

It is important for past review papers, in particular the Prison Assessment for the Parole Board and the Supervising Officer’s Report to be available to the Parole Board so that progress can be monitored. In addition, it is important for a panel considering a case at a second or subsequent review to have a copy of the reasons given for the refusal of parole at the previous review. These should follow logically at the end of the previous review papers.

8. Sentence Planning Documentation and OASys Assessment Report

The dossier must contain all of the sentence planning documentation, in chronological order. An OASys assessment must be reviewed in preparation for a parole review, if it has not been reviewed within the previous three months or if there has been any material change of circumstances since the most recent review. The full OASys assessment must be included in the parole dossier. If there is no assessment available for review – this is likely in a number of cases during the transition period from the previous sentence planning system to OASys.
(further guidance on the transition from the previous Sentence Planning system to OASys can be found in PSO 2205) – where resources permit, an OASys assessment should be prepared and included in the dossier. The assessment should be included in this section in addition to any other sentence planning documentation.

9. **Adjudications and ADAs**

The record sheets for adjudications which have been proven or which are outstanding must be attached (the latter must be clearly marked as such). Other than in exceptional circumstances, any unproved adjudications, or adjudications which have subsequently been quashed, must not be included in the dossier.

10. **Prison Parole Assessment (PPA)**

This is the one of the key prison documents and must be provided in the dossier. It is essential that each section is fully completed with the reporting officer's assessment (not the prisoner's own reply to the questions). Where the personal officer scheme is operated, he/she will normally be the reporting officer. Otherwise the Governor must ensure that an officer with personal knowledge of the prisoner completes the form. The report should be written by one officer only, based upon information supplied from other relevant members of staff, contained in the prisoner's Personal Record and following an interview with the prisoner. This report must be signed and dated by the completing officer and must be countersigned and dated by the Governor or delegated senior official. Incomplete PPA forms must be returned to the countersigning governor by the parole clerk and will be returned by the Parole Board where unsatisfactory. It is essential for the Prison Parole Assessment to be based on the conclusions reached following the interview with the prisoner and on the contents of the sentence planning/OASys documentation. This document has not been replaced by the OASys report.

11. **Seconded Probation Officers Report**

This report will normally include, amongst other information, the following details:

a. **Sources**: The level of previous contact with the prisoner; whether or not the report has been discussed with the home probation officer and prison staff; any documentation/files consulted; and of any information which is missing (e.g. Previous Convictions).

b. **Relevant information about the prisoner and the offence**: Whether the prisoner's account of the offence differs from other/previous accounts; patterns or cycles that have been identified from the offending behaviour; any explanation given by the prisoner for his/her offending; the current attitude of the prisoner towards the victim/impact of the offence; and any development of insight during the sentence.

c. **Behaviour and progress in custody**: Details of any specific planning objectives and how far these have been met; details of any offending behaviour work completed; whether any education has taken place during sentence and details of any qualifications gained; an assessment of the prisoner's level of literacy and numeracy; details of any
employment the prisoner has undertaken during sentence; any significant reasons for transfer between prisons; whether or not there is a pattern of adjudications and whether these relate to risk areas; the record of MDTs; and the level of community support/visits from family and friends during the sentence.

d. **Medical, Psychiatric and Psychological Considerations:** Details of any physical or mental health issues about which the report writer has concerns; information relevant to planning, or resources, if custody is to continue; and any information that should be considered in the planning for safe release.

e. **Risk assessment & Risk management plan:** Whether the prisoner is subject to MAPPA; whether the prisoner is subject to the notification requirements of Part II of the Sexual Offences Act 2003; and the impact these may have on the risk assessment and management plan.

f. **Conclusions and recommendations:** whether or not parole is recommended, in light of the home probation officer’s assessment of the feasibility of managing risks in the community; and any recommendations for further risk management measures, including additional licence conditions.

The reporting officer should endeavour also to liaise with the Security Manager of the establishment in order to observe the latest security report prepared for the parole review and assess any issues that may have a bearing on risk, to enable such information to inform the content of their report. *If any risk issues are identified, the reporting officer must endeavour to discuss the information with the field probation officer before the PAR is prepared.*

12. **Report(s) on offence related work**

*Reports which are available of offending behaviour courses (SOTP, anger management etc.) must be included in the dossier.* Where full reports are not available, summaries should be included. Parole clerks should inform the Parole Board of any courses being undertaken that have not been completed or, if completed but the report is not available, of the likely dates for completion and availability of reports. Such details should be entered in the text box on page 2 of the dossier checklist.

13. **Prison medical/psychiatric/psychological reports**

The Parole Board needs to know of any medical or psychiatric information relevant to the parole decision. *Where the prisoner is receiving treatment from a psychiatrist or psychologist, a report must be obtained.* In addition, the Parole Board may ask for reports where it is considered necessary in order to form a proper assessment of risk.

14. **Post sentence psychology report (if any)**

A psychologist report is automatically provided in connection with category A reviews. *All such reports must be included in the dossier.* If any other category prisoner has had a psychological report completed, this must also be obtained and included in the dossier.
15. Category A Review report (Where applicable)

If applicable, a copy of the latest Category A Review report must be included in the dossier. Appropriate attention must be paid to disclosure/non-disclosure procedures.


The Parole Board (and in the case of those prisoners serving a sentence of 15 years or more, the Secretary of State) needs to know of any security information relevant to the parole decision. The Security Manager must, only on information assessed as reliable, produce a report (using the form at Appendix M as a template) for inclusion in the parole dossier. The report should focus on any information that is relevant to risk to enable the Parole Board (and in the case of those prisoners serving a sentence of 15 years or more, the Secretary of State) to determine whether or not the prisoner is of sufficiently low risk to warrant early release on parole.

A security report must be prepared for inclusion in each parole review, in accordance with the parole timetable, regardless of the security category in which the prisoner is held. Where there are no security considerations, the report should simply state: “There are no relevant security considerations”.

Appropriate attention must be paid to disclosure/non-disclosure procedures.

17. Victim Personal Statements

A Victim Personal Statement may have been given by the victim to the police at some point after the index offence was carried out. If a Statement was made it must be included in the dossier. Appropriate attention must be paid to disclosure/non-disclosure procedures.

18. Parole Assessment Report

The National Standards for the Supervision of Offenders require the supervising officer to complete a parole assessment report for all prisoners serving sentences of 4 years or more. It will normally include, amongst other information, the following details:

a. Sources: Length and level of involvement with the prisoner; the relationship of the prisoner to the supervising officer; whether the prisoner was interviewed for the purposes of the report; whether the report was discussed with the seconded probation officer; other relevant sources of information; missing information (e.g. previous convictions); whether or not there has been a home visits undertaken; contribution towards mabe by the report writer to sentence planning for the prisoner.

b. Relevant information about the offender and the index offence: Offence analysis; whether or not a pattern of offending has been identified and how this
relates to the current offence; any underlying factors; prisoner’s attitude to the
offence, victim and authority; and prisoner’s motivation to change.

c. **Victim Information:** Level of contact between the report writer and the victim
liaison officer; any reasons for no victim contact information; where relevant, the
relationship of the offender to the victim; whether or not other reports (e.g. from
the Crown Prosecution Service) that assess the impact to the victim of the
offence; an assessment of the continuing risk to the victim; and an assessment
of the attitude of the wider community to the prisoner;

d. **Risk Assessment:** A summary of the results of any OASys assessment; an
analysis of the specific risks presented by the prisoner (e.g. is the prisoner
subject to MAPPA?).

e. **Resettlement Plan:** What are the risks; what are the objectives and how these
will be achieved; the level at which the prisoner’s risk needs to be managed;
and the prisoner’s response to such plans.

f. **Supervision Plan:** the identification of work required to address the underlying
factors identified in OASys that would help to reduce the risk of re-offending.

g. **Conclusion and Recommendations:** an assessment of feasibility of parole; a
clear recommendation, drawing on the risk assessment, the risk management
plan and of the prisoner’s ability to comply with the parole licence.

The supervising officer must sign and date the report and ensure that they have included their
address and telephone number, and the prisoner’s prison number/parole reference. The Parole
Assessment Report must be sent to the prison at least 17 weeks before PED to be disclosed to
the prisoner. It is added to the dossier which must reach the Secretariat no later than 12 weeks
before PED.

19. **Prisoner’s Disclosure Form/Representations**

The prisoner has the chance to make representations in writing. The initial representations
must be received by no later than 13 weeks before PED for inclusion in the dossier. The
disclosure form provides guidance on the information relevant to the Board’s decision, but the
prison must forward to the Board anything the prisoner wishes to be included in his dossier.
Legal representations may be submitted direct to the Parole Board by the legal adviser who
must, where possible, be given an intimation of the date on which the dossier will be
considered by the Board.

Any document received for inclusion in the dossier, subsequent to the initial disclosure of the
dossier to the prisoner, must be disclosed in the manner described and is subject to
consideration of all disclosure/non-disclosure issues.
20. Parole Board Member Interview report

There is no statutory obligation for prisoners to be interviewed by the Parole Board. The Board will, where it is thought that an interview will assist their decision making process, notify the prison and arrange to interview the prisoner.

Optional reports

The following reports may also be included in the dossier where available, although failure to do so will not lead to the dossier being returned.

Prison Chaplain’s Report.

Letters/Other Papers - these would include letters of support from the prisoner's family, friends and former or prospective employers. If there are many repetitive letters, it may be appropriate to include only a representative sample in the dossier sent to the Board. Letters arguing against parole are more difficult to handle. They may be malicious and contain unproved allegations; but sometimes they may be from the victim or victim's family or other persons with a valid interest in the case. There may be disclosure problems as open reporting does not extend to information that could be injurious to third parties. The views of the supervising officer must be sought before a letter from a victim or other person is included in the dossier. The final decision will be made by the Governor.

The following documents must not be included in the dossier:

- Nominal Index Card (this must be sent along with the dossier to be placed on the left-hand side of the file for reference)
- Appendices to police reports containing prosecution evidence
- Police antecedents
- Categorisation forms in respect of category B, C or D prisoners
- Medical Record
- Information of Special Importance Sheet
- Unsubstantiated positive voluntary drug screening test results (Please see PSO 3620, Chapter 3, paragraph 3.16)

Press cuttings and photographs must not be included in the dossier (unless they are part of the prisoner’s representations). Their presence could create a bias in the minds of those considering the
case. In general, no other pictures or diagrams should be included in the dossier. Possible exceptions could include leaflets on release hostels which occasionally accompany the supervising officer's report, or diagrams / maps supplied by the Probation Service.
<table>
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<th>PAROLE DOSSIER – INDEX SHEET</th>
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<tr>
<td><strong>Parole Ref:</strong></td>
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<td><strong>Review No:</strong></td>
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<td><strong>Name:</strong></td>
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<td><strong>Sex M/F</strong></td>
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<td><strong>Date of Birth</strong></td>
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<td><strong>Early/Special: Yes/No</strong></td>
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<td><strong>PED:</strong></td>
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<td><strong>Date of Sentence:</strong></td>
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<td><strong>Date of Next Review:</strong></td>
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<tr>
<td><strong>Documents Enclosed -MANDATORY</strong></td>
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<td>A  Summary of Offence</td>
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<tr>
<td>B  Court Papers</td>
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<td>C  Court Transcript of Sentencing Remarks</td>
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<td>D  Previous Convictions</td>
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<td>F  Pre-Sent. Med/Psychiatric Reports</td>
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<td>G  Previous Parole Dossier(s)</td>
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<td>H  Previous Parole Decisions</td>
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<td>J  Sentence Planning and OASys Reports</td>
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<td>M  Adjudications and ADAs</td>
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<td>N  Prison Parole Assessment Report</td>
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<td>P  Seconded Probation Officer’s Report</td>
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<td>Q  Offence Related Course Reports</td>
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**Chapter 2 – OPTIONAL**

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<td>Letters/Other Papers</td>
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APPENDIX I

LICENSE

Criminal Justice Act 1991

HMP/YOI: 
Tel

Name: Date of Birth: 
Prison No: CRO No: 
Parole Ref No: PNCID No: 

1. Under the provisions of Section 35 of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................ and expires on ............... unless this licence is previously revoked.

3. On release you must report without delay to:

Name: 
Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by you supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes Channel Islands and Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision until the end of your sentence.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter the two thirds point of sentence].

Signed: Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
L I C E N C E

Criminal Justice Act 1991

HMP/YOI:
Tel:
Name:

Date of Birth:
Prison No: CRO No:
Parole Ref No: PNCID No:

1. Under the provisions of Section 35 of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................ and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to:

Name:
Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any reasonable instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter the three-quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed: Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX K

LICENCE

Criminal Justice Act 1991

HM Prison / YOI
Tel

Name:                     Date of Birth:
Prison No.:               CRO No.
PNC No.:

1. Under the provisions of Section 40A of the Criminal Justice Act 1991 you are being released on licence for a period of three months. You will be under the supervision of a probation officer or a social worker of a local authority social services department or member of a Youth Offending Team and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on……………..and expires on………………..(subject to your being returned to custody for any reason).

3. On release you must report without delay to:

Name:
Address:

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

   ii. if required, receive visits from your supervising officer at your home/place of residence;

   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purpose of your supervision, which is to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37(4) of the Criminal Justice Act 1991.

7. In accordance with the provisions of Section 40A(4) of the Criminal Justice Act 1991, if you do not comply with the requirements in paragraphs 3, 4 and 5 above you will be liable to prosecution before a court. The court may fine you or recall you to custody. If you are sent back to prison and re-released before the end of the licence period, you will still be subject to supervision.

8. Your sentence expires on [ ]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX L

C.R.O. NO. 

PRISON NO. 

SURNAME | FIRST NAME 

DATE OF BIRTH | PLACE OF BIRTH 

PARTICULARS OF PRESENT CONVICTION

SENTENCE .................................................................

COURT .................................................................

DATE OF SENTENCE ............................................

OFFENCE .................................................................

HM PRISON/YOI .................................................................

DATE OF RELEASE .................................................................

LICENCE EXPIRY DATE .................................................................

RELEASE ADDRESS (IF KNOWN) .................................................................

NAME AND ADDRESS OF SUPERVISING PROBATION OFFICER

Issue No. 226 Issue date 31/03/05
SECURITY REPORT FOR INCLUSION IN PAROLE DOSSIER

Name of Offender: Establishment:
Prison Number: Parole Reference:
Date of Birth: Parole Eligibility Date:
Non-Parole Release Date

Please ensure that this report includes, only on information assessed as reliable, a summary of any information that is relevant to risk to enable the Parole Board (and in the case of prisoners serving a sentence of 15 years or more, the Secretary of State) to determine whether or not the prisoner is of sufficiently low risk to warrant early release on parole.

A security report must be completed regardless of the security category in which the prisoner is held. A report must also still be provided, even if the Security Manager is not aware of any security concerns that may impact upon the parole decision. In such cases, the report should simply state: “That there are no relevant security considerations”.
This report must be written with full disclosure to the prisoner in mind. Where it is felt that part or all of the report is not suitable for disclosure, the guidance at paragraphs 5.15 and 5.16 of chapter 5 of PSO 6000 must be followed.
CHAPTER 6

NON – PAROLE (NPD) RELEASE

6.1 Summary

This chapter deals with the licence and supervision arrangements for those prisoners sentenced, on or after 1 October 1992 in respect of offences committed prior to 4 April 2005, to a period of four years or more, who are refused early release on licence or opt out of the parole process and are released automatically at the two-thirds point of the sentence. It also deals with the licence and supervision arrangements for those prisoners whose offences were committed on or after 4 April 2005 and who received a term of imprisonment comprising multiple sentences each being less than 12 months, and where the combined length of the multiple under 12 month sentences amounts to a total term of four years or more. For those sentenced before 1 October 1992 this is effectively the end of sentence as the final third is remitted.

MAIN ACTIONS AND RESPONSIBILITIES

At least 10 weeks before NPD, the parole clerk/governor must contact the supervising officer either:

- to confirm that any additional conditions approved by the Parole Board at the time of the prisoner’s last parole review are in place/ require amendment

  or, if the prisoner has opted out of the entire parole process or his/her last review,

- to enquire whether additional conditions are thought necessary, and if so, to inform the supervising officer that they should submit an application (copied to the parole clerk) to the Parole Board for approval, as soon as possible

- issue NPD licence
6.2  NPD Supervision period

6.2.1 Prisoners released on their NPD are released on licence under supervision until the three quarters point of the sentence (or to the end of the sentence in the case of sex offenders, where that was directed at the time of sentencing under section 44 of the CJA 1991). The parole clerk must arrange for the NPD licence to be issued.

6.3  Additional Conditions

6.3.1 If the prisoner has been refused parole, the Parole Board may have directed at the last review that additional conditions should be attached to the NPD licence. The parole clerk must confirm with the supervising officer at least 10 weeks before NPD that these have not subsequently been amended and whether any others are required. For example, a general requirement to reside at a hostel may be enhanced by specifying a particular hostel or particular treatment - detailed information of this kind might not have been available at the time the Board last saw the case. The Probation Service should return a written request at least 6 weeks before NPD. Requests to amend the conditions before release must be sent by the Parole Clerk to the Parole Board Secretariat in all cases for submission to the Board. If the amendments are approved, new notifications will be issued by the Secretariat for the cases for which the Board has delegated authority and the Early Release and Recall Section in all other cases.

6.3.2 A prisoner may have opted out of being considered for parole entirely, or just opted out of the last review. In such cases the Parole Board will not have had an opportunity to consider whether additional conditions are required. It is as important for the cases of these prisoners to be considered by the Board as those who opt in to the parole system. In view of this, the parole clerk/governor must discuss the need for additional conditions with the supervising officer, preferably at least 10 weeks before release. If any are thought to be necessary, the supervising officer must make an application to the prison at least six weeks before release.

6.3.3 On receipt, the parole clerk must compile a dossier which will

Issue No.226          Issue date 31/03/05
include the application to the Parole Board and background reports - police report of the index offence, pre-sentence report, previous convictions, OASys Assessment Report/and or sentence planning documents, and a structured release plan from the supervising officer including the reasons for requesting the additional conditions. The papers must be disclosed to the prisoner in line with the procedures outlined in Chapter 5 and the prisoner’s representations included in the dossier which is then forwarded to the Parole Board Secretariat. The dossier is particularly important where the prisoner has opted out altogether, because the Board will not have the benefit of earlier parole papers. Further information in respect of the procedures for dealing with additional licence conditions, including those requested by the Probation Service after the prisoner has been released on licence, can be found at chapter 14 of this Order.

6.4 Notifications to the Police

6.4.1 The Custody to Work Unit, Prison Service HQ, will notify Force Intelligence Bureau, 28 days prior to release, of final discharge dates and addresses for all prisoners, with the exception of civil cases and those imprisoned for non-payment of fines. This is not intended to replace other arrangements and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this chapter/PSO.

6.4.2 In addition to the above and as a separate initiative, each establishment must make arrangements to notify the home Basic Command Unit (BCU) (and in licence cases, the Probation Service), of Prolific and other Priority Offenders’ (PPOs) release dates at least 28 days prior to release. These arrangements apply to all PPOs, regardless of the length of sentence. As a precaution, the BCU must also be notified on the day the prisoner is actually released. Again, these arrangements do not replace the other arrangements set out in this chapter and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this PSO. Further information on PPOs can be found in PSO 4615.

6.5 Issuing the licence

6.5.1 The standard NPD licence is at Appendix A to this chapter. The Governor, or an officer/authorised by the Governor, must sign and issue the licence. The conditions must be explained to the prisoner and he/she should also sign the licence. If the prisoner
will not sign the licence, the Governor or designated officer must certify on it that the conditions have been explained and that the prisoner has refused to sign. This is important in case of breach action. **One copy of the licence must be given to the prisoner on discharge:** one copy (as signed or certified) kept on the prisoner's F2050 record; and another sent to the prison probation officer. **Further copies must be sent to the National Identification Service (NIS) at New Scotland Yard, along with the form at Appendix C to this chapter, outlining the prisoner’s offences and release address where known, and to the Chief Constable and the Chief Probation Officer of the area to which the prisoner is being released.** There is no need to issue a separate “at risk” notice. A copy of the dossier must also be sent to the supervising officer.

### 6.6 Release arrangements

6.6.1 There is no mechanism to delay release if a prisoner refuses to comply with non-parole supervision. The Governor is responsible for ensuring that suitable reporting instructions are made and that the supervising officer is informed of the release date and time. If no release address is given, the Governor must instruct the prisoner to report in person to the duty officer at the probation office in his/her usual area or the petty sessional area in which he/she was tried: prisoners cannot simply choose to go to where they like. Breach action may be taken by the Early Release and Recall Section if the prisoner fails to report as directed: prisoners should also be made aware of this.

6.6.2 **A check must be made as to whether the prisoner is covered by additional special arrangements relating to banning orders under the Football (Disorder) Act 2000; or the "release of persons convicted of offences against children and young persons under the age of 18" (IG 54/1994); or Sex Offender Registration (contained in the Public Protection Manual). If so, appropriate action must be taken in accordance with those instructions. If a prisoner is believed to be a high risk to the public, the procedures in PSI 24/99 and the Public Protection Manual must be followed.**

### 6.7 Release Information

6.7.1 Under the current Victims’ Charter, if the victim contacts the prison, either directly or via the Prison Service Helpline or through the Probation Service Victim Contact Scheme (the Probation Service Victim Contact Scheme covers victims where the offender has been sentenced to a term of 12 months or more for
a sexual or violent offence only (although the probation service

6.7.2 Under the new Victims’ Code of Practice – likely to be
implemented in late 2005 – apart from the continuing roles of the
Prison Service Helpline and the Probation Service Victim Contact
Scheme, most communications with victims will be carried out by
the probation service victim liaison officer. However, it is
important that prisons have systems in place to liaise with the
probation service and that all approved conditions are inserted
into prisoners’ release licences, including additional licence
conditions affecting victims as agreed by the Parole Board or
Secretary of State.

6.8 At Risk

6.8.1 As the licence period and the "at risk" period overlap, where a
prisoner on licence breaches the licence and re-offends, he is
liable to recall. In addition, if convicted, the courts may impose an
additional custodial period because the prisoner has committed
an imprisonable offence during the currency of an earlier sentence.

6.8.2 DCR prisoners who are within the “at risk” period (i.e. where the
licence has expired) remain “at risk” until the sentence has been
served in full). They will, however, be “at risk” of being returned
to prison if they commit a further imprisonable offence before the
expiry of the sentence. The court dealing with the new offence
may add all or part of the outstanding period of the original
sentence (at the time the further offence was committed) to any
new sentence it may impose (Section 116 of the Powers of
Criminal Courts (Sentencing) Act 2000). For the most part,
prisoners returned to prison by the courts under Section 116 of
the 2000 Act fall to be re-released according to the total length of
their new sentences. However prisoners returned to prison under
Section 116 for a total term of 12 months or less in respect of
new post-release offences committed on or after 30 September 1998 must be re-released on licence at the half-way point under Section 40A of the Criminal Justice Act 1991. The licence (a copy of which is at appendix B) will remain in force for three months.

6.9 Fine Defaulters/Contempt of Court

6.9.1 Prisoners serving sentences of twelve months or more for fine default or contempt of court are released unconditionally (all fine defaulters are released unconditionally). Such prisoners are not subject to the arrangements outlined in this Order. However, where the fine is consecutive to, or concurrent and overlapping, a determinate sentence of 12 months or more, its effect is to defer the actual release date. (If there the licence is still extant from the original determinate sentence, establishments must remember that the prisoner must still be released on that licence at the end of the fine.) For further information, please refer to the Sentence Calculations Manual (PSO 6650 refers).

6.10 Recall Arrangements

6.10.1 The recall and breach arrangements for prisoners on a licence issued at the NPD are exactly the same as those for prisoners granted early release. These arrangements are outlined in chapter 7 of this PSO.
1. Under the provisions of Section 33(2) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................. and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:
Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;
iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [    date    ]. If you are not recalled, your licence will expire on [enter three-quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed: Date:
APPENDIX B

LICENCE

Criminal Justice Act 1991

HM Prison / YOI
Tel

Name:                                                                              Date of Birth:
Prison No.:                                                                       CRO No.:
PNC No.:

1. Under the provisions of Section 40A of the Criminal Justice Act 1991 you are being released on licence for a period of three months. You will be under the supervision of a probation officer or a social worker of a local authority social services department or member of a Youth Offending Team and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on……………………and expires on……………………...(subject to your being returned to custody for any reason).

3. On release you must report without delay to:

   Name:

   Address:

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:
   
   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

   ii. if required, receive visits from your supervising officer at your home/place of residence;

   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

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iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37(4) of the Criminal Justice Act 1991.

7. In accordance with the provisions of Section 40A(4) of the Criminal Justice Act 1991, if you do not comply with the requirements in paragraphs 3, 4 and 5 above you will be liable to prosecution before a court. The court may fine you or recall you to custody. If you are sent back to prison and re-released before the end of the licence period, you will still be subject to supervision.

8. Your sentence expires on [                          ]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed: Date:
### APPENDIX C

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#### PARTICULARS OF PRESENT CONVICTION

| SENTENCE | |
|----------| |
|          | |

| COURT | |
|-------| |
|       | |

| DATE OF SENTENCE | |
|------------------| |
|                  | |

| OFFENCE | |
|---------| |
|         | |

| HM PRISON/YOI | |
|---------------| |
|               | |

| DATE OF RELEASE | |
|-----------------| |
|                 | |

| LICENCE EXPIRY DATE | |
|---------------------| |
|                     | |

| RELEASE ADDRESS (IF KNOWN) | |
|-----------------------------| |
|                             | |

| NAME, ADDRESS AND CONTACT NUMBER OF SUPERVISING PROBATION OFFICER | |
|------------------------------------------------------------------| |
|                                                                  | |
CHAPTER 7

RECALL OF DETERMINATE SENTENCE PRISONERS

7.1 Summary

7.1.1 This chapter explains the breach and recall arrangements for all determinate sentence prisoners who are released on licence into the community. This chapter will also outline the arrangements for recalls of young offenders, juveniles and adult prisoners released on Home Detention Curfew (HDC), whose breach is of the HDC condition of their licence or Notice of Supervision.

7.1.2 The new recall provisions will apply to all prisoners, sentenced to a determinate sentence of 12 months or over, and released from prison on licence, other than those prisoners whose earliest offence was committed prior to 1 January 1999. The provisions will also apply to prisoners subject to HDC, and who are recalled for a breach of general licence conditions. This chapter also covers the initial recall decision in respect of extended sentence prisoners, although any subsequent review of extended sentence prisoners is covered in Chapter 8 of this Order.

7.1.3 The Early Release and Recall Section will create a “Recall Review” for all revocation requests. These are generated within the parole processes on IIS and are accessible to all parole clerks. Any revocation action appropriate to an establishment will appear on the Parole Clerk Action Worksheet and must be dealt with in the same manner as any parole action.
• A report that a prisoner is not complying with licence condition/s, or that risk to the public has escalated, and recommending recall, is sent to the Early Release and Recall Section (ERRS) by the supervising probation service.

• The ERRS will, on behalf of the Secretary of State, make an immediate, executive decision whether or not to revoke the licence.

Establishments receiving prisoners into custody, must check in every case whether the individual is a licence revokee on the Inmate Information System (IIS), and inform the ERRS whenever such a prisoner is received.

When ERRS is notified that a prisoner has been received into custody, it will issue the “representations against recall dossier” to the establishment within 1 day. The parole clerk must ensure that it is disclosed to the offender immediately upon receipt.

• The prisoner must consider whether they wish to make representations against the decision to recall. The parole clerk must confirm to ERRS that the reps dossier has been disclosed and whether the prisoner wishes to exercise their right to make representations within 5 days.

ERRS will put all cases, irrespective of whether representations have been submitted, before the Parole Board, within 28 days (20 working days) of return to custody.

The Parole Board will make a decision as to whether the recall to custody was justified, and will make one of four decisions;

1. Immediate release
2. Release at a specified future date
3. Further review of the case at a future date
4. Release at SED (if less than 12 months away)

Where the Parole Board sets a future review date, prison staff may be asked to complete assessment reports. The responsibility for requesting reports for the further review and putting the dossier together, lies with ERRS.

Prisoners re-released after recall, where the Parole Board has determined that the decision to recall was not justified, will be released on their original licence but with the Licence Expiry Date (LED) and Sentence Expiry Date (SED) adjusted by any Unlawfully at Large (UAL) days.

Where the Parole Board decides the recall decision was justified the prisoner must be re-released on the date set by the Board, on licence to the SED. Again the SED must be adjusted to reflect any UAL days.

7.2 Existing prisoners
7.2.1 There still remain in the prison system a small number of prisoners who were sentenced under the Criminal Justice Act 1967. Those prisoners will, if released on Parole before their Earliest Date of Release (two-thirds point of the sentence), be subject to licence until the two third's point. They cannot be held beyond the two-third's point of sentence unless they are previously recalled. However, if they are recalled prior to the two-third's point, they are subject to re-release on licence until the end of sentence.

7.3 Adult Prisoners sentenced to under 12 months, subject to automatic unconditional release (AUR).

7.3.1 AUR prisoners are released automatically once they have served half of their sentence, and are not subject to supervision after release (Section 33(1)(a) of the Criminal Justice Act 1991 (the 1991 Act). Therefore, they are not liable to recall beyond the halfway point of their sentence.

7.4 Adult prisoners, serving less than 12 months, due to be released under the Criminal Justice Act 1991 on HDC licence, where recall is for breach of the curfew condition or where the prisoner reoffends.

7.4.1 Prisoners, serving a sentence of under 12 months may be released on HDC licence (Appendix B) under Section 33(3) of the Criminal Justice Act 1991, and the HDC provisions under Section 34A of the 1991 Act.

7.4.2 If the prisoner breaches the curfew condition of the licence while on HDC, the Electronic Monitoring Contractors will advise the ERRS, who will make an executive decision on behalf of the Secretary of State whether to recall or not, under the provisions of the Criminal Justice Act 1991, Section 38A. If the prisoner re-offends they will be recalled by ERRS under Section 39 of the CJA 1991. The receiving establishment must notify the ERRS that they have received the recalled prisoner, as soon as possible after reception.

7.4.3 Prisoners recalled under HDC recall provisions are entitled to make an appeal against their recall to custody which will be dealt with by ERRS on behalf of the Secretary of State. ERRS will issue an appeals pack (copy of the recall dossier and a letter advising of the right to appeal against the recall) within 48 hours of receipt of notification, from the establishment, that a prisoner whose licence has been revoked has been received into custody.
7.4.4 The establishment should issue the appeals pack to the prisoner immediately, making sure that the process for appeal is understood by the prisoner. The appeals papers should be returned to ERRS as soon as possible, and a decision will be issued within 3 working days of receipt of the appeals paperwork.

7.4.5 If the appeal is allowed the prisoner must be re-released on HDC; otherwise they will be re-released at the half way point of the sentence and will be on an “at risk” notice (Appendix A) until the Sentence Expiry Date (SED).

7.4.6 Prisoners recalled under the section 38A(1)(b) of the 1991 Act because their whereabouts could no longer be electronically monitored (usually because they have lost their address) can apply to be re-released on HDC if suitable arrangements can be made and if such an application is made, the Parole Clerk must consult PSO 6700.

All dates must be adjusted by any time spent UAL.

7.5 Young Offenders (aged 18-under 22) sentenced to under 12 months or Young Offenders (aged under 18) sentenced to 12 months and under, due to be released under the CJA 1991, and released on S65 Notice of Supervision with HDC condition, where the recall is for breach of curfew condition or where the prisoner re-offends.

7.5.1 As YOs must be supervised for a minimum of three months any YO released on HDC must also be issued with a Notice of Supervision (under Section 65 of the CJA 1991(Appendix C)) at the point of release, to make up the difference in the supervision period.

7.5.2 If the prisoner breaches the curfew condition of the licence while on HDC, the Electronic Monitoring Contractors will advise the ERRS, who will make an executive decision on behalf of the Secretary of State whether to recall or not. The prisoner will be recalled under Section 38A of the 1991 Act. If the prisoner re-offends ERRS will recall under Section 39 of the CJA 1991. The receiving establishment, or equivalent, must notify the ERRS that they have received the prisoner, as soon as possible after reception.

7.5.3 Prisoners recalled under HDC recall provisions are entitled to make an appeal against their recall to custody which will be dealt with by ERRS on behalf of the Secretary of State. ERRS will issue an appeals pack within 48 hours of receipt of notification, from the establishment, that a prisoner whose
The establishment should issue the appeals pack to the prisoner immediately, making sure that the process for appeal is understood by the prisoner. The appeals papers should be returned to ERRS as soon as possible, and a decision will be issued within 3 working days of receipt of the appeals paperwork.

If the appeal is allowed the prisoner must be re-released on HDC, but otherwise will be re-released at the half way point of the sentence. The prisoner will be supervised for the balance of the S65 supervision requirement (Notice of Supervision at Appendix C) and then will be at risk until the SED ("At risk" notice at Appendix A). If a breach of the Section 65 Notice of Supervision is committed, the case should be referred back to court by the supervising probation officer. The court may impose a fine or a period of imprisonment. On re-release there will be no further supervision, unless there is extant supervision from the initial Notice of Supervision. The prisoner will then remain "at risk" until the SED.

All dates must be adjusted by any time spent Unlawfully at Large (UAL). Prisoners recalled under the section 38A(1)(b) of the 1991 Act because their whereabouts could no longer be electronically monitored (usually because they have lost their address) can apply to be re-released on HDC if suitable arrangements can be made and if such an application is made, the Parole Clerk must consult PSO 6700.

Adult prisoners and YOs aged 18-under 22 sentenced to 12 months and over and due to be released under the CJA 1991, or under the CJA 2003, released on HDC, where the breach is of the curfew condition.

Adult prisoners and YOs aged 18 and over who are sentenced to 12 months and over, who are released on HDC, will be issued with a licence, the form of which will depend on when their index offence was committed and how the courts decided to impose the sentence. (Refer to Chapters 2 & 3 for those sentenced under the CJA 1991 provisions and Chapter 4 for those sentenced under the CJA 2003 provisions).
7.6.2 ACR prisoners must be released under the 1991 Act HDC provisions, on a licence incorporating the HDC curfew condition. Those prisoners sentenced to a standard determinate sentence, under the provisions of the 2003 Act must be released under the HDC provisions of the 2003 Act (Section 246). A breach of the curfew condition will be reported by the Electronic Monitoring Contractors to ERRS.

7.6.3 All prisoners who have their licence revoked while on HDC, and who are recalled under either S38 of the CJA 1991 or S255 of the CJA 2003, have the right to make an appeal against their recall. The receiving prison establishment, or equivalent, must notify ERRS when a recalled prisoner has been received.

7.6.4 ERRS will send out an appeals pack within 48hrs of notification of return to custody of the prisoner. Once the prisoner has completed the representations, they must be sent in to ERRS as soon as possible. Decisions as to whether or not to allow the appeal are made executively by a team in ERRS, and the establishment, and therefore the prisoner, is notified of the outcome within 3 working days of receipt of the appeal papers.

7.6.5 If the appeal is allowed, the prisoner must be re-released on HDC. Otherwise, the prisoner will be re-released at the half way point of the sentence, either on a CJA 1991 Act licence (Appendix D) which will run until the ¾ point of the sentence and will then be “at risk”, for the remainder of the sentence (if recalled under Section 38 the successful HDC time should be taken off the LED). If the offender was given a standard determinate sentence, on a licence until sentence expiry (see chapter 4) (Appendix E), All dates must be adjusted by any time spent Unlawfully at Large (UAL). If the prisoner is recalled after the HDC period has expired, during the period of the release licence, refer to paragraph 7.8 below. Prisoners recalled under the section 38A(1)(b) of the 1991 Act, or under Section 255(i)(b) of the CJA 2003, because there whereabouts could no longer be electronically monitored (usually because they have lost their address) can apply to be re-released on HDC if suitable arrangements can made and if such an application is made, the Parole Clerk must consult PSO 6700.

7.7 The recall process for all other prisoners (including prisoners sentenced to 12 months and over, extended sentence prisoners, prisoners released on HDC where the breach is of conditions other than the curfew
condition, and young offenders or juveniles who are released on licence).

Recommendation for recall

7.7.1 Recall will be under Section 254 of the CJA2003. Notification that a prisoner is not complying with the conditions of his/her licence, or that the prisoner poses a risk of harm or of reoffending, will be sent to the Early Release and Recall Section (ERRS) by the probation service. The case will be considered by ERRS, who will consult with the probation service where necessary. ERRS, on behalf of the Secretary of State, will make a decision within 24 hours of receipt of the notification, whether or not to revoke the licence. Emergency recalls may also be requested by the Probation service, when the prisoner is subject to MAPPA level 3 arrangements, or where the prisoner is considered to present a high and imminent risk of harm to the public, or if the prisoner’s behaviour has deteriorated to such an extent that re-offending is believed to be imminent. These will be dealt with within 2 hours of receipt of the notification.

7.7.2 For recalls out of office hours, contact can be made with the ERRS ‘out of hours’ duty officer, via the Government switchboard on 0870 000 1585, and pressing the number 7 on the keypad to speak to the switchboard operator, who can then contact the out of hours officer and pass on details.

7.7.3 All recall requests are generated by the supervising probation officer, who is required to submit a report to ERRS. A copy of the report can be found at Appendix G.

7.7.4 ERRS will make an executive decision whether to recall, on behalf of the Secretary of State. The revocation order will be issued by ERRS, with copies being sent to:
- the supervising probation officer, or equivalent,
- New Scotland Yard for entry onto the Police National Computer,
- The nominated Police Force Communication Centre (as identified on the request for recall report,
- The releasing/holding establishment, if the prisoner has been identified as being already back in custody, which may be the case, if the request for recall is made following further offending.
7.7.5 If the Secretary of State decides to recall the prisoner, he or she will be liable for immediate arrest, if at large. Following arrest by the police, prisoners will be returned by the escort contractors to the nearest prison or remand centre categorised as a local for prisoners of that type (adult males, females, or young offender) serving the area where the arrest took place.

The police are required to notify the establishment in advance and establishments must be able to confirm immediately upon request whether they have the space to take the prisoner. Establishments must not refuse to accept the prisoner unless the establishment is not taking any new receptions due to populations demands. The establishment must provide the police with the name of the person giving the confirmation. The person must have the authority to do so. It may be good practice to send written confirmation by fax. If no place is available, the establishment should contact Population Management Unit at Prison Service Headquarters (Tel: 020 7217 6657/ 6582) for an alternative establishment to be identified.

7.7.6 Establishments must check the status of any prisoner received in to custody on the Inmate Information System (IIS), to establish whether or not they are subject to a licence, and may have a revocation order outstanding. The revocation order cancels the licence and brings the original sentencing warrant back into force; it is the sentencing warrant that enables the continuing imprisonment of the prisoner.

7.7.7 When prisoners are returned to prison following recall, the new entry must be made on the original prison record where this can be established. The recall status code must record the reason for the return to custody. As soon as a prisoner is identified as being the subject of a revoked licence, the establishment must notify ERRS. The review process into the revocation of the licence starts from the day of return to custody of the prisoner, and should be completed within a 28 day (20 working day) period by ERRS and the Parole Board. This will not be possible unless timely information is given to ERRS about a prisoner’s return to custody.

7.7.8 At any point during the recall review process ERRS may request information be supplied to them by the establishment. Establishments must, if requested to do so, provide papers from the F2050 which detail the prisoner’s previous convictions, pre-sentence reports, information about any offending behaviour work, and such other information as is requested. If requested to do so they must also provide a copy of the Court form 5089.
7.7.9 The assumption is that any information contained in the recall review dossier will be disclosed to the prisoner. However, there are arrangements in place to withhold particularly sensitive information. The Governor, or equivalent, or ERRS may decide that certain information is not to be disclosed (further guidance on non-disclosure procedures is set out at Chapter 5 of this Order) and sign a “Not for disclosure form” (Appendix H).

7.8 Review of recall and representations process timetable (for extended sentence prisoners, see chapter 8) (In working days)

7.8.1 Day 1 Return to custody of recalled prisoner
Notification to ERRS by establishment of receipt of recalled prisoner
ERRS issues representations against recall dossier to establishment. The parole clerk must ensure the dossier is served on the prisoner immediately and that they understand that they have a right to make representations to the Parole Board.
Prisoner has 5 working days to confirm to ERRS their wish to make representations, and to advise of legal representative details.
ERRS notify supervising probation officer of return to custody of prisoner, and give provisional panel date for review by Parole Board.
Day 5 Annex A to be returned to ERRS. All representations to be submitted to ERRS by Day 14. A Risk Management Plan must be submitted by the Probation Service simultaneously to ERRS and the establishment, for disclosure to the prisoner.

(Further review – additional information or reports requested from the establishment as necessary).

Day 14 Risk Management Plan and representations to be added to the recall dossier, and the complete dossier to be sent to the Parole Board, for distribution to panel members. Any additional representations made by the prisoner in response to the risk management plan must be submitted to ERRS by no later than day 19.

Day 20 Parole Board Panel sits.
ERRS notified of the outcome and result notified to Establishment.

If outcome is further review, case put in brought forward system, for ERRS to raise 20 working days before date set by the Parole Board. In all cases where the prisoner has submitted representations but is not given a release date, they will be advised that the decision to reject representations is provisional and that they have the right to request an oral hearing. They have 14 days in which to seek an oral hearing. If they fail to respond within that time, the decision will be final.

7.9 Secretary of State Directions to the Parole Board for recall

7.9.1 The Secretary of State has issued Directions to the Parole Board relating to the recall of prisoners. These are attached at Appendix I to this chapter.

7.10 Parole Board Decision

7.10.1 The Parole Board, under the provisions in S254 of the 2003 Act, is presented with a completed recall dossier, in order to review the recall decision and make a decision as to whether the original recall decision was justified or not. This review will take place irrespective of whether the prisoner has made representations.

7.10.2 The Parole Board assesses the risk that the prisoner presents, in terms of harm to the public, and re-offending. The presumption will be that the prisoner will be re-released, unless the risk is unmanageable in the community and/or the likelihood of future compliance with licence conditions is small. The Parole Board may make a decision that the recall decision, based on the information received at the time, was not justified, but this will not automatically lead to the immediate release of the prisoner. The Parole Board, in assessing the information given by the probation service, may still consider the risk of harm, or re-offending, to be sufficiently high, so as to be unmanageable in the community. If this is the case, the Parole Board may decide that although the recall decision was not justified, the offender should remain in custody for the time being.
7.10.3 In every case, the Parole Board must make one of four decisions;

1. Immediate release
2. Release at a future date
3. Further review
4. Release at SED (if less than 12 months away)

7.10.4 ERRS will notify the establishment of the outcome of the review, and the establishment must inform the prisoner immediately of the decision. ERRS will also notify the supervising probation officer, or equivalent.

7.10.5 Determinate sentence prisoners who are recalled to prison are entitled to request that the Parole Board convenes an oral hearing to consider their representations against recall. The hearing is held in the prison, with the prisoner present and legally represented. The prisoner may call witnesses and give evidence to the Board in person. The Secretary of State is also entitled to be legally represented. The arrangements for recall oral hearings is set out in Chapter 8 of this Order.

7.11 Immediate Release after Recall of prisoners whose offence was committed before 4th April 2005.

7.11.1 If the Parole Board does not confirm the recall decision, and decides that the risk the prisoner presents can be managed in the community, and that the offender should be released immediately, *ERRS will notify the establishment by telephone, and the prisoner must be released immediately.*

The prisoner must be released on the original licence. 

*All dates must be adjusted by any time spent Unlawfully at Large (UAL)*

7.12 All prisoners - Recall confirmed by the Parole Board - Release date set by the Parole Board

7.12.1 Prisoners who are sentenced under the 1991 Act may have a release date set by the Parole Board prior to the LED of their release licence. *The Board must ensure that in all such cases, the prisoner is re-released no later than their LED, on licence until SED.*
7.12.2 In all cases where the Parole Board decide that the recall was justified, but that the prisoner should in any case be released, the Parole Board will set a date, and the prisoner must be released on that date. ERRS will notify the establishment of the decision, and the establishment must notify the prisoner immediately. The date of release set by the Parole Board may be earlier than the Licence Expiry Date (LED) if the prisoner is a 1991 Act prisoner, but that will have no bearing on re-release or the licence for re-release.

7.12.3 The prisoner must be released on a 2003 Act licence (Appendix E) to run to SED, which has an accompanying explanatory note (Appendix F), indicating release is to be under section 256 of the CJA2003. Where the Board directs immediate release, Section 254 of the explanatory note should be marked.

All dates must be adjusted by any time spent Unlawfully at Large (UAL)

7.12.4 Failure to release the prisoner on a date set by the Parole Board, may lead to claims against the Prison Service for compensation for unlawful imprisonment.

7.13 All prisoners - Recall confirmed by the Parole Board – Date set for further review.

7.13.1 If the Parole Board set a future date for review, ERRS will notify the establishment of the decision, and the establishment should notify the prisoner immediately.

7.13.2 All other prisoners who have been given a date for further review by the Parole Board will have their case brought forward to the appropriate date by ERRS. Establishments must if asked to do so, provide updated information from the F2050, which may comprise the most up-to-date OASys, Accredited Offending Behaviour Course reports, wing reports detailing assessment of behaviour, and any other information that may be relevant to risk on release.

7.13.3 It will be the responsibility of the Review Team in ERRS to collate the further review dossier, to notify the supervising officer of the date of the further review, and to request reports. The establishment should also ensure that the prisoner has the opportunity, and assistance if required, to complete and submit new representations to ERRS.
7.13.4 The Parole Board will again review the case and will make a decision to re-release or re-review.

7.14 Release Information

7.14.1 Under the current Victims’ Charter, if the victim contacts the prison, either directly or via the Prison Service Helpline or through the Probation Service Victim Contact Scheme (the Probation Service Victim Contact Scheme covers victims where the offender has been sentenced to a term of 12 months or more for a sexual or violent offence only (although the probation service can offer contact on a discretionary basis if circumstances and resources permit)), to ask for information about the prisoner’s release plan, he/she may be told the month of release, the length of time on licence and general area of release only. No information about the release address or the precise date of release may be disclosed. The victim should be referred the Home Probation Officer or Victim Liaison Officer for more information.

7.14.2 Under the new Victims’ Code of Practice – likely to be implemented in late 2005 – apart from the continuing roles of the Prison Service Helpline and the Probation Service Victim Contact Scheme, most communications with victims will be carried out by the probation service victim liaison officer. However, it is important that prisons have systems in place to liaise with the probation service and that all approved conditions are inserted into prisoners’ release licences, including additional licence conditions affecting victims as agreed by the Parole Board or Secretary of State. Under the new Victims’ Code of Practice – likely to be implemented in late 2005 – apart from the continuing roles of the Prison Service Helpline and the Probation Service Victim Contact Scheme, most communications with victims will be carried out by the probation service victim liaison officer. However, it is
important that prisons have systems in place to liaise with the probation service and that all approved conditions are inserted into prisoners' release licences, including additional licence conditions affecting victims as agreed by the Parole Board or Secretary of State.
NOTICE

Criminal Justice Act 1991

HM Prison/YOI.

Tel:

Name:
Date of Birth:
Prison No
CRO No:
PNCID No:

Date of Release:
Sentence Expires:

1. In accordance with the provisions of Section 33(1)(a) of the Criminal Justice Act 1991 you are being released from custody. You will continue to serve your sentence in the community.

2. Your sentence expires on {                      }. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence onto any new sentence it may impose.

Signed

Status:

Date:

for the Secretary of State for the Home Department

This notice has been given to me and its requirements have been explained.

Signed:

Date:
HOME DETENTION CURFEW
(Adult Prisoners serving sentences of under one year)

LICENCE
Criminal Justice Act 1991

HMP [Full NATCODE.DESCRIPTION FOR CODE_TYPE eq 05]  
Tel.[EST_ADD.TELEPHONE]

Name : [FORENAME1 FORENAME2 SURNAME]  
Date of Birth:[BIRTH_DATE]  
Prison No : [PRISON_NUMBER]  
CRO No : [NIB_NUMBER]  
PNCID No: [DFB1.PNCID_NUMBER]

1. Under the provisions of Section 34A of the Criminal Justice Act 1991 you are being released on licence and must comply with the conditions of this licence.

2. You will be subject to a Home Detention Curfew. The objective of the Home Detention Curfew is to help you manage your return into the community.

3. Your Home Detention Curfew commences on [INM_COND.LIC_START_DATE] and expires on [latest SEN_HIST.REL_DATE]. Your licence will expire on this date, unless it is revoked before that date.

4. The address to which you are curfewed is:

[ADDRESS.ADDRESS1]  
[ADDRESS.ADDRESS2]  
[ADDRESS.ADDRESS3]  
[ADDRESS.ADDRESS4]  
[ADDRESS.POSTCODE]

Details of curfew times are shown below at paragraph 6.

or if more than on curfew address

4. The addresses to which you are curfewed are:

[ADDRESS.ADDRESS1]  
[ADDRESS.ADDRESS2]  
[ADDRESS.ADDRESS3]  
[ADDRESS.ADDRESS4]  
[ADDRESS.POSTCODE]  

[ADDRESS.ADDRESS1]  
[ADDRESS.ADDRESS2]  
[ADDRESS.ADDRESS3]  
[ADDRESS.ADDRESS4]  
[ADDRESS.POSTCODE]
Details of curfew dates and curfew times are shown at paragraph 6 below.

5. On the day of your release, you will be curfewed at the first curfew address shown at paragraph 4 from \[INM_COND.LIC_START_HR \]:\[ INM_COND.LIC_START_MIN\] until midnight. During this period the contractor will visit you at this address in order to fit you with the tag. You **must** show the contractor this copy of the licence to confirm your identity. Your curfew will then run until \[INM_COND.LIC_EXPIRY_HR \]:\[ INM_COND.LIC_EXPIRY_MIN\] the following morning. On your last day of curfew the contractor will visit you to remove the tag and monitoring equipment. This will take place in the last two hours of your last curfew period, i.e. between 10pm and midnight.

Standard wording where there is only one curfew address

6. After your day of release, you are required to remain at your place of curfew during the following hours:

   Every day from 7pm each evening until 7am the following morning.

   *these words are held in LIC_COND record associated with the INM_COND record where CONDITION_TYPE eq “C”*

   and

   alternative wording where there is more than one curfew address or where there are variations in the curfew times on any day (in this example the inmate is curfewed to a second address at weekends).

6. After your day of release, you are required to remain at your place(s) of curfew during the following hours within the dates shown:

   *Insert LIC_COND.CONDITION.TXT records here. One curfew condition of up to eight lines for each curfew address.*

   *The first line of the address and curfew times are held in LIC_COND records associated with INM_COND records for the inmate and licence type. The INM_COND records are for CONDITION_TYPE eq “C”(for curfew) in CONDITION_LINE within INM_COND.NO order*

7. Your compliance with the conditions of the Home Detention Curfew will be monitored by \[Natcode table 89 DESCRIPTION where alpha-code eq DIARY.REMARK on latest diary record for inmate where MOVEMENT_CODE eq (“HU” or “HE”) or if no diary record found Natcode table 89 DESCRIPTION where alpha-code eq MOVEMENT.FROM_OR_TO on movement record for inmate where MOVEMENT_CODE eq “HU” or “HE” ](name of monitoring company). You **must** provide the contractor with access to the curfew address to install and check the monitoring equipment and electronic tag. Such visits will be made during your curfew hours but not between midnight and 6.00am. However, the contractor may visit the curfew address between midnight and 6:00am in order to investigate a reported violation.

8. The monitoring equipment will operate via a telephone line. You will be responsible for meeting the cost of the electricity used by the monitoring equipment in your curfew address. It is your responsibility to ensure that there is an electricity supply available during your time on curfew. You **must** agree to the installation of a new telephone line at your curfew address for use by the contractor if there is not already a suitable line. The contractor will notify you of the time and date and you **must** be present, and provide access to , the curfew address at the notified time to allow installation to take place. The installation will normally take place during standard working hours.
9. While on Home Detention Curfew you may be liable to recall to prison if you breach the condition of this licence relating to the curfew. You will be in breach of this condition if:

- you are absent from your curfew address during the specified curfew hours;
- you commit violence against or threaten the contractor or any of his staff with violence;
- you damage or tamper with the monitoring equipment;
- you withdraw your consent to the monitoring arrangements.

10. In addition, you may be recalled to prison if:

- your whereabouts can no longer be electronically monitored at the specified address;
- it is necessary to recall you to prison in order to protect the public from serious harm.
- you commit a criminal offence or engage in conduct that suggests you have committed an offence while on licence (see paragraph 14 below).

11. The contractor may authorise your absence from your place of curfew in clearly defined circumstances, which you will be informed about by the contractor in writing. You must contact the contractor in advance of any such absence to seek authorisation where this is possible. If it is not possible to contact the contractor in advance, you must contact them as soon as possible thereafter. Absence for any other reason other than these clearly defined circumstances will constitute a breach of your curfew condition.

12. If you need to seek a permanent change to your curfew conditions (for instance because of the requirements of a new job), you must contact the Prison Service establishment from which you were released. A contact number is included at the bottom of this licence.

13. It is a condition of your release on licence that you do not commit an offence or engage in conduct that suggests you have committed an offence whilst on licence.

14. The penalties for breaching this condition are explained below:

- if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding six months, or the date on which your licence expires if that is sooner.
- if the offence for which you are serving this sentence was committed on or after 1 January 1999, you will be liable to have your licence revoked and be recalled to custody until the date on which your licence would otherwise have expired.

15. Your sentence expires on [SEN_HIST.SED]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence onto any new sentence it may impose.
Contact Points

Monitoring Contractor: [Natcode table 89 DESCRIPTION where alpha-code eq DIARY.REMARK on latest diary record for inmate where MOVEMENT_CODE eq (“HU” or “HE”) or if no diary record found Natcode table 89 DESCRIPTION where alpha-code eq MOVEMENT.FROM_OR_TO on movement record for inmate where MOVEMENT_CODE eq “HU” or “HE”] (name of monitoring company).

Tel:[ NATCODE 89 for the HDC Centre Alpha_1 + Alpha_2]

HMP: [NATCODE 05. DESCRIPTION]

Tel:[EST_ADD.TELEPHONE]

Signed:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained. I accept the conditions imposed.

Signed:

Date:

HDC ADULT SERVING UNDER 1 YEAR = “HU”
NOTICE OF SUPERVISION

Criminal Justice Act 1991

HM Prison / YOI

Tel

Name:
Date of Birth:
Prison No:
CRO No:
PNCID No:

1. Under the provisions of Section 65 of the Criminal Justice Act 1991, on release from custody you will be under the supervision of a probation officer or a social worker of a local authority social services department. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ....................... and expires on ....................

3. On release you must report without delay to

Name:
Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. Additional licence conditions)

6. In accordance with the provisions of Section 65(6) of the Criminal Justice Act 1991, if you do not comply with the requirements in paragraphs 3, 4 and 5 above you will be liable to prosecution before a court. The court may fine you up to level 3 on the standard scale or impose a further custodial sentence of up to 30 days.

7. Your sentence expires on [date]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence onto any new sentence that it might impose.

Signed

Status:

Date:

for the Secretary of State for the Home Department

This notice has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX D

LICENCE

Criminal Justice Act 1991

HMP/YOI

Tel

Name:      Date of Birth:

Prison No:     CRO No:

PNCID No:

1. Under the provisions of Section 33(1)(b) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on .................. and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:

Address:

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

   ii. if required, receive visits from your supervising officer at your home/place of residence;

   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

   v. not travel outside the “United Kingdom” (for the purposes of this licence, “United Kingdom” includes the Channel Islands and Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);
vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from reoffending and help you to resettle successfully into the community.

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (4) of the Criminal Justice Act 1991.

7. The penalties for failing to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5) are explained below:

- if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding six months, or the date on which your licence expires if that is sooner.

- if the offence for which you are serving this sentence was committed on or after 1 January 1999, and you fail to comply with the requirements of your probation supervision or otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody.

If you are sent back to prison and released before the end of the your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter the three-quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX E

LICENCE

CRIMINAL JUSTICE ACT 2003

Name:
Date of Birth:

Prison No:
PNC/CRO No:

Establishment:
Establishment Telephone No.:

1. Under the provisions of Chapter 6 of the Criminal Justice Act 2003 you are being released on licence. Unless you are subsequently being detained under the Immigration Act 1971 for the purpose of your deportation/removal from the United Kingdom, you will be under the supervision of a probation officer or a social worker of a local authority Social Services department or of a Youth Offending team and must comply with the conditions of this licence. The objectives of the supervision and the conditions that form part of this licence are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on [ ] and expires on [ ] unless this licence is previously revoked.

3. On release from prison (including, if applicable, any release from detention under the Immigration Act 1971 during the currency of your licence, whether or not leave has been granted to remain in the United Kingdom), unless otherwise directed by your supervising officer, you must report without delay to:

Name:
Address:

☎️ Telephone number

4. If, on the date of this licence, you are released to hospital or other suitable care on compassionate grounds under Section 248 of the Criminal Justice Act 2003 or if you are detained under mental health and/or immigration provisions or are subsequently so detained before your licence expires, your supervising officer or another nominated officer, social worker or member of a youth offending team will keep in touch with you. Otherwise, you must place yourself under the supervision of whichever probation officer, social worker of a local authority Social Services department or of a Youth Offending team is nominated for this purpose from time to time.

5. While under supervision you must:

i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;
ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;

iii. If required, receive visits from your supervising officer at your home/ place of residence (e.g. approved premises);

iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

vi. Not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal.

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 250(4) of the Criminal Justice Act 2003.

7. If you fail to comply with any requirement of your licence (set out in paragraphs 3, 4 and 5 above) or if you otherwise pose a risk to the public, you will be liable to have this licence revoked and be recalled to custody until the date on which your licence would otherwise have expired. If you are sent back to prison and are re-released before the end of your licence, you will still be subject to licensed supervision until the end of your sentence.

8. Your sentence expires on [ ].

for the Secretary of State for The Home Department

date

This Licence has been given to me and its requirements have been explained.

Signed:

Date:
Explanatory note in respect of your licence

You are being released under the provisions of Chapter 6 of the Criminal Justice Act 2003 ("the Act").

In your case your release on licence is under the Section marked below:

Section 244 of the Act [ ]
Section 246 of the Act [ ]
Section 247 of the Act [ ]
Section 248 of the Act [ ]
Section 254 of the Act [ ]
Section 256 of the Act [ ]

Your release is also subject to the conditions specified on your licence, all of which have been imposed in accordance with Chapter 6 of the Act.
REPORT FOR THE NOTIFICATION OF BREACH OF LICENCE, REQUEST FOR RECALL AND REVIEW BY THE PAROLE BOARD.

PROBATION DETAILS
Probation Contact:
Probation Area:
Telephone number (Direct Line/Mobile No.):
Fax number:

POLICE DETAILS
Police Single Point of Contact (SPOC):
Fax/Telephone number:

OFFENDER DETAILS
Name:
Date of birth:
Ethnic Category:
Prison No.:
Last known address:
Index offence:
Date of offence
Length of sentence:
Releasing prison:
Issues of Vulnerability in Custody:
Date of last release:
Licence expiry date:
Sentence expiry date
MAPPA level

1 Please insert the date of the earliest offence committed for which the offender is serving this sentence.
2 Where different to the licence expiry date
3 Where relevant, double click the level box and select ‘checked’
<table>
<thead>
<tr>
<th>RECOMMENDATION ON RECALL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency recall (within 2 hours): yes / no</td>
</tr>
<tr>
<td>Immediate recall (within 24 hours): ⁴ yes / no</td>
</tr>
</tbody>
</table>

Date:

⁴ Delete as appropriate
PROBATION REPORT TO ERRS FOR THE CONSIDERATION OF RECALL AND TO THE PAROLE BOARD CONSIDERING RE-RELEASE

The purpose of this Report is to notify the Early Release and Recall Section (ERRS) of a breach of licence, to make a request for recall, and to inform the Parole Board's decision making process after the offender is returned to custody. The report must make an assessment of the risks of harm and of re-offending posed by the offender which will enable the Parole Board to decide whether to re-release them or review their release at a future date. The Report must address the following:

THE CIRCUMSTANCES AND DETAILS OF THE BREACH, and the licence conditions which have been broken. If these were additional conditions, please state whether they were added at the recommendation of the court at time of sentence.

THE OFFENDER'S GENERAL RESPONSE TO SUPERVISION, including details of warnings prior to this recall request; earlier breaches and the action taken; previous recalls.

OTHER OFFENDER DETAILS RELEVANT TO THE ASSESSMENT AND MANAGEMENT OF RISK, e.g. is the offender subject to any other orders of the court (e.g. SOO, SOPO, Disqualification Order, RSHO); required to notify their details to the police under relevant legislation (see glossary of terms).
A RISK ASSESSMENT - The Parole Board’s decisions will be based on a current assessment of the risk of serious harm and the risk of re-offending posed by the offender, as well as the capacity of any future licence supervision to manage them. Your assessment should include:

- A brief analysis of the index offence and the pattern of offending.
- An assessment of the nature of the risk, including the potential impact and its likelihood
- An identification of any potential victims
- An analysis of the underlying factors that increase the likelihood of re-offending, the circumstances that make it more likely, and the immediate triggers

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<th>Name:</th>
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**ENDORSEMENT OF RISK ASSESSMENT AND RECALL REQUEST BY LINE MANAGER**

<table>
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<tr>
<th>Name:</th>
<th>Signed:</th>
<th>Date:</th>
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**COMMENTS BY THE SENIOR MANAGER (ACO OR EQUIVALENT):**
Emergency recall requests **must** have endorsement by the Senior Manager. In particular, Out of Hours requests should be undertaken by an ACO (or equivalent grade).

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<tr>
<th>Name:</th>
<th>Signed:</th>
<th>Date:</th>
</tr>
</thead>
</table>

The signature is not necessary if it delays the process. The name of the Senior Manager endorsing the request in the form should be inserted here for efficient contact by the ERRS.
Please ensure that in cases where an immediate recall is requested, a named person (normally the ACO) is available for at least 30 minutes after the request is made. If there has been no contact by the Early Release and Recall Section during that time, the ERRS caseworker should be contacted.

**Named contact:**
**Telephone number:**

---

**ENCLOSURES**
Please enclose copies of the following documents.

- The pre-sentence report;
- A list of previous convictions;
- A copy of the licence (and details of any conditions added post-release);
- A copy of Court Form 5089
- Witness evidence (where relevant);
- Charge sheets / police evidence (where relevant);
- Copies of the minutes from Multi-Agency Public Protection meetings, where relevant, or assessments of risk from such meetings. See PC 13/2003 on Disclosure of Material.

---

**THE RISK MANAGEMENT PLAN** - Your plan should outline how licence supervision on re-release can manage the specific risks outlined above. Attention should be paid to:

- What existing support/controls are in place and can be re-activated on re-release
- What added measures can be put into place to address the specific risks outlined
- Who will undertake the actions and how soon can they be done
- What conditions could be added to the licence to manage the specific risks outlined
CONCLUSION/RECOMMENDATION

BASED ON THE ASSESSMENT OF THE RISK PRESENTED AND THE RISK MANAGEMENT OPTIONS OUTLINED:

- Make an assessment of the manageability of the offender on re-release, outlining a specific action plan to do this and including recommendations for added conditions where appropriate.

- Where the offender presents a very high risk of serious harm or an imminent risk of re-offending and this is assessed as not manageable in the community, and there is no recommendation for release, the reasons must be clearly outlined and countersigned by the line manager.

Name:
Signed:
Date:

COMMENTS ON ASSESSMENT AND RISK MANAGEMENT PLAN BY LINE MANAGER

Name:
Signed:
Date:

COMMENTS BY THE SENIOR MANAGER:

Name:
Signed:
Date:
ENCLOSURES
Please enclose copies of the following documents that have not been submitted along with the Breach Notification:

- The pre-sentence report;
- A list of previous convictions;
- A copy of the licence (and details of any conditions added post-release);
- A copy of Court Form 5089
- Witness evidence (where relevant);
- Charge sheets / police evidence (where relevant);
- Copies of the minutes from Multi-Agency Public Protection meetings, where relevant, or assessments of risk from such meetings. See PC 13/2003 on Disclosure of Material.

GLOSSARY OF TERMS

- SOO: Sex Offender Order – A civil order introduced by the Crime and Disorder Act 1998. It contains restrictions on an offender’s behaviour. Breach is a criminal offence, punishable by up to 5 years imprisonment.

- SOPO: Sexual Offences Prevention Order – A civil order introduced by the Sexual Offences Act 2003. It replaces and combines the SOO and the Sex Offenders Restraining Order (Criminal Justice and Court Services Act 2000). SOPOs are intended to protect the public from the risks posed by sex offenders, by placing restrictions on their behaviour. The minimum duration of an order (as with the SOO) is five years, and there is no upper limit.

- RSHO: The Risk of Sexual Harm Order – Introduced by the Sexual Offences Act 2003, it is a new civil preventative order against any person thought to pose a sexual risk to children under 16 years old. It is not necessary for the person to have a prior conviction for a sexual offence, however they must have exhibited behaviour which the court judges of such concern that it is reasonable to believe an order is necessary to protect children from the individual.

- DO: Disqualification Order – Introduced by Paragraph 2 of the Criminal Justice and Court Services Act 2000 (CJ+CSA 2000) and amended by the Criminal Justice Act 2003. Individuals convicted of an offence against a child, listed in Schedule 4 of the CJ+CSA 2000, or supplying Class A drugs to a child are liable to disqualification from working with children. DOs are made at the time of the sentence, in the Senior Court; they are part of the sentence and apply for life.
NON-DISCLOSURE FORM IN CONNECTION WITH EXECUTIVE RECALL PROCEDURES

The Parole Board has been given additional information which has been withheld from you in accordance with rules made by the Secretary of State. The information has been withheld from you [please insert the criterion under which the information is being withheld – please see paragraph 5.16.1 to chapter 5 of this Order]. You have no right to see this information and no grounds for appeal to the Parole Board, Home Office or Prison Service.

The decision to withhold this information has been made by

Name:

Signed........................................................................................................
APPENDIX I

Directions to the Parole Board under Section 239(6) of the Criminal Justice Act 2003

Where an offender is subject to a custodial sentence, the licence period is an integral part of the sentence, and compliance with licence conditions is required. In most cases the licences are combined with supervision by a probation officer, social worker or member of the Youth Offending Team (the exception to this is the use of Home Detention Curfew licences for adult prisoners serving a sentence of less than 12 months).

The objects of supervision are:

- to protect the public;
- to prevent re-offending;
- to ensure the prisoner’s successful reintegration into the community

Review of a Decision Taken by the Secretary of State to Recall an Offender

Section 254 of the Criminal Justice Act 2003 requires the Parole Board to review any decision taken by the Secretary of State to recall an offender to prison. The review will take place once the offender has been returned to custody. In determining whether the recall was appropriate, the Parole Board is entitled to take into account the information available at the time the recall decision was taken, together with any subsequent information, including representations made by or on behalf of the offender. The Parole Board should consider whether:

(a) The prisoner’s continued liberty presents an unacceptable risk of a further offence being committed

or

(b) The prisoner has failed to comply with one or more of his or her licence conditions; and that failure suggests that the objectives of probation supervision have been undermined.

In cases where the Parole Board believes that the initial decision to recall was inappropriate, the prisoner should be re-released as soon as it is practicable to do so. In determining when to re-release the prisoner, the Parole Board should satisfy itself that the prisoner presents an acceptable risk to public safety and that adequate risk management arrangements are in place.

Where a prisoner has been charged for an offence committed whilst subject to Home Detention Curfew licence, the Board shall additionally take into account that it is desirable for such a prisoner to be recalled to custody, unless it is clearly apparent that the conduct that has led the prisoner to being charged does not merit recall.

The Board’s decision to re-release

The Board has powers to:

- release immediately;
- release at a specified future date;
- review the case again; and
- decline to release (only in cases where the prisoner has less than 12 months to serve before the sentence expires).

The assumption is that the Parole Board will seek to re-release the prisoner or set a future re-release date in all cases where it is satisfied that the risk be safely managed in the community.
making this assessment, the Board should take into account that a risk of sexual or violent offending is more serious than a risk of other types of offending.

In determining whether to set a re-release or review date, the Parole Board shall consider:

(a) Whether the risk management plan, prepared by the Probation Service is adequate to address any potential risk of harm or re-offending presented by the prisoner during the licence period.

(b) The likelihood, of the offender complying with the requirements of probation supervision should he or she be re-released during the licence period. In assessing the likelihood of compliance, the Board should consider the conduct of the offender during the licence period to date and the extent to which previous enforcement has influenced such conduct.

(c) The availability of a suitable release plan, the availability and timing of any offending behaviour work either in custody or in the community.

(d) The date on which the outcome of any pending prosecution will be known.

(e) Whether in the interests of public protection the prisoner’s long term rehabilitation would be better served if the offender were re-released whilst subject to probation supervision.

The Parole Board shall take into account the fact that prisoners who have been sentenced under the provisions of the Criminal Justice Act 1991 cannot be disadvantaged by the recall provisions of the Criminal Justice Act 2003.

Each individual case shall be considered on its own merits, without any discrimination on any unlawful grounds.
CHAPTER 8
EXTENDED SENTENCES

EXTENDED SENTENCES

8.1 Summary

8.1.1 Section 85 of the Powers of Criminal Courts (Sentencing) Act 2000 (formerly Section 58 of the Crime and Disorder Act 1998) gives the courts the power to add a period of extended post-release supervision to the sentence it would normally impose on a person convicted of a sexual or violent offence. It is envisaged that the courts will use this power where they consider there is a need for a longer than normal supervision period to prevent future re-offending and to support the rehabilitation of the offender. In such cases, the court may pass an extended sentence. Such a sentence can only be imposed in respect of an offence committed on or after 30 September 1998.

8.1.2 The implementation of the Criminal Justice Act 2003 introduces a number of changes to extended sentence provisions. With effect from 4 April 2005, new recall arrangements as set out in Chapter 7 of this Order will take effect.

8.1.3 An extended sentence consists of the normal period of imprisonment and supervision which would apply under the 1991 Act (the custodial term), and a further period for which the offender is to be subject to licence (the extension period).

8.1.4 For offences committed after 30 September 1998 and before 4 April 2005, and where the offence is a violent offence, an extended sentence can be passed only if the custodial term is 4 years or more. There is no minimum term in respect of a sexual offence. The maximum extension period is 10 years in the case of a sexual offence and 5 years in the case of a violent offence. An extended sentence has to remain within the maximum penalty that is available for the offence in question.

8.1.5 For offences committed on or after 4 April 2005, in the case of both sexual and violent offences, the custodial term (imposed under the provisions of the Criminal Justice Act 2003 (CJA2003)) of an extended sentence must be at least 12 months. Under the new arrangements, the maximum extension period is 8 years in the case of a sexual offence and 5 years in the case of a violent offence. An extended sentence still has to remain within the maximum penalty that is available for the offence in question. However, the new CJA2003 stipulates that it can only be applied to those offences that attract a maximum
sentence of 10 years. The prisoner will be entitled to a review by the Parole Board at the halfway point of the custodial term and annually thereafter, unless released by the Parole Board. Those prisoners not released by the Board are released automatically at the end of the custodial term.

EXTENDED SENTENCES- MAIN ACTIONS AND RESPONSIBILITIES

- **Extended sentence prisoners, sentenced (under the provisions of the CJA1991) for offences committed before 4 April 2005 must be released on a normal ACR or DCR release licence** (See Appendices A to F)

- **Extended sentence prisoners, sentenced (under the provisions of the CJA2003) for offences committed on or after 4 April 2005, must be released on a standard release licence, as displayed at Appendix H.**

- For prisoners sentenced for offences committed before 4 April 2005, the existing release arrangements outlined in Chapters 3 (ACR) and 5 (DCR) should be followed.

- Extended sentence prisoners, sentenced under the new CJA2003 provisions, will have their suitability for release assessed by the Parole Board in an identical process to the parole process, the details of which can be found in Chapter 5 of this Order. Parole Clerks are responsible for the collation and submission to the Parole Board of extended sentence parole dossiers, in accordance with the arrangements set down in Chapter 5. These reviews will be conducted by the Parole Board on the papers.

- The CJA 2003 also introduces a power for the courts to recommend additional licence conditions to the Secretary of State, **which must be considered before a prisoner, aged 18 or over, serving an extended sentence is released on licence.**

- If recalled to prison, all extended sentence prisoners are entitled to make representations against their recall and to have these considered at an oral hearing in front of the Parole Board. In the event that their release is not directed at this stage, the annual review of their ongoing imprisonment will also trigger an entitlement to an oral hearing if the prisoner requests one.

- The ERRS Extended Sentence Team is responsible for the preparation of a dossier for the initial appeal against recall, and its submission to the Parole Board. **However, the Parole Clerk must liaise with the Parole Board Secretariat about the arrangements for the oral hearings, which will be held in the establishment in which the prisoner is currently held.**

- **The Parole Clerk is responsible for and must prepare all subsequent annual review dossiers for submission to the Parole Board in accordance with the timetable set down in this Chapter (Appendix L refers).**
- The ERRS will liaise with the Parole Board and the parole clerk in responding to witness requests or Parole Board panel chairman's directions in advance of an annual review of a recalled extended sentence prisoner.
- Whenever an extended sentence prisoner is released he/she is released on licence, unless released at the SED.
8.2 Calculating release dates on an extended sentence

Prisoners that are due to be released under the provisions of the CJA1991 Act

8.2.1 The warrant made by the court must give a breakdown of the extended sentence into the custodial term and the extension period. The release dates will be calculated as follows:

(i) calculate the release dates (i.e. PED/ NPD/LED/SED for 4 years or over; ARD or CRD/LED/SED for up to 4 years) in respect of the custodial term in the normal way (as though the custodial term was a normal sentence);

(ii) add the extension period to the LED and SED arrived at above to produce the LED and SED for the extended sentence.

8.2.2 Thus the length of the custodial term determines whether the prisoner is a short-term or long-term prisoner for the purpose of determining release dates. Where the custodial term is less than 12 months, the extension period is added to the ARD to produce the LED for the extended sentence.

8.2.3 If the warrant does not give a breakdown of the extended sentence, or the Court appears to have imposed an extended sentence in respect of an offender whose index offence was prior to 30 September 1998, the court must be contacted to obtain clarification. Sentence Calculation Unit in NOMS should be advised of any case where the court has imposed an extended sentence for an offence committed before this date.

Prisoners that are due to be released under the CJA2003

8.2.4 The respective terms of the custodial and extended element of the sentence must be detailed in the warrant issued by the court as above. The release dates will be calculated as follows:

(i) Note the Parole Eligibility Date (PED), which will be the half-way point of the custodial term of the sentence.

(ii) Note the Custody End Date (CED) in respect of the custodial term of the sentence.

(iii) Calculate the total length of sentence (the number of days in the aggregate of the custodial part and extension part) from the date of sentence.

8.3 Unlawfully at large and additional days awarded.

8.3.1 A period spent unlawfully at large will extend all release dates, including the SED in the normal way. Additional days awarded will, as usual, extend all release dates, except the SED.

8.4 Release from an extended sentence.

Prisoners due to be released under the provisions of the CJA1991
8.4.1 The length of the custodial term determines whether the prisoner is a long-term or short-term prisoner for the purpose of determining release dates and the prisoner must be issued with the appropriate ACR (custodial terms of less than 4 years) or DCR (custodial terms of 4 years and over) licence (again see licences at Appendices A to F).

8.4.2 For the purpose of dealing with additional licence conditions the full length of the extended sentence (i.e. the custodial term, together with the extension period) will determine whether the prisoner should be regarded as a short term or long term prisoner. In all cases where the custodial term together with the extension period amounts to four years or more, the prisoner must be regarded as a long-term prisoner as far as licence conditions are concerned. This means that in all such cases, all additional licence conditions need to be approved by the Parole Board, in the same way that ordinary DCR licence conditions would be. As much notice as possible should be given to the Parole Board prior to release. Any conditions that are not so approved will have no legal force. For further information on licence conditions, see Chapter 14 of this Order.

**Prisoners due to be released under the provisions of the CJA 2003**

8.4.3 Unlike other determinate sentence prisoners the CJA 2003 stipulates that extended sentence prisoners must be reviewed by the Parole Board at the half-way point of the custodial element of their sentence in order to determine their suitability for release. If the Parole Board directs their release at this stage they will be released on licence and subject to supervision until their SED.

8.4.4 If the Parole Board is not satisfied that they are suitable for release, extended sentence prisoners are entitled to have their imprisonment reviewed annually until their CED, at which point they must be released on licence.

8.4.5 Responsibility for preparing the dossiers for this process lies with the Parole Clerk at the relevant establishment. The dossier content and review timetable will be the same as standard parole reviews, as set out in Chapter 5.

**Licence conditions (including those recommended by the courts)**

8.4.6 Under the CJA2003, all licence conditions, whether standard or additional, will be described in a statutory instrument and must be taken from the list set out by this statutory instrument if they are to be enforceable. Unlike other standard determinate sentence prisoners, in the case of extended sentence prisoners, all additional conditions or condition variations must be approved by the Parole Board. In all cases an additional licence condition can only be inserted if it lawful. To be lawful the condition must be both necessary and proportionate. If there is any doubt as to whether a condition from the menu should be inserted ERRS should be contacted for advice.

8.4.7 The procedures for varying the licence, either before or after release are set out in Chapter 14 of this Order. The Criminal Justice Act 2003 also introduces a power for sentencers, when passing sentences, on those who have committed offences on or after 4 April 2005, where (if there was more than one element), at least one element of the sentence was for a term of 12 months or more, to recommend to the Secretary of State, additional licence
conditions which in its view should be placed on those released under Chapter 6 of the Criminal Justice Act 2003. This includes those prisoners, aged 18 and over, that receive an Extended Sentence. **There is a requirement for the Secretary of State to pay due regard to any recommendations the courts may make, and in the case of a prisoner aged 18 and over and awarded an Extended Sentence, he must consult the Parole Board, before he may vary the licence.** You must therefore check to see if the courts have recommended any additional licence conditions (which can be found on the court form 5089) and, if so, the guidance at Chapter 14 of this Order must be followed.

8.4.8 As soon as the prisoner is received from the court and the related court documents are received (e.g. Order of Imprisonment (court form 5035), court record form (court form 5089) etc.), a copy of the court form 5089 must, where the court has recommended additional licence conditions, be sent to the probation area responsible for supervising the prisoner upon his/her release. The probation area will record any court-recommended licence conditions and ensure that they consider their relevance prior to the prisoner’s release. Establishments must also enter onto LIDS any court-recommended licence conditions. LIDS must be marked so that the court recommended licence conditions will appear on the release licence.

8.5 **Return to prison of extended sentence prisoners released on licence**

8.5.1 Extended sentence prisoners sentenced under the provisions of the 1991 Act continue to be liable to be returned to prison by the courts under section 116 of the Powers of Criminal Courts (Sentencing) Act 2000. Where an imprisonable offence is committed after the prisoner has been released from an extended sentence but before the sentence expiry date (which includes the extension period), a court can impose a section 116 term for any period from the date of offence to the sentence expiry date. For the most part, prisoners returned to prison by the courts under Section 116 of the 2000 Act fall to be re-released according to the total length of their new sentences. **However prisoners returned to prison under Section 116 for a total term of 12 months or less in respect of new post-release offences committed on or after 30 September 1998 must be re-released on licence at the half-way point under Section 40A of the Criminal Justice Act 1991.** The licence (a copy of which is at appendix G) will remain in force for three months. However, extended sentence prisoners sentenced under the provisions of the 2003 Act are exempt from the provisions of Section 116.

8.6 **Recall to prison of extended sentence prisoners released on licence**

8.6.1 The implementation of the recall provisions provided for in the Criminal Justice Act 2003 apply to all prisoners on licence from the date of implementation (4 April 2005) onwards.

8.6.2 The recall and breach arrangements for prisoners serving an extended sentence are the same as those for other determinate sentence prisoners and set out in Chapter 7 of this document. The Secretary of State’s Directions for the recall of determinate sentence prisoners are set out in Appendix J.
8.7 Representations Against Recall

8.7.1 An extended sentence prisoner is entitled to make representations against the decision to recall him and to have those representations referred to the Parole Board. The provisions for the Parole Board reviewing the Secretary of State’s decision to recall are set out in Chapter 7. Where the Parole Board declines to re-release a recalled extended sentence prisoner, he/she will be offered an oral hearing.

8.8 Annual reviews for prisoners recalled to prison during an extended sentence

8.8.1 Where an extended sentence prisoner has been recalled and the Parole Board does not direct his release or set a subsequent release or review date following a first reference of the case, he is entitled to have his continued detention reviewed by the Parole Board again. However the case will not go forward to the Parole Board until one year after the Board disposed of the earlier reference, unless there are deemed to be exceptional circumstances in which case a special review can be requested.

8.9 Notification of eligibility to apply for a review

8.9.1 26 weeks after the prisoner’s representations have been disposed of by the Parole Board (or 26 weeks after his return to custody if he has declined to make representations) the prisoner will receive a notification, inviting him to request that his case is referred to the Parole Board for a parole review 26 weeks hence.

8.9.2 The notification (a copy of which can be found at Appendix M) will be issued by the Parole Board Secretariat, through the Governor and should be served on the prisoner on the date specified. The parole clerk should confirm service, by completing and returning the form (ESP/C) at Appendix M. When serving the notification, the timetable (at appendix L) should be explained to the prisoner. Upon receiving the notification, the prisoner will have five weeks in which to indicate whether he wishes to exercise his right to an oral hearing and be legally represented, or to have his representations considered by the Board, in his absence, or to opt out of the review.

8.10 Prisoner Opts Out of the Parole Process

8.10.1 If the prisoner wishes to opt out or refuses to sign the form (which will be regarded as opting out), a Governor or a nominated officer must also sign the form but it should be kept on the prisoner’s F2050 record and included in any future applications. The Parole Clerk must also enter the outcome on IIS. The Parole Clerk must inform the Parole Board Secretariat of this decision.

8.10.2 If a prisoner who has opted out, wishes at a later stage to change his mind and apply for release, he may do so. He must be advised that the review timetable will then run from the time he opts back in rather than the original date. Any subsequent reviews will begin on the anniversary of the date he opts in. Please see Chapter 5 of this Order for further information about prisoners ‘opting-out’ of the parole process.
8.11 Prisoner Opt for a Paper Review

8.11.1 If the prisoner wishes to have his case considered by the Parole Board, but does not want an oral hearing, the Parole Clerk must inform the Parole Board Secretariat of this decision. The cover sheets and outline dossier can be found at Appendices N and P of this Instruction.

8.12 Prisoner Opt for an Oral Hearing

8.12.1 In the case of those prisoners who decide to exercise their right to have their case heard by an oral hearing of the Board, (an extended sentence panel or ESP), the normal review timetable is set out at Appendix L to this Chapter. As indicated in the timetable, in these circumstances the Parole Board will initially consider the case on the papers and the likelihood is that case will only proceed to an oral hearing if the prisoner is not content with the outcome of the Board’s consideration of the case on the papers.

8.12.2 If the case does in the event proceed to an oral hearing the prisoner may be legally represented. The prisoner may not be represented by:

- any person liable to be detained under the Mental Health Act 1983;
- any serving prisoner;
- any prisoner released on licence;
- any person with an unspent conviction, (although there is discretion for the Board to ignore minor convictions, for example motoring offences).

The Board may, at the prisoner’s request, appoint a representative to act on his behalf.

8.12.3 Preparation of the annual review dossier must start upon receipt of the initial notification from the Parole Board Secretariat and should be complete by 8 weeks from notification. This includes ensuring that all reports are legible, correctly ordered and numbered, and that disclosure procedures have been followed correctly. If the prisoner is applying for release, the parole clerk must request reports from prison staff and outside agencies. It is essential that reports are requested and provided on time; any delays at an early stage in the process are unlikely to be made up later. Parole Clerks must therefore set appropriate deadlines for all report writers to ensure that the dossier can be completed on time. This includes a request for a parole assessment report by the supervising officer, which must reach the prison in time for inclusion in the final dossier. Relevant checklists in respect of the dossier can be found at Appendices O and P. Detailed guidance on the information that makes up a dossier can be found at Appendix Q.

8.12.4 The completed dossier must be disclosed to the prisoner by the end of week 8. At the same time, 4 copies of the completed dossier must be sent to the Parole Board Secretariat and one copy must be sent to the Extended Sentence Team in ER&RS. Where the prisoner has indicated that legal representatives will be acting on his behalf for the purpose of the review, a further copy should be issued to those representatives.

8.12.5 The Governor must ensure that appropriate systems are in place to certify that the dossier has been disclosed to the prisoner and submitted according to the timetable.
8.12.6 Parole clerks must also use the IIS to record actions on the systems as soon as they have been completed.

8.12.7 After a prisoner and his representative have had disclosure of the dossier the case will be considered by a single member of the Board within 6 weeks (by the end of week 14) and the prisoner will need to submit any representations by the end of week 12. The prisoner must be advised that these need to be submitted directly to the Extended Sentence Team in ER&RS. If the case is to proceed to an oral hearing, any further submissions, either on behalf of the prisoner or the Secretary of State must be submitted to the Parole Board Secretariat at least two weeks before the date of the hearing. Please note that the chairman of the Extended Sentence Panel (ESP) can decide not to accept any documentation received after this date.

8.12.8 Both the prisoner and the Secretary of State is entitled to request leave to call witnesses. The requests must be made in writing, to the Board, within 6 weeks of disclosure of the dossier (week 14), giving the name, address and occupation of the witness, along with reasons in support of the application. The panel chairman gives a decision in writing, together with the reasons for any refusal to allow a witness to be called.

8.12.9 Third parties, that is, people other than the prisoner and his or her representative and the representative of the Secretary of State, may attend the hearing by agreement of the Board. The following procedure must be observed:

- the prisoner or the Secretary of State’s representative must apply in writing to the Board within 14 weeks of the case being listed.
- the application must include the name and address of any person whom the prisoner of the Secretary of State wishes to attend the hearing.
- reasons must be given for the application.

Any decision on admission to the hearing will be subject to the agreement of the governor of the establishment in which the hearing is to be held.

8.12.10 Once the prisoner has been served with the dossier, any further enquiries relating to the parole review should be referred to the Parole Board Secretariat.

8.13 The Oral Hearing

8.13.1 The conduct of an ESP and the timetable for submissions is set out in the Parole Board Rules, a copy of which can be found on the Parole Board website www.paroleboard.gov.uk. Any enquiries relating to the Rules must be referred to the Parole Board Secretariat.

8.13.2 Oral hearings will take place in the establishment and the Governor must make sure that suitable facilities are made available. The facilities and support required is detailed in a letter sent out by the Parole Board Secretariat. The Secretary of State will normally only be represented at hearings convened to consider representations against recall (and may not necessarily be represented at all such hearings), although representation at a subsequent review will be considered if specifically requested by the panel chairman. Where such a request is made, ERRS will liaise with the Governor to decide who is best placed to take on
this role. Often, report writers at the establishment will be asked to attend the hearing as a witness and Governors are asked to encourage all staff to co-operate with such requests wherever possible. The High Court judgement in the case of Brooks made it clear that the Parole Board has the power to compel the attendance of witnesses through a court summons. Although this would be very much a last resort for the Board, which both it and Early Release and Recall Section would wish to avoid, the Board will certainly use it if it is routinely faced with a failure to attend hearings by required witnesses.

8.13.3 Both parties are given at least 21 days notice of the place, date and time of the hearing, although a shorter period of notice may be given if the parties agree (again hearings to consider representations against recall will normally be given a truncated timetable). The following conditions apply to the hearing:

- it is held in the establishment or institution in which the prisoner is detained, unless the panel chairman directs otherwise;
- it is as informal as circumstances permit;
- it is held in private;
- no details may be made public without the permission of the panel chairman;
- the prisoner may be required to leave the hearing when withheld evidence is being examined;
- the panel chairman may require any person behaving in a disruptive way to leave the hearing;
- after all the evidence has been given the prisoner has a further opportunity to address the panel;
- the hearing may be adjourned, for example, to obtain further information; and
- after an adjournment, the hearing must be resumed promptly.

At the hearing the parties are entitled to:

- appear before the panel and be heard;
- hear and question each others evidence;
- put questions to any witnesses or other persons appearing before the panel.

8.13.4 The panel chairman considers the case papers and considers requests for the attendance of witnesses, withholding information etc., and gives directions. When necessary, the chairman may hold a preliminary hearing subject to the following procedure:

- the hearing is before the chairman sitting alone and is held in private.
- the prisoner may not attend unless he or she is unrepresented, otherwise only the representative and the representative of the Secretary of State may be permitted to attend;
- all directions are recorded by the panel chairman and notified to the Secretary of State and the prisoner or his or her representative.
8.14 Application to Withhold Information

8.14.1 Regardless of whether the prisoner has opted for an oral hearing or a review on the papers, any information or reports which it is believed should be withheld from the prisoner because disclosure might adversely affect the health or welfare of the prisoner or others, must be contained in a separate document. This document is sent to the Extended Sentence Team, but not to the prisoner. Reasons must be given for withholding the information and the panel chairman will consider the matter and make a ruling. In cases of dispute, the final decision rests with the Chairman of the Board. Where information is withheld, the prisoner must be informed that there is information available to the Panel that has not been disclosed to him/her, and it must nevertheless be disclosed to the prisoner’s representative if he or she is:

- a barrister or solicitor;
- a registered medical practitioner; or
- in the opinion of the panel chairman, a suitably experienced or qualified person.

on the understanding that it may not be directly or indirectly disclosed to the prisoner or anyone else without the authority of the panel chairman.

8.15 Release of an Extended Sentence Prisoner

8.15.1 Where the Parole Board directs the release of an extended sentence prisoner, the Secretary of State is obliged to give effect to this direction immediately. The Governor and the prisoner will be notified of the Board’s decision within 7 days (whether the case was considered by an ESP or on the papers).

8.16 Release arrangements for prisoners recalled to prison during an extended sentence

8.16.1 Extended sentence prisoners sentenced under the 1991 Act and who are recalled to prison following release on licence, and who are not successful in appealing or applying for release, will be released at their LED, but on licence until SED. Those prisoners sentenced under the provisions of the 2003 Act and who are recalled, but the Parole Board declines to re-release will be re-released automatically and unconditionally at their SED.

8.16.2 A Copy of the standard licence, which is produced by the releasing establishment, for use in re-releasing a prisoner under these provisions who has previously been recalled, is attached at Appendix H. The explanatory note, at Appendix I, must also be issued, in conjunction with the licence at Appendix H, with the note indicating that the prisoner is being released under section 247 of the CJA 2003.

8.16.3 Short-term extended sentence prisoners, whose index offences were committed before 1 January 1999 and who were recalled to prison by the courts, pursuant to section 38 of the Criminal Justice Act 1991, following release on licence will be re-released on licence at the end of the period of recall set down by the court. They will be subject to licence until the sentence expiry date of the extended sentence. A new licence is not required, as the original licence still applies.
8.17 Release Information

8.17.1 Under the current Victims’ Charter, if the victim contacts the prison, either directly or via the Prison Service Helpline or through the Probation Service Victim Contact Scheme (the Probation Service Victim Contact Scheme covers victims where the offender has been sentenced to a term of 12 months or more for a sexual or violent offence only (although the probation service can offer contact on a discrentional basis if circumstances and resources permit)), to ask for information about the prisoner's release plan, he/she may be told the month of release, the length of time on licence and general area of release only. No information about the release address or the precise date of release may be disclosed. The victim should be referred to the Home Probation Officer or Victim Liaison Officer for more information.

8.17.2 Under the new Victims’ Code of Practice – likely to be implemented in late 2005 – apart from the continuing roles of the Prison Service Helpline and the Probation Service Victim Contact Scheme, most communications with victims will be carried out by the probation service victim liaison officer. However, it is important that prisons have systems in place to liaise with the probation service and that all approved conditions are inserted into prisoners’ release licences, including additional licence conditions affecting victims as agreed by the Parole Board or Secretary of State.

8.18 Fine defaulters/Contempt of court

8.18.1 Prisoners serving sentences of twelve months or more for fine default or contempt of court are released unconditionally (all fine defaulters are released unconditionally). Such prisoners are not subject to the arrangements outlined in this Instruction. However, where the fine is consecutive to, or concurrent and overlapping, a determinate sentence of 12 months or more, its effect is to defer the actual release date. If there the licence is still extant from the original determinate sentence, establishments must remember that the prisoner must still be released on that licence at the end of the fine. For further information, please refer to the Sentence Calcuations Manual (PSO 6650 refers).
APPENDIX A

(LICENCE FOR AN EXTENDED SENTENCE PRISONER WHOSE CUSTODIAL TERM IS LESS THAN 12 MONTHS AND WHOSE EXTENDED SENTENCE IS LESS THAN 4 YEARS)

LICENCE

Criminal Justice Act 1991

HMP/YOI
Tel:

Name: Date of Birth:
Prison No: CRO No:
Parole Ref No: PNCID Number:

1. Under the provisions of Section 44(4) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................. and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:
Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;
   
   ii. if required, receive visits from your supervising officer at your home/place of residence;
   
   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
   
   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
   
   v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the
prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (4) of the Criminal Justice Act 1991.

7. The penalties for failing to comply with any requirement of your supervision (set out in paragraphs 3, 4 and 5) are explained below

- if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding 6 months, or the date on which your licence expires if that is sooner.

- if the offence for which you are serving this sentence of imprisonment was committed on or after 1 January 1999, and you fail to comply with the requirements of your probation supervision or otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody.

If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [add length of extension period to ARD to produce the LED]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX B

(LICENCE FOR AN EXTENDED SENTENCE PRISONER WHOSE CUSTODIAL TERM IS LESS THAN 12 MONTHS AND WHOSE EXTENDED SENTENCE IS 4 YEARS OR MORE)

LICENCE

Criminal Justice Act 1991

HMP/YOI:

Tel:

Name: Date of Birth:

Prison No: CRO No:

Parole Ref No: PNCID No:

1. Under the provisions of Section 44(4) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................. and expires on .................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:

Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence expires on [add length of extension period to ARD to produce the LED]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
(LICENCE FOR AN EXTENDED SENTENCE PRISONER WHOSE CUSTODIAL TERM IS 12 MONTHS OR MORE AND WHOSE EXTENDED SENTENCE IS LESS THAN 4 YEARS)

Licence

Criminal Justice Act 1991

HMP/YOI:  
Tel:  

Name: Date of Birth:  

Prison No: CRO No:  

Parole Ref No: PNCID Number:  

1. Under the provisions of Section 33(1)(b) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................ and expires on ................ unless this licence is previously revoked.

3. On release you must report without delay to  

Name:  

Address:  

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (4) of the Criminal Justice Act 1991.

7. The penalties for failing to comply with any requirement of your supervision (set out in paragraphs 3, 4 and 5) are explained below

- if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding 6 months, or the date on which your licence expires if that is sooner.

- if the offence for which you are serving this sentence of imprisonment was committed on or after 1 January 1999, and you fail to comply with the requirements of your probation supervision or otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody.

If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence expires on [enter the three quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX D

(LICENCE FOR AN EXTENDED SENTENCE PRISONER WHOSE CUSTODIAL TERM IS 12 MONTHS OR MORE AND WHOSE EXTENDED SENTENCE IS 4 YEARS OR MORE)

LICENCE

Criminal Justice Act 1991

HMP/YOI:

Tel:

Name: Date of Birth:

Prison No: CRO No:

Parole Ref No: PNCID No:

1. Under the provisions of Section 33(1)(b) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on .................. and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:

Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

   ii. if required, receive visits from your supervising officer at your home/place of residence;

   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above) or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence expires on [enter the three quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX E

(LICENCE FOR AN EXTENDED SENTENCE PRISONER WHOSE CUSTODIAL TERM IS 4 YEARS OR MORE AND WHO IS RELEASED ON PAROLE LICENCE)

LICENCE

Criminal Justice Act 1991

HMP/YOI: Tel:

Name: Date of Birth:

Prison No: CRO No:

Parole Ref No: PNCID No:

1. Under the provisions of Section 35 of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on .................. and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:

Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence expires on [enter two thirds point for “existing prisoners” or three quarter point for those sentenced under the provisions of the CJA 1991]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX F

(LICENCE FOR AN EXTENDED SENTENCE PRISONER WHOSE CUSTODIAL TERM IS 4 YEARS OR MORE AND WHO IS RELEASED ON NON PAROLE LICENCE)

LICENCE

Criminal Justice Act 1991

HMP/YOI:

Tel:

Name: Date of Birth:

Prison No: CRO No:

Parole Ref No: PNCID No:

1. Under the provisions of Section 33(2) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................ and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:

Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

   ii. if required, receive visits from your supervising officer at your home/place of residence;

   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United
Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the
prior permission of your supervising officer (which will be given in exceptional
circumstances only);

vi. be well behaved, not commit any offence and not do anything which could
undermine the purposes of your supervision, which are to protect the public, prevent
you from re-offending and help you to resettle successfully into the community;

vii. (additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with

7. If you fail to comply with any requirement of your probation supervision (set out in
paragraphs 3, 4 and 5 above) , or if you otherwise pose a risk to the public, you will be
liable to have your licence revoked and be recalled to custody. If you are sent back to
prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence expires on [enter three
quarter point of sentence]. From the remainder of the period until the point at which your
sentence expires, in accordance with the provisions of Section 116 of the Powers of
Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are
convicted of a further imprisonable offence committed before your sentence has fully
expired. The court dealing with the new offence may add all or part of the outstanding
period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed

Date:
LICENCE

Criminal Justice Act 1991

HM Prison / YOI

Tel

Name:        Date of Birth:
Prison No.:      CRO No.:
PNC No.:      

1. Under the provisions of Section 40A of the Criminal Justice Act 1991 you are being released on licence for a period of three months. You will be under the supervision of a probation officer or a social worker of a local authority social services department or member of a Youth Offending Team and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on……………..and expires on………………..(subject to your being returned to custody for any reason).

3. On release you must report without delay to:

Name: 

Address:

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

   ii. if required, receive visits from your supervising officer at your home/place of residence;

   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only);

vi. be of well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37(4) of the Criminal Justice Act 1991.

7. In accordance with the provisions of Section 40A(4) of the Criminal Justice Act 1991, if you do not comply with the requirements in paragraphs 3, 4 and 5 above you will be liable to prosecution before a court. The court may fine you or recall you to custody. If you are sent back to prison and re-released before the end of the licence period, you will still be subject to supervision.

8. Your sentence expires on [                          ]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
APPENDIX H

LICENCE FOR AN EXTENDED SENTENCE PRISONER CONVICTED OF OFFENCES COMMITTED ON OR AFTER 4 APRIL 2005

LICENCE
CRIMINAL JUSTICE ACT 2003

Name:  Date of Birth:

Prison No:  PNC/CRO No:

Establishment:  Establishment Telephone No.: 

1. Under the provisions of Chapter 6 of the Criminal Justice Act 2003 you are being released on licence. Unless you are subsequently being detained under the Immigration Act 1971 for the purpose of your deportation/removal from the United, you will be under the supervision of a probation officer or a social worker of a local authority Social Services department or of a Youth Offending team and must comply with the conditions of this licence. The objectives of the supervision and the conditions that form part of this licence are to (a) protect the public, (b) prevent re-offending and (c) help you to resettlesuccessfully into the community.

2. Your supervision commences on [ ] and expires on [ ] unless this licence is previously revoked.

3. On release from prison (including, if applicable, any release from detention under the Immigration Act 1971 during the currency of your licence, whether or not leave has been granted to remain in the United Kingdom), unless otherwise directed by your supervising officer, you must report without delay to:

Name: 

Address: 

 Hitler

4. If, on the date of this licence, you are released to hospital or other suitable care on compassionate grounds under Section 248 of the Criminal Justice Act 2003 or if you are detained under mental health and/or immigration provisions or are subsequently so detained before your licence expires, your supervising officer or another nominated officer, social worker or member of a youth offending team will keep in touch with you. Otherwise, you must place yourself under the supervision of whichever probation officer, social worker of a local authority Social Services department or of a Youth Offending team is nominated for this purpose from time to time.
5. While under supervision you must:
   i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;
   ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;
   iii. If required, receive visits from your supervising officer at your home/ place of residence (e.g. approved premises);
   iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
   v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
   vi. Not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal.
   vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 250(4) of the Criminal Justice Act 2003.

7. If you fail to comply with any requirement of your licence (set out in paragraphs 3, 4 and 5 above) or if you otherwise pose a risk to the public, you will be liable to have this licence revoked and be recalled to custody until the date on which your licence would otherwise have expired. If you are sent back to prison and are re-released before the end of your licence, you will still be subject to licensed supervision until the end of your sentence.

8. Your sentence expires on [    ].

for the Secretary of State for The Home Department

Date

This Licence has been given to me and its requirements have been explained.

Signed:

Date:
Explanatory note in respect of your licence

You are being released under the provisions of Chapter 6 of the Criminal Justice Act 2003 ("the Act").

In your case your release on licence is under the Section marked below:

Section 244 of the Act  [   ]
Section 246 of the Act  [   ]
Section 247 of the Act  [   ]
Section 248 of the Act  [   ]
Section 254 of the Act  [   ]
Section 256 of the Act  [   ]

Your release is also subject to the conditions specified on your licence, all of which have been imposed in accordance with Chapter 6 of the Act.
APPENDIX J

Directions to the Parole Board under Section 239(6) of the Criminal Justice Act 2003

Where an offender is subject to a custodial sentence, the licence period is an integral part of the sentence, and compliance with licence conditions is required. In most cases the licences are combined with supervision by a probation officer, social worker or member of the Youth Offending Team (the exception to this is the use of Home Detention Curfew licences for adult prisoners serving a sentence of less than 12 months).

The objects of supervision are:

- to protect the public;
- to prevent re-offending;
- to ensure the prisoner’s successful reintegration into the community

Review of a Decision Taken by the Secretary of State to Recall an Offender

Section 254 of the Criminal Justice Act 2003 requires the Parole Board to review any decision taken by the Secretary of State to recall an offender to prison. The review will take place once the offender has been returned to custody. In determining whether the recall was appropriate, the Parole Board is entitled to take into account the information available at the time the recall decision was taken, together with any subsequent information, including representations made by or on behalf of the offender. The Parole Board should consider whether:

(a) The prisoner’s continued liberty presents an unacceptable risk of a further offence being committed;

or

(b) The prisoner has failed to comply with one or more of his or her licence conditions; and that failure suggests that the objectives of probation supervision have been undermined.

In cases where the Parole Board believes that the initial decision to recall was inappropriate, the prisoner should be re-released as soon as it is practicable to do so. In determining when to re-release the prisoner, the Parole Board should satisfy itself that the prisoner presents an acceptable risk to public safety and that adequate risk management arrangements are in place.

Where a prisoner has been charged for an offence committed whilst subject to Home Detention Curfew licence, the Board shall additionally take into account that it is desirable for such a prisoner to be recalled to custody, unless it is clearly apparent that the conduct that has led the prisoner to being charged does not merit recall.

The Board’s decision to re-release

The Board has powers to:

- release immediately;
- release at a specified future date;
- review the case again; and
- decline to release (only in cases where the prisoner has less than 12 months to serve before the sentence expires).
The assumption is that the Parole Board will seek to re-release the prisoner or set a future re-release date in all cases where it is satisfied that the risk be safely managed in the community. In making this assessment, the Board should take into account that a risk of sexual or violent offending is more serious than a risk of other types of offending.

In determining whether to set a re-release or review date, the Parole Board shall consider:

(a) Whether the risk management plan, prepared by the Probation Service is adequate to address any potential risk of harm or re-offending presented by the prisoner during the licence period.

(b) The likelihood of the offender complying with the requirements of probation supervision should he or she be re-released during the licence period. In assessing the likelihood of compliance, the Board should consider the conduct of the offender during the licence period to date and the extent to which previous enforcement has influenced such conduct.

(c) The availability of a suitable release plan, the availability and timing of any offending behaviour work either in custody or in the community.

(d) The date on which the outcome of any pending prosecution will be known.

(e) Whether in the interests of public protection the prisoner’s long term rehabilitation would be better served if the offender were re-released whilst subject to probation supervision.

The Parole Board shall take into account the fact that prisoners who have been sentenced under the provisions of the Criminal Justice Act 1991 cannot be disadvantaged by the recall provisions of the Criminal Justice Act 2003.

Each individual case shall be considered on its own merits, without any discrimination on any unlawful grounds.
NOTIFICATION TO PRISONER OF THE RIGHT TO REQUEST A HEARING

Early Release and Recall Section
Sentencing Policy and Penalties Unit
Room 125-127 Abell House
John Islip Street
London
SW1P 4LH

1. The Governor - to see Our Ref: «Parole_Reference»
   HMP «Current_Establishment»

2. Prisoner: «First_Name» «Surname» Date: 16/01/13

The Secretary of State has made the decision to revoke your licence and recall you to prison, pursuant to Section 254(1) of the Criminal Justice Act 2003, for the reasons attached.

You are now entitled to:

- make representations against recall
- have your representations against recall considered by an Extended Sentence Panel of the Parole Board, at which you may be present, be legally represented and give oral evidence
- disclosure of the papers referred to the Parole Board so that you can make informed representations
- be released immediately if the Parole Board so recommends.

You should note that there is no time limit on how long after your recall you can make representations, if you feel you are not ready to at this stage. Although if you wish to make representations (which should be sent to me direct), you should notify me as soon as practicable You should indicate whether you wish to exercise your right to attend the Extended Sentence Panel of the Parole Board which will consider your representations and whether you intend to be legally represented. If you do not wish to make representations or if you do not wish to be present when the Parole Board considers your representations, you should sign and return the disclaimer enclosed. A member of the Board of Visitors is available if you need help in making representations. Alternatively you may wish to seek legal advice.
REPRESENTATIONS AGAINST RECALL
EXTENDED SENTENCE PRISONER

NAME: «First_Name» «Surname»   PRISON: HMP «Current_Establishment»

PRISON NUMBER: «Prison_No»

I confirm that:

- I have been told and have received a copy of the reasons why my licence was revoked, and
- I have been offered the opportunity to see my recall dossier

I wish/*do not wish to make representations against the decision to revoke my licence and recall me to prison. My representations are attached/*will follow in due course.

I wish/*do not wish to attend the Extended Sentence Panel (ESP) hearing of the Parole Board which will consider my representations.

I will/*will not be legally represented at the ESP hearing. My legal representatives are:

NAME: ..................................................
ADDRESS: ...........................................................................................
...........................................................................................................
TELEPHONE: ..............................................

I understand that if I do not make representations, the Parole Board will give no further consideration at this stage to the question of my release on licence.

SIGNED: ......................................….....   NAME:..............................…......
PRISON NUMBER:.............................     DATED:  ............................…....
WITNESS: .....................………...........    NAME: ...........................……....
DATE:...................................…………..
**APPENDIX L**

**ORAL HEARING TIMETABLE FOR ANNUAL REVIEWS IN EXTENDED SENTENCE CASE**

- By end of week 1: Initial notification (by Parole Board)
- By end of week 5: Prisoner informs Parole Board of details of legal representative
- By end of week 8: Prison discloses complete dossier to prisoner, Parole Board and ERRS
- By end of week 12: Prisoner discloses his/her representations to Parole Board
- By end of week 14: Single member considers cases and makes decision as below

<table>
<thead>
<tr>
<th>Provisional decision by single panel member under Rule 11 (2) (b): “Not to release”</th>
<th>Decision by single panel member under Rule 11 (2) (a): “Refer case for oral hearing”</th>
<th>Provisional decision by single panel member under Rule 11 (2) (b): “In favour of release”</th>
</tr>
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<tr>
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<tr>
<td>By end of week 15</td>
<td>By end of week 15</td>
<td>By end of week 17</td>
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<tr>
<td>Decision of single member notified to parties.</td>
<td>Decision of single member notified to parties.</td>
<td>Three member paper panel considers provisional release decision.</td>
</tr>
<tr>
<td>By end of week 1</td>
<td>By end of week 20</td>
<td>By end of week 18</td>
</tr>
<tr>
<td>Prisoner to notify PB (copied to ERRS) that a member panoral hearing is required.</td>
<td>If no oral hearing is required, PB notify both parties that provisional decision has become final</td>
<td>Decision of three member paper panel notified to parties.</td>
</tr>
<tr>
<td>By week 20</td>
<td>By end of week 20</td>
<td>By end of week 22</td>
</tr>
<tr>
<td>If an oral hearing is required, Each party to submit written application to PB and each other, giving witness attendance details and substance of evidence.</td>
<td>Each party to submit written application to PB and each other, giving witness attendance details and substance of evidence.</td>
<td>SofS to notify PB (copied to other party) that a 3 member oral hearing is required.</td>
</tr>
<tr>
<td>By end of week 21</td>
<td>By end of week 21</td>
<td>By end of week 23</td>
</tr>
<tr>
<td>Chair of PB to notify parties of panel’s witnesses and substance of their evidence.</td>
<td>Chair of PB to notify parties of panel’s witnesses and substance of their evidence.</td>
<td>If no oral hearing is required PB notify both parties that provisional decision has become final</td>
</tr>
<tr>
<td>By end of week 26</td>
<td>By end of week 26</td>
<td>By end of week 27</td>
</tr>
<tr>
<td>Oral Hearing held (date to be fixed by PB after consulting both parties)</td>
<td>Oral Hearing held (date to be fixed by PB after consulting both parties)</td>
<td>Panel’s decision (with reasons) provided in writing to parties no more than 7 days after hearings.</td>
</tr>
<tr>
<td>By end of week 27</td>
<td>By end of week 27</td>
<td>By end of week 27</td>
</tr>
<tr>
<td>Panel’s decision (with reasons) provided in writing to parties no more than 7 days after hearings.</td>
<td>Panel’s decision (with reasons) provided in writing to parties no more than 7 days after hearings.</td>
<td>Prisoner to notify PB and SofS of attendance at oral hearing Each party to submit written application to PB and each other, giving witness attendance details and substance of evidence.</td>
</tr>
<tr>
<td>By end of week 24</td>
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<tr>
<td>------------------------------------------------------</td>
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<tr>
<td>Chair of PB to notify parties of panel's witnesses and substance of their evidence.</td>
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</table>

<table>
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<tr>
<th>By end of week 26</th>
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<tbody>
<tr>
<td>Oral Hearing held (date to be fixed by PB after consulting with both parties)</td>
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</tbody>
</table>

<table>
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<tr>
<th>By end of week 27</th>
</tr>
</thead>
<tbody>
<tr>
<td>Panel's decision (with reasons) provided in writing to parties no more than seven days after hearings</td>
</tr>
</tbody>
</table>
APPENDIX M

NOTIFICATION TO PRISONER OF THE RIGHT TO A SUBSEQUENT REVIEW (FormESP/C)

PAROLE BOARD REF: ANNUAL REVIEW ESP

PAROLE BOARD NOTIFICATION FOR ORAL HEARING

Prisoner Name:       Date:
Prison Number:       
HM Prison:

1. This is to inform you that your case has been listed for an oral hearing at [insert location] on [insert date]

What happens next

2. If you have not already had the dossier, within 8 weeks of this letter and as soon as possible, the prison will write reports on your progress and give to you a dossier of all of the documents the Parole Board will see.

3. When you receive the dossier, you will have 28 days to send your written representations to:

   The Parole Board
   Room G15
   Abell House
   John Islip Street
   LONDON SW1P 4LH

4. The Parole Board will consider your case on the papers and will send you its preliminary decision with full reasons. You can then decide if you wish to go ahead with your oral hearing and you will be given the chance to apply for witnesses, observers and any other directions you want the Parole Board to make. If you decide to accept the Parole Board’s preliminary decision it will then become a final decision. You will receive full details of all of this at the time.

What you need to do now

5. You are advised to seek legal representation to help you with your representations and to represent you if your case goes to an oral hearing. The Parole Board will need to know who your representative is.

6. Attached to this letter is a form (not available electronically). You must complete this form and return it to the Parole Board at the above address no later than 5 weeks from the date of this letter and as soon as possible. If you do not want the review to take place you should also complete this form.

Parole Board
APPENDIX N

COVER SHEET TO BE COMPLETED AND ATTACHED TO EXTENDED SENTENCE DOSSIERS

EARLY RELEASE AND RECALL SECTION - POST RELEASE CASE REFERRED TO THE PAROLE BOARD

ACR/DCR [Delete as appropriate] RECALL – REPRESENTATIONS/ANNUAL REVIEW [Delete as appropriate]

ORAL HEARING

1. OFFENDER DETAILS

NAME: «First_Name» «Surname»

REF: «Parole_Reference»

OFFENCE: «Offence»

SENTENCE: Custodial: «Sentence»

BREACH/FURTHER OFFENCE: See Probation Report / Reasons

DATE OF RECALL:

DATE RECEIVED IN CUSTODY: «M__Date_Received»

DATE OF PAPER HEARING:

OUTCOME OF PAPER HEARING:

2. RELEASE AND LICENCE DETAILS

ORIGINAL RELEASE DATE: «Release_Date»

CURRENT RELEASE: «LED» SED:«SED»

3. INFORMATION

The Secretary of State refers this case to the Board In order that the prisoner's suitability for re-release on licence can be considered. The Secretary of State’s reasons for recalling the prisoner are attached.

The prisoner is entitled to have his representations considered by an oral hearing of the Board, at which he could be present, be legally represented and give oral evidence. He has indicated that he wishes to exercise this right and that he plans to attend the hearing and/or be represented.
If the Board directs release, it is invited to recommend whether any additional conditions should be included in his licence.

4. COMMENTS

5. DOSSIER CONTENTS

<table>
<thead>
<tr>
<th>MANDATORY</th>
<th>PAGE NO</th>
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<tbody>
<tr>
<td>✓ Secretary of State’s Directions</td>
<td></td>
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<tr>
<td>✓ Copy of release licence</td>
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<tr>
<td>✓ Previous convictions</td>
<td></td>
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<tr>
<td>✓ Details of index offence</td>
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<tr>
<td>✓ Probation report</td>
<td></td>
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<tr>
<td>✓ Copy of recall reasons</td>
<td></td>
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<tr>
<td>✓ Order Of Imprisonment</td>
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<tr>
<td>□ Updated Home Probation Report</td>
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<tr>
<td>□ Updated Seconded Probation Officer’s Report.</td>
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<tr>
<td>□ Adjudications</td>
<td></td>
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<tr>
<td>□ Reasons for rejecting/ deferring reps on paper</td>
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</tr>
</tbody>
</table>

IF ANY MANDATORY ITEM IS NOT AVAILABLE, PLEASE INDICATE WHY:
NAME: «First_Name» «Surname»
PAROLE REF.: «Parole_Reference»

<table>
<thead>
<tr>
<th>NAMES OF WITNESSES</th>
<th>CONTACT NUMBERS</th>
</tr>
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</tbody>
</table>

Probation Officer «FPO»
«FPO_Phone_No»

PRISONER’S LEGAL REPRESENTATIVE
CONTACT NUMBER

«Solicitor»
«Solicitor_Address»
«Solicitor_Address_1»
«Solicitor_Address_2»
«Solicitor_Address_3»

SECRETARY OF STATE REPRESENTATIVE
CONTACT NUMBER

☐ Witnesses informed of the date and time of hearing
☐ If deferred Witnesses informed of the Cancellation
☐ Witnesses advised of the new date and time
APPENDIX O

DOSSIER CHECKLIST FOR RECALLED EXTENDED SENTENCE PRISONER APPEALING AGAINST RECALL

A. Personal Details:

Inmate’s name

Prison

Prison Number

Parole Reference

PED/ Anniv.

Parole Clerk’s Name

B. Contents

1. Front cover sheet and index

2. Summary of offence from one of the following sources

   police report

   • pre-sentence report (probation)

   • pre-sentence psychiatric report

   • Court transcription of sentencing remarks

3. Court papers – Form 5089 and 5035 (including Court of Appeal papers if applicable)

4. List of previous convictions

5. Pre-sentence medical or psychiatric report (if applicable)

6. Copy of previous parole dossiers (if applicable)

7. Copy of previous parole refusal notice (if applicable)

8. Copy of probation report requesting recall

9. Copy of Secretary of State’s reasons for recall and (where appropriate) the Parole Board’s reasons for rejecting the prisoner’s representations against recall

10. Adjudications and ADAs
11. Prison Parole Assessment (if applicable)
12. Seconded Probation Officer’s report
13. Report(s) on offence related work
14. Prison medical / psychiatric / psychological reports (if applicable)
15. Supervising Officer’s Report
DOSSIER CHECKLIST FOR SUBSEQUENT ANNUAL REVIEW

Parole dossiers must include (where applicable)

1. Front cover sheet and index  
   Parole Clerk

2. Summary of offence from one or all of the following sources  
   - police report  
   - pre-sentence report (probation)  
   - pre-sentence psychiatric report  
   - Court Transcription of sentencing remarks  
   Early Release and Recall Section  
   (for sentences after 1.1.97)

3. Court papers (including Form 5089 & 5035)  
   Sentencing Court  
   (Please provide appeal papers if the offender has appealed)

4. List of previous convictions  
   Police/court/probation

5. Pre-sentence medical or psychiatric report (if applicable)  
   Probation/Healthcare/prison/psychology

6. Copy of previous parole dossiers (if applicable)  
   Parole Clerk

7. Copy of previous parole refusal notice (if applicable)  
   Parole Clerk

8. Copy of probation report requesting prisoner’s recall  
   Parole Clerk

9. Copy of Secretary of State’s reasons for recall  
   Parole Clerk

10. Copy of Parole Board’s reasons for rejecting prisoner’s representations against recall  
    Parole Clerk

11. Adjudications and ADAs (if applicable)  
    Prison

12. Prison Parole Assessment (if applicable)  
    Prison

13. Seconded Probation Officer’s report  
    Seconded probation Officer

14. Report(s) on offence related work (if applicable)  
    Prison

15. Prison medical / psychiatric / psychological reports (if applicable)  
    Prison/other

16. Supervising Officer’s Report  
    Field Probation Officer
If the prisoner opts to have their annual review conducted by way of a paper hearing, they should be encouraged to include written representations outlining the reasons they should be considered for re-release.

*The Parole Clerk must check that dossiers contain these reports.* The Secretariat will return dossiers to establishments if they do not contain the reports.

The dossier may also contain any other relevant information such as pre-sentence reports, prison Chaplain’s report or job offers or letters of support. These *may* be included in the dossier but none of these documents is essential for the parole review. Although it is not essential for the dossier to contain the entire sentence planning documentation, it is essential for the Prison Parole Assessment to be based on the conclusions and contents of the documentation. If it is felt that in particular cases, the sentence planning documentation should be seen in order to make an assessment, this *must* be included as part of the dossier.
GUIDANCE ON DOSSIER COLLATION FOR EXTENDED SENTENCE CASES

For subsequent annual review hearings, The Prison Service is ultimately responsible for the final version of the dossier, which is copied to the Parole Board, although the Board itself may request additional information. The Governor or nominated senior officer must monitor reports to ensure that standards are maintained. It is essential that the Board has adequate information on which to base its decision on the early release of a prisoner.

1. Front cover sheet and index

The front cover sheet and index is included at Appendix N. In the case of annual reviews, Section 4 of this form (Comments) must be countersigned by the senior officer responsible for parole to certify that he/she is content with its contents.

2. Summary of offence(s)

An accurate, brief description of the offence(s) for which the prisoner was found guilty and sentenced is essential. This includes reports on any offences committed whilst the prisoner was on licence, before his recall to prison. In the case of long-term prisoners, information relating to the original offence should already be available, although details of any subsequent offence will need to be requested from the police. In the case of short-term prisoners, it will be necessary to request information relating to both the original offence and any subsequent offence. If Parole Clerks experience difficulties in locating this information, they should advise the Extended Sentence Team. These reports should be included in the Prison Record and transferred when the prisoner moves. The police may occasionally provide pre-trial prosecution evidence, such as witness statements or statements of interviews. These must not be included in the dossier as they do not necessarily set out the circumstances of the offence as established in court: they are liable to challenge by the prisoner and could mislead the Parole Board. If, however, these are the only reports of the offence that can be obtained from the police, advice should be sought from the Extended Sentence Team. If it does not prove possible to obtain a police report, details of the offence may be contained in the pre-sentence report or the pre-sentence psychiatric report. However every effort must be made to obtain a police report.

3. Sentencing Court/Court of Appeal papers

These are not always provided, but must be included in the dossier where available. This helps to clarify any confusion about the sentence that the prisoner has been given (e.g. in cases of multiple convictions, it is sometimes difficult to distinguish which conviction attracted which sentence). In every case where the prisoner has appealed against conviction or sentence, there should be papers from the Court of Appeal. These must be included in the dossier.

4. Court Transcripts of sentencing remarks/Appeal Papers/Relevant Court forms

The Parole Board has expressed concern over the years that parole dossiers do not contain sufficient detail about the circumstances of an offence or the reasons behind a particular sentence.
being handed down. Judges’ sentencing remarks give a more objective view of the evidence on which the conviction is based. From 1 January 1997, court transcripts of sentencing remarks have been supplied for all prisoners to 4 years or more (excluding life). In the case of extended sentence prisoners serving a custodial term of 4 years or more, the transcript should already be on the prisoner’s file. In the case of prisoners serving a custodial term of less than 4 years, the Parole Clerk should contact the Extended Sentence Team to request a copy of the transcript as soon as the prisoner is returned to custody.

Court papers should include remand, warrants, indictments and court records (Form 5089) as well as the Order of Imprisonment (5035). In every case where a prisoner has appealed against conviction or sentence, there should be papers from the Court of Appeal. These must be included in the dossier.

5. **List of previous convictions**

It is essential for the Parole Board to have a copy of a list of the prisoner's previous convictions. Form MG16 should be attached by the police to the warrant of committal and this must be obtained when the prisoner is first received if it has not been provided already. The NIS number must also be available for inclusion on the licence on release.

6. **Pre-sentence medical and/or psychiatric/psychological reports**

The court cannot decide that a custodial sentence is justified unless it has obtained and considered a pre-sentence report. The only exception is if the offender is being sentenced for an offence triable only on indictment (e.g. manslaughter, rape, robbery). This exception applies only if the court is of the opinion that, in the circumstances of the case, it is unnecessary to obtain a PSR. The court may also request a medical/psychiatric report in certain cases and this should be available to the Parole Board. Where the report has been marked “confidential” and has not been disclosed during court proceedings, the author must be approached to have it re-classified.

7. **Copy of previous parole dossiers and parole decisions**

It is important for past review papers, where they exist, in particular the Prison Assessment for the Parole Board and the Supervising Officer's Report to be available to the Parole Board so that progress can be monitored. In addition, it is important for a panel considering a case at a subsequent review to have a copy of the reasons given for the rejection of the prisoner’s representations against recall at the previous review (where applicable) together with the reasons for refusing release at any other subsequent review. These should follow logically at the end of the previous review papers.

8. **Adjudications and ADAs**

The record sheets for adjudications relating to the period of time the prisoner has been in custody following his recall and which have been proven or which are outstanding must be attached (the latter must be clearly marked as such). Any unproved adjudications must not be included in the dossier. Any details or paperwork relating to additional days awarded by the independent touring adjudicator should also be included.
9. **Prison Parole Assessment (PPA)**

This is one of the key prison documents and **must** be provided in the dossier. It is essential that each section is fully completed with the reporting officer’s assessment (not the prisoner's own reply to the questions). Where the personal officer scheme is operated, he/she will normally be the reporting officer. Otherwise the Governor **must** ensure that an officer with personal knowledge of the prisoner completes the form. One officer only, based upon information supplied from other relevant members of staff, contained in the prisoner's Personal Record and following an interview with the prisoner, should write the report. Incomplete PPA forms **must** be returned to the countersigning governor by the parole clerk and will be returned by the Parole Board where unsatisfactory. It is essential for the Prison Parole Assessment to be based on the conclusions reached following the interview with the prisoner and on the contents of the sentence planning/OASys documentation. This document has not been replaced by the OASys report.

10. **Seconded Probation Officers Report**

This report will normally include, amongst other information, the following details:

a. **Sources:** The level of previous contact with the prisoner; whether or not the report has been discussed with the home probation officer and prison staff; any documentation/files consulted; and of any information which is missing (e.g. Previous Convictions).

b. **Relevant information about the prisoner and the offence:** Whether the prisoner’s account of the offence differs from other/previous accounts; patterns or cycles that have been identified from the offending behaviour; any explanation given by the prisoner for his/her offending; the current attitude of the prisoner towards the victim/impact of the offence; and any development of insight during the sentence.

c. **Behaviour and progress since recall:** Details of any specific planning objectives and how far these have been met; details of any offending behaviour work completed or ongoing (including likely completion dates); whether any education has taken place since recall and details of any qualifications gained; an assessment of the prisoner’s level of literacy and numeracy; details of any employment the prisoner has undertaken; any significant reasons for transfer between prisons; whether or not there is a pattern of adjudications and whether these relate to risk areas; the record of MDTs; and the level of community support/visits from family and friends.

d. **Medical, Psychiatric and Psychological Considerations:** Details of any physical or mental health issues about which the report writer has concerns; information relevant to planning, or resources, if custody is to continue; and any information that should be considered in the planning for safe release.

e. **Risk assessment & Risk management plan:** Whether the prisoner is subject to MAPPA; whether the prisoner is subject to the notification requirements of Part II of the Sexual Offences Act 2003; and the impact these may have on the risk assessment and management plan.

f. **Conclusions and recommendations:** whether or not re-release is recommended, in light of the home probation officer’s assessment of the feasibility of managing risks in the community; and any recommendations for further risk management measures, including additional licence conditions.
The reporting officer should endeavour also to liaise with the Security Manager of the establishment in order to observe the latest security report prepared for the parole review and assess any issues that may have a bearing on risk, to enable such information to inform the content of their report. If any risk issues are identified, the reporting officer must endeavour to discuss the information with the field probation officer before the PAR is prepared. [note for OPG, as new piece of work].

11. Report(s) on offence related work

Reports that are available of offending behaviour courses (SOTP, anger management etc.) must be included in the dossier. Where full reports are not available, summaries should be included.

12. Prison medical/psychiatric/psychological reports

The Parole Board needs to know of any medical or psychiatric information relevant to the parole decision. Where the prisoner is receiving treatment from a psychiatrist or psychologist, a report must be obtained. In addition, the Parole Board may ask for reports where it is considered necessary in order to form a proper assessment of risk.

13. Supervising Officer's Report - This report should include the following details:

1. An account of the circumstances leading up to the recall. This is particularly important if the prisoner did not appeal against his recall initially. The revocation request may be quite detailed, and if so reference can be made to it, but an outline of any other misconduct during the period on licence, including any written or verbal warnings issued, is helpful.

2. A view of the risk presented by the prisoner. Including:

   * Formal static risk assessments (e.g., Matrix 2000, OASys ROH) if any, and any views about dynamic risk factors, demonstrated by the offender's behaviour and apparent attitudes

   * If relevant, how the offender's behaviour while on licence fits in with his offending pattern or otherwise throws light on his risk or the feasibility of managing it in the community.

   * Any interventions made while on licence (or indeed, before release), e.g. offence related programs, dates completed and the offender's progress

   * Whether, in your opinion, the prisoner's risk can reasonably be managed in the community, and under what circumstances: e.g., licence conditions, offending behaviour courses, hostel residence, whatever is relevant

3. A detailed release plan. Because the Parole Board needs to know what the proposed release arrangements are in order to decide whether the risk can reasonably be managed in the community, please give as full an account as possible. You must provide this even if you don't think it is safe to release the offender. The Parole Board can and does release offenders in circumstances where the supervising officer would prefer they did not, and you should be aware that if this were what the Parole Board decided, the offender would normally be released within 5 days of the hearing. You need to bear this in mind when considering the need to arrange provisional hostel places and multi-agency meetings.

   It is also helpful to outline what offending behaviour work needs to be done and what the prospects are of this being done in the community.
This is also the forum for the Home probation officer to outline what additional conditions he/she believes is necessary in order to manage risk in the community.

**Sentence planning documentation/OASys Assessment Report**

Although it is not essential for the dossier to contain the entire sentence planning documentation, it is essential for the Prison Parole Assessment to be based on the conclusions and contents of the documentation. If it is felt that in particular cases, the sentence planning documentation should be seen in order to make an assessment, this *must* be included as part of the dossier. The conclusion of the most recent OASys assessment should be included where applicable.

**Optional reports**

The following reports may also be included in the dossier where available, although failure to do so will not lead to the dossier being returned.

**Prison Chaplain’s Report.**

**Letters/Other Papers** - these would include letters of support from the prisoner’s family, friends and former or prospective employers. If there are many repetitive letters, it may be appropriate to include only a representative sample in the dossier sent to the Board. Letters arguing against parole are more difficult to handle. They may be malicious and contain unproved allegations; but sometimes they may be from the victim or victim's family or other persons with a valid interest in the case. There may be disclosure problems, as open reporting does not extend to information that could be injurious to third parties. The views of the supervising officer *must* be sought before a letter from a victim or other person is included in the dossier. The final decision will be made by the Governor.

**Press cuttings and photographs must not** be included in the dossier (unless they are part of the prisoner’s representations). Their presence could create a bias in the minds of those considering the case. In general, no other pictures or diagrams should be included in the dossier. Possible exceptions could include leaflets on release hostels which occasionally accompany the supervising officer’s report, or diagrams / maps supplied by the Probation Service.

**The following documents must not be included in the dossier:**

- Nominal Index Card (this *must* be sent along with the dossier to be placed on the left-hand side of the file for reference)

- Appendices to police reports containing witness statements or other prosecution evidence

- Police antecedents

- Categorisation and Allocation Form ICA1

- Medical Record

- Information of Special Importance Sheet
- Unsubstantiated positive voluntary drug screening test results (Please see PSO 3620, Chapter 3, paragraph 3.16)
CHAPTER 11

PRISONERS TRANSFERRED UNDER THE MENTAL HEALTH ACT

11.1 Summary

Prisoners may be transferred from prison to hospital under the Mental Health Act 1983 at any point in the sentence. If a prisoner, who is sentenced under the provisions of the Criminal Justice Act 1991 to a term of four years or more, is returned to prison custody following his/her PED, the standard parole procedures must be followed. It may be possible to obtain reports from the hospital to cover progress made there. If the prisoner is not returned to prison before the Non-Parole Date or the Automatic Release Date for short-term prisoners sentenced under the provisions of the Criminal Justice Act 1991 or those given a Standard Determinate Sentence under the provisions of the Criminal Justice Act 2003, he/she remains subject to supervision. A licence must be issued at the appropriate time, even if there is doubt about whether the prisoner will leave hospital before the Licence Expiry Date (or Sentence Expiry Date in respect of prisoners serving a standard determinate sentence).

MENTAL HEALTH CASES - MAIN ACTIONS AND RESPONSIBILITIES

- Parole Clerk must arrange for licence to be issued for ACR prisoners after discussion with supervising officer

- Parole Clerk must arrange for licence to be issued for Standard Determinate Sentence prisoners after discussion with supervising officer

- For parole eligible DCR and “Existing Prisoners” the Early Release and Recall Section will liaise with the Mental Health Unit, collate the dossier and issue the licence
11.2 ACR & SDS prisoners transferred to hospital

11.2.1 If an ACR or SDS prisoner is transferred under the Mental Health Act 1983, the Parole Clerk must bring forward his/her records to one month before the Conditional Release Date (LIDS should record a temporary absence, not a final discharge). The parole clerk must follow the guidance set out in chapter 14 of this order in respect of the consideration of additional and (where applicable) court-recommended licence conditions, and must arrange for the licence to be issued (Appendix A to this chapter for ACR offenders and Appendix B for SDS prisoners, together with the Explanatory note at Appendix C. The explanatory note must indicate that release is occurring under Section 244 of the Criminal Justice Act 2003). This must be signed by the Governor in the normal way and sent to the supervising officer, or a probation officer or social worker attached to the hospital, so that it can be explained to the prisoner and served on him/her. Copies must also be provided for the Chief Executive Officer of the hospital and the Responsible Medical Officer (RMO). The parole clerk must ask for signed copies to be returned to the prison for distribution in the normal way.

11.2.2 If a young offender is transferred to hospital from a YOI, the parole clerk must bring forward the papers as described in paragraph 3 above and ensure that a Notice of Supervision is issued in appropriate cases. If the offender can no longer be regarded as a YO when the Conditional Release Date is reached (whether for ACR or SDS prisoners) and the YOI cannot therefore issue the necessary adult licence, the case must be referred to the Early Release and Recall Section so that it can, exceptionally, issue an ACR/SDS licence.

11.3 DCR and Existing Prisoners transferred to hospital

11.3.1 Prisoners transferred to hospital under section 47/49 of the Mental Health Act 1983 are not eligible for review by the Parole Board while they continue to require treatment in hospital for their mental disorder. However, if the prisoner is parole eligible and the Home Secretary is satisfied on the advice of the Responsible Medical Officer (RMO) or
the Mental Health Review Tribunal (MHRT) that he/she no longer requires treatment in hospital (or no effective treatment can be given), but that return to prison would not be appropriate, a parole application may be made. The Early Release and Recall Section liaises directly with the Mental Health Unit (MHU), also of the Home Office, in such cases and there is no formal role in the review for the prison, although if there are likely to be old reports (sentence planning documents etc) available the Early Release and Recall Section will request them.

However, if such a prisoner is transferred to hospital on a long-term basis, the Parole Clerk must up-date the record retention marker on LIDS so that the record is not automatically deleted. This will ensure that information is available should the Early Release and Recall Section require it later.

11.3.2 The MHU will advise the relevant caseworker in the Early Release and Recall Section if a transferred prisoner has been found fit enough to leave hospital but not to return to prison. The Section caseworker must check for any existing papers. The responsibility for preparing papers for the Parole Board and referring the case to the Board rests with the Early Release and Recall Section, rather than the last establishment which held the prisoner.

11.3.3 MHU should be able to provide the following papers from its file:

- police report;
- previous convictions;
- any probation reports prepared for the court;
- papers showing progress in hospital (eg. medical reports which show attitude to the offence and how that has altered);
- any reports from doctors or social workers about suitability for discharge (these will have been prepared for the MHRT).

11.3.4 The establishment which last held the prisoner must also be asked to supply copies of any sentence planning documents which may have been completed before transfer.

11.3.5 When the initial notification is received from MHU, the prisoner must be invited to confirm that he/she wants to apply for parole. A copy of a form for this purpose is shown at Appendix D to this chapter.

11.3.6 The Early Release and Recall Section caseworker must identify the supervising officer and ask for an up-to-date report in the normal way. This officer should have maintained contact with the prisoner during
11.3.7 Once the dossier has been collated, it must be sent to the prisoner for disclosure and to give him/her an opportunity to make representations. If the supervising officer is not local to the hospital, it may be possible to enlist the help of the hospital social worker in explaining the dossier to the prisoner. The disclosure form will need to be adapted in every case to reflect the documents which are available. An example is attached at Appendix E to this chapter.

11.3.8 Once disclosure has taken place, the case must be formally referred to the Parole Board under Section 32(2) of the Criminal Justice Act 1991 for those sentenced on or after 1 October 1992, for offences committed prior to 4 April 2005, to a term of imprisonment of four years or more. Referral to the Board under Section 32(2) of the Criminal Justice Act 1991 applies also in identical circumstances but where the offender was sentenced, in respect of offences committed on or after 4 April 2005, to a term of imprisonment comprising multiple sentences each being less than 12 months, but where the combined length of the multiple under 12 month sentences amounts to a total term of 4 years or more. The Board will process the case in the normal way. A Parole Board member may visit the hospital to interview the prisoner.

11.3.9 If the case is one for which the Board would normally have delegated authority, the Board's decision must be accepted. In other cases the recommendation must be considered in the Early Release and Recall Section in the usual way. In view of the nature of the cases, the Parole Board must send all cases to the Early Release and Recall Section. All notifications relating to transferred cases must be sent from the Early Release and Recall Section and in cases where a negative decision has been reached the date when the next review should begin. The Early Release and Recall Section should also be informed of any changes in the prisoner’s circumstances. “Existing prisoners” must be released on the parole licence at Appendix F and DCR prisoners must be released on the parole licence at Appendix G. The Early Release and Recall Section is responsible for issuing these parole licences.

11.4 DCR and Existing Prisoners returned from hospital to prison

11.4.1 If a prisoner is returned from hospital to prison before they have reached the point six months prior to their Parole Eligibility Date (PED), their parole review should commence in accordance with the
guidance and timetable set out in chapter 5 of this Order. For those prisoners returned from hospital to prison and whose PED has passed or a parole review should have already commenced, parole clerks must consult the Early Release and Recall Section in order for a review to be inserted onto IIS, which will commence from the date of the prisoner’s return to prison.

11.5 Recall of prisoners transferred from prison to hospital under the Mental Health Act

11.5.1 A prisoner who is currently detained in hospital under the Mental Health Act and who would otherwise be subject to licensed supervision is not liable to recall. At the point at which the prisoner is discharged from hospital on licence he immediately becomes liable to recall. It is also possible in certain circumstances to revoke the licence on the grounds of behaviour whilst the prisoner was in hospital. However, before such a recall is agreed the case should be referred to the Head of Post Release in the Early Release and Recall Section.

11.5.2 A prisoner who has been released from custody on supervision licence, and is subsequently detained, or ‘sectioned’ under the Mental Health Act 1983, and is in hospital, may still be considered for recall if there are sufficient reasons to do so. However, in these circumstances, the fact that the prisoner is already detained in hospital should be noted and is normally referred to in the supervising officer’s breach report. This enables the Early Release and Recall Section to consider simultaneously seeking the issue of a Section 47 transfer direction from the Governor of the release prison, which enables the prisoner to remain in hospital, while being considered as ‘in custody’ for the purposes of recall.

11.6 Non-Parole Licences

11.6.1 For DCR and “Existing Prisoners”, serving 4 years and over, it is not practical to expect prisons to maintain contact over what could be a very lengthy period and to take on the responsibility for liaising with the Probation Service and issuing the licence. The task of issuing DCR non-parole licences to transferred prisoners is therefore the responsibility of the Early Release and Recall Section.

11.6.2 When a transferred prisoner is approaching the end of his custodial sentence, the MHU will alert the Early Release and Recall Section to the case. The file will have been brought forward in MHU three months before restrictions cease. The MHU caseworker will check with the
hospital what the plans are for the prisoner (ie. whether he will be returned to prison before NPD, discharged from hospital on the date restrictions cease or detained there after restrictions end). If the prisoner is not to be returned to prison, MHU will contact the relevant caseworker in the Early Release and Recall Section. MHU will at the same time write to the Chief Probation Officer to remind him/her of the statutory duty to supervise the patient. In addition, to assist the identification of relevant prisoners, the Parole Clerk must notify the Early Release and Recall Section of any DCR prisoners transferred to hospital within six months of their NPD.

11.6.3 When notification is received in the Early Release and Recall Section a check must be made for any existing papers on the prisoner (who may have been transferred after a parole review). If no background information is available, MHU will be able to supply details of the offence etc. or papers may still be available in the prison which last held the prisoner. These must be obtained.

11.6.4 The Early Release and Recall Section caseworker must identify a supervising officer and discuss with him/her the need for any additional licence conditions. The imposition of additional medical conditions must only be considered after discussion with the supervising psychiatrist, either directly or through the supervising probation officer. An NPD licence for transferred prisoners is attached at Appendix H to this chapter.

11.6.5 If any additional conditions are proposed, these must be approved in accordance with the guidelines set out in Chapter 14 of this Order.

11.6.6 Once conditions have been agreed, the Early Release and Recall Section caseworker must liaise with the probation officer and hospital about serving the licence. It must be signed, at least, at EO level in the Section before being sent out. If the probation officer is not local to the hospital, a social worker there may agree to serve the licence. A signed copy must be returned to the Section and copies sent (by the Section) to the CPO, NIS and Chief Officer of Police in the normal way.

11.7 Notifications to the Police

11.7.1 The Custody to Work Unit, Prison Service HQ, will notify Force Intelligence Bureaux, 28 days prior to release, of final discharge dates and addresses for all prisoners, with the exception of civil cases and those imprisoned for non-payment of fines. This is not intended to replace other arrangements and establishments must continue to
11.7.2 In addition to the above and as a separate initiative, the Early Release and Recall Section will, where possible, make arrangements to notify the home Basic Command Unit (BCU) (and in licence cases, the Probation Service), of Prolific and other Priority Offenders' (PPOs) release dates at least 28 days prior to release or as soon as possible thereafter. These arrangements apply to all PPOs, regardless of the length of sentence. As a precaution, the BCU must also be notified by the Early Release and Recall Section on the day the prisoner is actually released. Again, these arrangements do not replace the other arrangements set out in this chapter. Further information on PPOs can be found in PSO 4615.
LICENCE

Criminal Justice Act 1991

HMP/YOI: ___________
Tel: _________________

Name: Date of Birth:
Prison No: CRO No:
PNCID No:

1. Under the provisions of Section 33(1)(b) of the Criminal Justice Act 1991 you are being released from prison on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on .................. and expires on ................. unless this licence is previously revoked.

3. Your supervising officer is
   Name:
   Address:
   
   He/she or another nominated probation officer or social worker will keep in touch with you while you remain in hospital.

4. Whilst under supervision you must:
   i. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;
   ii. (additional conditions)

5. If you are discharged from hospital before this licence expires you must:
   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;
   ii. if required receive visits from your supervising officer at your home/place of residence;
iii. permanently reside at an address approved by your supervising officer and notify him/her in advance of any change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him/her in advance of any change;

v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (4) of the Criminal Justice Act 1991.

7. The penalties for failing to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5) are explained below:

- if the offence for which you are serving this sentence was committed before 1 January 1999, you will be liable to a fine up to level 3 on the standard scale and/or to be sent back to prison for a period not exceeding six months, or the date on which your licence expires if that is sooner.

- if the offence for which you are serving this sentence was committed on or after 1 January 1999, and you fail to comply with the requirements of your probation supervision or otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody.

If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [enter three quarter point of sentence]. In accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:       Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
LICENCE
CRIMINAL JUSTICE ACT 2003

Name:                  Date of Birth:
Prison No:             PNC/CRO No:
Establishment:
Establishment Telephone No.:

1. Under the provisions of Chapter 6 of the Criminal Justice Act 2003 you are being released on licence. Unless you are subsequently being detained under the Immigration Act 1971 for the purpose of your deportation/removal from the United Kingdom, you will be under the supervision of a probation officer or a social worker of a local authority Social Services department or of a Youth Offending team and must comply with the conditions of this licence. The objectives of the supervision and the conditions that form part of this licence are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on [ ] and expires on [ ] unless this licence is previously revoked.

3. On release from prison (including, if applicable, any release from detention under the Immigration Act 1971 during the currency of your licence, whether or not leave has been granted to remain in the United Kingdom), unless otherwise directed by your supervising officer, you must report without delay to:

   Name:

   Address:

   Telephone number

4. If, on the date of this licence, you are released to hospital or other suitable care on compassionate grounds under Section 248 of the Criminal Justice Act 2003 or if you are detained under mental health and/or immigration provisions or are subsequently so detained before your licence expires, your supervising officer or another nominated officer, social worker or member of a youth offending team will keep in touch with you. Otherwise, you must place yourself under the supervision of whichever probation officer, social worker of a local authority Social Services department or of a Youth Offending team is nominated for this purpose from time to time.
5. While under supervision you **must**:
   
   i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;
   
   ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;
   
   iii. If required, receive visits from your supervising officer at your home/ place of residence (e.g. approved premises);
   
   iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
   
   v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
   
   vi. Not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal.
   
   vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 250(4) of the Criminal Justice Act 2003.

7. If you fail to comply with any requirement of your licence (set out in paragraphs 3, 4 and 5 above) or if you otherwise pose a risk to the public, you will be liable to have this licence revoked and be recalled to custody until the date on which your licence would otherwise have expired. If you are sent back to prison and are re-released before the end of your licence, you will still be subject to licensed supervision until the end of your sentence.

8. Your sentence expires on [ ].

Signed: __________________________
for the Secretary of State for The Home Department

Date: __________________________

This Licence has been given to me and its requirements have been explained.

Signed:

Date:
Explanatory note in respect of your licence

You are being released under the provisions of Chapter 6 of the Criminal Justice Act 2003 ("the Act").

In your case your release on licence is under the Section marked below:

Section 244 of the Act [  ]
Section 246 of the Act [  ]
Section 247 of the Act [  ]
Section 248 of the Act [  ]
Section 254 of the Act [  ]
Section 256 of the Act [  ]

Your release is also subject to the conditions specified on your licence, all of which have been imposed in accordance with Chapter 6 of the Act.
APPLICATION FOR RELEASE ON PAROLE LICENCE FOR PRISONERS TRANSFERRED TO HOSPITAL UNDER THE MENTAL HEALTH ACT 1983

Prisoner's Name.................................................................

PED  ........................................................ NPD  .....................

As you may know, you are eligible now to be considered for parole. This means that the Parole Board will consider your case and will recommend whether or not you should be released on licence. Parole is not automatic and if you are not successful you will still be released [on licence] after serving two-thirds of your sentence.

You must sign this form if you wish your case to be considered by the Parole Board. Reports will be obtained from the probation service, police, prison and hospital staff to send to the Parole Board. You will have an opportunity to see these reports and then make written representations in support of your application. A member of the Parole Board may decide to visit you to discuss your case and the Parole Board will then meet to reach a decision. You do not have to make written representations if you do not wish - you should indicate this below.

If you do not wish to be considered for parole you should also sign this form (failure to sign this form will be taken as you 'opting-out' of the parole process). The Early Release and Recall Section will acknowledge your wish and no further action will be taken until such time as you may become entitled to a further review.

I wish/do not wish to be considered for release on parole.

Signed ........................................ Date  .........................

This should be witnessed to indicate that the prisoner does not wish his case to be considered (refusal by the prisoner to sign this form should be taken as an opt-out).

Name  .......................... Rank  ......................................

Signed  ........................ Date  ..............................

Official Use Only

Parole Ref  .................. Date Dossier due ..............

Date PAR due ..................... Interview date ..................

Panel Date  .....................

Issue number 226 Issue date 31/3/05
APPLICATION FOR RELEASE ON PAROLE LICENCE
MHRT DISCLOSURE FORM / PRISONER'S REPRESENTATIONS

This form must be issued to the prisoner at the same time that the parole dossier is disclosed.

Prisoner's Name..................
Parole Review No........... Prison No........................
Parole Ref............... PED............ NPD.............

Your application for early release on licence is to be considered by the Parole Board and a member of the Board may visit you to interview you. A copy of your parole dossier has been made available to you and this form allows you to make any comments on the contents of your dossier and also give any other information about your application that you feel the Parole Board should have.

The following reports have been disclosed to you:

Statement by the Secretary of State: Circumstances of Offence.
Pre-sentence probation report (if applicable)
Pre-sentence psychiatric report (if applicable)
Court transcription of sentencing remarks (for sentences after 1.1.97)
Previous convictions (if applicable)
Statement by Responsible Authority to MHRT.
Admission summary
Annual Report
Report of Section 117 meeting (if applicable).
Social work reports
Nursing progress report
Psychiatric reports.
MHRT Decision (if applicable)
Parole Assessment Report
Copies of previous parole papers (if applicable)
If available, Victim Personal Statement
Other..............................................................

The Parole Board has/has not been given additional information which has been withheld from you in accordance with guidance issued by the Secretary of State. You have no right to see this information and no grounds for appeal to the Parole Board or Prison Service. Please sign to indicate that disclosure has taken place.
Signed......................... date.................

I have no comments on the reports I have seen./ My comments are as follows

If there is any other information which you feel the Parole Board should have when considering your case, please record it here (continue on a separate sheet if necessary). The Board will have to decide whether your early release on licence would put the public at risk, whether you are likely to commit any further offences and what the chances of you returning to society to lead a law-abiding life will be.

Signed..............................

Name (Caps)..........................

Date.................................
APPENDIX F

L I C E N C E

Criminal Justice Act 1991

HMP/YOI: 
Tel

Name: Date of Birth:

Prison No: CRO No:

Parole Ref No: PNCID No:

1. Under the provisions of Section 35 of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................. and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:

Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;

ii. if required, receive visits from your supervising officer at your home/place of residence;

iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

iv. undertake only such work (including voluntary work) approved by you supervising officer and notify him or her in advance of any proposed change;

v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes Channel Islands and Isle of Man) without obtaining the prior
permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision until the end of your sentence.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter the two thirds point of sentence].

Signed:    Status:
Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:

Date:
L I C E N C E

Criminal Justice Act 1991

HMP/YOI:  
Tel:  

Name:  Date of Birth:  

Prison No:  CRO No:  

Parole Ref No:  PNCID No:  

1. Under the provisions of Section 35 of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on .............. and expires on ............... unless this licence is previously revoked.

3. On release you must report without delay to

Name:  
Address:  

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any reasonable instructions that you may be given;

   ii. if required, receive visits from your supervising officer at your home/place of residence;

   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that address;

   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to resettle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter the three-quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:       Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:       Date:
L I C E N C E

Criminal Justice Act 1991

HMP/YOI:
Tel

Name:
Date of Birth:

Prison No:
CRO No:
Parole Ref No:
PNC No:
CID No:

1. Under the provisions of Section 33(2) of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ................ and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to

Name:
Address:

4. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

5. While under supervision you must:

   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;
   
   ii. if required, receive visits from your supervising officer at your home/place of residence;
   
   iii. permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);

vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter three-quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:
Status:
Date:
for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed: Date:
EARLY RELEASE ON COMPASSIONATE GROUNDS (ERCG)

12.1 Summary

This chapter sets out the procedures for the permanent early release on licence of all prisoners on compassionate grounds. Before supporting an application for early release the Governor must consider whether the prisoner’s needs can be met by temporary release, for example, on compassionate licence (PSO 6300 refers). Under section 36 of the Criminal Justice Act 1991 (for those prisoners sentenced under the provisions of the Criminal Justice Act 1991) and section 248 of the Criminal Justice Act 2003 (for those prisoners sentenced under the Criminal Justice Act 2003), the Secretary of State may release a prisoner on licence at any point in the sentence if he is satisfied that this is justified by “exceptional circumstances”. Early release on compassionate grounds may be considered on the basis of a prisoner’s medical condition or as a result of tragic family circumstances. It is granted in only the most exceptional cases.

EARLY RELEASE ON COMPASSIONATE GROUNDS - MAIN ACTIONS AND RESPONSIBILITIES

All prisoners who have not reached the date on which they will be released automatically or become eligible for parole may apply for early release on compassionate grounds.

- in medical cases, and where a governor supports the application, the governor submits Form 210 including medical and probation reports and forwards it to the Early Release and Recall Section. In borderline cases, advice should be sought from Early Release and Recall Section before Form 210 is initiated.

- in tragic family circumstances, and where a governor supports the application, a governor completes Form 2161 along with reports from probation and other supporting evidence and sends the papers to the Early Release and Recall Section. In borderline cases, advice should be sought from Early Release and Recall Section before Form 2161 is
initiated.

- Early Release and Recall Section staff liaise with Medical Director, Prison Health, at the Department of Health
- Early Release and Recall Section decide to refuse applications or submit them to Ministers for a decision on release
- If release, Early Release and Recall Section to consider the need for any additional licence conditions, including those recommended by the courts
- Notification of decision to prisoner made by Early Release and Recall Section.
- Release on licence (produced by Early Release and Recall Section) if appropriate.
12.2 Eligibility

12.2.1 All prisoners who have not reached their Automatic Release Date, Conditional Release Date or Parole Eligibility Date may apply for early release on compassionate grounds. In the cases of prisoners who have reached their Parole Eligibility Date, compassionate circumstances are considered as part of the general parole process with early or special reviews as necessary. If such circumstances arise, the Parole Board Secretariat must be advised by the parole clerk so that the case can be expedited if necessary.

12.3 General principles

12.3.1 The fundamental principles underlying the approach to ERCG are:

(i) the release of the prisoner will not put the safety of the public at risk;

(ii) a decision to approve release would not normally be made on the basis of facts of which the sentencing or appeal court was aware;

(iii) there is some specific purpose to be served by early release.

12.3.2 The detailed criteria for early release are set out at Appendix A to this chapter

12.4 Early release on Medical Grounds

12.4.1 Early release may be considered where a prisoner is suffering from a terminal illness and death is likely to occur soon. There are no set time limits, but three months may be considered to be an appropriate period. It is therefore essential to try to obtain a clear medical opinion on the likely life expectancy. The Secretary of State will also need to be satisfied that the risk of re-offending is past and that there are adequate arrangements for the prisoner's care and treatment outside prison.

12.4.2 Early release may also be considered where the prisoner is bedridden or severely incapacitated. This might include those confined to wheelchairs, paralysed or severe stroke victims. Applications may also be considered if further imprisonment would endanger the prisoner's life or reduce his or her life expectancy. Conditions which are self-induced, for example following a hunger strike, would not normally qualify a prisoner for release.

12.5 How to make an application on medical grounds

12.5.1 Form 210 - at Appendix B to this chapter - must be completed by Governor
establishments. Section 4 must be completed by the registered medical practitioner with full details of the medical condition. Any other reports which are available, for example from hospital consultants, must also be forwarded. It is essential that an indication of likely life expectancy is included in the report.

12.5.2 Section 5 must be completed by the seconded probation officer, who should comment on the care available to the prisoner in the community and any relevant issues that go to risk. No enquiries should be made of family members at this stage.

12.5.3 Section 6 must be completed by the Governor and it is important that there is a proper assessment of the risk the prisoner represents. Reports must be disclosed to the prisoner, in line with the criteria used in parole reports, unless there are reasons for withholding the information. On receipt of applications, the Early Release and Recall Section will, as necessary, obtain the opinion of the Medical Director, Prison Health (at the Department of Health), on the merits of the application.

12.6 Early release due to tragic family circumstances

12.6.1 Imprisonment inevitably affects a prisoner's family. Cases involving tragic family circumstances are likely to be more difficult to assess than medical cases and may be more properly resolved by temporary release. The death of a relative would not usually be sufficient in itself to justify permanent early release.

12.6.2 Consideration for early release may, for example, be given where a spouse has died or is seriously ill and there is no-one to care for young children. Whether such an application is successful will depend upon the risk to the welfare of the children and the availability of support from other family members, friends or social services. Similarly, if a partner or parent is terminally ill, much will depend on what other help and support is available to him or her.

12.7 How to make an application in cases of tragic family circumstances

12.7.1 Form 2161 - at Appendix C to this chapter – must be completed by establishments. As full an account as possible must be given of the reasons for requesting early release. The seconded probation officer (who must complete section 4) may need to consult the supervising probation officer to obtain full background details of the case. Reports from the family doctor or social services may also be appropriate. The Governor must complete section 5 with details of the prisoner's behaviour in custody, a risk assessment and reasons for supporting (or not) the application. The prisoner should then be invited to make comments in support of his application in section 6. If the Governor supports the application, the completed form must be sent to the Early Release and Recall Section. Reports must be disclosed to the prisoner unless, in line with the criteria used in parole cases, there are reasons for withholding the information.
The prisoner must be advised that his case will be referred to the Parole Board to consider the risk of future re-offending and he must be given the opportunity to submit representations on this issue.

12.8 Early Release and Recall Section action

12.8.1 All applications for ERCG must be sent to the Early Release and Recall Section. The Section will be responsible for liaising with the Medical Director, Prison Health and, where appropriate and if there is time, seeking advice from the Parole Board. A decision to release on licence may only be made by Ministers, but senior officers in the section have delegated authority to refuse applications. A decision will usually be made within two weeks, but more quickly if the circumstances require it. If there is a medical application involving a very short life expectancy, the Early Release and Recall Section must be alerted by telephone at an early stage.

12.8.2 A decision to refuse an application does not mean that it may not be re-considered. Often the Early Release and Recall Section will ask that a case is kept under review. In those cases, the decision will be reviewed when, for example, there is a clearer prognosis or the life expectancy is further reduced. It is important that Governors keep the Section advised of developments in such cases.

12.9 Issue of Licences

12.9.1 If early release is approved for those prisoners subject to the release arrangements of the Criminal Justice Act 1991, the Early Release and Recall Section will send the establishment the licence at Appendix D for those released on medical grounds and at Appendix E for those released due to family circumstances. The licence will run to the prisoner’s original licence expiry date – the three quarter point of sentence, or in the case of AUR prisoners, it will run to the unconditional release date – the half way point of sentence. For contemnors and prisoners serving terms in default, the early release licence will run to the half way point for sentences of less than 12 months and to the two thirds point for those serving 12 months or more. Where early release is approved for those prisoners subject to the release arrangements of the Criminal Justice Act 2003, the Early Release & Recall Section will send the establishment the licence at Appendix F and the Explanatory note at Appendix G (which needs to illustrate that Section 248 of the Criminal Justice Act 2003 is the relevant provision under which the prisoner is being released). The licence will run to the sentence expiry date (SED) – at the end of sentence. For contemnors and prisoners serving terms in default, the early release licence will run to the half way point.

12.10 Notifications to the Police
12.10.1 Establishments must make arrangements to notify the home Basic Command Unit (BCU) (and in licence cases, the Probation Service), of Prolific and other Priority Offenders' (PPOs) release dates as soon as possible prior to release and, as a precautionary measure, on the day of release. These arrangements apply to all PPOs, regardless of the length of sentence. These arrangements do not replace the other arrangements set out in this chapter and establishments must continue to send notification to the Police and Probation Service as instructed elsewhere in this PSO. Further information on PPOs can be found in PSO 4615.

12.11 Release Information

12.11.1 Under the current Victims’ Charter, if the victim contacts the prison, either directly or via the Prison Service Helpline or through the Probation Service Victim Contact Scheme (the Probation Service Victim Contact Scheme covers victims where the offender has been sentenced to a term of 12 months or more for a sexual or violent offence only (although the probation service can offer contact on a discretional basis if circumstances and resources permit)), to ask for information about the prisoner's release plan, he/she may be told the month of release, the length of time on licence and general area of release only. No information about the release address or the precise date of release may be disclosed. The victim should be referred to the Home Probation Officer or Victim Liaison Officer for more information.

12.11.2 Under the new Victims’ Code of Practice – likely to be implemented in late 2005 – apart from the continuing roles of the Prison Service Helpline and the Probation Service Victim Contact Scheme, most communications with victims will be carried out by the probation service victim liaison officer. However, it is important that prisons have systems in place to liaise with the probation service and that all approved conditions are inserted into prisoners’ release licences, including additional licence conditions affecting victims as agreed by the Parole Board or Secretary of State.

12.12 Varying licences and use of additional licence conditions

12.12.1 As for all forms of release on licence it is possible to vary a licence to facilitate the management of supervision of the prisoner upon release. Guidance on varying licences in respect of the inclusion of additional licence conditions, can be found at chapter 14 of this Order.

12.12.2 The Criminal Justice Act 2003 also introduces a power for sentencers, when passing sentences, on those who have committed offences on or after 4 April 2005, where (if there was more than one element) at least one element of the sentence was for a term of 12 months or more, to recommend to the Secretary of State, additional licence conditions which in its view should be placed on those released under Chapter 6 of the Criminal Justice
Act 2003. This includes permanent release on compassionate grounds. There is a requirement for the Secretary of State to pay due regard to any recommendations the courts may make. The Governor must therefore check to see if the courts have recommended any additional licence conditions (which can be found on the court form 5089) and, if so, details of these must be brought to the attention of the Early Release and Recall Section. The Early Release and Recall Section will consult with the supervising officer about the need for any additional licence conditions and, if the court has made any such recommendation, whether or not any of the court-recommended licence conditions should be included on the licence. The final decision rests with the Early Release and Recall Section. Governors must ensure that LIDS is updated (as it is likely to carry any court-recommended licence conditions added by the establishment shortly after the prisoner was received into prison custody) so that it is in line with the conditions (including any court-recommended conditions) that appear on the release licence.

12.13 Recall to prison

12.13.1 As with any other offender on a licence, a prisoner released on compassionate grounds must comply with the conditions imposed on him or her. If the supervising officer is concerned about the prisoner's conduct or wishes to add, amend or delete a licence condition during the supervision period, the Early Release and Recall Section must be contacted in the normal way for all prisoners released early on compassionate grounds.

12.13.2 There is no question of a prisoner being recalled simply because of a change in his or her compassionate circumstances. If a prisoner makes an unexpected recovery, for example, he/she remains on licence in the community.
The criteria applied in medical and tragic family circumstances cases are as follows:

(i) **Medical**

- the prisoner is suffering from a terminal illness and death is likely to occur soon; or the prisoner is bedridden or similarly incapacitated;  and  
- the risk of re-offending is past; and  
- there are adequate arrangements for the prisoner's care and treatment outside prison; and  
- early release will bring some significant benefit to the prisoner or his/her family.

(ii) **Tragic Family Circumstances**

- the circumstances of the prisoner or the family have changed to the extent that if he/she served the sentence imposed, the hardship suffered would be of exceptional severity, greater than the court could have foreseen; and  
- the risk of re-offending is past; and  
- it can be demonstrated beyond doubt that there is a real and urgent need for the prisoner's permanent presence with his/her family; and  
- early release will bring some significant benefit to the prisoner or his/her family, which cannot be provided by any other person or agency.

(iii) **General**

The following factors need also to be considered:

- whether **temporary release** under the Prison Rules could significantly reduce the prisoner's and/or family's suffering;  
- the length of the sentence still outstanding; the effect on the overall sentence passed by the court if early release is granted; and any remarks which the trial judge made on sentencing which may have a bearing on the question of release;  
- the wishes of the prisoner and his/her family and the level of benefit which would derive to the prisoner and/or the family from permanent release;  
- in medical cases, the diagnosis and prognosis; in particular whether there is a specific estimate of life expectancy; and the degree of incapacitation.

In addition the Secretary of State may release a prisoner if he is satisfied that other exceptional circumstances exist.
IMMEDIATE

EARLY RELEASE ON COMPASSIONATE GROUNDS

COMPASSIONATE MEDICAL CONDITION REPORT

SECTION 1 - DETAILS OF PRISONER - to be completed by the Discipline Office

SURNAME   FIRST NAMES

ALIASES

SECURITY CATEGORY

PRISONER DATE OF SEX M ☐

NUMBER BIRTH F ☐

SECTION 2 - DETAILS OF OFFENCE (S)/SENTENCE(S) - to be completed by the Discipline Office

(a) Name of court

(b) Offence(s)

(c) Sentence(s)

(d) Did the court recommend deportation?

(e) L.E.D. ..................................................   (f) P.E.D.

(licence expiry date)   (parole eligibility date)

or   or

A.R.D. ..........................................................

C.R.D..........................................................

(automatic release date)   (conditional release date)

(g) Next review date: .....................................

SECTION 3 - PROGRESS RECORD

DATE REFERRED This application for early release on health grounds includes assessments

TO from:

Section 4 - The Registered Medical Practitioner

Section 5 - The Prison Probation Officer

Section 6 - The Governor

F210 37002 (Rev 9/92) XNW

SECTION 4 - To be completed by the Registered Medical Practitioner
(a) I examined the inmate on (date(s)):

(b) The consultant involved in the case is:

(c) The inmate is suffering from:

(d) My prognosis is:

(e) Early release should be considered for the following reasons:
(Use the following question as a guide for your answer)

Does the condition of health render the inmate incapable of committing further criminal acts, particularly of a sexual or violent nature?

(f) I attach relevant medical reports, in a sealed envelope.

(g) If released, medical care would be available from:

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
</tbody>
</table>
Where the Registered Medical Practitioner is not a General Practitioner with responsibility for the care of the patient within the prison, this General Practitioner should signify on the form that he/she is in agreement with the Registered Medical Practitioner’s report.
SECTION 5 - To be completed by the Prison Probation Officer

PLEASE NOTE - no additional enquiries should be made for the purpose of completing this section unless specifically requested by Early Release and Recall Section.

(a) To what extent are the relatives and friends aware of the prisoner’s medical condition?

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

(b) What is your assessment of the risk of the prisoner further offending if released on licence?

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

(c) What is your assessment of the prospects of suitable resettlement arrangements being made in the event of release?

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

(d) I attach the most recent Social Enquiry Report on the prisoner.

Name:........................................................................................................................................

(Block Capitals)

Signature:...................................................................................................................................

Date:...........................................................................................................................................
(b) Was the prisoner’s medical condition known to the sentencing court?

(c) What is your assessment of the prisoner’s behaviour in Prison?

(d) What is your assessment of the risk of the prisoner further offending if released on licence?

(e) Has removal to a hospice or similar institution under Section 22(2) (b) of the Prison Act 1952 been considered?
   If so, with what result?

(f) Has temporary release on compassionate licence under PSO6300 been considered?
   If so with what result?

(g) Do you consider that the prisoner should be released early?
   Please state your reasons:

(h) I attach the Police Report of the offence(s) relating to the prisoner’s current sentence(s)

(i) I attach a list of previous convictions

(j) I attach a copy of the Pre-Sentence Report

(k) I attach a copy of the trial judge’s sentencing remarks

(l) I have submitted a copy of this report to Early Release and Recall Section

Name:...........................................................................................................................................
(BLOCK CAPITALS)

Issue No 226

Issue date 31/3/05
APPENDIX C

IMMEDIATE
EARLY RELEASE ON COMPASSIONATE GROUNDS
COMPASSIONATE FAMILY CIRCUMSTANCES REPORT

SECTION 1 - DETAILS OF PRISONER - to be completed by the Discipline Office

<table>
<thead>
<tr>
<th>SURNAME</th>
<th>FIRST NAMES</th>
<th>ALIASES</th>
<th>SECURITY CATEGORY</th>
<th>PRISONER NUMBER</th>
<th>DATE OF BIRTH</th>
<th>SEX</th>
<th>M □ F □</th>
</tr>
</thead>
</table>

SECTION 2 - DETAILS OF OFFENCE (S)/SENTENCE(S) - to be completed by the Discipline Office

(a) Name of court
(b) Offence(s)
(c) Sentence(s)
(d) Did the court recommend deportation?
(e) L.E.D.............................................. (f) P.E.D..............................................
   (licence expiry date) (parole eligibility date)
   or or
   A.R.D.......................................... C.R.D...........................................
   (automatic release date) (conditional release date)
(g) Next review date:..............................................

SECTION 3 - PROGRESS RECORD

<table>
<thead>
<tr>
<th>DATE REFERRED TO</th>
<th>This application for early release on compassionate domestic circumstances includes assessments from:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Section 4 - The Prison Probation Officer</td>
</tr>
<tr>
<td></td>
<td>Section 5 - The Governor</td>
</tr>
</tbody>
</table>

SECTION 4 - To be completed by the Prison Probation Officer

(a) Describe the difficulties of the family circumstances:

Issue No 226 Issue date 31/3/05
(b) Are there any reports (e.g. medical reports) confirming the circumstances?

|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|

(c) What other means of support does the family have, e.g. from relatives or friends?

|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|

(d) What evidence is there that early release on compassionate grounds would ease the problems of the family circumstances?

|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|
|______________________________________________________________________________|

What is your assessment of the risk of the prisoner further offending if released on licence?

- __________________________________________________________________________
- __________________________________________________________________________
- __________________________________________________________________________
- __________________________________________________________________________
- __________________________________________________________________________

(f) I attach the most recent Social Enquiry Report on the inmate.

Name: ....................................................................................................................
(BLOCK CAPITALS)

Signature: ..............................................................................................................

Date: ....................................................................................................................
### SECTION 5 - To be completed by the Governor

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<tbody>
<tr>
<td>(a)</td>
<td>What are the problems concerning the prisoner’s domestic circumstances?</td>
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<tr>
<td>(b)</td>
<td>Were these known to the sentencing court?</td>
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<tr>
<td>(c)</td>
<td>What is your assessment of the prisoner’s behaviour in prison?</td>
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<tr>
<td>(d)</td>
<td>What is your assessment of the risk of the prisoner further offending if released on licence?</td>
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</table>
| (e) | Has temporary release on compassionate licence under PSO6300 been considered?  
     | If so, with what result? |
|     |   |
|     |   |
|     |   |
| (f) | Do you consider that the prisoner should be released early?  
     | Please state your reasons |
|     |   |
|     |   |
|     |   |
| (g) | I attach the Police Report of the offence(s) relating to the prisoner’s current sentence(s). |
|     |   |
|     |   |
| (h) | I attach a list of previous convictions.  
     | • I attach a copy of the Pre-Sentence Report  
     | • I attach a copy of the trial judge’s sentencing remarks |
- I have submitted a copy of this report to the Early Release and Recall Section.

Name: .................................................................
(BLOCK CAPITALS)

Signature: ...........................................................
Date: ....................................................................... 

SECTION 6 – to be completed by the prisoner

I confirm that I have seen disclosed reports prepared in respect of this application and that the process has been explained to me.

I wish to make the following comments in support of my application (it is possible that the parole Board will be invited to assess the risk of your committing further offences and if you meet the criteria for early release, this will be approved only if the Secretary of State is satisfied that the risk of further offending is past. Therefore you may wish to explain why you believe you present an acceptable risk for release at this stage.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Signed: .................................................................Date: .................................................................
1. Under the provisions of Section 36 of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on .................. and expires on ................. unless this licence is previously revoked.

3. You must place yourself under the supervision of whichever probation officer or social worker is nominated for this purpose from time to time.

4. While under supervision you must:
   i. keep in touch with your supervising officer in accordance with any instructions that you may be given;
   ii. if required, receive visits from your supervising officer at your home/place of residence;
   iii. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
   iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
   v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);
   vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;
   vii. (Additional licence conditions)
5. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

6. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3 and 4 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

7. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter three quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed:       Status:

Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed:       Date:
APPENDIX E

L I C E N C E

Criminal Justice Act 1991

HMP/YOI: 
Tel: 

Name: Date of Birth: 

Prison No: CRO No: 
Parole Ref No: PNCID No: 

1. Under the provisions of Section 36 of the Criminal Justice Act 1991 you are being released on licence. You will be under the supervision of a probation officer or a social worker of a local authority social services department or member of a Youth Offending Team and must comply with the conditions of this licence. The objectives of this supervision are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on ............... and expires on ................. unless this licence is previously revoked.

3. On release you must report without delay to 

Name: 
Address: 

4. You must place yourself under the supervision of whichever probation officer, social worker or member of a Youth Offending Team is nominated for this purpose from time to time.

5. While under supervision you must:

i. keep in touch with your supervising officer in accordance with any instructions that you may be given;
ii. if required, receive visits from your supervising officer at your home/place of residence;
iii. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;
iv. undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;
v. not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without obtaining the prior permission of your supervising officer (which will be given in exceptional circumstances only);
vi. be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

(vii. Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 37 (5) of the Criminal Justice Act 1991.

7. If you fail to comply with any requirement of your probation supervision (set out in paragraphs 3, 4 and 5 above), or if you otherwise pose a risk to the public, you will be liable to have your licence revoked and be recalled to custody. If you are sent back to prison and released before the end of your sentence, you will still be subject to supervision.

8. Your sentence expires on [date]. If you are not recalled, your licence will expire on [enter three quarter point of sentence]. From the remainder of the period until the point at which your sentence expires, in accordance with the provisions of Section 116 of the Powers of Criminal Courts (Sentencing) Act 2000, you are liable to be returned to custody if you are convicted of a further imprisonable offence committed before your sentence has fully expired. The court dealing with the new offence may add all or part of the outstanding period of the original sentence on to any new sentence it may impose.

Signed: Status:
Date:

for the Secretary of State for the Home Department

This licence has been given to me and its requirements have been explained.

Signed: Date:
APPENDIX F

LICENCE

Criminal Justice Act 2003

Name:      Date of Birth:

Prison No:     PNC/CRO No:

Establishment:    Establishment Telephone No.:

1. Under the provisions of Chapter 6 of the Criminal Justice Act 2003 you are being released on licence. Unless you are subsequently being detained under the Immigration Act 1971 for the purpose of your deportation/removal from the United Kingdom, you will be under the supervision of a probation officer or a social worker of a local authority Social Services department or of a Youth Offending team and must comply with the conditions of this licence. The objectives of the supervision and the conditions that form part of this licence are to (a) protect the public, (b) prevent re-offending and (c) help you to resettle successfully into the community.

2. Your supervision commences on [ ] and expires on [ ] unless this licence is previously revoked.

3. On release from prison (including, if applicable, any release from detention under the Immigration Act 1971 during the currency of your licence, whether or not leave has been granted to remain in the United Kingdom), unless otherwise directed by your supervising officer, you must report without delay to:

Name:

Address:

4. If, on the date of this licence, you are released to hospital or other suitable care on compassionate grounds under Section 248 of the Criminal Justice Act 2003 or if you are detained under mental health and/or immigration provisions or are subsequently so detained before your licence expires, your supervising officer or another nominated officer, social worker or member of a youth offending team will keep in touch with you. Otherwise, you must place yourself under the supervision of whichever probation officer, social worker of a local authority Social Services department or of a Youth Offending team is nominated for this purpose from time to time.

5. While under supervision you must:

Issue No 226

Issue date 31/3/05
i. Be well behaved, not commit any offence and not do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community;

ii. Keep in touch with your supervising officer in accordance with any instructions that you may be given;

iii. If required, receive visits from your supervising officer at your home/ place of residence (e.g. approved premises);

iv. Permanently reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

v. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

vi. Not travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) unless otherwise directed by your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal.

vii. (Additional licence conditions)

6. The Secretary of State may vary or cancel any of the above conditions, in accordance with Section 250(4) of the Criminal Justice Act 2003.

7. If you fail to comply with any requirement of your licence (set out in paragraphs 3, 4 and 5 above) or if you otherwise pose a risk to the public, you will be liable to have this licence revoked and be recalled to custody until the date on which your licence would otherwise have expired. If you are sent back to prison and are re-released before the end of your licence, you will still be subject to licensed supervision until the end of your sentence.

8. Your sentence expires on [ ].

for the Secretary of State for The Home Department

date.

This Licence has been given to me and its requirements have been explained.

Signed: Date:
**Explanatory note in respect of your licence**

You are being released under the provisions of Chapter 6 of the Criminal Justice Act 2003 ("the Act").

In your case your release on licence is under the Section marked below:

<table>
<thead>
<tr>
<th>Section of the Act</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 244 of the Act</td>
<td>[ ]</td>
</tr>
<tr>
<td>Section 246 of the Act</td>
<td>[ ]</td>
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<td>Section 247 of the Act</td>
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<td>Section 248 of the Act</td>
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<td>Section 254 of the Act</td>
<td>[ ]</td>
</tr>
<tr>
<td>Section 256 of the Act</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Your release is also subject to the conditions specified on your licence, all of which have been imposed in accordance with Chapter 6 of the Act.
CHAPTER 13

TRANSFER OF PRISONERS AND POST RELEASE SUPERVISION BETWEEN UNITED KINGDOM JURISDICTIONS AND THE ISLANDS - PAROLE AND SUPERVISION

13.1 Summary

13.1.1 The Crime (Sentences) Act 1997 (section 41 and Schedule 1) provides for prisoners to be transferred from England and Wales to another United Kingdom jurisdiction, the Channel Islands, or the Isle of Man, and vice versa. The provisions are used primarily to facilitate family contact, enabling prisoners to transfer to another jurisdiction either to complete their sentences, or for time limited periods, to receive accumulated visits. There is also provision for prisoners to be transferred for judicial purposes.

13.1.2 Any prisoner may request a transfer to another jurisdiction. In the case of transfers from the Channel Islands or the Isle of Man, or transfers for judicial purposes the Secretary of State may make an order for a transfer without a request from the prisoner.

13.1.3 Transfers are made on either an unrestricted or a restricted basis. Where transfers are made on an unrestricted basis the continued administration of the prisoner’s sentence becomes a matter entirely for the receiving jurisdiction. Where a prisoner is transferred on a restricted basis the sending jurisdiction continues to administer certain aspects of the sentence.
RESETTLEMENT OUTSIDE ENGLAND AND WALES - MAIN ACTIONS AND RESPONSIBILITIES

- Transfers are either on a restricted or unrestricted basis
- The receiving jurisdiction assume full responsibility for prisoners transferred on a unrestricted basis
- The sending jurisdiction keep responsibility for prisoners transferred on a restricted basis

Restricted cases

- Parole Clerks retain responsibility for parole reviews for these prisoners. They will be informed of appropriate dates by the Early Release and Recall Section
- The issuing (by establishments) of licences in restricted cases remains the responsibility of the sending jurisdiction
- The Governor is responsible for deciding whether post release supervision for offenders should be transferred.

Unrestricted cases

- If transfer occurs prior to PED (and if receiving jurisdiction's legislative framework provides for early release on parole), receiving jurisdiction is responsible for prisoner's parole review.
- The issuing of licences rests with the receiving jurisdiction, providing the transfer is to occur prior to the point where the prisoner would have otherwise been released (whether automatically or on parole etc.) in the sending jurisdiction.
- The Governor is responsible for deciding upon transferring post release supervision for all offenders.

13.2 Actions following transfer

Unrestricted Transfers

13.2.1 Where a prisoner is transferred on an unrestricted basis administration of the sentence becomes a matter entirely for the receiving jurisdiction.

Restricted transfers
13.2.2 A prisoner granted a restricted transfer will automatically remain, for the duration of the transfer, subject to the law governing release on licence, automatic release, post release supervision and recall, applicable in the sending jurisdiction. In the case of prisoners sentenced in England and Wales and given restricted transfers to another jurisdiction responsibility for the administration of their release arrangements therefore remains with the "parent" establishment in England and Wales. The parent establishment is the prison in which the prisoner was last held (excluding staging prisons used only to effect the transfer).

13.3 Parole Reviews

13.3.1 It is the responsibility of the Parole Clerk to ensure that a parole review is carried out at the appropriate time for prisoners transferred to another jurisdiction on a restricted basis. The parole clerk must forward the dossier to the holding establishment in the receiving jurisdiction who will complete the necessary reports, arrange for disclosure of the dossier to take place and return them to the Parole Clerk. The Parole Clerk must ensure that the completed dossier is forwarded in line with the parole timetable.

13.4 Release on licence

13.4.1 The parent establishment also continues to be responsible for overseeing arrangements for release including resettlement plans and the issue of any relevant licence. The procedures for the consideration, setting varying or deleting of additional licence conditions, including any court-recommended licence conditions, must be in accordance with the guidance contained in chapter 14 of this Order. Licences (and where applicable, the explanatory note) should be issued in accordance with the relevant arrangements set out in Chapters 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Order.

13.4.2 Probation Officers in the current probation area are responsible for liaising with their opposite number in the receiving jurisdiction to ensure that a proper resettlement plan has been prepared. Probation Service Circulars to this effect have already been issued.

13.4.3 The release procedures must be instigated in adequate time to ensure that the prisoner is released in accordance with proper procedures, and on licence where required, on his due release date. Ideally licences should be forwarded to the holding jurisdiction at least two weeks before the prisoner’s release date.

13.4.4 In the event of any queries advice may be obtained from the Early Release and Recall Section.
13.5  Return of prisoners to England and Wales

13.5.1 Where a prisoner has been transferred to another jurisdiction on a restricted basis and is to be returned to a prison in England and Wales he or she will normally be returned to his parent establishment.

13.6  Prisoners transferred into England and Wales from other jurisdictions

13.6.1 Warrants used to transfer prisoners from other jurisdictions into England and Wales are similar in format to those used in this jurisdiction. Receiving establishments will readily be able to distinguish therefore, whether a prisoner is being transferred on an unrestricted or on a restricted basis.

13.7  Prisoners transferred into England and Wales on an unrestricted basis

13.7.1 Where a prisoner sentenced in another jurisdiction is transferred to England and Wales on an unrestricted basis the prisoner is to be treated on reception for all purposes as though sentenced in this jurisdiction.

13.8  Prisoners transferred into England and Wales on a restricted basis

13.8.1 Where a prisoner sentenced in another jurisdiction is transferred to England and Wales on a restricted basis the receiving establishment must note any additional conditions (e.g. a time limit) applied to the transfer and adhere to these. For those prisoners with a parole review, it is the responsibility of the receiving establishment to provide reports in accordance with instructions from the relevant authority in the other jurisdiction.

13.9  Transfer of post release supervision

13.9.1 Prisoners may also request transfer of their supervision to one of the other jurisdictions either immediately on release from custody, or at any point during the period of post-release supervision. It will be for the supervising officer to assess:

- whether the offender has close family or residential ties in the receiving jurisdiction;

- whether the offender intends to reside in the jurisdiction following the completion of the period of supervision;
- whether there are any strong compassionate or other grounds; and

- whether the protection of the public, prevention of reoffending and rehabilitation of the offender would not be undermined by such resettlement.

13.9.2 Consideration of such requests is carried out in practice on behalf of the Secretary of State by the Governor of the parent establishment in which the prisoner was held in England and Wales.

13.9.3 Where consideration is given to agreeing to the request, Governors must satisfy themselves, by consulting the relevant probation areas/officers, that the transfer of supervision is both viable and safe between both jurisdictions. Governors must also ensure that the relevant Probation area has been in contact with the relevant authority in the receiving jurisdiction and that the jurisdiction concerned is prepared to take on the necessary supervision.

13.9.4 Supervision can be transferred on either an unrestricted basis, or a restricted basis. Where supervision is transferred on an unrestricted basis the receiving jurisdiction will assume full responsibility for setting and monitoring the terms and conditions of any supervision in accordance with its own rules and procedures. Where supervision is transferred on a restricted basis, licence conditions will be set by the sentencing jurisdiction and those conditions will be administered by the receiving jurisdiction. Any decision to recall the prisoner will fall to the sentencing jurisdiction and will be based on information provided by the receiving jurisdiction.

13.9.5 Where it is agreed that post-release supervision should be transferred to another jurisdiction, the offender must be issued with the appropriate Transfer Order along with release documentation. Prisoners must sign the Order to indicate that they understand the conditions of transfer. Examples of appropriate Orders are attached at Appendix A. In cases of doubt, or where a prisoner is to be/has been released under a provision of either one of the Criminal Justice Acts 1991 & 2003 which is not contained in one of the Orders at Appendix A, advice must be obtained from the Early Release and Recall Section.
INDEX OF TRANSFER ORDERS

Annex 1: Order for the **unrestricted** transfer of supervision – ACR

Annex 2: Order for the **restricted** transfer of supervision – ACR

Annex 3: Order for the removal of the conditions of a **restricted** transfer of supervision – ACR

Annex 4: Order for the return of supervision to England and Wales – ACR

Annex 5: Order for the **unrestricted** transfer of supervision – s.65 N of S

Annex 6: Order for the **restricted** transfer of supervision – s.65 N of S

Annex 7: Order for the removal of the conditions of a **restricted** transfer of supervision – s.65 N of S

Annex 8: Order for the return of supervision to England and Wales – s.65 N of S

Annex 9: Order for the **unrestricted** transfer of supervision – DCR

Annex 10: Order for the **restricted** transfer of supervision – DCR

Annex 11: Order for the removal of the conditions of a **restricted** transfer of supervision – DCR

Annex 12: Order for the return of supervision to England and Wales – DCR

Annex 13: Order for the **unrestricted** transfer of supervision – SDS

Annex 14: Order for the **restricted** transfer of supervision – SDS

Annex 15: Order for the removal of the conditions of a **restricted** transfer of supervision – SDS

Annex 16: Order for the return of supervision to England and Wales - SDS
ORDER FOR THE UNRESTRICTED TRANSFER OF SUPERVISION TO

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 (1) (b) & 15

Whereas .................................. was released from HM Prison/YOI ................................ on ...................... under the provisions of section 33 (1) (b) of the Criminal Justice Act 1991;

And whereas ................................. has requested the transfer of his/her supervision to .......................;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that the supervision of the said ........................... should be transferred to ............................. (named supervising service) for the remainder of the supervision period and that the transfer should be unrestricted within the meaning of paragraph 6 (1) (b) of Schedule 1 to the said Act.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE RESTRICTED TRANSFER OF SUPERVISION TO

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7

Whereas ........................................ was released from HM Prison/YOI .................... on .................... under the provisions of section 33 (1) (b) of the Criminal Justice Act 1991;

And whereas ................................ has requested the transfer of his/her supervision to .......................;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997 (the 1997 Act), the Secretary of State hereby orders that the supervision of the said ................................ should be transferred to ................................ (named supervising service) for the remainder of the supervision period and further orders, in pursuance of paragraph 5 (1) of Schedule 1 to the 1997 Act, that the transfer shall have effect subject to the following conditions:

(i) that the said ................................ shall, for the duration of his transfer to ....................... , be treated for the relevant purposes of the 1997 Act (as mentioned in paragraph 6(2) of Schedule 1 to that Act) as if he/she were still subject to the provisions applicable for these purposes under the law of England and Wales;

(ii) that for the purpose of paragraph 7 (2) of Schedule 1 to the said Act, reference to the Secretary of State shall be taken to mean the Secretary of State for the Home Department.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:

Issue No. 226

Issue date 31/03/05
ORDER FOR THE REMOVAL OF THE CONDITIONS OF A RESTRICTED TRANSFER OF
SUPERVISION TO .............................................

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 (1) (b) 15 & 16)

Whereas ................................. was released from HM Prison/YOI ..................... on ...................... under the provisions of section 33 (1) (b) of the Criminal Justice Act 1991;

And whereas ....................... was granted a restricted transfer from England and Wales to .................

And whereas it now appears appropriate to the Secretary of State for the restrictions placed on the transfer by the Order dated ................. to be removed;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby removes the conditions specified in the Order dated ................. and by this Order authorises that the transfer should be unrestricted within the meaning of paragraphs 6 (1)(b) and 16 of Schedule 1 to the said Act.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE RETURN OF SUPERVISION TO ENGLAND AND WALES

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7)

Whereas ............................ was released from HM Prison/YOI ..................... on .................... under the provisions of section 33 (1) (b) of the Criminal Justice Act 1991;

And whereas ............................ was granted a restricted transfer from England and Wales to ....................

And whereas it now appears appropriate to the Secretary of State that the supervision of ............................ should be returned to ............................ (name of supervising service);

Now, therefore in pursuance of paragraph 7 (1) (b) of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that ............................ should be subject to supervision by ............................ (name of supervising service) as soon as the necessary arrangements are in place.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE UNRESTRICTED TRANSFER OF SUPERVISION TO ........................................

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5,6 (1) (b) & 15

Whereas ........................................ was released from HM Prison/YOI ....................... on ....................... under the provisions of section 33 (1) (a) of the Criminal Justice Act 1991;

And whereas ........................................ has requested the transfer of his/her supervision to ........................................;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that the supervision of the said ........................................ should be transferred to ........................................ (named supervising service) for the remainder of the supervision period and that the transfer should be unrestricted within the meaning of paragraph 6 (1) (b) of Schedule 1 to the said Act.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE RESTRICTED TRANSFER OF SUPERVISION TO .............................................

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7)

Whereas ................................ was released from HM Prison/YOI ...................... on ................. under the provisions of section 33 (1) (a) of the Criminal Justice Act 1991;

And whereas ....................... has requested the transfer of his/her supervision to .....................................;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997 (the 1997 Act), the Secretary of State hereby orders that the supervision of the said ......................................... should be transferred to ........................................ (named supervising service) for the remainder of the supervision period and further orders, in pursuance of paragraph 5 (1) of Schedule 1 to the 1997 Act, that the transfer shall have effect subject to the following conditions:

(i) that the said ........................ shall, for the duration of his transfer to ....................... be treated for the relevant purposes of the 1997 Act (as mentioned in paragraph 6(2) of Schedule 1 to that Act) as if he/she were still subject to the provisions applicable for these purposes under the law of England and Wales;

(ii) that for the purpose of paragraph 7 (2) of Schedule 1 to the said Act, reference to the Secretary of State shall be taken to mean the Secretary of State for the Home Department.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:

Issue No. 226

Issue date 31/03/05
ORDER FOR THE REMOVAL OF THE CONDITIONS OF A RESTRICTED TRANSFER OF
SUPERVISION TO ........................................

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 (1) (b) 15 & 16)

Whereas .............................. was released from HM Prison/YOI ...................... on ...................... under the provisions of section 33 (1) (a) of the Criminal Justice Act 1991;

And whereas .................... was granted a restricted transfer from England and Wales to ......................;

And whereas it now appears appropriate to the Secretary of State for the restrictions placed on the transfer by the Order dated ................ to be removed;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby removes the conditions specified in the Order dated ................ and by this Order authorises that the transfer should be unrestricted within the meaning of paragraphs 6 (1)(b) and 16 of Schedule 1 to the said Act.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE RETURN OF SUPERVISION TO ENGLAND AND WALES

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7)

Whereas .................................. was released from HM Prison/YOI ..................... on ..................... under the provisions of section 33 (1) (a) of the Criminal Justice Act 1991;

And whereas ............... was granted a restricted transfer from England and Wales to ...............;

And whereas it now appears appropriate to the Secretary of State that the supervision of ................................ should be returned to .................................. (name of supervising service);

Now, therefore in pursuance of paragraph 7 (1) (b) of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that ................................ should be subject to supervision by .................................. (name of supervising service) as soon as the necessary arrangements are in place.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE UNRESTRICTED TRANSFER OF SUPERVISION TO ........................................

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 (1) (b) & 15 )

Whereas .......................... was released from HM Prison/YOI ..................... on .................... under the provisions of section 35(1) / 33(2) (delete as appropriate) of the Criminal Justice Act 1991;

And whereas the period of supervision commenced on ..................... and expires on .....................

And whereas .................... has requested the transfer of his/her supervision, made in consequence of Section 35(1) / 33(2) (delete as appropriate) of the Criminal Justice Act 1991 to ..............................;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that the supervision of the said .............................. should be transferred to .............................. (named supervising service) for the remainder of the supervision period and that the transfer should be unrestricted within the meaning of paragraph 6 (1) (b) of Schedule 1 to the said Act.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE RESTRICTED TRANSFER OF SUPERVISION TO 

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7)

Whereas ........................................ was released from ............. on ............ under the provisions of section 35(1) / 33(2) (delete as appropriate) of the Criminal Justice Act 1991;

And whereas the period of supervision commenced on ............. and expires on ..............;

And whereas ................................ has requested the transfer of his/her supervision, made in consequence of Section 35(1) / 33(2) (delete as appropriate) of the Criminal Justice Act 1991 to ................................;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997 (the 1997 Act), the Secretary of State hereby orders that the supervision of the said ................................ should be transferred to (name of Probation or Social Services) for the remainder of the supervision period and further orders, in pursuance of paragraph 5 (1) of Schedule 1 to the 1997 Act, that the transfer shall have effect subject to the following conditions:

(i) that the said ........................................ shall, for the duration of his/her transfer to Scotland, be treated for the relevant purposes of the 1997 Act (as mentioned in paragraph 6(2) of Schedule 1 to that Act) as if he/she were still subject to the provisions applicable for these purposes under the law of England and Wales;

(ii) that for the purpose of paragraph 7 (2) of Schedule 1 to the said Act, reference to the Secretary of State shall be taken to mean the Secretary of State for the Home Department.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed: 

Date:
ORDER FOR THE REMOVAL OF THE CONDITIONS OF A RESTRICTED TRANSFER OF
SUPERVISION TO ...........................................

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 (1) (b) 15 & 16)

Whereas .......................... was released from HM Prison/YOI .................. on ................ under the provisions of section 35(1) / 33(2) (delete as appropriate) of the Criminal Justice Act 1991;

And whereas ........................ was granted a restricted transfer from England and Wales to ..............;

And whereas it now appears appropriate to the Secretary of State for the restrictions placed on the transfer by the Order dated ................................... to be removed;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby removes the conditions specified in the Order dated ......................... and by this Order authorises that the transfer should be unrestricted within the meaning of paragraphs 6 (1)(b) and 16 of Schedule 1 to the said Act.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE RETURN OF SUPERVISION TO ENGLAND AND WALES

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7)

Whereas .................................. was released from HM Prison/YOI ..................... on .................... under the provisions of section 35(1) / 33(2) (delete as appropriate) of the Criminal Justice Act 1991;

And whereas ..................... was granted a restricted transfer from England and Wales to ....................;

And whereas it now appears appropriate to the Secretary of State that the supervision of ........................................ should be returned to ........................................ (name of supervising service);

Now, therefore in pursuance of paragraph 7 (1) (b) of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that ........................................ should be subject to supervision by ........................................ (name of supervising service) as soon as the necessary arrangements are in place.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE UNRESTRICTED TRANSFER OF SUPERVISION TO

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5,6 (1) (b) & 15

Whereas ..................................... was released from HM Prison/YOI ...................... on ..................... under the provisions of section 244 of the Criminal Justice Act 2003;

And whereas the period of supervision commenced on .................. and expires on......................

And whereas ..................................... has requested the transfer of his/her supervision, made in consequence of section 244 of the Criminal Justice Act 2003 to ......................;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that the supervision of the said ..................................... should be transferred to ..................................... (named supervising service) for the remainder of the supervision period and that the transfer should be unrestricted within the meaning of paragraph 6 (1) (b) of Schedule 1 to the said Act.

Signed:
Status:
Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:
Date:
ORDER FOR THE RESTRICTED TRANSFER OF SUPERVISION TO ……………………………

Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7)

Whereas …………………………… was released from …………… on …………. under the provisions of section 244 of the Criminal Justice Act 2003;

And whereas the period of supervision commenced on …………… and expires on ………………;

And whereas …………………………… has requested the transfer of his/her supervision, made in consequence of Section 244 of the Criminal Justice Act 2003 to ……………………………………..;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997 (the 1997 Act), the Secretary of State hereby orders that the supervision of the said …………………………… should be transferred to (name of Probation or Social Services) for the remainder of the supervision period and further orders, in pursuance of paragraph 5 (1) of Schedule 1 to the 1997 Act, that the transfer shall have effect subject to the following conditions:

(i) that the said …………………………… shall, for the duration of his/her transfer to Scotland, be treated for the relevant purposes of the 1997 Act (as mentioned in paragraph 6(2) of Schedule 1 to that Act) as if he/she were still subject to the provisions applicable for these purposes under the law of England and Wales;

(ii) that for the purpose of paragraph 7 (2) of Schedule 1 to the said Act, reference to the Secretary of State shall be taken to mean the Secretary of State for the Home Department.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE REMOVAL OF THE CONDITIONS OF A RESTRICTED TRANSFER OF

SUPERVISION TO ........................................

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 (1) (b) 15 & 16)

Whereas ................................ was released from HM Prison/YOI ................ on ................. under the provisions of section 244 of the Criminal Justice Act 2003;

And whereas ........................ was granted a restricted transfer from England and Wales to ..............;

And whereas ................................ was granted a restricted transfer from England and Wales to ..............;

And whereas it now appears appropriate to the Secretary of State for the restrictions placed on the transfer by the Order dated ................. to be removed;

Now, therefore in pursuance of paragraph 4 of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby removes the conditions specified in the Order dated ................. and by this Order authorises that the transfer should be unrestricted within the meaning of paragraphs 6 (1)(b) and 16 of Schedule 1 to the said Act.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
ORDER FOR THE RETURN OF SUPERVISION TO ENGLAND AND WALES

(Crime (Sentences) Act 1997, Schedule 1 Paragraphs 4, 5, 6 & 7)

Whereas .......................... was released from HM Prison/YOI ..................... on .................... under the provisions of section 244 of the Criminal Justice Act 2003;

And whereas .......................... was granted a restricted transfer from England and Wales to ....................;

And whereas it now appears appropriate to the Secretary of State that the supervision of .......................... should be returned to ........................................ (name of supervising service);

Now, therefore in pursuance of paragraph 7 (1) (b) of Schedule 1 to the Crime (Sentences) Act 1997, the Secretary of State hereby orders that .......................... should be subject to supervision by ........................................ (name of supervising service) as soon as the necessary arrangements are in place.

Signed:

Status:

Date:

for the Secretary of State for the Home Department

This Order has been given to me and its requirements have been explained.

Signed:

Date:
CHAPTER 14

LICENCE CONDITIONS

LICENCE CONDITIONS
(Adults/Young Offenders)

14.1 Summary

14.1.1 The Criminal Justice Act 2003 requires the laying before Parliament of a Statutory Instrument, which describes licence condition requirements which the Probation service may wish to recommend for inclusion in a particular licence. This Statutory Instrument will list all standard condition “requirements” as well as a definitive list of additional condition “requirements” appropriate to manage specific risk factors in a particular case. Governors are asked to note that conditions which fall only within the requirements set out in the Statutory Instrument can be included in a licence.

14.1.2 Sentencing judges may also recommend the inclusion of specific licence condition requirements and the Secretary of State is required to give due regard to such recommendations.

14.1.3 The process for including licence conditions for those prisoners sentenced to 12 months or more but less than four years under the provisions of the Criminal Justice Act 1991 and all those sentenced to a standard determinate sentence under the provisions of the Criminal Justice Act 2003 have been streamlined. The process for dealing with additional licence conditions for DCR offenders (i.e. those sentenced to four years or more under the provisions of the Criminal Justice Act 1991), and the process for requesting electronic monitoring as a condition of licence, remains unchanged.

MAIN ACTIONS AND RESPONSIBILITIES

- Additional licence conditions recommended by the Probation Service in respect of prisoners sentenced to 12 months or more but less than four years under the provisions of the Criminal Justice Act 1991 and those given a standard determinate sentence under the provisions of the Criminal Justice Act 2003 are normally authorised by the Governor and must be from a specified list of conditions
- Governors do NOT have delegated authority to include any condition not first recommended by the Probation Service

- Where Governors consider that there is added value to the management of the prisoner upon release by the inclusion of an additional licence condition not first recommended by the Probation Service, the Governor must discuss the matter with the relevant probation officer. If agreement cannot be reached, the Governor must consult the Early Release and Recall Section, who will make the final decision.

- Sentencing judges may also recommend additional licence conditions for those released under Chapter 6 of the Criminal Justice Act 2003; the Secretary of State must give due regard to any recommendation the court may make.

- The Parole Board must be consulted about any additional licence conditions for those prisoners serving a sentence of 4 years or more under the provisions of the Criminal Justice Act 1991. A failure to do so renders any additional conditions added unlawful and unenforceable. The Board sets any additional conditions for those serving sentences of 4 years or more but less than 15 years. For those serving 15 years or more, the Board makes a recommendation to the Secretary of State.

- The Parole Board must be consulted about any additional licence conditions in respect of prisoners serving an extended sentence under the provisions of the Criminal Justice Act 2003. The final decision rests with the Secretary of State.

- The Early Release and Recall Section retains policy responsibility for licence conditions and may be contacted for advice and guidance on all licence condition matters.

### 14.2 Statutory Instrument

#### 14.2.1 Any request by the Probation Service to include or vary an additional licence condition in respect of prisoners sentenced to a term of imprisonment of 12 months or more but less than four years under the provisions of the Criminal Justice Act 1991 and those sentenced to a standard determinate sentence under the provisions of the Criminal Justice Act 2003 must be from a specified list of licence condition requirements, which will be described in a Statutory Instrument, whether they are standard or additional conditions. A condition which does not fall within the list of requirements set out in the Statutory Instrument must not be applied to a licence without the prior approval of the Early Release and Recall Section (please see paragraph 14.6.2 below). A list of the standard conditions and additional requirements is at Appendix A.

#### 14.2.2 The Statutory Instrument does not include a provision for electronic monitoring as a condition of licence. However, the Criminal Justice Act 2003 does provide for such a condition to continue to be applied to a licence and notice of supervision. Current arrangements are that these conditions will only be available, either to support a curfew (pilot areas West Yorkshire, Hampshire and Nottinghamshire – Probation Circular 115/2001 refers), and to support an exclusion zone, or to monitor the whereabouts of an offender through tracking (pilot areas Greater Manchester, Wessex/Hampshire and West Midlands). The guidance already issued for these conditions remains in force. Governors do NOT have delegated authority to approve these conditions. All such conditions must be
14.3 Existing prisoners and prisoners sentenced under the provisions of the CJA 1991 to a term of imprisonment of 4 years or more.

14.3.1 In the case of a prisoner sentenced under the Criminal Justice Act 1991 provisions to a sentence of imprisonment of 4 years and over but less than 15 years, all additional licence conditions must be approved by the Parole Board if they are to have legal force. For those sentenced to 15 years or more, the Board makes a recommendation to the Secretary of State. The request for additional conditions, with supporting reasons, should be made either within a PAR, or in a separate report if the prisoner is going to be released on their Non Parole Date (see the chapters 5 and 6 of this Order for further information). Standard conditions (as set out below) continue to apply. All applications in respect of licence variations, including requests for additional licence conditions, in respect of prisoners who have already been released at their NPD, must be sent to the Early Release and Recall Section, who will ensure that they are forwarded to the Parole Board for consideration. The Early Release and Recall Section will ensure that Governors are informed of the Board’s/Secretary of State’s decision.

14.4 Existing prisoners, prisoners sentenced under the provisions of the Criminal Justice Act 1991 to a custodial sentence of less than 4 years or all prisoners sentenced to a standard determinate sentence or extended sentence under the provisions of the CJA 2003

14.4.1 The Prison Governor must approve all additional conditions. The only conditions available for inclusion by the Governor are those set out below and in the table at Appendix A. The Early Release and Recall Section no longer need to be routinely consulted on the use of additional conditions, but caseworkers will continue to provide advice where required. It is possible, exceptionally, for additional conditions to be added to a release licence where it does not feature on the list of conditions at Appendix A. Any request by a probation officer for a specific condition that does not feature on the list at Appendix A must first be discussed with the Early Release and Recall Section, who will make the decision on whether or not the condition can be included on the release licence.

14.5 Standard Conditions

14.5.1 Under the new sentencing provisions of the Criminal Justice Act 2003 sentenced prisoners serving a sentence of 12 months and over will be on licence (which must contain the six standard conditions at Appendix A) and subject to probation supervision, throughout the whole of the second half of their sentence. Existing prisoners and those sentenced after on or after 4 April, but for offences committed prior to 4 April 2005, continue to be on licence until the three quarter point of their sentence. All such prisoners are also subject to six standard licence conditions, which are very similar to those set out at Appendix A.

14.6 Additional Conditions

14.6.1 In addition to the standard conditions it will also be possible for probation officers to recommend additional licence conditions. An additional licence condition can only be inserted if it is lawful. To be lawful the condition has to be both necessary and
proportionate. Necessary means that no other means of managing a particular risk is available or appropriate; and proportionate means that the restriction on the offender’s liberty is the minimum required to manage the risk. It should be noted that the standard licence conditions already contain sufficient authority to manage most risks in the community. In requesting additional conditions, supervising officers have been informed that their requests must focus upon managing the risk presented by the offender whilst in the community, together with the requirement to facilitate their long-term rehabilitation. In doing so, and whilst planning for the prisoner’s release, the supervising probation area will contact the local police force for information in accordance with the “Joint Protocol on Supervision, Revocation and Recall for Prisoners Released on Licence” – PC 3/2005.

14.6.2 All additional licence conditions must be taken from the menu of specified licence conditions (see Appendix A). Governors should note that their staff must not insert any condition not first recommended by the Probation Service and which is not included within the menu. There may be cases, exceptionally, where specific probation officers conclude that a specific risk can only safely be managed by including a “bespoke” condition not included on the menu. In these circumstances, the Probation Service has been advised that it should seek advice from the Early Release and Recall Section before submitting the final list of conditions to the Governor.

14.6.3 Licence conditions must be approved by the Secretary of State. In order to meet this requirement, probation staff may recommend licence conditions, but these recommendations have to be approved by the Prison Governor (other than “bespoke” conditions which need prior approval by the Early Release and Recall Section). Prison Governors will need to satisfy themselves that the conditions requested are lawful. If they are minded to reject a request, they must consult the Early Release and Recall Section, who will take the final decision. Governors must not insert conditions which have not first been recommended by the Probation Service. Furthermore, if it is believed that the recommendations are insufficient to manage risk in the community, the Governor must approach the Probation Service to highlight his/her concerns and consider whether additional safeguards can be found. In the rare situation where an agreement cannot be reached, the governor must not impose conditions, but refer the matter to the Early Release and Recall Section to take the final decision.

14.7 Parole Board involvement

14.7.1 For prisoners given a standard determinate sentence under the provisions of the Criminal Justice Act 2003, there is no requirement to consult the Parole Board on the inclusion of an additional licence condition at the point of release (for prisoners sentenced under earlier provisions, please see above). However, where a prisoner is recalled and the Board is required to consider whether he/she can be safely be re-released, it will be invited to consider and recommend whether additional licence conditions are required. There is no requirement to include any such conditions and they will only be included in the licence following consultation with the Probation Service. Please see chapter 7 of this Order for further information about recalls).

14.7.2 In the case of extended sentence prisoners, sentenced under the provisions of the Criminal Justice Act 2003, there is a requirement to consult with the Parole Board before inserting or varying licence conditions, but the final decision on what conditions should be placed on the licence rests with the Secretary of State. Recommendations for additional licence conditions will be made in either a PAR as part of the parole process for extended sentence
prisoners (please see chapter 8 of this order for further information) or a recall risk management report (please see chapter 7 of this Order).

14.8 Process for including, deleting or varying additional licence conditions for prisoners sentenced, to 12 months or more but less than 4 years, under the Criminal Justice Act 1991, or 12 months or more under the Criminal Justice Act 2003 provisions

14.8.1 Any licence condition that has not been approved either by the Governor or by the Early Release and Recall Section has no legal force. It is essential therefore that the processes for considering licence conditions are followed.

- The Probation Service has been advised to submit all requests for additional licence conditions to the Prison Governor at least 14 days before the prisoner is due to be released. The application will include brief reasons for the request.

- In cases where it is anticipated that further additional conditions will be required (for example, a supervising officer is awaiting information on an approved premises placement) the prison will be alerted.

- In exceptional cases where a condition is being requested which is not on the specified list, the request will have been submitted to the “Pre Release Team” in the Early Release and Recall section for approval before it is submitted to the governor.

- Requests for guidance on the use of licence conditions should be directed to the Early Release and Recall Section.

- Where a supervising officer wishes to remove an additional licence condition, an application will be made to the governor of the releasing prison. If however, the condition was recommended by the sentencing judge (see below), the supervising officer will consult with the Early Release and Recall Section before approaching the governor.

14.9 Judicial recommendations

14.9.1 The Criminal Justice Act 2003 also introduces a power for sentencers, when passing sentences on those who have committed offences on or after 4 April 2005, to recommend to the Secretary of State the inclusion of specific additional licence conditions. The Secretary of State is required to give due regard to any such recommendation. There is a presumption that wherever possible, all such recommendations will be included when releasing a prisoner on licence. (LIDS will therefore need to have included on it, as soon as possible after the prisoner has been received into prison custody, any court-recommended licence conditions and be marked in order that the court-recommended conditions appear on the release licence). However, it is accepted that in some cases, the circumstances of the offender may have changed to such a degree that the concerns leading to the judicial recommendation are no longer relevant or that the condition may be detrimental to managing the offender’s risk. In such cases the Probation Service will, some weeks prior to release, consult with the Early Release and Recall Section to seek authority to omit the judicial recommendation. In cases where the Early Release and Recall Section feels it to be detrimental or inappropriate to include the court-recommended licence condition in the licence, it will write to the sentencing judge to advise him/her of the decision
and will provide reasons and also inform the Governor. The Governor must, by amending
LIDS accordingly, ensure that any such condition(s) is/are removed from the release
licence.

14.9.2 The Governor must ensure that any court-recommended licence conditions (which will be
contained on the court form 5089) are sent to the relevant probation area shortly after the
prisoner has been received after sentencing into custody using a copy of the court form
5089. Chief Officers have been advised to record locally any court-recommended
condition(s) and ensure that it is considered prior to ANY type of release under Chapter 6
of the Criminal Justice Act 2003 occurring. The relevant releases under Chapter 6 of the
Criminal Justice Act 2003 are: release on HDC (see PSO 6700); early (permanent) release
on compassionate grounds (see chapter 12 of this Order); the release of an extended
sentence prisoner (in relation to those aged 18 or over only (see chapter 8 of this Order));
and the release of a standard determinate sentence prisoner (see chapter 4 of this Order).
Any court-recommended condition in respect of a prisoner liable to deportation, but who is
released from custody on licence (i.e. NOT previously removed under either the Early
Removal Scheme or on licence) rather than held under Immigration Service powers,
should also be considered (see Chapter 9 of this Order).

14.9.3 As part of the pre-discharge process (details of which are set out in the relevant chapters of
this Order), Governors must ensure that, where the court has recommended additional
licence conditions, the court form 5089 is attached to the revised PD1 form which is issued
to the Probation Service several weeks prior to release. The form as been revised to allow
establishments to indicate whether or not they are attaching the court form 5089.

14.9.4 Where it has been decided to accept a court-recommend licence condition, the Governor
must ensure that it is added to the relevant release licence. A copy of the relevant licences
can been found at the relevant chapters of this Order. A copy of the HDC licence can be
found in PSO 6700
STANDARD CONDITIONS

(i) To be well behaved, not to commit any offence and not to do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from re-offending and help you to re-settle successfully into the community.

(ii) To keep in touch with your supervising officer in accordance with any instructions that you may be given;

(iii) If required, to receive visits from your supervising officer at your home/place of residence (e.g. approved premises);

(iv) Permanently to reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address;

(v) Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change;

(vi) Not to travel outside the “United Kingdom” (for the purposes of this licence “United Kingdom” includes the Channel Islands and the Isle of Man) without prior permission of your supervising officer (which will be given in exceptional circumstances only) or for the purposes of immigration deportation/removal.
## MENU OF ADDITIONAL LICENCE CONDITIONS

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<th>REQUIREMENTS</th>
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<tr>
<td><strong>1. Contact Requirement</strong></td>
<td>(a) Attend all appointments arranged for you with [ INSERT NAME ], a psychiatrist / psychologist / medical practitioner and co-operate fully with any care or treatment they recommend.</td>
<td>Where a supervising officer requires an offender to attend upon a psychiatrist/psychologist/medical practitioner, he or she must be named and must be willing to treat the offender concerned. The requirement that an offender attend a duly qualified medical practitioner also includes any reasonable request to undergo drug counseling.</td>
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<td><strong>2. Prohibited Activity Requirement</strong></td>
<td>(a) Not to undertake work or other organised activity which will involve a person under the age of …, either on a paid or unpaid basis without the prior approval of your supervising officer; (b) Not to use a computer or other electronic device for the purpose of accessing the Internet or have access to instant messaging services or any other on line message board/forum or community without the prior approval of your supervising officer. (c) Not to own or use any computer without the prior approval of your supervising officer.</td>
<td>It is possible to include conditions, which require offenders not to access the internet or own a computer, although this is a difficult condition to monitor and can normally only be achieved by setting a blanket restriction on the offender’s access to computers. This condition should only be used where it is necessary and proportionate to manage the risk (such as members of a paedophile ring who are known to use the Internet to distribute indecent material). Consideration will have to be given to practical exceptions, such as the use of a computer in a work environment. Prohibited activity conditions should always be subject to the clause “ … without the prior approval of your supervising officer”. Conditions prohibiting the consumption of alcohol, either on or off hostel premises are difficult to enforce and there may be difficulties in arguing that limited consumption should</td>
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<td>always lead to recall. The condition to be of good behaviour contains sufficient power to request recall in those cases where risk is unacceptable after alcohol consumption or where an offender is ejected from an approved premises for consuming alcohol. There is no statutory provision to allow offenders who are released on licence to be required to comply with an alcohol test. Therefore, alcohol testing can only be conducted with the consent of the offender, though complying with alcohol testing can be made a condition of the hostel rules which an offender is asked to sign on entry.</td>
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<td>3. Residency Requirement</td>
<td>(a) To permanently reside at (name and address e.g. an approved premises) and must not leave to reside elsewhere without obtaining the prior approval of your supervising officer; thereafter must reside as directed by your supervising officer.</td>
<td>This condition is stronger than the standard condition to reside as approved. The standard condition requires the offender to notify the Probation Service of his address. This condition applies in cases where the supervising Probation Area decides it is necessary and proportionate to direct that the offender live at a particular address. Some offenders have in the past challenged the meaning of the term ‘reside’. Recent court judgments have confirmed that licence conditions formulated in terms of ‘you must reside at’ have the clear effect of requiring that the licensee spend every night at the place in question. It is therefore possible to insist that offenders stay each night in a particular address and must ask for permission to stay elsewhere. If the offender should spend just one night away from the classified</td>
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<td>4. Prohibited Residency Requirement</td>
<td>(a) Not to reside (not even to stay for one night) in the same household as any child under the age of ... without the prior approval of your supervising officer.</td>
<td>Please see comments under Residents Requirement. Such a condition would normally be more effective if it is combined with a prohibited contact requirement.</td>
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<td>5. Prohibited Contact Requirement</td>
<td>(a) Not seek to approach or communicate with [INSERT NAME OF VICTIM AND/OR FAMILY MEMBERS] without the prior approval of your supervising officer and/or the name of appropriate Social Services Department. (b) Not to have unsupervised contact with children under the age of .... without the prior approval of your supervising officer and [INSERT NAME OF APPROPRIATE SOCIAL SERVICES DEPARTMENT].</td>
<td>Licence conditions requiring an offender not to contact the victim or members of the victim’s family should always include the names of the individuals to whom the ‘no contact’ condition applies. In principle there are no legal difficulties in also inserting licence conditions requiring offenders not to contact or associate with children. However, as with all licence conditions, it should only be used where it is considered to be both necessary and proportionate to the risk involved. Even in those cases where it is considered appropriate, consideration may have to be given to practical exceptions, such as contact with family members under the age of eighteen, although even this may be justified in extreme cases e.g. if the individual poses a risk to her/his own children. The use of such conditions is normally used to supplement those conditions which prohibit living or working with young people. These conditions are usually considered in cases where other conditions are insufficient to protect children. When considering the upper age limit of the children to be protected,</td>
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<td>probation officers will have to consider the nature of the risk and there are no firm rules. For example, if the only available approved premises accommodation allows residents aged 17 and over, and if the supervising officer is satisfied the offender presents an acceptable risk, this might be the decisive factor.</td>
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**6. Programme Requirement**

(a) To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your alcohol/ drug/ sexual/ gambling/ solvent abuse/ anger/debt/ prolific offending behaviour problems that the [NAME OF COURSE/CENTRE].

(b) Participate in a prolific or other priority offender project (PPO) [SPECIFY WHICH] and, in accordance with instructions given by or under the authority of your supervising officer attend all specified appointments with your supervising officer and any other agencies for the purpose of ensuring that you address your offending behaviour for the duration of the programme.

These conditions are routinely used to encourage offenders to participate in offending behaviour programmes.

**7. Curfew Requirement**

(a) Confine yourself to an address approved by your supervising officer between the hours of [TIME] and [TIME] daily unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY/MONTHLY/ETC] basis and may be amended or removed if it is felt that the level of risk that you present has reduced appropriately.

(b) Confine yourself to remain...

The Criminal Justice and Court Services Act 2000 produced provisions to enable the Secretary of State to impose an electronic monitoring requirement in support of other conditions of a licence (Probation Circular 115/2001 refers). This condition is available for any prisoner who is notified to the Public Protection and Courts Unit as a Critical Case under PC 19/2004b as well as prisoners who are MAPPA Level 3. It is also...
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| at [CURFEW ADDRESS] initially from [START OF CURFEW HOURS] until [END OF CURFEW HOURS] each day, and, thereafter, for such a period as may be reasonably notified to you by your supervising officer; and comply with such arrangements as may be reasonably put in place and notify to you by your supervising officer so as to allow for your whereabouts and your compliance curfew requirement being monitored [WHETHER BY ELECTRONIC MEANS INVOLVING YOUR WEARING AN ELECTRONIC TAG OR OTHERWISE]. Available to prisoners being released into the pilot areas set out in Probation Circular, which are West Yorkshire, Hampshire and Nottinghamshire. **This condition must be requested through the Early Release and Recall Section. Governors do NOT have delegated authority to apply this condition to licences or notices of supervision.** Any requests in relation to Intensive Supervision and Surveillance Programme (ISSP) being used as a condition of licence for Young Offenders, should be referred to the Youth Justice Board.

8. Exclusion Requirement

(a) Not to enter the area of [CLEARLY SPECIFIED AREA], as defined by the attached map without the prior approval of your supervising officer.

(b) Not to enter [NAME OF PREMISES/ ADDRESS/ ROAD] without the prior approval of your supervising officer.

(c) Not to enter or remain in sight of any [CHILDREN’S PLAY AREA, SWIMMING BATHS, SCHOOL ETC] without the prior approval of your supervising officer.

Requests for exclusion zones must be carefully applied in order to be lawful. Once the exclusion is shown to be necessary, it is critical to establish that it is proportionate, taking into account factors such as whether, the offender has close family who live in the exclusion area, or where the exclusion would restrict his ability to work or to visit the doctor or dentist. Although the fact that an exclusion condition may have this effect might be relevant, it is not determinative in deciding whether the proposed condition is reasonable. The condition could be imposed, but the supervising officer could grant occasional access.

The exclusion area must be defined precisely. A blanket ban on entering a large town, for example, will not always be acceptable. The zone should be no bigger than is reasonably necessary to achieve the objective sought. In order to...
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<td>define the exclusion area clearly and precisely as possible, it is necessary to draw the boundaries on a map or diagram. The offender must be in no doubt where the exclusion zone begins and ends.</td>
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<td>More limited exclusion zones may be used in order to prevent re-offending, for example, preventing an offender from entering into an area where there are nightclubs and where previous offending has occurred.</td>
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<td>There is a pilot to evaluate electronic tracking of an offender’s whereabouts. Tracking is not available for offenders outside of the three pilot areas of Greater Manchester, West Midland and Hampshire, and may only be requested through the Early Release and Recall Section.</td>
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<td>9. Supervision Requirement</td>
<td>(a) Report to staff at [NAME OF HOSTEL/POLICE STATION] at [TIME/DAILY], unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY/MONTHLY/ETC] basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately.</td>
<td>Again, these conditions can only be imposed if they are considered to be necessary and proportionate to the level of risk presented by the offender. Conditions requiring compliance with hostel or other accommodation rules must be avoided if possible. Such rules are many and varied and it is difficult to argue that recall is always a proportionate response to any breach. If an offender’s consistent refusal to comply with rules presents a real risk to staff or other residents, it would be reasonable to seek to recall him under the condition to be of good behaviour.</td>
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<td></td>
<td>(b) Provide your supervising officer with details [SUCH AS MAKE, MODEL, COLOUR, REGISTRATION] of any vehicle you own, hire or have use of, prior to any journey taking place.</td>
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<td></td>
<td>(c) Notify your supervising officer of any developing</td>
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<tr>
<td>REQUIREMENTS</td>
<td>LICENCE CONDITIONS</td>
<td>ADVICE</td>
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<td>personal relationships with women/men.</td>
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<td>10. Non-Association Requirement</td>
<td>(a) Not to contact or associate with [NAMED OFFENDERS] without the prior approval of your supervising officer.</td>
<td>It is not possible to insert a general condition preventing an offender from associating with any other ex-offender. However, it is possible to require non-association with named individuals who are linked with previous offending (for example, convicted members of a paedophile ring) or individuals with whom the supervising officer has good reason to believe that association could lead to future offending (for example, a paedophile who has forged links with other paedophiles whilst in prison). In cases where a person’s offending is not linked to a restricted number of individuals it is more difficult to justify a non-association condition. Where an offender is associating with other criminals and there is reason to believe that the association is likely to lead reoffending, the offender could be breached under the good behaviour condition.</td>
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<td></td>
<td>(a) Attend [INSERT NAME AND ADDRESS], as reasonably required by the probation officer, to give a sample of oral fluid/urine in order to test whether you have any specified Class A drugs (heroin or crack/cocaine) in your body, for the purpose of ensuring that you are complying with the condition of your licence requiring you to be of good behaviour.</td>
<td>Any offender who is found to be in possession of Class A drugs has immediately put himself in breach of the standard condition to be well behaved. The focus for a drug testing condition should be on those offenders on whom it is most likely to have the most impact. Plans are being put in place to extend its use beyond the initial pilot areas to include any adult Prolific and other Priority Offenders (PPO) who are subject to licence conditions for</td>
</tr>
</tbody>
</table>

Although this particular condition is **NOT** part of the list of ‘Requirements’, it is open to the Secretary of State to include it on a prisoner’s release licence. *However, decisions to include the condition in a licence MUST accord with the guidance set out in this particular page of this Appendix.*
<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>LICENCE CONDITIONS</th>
<th>ADVICE</th>
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<td>offences committed on or after 4\textsuperscript{th} April 05 and who were convicted of a trigger offence under the Criminal Justice and Court Services Act 2000. <strong>Prison Governors should be advised that drug testing should only be considered for offenders, from 1 April 2005, who are identified as PPOs.</strong> Until further guidance is issued PC 37/2004 refers.</td>
</tr>
</tbody>
</table>
PSO 6000 – Parole, Release and Recall

GLOSSARY

Terminology and abbreviations


CJA 2003 – Criminal Justice Act 2003

AUR – Automatic Unconditional Release (see Chapter 2)

APD – Approved Parole Date – the date on which a prisoner is granted early release on parole licence is actually released from prison

ARD – Automatic Release Date – the date on which a prisoner serving less than 12 months must be released unconditionally

ACR – Automatic Conditional Release (see Chapter 3)

CRD – Conditional Release Date – the date on which a prisoner serving 12 months or more but less than 4 years (and is due to be released under the provisions of the CJA 1991) is released on licence under supervision. The term also applies to prisoners serving a Standard Determinate Sentence (of 12 months or more) and are due to be released on licence under supervision under the provisions of the CJA 2003.

DCR – Discretionary Conditional Release (see Chapter 5)

ERS – Early Removal Scheme

HDC – Home Detention Curfew

PED – Parole Eligibility Date – the date on which a prisoner serving 4 years and over (and due to be released under the provisions of the CJA 1991) becomes eligible for parole. For prisoners sentenced on or after 1 October 1992 this will be at the half-way point; for prisoners sentenced before that date to 12 months or more this will be at the one-third point (or 6 months, whichever is later)

NPD – Non-Parole Release Date – the date on which a prisoner serving 4 years and over (and is due to be released under the provisions of the CJA 1991) who has not been granted parole must be released. It also applies to prisoners sentenced before 1 October 1992 and is set at the two-third point.

PRRD – Post Recall Release Date – the date on which prisoners who have been released on licence, whose licences have been revoked, are released after serving a period of imprisonment for that revocation.

LED – Licence Expiry Date – the date on which compulsory supervision ends for those prisoners released under the provisions of the Criminal Justice Act 1991. It applies to prisoners serving 12 months and over. It will normally be at the three-quarters point but run to
the end of the sentence for sex offenders if ordered by the sentencing court under Section 44 of the CJA 1991. The licence expiry point for those due to be released from a Standard Determinate Sentence under the provisions of the CJA2003 will always be the end of sentence.

SDS – Standard Determinate Sentence – the sentence to be imposed by the courts for offenders who are not assessed by the courts as ‘dangerous’ and are convicted of offences committed on or after 4 April 2005, and are sentenced to a term of imprisonment of 12 months or more.

SED – Sentence Expiry Date – the date on which a prisoner’s sentence is completed. The prisoner will have no further liability, except that young offenders must complete at least 3 months under supervision unless they reach their 22nd birthday first.

ERCG – Early Release on Compassionate Grounds (see Chapter 12).

Useful Addresses:

The Early Release and Recall Section
Room 125-127
Abell House
John Islip Street
London SW1P 4LH

Fax Number: 020 7217 5223

The Parole Board (inc Parole Board Secretariat)
Ground Floor
Abell House
John Islip Street
London SW1H 4LH

Fax Number: 020 7217 5813

The National Probation Directorate
Horseferry House
Dean Ryle Street
London SW1P 2AW

National Identification Service
Room 390
New Scotland Yard
London SW1