



Recalled prisoners

A short review of recalled adult
male determinate-sentenced
prisoners

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Introduction

In recent years there has been considerable expansion in the early conditional release of prisoners. At the same time, those supervising these prisoners in the community have been required to enforce licence conditions more rigorously. In consequence, in the last five years, there has been a 350% increase in the number of offenders recalled to prison for apparent breach of their conditions. This short review considers the impact on individuals of being recalled to prison. It also looks at the impact of this influx of recalled prisoners on the prison system now that they constitute nearly 11% of the population of local prisons.

The overarching impression gained from the review was that neither recalled prisoners nor receiving prisons were adequately prepared. Recalled prisoners often arrived without sufficient information and with limited understanding of their situation. Receiving prisons often had little warning of recalled prisoners' arrival and struggled to advise them adequately given the complexities of their legal situation, the lack of adequate IT systems and communication failures with the release and recall section (RRS) of the National Offender Management Service (NOMS) who manage recalls.

The process to review the appropriateness of recall decisions was slow and complicated, and few prisons had appropriately trained staff to inform prisoners about their entitlements. However, where – as at HMP Bristol – a specialist legal services officer took responsibility, the process was managed efficiently and prisoners were quickly orientated towards the opportunities for re-release.

Recalled prisoners remained outside some normal prison routines, either through choice or because staff were perplexed by their status. This could mean that risks and needs were not picked up in the way that should happen with other newly-received prisoners. Vulnerabilities, for example, to suicide and self-harm or even discrimination, could go unnoticed and prisoner frustration and anger at their situation might not be promptly identified and managed.

The growth in the number of prisoners recalled to prison over recent years has been staggering. This short review suggests that prisons have been struggling to keep up and those recalled do not always receive appropriate information, care and advice. There is an urgent need for NOMS, together with relevant prison and probation managers and the Parole Board, to undertake a wholesale review of recalled prisoners' status and needs and to consider how best to manage them.

Anne Owers, HM Chief Inspector of Prisons

1 Background

1.1 Prisoners released on licence can be recalled to custody if they break their licence conditions, as can those released on home detention curfew (HDC) if they break the conditions of their curfew. For determinate-sentenced offenders the National Offender Management Service (NOMS) release and recall section (RRS) is advised by probation areas when a licence is breached, and by curfew contractors when curfew is breached. They then issue a warrant for the arrest of the offender who is subsequently returned to prison by the police.

1.2 In the last five years the number of prisoners recalled to custody on their original sentence has increased by over 350%, although the number of ex-prisoners under licence in the community has increased by less than 15%. In 2000/1 3,182 prisoners were recalled to custody for breach of their licence conditions or curfew, and this rose to more than 11,081 in 2004/5. This figure amounts to an increasingly significant proportion of new receptions into prisons. The proportion of recalled prisoners among newly-arrived prisoners was 3.4% in 2000/1 and 6% in 2004/5. At the time of the review they made up approximately 11% of the population of local prisons.

1.3 This rise is due to a combination of factors. Not only are more prisoners now automatically released, but probation officers' discretion about whether to breach an offender when they fail to attend an appointment has also been curtailed. Since 2000, a national standard requires probation officers to commence recall action on or before a third unacceptable failure to attend in 90% of cases¹. Rates of recall have consequently increased from 53% of those technically eligible in 2000 to 86% in 2004. The HDC scheme has also expanded, with a presumption in favour of release for those serving up to 12 months, and the possible period of release extended from 60 to 135 days.

1.4 Since April 2005 recalled prisoners have been able to make representations to the Parole Board who consider whether the recall was justified on the basis of information supplied. They can order immediate release, a release at another date or set a date for a future review. Those considered to present a significant risk and with long periods of recall to serve are likely to be given a review date 12 months hence. Since *R v Parole Board ex parte Smith and ex parte West* [2005]², the Parole Board is now required to hold oral hearings where there are issues of fact, credibility or mitigation to be heard. The panel comprises a single member of the Parole Board, with the Secretary of State represented by a member of the RRS in high risk cases. The offender is entitled to be present, to call witnesses and to be legally represented.

Methodology

1.5 The treatment and conditions for recalled prisoners were specifically examined within the inspections of five male local prisons between January and April 2005. At that time prisoners released at the half-way point were liable to recall if they breached the terms of their licence up to the licence expiry date or three-quarters point of sentence, and have retained this advantage. In contrast, those

¹ For licences, where no acceptable reason is received within seven working days of the third unacceptable absence, recall action should be taken immediately.

² UKHL 1, decided 27 January 2005, the House of Lords.

sentenced for offences committed on or after 4 April 2005 are liable to recall up to the end of sentence and, if recalled, to serve the whole of their remaining sentence in custody.

1.6 A sample of recalled prisoners were selected at random and interviewed, along with the administrative and custodial staff responsible for managing the recall process. The accounts of the cases presented have been verified with outside or seconded probation officers wherever possible.

Table 1. The proportion of recalled prisoners in the total population of the prison and the number of prisoners interviewed during the inspection

	%	N
Bristol	10	6
Pentonville	7	10
Altcourse	6	4
Norwich	6	12
Swansea	7	10
Total		42

1.7 Of the sample of 42 determinate-sentenced prisoners interviewed:

- 20 (48%) had committed technical breaches of their licences
- 14 (33%) were arrested for further offences (of whom 11 (79%) were facing further charges)
- 5 (12%) had breached HDC (of whom one was facing further charges)
- 3 (7%) did not yet know the reason for their recall
- 6 (14%) had been recalled for the second time on the same sentence

2 Findings

Systems for receiving recalled prisoners

2.1 Recalled prisoners were brought into prison receptions either by the police directly, or by escort staff if they had been delivered to court or collected from a police station. Arrests were effected either by the police or civilian enforcement officers, and prisoners had usually been in police or court custody for at least one full day before arriving at the prison. Neither the police nor the escort staff knew why someone had been recalled, and often the prisoner had not previously been discharged from the local prison so there was no back record. Only 20% of our sample of recalled prisoners had been discharged by the prison to which they were returned. Recalled prisoners were therefore kept waiting in reception while prison staff sought clarification. Several of our sample admitted to 'kicking off' because of the lack of explanation for what had happened to them and the consequent feelings of frustration. Figures indicate that in 2004/5 local prisons processed almost 200,000 receptions, although not each of these receptions was a different prisoner as unsentenced prisoners are received into prisons several times during their period of remand. However, of these total receptions over 11,000 or 6% were recalled prisoners.

Mr NL was delivered to Swansea prison by the police, with no information other than that he was listed as a recall. He had not been released by Swansea and they had no back record for him. He waited in reception from about 11.30am to 8pm while staff sought clarification.

2.2 In most cases prison administration staff inform RRS when prompted by a new record flagged 'recall'. One member of the administrative staff pointed out that the current computer system did not bring up the previous record so it was not easy to identify who had been released on licence among those coming in on new charges. A quarter of our sample were facing further charges and would have arrived as new prisoners. Where this is noticed by a reception officer the custody office is informed, and the current sentence reactivated. In these circumstances the court dealing with the further charges may take the view if they convict, that any unexpired time on the licence should be added to the new sentence. We understand that the new IT system 'NOMIS' will automatically bring up the back record of any newly-entered prisoner.

2.3 A re-release date is calculated locally and the discharging prison is contacted for the back record and the original warrant, without which the prisoner cannot be lawfully held. To recalculate the sentence, the police are contacted for confirmation of the number of days spent unlawfully at large since the licence was revoked (this can be some time unless the case is high risk), and for the number of days spent in police custody. The proportion of time spent unlawfully at large is added on to the sentence, and any time spent in police custody taken off. For those under licence and released early on HDC, credit for the proportion of HDC completed successfully is only allowed if breach occurred during the HDC period as opposed to the normal licence period. For those facing further charges the re-release date is provisional. From our sample, five prisoners had not been told their re-release date, of whom three were facing further charges.

2.4 The calculation of the re-release date is complex and can change as new information comes to light. The curfew contractor, prison governors, probation officers, RRS and the courts can all be involved in fixing, monitoring and agreeing amendments to, or waiving occasional breaches of conditions. In three cases in our sample prisoners were given a second, adverse recalculation some

time after the first date and none understood why. In fact over a quarter of our sample did not understand how their re-release date had been calculated and believed it to be wrong. In these circumstances it was difficult to get a full explanation as they had no direct contact with the sentence re-calculation clerk.

Mr NS was given a re-release date in February 2005 when he was first recalled to Bristol. Overcrowding meant that he was subsequently moved to Swansea with nine days left to serve. Here his sentence was recalculated and he was given a new date in June 2005. His solicitor was investigating on his behalf.

2.5 The period in limbo before notification of the date of re-release was a difficult time. Up to this point recalled prisoners could not seek legal advice, decide whether to appeal, or make arrangements to secure a job or home for their re-release as they did not know when this would be. The prisoners in our sample all waited different lengths of time to be told their re-release date, but some had had the situation explained to them and some had not. Twenty-one per cent of our sample claimed they were seen within the first 24 hours; most of these were in Bristol where legal services officers had this specific responsibility. Another 20% claimed they were seen within a few days, and these were mainly in Swansea prison. A further 20% claimed they were not seen for more than a week and these were mainly in Norwich prison. A large proportion (31%) claimed they had not been seen about their recall at all; these prisoners were located in Pentonville and Altcourse. One prisoner facing further charges had been in Altcourse for 10 months without seeing anybody until the day before he spoke to us when his sentence plan was completed 'in a rush'. His recall dossier had just arrived through the post. Another prisoner in Altcourse claimed that someone came to see him to sign the dossier but that he was never told that it was possible to make representations.

The recall dossier

2.6 At the time of this review the Parole Board saw the dossier, in the majority of cases, prior to recall and had already made a recommendation to recall on that basis. Under the new arrangements prisoners are recalled prior to the Parole Board reviewing the case. The dossier now comprises:

- A breach report
- The date of proposed re-release
- A copy of the licence
- A list of previous convictions
- The pre-sentence report
- Any parole report
- A recent risk assessment
- A copy of any recommendations by the sentencing court in respect of licence conditions

2.7 At the time of the review RRS was not monitoring its own performance in terms of the length of time taken to despatch the dossier, but has now begun to under the new arrangements. We understand that since April 2005, 85% of dossiers have been despatched within 24 hours of the prisoner's return to custody, though about a third of these were not notified to them by the receiving prisons, but identified centrally from a weekly trawl of the Inmate Information System database. The prisons visited for this review indicated that they normally received the dossier within two weeks of the prisoner's recall, a delay attributed to the slow pace of the internal delivery system. Where prisoners had been moved the dossier was forwarded to the next prison by the same method, and occasionally it arrived after the prisoner had been re-released, in which case it was forwarded to the home address, denying the

prisoner the right to challenge his recall at all. We understand that the RRS now intends to send out parole dossiers using the normal post or by electronic transfer.

2.8 From our sample, of those who had been in prison for over two weeks and might have expected to have received a dossier, 73% had done so, but two had not received it within 28 days, which prevented them from making any representations and securing a review. Under the new arrangements, a parole review is automatic and goes ahead without prisoner representations if they have not been received, though if they arrive subsequently the papers are sent back to the board for a second review. It is therefore important that the system for sending the dossier is as efficient as possible, so that the prisoner can plead any mitigation at the earliest possible opportunity.

2.9 It is good practice for the dossier to be served by someone who is sensitive to the prisoner's situation. Where the dossier was served by senior officer or landing officer they were usually not in a position to answer any further questions or carry out any further checks.

Good practice

In Bristol prison, legal services officers issued the recall dossier. They had already made contact with the prisoner within 24 hours of his arrival and were in a position to follow up any clerical queries and check that the prisoner had a solicitor if he wished to appeal.

Written representations

2.10 For all determinate-sentenced prisoners, the licence is now revoked without prior consideration by either the courts or the Parole Board. Many of the offenders involved had a long history of contact with the criminal justice system and expected to plead their mitigation in court, and a few asked us to check whether it was right that they had not gone back to court. Many were reluctant to make written representations as they found this difficult without the help of a solicitor, and some had lost the contact details of their previous solicitors. Moreover, as recognised by the courts in *Smith and West* [2005], written representations are inferior to an oral hearing as a means of testing evidence. In the reviewers' opinion, based on speaking to prisoners only, there was reason to believe that 22 of the 42 prisoners interviewed (52%) might have had mitigation, but representations had been made by only nine (41%).

Drug use

2.11 A third of the 42 prisoners interviewed were clearly prolific offenders whose offending was linked to their drug use. Five of these were already subject to a prolific or priority offender (PPO) scheme which offered enhanced supervision and assistance, and three had been contacted by their scheme coordinator since recall. One other prisoner had been placed on a scheme since recall, but for eight prisoners (19% of the total sample) the link between their offending and their chronic drug use had not been identified. The treatment needs of three of these prisoners had been recognised in reception and had resulted in a referral to the counselling, assessment, referral, advice and throughcare service (CARATs), but this fell short of a comprehensive risk management plan. Because of variation in the quality and scope of PPO schemes in different criminal justice areas, we often find prisoners from different areas and with comparable drug treatment needs located in the same prison but subject to widely differing levels of aftercare on release.

A case of rebound of a prolific offender

Mr G, a chronic drug user, was of no fixed abode. The trigger for his recall was missing a third appointment with his probation officer as a result of an overdose. It was his first recall. He was keen to be on a PPO scheme like his cell-mate, but there was no such scheme operating in his home area at the time.

Race

2.12 It is accepted that prisons only receive recalled prisoners and have no part in the decision to recall, in the same way that they have no part in determining who they receive under sentence. However, it is important that prisons monitor the ethnicity of the prisoners they are sent in order to provide outcome information to other criminal justice agencies responsible for the case management decisions that result ultimately in imprisonment or re-imprisonment. Recalled prisoners' ethnicity has been recorded by RRS since April 2005, though no figures have yet been published. Information supplied by HMI Probation from a sample of over 3,000 offenders under supervision, indicates that there is no statistically significant difference in levels of compliance with licences between black and minority ethnic (BME) and white licensees, the proportions who are breached or the extent to which this was judged to have been carried out in line with national standards.

Table 2. Data from Effective Supervision Inspections of 29 probation areas N=3,125, both community orders and licences

	% levels of compliance as assessed by inspectors	% breached	% breached in line with National Standards ³
White	66	37	78
BME	68	40	73

2.13 From our sample of recalled prisoners, 12 (31%) of the 39 for whom we had information about ethnicity were from a minority ethnic group. With a national proportion of BME prisoners of 25%, this is higher than would be expected, though not statistically significant. However, within the Pentonville sample of 10 prisoners, only one was white despite a minority ethnic proportion in the prison of 49%. The numbers here are not statistically significant, but the general duty placed upon public bodies by the Race Relations (Amendment) Act (2000) requires that such a process is subject to ethnic monitoring and the results shared with the relevant parties. To this end, NOMS, the National Probation Service, the Parole Board and the local criminal justice boards (LCJBs) should receive such feedback.

³ The NPS national standards timescales for enforcement of **community orders**:

Breach action may be taken after one unacceptable absence.

On the second, where no acceptable reason for absence is received within seven working days of the failure, breach proceedings must be instigated within 10 working days of the failure to comply.

For **licences**: where no acceptable reason is received within seven working days of the third unacceptable absence, **recall** action should be taken immediately.

Breached offenders

2.14 Breached offenders are warned by their probation officer after each unacceptable failure to attend, and informed by letter once the licence is breached. If they do not hand themselves in a warrant is issued for their arrest and they begin to clock up time unlawfully at large.

2.15 Most of the prisoners we spoke to understood that they should attend probation appointments and would be breached if they failed to do so. Most admitted to receiving warnings before they were finally breached, and one who felt he could not sustain living in a hostel 60 miles from his partner and family handed himself in rather than wait to be arrested. However, there was less clarity among those released on curfew about how they might plead mitigation in the event of a breach. It seemed that they found the instruction to inform the prison Governor about any change of address or breach of curfew bewildering, and were much more used to reporting somewhere in person. A probation services officer at one local prison said 'We've had people walk into the police station to query if they were in breach, e.g. a bit late getting back from work or out of the house following a domestic argument, but the police don't know until they are informed and they don't prioritise this'.

2.16 Some of those we saw on recall found it difficult to recall the exact circumstances of their recall. Some had been recalled more than once, and were vague about dates and places. In these circumstances it is likely that they also found it difficult to organise themselves to meet the restrictions of supervision or curfew. Some were drug users and one or two seemed also to have mental health problems or learning difficulties. Offenders with multiple needs are a serious resettlement challenge and need a range of supports on release, including mental health support.

A mentally disordered offender

This prisoner's record noted contact from a psychiatric nurse in prison and flagged up a high level of need. He was worried what would happen to him on release. He had no address and did not want to return to the West Midlands. He had been breached after drinking and needed to be restrained in the hostel to which he had been released. He also claimed he had tried to kill himself there.

An offender with learning difficulties

Mr SC, a young man serving his first sentence, had been released from an open prison. He claimed that he had no idea he was meant to see the probation service after release, and he could not recall being told that he should. He had no family support and no home to go to. He was given a hostel place in Wolverhampton, to which he went, but he claimed he was not aware that anyone had come to look for him there. His licence was revoked soon after he was released but he was not returned to prison until he was picked up for questioning by the police some two months later.

Public protection

2.17 There were several examples of cases in which the revocation of licence was clearly protective of the public. Over a quarter of the sample (26%) were facing further charges for alleged offences committed while under licence, and six (14%) had been recalled for the second time. One offender was

breached having been violent towards another resident in his hostel and another untreated sex offender had been released under MAPPA⁴ supervision and been recalled for breaching his licence conditions.

Sentence planning

2.18 Recalled prisoners were effectively treated as remand prisoners for the purposes of sentence planning, and indeed some were on remand for further charges. Only seven of the sample (17%) had a personal officer; three (7%) had a sentence plan. Those who had plans had managed this mainly on their own initiative and being recalled to the prison from which they had been released and where they knew the staff had also helped. However, in fieldwork prisons very few of the uniformed staff on the residential wings knew which prisoners had been recalled.

2.19 For most recalled prisoners, until the recall dossier arrived there was uncertainty about how long they would be in the prison and an assumption that it would not be long. Once the back record arrived the prisoner was usually reallocated to a training prison, and sentence planning was left for the staff in the next prison to complete. Moreover, recalled prisoners in local prisons were often preoccupied with the uncertainty of their situation, so did not press for input at this stage.

Mr NS had no sentence plan on file. He said he had been told that as a revokee with less than six months to serve he had no need of sentence planning. He asked to be considered for category D, but was denied because of the breach of trust on licence. From working towards an Open University degree before release, he was locked up most of the day with nothing to do following recall.

2.20 Since April 2005 the supervising probation service has been required to produce a risk management plan to include in the papers that go to the Parole Board, but this requirement was not in place at the time of the review. Such an arrangement allows both the offender and supervising service a second chance to develop a more successful strategy for supervision, given the difficulties that have arisen, and holds out a better prospect for successful re-release within the currency of the licence. At the time of the inspection most of the offenders spoken to were not expecting to be released until the end of their licence period.

2.21 Under the new arrangements the Parole Board has the option to release immediately or set a date for a future review. Where it decides that recall is justified, the sentence is a long one and there are concerns about risk, a back-stop date for review is given in 12 months' time. In these circumstances the Parole Board is required to indicate what information it will need for the review. The hope is that the prisoner will be able to demonstrate a reduction in risk, but this would be difficult for prisoners unable to access programmes, as was the case during our review.

Mr D, a young man with a 10-year sentence in a training prison, had been recalled. He had a review date in 12 months' time, but the course he wanted to undertake in sports and fitness took 18 months to complete. He was not signed up because staff decided that his interim review might mean he was unable to complete it.

2.22 Despite the lack of sentence planning, recalled prisoners with drug problems in local prisons were usually identified during a healthcare interview in reception and put in touch with the CARAT

⁴ Multi-agency public protection arrangements

service, which would theoretically provide a service 'through the prison gate'. One said he was also receiving help from a seconded probation officer to secure accommodation for his re-release and another was being helped by a housing charity. Another had been placed on a PPO scheme, but most had received little input from any criminal justice professional to help them reflect on the reason for the setback and prepare for a more successful re-release.

The impact of recall

2.23 The main impact of recall appeared to be the strong failure signal it sent the offender, though this could have a negative affect on motivation to change where the recall was experienced as unfair.

A recall experienced as unfair

Mr NB was married and had three step-children aged 15, 13, and 12. He had been holding down a job since being released from prison. However, he was in dispute with his neighbour and was arrested after an argument in which he threatened the neighbour. He was bailed to his home address but his licence was revoked three days later. No charges were brought. He believed himself to be the victim of the conflict with the neighbour rather than the perpetrator and felt aggrieved that it had resulted in his recall to prison. At the time of interview he was awaiting an oral hearing, having been in custody over three months. He was due for re-release in two months' time, but in the meantime he had lost his job outside.

A recall motivating self-help following further offending

Mr RP was released from Prescoed and recalled eight months later to Swansea. He had breached his licence and committed a further offence. He waited three months for his recall dossier while on remand for the further charge. He was subsequently given a two-year DTTO to run consecutively to the current sentence. With the help of education staff, as he was ineligible for sentence planning, he threw himself into a drugs programme, counselling, working as a Listener and other voluntary work and had persuaded Gwent College to help him with course work in prison.

Purposeful activity

2.24 Over half of the sample (55%) were either working or in education, and a further seven (17%) had applied for either or both. Those who had applied had waited an average of 40.5 days by the time they were interviewed, which effectively meant that they were unemployed for a large part of their recall period, despite a willingness to work.

The risk of self-harm

2.25 The first day back in custody was experienced differently by those in our sample. Some slipped back into their previous routine quite smoothly, but some experienced it as a very dark time. Some were recalled because they had been destabilised by a major personal setback, and the recall constituted a further setback that could be overwhelming. Recalled prisoners, although treated as remand prisoners for the purposes of sentence planning were often treated as sentenced prisoners for the purposes of

first night support and induction, which it could be assumed they did not need. They also struggled to get an early visit with their families or partners to enable them to adjust to their new situation and make plans. At this stage there was often little information provided about the reason for the recall and no certainty about the date of re-release.

2.26 Despite these risks there was no safer custody strategy to provide support at critical times. In two of the prisons inspected a recalled prisoner had committed suicide in the recent past. In one of these prisons, of the 11 recalled prisoners chosen at random, two were not coping well, but there was no system for monitoring or supporting these prisoners as a group; the prison received about 20 such prisoners a month. The point when a prisoner is notified of the re-release date is clearly a sensitive time that should be carefully managed. Figures from the Safer Custody Group in Prison Service headquarters indicate that 9% of self-inflicted deaths since April 2003 were of prisoners who had been recalled. This is only a little higher than their proportion of 6% in all prisoner receptions, but given recalled prisoners' circumstances, should be subject to ongoing monitoring.

Mr A was sentenced to an extended sentence of nine years for a sexual offence and was subject to MAPPA arrangements. He had been released from the custodial element of his sentence on licence. He was a survivor of sexual abuse, and claimed that this underlay his offending but that he had never dealt with it while in prison. His licence was revoked following complaints by two women that he had behaved inappropriately toward them, and because he had broken hostel rules by consuming alcohol. He had been returned to prison four days before this interview. He had made applications to speak to a counsellor and a solicitor but as yet had heard nothing. He stated in interview that he would commit suicide if he had to serve the rest of his sentence in prison.

Mr B was sentenced initially to an 18-month custodial period and a period of four years on extended licence. He was released having served nine months of the 18-month custodial element. His licence was revoked three months later after he wrote a farewell note to his ex-partner with whom he was banned from communicating under the terms of his licence. The following day the police arrested him in the early hours of the morning. His re-release date was calculated to the end of the extended licence, which was over four years later. A slip containing this information was sent to Mr B through the prison's internal postal system and was received three days after his return to prison, on a Saturday when staffing was at a reduced level. The slip gave no other information. The recall dossier containing the reason for recall and information about the right of appeal arrived in the prison the day after Mr B hanged himself.

2.27 Both these cases illustrate the disproportionate impact of recall on those serving extended sentences, who face the prospect of serving an extended period in prison that can amount to several years. The Criminal Justice Act of 2003 endorsed further use of the extended sentence for those convicted of a sexual or violent offence for which the maximum penalty is under 10 years, and who are considered to present a significant risk of serious harm. Although the custodial period should not exceed the maximum for the offence, the extension can be up to five years for a violent offence and eight years for a sexual offence. Recall in these circumstances activates the extended period and can result in the prisoner serving significantly longer than the maximum penalty for the original offence. Any strategy for supporting recalled prisoners should therefore flag up in particular those recalled on extended sentences.

3 Summary, conclusion and recommendations

3.1 Statutory adjustments to the system for revoking licences had not resulted in any adjustments to prison systems to accommodate recalled prisoners' needs, despite increased numbers. They arrived at local prisons with no prior warning and some did not understand why they had been returned. Staff were unable to clarify their situation and, according to RRS, prisons were not reliably informing them of their arrival. Those who came in on new charges were particularly easy to overlook in advance of new IT systems.

3.2 The recalculation of sentence length after recall is extremely complex and relies on information from a range of sources. The complexity of the process and the number of bodies involved reduces its accuracy and makes challenge difficult. The late arrival of the dossier, which can also be incomplete, compounds these difficulties. Many prisoners in our study were not given a full explanation of how the re-release date was arrived at and some remained confused.

3.3 The official recall dossier took some time to arrive, despite being despatched promptly in most cases, and a small minority of prisoners did not receive it before the scheduled date for the Parole Board review. Despite having mitigation, many were reluctant to make written representations, and our impression was that they did not feel equipped to do so. Many had lost their previous solicitor's contact details and lacked the confidence and organisational ability to manage such a process.

3.4 In none of the local prisons visited was there a comprehensive strategy for managing prisoners on recall and providing information and support. Legal service officers in Bristol prison provided information, but residential staff were mostly unaware who the recalled prisoners were. Recall did not trigger a case review, though new arrangements will require the supervising probation service to produce a risk management plan for possible re-release.

3.5 There was a lack of clarity about recalled prisoners' status. In local prisons they were treated as remand prisoners and as convicted prisoners in other prisons. They often declined induction because they knew the prison routines, and missed out on the close observation and support provided by first night units. They were not allowed more frequent visits like remand prisoners, nor were they allocated personal officers or engaged in sentence planning as convicted prisoners. Just under half of the sample were not engaged in any form of purposeful activity.

3.6 There was little awareness that recalled prisoners might be feeling traumatised or aggrieved about their recall and in need of support, or that those serving extended sentences might be particularly adversely affected by licence revocation. RRS were not monitoring the number of recalled prisoners who committed suicide.

3.7 There were as yet no published figures for the proportion of recalled prisoners who were from a black or minority ethnic group.

3.8 Although the new arrangements offer the possibility of release following a Parole Board review, the absence of supporting systems that provide appropriate information, care and management for recalled prisoners indicates that a national review of their status and needs is urgently required.

Recommendations to the Chief Executive of NOMS:

- prisons and offenders should immediately be made aware of the reasons for recall
- parole dossiers should arrive more promptly and the time taken to calculate re-release dates should be reduced
- communication between the Parole Board, prisons and prisoners should be improved and the risk management plan should be shared
- an effective system enabling prisoners to report home detention curfew breaches should be implemented
- the number of self-inflicted deaths among recalled prisoners should be recorded and their ethnicity should be monitored

Prisons should provide:

- safe reception and induction and effective safer custody support
- effective legal advice
- proper access to regimes
- preparation for re-release, including engagement with PPO schemes

Good practice

In Bristol prison legal services officers saw all recalled prisoners within 24 hours of their arrival to explain the process. They returned to issue the recall dossier and ensure that the information it contained was accurate and understood by the prisoner. They also checked that the prisoner had a solicitor if he wished to make representations.