



Release on Temporary Licence

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PSI Amendments should be read in conjunction with this PSO	
Date of Further Amendments	
15/10/07	PSI 36/2007 – Amends paras 2.3.1, 2.3.2 and Appendix A para 52 (amendments have been made in this version)
10/05/07	PSI 21/2007 – Immigration and Foreign Nationals Amends paragraphs 5.5.2 to 5.5.6 and form ROTL 9 (amendments have been made in this version)
22/06/12	PSI 21/12– Amends: Introduction para vii (exclusions); para 2.1.11 (day release); para 2.2.2 (overnight release); paras 2.5 to 2.5.7(Childcare Resettlement Licence); para 2.7.7 (inter-prison transfers); Chapter 4 – Indeterminate Sentence Prisoners; and 5.3 to 5.3.2 (Confiscation Orders). (amendments have been made in this version)

[Link to list of contents](#)

EXECUTIVE SUMMARY**STATEMENT OF PURPOSE**

PSO 6300 sets out the Release on Temporary Licence (ROTL) policies and required actions for the Prison Service and Controllers of contracted prisons, consolidating and modernising several existing guidance instructions dating from 1995 and incorporating the provisions of Criminal Justice Act 2003. It focuses the use of ROTL on individual development and resettlement of prisoners, to complement the Resettlement PSO and sentence planning process. Any release on temporary licence will only take place once the prisoner has satisfied a stringent risk assessment carried out by a designated ROTL Board at the establishment. Governors have an overriding duty, when considering any release, to ensure that both public safety and public confidence in the system are maintained. There is no automatic right of entitlement for release on temporary licence to be granted.

The procedures and policy applying to release on temporary licence are designed to ensure that suitable prisoners are released only for precisely defined and specific activities, which cannot be provided in establishments.

The decision to grant a period of release on licence under the Prison Rules or Young Offender Rules is for the Secretary of State to take, although in practice it will normally be taken on his behalf by the Governor (or the Home Office Controller in the case of a contracted out establishment).

IG36/1995 is cancelled along with the relevant amending Prison Service Instructions (PSI) including PSI 46/1998, 53/2000 and 40/2003.

PSO 6300 provides a more user friendly, ROTL guidance document that incorporates the new Criminal Justice Act 2003 sentencing framework.

This document introduces licences called Resettlement Day Release (RDR), Resettlement Overnight Release (ROR), Special Purpose and Childcare Resettlement Leave. Eligible prisoners must only be released if the activity for which they are being released falls within the purpose of these licences.

Each establishment will be required to produce and locally publish a protocol document, setting out the establishment's administrative procedures for ROTL.

Earned Community Visits, which formed part of the Incentives and Earned Privileges Scheme, have been abolished, as the purpose of these activities falls within the scope of **Resettlement day release.**

DESIRED OUTCOME

This policy must be implemented on 30 January 2006 and as of that date all release on temporary licence must be considered under PSO 6300.

MANDATORY ACTIONS

All **mandatory instructions** in the PSO that are shown in *italics*. Area managers, governing governors and directors of contracted prisons must implement proceedings to ensure that these instructions are strictly enforced.

The new forms and licence contained in PSO 6300 must be used from 30 January 2006. The forms will be available on the Prison Service intranet.

RESOURCE IMPLICATIONS

PSO 6300 introduces changes to ROTL and establishments will be required to produce a protocol and leaflet before this policy is implemented. There will be an additional increase in workload as prisons familiarise themselves with the new policy but this will be a short-term pressure. The new policy consolidates existing instructions so this document is clearer and allows Governors the ability to better tailor the needs of individual prisoner in terms of ROTL.

Calculating ROTL eligibility dates is simplified by the new policy. There is only one common eligibility date for all resettlement activities rather than differentiating between day release and overnight release as in the previous policy.

IMPLEMENTATION DATE:**30 January 2006**

(signed)

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ORDERS OR INSTRUCTIONS REPLACED BY PSO 6300

IG36/1995	Release on temporary licence
PSI 46/1998	Release on temporary licence – Pre-release process
PSI 53/2000	Release on temporary licence – Pre-release process
PSI 40/2003	Eligibility for resettlement leave – Pre release process

CONTENTS**Abbreviations****References****Introduction**

- i. Purpose
- ii. Risk assessment
- iii. Minimum time in prison
- iv. Types of licence
- v. Legal authority
- vi. Monitoring
- vii. Prisoners excluded from ROTL
- viii. Consumption of alcohol
- ix. Gambling
- x. Failure to return
- xi. Transitional arrangements
- xii. Drug testing
- xiii. Criminal Justice Act 2003
- xiv. Geographical Limitations
- xv. Help lines

Executive Summary**Chapter 1** **The administrative process for release on temporary licence**

- 1.1 Introductory remarks
- 1.2 Protocol document
- 1.3 Appointing a temporary release board chair
- 1.4 Activities covered by temporary licence
- 1.5 Public protection and acceptability

Chapter 2 **Types of licence**

- 2.1 Resettlement day release
- 2.2 Resettlement overnight release
- 2.3 Placements with Community Service Volunteers
- 2.4 Placements with the Prince's Trust
- 2.5 Childcare resettlement leave
- 2.6 Special purpose licence
- 2.7 Grounds for special purpose licence
 - 2.7.1-4 Compassionate
 - 2.7.5 Medical
 - 2.7.6 Marriage of the offender
 - 2.7.7 Inter-prison transfers
 - 2.7.8 Court, tribunal or inquiry proceedings
 - 2.7.9 Conferences with legal advisers
 - 2.7.10 Helping the police with their enquiries

Chapter 3 **Temporary release for Juveniles**

- 3.1 General remarks
- 3.2 Licences available to Juveniles
- 3.3 Eligibility
- 3.4 Frequency and duration

Chapter 4 **Temporary release for Indeterminate Sentence Prisoners**

- 4.1 General remarks

- 4.2 Types of licence
- 4.3 Eligibility
- 4.4 ROTL from closed conditions
- 4.5 Frequency, duration and monitoring
- 4.6 Impact on Victims
- 4.7 Revocation of temporary release licence

Chapter 5 [Classes of prisoners needing special consideration](#)

- 5.1 Civil prisoners and fine defaulters
- 5.2 Prisoners in contempt of court
- 5.3 Prisoners detained in default of a confiscation order
- 5.4 Appellants
- 5.5 Foreign nationals and immigration detainees
- 5.6 IND contact points
- 5.7 Restricted transfers
- 5.8 U S Servicemen

Chapter 6 [Disclosure of information](#)

- 6.1 General remarks
- 6.2 Disclosure of victim's views to prisoners
- 6.3 Procedures

Chapter 7 [Breach of temporary licence](#)

- 7.1 General remarks
- 7.2 Misconduct whilst released on temporary licence
- 7.3 Procedure for recall

Chapter 8 [Funding](#)

- 8.1 Local policy

APPENDICES

[APPENDIX A - Risk assessment](#)

[APPENDIX B - Temporary release forms](#) (re-issued 17/01/06)

[APPENDIX C - Flow Chart](#)

ABBREVIATIONS

The following abbreviations are used in the PSO 6300

ACR	Automatic Conditional Release
B&B	Bed and Breakfast
CJA03	Criminal Justice Act 2003
CJA91	Criminal Justice Act 1991
CRD	Conditional Release Date
CSV	Community Service Volunteer
HQ	Headquarters
IND	Immigration and Nationality Directorate
IRS	Incident Reporting System
MDT	Mandatory Drug Testing
MODCU	Management of Detained Cases Unit
NOMS	National Offender Management Service
PECS	Prisoner Escort and Custody Services
PED	Parole Eligibility Date
PMU	Population Management Unit
PSO	Prison Service Order
RDR	Resettlement Day Release
ROR	Resettlement Overnight Release
ROTL	Release on Temporary Licence
SLED	Sentence and Licence Expiry Date
UAL	Unlawfully at Large
VDT	Voluntary Drug Testing
YOI	Young Offender Institution

References to:

- *Governor - must be treated as applying to governors/directors of prisons and YOIs, and references to prisoners must be treated as applying to prisoners/detainees held in prisons and YOIs, except where the contrary is indicated.*
- *Area Manager – must be treated as applying to Office for Contracted Prisons where appropriate.*
- *Young Adult Prisoners - must be treated as applying to prisoners aged 18 to 21.*
- *Juveniles - must be treated as applying to prisoners under the age of 18 and/or those prisoners serving a DTO.*
- *Custodial Period - must be treated as the total custodial period between date of first sentence and the latest custodial release date, providing no release has taken place from one term of imprisonment before another term is imposed in the case of concurrent and consecutive terms.*
- *Probation – must be treated as referring to Youth Offending Teams in the case of juveniles.*
- *Relevant Remand Time – must be treated as meaning remand days **physically** served ie. Where there is a period of remand time that has been shared between concurrent sentences (the same period applied to each sentence) the period will only count once for ROTL calculations. Eg. Where 60 days remand time is applied to a 2003 Act sentence and the same 60 days is applied to a concurrent 1991 Act sentence, only 60 days will be relevant for the ROTL calculation, NOT 120 days.*

INTRODUCTION

i Purpose

Release on temporary licence is the mechanism that enables prisoners to participate in necessary activities, outside of the prison establishment, that directly contribute to their resettlement into the community and their development of a purposeful, law-abiding life. *The decision to allow temporary release must always be balanced by an active consideration, by means of rigorous risk assessment for maintaining public safety and the public's confidence in the judicial system.*

ii Risk Assessment

OASys will be the means of risk assessment and management for prisoners aged 18 or over who are not held in the juvenile estate. In the case of the juvenile estate, the principal risk assessment tool will be ASSET to inform the completion of form ROTL 4 (see Chapter 3). These tools will help to identify particular risks/needs of individual prisoners and the extent to which those needs are reduced, or met during the resettlement process with a consequent impact on public protection and safety. Further guidance on OASys is contained in PSO2205.

Where an up to date OASys is not available the risk assessment must cover:

- *Previous release on temporary licence*
- *Criminal history*
- *Child safeguards*
- *Assessment by supervising (home) probation officer/offender manager including, (where appropriate) a Home Circumstances report*
- *Position of the victim*
- *Behaviour in custody, including achievement of sentence plan targets designed to reduce risk of re-offending*
- *For Foreign National prisoners, written clearance from IND where appropriate (See Para 5.5. (onwards))*
- *Police information, including details of active criminal associates*
- *Specific areas of concern*

Appendix A - risk assessment and Form ROTL 4 – risk assessment for ROTL, provide further guidance for carrying out risk assessments where OASys is not available.

iii Minimum time in prison

Where an offender is in employment and out of the establishment for 5 or 6 days per week, and eligible for resettlement leave, arrangements must be made to provide that the offender spends at least one block of 24 consecutive hours in prison each week. In exceptional circumstances, Governors may consider setting aside this requirement, but they must do so only after consultation with their Area Manager. Any exception to the "24 hour rule" must be recorded in a separate log. The 24 hour rule does not apply to prisoners on CSV, C-Far and Prince's Trust placements.

iv Types of licence

There are 4 types of temporary release licence:

- Resettlement day release
- Resettlement overnight release
- Childcare resettlement
- Special purpose

v Legal authority for temporary releases

Prison Rule 9 and YOI Rule 5 provide the authority for temporary release to support appropriate activities. This Prison Service Order provides the policy framework for the purposeful use of temporary release.

Only those prisoners who are sentenced to a period of imprisonment, period of detention, or to a Detention and Training Order may be considered for release on temporary licence.

All procedures and processes relating to considerations for temporary release must be in line with the Prison Service Equal Opportunities Policy.

vi Monitoring**(a) Activities on release**

Governors must have in place a system of spot checks to ensure that prisoners released on temporary licence are complying with the specified licence conditions in relation to the authorised activity and/or accommodation. In some cases the risk assessment will deem a telephone call to an employer, or supervisor, to be sufficient monitoring, while in other cases visits by members of staff will be more appropriate. Governors may need to contact an establishment nearer to the temporary release activity to undertake the visits on their behalf. The checks must be random in order to prevent a predictable pattern developing.

(b) Race relations monitoring

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a general duty on the Prison Service to promote race equality and not to discriminate on racial grounds. *In order to comply with the Act, Governors who authorise release on temporary licence applications must ensure that they carry out ethnic monitoring of successful ROTL applications, and must investigate any variations, or abnormalities, highlighted by the monitoring.*

In order to fully comply with the Act, Governors will be expected to monitor the outcomes of all ROTL applications submitted, not just successful decisions. However, it is recognised that the current IT infrastructure does not cater for this in depth monitoring to be carried out electronically. Governors will be instructed to put in place the further monitoring arrangements, if they are not already doing so on a paper based system, once a capable IT system has been introduced.

vii Prisoners who are excluded from release on temporary licence

The following must not be considered for temporary release:

- *Category A prisoners*
- *Prisoners on the escape list*
- *Prisoners who are subject to extradition proceedings*
- *Remand and convicted unsentenced prisoners*
- *Sentenced prisoners who are remanded for further charges or further sentencing*
- *Prisoners held on behalf of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Special Court for Sierra Leone (SCLS) or the International Criminal Court (ICC).*

Additionally, Category B prisoners are not eligible for Resettlement Day or Overnight Release.

viii Consumption of alcohol

Temporary release licences will specify a condition prohibiting the offender from consuming alcohol. In exceptional cases (temporary release to a marriage or religious ceremony, for example), the condition prohibiting alcohol consumption may be omitted from the temporary release licence providing the risk assessment (see Para ii) allows. *However, it must be made clear that drunkenness, at any time during the temporary release, is not acceptable. Governors must consider in the risk assessment, any compact in which the offender has agreed to remain alcohol free and/or local establishment policy where alcohol is banned, before deciding to omit the licence condition.*

ix Gambling

Prisoners on ROTL are prohibited from entering into financial transactions beyond those necessary for their resettlement needs, as described in PSI 42/2005. *The temporary release licence must include a condition to this effect.*

x Failure to return

A person who fails to return from temporary release is guilty of an offence in accordance with Section 1 of the Prisoners (Return to Custody) Act 1995 and as such shall be liable, on summary conviction, to an imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.

xi Transitional arrangements

- *Where this policy renders prisoners ineligible to carry out resettlement activities that they are already undertaking, Governors must consider whether the removal of such activities would be detrimental to the resettlement of the prisoner. If the Governor decides the prisoner can continue with the activity a further risk assessment must be carried out.*
- *Additionally, where prisoners have been allowed Earned Community Visits under the Incentives and Earned Privileges programme, visits may continue under the Resettlement Day Release (RDR) arrangements. However, the offender must not be allowed to undertake any new activity until the respective eligibility criteria of PSO 6300 have been met.*
- *Where the policy renders a prisoner ineligible for an activity for which an application has already been granted, but the activity has not commenced, the application must be rescinded.*
- *The 24 hour rule [para iii refers] also applies to prisoners who are granted ROTL under the transitional arrangements.*

xii Drug testing

Testing must be carried out in accordance with the mandatory drug testing programme. A test that proves positive prior to a period of temporary release must result in cancellation of the release unless there are compelling circumstances in favour of the release being allowed to proceed. A positive test must give rise to disciplinary proceedings in accordance with the guidelines on mandatory drug testing and will be considered in future risk assessments. Full details on mandatory drug testing are available in PSO 3601.

Any positive Voluntary Drug Test (VDT's) must be taken into consideration when deciding suitability for ROTL. VDT including compliance VDT must not, however, replace MDT as the principal mode of drug testing, which informs the ROTL risk assessment. Full details on VDT's are available in PSO 3620.

xiii Criminal Justice Act 2003

The Criminal Justice Act 2003 introduces new release arrangements, which affect most prisoners (but not life sentence prisoners) sentenced for offences committed on or after 4 April 2005.

There are two new sentences for which the date of release will be fixed by the parole board and new arrangements for prisoners serving determinate sentences of 12 months or more.

Indeterminate Sentence for Public Protection

This is a sentence for prisoners found guilty of serious offences and is similar to a life sentence. In these cases the court will set a tariff period, after which release will be at the discretion of the Parole Board.

The ROTL arrangements for prisoners serving an Indeterminate Sentence for Public Protection are the same as those for Life Sentence Prisoners, detailed in Chapter 4 of this guidance.

Extended Sentence for Public Protection

This is a sentence comprising a custodial term and an extension period. Eligibility for release is on the approval of the Parole Board, at the half-way point of the custodial part of the sentence – the PED. However, without parole board approval, an offender serving an extended sentence for Public Protection will be detained until the end of the custodial part of the sentence – the CRD.

The ROTL arrangements for prisoners serving an extended sentence for Public Protection are based on the PED in the same way as prisoners subject to the provisions of the Criminal Justice Act 1991 who are serving determinate sentences of 4 years or more with a PED.

Determinate Sentences of 12 months and over

Prisoners sentenced to a determinate sentence of 12 months or more, which is not an extended sentence for public protection, will be released at the half-way point of the sentence – the CRD. Release will take place without reference to the Parole Board. The provisions of CJA03 do not differentiate between a sentence, imposed for offences committed on or after 4 April 2005, of 12 months to under 4 years and one of 4 years and/or over. All calculations will effect conditional release dates at the half-way point and the prisoner will be on licence to the end of the sentence – the SLED.

The ROTL arrangements for these prisoners serving a determinate sentence of 12 months or more are the same as those for prisoners serving CJA91 determinate sentences of 12 months to under 4 years.

xiv Geographical Limitations

Prisoners may not be granted release on temporary licence to any place outside the United Kingdom, Channel Islands and the Isle of Man.

xv Helplines

The release on temporary licence helplines at NOMS Headquarters provide advice to establishments. Contact telephone numbers are 020 7217 6451, 6869 or 6370.

CHAPTER 1 THE ADMINISTRATIVE PROCESS FOR RELEASE ON TEMPORARY LICENCE

1.1 Introductory remarks

The Governor must develop a written protocol outlining how PSO 6300 – release on temporary licence will be locally administered. The protocol must be published for the attention of all staff involved in temporary release and must be reviewed annually. The Governor must publish a guidance leaflet for prisoners, which must cover, at least, the first seven of the following bullet points.

1.2 The protocol document must include:

- *The types of temporary release available at the establishment, the minimum eligibility criteria as published in this PSO, the application process and decision-making structure, a statement of the establishment's disclosure policy.*
- *The local policy on the payment of travel arrangements, necessary meals for temporary absences from the establishment and circumstances where contributions may be made by the establishment and where prisoners are required to bear the cost associated with ROTL activities.*
- *The local staffing structure for assessing the suitability and risk of each application, identifying the key signatories for the temporary release licences and outlining the cover for any absence.*
- *The procedure the offender must follow should they wish to challenge a temporary release decision. [Complaints PSO 2510]*
- *The risk assessment process and documentation used in that process at the particular establishment (either using OASys, where available/applicable, or Form ROTL 4). [OFFENDER ASSESSMENT PSO 2205]*
- *Notice of the requirement for an offender to have addressed the reasons for a parole refusal, where the reasons adversely affect the temporary release risk assessment, before any further applications for temporary release may be considered.*
- *The format of the licence including any licence conditions specific to the establishment. A process for considering requests for specific conditions from the National Probation service must be in place. All conditions must, if breached, be subject to the disciplinary process.*
- *The process to notify Police, Probation Service, Social Services, Immigration Service, Youth Offending Teams, or other appropriate agencies of release on temporary licence under Public Protection procedures. Refer to Public Protection manual for further information.*
- *The occasions and frequency that prisoners must have a medical examination by locally authorised medical staff. This must include the process to be followed should staff raise concerns about the offender's fitness to travel.*
- *A procedure for checking that the conditions of temporary release are being complied with and for monitoring the contact with offender placements. Governors must consider telephone contact checks and/or ad-hoc physical visits. The individual risk assessment must address the type and frequency of monitoring required.*

- *The procedure following a failure to return to the establishment when there has not been a notification of illness including the notification to the Police that the offender is UAL and where appropriate to the home probation area or Lifer Unit, and initiation of a report to the Incident Reporting System.*
- *The procedure following a breach of licence conditions, including the recall and disciplinary processes, information to be retained for sentence planning and initiation of the report to Lifer Unit, where appropriate*
- *The process by which the offender's performance on temporary release will be reviewed as part of an ongoing risk assessment process and patterns of activity changed, if appropriate.*

1.3 **Appointing a Release on Temporary Licence Board Chair**

When appointing a chair for release on temporary licence boards, *Governors must bear in mind that where possible, there should be scope for prisoners to progress the 3 stages of the complaints procedure within the establishment should they wish to challenge a temporary release decision.*

- 1.3.1 *Where the authorising Governor agrees the recommendation made by the Chair of the ROTL board, a first stage complaint, made by the prisoner, about the decision must be responded to by the Chair of the Board. In the event that the authorising Governor overturned the recommendation made by the Chair of the Board, the first stage complaint must be responded to by the authorising Governor.*

1.4 **Activities covered by temporary licence**

All activities, for which temporary resettlement release is granted, must be directly linked to the sentence planning process both for developing work and life skills and for maintaining, or re-establishing, family and community ties. Temporary release can enable prisoners to deal responsibly with unexpected family and personal events and to wider criminal justice needs.

- 1.4.1 *Governors may wish to introduce periods of temporary release where prisoners are accompanied by a member of staff, who offers support and guidance to the prisoner. In this situation, the prisoner is responsible for complying with the licence conditions and for returning to the establishment. Staff are not expected to take responsibility for the behaviour of prisoners in these circumstances, or physically prevent them from absconding but are expected to report the behaviour appropriately. Prisoners who present a sufficiently high risk to require a security escort must not be released on temporary licence.*

1.5 **Public protection and acceptability**

The criteria for time served and frequency of release, set out for prisoners in different types of regime below, are designed to ensure that releases authorised using those criteria, are lawful and can be satisfactorily explained in terms of addressing resettlement issues and offending behaviour. It is for the governor to consider all the circumstances of the case before deciding whether to grant the licence, including:

- the nature of the offence
- the nature of the activity for which the release is proposed
- the proportion of the custodial period served

- the number of times the prisoner has been, or is likely to be, released
- whether the release could reasonably be expected to have a disproportionate impact on victims
- the presence of any court restraining orders
- the OASys Risk of Harm level (where applicable) and, where appropriate the level at which the offender's risk will be managed under the Multi-Agency Public Protection Arrangements.

1.5.1 *The Governor must be satisfied that the release of any prisoner on temporary release would not attract reasonable public concern, in that the release would not be likely to undermine public confidence in the administration of justice, having regard to the stage of the custodial period reached and/or the number of times temporary release has been granted.*

1.5.2 The key tool in assuring public safety and acceptance is the risk assessment process (see Para ii of the Introduction for further information) and the rigour with which it is applied. *The assessment must take account of all the information that is available, obtaining further information where necessary and consider how that evidence bears on the prisoner's suitability for the proposed activity.* The Governor is assessing the risk not simply of releasing the prisoner, but of allowing the prisoner to carry out a particular outside activity.

[Link to list of contents](#)

CHAPTER 2 Types of licences

2.1 Resettlement day release

Applications for a Resettlement day release (RDR) licence can be considered for the following activities.

- Reparative community work/unpaid employment
- Life and work skills training/education
- Maintaining family ties
- Housing
- Probation Interviews
- Job searches and interviews
- Paid employment (for prisoners in a designated resettlement estate only)
- Driving lessons (for prisoners in a designated resettlement estate only)
- Car maintenance (for prisoners in a designated resettlement estate only)
- Opening bank accounts

2.1.1 The above list incorporates those activities previously carried out on earned community visits (ECVs) under the incentives and earned privileges scheme. RDR has replaced the concept of ECVs. *Any activity requirement, identified during the sentence planning process, must be considered under the release on temporary licence process, the eligibility for which is detailed in Para 2.1.4 below.*

2.1.2 In prisons where a lack of visiting facilities prevents prisoners from taking their statutory entitlement to visits in the establishment, Resettlement Day Release may be used to allow family visits either in the local area, or to the family home. *The usual risk assessment must have been completed and normal eligibility rules apply.*

2.1.3 The Governor may also allow prisoners in open conditions to attend religious worship outside the prison if this is seen to restore links between the prisoner and the wider community.

2.1.4 Eligibility

Prisoners (excepting those excluded in Para vii of the introduction) will be eligible for RDR either 24 months before the release date, or once they have served $\frac{1}{2}$ the custodial period less half the relevant remand time, whichever gives the later date. *The reference to the release date must be taken as meaning the latest $\frac{1}{2}$ waypoint of the sentences. [I.e. parole eligibility date (PED,) or, where there is no PED, the conditional release date (CRD -)see Page 5 and Para xiii for further information regarding the half-way point of sentences]. Prisoners must have passed the risk assessment process before any release takes place.*

2.1.5 Example 1

A prisoner serving 3 years (subject to the release provisions of CJA03, or CJA91), would have a conditional release date at the $\frac{1}{2}$ way point of the sentence after 18 months. Eligibility for RDR would be at $\frac{1}{2}$ of the custodial period, i.e. 9 months after sentence because this is later than 24 months before the conditional release date.

2.1.6 Example 2

A prisoner serving 12 years whose release arrangements will be subject to the provisions of CJA 03 will have a CRD at the $\frac{1}{2}$ way point of the sentence after 6 years. Eligibility for RDR would be 24 months before the conditional release date after the prisoner had served 4 years, as this is a later date than $\frac{1}{2}$ of the custodial period, which would only be after 3 years had been served.

2.1.7 **Example 3**

A prisoner serving 14 years whose release arrangements will be subject to the provisions of CJA 91 will have a PED at the $\frac{1}{2}$ way point of the sentence after 7 years. Eligibility for RDR would be 24 months before the PED after the prisoner had served 5 years, as this is a later date than $\frac{1}{2}$ of the custodial period, which would only be after $3\frac{1}{2}$ years had been served.

2.1.8 Prisoners who have been assessed as suitable for release on Home Detention Curfew before they become eligible for release on RDR, may be considered for one period of RDR, before their HDC release, to undertake pre-arranged interviews for work or college, where time allows. *The normal risk assessment must apply.*

2.1.9 Where a prisoner has been recalled by the Secretary of State following conditional release on licence, eligibility for RDR will be immediate, subject to the normal risk assessment

2.1.10 Frequency and duration

The Governor must decide the frequency and duration of any release on RDR. Good practice suggests that both the duration and frequency are gradually increased, in line with the prisoner's sentence plan and personal development.

2.1.11 Where Category C prisoners are risk assessed as suitable for regular day release, ordinarily they should be re-categorised to Category D and transferred to open conditions. There may be cases though, where it would be preferable in terms of effective resettlement for the prisoner to remain in closed conditions for a time; for example, where the prisoner is accessing a programme which they cannot access readily from another prison.

2.1.12 *The maximum number of days spent, in paid employment or reparative community work, out of the prison must not exceed the recommendations of the European Working Time directive over a 2-week period. Governors need to be aware of when a prisoner is due any holiday entitlement when release on temporary licence for paid employment would not be required.*

2.2 Resettlement overnight release

The purpose of resettlement overnight release (ROR) is to allow prisoners to spend time at their release address, or an approved temporary hostel address, re-establishing links with family and the local community. Prisoners can also use these temporary absences to facilitate interviews for work, training or accommodation.

2.2.1 Eligibility and frequency

Prisoners (excepting those excluded in Para vii of the introduction) will be eligible for ROR on the later date of either; 24 months before the release date, or once they have served ½ the custodial period less half the relevant remand time. The reference to the release date must be taken as meaning the ½ way point of the sentence. [I.e. parole eligibility date (PED,) or, where there is no PED, the conditional release date (CRD) - see Page 5 and Para xiii for further information regarding the half-way point of sentences]. Prisoners must have passed the risk assessment process before any release takes place.

2.2.2 **Men, women and young adult prisoners in open conditions, or assessed as suitable for open conditions, and those in a resettlement regime**

- Prisoners who have a PED (CJA03 extended sentences for Public Protection imposed before 14 July 2008 and CJA91 'unconverted' sentences of 4 years or more) can apply for a maximum of one period of ROR every 4 weeks in the six months before PED. A gradual approach to ROTL is always advocated and in many cases, eg where the prisoner has had little ROTL of any kind prior to the 6 month point, this maximum will not be reached.
- If the prisoner is successful at their first parole review, they can apply for one further period of ROR before release, if time allows. *The Governor must make arrangements for the appropriate discharge process to take place.*
- *If the prisoner is unsuccessful at the first parole review, a risk assessment must be carried out to take account of the reasons for the parole refusal. Governors must be satisfied that any risk identified by the parole refusal has been fully addressed before further temporary release can take place.* Providing the risk assessment is favourable, a maximum of one period of ROR every 4 weeks may be applied for thereafter although a gradual approach is again advocated. When considering applications for ROR, Governors should balance the need for ROR against the commitments prisoners have made to their other resettlement activities, including any identified at the parole review.
- Prisoners who have withdrawn from the parole process may be considered for resettlement overnight leave 3 months after PED. They may apply for a maximum of 4 periods in the first year following PED and a maximum of 8 periods in subsequent 12 months. *The Governor must decide the appropriate frequency.*
- Prisoners serving 12 months and over who do not have a PED (see Para xiii for further information) may apply for ROR no more than once in every 4 weeks after their ROR eligibility date.
- All prisoners recalled by the Secretary of State following conditional release on licence will be treated as follows:
 - Parole Board recommend immediate re-release – ROTL will not apply

- Parole Board recommend re-release at a later date – On receipt of the recommendation, ROR may be taken once every 4 weeks.
- Parole Board recommend re-release at the SLED (end of the sentence for CJA03 sentences) or LED (for CJA91 sentences) – will be eligible for ROR 24 months before the re-release date and may take ROR once in every 4 weeks.
- Parole Board recommend a further review date – The review date should be regarded as a PED for ROTL eligibility purposes and prisoners will fall under the provisions of the top three bullet points of this Paragraph.

2.2.3 Adult males in cat C trainers, adult women in closed conditions and young adult prisoners in closed conditions, not resettlement regimes.

- Cat D prisoners being held in closed conditions should be considered for ROR under the same arrangements as prisoners in open conditions.
- Cat C prisoners serving 12 months and over who do not have a PED (see Para xiii for further information), may apply for ROR up to a maximum of 2 periods in the last 6 months before the CRD.
- Cat C prisoners with a PED, (CJA03 extended sentences for Public Protection and CJA91 sentences of 4 years or more), may apply for ROR once in the 3 months prior to PED. If they complete this period successfully they should be considered for re-categorisation and transfer to open conditions.
- Cat C prisoners with a PED who:
 - Are unsuccessful on a period of ROTL before the PED
 - Are not re-categorised to Cat D, or
 - withdraw from the parole process
 will not be eligible for any further ROR until 3 months before any subsequent parole review, when an application for 1 period of ROR may be made.
- If a category C prisoner is successful at their first parole review, they may apply for one period of ROR before release, if time allows.
- *If, a Cat C prisoner is unsuccessful at the first parole review, a risk assessment must be carried out to take account of the reasons for the parole refusal. Governors must be satisfied that any risk identified by the parole refusal has been fully addressed before further temporary release can take place. Providing the risk assessment is favourable, they can apply for a maximum of 3 periods of ROR in the years following PED at a frequency of not more than once in eight weeks.*
- Cat C prisoners recalled by the Secretary of State following conditional release on licence will be treated as follows:
 - Parole board recommend immediate re-release – ROTL will not apply
 - Parole board recommend re-release at a later date – On receipt of the recommendation, may take a maximum of 2 periods of ROR in the last 6 months before the re-release date.
 - Parole board recommend release at the SLED (end of sentence for CJA03 sentences) or LED (for CJA91 sentences) – May take a maximum of 2 periods in the last 6 months before the re-release date.

- Parole board recommend a further review date – The review date should be regarded as a PED for ROTL eligibility purposes and prisoners will fall under the provisions of bullet points 3-5 of this Paragraph.

2.2.4 Duration

The Governor must decide the appropriate duration of any period of ROR. This will not usually exceed a maximum of 4 nights.

2.3 Placements with Community Service Volunteers

In order to foster links between prisoners and the outside community, the Governor may consider granting release on resettlement licence to prisoners undertaking community service placements. These are arranged by the national Community Service Volunteers (CSV) as part of their special programme for prisoners in the last few weeks of their sentences. This is likely to involve the prisoner being accommodated away from the establishment for the duration of the placement, ordinarily 4 weeks. *The use of CSV placements is an entirely appropriate option, but a decision to grant resettlement overnight leave to a particular prisoner for this purpose must be balanced against the public perception of that prisoner being on temporary release for that period.*

2.3.1 Eligibility

- CSV placements *must* not be permitted any earlier than 3 months before release from the sentence; this applies to the ARD, CRD or NPD. However, where parole or Home Detention Curfew (HDC) has been officially approved in advance, prisoners may be released to a placement before the parole or HDC eligibility date where time allows.
- Prisoners *must* be Cat D status or open status for young people/adults and women.
- Release is subject to the normal risk assessment process.

[Paragraph 2.3.1 amended in accordance with PSI 36/2007]

2.3.2 Monitoring and administration

- *Establishments considering a CSV placement must use a 'memorandum of understanding', signed by all parties involved in the placement. These will ordinarily be the prisoner, the Governor of the parent establishment, the Offender Manager (where there is one) and a representative of the placement organization. However, there may be additional parties such as the Governor of another establishment involved in monitoring the prisoner (where the prisoner does not live on the premises of the placement organization) and the individual responsible for the prisoner's accommodation. A template for the memorandum is found within the forms section of PSO6300 (Appendix B) and will also be included as an Annex when the Resettlement PSO 2300 is re-issued.*

[Paragraph 2.3.2 bullet point 1 amended in accordance with PSI 36/2007]

- *Placement staff must be provided with a copy of the licence.*
- *A telephone must be available at the placement organization and, where this is different, at the prisoner's accommodation, in order that establishments are able to contact prisoners and carry out ad-hoc, out of work hours monitoring checks. Where there is no telephone, the parent establishment must arrange for visits from the*

nearest prison to the placement to ensure that the prisoner is monitored and is complying with the licence conditions.

- *The risk assessment must address the way, or ways, in which the prisoner will be monitored (such as telephone and/or visits from staff), and the frequency of such monitoring, where necessary, arranging for staff from an establishment near to the placement to act as proxy monitors. Communication between the establishment and placement organization must be regular throughout the duration of the placement. The feedback provided by the organization on the prisoner's behaviour must contribute to the ongoing risk assessment as the placement progresses. Good practice would be to carry out visits early on in the placement, to provide support and ensure the prisoner is coping.*
- Where it is inconvenient to bring the prisoner back to the establishment at the end of this period, it is acceptable to complete the administrative discharge procedure in advance.

2.3.3 Public Protection Issues

- Detailed guidance on public protection issues involving children is contained in the Public Protection Manual. ***Particular care must be taken to ensure that public protection issues are considered in relation to all placements, whether paid or unpaid.***
- Some prisoners may be subject to a disqualification order. (See the section on "Disqualification Orders" in the Public Protection Manual). Disqualification orders were introduced by Schedule 4 of the Criminal Justice and Courts Service Act, 2000 and, as the title implies, they disqualify an individual from working with children.
- ***The absence of a disqualification order must not be taken as an indication that a prisoner is cleared to undertake a placement, which involves working with children. The establishment must ensure that an assessment of suitability is undertaken, based on offence data and behavioural/security information, together with the Enhanced CRB check described below.***
- Where a prisoner applies for a placement, which involves oversight of children or vulnerable adults, specific checks will need to be made under the terms of the Protection of Children Act (POCA), to assess any potential risk to children, or the Protection of Vulnerable Adults (POVA) scheme, similarly to assess any potential risk to vulnerable adults.
- ***In respect of a placement, which involves oversight of or contact with children, the establishment must itself make, or ensure that the placement organisation makes, a request for an Enhanced CRB check. For a placement involving vulnerable adults, the establishment must itself make, or ensure that the placement organisation makes, a request for an Enhanced CRB check and a POVA check.***
- There is no charge for CRB checks in respect of voluntary work, which would cover unpaid community work placements under Stage 1 of a resettlement estate regime and CSV placements. However, there will be a charge for CRB checks in relation to paid employment placements, the cost of which will ordinarily be met by the placement organisation.
- ***Where an establishment makes a request for an Enhanced CRB check, it must have a member of staff who is a registered counter signatory for CRB purposes. The establishment must also ensure that the prisoner can provide***

the appropriate photographic evidence of identity in the form of a passport, (new style) driving licence, etc.

- *Where the request for an enhanced CRB check and, as necessary, a POVA check is made by the placement organisation, the establishment must support the process of supplying the information/evidence required for the check to proceed.*
- *CRB checks are made using a hard copy disclosure form and may take 6 weeks or more to complete. Establishments must consider carefully whether a placement involving supervision of children or vulnerable adults would justify the time and administrative effort involved. However, where such a placement would reinforce the likelihood of a positive resettlement outcome, it would be entirely appropriate to provide the necessary support.*

2.4 Placements with the Prince's Trust

Governors may consider granting release on resettlement licence for young prisoners to take part in programmes run by the Prince's Trust. The aim of the Prince's Trust work is to build the young prisoner's self-confidence, skills and motivation, in order to take advantage of opportunities that will help to contribute to their personal success and reduce their re-offending. The course involves a programme requiring both resettlement day release and resettlement overnight release in order to complete the range of activities, including a residential experience away from the establishment. All releases to the Prince's Trust programme are subject to the normal risk assessment process.

2.5 Childcare resettlement licence

2.5.1 Eligibility

Where it is established that prisoners have sole caring responsibility for a child under 16 and they are not in the excluded groups (see Para vii), they are eligible to be considered for temporary release under childcare resettlement licence (CRL). Reflecting the unique position of the children of the sole carer, the purpose of the licence is to encourage the maintenance of the parent/child tie and to help prepare the prisoner for the resumption of their parental duties on release. If the child attains the age of 16 whilst the prisoner remains in custody, the prisoner becomes ineligible for childcare resettlement licence.

2.5.2 It will be for the prisoner to satisfy the governor that they are the sole carer, which generally means that they can demonstrate that they were the sole carer of the child immediately prior to their imprisonment and would be so if they were not in prison. Where the caring responsibility was shared immediately before release, this criterion will generally not be met

2.5.3 *Regular assessment of sole carer status must be undertaken.*

2.5.4 *The safety of the child is the overriding concern in all decisions about granting childcare resettlement licence, and the principles and relevant actions governing prisoners' contact with children set out in the Public Protection Manual must be followed. Once it is established that the prisoner has lawful access to the child and that the release will not put the child at risk, the best interests of the child more generally must be taken into account. It is accepted that the children of sole carers may face particular difficulties with separation from the sole carer, and some CRL may be helpful as a supplement to prison visits and/ or family day events at the prison.*

2.5.5 This subsection deals with eligibility to be considered for CRL. In all cases, release is subject to risk assessment, see 2.5.6 below. *In addition, although there is currently no minimum eligibility date for childcare resettlement licence, governors and controllers must bear in mind the requirements of Prison Rule 9(5)/ YOI Rule 5(6) – see paragraph 1.5 above. No release may be made where it is considered that the release would be likely to undermine public confidence in the administration of justice.*

2.5.6 *Governors/controllers must balance the interests of the child with the duty to maintain public confidence. Where it has been established that the release is in the child's best interests, that will be a primary consideration but it does not over-ride all other considerations. All cases must be considered on their merits. Cases involving prisoners whose offending has attracted a long sentence and/or who have been convicted of serious violent or sexual offences, or any offence involving the death or serious injury of the victim, must be considered with particular sensitivity to public confidence. Depending on the individual circumstances of the case, the earlier the proposed period of CRL falls following conviction the higher the risk that granting CRL would undermine public confidence.*

2.5.7 Frequency and duration

*Childcare resettlement licence may be taken no more than once every two months and the **maximum** duration of each period of licence must not exceed three nights away from the prison. Prison Rule 9(5) and the requirement to maintain public confidence applies equally to the frequency and duration of the releases as it does to the date of the release in relation to the period of sentence served. Governors and Controllers should, therefore, adopt a gradual approach; particularly where release is being considered significantly earlier than the prisoner would be eligible to apply for resettlement day release. In many cases a release on CRL would be the first ROTL for the prisoner. It would therefore be good practice, as it is for any type of ROTL release, to build up releases gradually from short day*

release (taking account of travel time) to the maximum, over a period of time with a careful review of progress between each occasion. Governors/controllers should not grant overnight release on the first CRL licence to prisoners who have little or no previous history of successful ROTL releases unless a day release is impractical due to excessive travelling time.

2.5.8 Risk Assessment

Release is subject to risk assessment in the normal manner and no release may be authorised where there is an unacceptable risk of harm, re-offending or absconding. In terms of risk of absconding and the harm that would arise as a result, it is accepted that this is greater in principle where there is a significant portion of the sentence still to be served. This may be outweighed by countervailing factors, including the strength of family ties. *When commissioning the home circumstances report, governors must ask specifically for advice on any risk of harm posed to the prisoner's children in granting the release.* If the release is to be to the address of a person caring temporarily for the children during the period of imprisonment, release is conditional on that person giving permission for the prisoner to be released to that address.

2.5.9 *Where children are in Local Authority care, governors must obtain the approval of the Local Authority before allowing the release (or series of releases).*

2.5.10 Victims

Governors/controllers should ensure that the impact of the release on any identified victims is taken into account before release is authorised. *Before any release is considered, a check must be made with the offender manager to establish the whereabouts of any identified victims and whether the victim or victim's family are participating in the victim contact scheme. If so, they must be afforded a reasonable opportunity to make representations about the conditions to be attached to any temporary release and any representations must be put before the ROTL board. The offender manager must be informed of the outcome of the ROTL Board in including any victim specific conditions in order that this can be communicated to the victims via the VLO.*

2.6 Special purpose licence

This is a short duration temporary release, often at short notice, that allows eligible prisoners to respond to exceptional, personal circumstances and to wider criminal justice needs.

2.6.1 Eligibility

All prisoners, except those who are excluded (see Para vii of the introduction section), may apply for temporary release on a special purpose licence. There is no minimum eligibility period. All releases for this type of licence are subject to the normal risk assessment process, including home circumstances report and/or victims issues where appropriate.

2.6.2 Frequency

A special purpose licence must only be issued in response to a specific event or set of circumstances that would not usually require release on a regular basis. However, the circumstances of each request must still be carefully considered.

2.6.3 If a prisoner is applying for temporary release to undertake similar activities on several occasions under a special purpose licence, governors must consider whether this is the expression of a resettlement need that should be met by means of structured resettlement activities instead.

2.6.4 Duration

The duration of any temporary release on a special purpose licence should normally be of no more than the few hours needed to achieve the stated purpose. *Reasonable travelling time must be taken into account.*

2.6.5 The Governor has discretion whether or not to allow a licence to cover overnight absences. The maximum duration of this licence should ordinarily be no more than four nights in a calendar month although, exceptionally, the Governor may agree to grant back-to-back licence.

2.6.6 There is no maximum duration of a special purpose licence where a prisoner is receiving in-patient treatment in hospital.

2.6.7 Scope

All the activities that may lawfully be supported by special purpose licence are defined in PR 9(3) and YOIR 5(3).

2.7 Grounds for special purpose licence:

2.7.1 Compassionate

Acceptable grounds for granting a special licence on compassionate grounds are:

- visits to dying relatives, funerals or other tragic personal circumstances;
- for prisoners who, on reception, have established general parental responsibility for a child under 16, to deal with emergencies relating to their parental duties.
- for prisoners, who on release will have sole caring responsibility of an elderly or severely disabled relative, to deal with emergencies relating to their caring duties. *Regular assessment of carer status must be undertaken.*

2.7.2 Temporary release should normally be granted for prisoners to visit close relatives who are terminally ill or to attend funerals of close relatives. A close relative is defined as the prisoner's spouse (including a person – whether of the same or different sex – with whom the prisoner was living as a couple in an established relationship immediately prior to imprisonment), parent, child, brother, sister (including half – or step – brothers and sisters), fiancé or fiancée (provided that the Governor is satisfied that a bona fide engagement to marry exists), or a person who has been in loco parentis to a prisoner, or to whom the prisoner has been in loco parentis. However, Governors will want to take account of other close caring relationships that may occur in extended families. It is for the prisoner to establish the closeness of the relationship. *For any visit to a terminally ill relative, it must be clear that the patient, if able to express a view, wants to see the prisoner.*

2.7.3 *Governors must take account of the fact that, within some communities, funerals may occur within 24 hours and the decision to grant temporary release must be taken at short notice.* The Governor may wish to seek the view of the appropriate chaplain.

2.7.4 There may be other tragic, or exceptional, personal, or family circumstances, for which temporary release on special purpose leave might be considered. *In cases of doubt, the Area Manager must be consulted.*

2.7.5 Medical

Special purpose licence may be granted for prisoners to attend medical out-patient appointments, or in patient requirements.

2.7.6 Marriage of the prisoner

Guidance on the marriage of prisoners is contained in Circular Instruction 35/1998. *The duration of the temporary release must be clearly defined and ordinarily, the period of absence should enable the prisoner to attend the ceremony and no longer.*

2.7.7 Inter-prison transfers.

Prisoners transferring from closed to open prisons, or between one open prison and another, may do so under licence, provided they pass the risk assessment and, in their particular case, it would not undermine public confidence to allow temporary release for that purpose. *ISPs transferring under licence must be supervised unless they have already taken unsupervised ROTL successfully.*

2.7.8 Court, tribunal or inquiry proceedings

This is an alternative to productions under the Crime (Sentences) Act 1997. It includes cases where the prisoner's presence is required, and those where it is in the prisoner's interests to attend proceedings such as tribunals, and family matters in a civil court. *If it is necessary for the prisoner to attend, but he or she fails the acceptability or risk assessments, then he or she must be produced under escort. Instructions for producing a prisoner in these circumstances are contained in PSO 4625.*

2.7.9 Conferences with legal advisers

Prisoners must not be released or escorted to attend legal conferences outside the prison unless this is absolutely necessary. Legal Advisers must instead attend the prison for a legal visit under Rule 38 (YOIR 16). Exceptional situations where the prisoner might be allowed to consult his or her legal adviser outside the prison include:

- a large number of other parties, other than employees of the legal adviser, need to attend;
- minors, other than the prisoner, need to attend;
- or
- there are no appropriate visiting facilities at the establishment.

2.7.10 Helping the police with their enquiries

This is an alternative to police productions. Instructions for producing a prisoner at the request of the police are contained in PSO 1801.

[Link to list of contents](#)

[Link to list of contents](#)

CHAPTER 3 Temporary Release for Juveniles

3.1 General remarks

The Governor of any establishment holding Juveniles must develop and publish a local protocol addressing the areas outlined in Chapter 1. It must define the eligibility criteria for Temporary Release on Licence for these young persons and the range of activities considered appropriate for juveniles to achieve their training/sentence plan. The protocol must reflect the aims and intentions of the regimes outlined in PSO 4950 - Regimes for Juveniles and PSO 4960 - Detention Under Section 92.

- 3.1.2 *In developing the protocol the Governor must take account of all the requirements of YOI Rule 5, but particularly paragraph 6, which addresses public confidence in the administration of justice. The Governor must be satisfied that all releases on resettlement licences have a well-defined purpose that meet the requirements of the individual juvenile's training/sentence plan.*
- 3.1.3 *The activities, and activity providers, must be carefully monitored to ensure the safety of the juvenile and the continuing effectiveness of the activity.*
- 3.1.4 *The Governor must ensure that each juvenile is made aware of the opportunity to make an application for temporary release. Such release must form an integral part of their training/sentence plan and provision should be linked to continuing their education, future training and employment opportunities, maintaining positive personal networks and general resettlement.*
- 3.1.5 *The Governor must ensure that a thorough risk assessment is completed for all applicants using Form ROTL 4 (see Appendix B). This assessment must be informed by a number of factors, including ASSET and progress against training/sentence plan objectives.*

3.2 Licences available to Juveniles

Eligible juveniles can apply for temporary release under the following licences

- Resettlement Day release
- Resettlement Overnight release
- Special purpose licence
- Childcare Resettlement Leave

- 3.2.1 *The general definitions of the above licences can be found in Chapter 2. The frequency and duration of any temporary licences must be determined locally taking account of the guidance below.*
- 3.2.2 *When considering applications for temporary release, Governors must take account of previous activities/mobility of a juvenile whilst in a Local Authority Secure Children's Home (LASCH), prior to their transfer to a YOI.*

3.3.1 Eligibility

Special purpose licence

All juveniles can apply for special purpose licence, at any stage of their sentence, subject to successfully passing the specific risk assessment, see Appendix B. There is no minimum eligibility period for this licence.

3.3.2 Childcare Resettlement Licence
For eligibility, refer to Para 2.5.1

3.3.3 Resettlement day and overnight release

Eligibility for Juveniles to be considered for a resettlement licence is consistent with eligibility for all other prisoners (see Chapter 2) They will be eligible either 24 months before the release date, or once they have served ½ the custodial period less half the relevant remand time, whichever gives the later date. *They must have passed the specific risk assessment before any release takes place.*

3.3.4 Frequency and duration

The special purpose licence, by its nature, is not expected to be regular but allows prisoners to deal responsibly with unexpected, personal circumstances.

3.3.5 *The Governor must decide on an appropriate duration for each special purpose release, allowing enough time to achieve the purpose with travelling time. Exceptionally Governors may grant up to 4 nights absence for compassionate grounds. In-patient care has no maximum duration attached.*

3.3.6 *The training plan and individual licences must define the frequency and duration of each period of resettlement leave. The prisoners must have a programme of activities phased in over a period of time with decreasing amounts of staff supervision outlined within the training plan. All absences on temporary release must be reviewed to ensure that progress is monitored.*

3.3.7 Governors may wish to develop a scheme of accompanied temporary release, which allows a member of staff to provide care and support during the absence. The responsibility for complying with the licence conditions while released still remains with the prisoner.

[Link to list of contents](#)

[Link to list of contents](#)

CHAPTER 4 TEMPORARY RELEASE FOR INDETERMINATE SENTENCE PRISONERS

4.1 General remarks

References in this PSO to Indeterminate sentence Prisoners (ISPs) or to “lifers” must be taken to include prisoners sentenced to a Mandatory life sentence, Discretionary life sentence, Automatic life sentence, Detention During Her Majesty’s pleasure, Custody for life, Detention for life and Indeterminate sentence of Imprisonment (or Detention) For Public Protection (IPP).

4.1.1 *In developing the protocol for release on temporary licence, each establishment that holds ISPs must address the different management process of ISP temporary releases.*

4.1.2 *If there is likely to be media interest in the temporary release of a particular prisoner, the Deputy Director of Custody, the relevant casework manager in the Public Protection Casework section and Press Office must be informed accordingly.*

4.2 Types of Licence

There are four categories of temporary licence:

- Resettlement day release (see Para 2.1 for scope of use)
- Resettlement overnight release (see Para 2.2 for scope of use)
- Childcare resettlement (see Para 2.5 for scope of use)
- Special purpose (see Para 2. 6 for scope of use)

4.3 Eligibility

ISPs must not be considered for release on temporary licence until after they have been approved for transfer to open conditions by the Secretary of State nor, generally, until after they have actually transferred. Where it is known that transfer will be delayed for practical (as opposed to risk related) reasons, the ISP may exceptionally be considered for ROTL from closed conditions.

4.3.1 Open conditions do not exist in the under 18 estate. Paragraph 5.30 of PSI 08/2012 'The Care and Management of Young People' sets out the procedure to adopt when considering a young person's eligibility and suitability for ROTL.

4.3.2 Any ISP returned to closed conditions from Open will not be eligible for ROTL until completion of Advice Review.

4.3.3 Being approved for transfer to open conditions does not necessarily mean that the prisoner is also suitable for temporary release. It is the responsibility of the prison to undertake a rigorous risk assessment of the suitability of the ISP for release on temporary licence in accordance with the principles and procedures set out in Appendix A – Risk Assessment.)

4.3.5 The primary purpose of most ROTL is to help to prepare the prisoner for release into the community and the general approach therefore is to commence a gradual programme of ROTL some time before the potential release date. As a general guide to when it might be appropriate to consider ROTL for ISPs, the period between the date of approval for transfer

to open conditions and the provisional date of the next parole hearing should be taken into account.

- 4.3.6 The following table indicates the proportion of this period which should normally be served before a prisoner might be considered for the various types of ROTL. It is important to note that this table is a guide as to when it might normally be appropriate to consider a prisoner for the various types of ROTL. There is no automatic entitlement to temporary release of any kind. At the same time, cases should be considered on their individual merits in the context of the prisoner's sentence plan and personal development, and the timetable below applied flexibly. This may mean that in a particular case ROTL is considered to be appropriate earlier or later than these guidance markers.

Type of ROTL	Proportion of period generally to be served between the date of approval for transfer to open conditions and the provisional date of the next parole hearing before ROTL may be considered
Special Purpose Licence (SPL) or (day) Childcare Resettlement Licence (CRL)	Nil. May be considered shortly after approval
Supervised activities outside the prison boundary	Quarter
Resettlement Day Release (RDR), (except for paid work)	Half
Resettlement Overnight Release (ROR) or RDR for paid work or overnight CRL	Two thirds

- 4.3.6 To give an example; where the period in question is 18 months, the prisoner may generally be considered for supervised activity 4 ½ months after approval for transfer to open, RDR after 9 months and ROR after 12 months.

4.4 **ROTL from closed conditions**

Where ROTL is being considered from closed conditions an ISP must undergo a period of supervised activity outside the prison boundary before any unsupervised release, including SPL or CRL.

4.5 **Frequency, duration and monitoring**

The Governor must decide the frequency and duration of any release. Good practice suggests that both the duration and frequency are gradually increased, in line with the prisoner's sentence plan and personal development. All establishments should have in place a system for checking, as necessary, on the whereabouts of prisoners on ROTL. The potential sensitivities associated with the ROTL of ISPs make it particularly important that the risk assessment identifies the nature and extent of monitoring required during each ROTL. It is important, where possible, that the offender manager is available throughout any period of overnight release to the home area.

4.6 **Impact on Victims**

Governors must ensure that account is taken of the potential impact of any release upon victims. It is important to be aware of significant anniversaries and venues, with particular reference to victims, when considering the timing of the ISP's temporary release from

prison and where the prisoner will go to in the community. *Before any release is considered, a check must be made with the offender manager to establish the whereabouts of any identified victims and whether the victim or victim's family are participating in the victim contact scheme. If so, they must be afforded a reasonable opportunity to make representations about the conditions to be attached to any temporary release and any representations must be put before the ROTL board. The offender manager must be informed of the outcome of the ROTL Board, including any victim specific conditions, in order that this can be communicated to the victims via the VLO.*

4.7. **Revocation of Temporary Release Licence**

As with all prisoners on temporary release, an ISP's temporary release licence may be revoked, at any time, if the prisoner is deemed to present a risk to public safety. *The Deputy Director of Custody, and the relevant casework manager in the Public Protection Casework Section must be informed in all cases where revocation is considered, or takes place.*

Details of any adverse developments or failures, such as the failure of an ISP to return, or any abscond from prison, must be passed immediately to the Deputy Director of Custody and the relevant casework manager in the Public Protection Casework Section.

[Link to list of contents](#)

[Link to list of contents](#)

CHAPTER 5 Classes of Prisoners Needing Special Consideration

5.1 Civil Prisoners and fine defaulters

Civil prisoners and fine defaulters may be considered for release on temporary licence provided that they have been committed to custody for a sufficiently long period to qualify within the terms of this Order.

5.2 Prisoners in contempt of court

Prisoners who are serving a term for contempt of court may not be granted temporary release except with the permission of the clerk of the court concerned.

5.3 Prisoners detained in default of a confiscation order

5.3.1 Prisoners who are further detained at the end of their sentence in default of a confiscation order are eligible to be considered for temporary release, provided that they are committed to custody for a sufficiently long period to qualify within the terms of this order. Where a prisoner has a term in default for non-payment of a confiscation order/fine ordered to run consecutive to a sentence of imprisonment, the ROTL eligibility date should be (re-) calculated on the basis of the overall custodial period to be served (i.e. the period between the date the initial criminal sentence was imposed and the release date of the default term).

5.3.2 *In all cases where ROTL is being considered for prisoners facing confiscation proceedings or whose sentence includes a confiscation order, the usual risk assessment must be undertaken, giving particular consideration to the risk of absconding in light of impending proceedings or the presence of the unpaid confiscation order, taking account of the individual circumstances of each case. Where a confiscation order has been made but has yet to be paid, or the prisoner is actually in default, then comments must be sought from the regional HMCS Confiscation Unit. Contact details are given in PSI 16/2010 on Confiscation Orders.*

5.4 Appellants

In considering whether to grant release on temporary licence to an appellant, governors must take account of the need to produce prisoners for the hearing of their appeals where the court has confirmed that their attendance is required. The appellate court, most often the Registrar of the Court of Appeal (Criminal Division), Royal Courts of Justice, London WC2, must be notified immediately when an appellant is granted release on temporary licence.

5.5 Foreign national prisoners and immigration detainees

It is open to foreign national prisoners serving a sentence of imprisonment to apply for ROTL.

5.5.1 Access to work and training –

- All prisoners who hold an EU passport/national identity card are entitled to work/study until such time as they are removed.
- All non-EU nationals who hold leave to remain from IND with no conditions attached that prevent them from working or studying, may continue to work/study until such time as the deportation order is signed, at which point the leave is cancelled.

- The onus rests with the prisoner to prove that s/he is an EU national, or has such leave. *A valid ID card or passport must be used as identification.*
- *Where there is doubt about the authenticity of any document, the Governor must seek the advice of IND.*
- All other non-EU nationals are not entitled to do paid work or undertake a formal course of study as they do not have leave to do so. They are allowed to do unpaid community work.
- A prisoner who is a non-EU national and ineligible to undertake paid work in this country, may still take part in a Stage 2 resettlement estate regime on the basis of unpaid community work, but not paid employment or a formal course of study.

5.5.2

- Where there is a court recommendation for deportation or
- The prisoner has been served with a Notice of Intention to Deport or
- A deportation order is in force

The final decision to grant release on ROTL is at the Governor's discretion. However, CCD's comments **must** be sought and taken into account in the risk assessment before making a final decision. The amended Form ROTL 9 (in Appendix B) must be used when asking CCD for comments and CCD will respond using their own proforma.

[Paragraph 5.5.2 amended in accordance with PSI 21/2007]

5.5.3 In all other cases when considering temporary release for a prisoner who meets the criteria for referral to CCD, unless CCD have made a decision not to deport, the presumption must be that deportation action will follow on completion of the sentence. There is no requirement to seek comments from IND on the proposed release in these cases. The decision to grant release rests with the Governor

[Paragraph 5.5.3 amended in accordance with PSI 21/2007]

5.5.4 Each case must be considered on its merits; however, the need to protect the public is paramount. Therefore, when assessing the suitability of a prisoner who has been referred to CCD for temporary release, the presumption that deportation will take place will be a significant factor for Governors and Controllers in determining the risk of failure to comply with the licence. Where the nationality of the prisoner remains unclear, this will be an additional factor in determining the risk of failure to comply with ROTL.

[Paragraph 5.5.4 amended in accordance with PSI 21/2007]

5.5.5 [Paragraph 5.5.5 Deleted in accordance with PSI 21/2007]

5.5.6 When considering Irish prisoners for Temporary Licence or for open conditions, unless there is a court recommendation for deportation in place which has not been assessed by CCD, Governors should assess risk without any presumption that deportation action will follow on completion of sentence.

[Paragraph 5.5.6 amended in accordance with PSI 21/2007]

5.5.7 [Paragraph 5.5.7 Deleted in accordance with PSI 21/2007]

5.5.8 [Paragraph 5.5.8 Deleted in accordance with PSI 21/2007]

5.5.9 *Any person detained in prison solely under the Immigration Act 1971 (Immigration Act detainees) must not be granted ROTL under the Prison, or YO, rules. If circumstances arise where release could be justified on compassionate grounds, Governors must refer the matter to the relevant IND authority.*

5.6 **IND Contact Points**

For prisoners not notified of a decision to make a deportation order, or not recommended for deportation by the Court: Chief Immigration Officer at the office that issued the IS91 (see top of the IS91 form).

- 5.6.1 For prisoners notified of a decision to make a deportation order, or who were recommended for deportation by the Court: cases are owned by the ROTL team of the Criminal Casework Team in Croydon. They can be contacted on 0208 196 0930 (fax 0208 196 0940/41/42/43/44/45).

5.6.2 **Restricted transfers**

Where a prisoner has been transferred to England and Wales on a restricted basis under the provisions of the Crime (Sentences) Act 1997, they will be eligible to apply for temporary release in line with the instructions of this PSO. *However, reasons for the restricted transfer must be considered in the risk assessment and the view of the sending jurisdiction must be sought before any temporary release is granted.*

5.7 **US Servicemen**

Release on temporary licence is not usually granted to United States servicemen held in prisons in England and Wales. However, where such prisoners are otherwise eligible for ROTL, and have close family living in this country, the Governor may exceptionally consider, in consultation with the US Military authorities, an application for ROTL. *The normal risk assessment process must also apply.*

[Link to list of contents](#)

CHAPTER 6 Disclosure of Information

6.1 General remarks

The Governor must ensure that prisoners are given reasons for any unsuccessful applications for temporary release in writing, and in confidence. The Governor must, when requested by the prisoner, disclose all information used during the risk assessment process, except in the following circumstances.

- in the interests of national security;
- for the prevention of disorder or crime, including information relevant to prison security;
- for the protection of a third party who may be put at risk if the information is disclosed;
- if, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and/or physical health of the prisoner could be impaired.
- 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

6.1.2 *This information must not automatically be withheld from the prisoner. Consideration must be given to disclosing the information, either in summary, or in an edited form that protects the anonymity of the person providing the information.*

6.1.3 *Governors must be aware that, under the Data Protection Act 1998, prisoners are entitled to request a copy of all their personal data. The Prison Service has a statutory duty to disclose such data, subject to a number of exemptions. PSO 9020 Data Protection gives further information.*

6.2 Disclosure of victims' views to prisoners

Where victims would prefer their views NOT to be disclosed to prisoners, they must make representations to the Governor for consideration. Should the Governor decide against the representations, victims cannot prevent their views being disclosed. Where the Governor refuses the representations, the Victim Liaison Officer/supervising officer must be informed of the decision promptly so that the victim can be given the opportunity to reconsider whether their information could be provided in another way – such as in an anonymous form, or a gist. This does not mean, however, that the victim has the option to withdraw information already submitted. Governors must follow the protocol governing the use and disclosure of victim's views' information as detailed in Chapter 9 of PSO 2205 Offender Assessment and Sentence Management – OASys].

6.3 Procedures

The Governor must decide if information should be withheld from the prisoner. This would usually be on the recommendation of the temporary release board considering the application. However, in cases involving life sentence prisoners, the Area Manager must be consulted.

- 6.3.1 *All report writers must be made aware that the general rule favours disclosure of their comments to prisoners, and they should be familiar with the criteria for withholding information. The report writer must be requested to provide an edited or summarised form, if necessary. Arrangements must be made to ensure that any document not to be disclosed to a prisoner is filed separately.*
- 6.3.2 *Where prisoners find it difficult to cope with written material, the Governor must ensure that sufficient time is made available for the formal disclosure. A prisoner who is unable to read or write English must be given help to ensure that he or she is not disadvantaged.*
- 6.3.3 *The disclosure process must be documented; this must include a list of the documents that have been disclosed, or have been provided in an edited form, for the prisoner to sign and space for prisoners to make comments on the reports, or to make further representations in support of the application. This information is then made available to the temporary release board to assist in any further consideration of the application. Where it appears that a factual error may have been made, it must either be corrected by the establishment or referred to the outside agency, as appropriate.*
- 6.3.4 *If the prisoner is dissatisfied by any part of the disclosure process s/he should raise a complaint through the Complaints procedure. The temporary release board should be aware of any complaint and any action taken to resolve it. It may have to reconsider its decision if new information emerges that could have materially affected the outcome of its decision.*

[Link to list of contents](#)

CHAPTER 7 Breach of Temporary Licence

7.1 General remarks

Prison Rule 9 and YOI Rule 5 state that a prisoner released under this rule may be recalled to prison at any time whether the conditions of his release have been broken or not.

7.1.1 *If a prisoner is found to have breached his or her licence conditions, the Governor must recall the prisoner if it does not remain safe or appropriate for the prisoner to remain on licence. If a prisoner is arrested by the police, but not committed to custody by a court, the Governor must recall the prisoner.*

7.1.2 *The Governor must document all decisions to recall a prisoner from temporary licence for any reason other than a breach of licence or committing a criminal offence.*

7.1.3 *Once a decision is made to recall a prisoner, the Governor must ask the police to take the prisoner into custody and hold him or her at a police station. The police must be asked to notify the escort contractor serving their area. The prisoner will be returned to the nearest appropriate prison or YOI.*

7.2 Misconduct while released on temporary licence

Criminal misconduct - *Any notification that a prisoner has been arrested on suspicion of a criminal offence, must be reported on the Incident Reporting System (IRS) making it clear that the prisoner is believed to have committed a criminal offence.*

7.2.1 *The receiving prison must inform the originating prison of the prisoner's recapture, and the originating governor must update the IRS report to show the prisoner has been returned to prison.*

7.2.2 *The receiving governor must ensure that a disciplinary charge is laid immediately on the prisoner's return to prison, but must suspend the hearing pending the outcome of police investigation. Once police action is complete, the governor must follow the guidance in the Discipline Manual - action will depend on whether criminal charges are brought.*

7.2.3 *If the prisoner is a lifer the Area Manager and Lifer Review and Recall Section must be informed immediately.*

7.2.4 *If a prisoner is convicted of an offence, committed while on previous temporary release, or while UAL following the expiry of a previous temporary licence, the expectation is that they will usually be unsuitable for further periods of temporary release. However, should a prisoner apply for further temporary release, the risk assessment must take account of the previous circumstances. Governors must be satisfied that the risk has been fully addressed before any further temporary release is granted.*

7.2.5 **Non criminal misconduct** – *Breaches of the temporary release licence conditions in the form of non criminal misconduct must be dealt with as prison disciplinary offences in the light of available reports and information. Prosecution through the courts for an alleged criminal offence does not debar disciplinary proceedings for other breaches of licence.*

7.3 **Procedure for recall**

Upon application by the police the Governor must indicate whether or not the prison has space to take the prisoner. The Governor must designate a particular post as having responsibility for this, and that person must have authority to accept the prisoner.

7.3.1 *Local and closed prisons must not refuse to accept from the police prisoners recalled from temporary release on licence, unless overcrowding is preventing the reception of any prisoners whatsoever. If no space is available, the prison must contact the Population Management Unit in Prison Service HQ. [Chapter2 Reception PSO 0500]*

7.3.2 It is the responsibility of the PMU to find an alternative location for the prisoner, and to notify the police, PECS **and the originating prison** of where the prisoner is to be sent.

7.3.3 *Once the prisoner is back in prison custody, the receiving establishment must notify the originating establishment of the prisoner's location and the two establishments must decide whether or not the prisoner should be returned to the originating establishment.*

[Link to list of contents](#)

CHAPTER 8 Funding

8.1 Local policy

Governors must publish a local policy on the payment of travel arrangements and necessary meals for temporary absences from the establishment, outlining:

- the circumstances when prisoners are required to bear the expenses associated with temporary release themselves
- the circumstances when the establishment will bear the cost
- the levels of payment
- the levels of private cash or earnings that can be taken out of the establishment during resettlement overnight leave.

8.1.2 Prisoners who are working out in the community, and earning at least the minimum wage, are expected to meet the cost of travel to work and of any necessary meals. They would also be expected to meet a reasonable proportion of the costs for all other temporary releases, except those special purpose releases listed below. If the prisoner is able to establish that this arrangement will cause them undue hardship, the Governor may consider an appropriate level of assistance.

8.1.3 For all other prisoners, the establishment will meet the cost of travel in the most cost effective way available, unless the prisoner is earning a high level of prison earnings within the establishment and so able to meet a reasonable proportion of the cost. Prisoners should be made aware that they are liable to meet the cost of replacing any lost tickets.

8.1.4 Prisoners who are away from the establishment should routinely be provided with a suitable packed lunch. If a prisoner refuses to accept this, they will be expected to pay for their own meals. Exceptionally, establishments may reimburse, on production of receipts (except where vending machines are the only outlet available, such as in some hospitals), an amount not exceeding the day subsistence rate for staff applicable at that time.

8.1.5 The responsibility to cover expenses associated with special purpose licence are usually to be met as listed below :

8.1.6

Reason for special purpose licence	Funding
Compassionate & medical purposes other than marriage	Governor
Helping the police	Governor
Attending court at request of authorities	Governor
Attending court at own request	Prisoner
Attending private healthcare appointments	Prisoner
Marriage	Prisoner

8.1.7 Prisoners may be released on temporary licence to hostels or B & B as part of their resettlement plan. Establishments will meet the reasonable cost of accommodation. Where the purchase of meals is necessary, establishments may reimburse receipted expenditure up to a maximum level of the overnight subsistence for staff.

RISK ASSESSMENT**CONTENTS**

	Para
Introduction	1
Minimum risk factors to consider	13
ROTL procedure	26
Drug testing	40
Gathering material	42
The ROTL Board	43
Consultation with police, probation, IND	47
- Enquiry of police	48
- Enquiry of IND	51
- Enquiry of Probation	52
- re victims , of Probation	53
- re victims, of Police	54
- victim helpline	55
Additional licence conditions	56
Consideration of subsequent ROTL apps	61

RISK ASSESSMENT

INTRODUCTION

1. OASys will be the means of risk assessment and management for prisoners aged 18 and over who are not held in the Juvenile Estate. In the case of the juvenile estate, the principal risk assessment tool will be ASSET to inform the completion of form ROTL 4. It will help to identify particular risks/needs of individual prisoners and the extent to which those needs are reduced, or met during the resettlement process with a consequent impact on public protection and safety. Further guidance on OASys is contained in PSO 2205.
2. Where an up to date OASys is not available, this appendix sets out the procedures that must be adopted when Governors consider an application for ROTL. Governors must also give consideration to the public acceptability of releasing a prisoner for the specified ROTL purpose.
3. The risk assessment procedure must be integrated into the sentence planning process. In the case of life sentence prisoners, the life sentence plan must be used.
4. The Governor of an establishment is responsible for identifying an operational manager who is competent and eligible to authorise ROTL in the Governor's absence. The Area Manager must approve the Governor's selection. In Contracted out Prisons, the responsibility for identification rests with the Controller, with approval from the Head of the Office for Contracted Prisons.
5. The recommendation made following all risk assessments must be submitted to the Governor, or identified member of staff outlined in Paragraph 4 above. Where establishments have developed an Interdepartmental Risk Management Team, it would be good practice for a recommendation to be provided for the Governor's consideration.
6. In some cases it may be necessary to recall a prisoner irrespective of whether, or not, s/he has breached any conditions of the licence. This decision rests with the Governor.
7. ROTL is not an entitlement, but a privilege under Prison Rule 9 and YOI Rule 5, for which prisoners must apply. All eligible ROTL applications must be assessed individually in the full knowledge of all the circumstances of the prisoner's offence and offending behaviour.
8. Public confidence could be damaged if clear risks are not identified and acted upon, either by refusing an application, or taking precautions to prevent breaches of the licence.
9. *Any offender considered to present a high risk to public safety must not be granted temporary release.* It is good practice for consultation with the MAPPA Co-ordinator/Chair to take place where the offender is being managed by MAPPA Level 2 or 3.
10. The main considerations to be borne in mind when assessing applications are:-
 - The risk the prisoner would present to public safety
 - The risk of further offending by a prisoner on ROTL
 - The likelihood of the prisoner failing to comply with any conditions attached to the licence
 - The propensity to abscond
 - The availability of suitable accommodation where an overnight stay is contemplated
 - Whether the reasons for granting ROTL are likely to be acceptable to reasonable public opinion.
11. ROTL, other than special purpose licence, must be linked to the sentence planning process as part of the overall resettlement plan and relative to progress made.

12. The guidance contained in IG 54/94– release of prisoners convicted of offences against children or young persons under the age of 18 (to be replaced by the Public Protection Manual) - and PSI 22/2005, must be followed before any person convicted of a violent offence against children or young persons is granted ROTL.

THE LEVEL OF RISK MUST BE ASSESSED TAKING INTO ACCOUNT, AS A MINIMUM, THE FOLLOWING FACTORS:

- 13 **Offence analysis**
The Offence Analysis is completed as part of OASys with linked identification of risk factors; it should form the basis of the ROTL assessment, where available.
- Does the prisoner's criminal history suggest any particular risks, such as a history of violent response to confrontation, violence when drunk, drug abuse, sexual offences in the home, offences against children etc?
 - Is there any information that ought to be obtained about previous convictions?
 - Does the criminal history suggest any pattern or trends?
 - Does the criminal history indicate a likelihood of recidivism?
- 14 **The prisoner's home circumstances (where appropriate/proposed address)**
- What issues, including financial pressure, will the prisoner and his/her family face during the ROTL and how well are they likely to cope with them?
 - How realistic is the prisoner about being able to deal with these family problems?
 - How realistic are the family? Are there particular events or dates which need to be avoided e.g. the anniversary of an offence, or that should be included e.g. a family occasion?
 - Do the prisoner's family want the prisoner to return home and will the family need any counselling?
 - Is the proposed address for an overnight release acceptable and have appropriate arrangements been made?
15. Prisoners must not be allowed to spend resettlement release at the home of a recently discharged ex-prisoner (except in cases involving the prisoners spouse or partner with whom the prisoner was living with immediately before reception), parent, child, brother or sister. Where the ROTL Board consider that there are good reasons for making an exception to this rule, the case must be referred to the Area Manager. This must be accompanied by a report from the Board setting out their reasons, together with any dissenting views, the report of the Home Probation officer and if available, the views of the ex-prisoner.
16. Prisoners must not be allowed resettlement overnight release without suitable accommodation to go to. If the ROTL Board consider that a prisoner in this position could, nevertheless, be granted ROTL, the supervising probation officer must be asked to arrange lodgings or hostel accommodation where possible.
17. **The position of known victim(s) and the community, where relevant**
- Is the probation service in contact with the victim in accordance with the statutory duty under Section 69 of the Criminal Justice and Court Services Act 2000? (The probation service must consult and notify victims of sexual or violent offences about release arrangements in all cases where the prisoner receives a custodial sentence of 12 months or more)
 - If so, does the victim have concerns that must be taken into account? Consideration must be given to making a condition on ROTL that the prisoner avoids certain areas or individuals.

- 18.
- If the probation service is not in contact with the victims, is any other information available that must be taken into account?
 - Is it known whether the victim lives near the prisoner?
 - Has the victim contacted the 'victim helpline'?
- 19.
- Is the victim(s) in the home?
 - If so what is their attitude to the ROTL? Is the victim in any danger? The wishes of the victim in the home who does not wish the prisoner to go there on ROTL must be respected.
- 20.
- Will the prisoner suffer antagonism, or provocation from members of the local community?
 - What information is available about the attitude of the community? Ill-feeling towards the prisoner must not, in itself prevent the ROTL, unless it is foreseeable that it may lead to a breach of public order or undue stress for victims or for the prisoner.
21. **Previous ROTL**
- Has the prisoner breached a previous ROTL?
 - Has the prisoner ever been convicted of criminal offences whilst on previous ROTL or whilst unlawfully at large?
22. **Behaviour in prison**
- Has the offender's behaviour in prison been tied in to OASys risk factors?
 - Does the disciplinary history indicate previous abuses of trust?
 - Has the prisoner shown any violent temper or loss of control?
 - Has the prisoner tackled his/her offending behaviour in a positive and successful way e.g. by participating in sex offender or anger management courses? If not, is it because the opportunity was not available? If it was offered and refused, what reasons did the prisoner give? Were they credible?
 - Is the prisoner denying a sex offence? If so this should normally be taken as an indication of unquantifiable risk
 - Is the prisoner denying a non-sexual offence? If so this will normally make it more difficult to assess risk, although past events may give useful indications
 - How does the prisoner respond to stressful and confrontational situations?
How does the prisoner respond to positions of trust?
 - Is the prisoner likely to bring back contraband. E.g. drugs, into the prison or is the prisoner believed to be under pressure from other prisoners to bring illicit items into the prison?
23. **Specific Areas of Concern.**
- Does the prisoner's history indicate factors that might increase risk, such as:
- Drug abuse
 - Alcohol abuse
 - Mental disorder
 - Stress related illness
 - Institutional behaviour, ie. Is normally a 'good prisoner' inside but quickly breaks down after release.
 - Has the prisoner succeeded to a significant degree in addressing any of these factors?
 - If the prisoner has fallen ill on previous ROTL, has the condition now cleared and is there any reason to expect a recurrence? Were there doubts about the genuineness of the illness?

24. Consideration must be given to allowing prisoners, where possible, to take ROTL to fit in with family celebrations and religious holidays of particular significance. ROTL around Christmas, or other Bank holidays may be sanctioned, but particular care must be given to the fact that some prisoners might be less likely to return on time, or more likely to breach their conditions due to potentially higher stress levels and a greater temptation to consume alcohol etc.
25. Some ROTL, particularly resettlement overnight release, can be a stressful experience both for prisoners and their families. There may be difficult readjustments to be made both financially and emotionally, particularly after a long period of imprisonment. Governors must be sensitive to the need for counselling both before and after the period of ROTL, particularly where there may be a risk of potential self-harm. The medical examination may provide a suitable opportunity to assess this need. Prisoners must be made aware of sources of support e.g. the local Samaritans, Probation office, Citizens Advice Bureau, or a contact at the prison itself.

PROCEDURE

26. For prisoners serving less than 12 months who are not subject to sentence planning, a preliminary risk assessment must be completed within 6 weeks of sentence. For those prisoners subject to formal sentence planning the preliminary risk assessment must be completed 8 weeks after sentencing for ACR prisoners CJA91 (12 months and over for CJA03) and 12 weeks after sentence for DCR prisoners CJA91 (extended sentences for CJA03). (ie within the timescale for the preparation of initial sentence plans). For life sentence prisoners and indeterminate sentences for Public Protection CJA03, it is completed within the first 3 years in Main centre, when the life sentence plan is completed. For Juveniles, reference should be made to the sentence planning procedures set out in PSO4950 . The preliminary risk assessment must be kept with the sentence plan and must be annotated if the sentence plan anticipates a ROTL application before the next review.
27. The documents required are:
- Probation pre-sentence report (where prepared);
 - Probation Post-sentence interview (where prepared);
 - Court committal warrant;
 - Other court reports;
 - Police post sentence report (only for serious or violent offenders);
 - Records of previous custodial sentences;
 - List of previous convictions, including spent convictions.
 - OASys report, where available
 - Notification that the offender is subject to MAPPA Level 2 or 3, where available

Where no post sentence interview has been prepared, the other information provided by the probation service at the time of sentence must be considered. These documents must be attached to the risk assessment form. Any missing documents must be requested and pursued if necessary.

28. The prisoner makes a ROTL application
29. The application must be considered by a Board if:
- The prisoner has not had previous ROTL
 - The application is for resettlement overnight release
 - There has been a significant change of circumstances
 - 6 months have elapsed since the last Board (unless there has been an ongoing risk assessment for the same regular ROTL activity within that period)

- The application is for a different type of ROTL (e.g. previous ROTL was special purpose, new application is for resettlement day release).
30. For those prisoners subject to the formal sentence planning process, a ROTL application must be considered by the appropriate sentence planning board. If the application is submitted outside the timescale for the sentence planning board, an interim board must be convened for this purpose.
 31. Where an application for ROTL is being considered at a time when a sentence planning review board is not due, an update on progress will be required.
 32. On rare occasions it will not be possible to convene a board (eg for some emergency special purpose ROTL) Often this will result in an escort, but it may be that adequate information is available for consideration to be given to ROTL.
 33. In all cases, (where there is a Board and where in exceptional cases there is not), the Chair of the Board must complete the form – Active assessment for consideration of applications for ROTL.
 34. The Board's decision at this stage may be:
 - Negative, not to grant the ROTL application – the prisoner must be informed and given reasons in writing.
 - Positive, that on the basis of information available ROTL is recommended.
 - Further information is required before the Board reaches its conclusion. See Para 46 onwards - consultation with the police, probation and IND.
 35. If further information is required, the Board must decide what information and from whom. Where ROTL involves a return to the home area or planned release area, the supervising probation officer must be asked to make enquiries regarding the specific proposals, planned address, dates etc. 4 weeks must be allowed for this. ROTL Form 3 must be used.
 36. In light of the additional information, the Board must make a written recommendation to the Governor, or identified member of staff outlined in Para 4, including a recommendation about the desirability of additional licence conditions (see Para 53).
 37. On receipt of the Board's recommendation, ROTL must be authorised by the governing Governor, or, in the case of his/her protracted absence, the identified member of staff outlined in Paragraph 4, except in the case of life sentence prisoners who have not yet been given a provisional release date. This must be referred to the Area Manager. The Area Manager must be contacted if the governing governor or identified member of staff outlined in Paragraph 4 above is not available.
 38. The Governor must ensure that a written record is maintained showing the relevant factors taken into account when reaching a final decision and the weight given to each particular factor. The factors must be compatible with the risk assessment procedures.
 39. Prisoners must be given reasons in writing for any decision to refuse an application. This must be signed by the person making the decision. For Life sentence prisoners, these reasons must be forwarded to the Area Manager.

DRUG TESTING

- 40. Testing must be carried out in accordance with the mandatory drug testing programme. A test that proves positive prior to a period of temporary release must result in the cancellation of the release unless there are extremely compelling circumstances in favour of the release being allowed to proceed. A positive test must give rise to disciplinary proceedings in accordance with the guidelines on mandatory drug testing and will be considered in future risk assessments. Full details on mandatory drug testing are available in PSO 3601.
- 41. Any positive voluntary drug test (VDT) result must be taken into consideration when deciding suitability for ROTL. VDT including compliance. VDT must not, however, replace MDT as the principal mode of drug testing, which informs the ROTL risk assessment. Full details on VDT's are available in PSO 3620.

GATHERING ALL AVAILABLE WRITTEN MATERIAL

- 42. At the time, or shortly after a prisoner has been sentenced, a range of documents containing information relevant to consideration of ROTL will be available to the prison. It is important that someone is made responsible for;
 - Confirming which reports/information are available
 - Ensuring that the Prison Service receives copies and chases up missing documents.

SOURCE	DOCUMENT	TIMING
Probation Service	Pre-sentence report (where prepared) Post sentence report (where prepared)	Should be sent to the prison by the probation service immediately after sentencing.
Court	Committal warrant Other reports which may have been prepared for court such as psychiatric etc	These should be sent by the court on the day of sentence
Police	Post trial report (where prepared) including antecedents – (only prepared on under 12 month sentences when the offence is serious or violent)	This should be sent by the police within 6 weeks of sentencing
Prison service	Records of previous custodial sentences	These must be requested by the prison as soon as the prisoner is received

THE ROTL BOARD

- 43. A ROTL Board must include as a minimum:
 - A Governor grade
 - A prison officer from the prisoner's wing, who knows the prisoner well e.g. personal officer
 - A seconded probation officer who knows the prisoner (or an appropriate substitute in the case of YOI's)
 - In the case of a life sentence prisoner, the lifer liaison officer

- Wherever possible it should include one other person with knowledge of the prisoner e.g. Chaplain, education or works department staff.
44. The Board may invite the prisoner to attend for all or part of its consideration.
45. The Board should have before it:
- The prisoner's full criminal history
 - A sentence plan for those subject to formal sentence planning
 - OASys report, where available
 - In the case of prisoners who have been identified as presenting a risk to children, confirmation that Social Services in the area of intended release have been consulted and they do not object
 - An up to date life sentence plan for life sentence prisoners.
 - If necessary, information about the level of monitoring of correspondence, PinPhone and visits, together with reason for doing so
 - A written report from the seconded probation officer (compiled in collaboration, where appropriate with the home probation officer) which includes:
 - A description of the prisoner's current offence
 - The relationship, if any to the prisoner of known victim(s) and available information about the victim's circumstances, details of any contact by the victim, with the victim's helpline.
 - Information about any previous convictions in particular those involving the victim(s) of the current offence, where a connection with the prisoner remains.
 - A description of the prisoner's home circumstances, including, where appropriate:
 - The address for the ROTL, including prisoner's status while there e.g. homeowner, tenant etc) and whether visited.
 - The attitude and situation of those who would receive the prisoner
 - Any indicators of risk within the family (relationship breakdown, alcohol abuse, child abuse etc)
 - Any other information relevant to the current ROTL application
 -
 - A written report from the wing describing
 - The extent, if any, of the prisoner's misconduct while in prison
 - An assessment of how the prisoner has tackled the offending behaviour
 - The prisoner's attitude to his/her family and the prospect of eventual release
 - Any pressures on the prisoner from within the institution, with recommendations for any precautionary measures.
 - The prisoner's response to opportunities for taking responsibility and assuming positions of trust
 - If appropriate, the Medical Officer may be asked to provide a report describing:
 - Any indications that the prisoner might be at particular risk (e.g. through alcohol abuse, other drug abuse, suicidal intent, mental disorder and any necessary precautionary measures)
 - Or, alternatively, the absence of any such indications.
46. The Board must make a written recommendation to the Governor, or identified member of staff outlined in Para 4 above, including a recommendation about the advisability of additional licence conditions.

CONSULTATION WITH THE POLICE, PROBATION SERVICES AND IND

47. The decision to grant a period of ROTL is the responsibility of the Governor, or the identified member of staff outlined in Para 4, in the light of the recommendations made by the Board. In considering the risk that a prisoner may present, it is for the Board to form a view about the perceived level of risk, in line with OASys, where this is used. In some cases

the level of risk may be considered minimal, in which case there will be no need to consult the police. Similarly, where the Board is confident that the level of risk is unacceptable, it will not be necessary to contact outside agencies.

Enquiries of the police

48. Where the Board comes to a view that the case is a borderline one and would require further information, they should consider approaching the police, but only where the information sought is likely to be held by the police. The police should be approached for FACTUAL information relating to the prisoner's criminal antecedents (where this is not held by the prison) or criminal intelligence that is directly relevant to the decision being made.
49. It is not the function or responsibility of the police to say whether or not a prisoner should be granted ROTL. They will share relevant available information, but are not in a position to make detailed enquiries on applications. If the police do not provide any comments, this must not be taken as either tacit approval or refusal of any ROTL application.
50. Prison staff must not send questionnaires to the police. Requests to the police for information must indicate a date by which Governors would appreciate a response, giving details of the proposed ROTL (including dates). Form ROTL 2 must be used when making enquiries on a ROTL application. It must be sent at least 4 weeks before it is required. Enquiry forms must be sent to the Force Intelligence Bureau of the police force area in which the prison is situated, except for prisons in the Metropolitan Police Area, when the enquiry must be routed through their Police Liaison Officer.

Enquiries of IND

51. PSO 6300 provides full details on foreign national prisoners and guidance about whether IND approval must be obtained before release can be granted. Form ROTL 9 must be sent to the relevant IND office asking for comments/ approval for ROTL where appropriate. In cases where comments only are requested, the IND office must be given 10 working days to respond. If a response is not received the Governor may grant release in consideration of all other facts. If IND approval is necessary, prisoners must not be released without written authorisation from IND.

Enquiries of the Probation Service/ Offender Manager

52. *When ROTL involves the prisoner returning to the home area/address for release, the offender manager (or the local probation office in the area of the proposed release address for those prisoners serving less than 12 months) must be asked to make enquiries about the specific proposals of the release including seeking comments from other persons in the home address. In the case of any resettlement overnight release whether the release is to the prisoner's home area or not, including releases to unpaid/paid work placement organisations, the offender manager must be asked for an initial report on Form ROTL 3 which will cover subsequent releases to that address/ placement. Any new ROTL eg. to a different placement or new address will require another report from the probation service, which must be sent at least 4 weeks before it is required.*

[Appendix A Paragraph 52 amended in accordance with PSI 36/2007]

Enquiries re victims - Probation Service

53. The National Probation Service are required to contact the victim or victim's family where an offender has been convicted of a sexual offence, or other violent offence, where a custodial sentence of at least 12 months was imposed. The victim is then offered the opportunity of being contacted at key stages in the prisoner's sentence, to be informed of significant changes and consulted about conditions of release. Where such contact is

established, governors must ensure that relevant information is fed into considerations of ROTL. Governors must not ask the probation service to investigate the circumstances of victims who do not fall under the statutory duty, or who have expressed a wish not to be consulted, unless there is a particular reason for doing so, such as the victim being in the home to which it is proposed to release the prisoner.

Enquiries re victims – police service

54. Form ROTL 2 makes reference to the position of victims. It will not normally be appropriate to make more specific enquiries from the police about victims.

Victim helpline

55. Any contact by victims with the Victim helpline must be carefully considered.

ADDITIONAL LICENCE CONDITIONS

56. In certain circumstances the extra precaution of additional requirements in the licence may be considered appropriate. Governors must consider imposing such restrictions in the following instances and in other cases as they see fit:
- The prisoner is serving a life sentence
 - Any prisoner convicted of a violent (including robbery), or serious sexual offence is released to the home, or near to the home, of the victim.
57. Additional conditions included in the licence must be specific, reasonable and clearly understood by the prisoner. They will need to address:
- The need to return on time
 - Particular risks connected with the individual prisoner (e.g. alcohol or gambling problems)
 - The concerns of actual or potential visits (e.g. as to the prisoner's movements during the ROTL)
 - Previous evidence of the prisoner's unreliability (e.g. failing to keep appointments or to return promptly)
58. No licence condition must be set, which if breached is not capable of being dealt with through the disciplinary procedures.
59. Conditions requiring a prisoner to contact a local agency e.g. probation, must, except in the case of resettlement overnight leave where contact is relatively common, be used sparingly and always with the prior agreement from the agency involved.
60. The Board must make written recommendations to the Governor, or the identified member of staff outlined in Para 4 above, or to the Area Manager where appropriate covering:
- Whether or not the ROTL should be granted
 - The address, where appropriate, and dates, agreed with any agency undertaking supervision, where appropriate, during the temporary leave.
 - Any special conditions for the licence
 - Any other precautionary measures necessary within the establishment or to be taken by the probation service locally.

CONSIDERATION OF SUBSEQUENT ROTL APPLICATIONS

61. Once a prisoner has successfully completed a ROTL granted after a full risk assessment, in accordance with the procedures detailed above, a decision to release him/her subsequently can be taken on the basis of updated versions of the reports described in Para 43. For occasions when a full Board must take place see Para 27.

[Back to Appendix A – List of Contents](#)
[Back to PSO 6300 – List of Contents](#)

TEMPORARY RELEASE FORMS.

[ROTL 1 - Application for Release on Temporary Licence](#)

[ROTL 2 - Invitation for Police to Comment on Proposed ROTL](#)

[ROTL 3 - Invitation to Probation Service to comment on proposed ROTL](#)

[ROTL 4 - Risk Assessment For ROTL](#)

[ROTL 5 - Notification of Decision on Application for ROTL](#)

[ROTL 6 - Notification to Police and Probation of ROTL Application Result](#)

[ROTL 7 - Licences](#)

[ROTL 8 - Inability to Return to Prison due to Medical Reasons](#)

[ROTL 9 - Invitation for IND to Comment/Provide Authorisation on Proposed ROTL](#)

(ROTL 9 updated October 2007)

FORM ROTL 1

APPLICATION FOR RELEASE ON TEMPORARY LICENCE

Type of licence applied for: (Circle appropriate box)	Resettlement Day Release	Resettlement Overnight Release	Childcare Resettlement	Special Purpose Leave
--	-----------------------------	--------------------------------------	---------------------------	-----------------------------

Surname:	Forename:		Prison Number:
Location:	Sentence:	Date of Sent:	Dates Requested:
	ROTL Eligibility Date:		
What would be the purpose of the licence and how long would it be for?			
Is there any special reason for the dates requested?			
Proposed address – (if appropriate):		Tel No:	
In cases of release for interviews/courses etc, please provide name and position of contact at the proposed address:			
For all other types of release, please state your relationship to the people living at the proposed address?			
For resettlement overnight leave, what is the best time for a Probation Officer to call to make enquiries?			
How would you get to the proposed address? Would you travel by car or public transport?			
If by public transport, what is the nearest station?			
For resettlement day release, what is the cost of daily public transport?			
Prisoner's/Young Offender's signature:		Date:	

ROTL FORM 2 INVITATION FOR POLICE TO COMMENT ON PROPOSED ROTL

From **Governor
HM**

**Tel No
Fax No**

To **Officer I/C
Force Intelligence Bureau**

Dear Sir/Madam

INVITATION TO COMMENT ON PROPOSED RELEASE ON TEMPORARY LICENCE

The prisoner(s)/ Young Offender(s) whose details appear on the attached form(s) has applied for a period of release on temporary licence. As part of my consideration of the application, a risk assessment will be carried out before a decision is made.

The police force, which originally dealt with this case, may wish to comment on the application. Please forward to the appropriate police station and, if applicable, to the police station where the prisoner/young offender is to reside.

Any comments should be made on the attached form, for example you may wish to comment on the situation of the victim, the perceived risk of offending, local or national notoriety, or potential for failing to return.

Please return the attached form by.....

If no reply is received by this date, it will be assumed that there is no police contribution to the risk assessment.

Your assistance is appreciated.

Yours faithfully

GOVERNOR

ROTL FORM 2A DETAILS OF PROPOSED RELEASE ON TEMPORARY LICENCE

From: The Governor

To:

Tel No:

Extension:

Fax No:

Date:

Prisoner Title	Forename(s)
Surname	CRO/ NIB No
Prison Number	DoB
	DoS
Court	
Offence(s)	
Police Station dealing with Original case	
Purpose of Leave	
Proposed Dates	to Licence
Proposed Address	
MG3 <input type="checkbox"/>	MG16 <input type="checkbox"/> Form 402 <input type="checkbox"/> Please tick if already held by Prison
<p>Notes:</p> <p>1 The Prison Service must complete the above section of this form. It should be sent with ROTL 2 to the Force Intelligence Bureau of the police service area in which the prison is located at least 4 weeks before the proposed leave begins.</p> <p>2 Under disclosure rules the prisoner/trainee may see this form.</p> <p>3 Please complete and return this form only if you have information relevant to the risk assessment. If completed please return this form by:</p> <p>4 If replying by fax please mark FAO</p>	
<p>Comments / Observations (Please continue on a separate sheet if necessary)</p>	
Signed	Date
	Police Station
Print Name	Rank

Section B Report on the proposed release on temporary licence
To be completed by the responsible officer.

This report should address the home circumstances, the risk of releasing the prisoner / YO on temporary licence and the position of known victims. The VLO should be advised/consulted where one has been allocated.

I have made contact with the proposed address by visit / telephone*

My assessment of the proposed licence arrangement is:-

My conclusion is that the proposed licence arrangements are suitable / unsuitable*

I propose the following additional licence conditions:-

Reasons:-

If the application for release on temporary licence on the dates suggested is granted I would / would not* wish to have contact with the prisoner / YO during the licence.

It will be convenient to see him/her at.....hours on (date)

At (address).....

Signed.....(probation officer) Date.....

FORM ROTL 4 RISK ASSESSMENT FOR ROTL

Active risk assessment for consideration of all applications for release on temporary licence

Page 1

OASys will be the means of risk assessment and management. It will help to identify particular risks/needs of individual prisoners and the extent to which those needs are reduced, or met during the resettlement process with a consequent impact on public protection and safety. Further guidance on OASys is contained in PSO2205 and appendix A to PSO 6300

Surname _____ Forename _____ Prison Number _____

Type of release on temporary licence applied for _____

Is the prisoner/young offender eligible? YES / NO
(Check with guidance)

If not, is another type of release on temporary licence appropriate? YES / NO

If YES, which type? _____

The Board was attended by: -

If the application was considered in the absence of a board, state reasons:

Any considerations supporting, or against, release on temporary licence MUST be fully recorded

Previous Release on temporary licence

E.g. Has the prisoner/young offender broken any licence in the past, or been convicted of offences whilst on leave/unlawfully at large?

Any history of abscond, escape, breach of bail, ISSP etc?

Has the prisoner/young offender fallen ill on a previous release on temporary licence, has the condition cleared, or is there reason to expect a recurrence?

Form ROTL 4

Page 2

Criminal History

E.g. Does the prisoner's/young offender's criminal history suggest any particular risks, such as a history of violent response to confrontation, violence when drunk, substance abuse, sexual offences in the home, offences against children etc?

Is there information that ought to be obtained about previous convictions?

Does the prisoner's/young offender's criminal history indicate a likelihood of recidivism?

Child safeguards

E.g. Are there any child protection issues to be aware of?

Are there any possible risks from others i.e. potential abusers the young offender needs to avoid?

Form ROTL 4

Page 3

Prisoner's/Young offender's home circumstances (where relevant)

E.g. What issues, including financial pressure, will the prisoner/young offender and the prisoner's/young offender's family face during the release and how are they likely to cope with them?

How realistic is the prisoner/young offender about being able to deal with these family problems?

Are there particular events, or dates, which need to be avoided i.e. the anniversary of an offence, or that should be included i.e. a family occasion?

Do the prisoner's/young offender's family want the prisoner/young offender to return home and will the family need any counselling?

Is the proposed address for an overnight release acceptable and have appropriate arrangements been made?

FORM ROTL 4

Page 4

Position of the victim

E.g. Does the victim have any relationship with the prisoner/young offender?

Is the victim living in the neighbourhood, or the area to which the prisoner/young offender would be going on release on temporary licence?

Are there indications that the victim would be at risk if the prisoner/young offender was released?

What is the prisoner's/young offender's attitude to the victim?

Is anything known about the attitude of the victim to the prisoner/young offender?

Has the victim contacted the victim helpline?

Form ROTL 4Page 5Behaviour in custody

E.g. Does the disciplinary history indicate previous abuses of trust?

Has the prisoner/young offender tackled his/her offending behaviour in a positive and successful way, e.g. by participating in a programme?

How does the prisoner/young offender respond to stressful and confrontational situations?

How does the prisoner/young offender respond to positions of trust?

Is the prisoner/young offender likely to bring back contraband, ie drugs into custody, or is the prisoner/young offender believed to be under pressure from other prisoners/young offenders to bring illicit items into the establishment?

Progress in relation to incentives/training plans etc.

Specific areas of concern.

E.g. Does the prisoner's/young offender's history indicate factors that might increase risk, such as:

Drug abuse, alcohol abuse, Mental disorder, stress related illness, institutional behaviour?

Has the prisoner/young offender succeeded to a significant degree in addressing these factors?

FORM ROTL 4

Page 6

Any other concerns

RECOMMENDATION

YES / NO

REASONS FOR RECOMMENDATION

Explaining the weight given to factors for and against release on temporary licence.

Any additional/special licence condition recommended

Signed
Chair of Board

Rank

Date

FORM ROTL 4

Page 7

ASSESSMENT OF GOVERNOR IN CHARGE

GOVERNOR'S DECISION/RECOMMENDATION

Signed

Date

Note *Where the balance of assessment is in the prisoner's/young offender's favour, Governors must, before making the final decision, consider the reaction of the public, if the release on temporary licence was given publicity; if it is judged that reasonable public opinion would find the release unacceptable, Governors must consider whether or not to approve the application even if all other factors are positive*

FORM ROTL 5 NOTIFICATION OF DECISION ON APPLICATION FOR RELEASE
ON TEMPORARY LICENCE

From:
 HM

Surname _____ **Forename** _____ **No** _____

Location _____

1. Your application for * release on resettlement day / resettlement overnight / childcare resettlement / special purpose leave on _____ has now been fully considered.

2. Release on temporary licence from Time _____ Date _____ to Time _____ Date _____ has been approved*

3. Release on temporary licence from _____ to _____ has not been approved. The reasons are as follows;*

4. If you wish to appeal against the refusal of an application, you should ask a member of staff to advise you on how to do so.

Signature _____ **Name** _____ **Date** _____

NOTES

1. *One copy of this form must go to the prisoner/ young offender for his / her retention and one copy must be retained with the Risk Assessment and Sentence Planning documents.*

FORM ROTL 6 NOTIFICATION TO POLICE AND PROBATION OF RELEASE ON
 Page 1 TEMPORARY LICENCE APPLICATION RESULT

SECTION A – TO BE COMPLETED IN EVERY CASE *
DELETE AS APPROPRIATE

From HM To: * Officer i/c
 Force Intelligence Bureau
 * Probation Officer

Tel no.

Fax No

RE: Surname: Forename(s):

Offence(s): Prison Number: NIB/CRO No:

DOB: DOS: PTI/URN:

Court: Sentence:

* Police station dealing with the original case:

SECTION B – TO BE COMPLETED IF THE APPLICATION IS SUCCESSFUL

The above named prisoner/trainee has been granted release on temporary licence:

From hrs on to hrs on

Release address:

Purpose of leave:

* Frequency of leave (if applicable)

* His/her responsible officer is: Tel No:

NOTES

1. *The Prison Service must send this form to the Force Intelligence Bureau of the Police Force area in which the prison is located, at least 5 working days before The leave begins. In urgent special purpose leave cases, notification must be by Telephone or fax as early as possible.*
2. *The receiving F.I.B. must notify, as appropriate, the Force FIB identified by the PTI URN and/or the Force FIB to which the prisoner is being released.*

Signed: Print Name: Grade:

Date:

Faxed by Signed: Print Name: Grade:

At hrs on Date:

FORM ROTL 6

Page 2

SECTION C – TO BE COMPLETED IN EVERY SUCCESSFUL CASE *
DELETE AS APPROPRIATE

The prisoner / young offender has been informed verbally – and in writing that one of the conditions of the release on temporary licence is that s/he is required to visit you

On (date) _____ at (time) _____

At address _____

The following special conditions apply:

A warrant will be issued, or payment of fares where a warrant is inappropriate, for the prisoner/ YO's railway/bus journey to and from the release on temporary licence address.

If during the leave you become aware of any circumstances which indicate the likelihood of a failure to return, or breach of any other licence conditions, you must notify the Duty Governor at the prison immediately.

Please report below on the temporary licence.

Signed:

Print Name:

Grade:

Date:

SECTION D – REPORT OF THE RESPONSIBLE OFFICER ON THE PERIOD OF ROTL

The Prisoner / YO reported as required * YES / NO

If no – the following action was taken:

My report on the period of ROTL is as follows (please continue on and attach a separate piece of paper as required):

In the event of further periods of temporary release being considered, the following Factors would require attention / consideration – (e.g. victims, liaison with Social Services etc)

Signed:	Print Name:	Date:
----------------	--------------------	--------------

FORM ROTL 7 LICENCES

Page 1

Establishment
Tel No

Surname _____ Forename(s) _____

Prison Number _____ Date _____

TERMS AND CONDITIONS OF TEMPORARY RELEASE FROM PRISON

1. You are to be released from prison on * **resettlement day / resettlement overnight / childcare resettlement / special purpose** temporary licence
 from _____ hrs on _____ to _____ hrs on _____
 for the purpose of _____
 at _____
2. Temporary release is not an entitlement, but is at the discretion of the prison. You may be recalled to prison at any time whether or not you have broken any of these terms and conditions of temporary release.
3. If you remain at large after the time stated above, or after an order recalling you has been made, you will be liable to arrest.
4. You must have this form with you throughout your temporary release and must produce it if requested to do so by a police officer, or a probation officer.
5. You must not change the address to which you have been released without permission from the prison or the Probation Service.
6. *You are required to report to the Probation officer mentioned below
 at _____ hrs on _____
 *You are not required to report to a probation officer, but should you need help or advice, you should apply to the probation officer mentioned below:
Probation Officer
 Mr/Mrs/Miss/Ms _____
 Address _____

 Tel No: _____
7. You must be of good behaviour.

FORM ROTL 7

Page 2

- 8 You may only undertake approved financial transactions as defined by PSI42/2005 Prisoner's Financial Affairs. You are prohibited from consuming alcohol and from gambling, or making payments for other games of chance. You must take all possible precautions against the loss of any bus, or railway tickets which you have been given for use during the course of your release on temporary licence.
- 9 You are prohibited to enter premises licensed for the sale of alcohol for consumption on the premises unless expressly allowed in a subsequent condition.
- 10 You must not contact the media (including any person or place associated with broadcasting or publication) without the Governor's permission.
- 11 You are also required to comply with the following conditions:
 - 12 If you are unable to return to prison on time due to serious illness, accident or similar cause, you must inform the local police and ask them to inform the prison. You must ask the Doctor treating you to sign Form ROTL 8, stating that you are unfit to travel and you must send this form immediately to the prison.
 - 13 Failure to comply with any of the terms and conditions of this licence is a disciplinary Offence.

Governor (on authority of the Secretary of State)

I have read and I understand the above terms and conditions of my temporary release

Signed _____ **Date** _____

*Controlled drug is defined by the Misuse of Drugs Act 1971 and includes such drugs as cannabis, heroin, methadone, cocaine, LSD, barbiturates, amphetamines and tranquillisers.

FORM ROTL 8

Page 1

Ref (name)

HM Prison

Tel No

To

Date:

INABILITY TO RETURN TO PRISON DUE TO MEDICAL REASONS

- 1 If you have been released on temporary licence for an overnight visit, you may have been examined by the prison's medical officer and have been passed fit for release.
- 2 If you become ill, or are injured while on leave and are unable to return to prison for treatment, you must ask your local police to inform the Governor. You must then have this form signed by your Doctor to confirm that you are unable to return and ensure that it is sent, immediately, to the prison.
- 3 Your signature to this paragraph means that you have consented to the prison medical officer discussing with your Doctor why your medical condition prevents your transfer to a prison hospital for treatment.

Signature _____

Prison Stamp

Date _____

FORM ROTL 8

Page 2

TO THE DOCTOR RESPONSIBLE FOR THE TREATMENT

.....

4 is released on temporary licence from prison

5 The prisoner's signature above indicates his or her consent to the prison medical Officer discussing with you, if necessary, why the medical condition about which you Have been approached should prevent transfer to a prison hospital for treatment.

6 Unless a prisoner is seriously ill, it should be possible to arrange a transfer to a prison hospital. The Prison Service would, therefore, be grateful for your co-operation if you are contacted by our medical staff, who will identify themselves to you appropriately

7 If you consider that this prisoner is unfit to travel, please sign both this form and the attached licence.

Signature _____

Surgery stamp

Date _____

FORM ROTL 9 - REQUEST FOR CCD TO COMMENT ON PROPOSED ROTL

**From Governor
HM**

**Tel No
Fax No**

**To Immigration Officer/
Criminal Casework Directorate**

Dear Sir/Madam

REQUEST FOR COMMENTS ON PROPOSED RELEASE ON TEMPORARY LICENCE

The prisoner/Young Offender below has applied for temporary release on resettlement day/*overnight/*special purpose/* childcare resettlement and this is now being considered. As part of my consideration of the application, a risk assessment will be carried out before a decision is made. The prisoner was court recommended for deportation/ *served with a Notice of Intention to Deport/ *has a deportation order in force. We require your comments on this application, before making a final decision.

<u>Re Surname</u>	<u>Forename(s)</u>
DoB	Prison Number
Date(s) of Sentence(s)	Court(s)
Sentence(s)	Offences

Please provide comments by (date).....

If no reply is received by this date, it will be assumed that there is no IND contribution to the risk assessment.

Your assistance is appreciated.

Yours faithfully

GOVERNOR

MEMORANDUM OF UNDERSTANDING FOR CSV PLACEMENTS

CSV Volunteering Partners has been in receipt of an annual grant from the Prison Service since 1984. The grant covers the provision of up to 150 volunteering placements per year for prisoners who are reaching the end of their sentence.

The purpose of this Memorandum of Understanding is to ensure that all those who are party to it (the prisoner, the placement organisation, Community Service Volunteers (CSV) and the establishment) are aware of and understand the arrangements under which the volunteer placement will take place.

Summary of Responsibilities – CSV/ Prison Service Pre-Release Scheme

CSV will:

1. Interview and match all eligible prisoners nominated by participating prisons with suitable volunteering opportunities.
2. Confirm the details of all placements in writing to the volunteer and Prison Link Officer.
3. Visit each volunteer at least once during the placement period. All volunteers will be contacted at the end of their first week. All placements will be contacted at least weekly to check on progress.
4. Through the Placement Supervisor, monitor the volunteer's timekeeping, performance and conduct, and provide the prison and the volunteer with copies of the final report on achievements at the end of each placement
5. Ensure that placements comply with all Health & Safety regulations currently in force.
6. Ensure that each placement organisation has the relevant insurance cover and has completed a full risk assessment on the volunteer's role.
7. Ensure that placements are aware of a volunteer's licence conditions, that they do not ask the prisoner to carry out any activity which may cause a breach and to report immediately all breaches to the prison.
8. Liaise closely with the Prison Link Officer on all matters affecting volunteers in their placements and act as the first point of contact for both prison and placement staff.
9. Ensure that arrangements are made to cover for absent staff and provide contact details to Prison Link Officers and Placement Supervisors.
10. Comply with all security regulations and good practice guidelines set out in "An Introduction to Working with the Prison Service," (HM Prison Service June 2002)¹.
11. Treat all personal information about volunteers, including details of criminal records, in accordance with CSV's responsibilities under the Data Protection Act 1998 and

¹ 'An Introduction to working with the Prison Service: Guidelines for Voluntary and Community Sector Staff' published by the Prison Service in June 2002.

ensure that all placement organisations maintain the same approach in relation to this material. (See paragraph 17, below).

12. Provide all volunteers who complete placements with a certificate of achievement. Volunteers aged 16 to 25 will also receive accreditation through the Millennium Volunteers scheme.
13. Ensure that placement providers are aware that the prison may wish to visit during the placement of a prisoner volunteer and help to facilitate such visits.
14. Publish a complaints procedure and deal with all complaints in accordance with CSV's Complaints Policy.
15. Ensure that there are adequate control measures and contact arrangements in place at the volunteer's accommodation to enable checks to be made on the prisoner's whereabouts.

The Prison will:

16. Nominate a Prison Link Officer to liaise with CSV on all matters connected with the scheme.
 17. Provide CSV with risk assessment information which will assist it in arranging a safe and effective placement, together with details of each prisoner's previous convictions. Establishments must take care to divulge only those details of a prisoner's previous convictions which are permitted by the Rehabilitation of Offenders Act. (Further information on this aspect can be found in PSO 2300, Annex A, paragraph 77).
18. Identify and refer eligible volunteers
19. Ensure that all prisoners put forward are risk assessed and eligible for Release on Temporary Licence before they are referred to CSV.
20. Provide all information required on the Application Form including details of all previous convictions. (See paragraph 17, above).
 21. Keep CSV informed of any change in circumstances that might affect an individual prisoner's ability to volunteer.
 22. Avoid, as far as possible, transferring participating prisoners to other establishments.
 23. Provide CSV staff with an induction into safe working practices as set out in "An Introduction to Working with the Prison Service"²

² HM Prison Service June 2002

24. Provide CSV and the placement organisation with copies of each prisoner's licence conditions.
25. Pay for or provide transport for volunteers to attend their placements and the volunteer's weekly allowance.
26. Ensure that participating prisoners are provided with adequate and appropriate clothing and sufficient cash to cover incidental expenses while travelling to the placement.
27. Make arrangements to visit the volunteer on placement where this is appropriate and feasible.
28. Undertake other checks on the prisoner by means of telephone calls to the prisoner or to his/her placement or accommodation.

The Prisoner is reminded that:

29. As a serving prisoner you are subject to Prison Service rules or YOI rules throughout your time as a CSV volunteer.
30. You are released on Resettlement Overnight Release to undertake the CSV placement. Your release Licence will specify the time, location and purpose of the release. The terms of the Licence may be varied only on the authority of the Prison Governor/Director.
31. A copy of your Licence will be given to the placement organisation by the Prison/YOI at the start of your placement.
32. You must comply fully with the terms of the Licence and any breach of the terms of the licence may lead to disciplinary action and the cancellation of the placement.
33. You must comply fully with the reasonable requirements of the placement organisation, as laid out in the volunteer role description, particularly in relation to timekeeping, performance, conduct and the conditions of the Licence. Any breach may result in the termination of the placement and your immediate return to prison.

The Placement Organisation

The placement organisation will not sign a Memorandum of Understanding for each individual placement, but it will sign an overarching agreement in respect of the undertakings and conditions set out above, and its own responsibilities, as set out immediately below.

The Placement Organisation will:

1. Appoint a named placement supervisor to oversee the work of all volunteers and to meet with him/her to give regular feedback.

2. Treat all information about volunteers provided by CSV and HM Prison Service in strict confidence, in accordance with the Data Protection Act 1998.
3. Make a decision on each volunteer offered on the information provided by CSV and without re-interviewing the volunteer.
4. Provide accurate and up to date details of the placement, including the volunteer's duties and emergency contact arrangements (including out of hours arrangements).
5. Provide each volunteer with an induction and further training as appropriate.
6. Comply with all Health & Safety regulations including the provision of evidence that a proper Health & Safety Policy is in place and completing risk assessments on volunteer roles.
7. Provide volunteers with accommodation, meals or a weekly 'food allowance' and meet all incidental expenses incurred by the volunteer in the course of his/her duties.
8. Allow volunteers at least one day (and possibly two) off per week.
9. Liaise with CSV and the referring prison over visits by Prison Service staff during the volunteer's stay.
10. Immediately inform CSV of any possible breach of licence conditions and liaise closely with CSV over all matters that might affect the volunteer's placement. Should it not be possible to contact CSV, the Placement Supervisor must contact the Prison Link Officer or a manager of the prison.
11. Maintain a record of each volunteer's attendance and to report all unexplained absences to CSV immediately.
12. Participate in review meetings convened by CSV.

SIGNATORIES

For the establishment:

[Signature]

[Name]

[Position/Role]

[Date]

For CSV:

[Signature]

[Name]

[Position/Role]

[Date]

Prisoner:

[Signature]

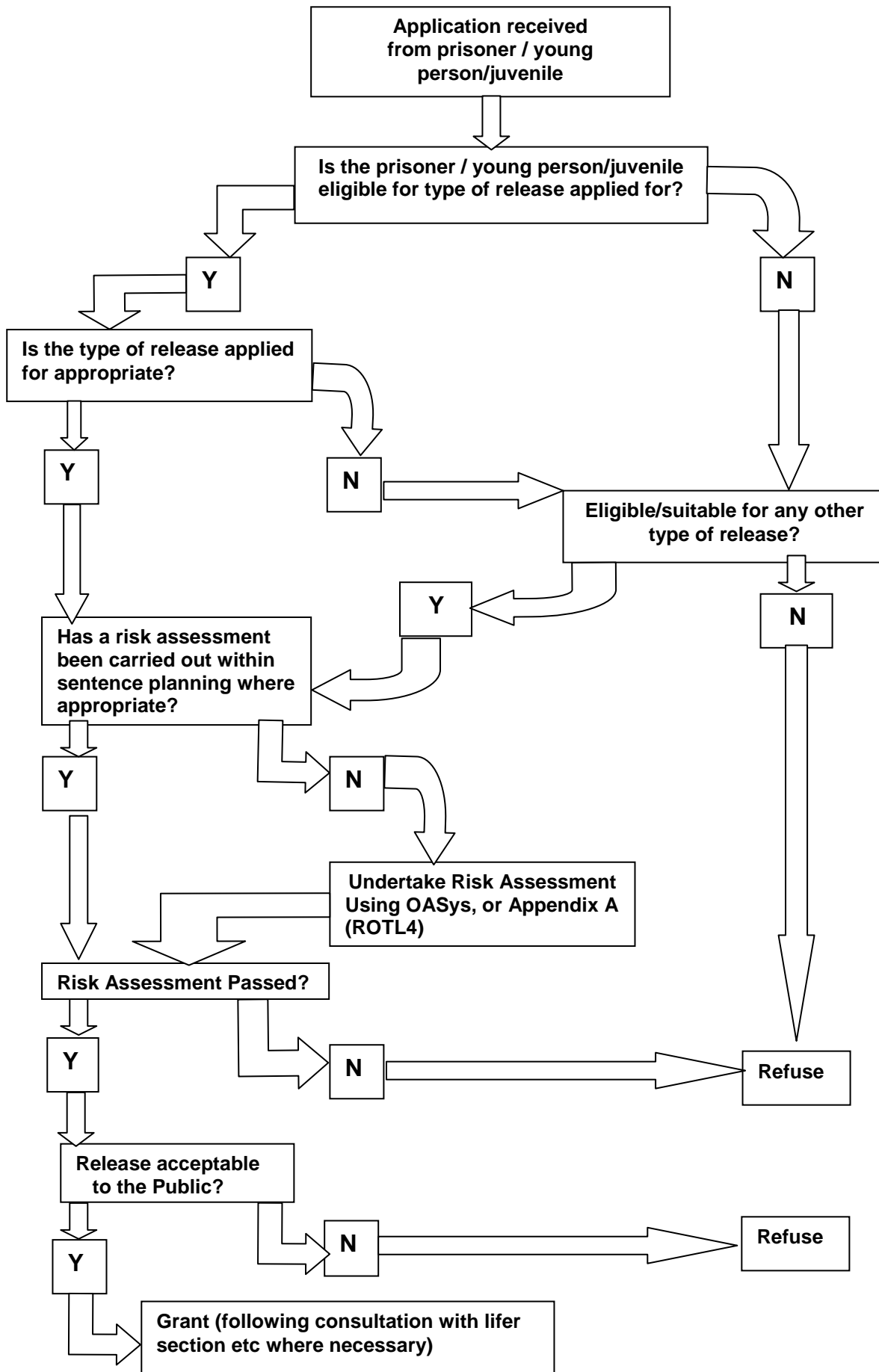
[Name]

[Date]

[Back to Appendix B – List of ROTL Forms](#)

[Back to PSO 6300 – List of Contents](#)

TEMPORARY RELEASE FLOW CHART



[Back to PSO 6300 – List of Contents](#)