



Information booklet for people serving a life sentence

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This booklet has been produced as a collaboration between our Advice and information Service and our Building Futures Programme.

We would like to thank everyone who contributed, either through the Building Futures working groups or otherwise – the detailed feedback and lived experience that people shared have been invaluable in developing this resource.

We would also like to thank the following for their contributions to this booklet:

- Prisoner's Advice Service (PAS)
- HMPPS
- The Parole Board

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How to use this booklet

This booklet contains different types of information which we hope will be helpful for people given a life sentence.

General information

Information provided in plain text on a white background with no border is general information about serving a life sentence. It is based on prison and probation policy which we have tried to explain as clearly as possible.

Lived experience

Advice from people with lived experience of serving a life sentence is included in green boxes like this one

Professional experience

Advice from people working in prisons and probation is included in orange boxes like this one

References

Wherever relevant we have referenced prison service policies which contain more details on a subject. There are many different policy documents covering different aspects of prison. These documents contain actions that prisons are required to follow as well as suggested guidance on how to do things. There are different types of prison policy documents:

- *Policy Frameworks*
- *Prison Service Instructions (PSIs)*
- *Prison Service Orders (PSOs)*

Policy documents should be available to you in the library. However if you are unable to access them for any reason please contact our service using the details on the back page of this booklet and we will be happy to send you a copy.

We have also included references to other information sheets and resources produced by Prison Reform Trust or other independent charitable organisations. Please contact us if you would like a copy of these. There is a full list of referenced documents in the 'Further Information' section at the end of this booklet

Chapter 1: An introduction to life sentences

Understanding a life sentence

All life sentences are indeterminate. You may hear yourself being described as an Indeterminate Sentenced Prisoner or ISP for short.

This means that you will stay in prison until you are considered safe to be released. The main factors which will decide how long you spend in prison are:

- The length of your tariff.
- Whether you have been able to deal with any behavioural problems; and
- Whether you are considered to be a risk to the public.

Types of life sentence

There are different types of life sentence.

If you have been convicted of murder, you are known as a mandatory lifer because life imprisonment is the only sentence which a court can pass for that offence.

If you have been sentenced to life as the maximum penalty for another serious offence, such as manslaughter, attempted murder, rape, armed robbery or arson, you are known as a discretionary lifer.

The court can also pass a sentence of life on anyone convicted of a second serious violent or sexual offence, unless they decide that there are exceptional circumstances for not doing so. If you fall into this category, you will be known as an 'automatic lifer', also known as a two-strike lifer.

If you are serving a sentence of Imprisonment for Public Protection (IPP) please note that this is not technically a life sentence, but it is very similar and has same release test. The majority of the content of this booklet will still be relevant.

What if I am under 21?

If you are under 21, there are different types of life sentence:

Detention during Her Majesty's Pleasure is a mandatory life sentence and will be imposed when a child or young person is convicted or pleads guilty to murder.

Detention for life – this is a discretionary life sentence given if a child or young person is convicted of a specified offence and the Crown Court considers that there is a significant risk of serious harm to members of the public from them committing further specified offences.

Please note that this guide is for people over 18 who are serving life sentences. If you are under 18 you could try contacting the Howard League who run a helpline for young people and children in prison on 0808 801 0308.

What is a 'tariff'?

Your tariff is the minimum time you must serve in prison before you can be considered for release.

For example, if you have a tariff of 10 years then you must serve at least 10 years in custody before you can be considered for release.

However, after you have served your tariff you may still be held in prison if you are not considered safe to release.

The Parole Board is responsible for deciding if someone can be released from prison after they have served their minimum tariff.

The Parole Board must review this at least every two years. There is more information about Parole in Chapter 3 of this booklet, from page 62.

It is helpful to understand some of the terms that people may use when talking to you about your tariff.

The date on which your minimum tariff ends is called your tariff expiry date, often shortened to TED.

Before you have served the minimum time in prison, you may be referred to as pre-tariff.

If you have served the minimum time and are still held in prison, you may be referred to as post-tariff

Note that tariffs do not apply for anyone given a whole life term. This means the Judge decided that the person is never to be considered for release.

Serving a life sentence – an overview

Your sentence plan

A key focus of your sentence is to reduce the future risk of serious harm.

The prison will complete an assessment of your needs and risks and will give you a sentence plan based on this assessment.

The sentence plan will include objectives for you to complete. Completing objectives on your sentence plan will help to address needs and reduce risk. This will increase your chances of being released when you have served your tariff.

Objectives could include things like completing an Offending Behaviour Programme, accessing education or working with substance misuse services.

There is more information about risk assessment and sentence plans on pages 24-29.

Where you will serve your sentence

Where you are held depends on your age, gender, and your security categorisation.

Your security categorisation is based on things like how likely you are to escape or abscond, the risk of harm to the public if you did escape or abscond or your behaviour in prison. It will be reviewed regularly through your sentence. There is more information about security categorisation on page 41.

If you are an adult male, you will be held in the men's estate in a prison which usually match, but will not be lower, than your security categorisation.

If you are male aged 17 to 21 you will be held in a Young Offenders Institution (YOI). Many YOIs are now combined with adult prisons. If you are a young lifer in prison you will generally stay in a YOI until you reach 21 when you will be transferred to the adult estate.

If you are an adult female or female aged 17 to 21, you will be held in the women's estate. You will be held in closed or open conditions, depending on your security categorisation. This is different to the way male prisoners are categorised.

Closeness to your home area should be taken into consideration, but it is not always possible to do this. For example, there are fewer prisons for women so you are more likely to be held some distance from home.

Progression

As you progress through your sentence plan you may progress to a lower security category and therefore be able to move to a lower category prison. You may be able to do more in lower category prisons which can further help you demonstrate positive change and complete objectives on your sentence plan.

If you progress to open conditions you will have access to Release on Temporary Licence (ROTL) which means you can do things like rebuild family ties, access work and education and demonstrate reintegration in the community. Note that the Parole Board must recommend you for open conditions – there is more information about this on page 45.

Release

Once you have served your tariff you will be considered for release.

The Parole Board is responsible for deciding if someone can be released from prison after they have served their tariff. They will be looking for evidence of how you have changed from the time the offence was committed to now. They will also be looking at the risk management plan for your release.

The Parole Board must be satisfied that it is no longer necessary for the protection of the public that you should be confined. If they decide that this test is not satisfied, you will remain in prison. The Parole Board must review your continued detention at least every two years.

It is important to understand that it is possible for you to be held in prison for many years beyond your tariff if the Parole Board remain unsatisfied as to the safety of your release each time they consider your case.

There is more information about Parole in Chapter 3 of this booklet from page 62.

Start to prepare for release years in advance. Try to get skills and knowledge that you will need when you are back in the community.

Life licence

If you are released by the Parole Board, you will be subject to a life licence. This will remain in force for the duration of your natural life. Your licence will contain conditions you must adhere to. If you do not follow them, you risk being recalled to prison. There is more information about being on a life licence on page 84.

Life in prison

There are prison policies and guidance for many aspects of prison life which staff are required to follow. Below we give a brief description of each, and details of where to find more information.

Regime

The regime is the prison routine which determines when you should be unlocked for work, association, meals and access to other services.

Regimes are different at different prisons. Even within one prison, regimes can change. Information about the regime should be easily available to prisoners and staff. You can also find general information in our information sheet *Regimes and Time out of Cell*.

Living conditions

When you arrive at a prison you will be allocated a room, usually called a cell. It may be located on a 'block' or a 'wing' of the prison.

If you have to share a cell, try to make fair compromises with whoever you are sharing with.

The cell you are living in must have sufficient heating, lighting and ventilation and be of adequate size for the number of people allowed to live in it. There is more detail about this in our information sheet *Accommodation and Living Conditions* in prison.

Family contact

The Prison Rules require prisons to actively encourage prisoners to maintain outside contacts and meaningful family ties.

There are a number of ways to maintain contact with family members;

- Phone calls
- Letters
- Visits
- Video calls

You can find out more about what you are entitled to and how to apply for things in our information booklet *Keeping in contact with family and friends*.

HMP/PPS have also produced *A Guide for the Families & Significant Others of Those Serving Indeterminate Sentences* which they might find useful.

Property

There are detailed rules about property in prison which include what you are allowed, what can be sent in and what to do if something is damaged or lost.

There is more detail in our information sheet about *Property in Prison* and in the *Prisoners' Property Policy Framework*.

Incentives

Each prison has an Incentives policy. Your Incentive level depends on whether you:

- keep to the rules
- take part in work and other activities
- show a commitment to your rehabilitation
- help other prisoners or staff

Prison staff will tell you which Incentive level you are on and if it changes. Your Incentive level will say if there are extra things you can get or do. The main Incentive levels are basic, standard and enhanced - though some prisons have levels above enhanced.

There is more detail in our information sheet about *Incentives* and in the *Incentives Policy Framework*.

Money

You can earn money in prison from activities and can have money sent in by family or friends depending on your incentive level. You can use this to buy things from the prison canteen, and things like phone credit.

This money is held in accounts managed by the prison. There are different types of prison accounts:

- Spending account
- Private cash account
- Savings account

There is more detail in our information booklet *Money in Prison*.

Food

You will be provided with 3 meals a day; normally breakfast, lunch and dinner. You should have access to drinking water at all times. You should also be provided with the facilities to prepare hot drinks.

Before meals, you will be able to choose the food you want to eat from a menu. The menu should include options to cater for a variety of diets including for religious reasons or health reasons, as well as special diets such as vegan and vegetarian.

Faith

PSI 05/2016 *Faith and Pastoral Care for Prisoners* states that the Prison Service recognises and respects the right of prisoners to register and practice their faith whilst in custody.

Ask to speak to someone in the chaplaincy if you need more information, or see our information sheet about *Faith in Prison*.

Your health

There will be a place in the prison where the healthcare services are located. This will usually be where you go to see a nurse, or doctor or a dentist.

You should be able to get the same quality and range of healthcare as you would in the community.

If you are not satisfied with the service you have received you may wish to make a complaint. Healthcare services should have their own complaints process and be able to give you information on this. This is a separate complaints system to the one used by the prison.

There is more information in our information sheet *Your Health in Prison*.

It is important to look after your health, both physically and mentally.

If you have medical issues be proactive in getting them dealt with. Healthcare services are busy and vary from one prison to the next. If you need essential maintenance such as smear tests, prostate checks, to talk about your mental health, or anything else - go and book an appointment.

Be persistent, don't wait for them to come to you.

Social care in prison

The Care Act 2014 says that the local council where you are in prison must assess you if you might have social care needs.

You may have social care needs if you find it difficult to look after yourself and do daily tasks such as showering or getting dressed. This might be due to a disability or long-term illness.

If you think you have social care needs you can ask for an assessment. There is more information in our information sheet *Social Care in Prison*.

Education and work

There is an education department in every prison. You can take part in educational courses and training to gain skills and qualifications. This could help you find work upon release, or in open conditions.

Simply make use of your time – sitting around will make you think about why you're here and in the long run this will make things harder.

Prison Rules say that you should work whilst you are in prison. You will be paid for your work in prison. You will have an assessment to see what type of work will be suitable for you.

There is more information in our information sheet *Education and Work*.

Someone serving a long time will often face periods of time where they are just treading water, this can often lead to despair and hopelessness, I found it important to find a purpose. For me this was finding work in the prison gardens where I trained to be an internal verifier for City and Guilds in horticulture.

Library

Every prison has a library which you can visit to borrow and exchange books.

If you are unable to visit the library because you are in the hospital wing or in segregation, a service should still be provided so that you can still at least borrow and exchange materials as often as if you were able to visit the library.

I loved to read and consumed lots of books as a means of escaping.

Rules and Adjudications

Prison Rules apply to every prison but the governor may have local rules as well. When you break Prison Rules it is called an offence.

You can be charged if staff think you have committed an offence. You must then go to a hearing, also called an adjudication. This is where you and prison staff talk about the offence and what you all think happened. They will decide if you are guilty and, if so, you will be given a punishment.

Adjudications can have an impact on your progress through your sentence, so it is important to understand your rights. We have included more information about adjudications in Chapter 2 of this booklet. There is also more information in our information sheet *Prison Rules and Adjudications*.

It is important to be mindful that any adjudications and security information can be brought up in parole hearings!

As a lifer I just try to keep my head down and try to stay out of trouble.

Things change

The most useful advice I got was from my peer group - things change all the time. You don't know what's gonna happen tomorrow, the best thing you can do is do your own time and try not to let it do you.

It is important to be prepared for things to change during your sentence.

It is likely that prison and probation staff will change at times and you will have to build new relationships.

Many of the practices and policies detailed in this guide will also change over the course of a life sentence.

This could be changes brought in by HMPPS – for example changes to available interventions including the Offending Behaviour Programmes, or the changes to risk assessment tools used to assess you.

Changes may be introduced by different governments - a recent example of this is the changes made to the parole system.

These changes can have an impact on you and your sentence.

You can keep up to date with changes by speaking with your Prison Offender Manager (POM) and other staff, regularly reading Inside Time newspaper and by communicating with our advice service (see details at the end of this guide).

We aim to keep our guides as up to date as possible so please feel free to contact us to ensure you have the most recent version.

Where can I get support or information?

You can talk to prison staff about any problems you have while you are in prison.

But there are other people who can help you too. Prison staff should tell you who else can help you. There should also be information about this on your prison wing.

Here is a list of other people who can help you in prison.

Your keyworker

Your keyworker is a member of prison staff whose responsibility it is to support you throughout the custodial period. They should meet with you for an average of 45 minutes per week.

Prison Offender Manager (POM)

You can speak to your Prison Offender Manager about your sentence, including objectives on your sentence plan. You can put in an application on your wing to speak to them. If you do not know who your POM is, address the application to the Offender Management Unit (OMU).

Prison Officers

You can ask prison officers on your wing or unit for any help or information you need. If they are unable to help they should be able to tell you who you need to ask and how to do that.

Healthcare staff

If you have a problem with your health ask to see a member of healthcare. You can request to see someone through a general application or you could ask an officer to help you request an appointment. Healthcare matters are confidential.

Equalities officer

There will often be a prison officer to help with equality issues. You can speak to them if you are having problems related to things like disability, race, sexuality, gender, religion or other protected characteristics.

Education staff

Staff from the education department can tell you what courses are available for you. Put in an application if you would like to speak to someone from education or start a course.

Activities staff

If you would like to get involved with work in prison, put in an application to speak to someone from the activities team. The prison may also have activities forms for you to complete to say what you would be interested in.

Chaplaincy

The chaplaincy team is a team of people from different faiths who are there to help you practice your faith.

Other prisoners

Many prisons have serving prisoners in supportive roles who can be a great source of information and support. These may include:

- Induction reps
- Equality reps
- Prisoner Information Desk
- Healing Trauma mentors
- Some prisons have prisoners called buddies. They are there to listen to you if you need someone to talk to. Buddies may tell prison staff things you have said if they need to.

Please be aware that prisoners working in roles such as the above are not bound by confidentiality.

Independent Monitoring Board

The Independent Monitoring Board (IMB) checks prisons to make sure they are run in accordance with the Prison Rules . They do not work for the prison. They are people from the local area who volunteer their time.

If you have a complaint to do with prison life you can ask to see someone from the Independent Monitoring Board. You will have to fill in a special form to do this. The form and leaflets about the Independent Monitoring Board should be on your prison wing.

If you feel upset or worried or would like to talk to someone, you can speak to:

Safer Custody team

If you feel unsafe, for example if someone is threatening you, speak to any member of prison staff straight away.

You can ask to speak to a member of the Safer Custody team. Safer custody staff check to make sure people are kept safe in the prison.

The Samaritans

The Samaritans helpline is available 24 hours a day. When you call the Samaritans, a volunteer will listen to you and help you talk through your worries, whatever they may be. It is a confidential service.

You can call the Samaritans for free, on 0845 450 7797 from prisons in England and Wales, or 08457 90 90 90 from prisons in Scotland and Northern Ireland. Some prisons can give you Samaritans phones which are specially for calling Samaritans.

You can also write to the Samaritans and you will receive a written reply:

Freepost RRYU-CBCR-TRSX

Samaritans
PO Box 9090

STIRLING FK8 2SA

Listeners

Listeners are prisoners who are trained by the Samaritans to listen to you and offer confidential, emotional support in the same way that Samaritans volunteers do for people outside of prisons. Listeners will support you in private and details of the conversation aren't shared with prison staff. To speak to a Listener you can ring your cell bell and ask an officer, or look for someone wearing a Listener t-shirt. The Listener scheme operates in almost all prisons across the UK.

Allow yourself to feel shite sometimes and take a little time out. Explain how you are feeling and that you need time out. I used to hit this wall every five years or so and I would bang up for a week, do my wallowing, sleep, cry and then dust myself off. It is normal to feel like this and it is ok.

Official prison visitors

These are local people who can visit prisoners who may not have many people to visit them or who may just want to speak to someone else outside the prison. Speak to someone called an official prison visit liaison officer to ask for one of these people to visit you.

New Bridge Befriending

New Bridge Befriending can support you while you're in prison, by matching you with a volunteer who can keep in contact with you through letter writing and visiting.

If you are interested in this you can write to them at:

Befriending Team
New Bridge
1a Elm Park
London SW2 2TX

New Bridge boosts my self-esteem, gives me a moral support and prevents me from feeling 'left alone'. This is a huge boost for my morale.

Prisoner pen friends

Prisoners' Penfriends matches volunteer letter-writers, who are all outside prison, with prisoners, so that they can exchange letters.

If you are interested you can write to 'Penfriends, PO box 33460, London SW18 5YB' and let them know your name, prison number and what prison you are in.

Chapter 2: Progressing through your life sentence

Offender Management

What is Offender Management?

'Offender Management' is about how your time in prison and under supervision in the community is managed.

The aim of offender management is to help people rehabilitate so they are less likely to offend in the future.

This could mean setting different goals for you to complete during your sentence. These goals are known as your sentence plan.

Who are the main staff involved in managing my sentence?

Your Prison Offender Manager (POM) will work with you whilst you are in prison. They will work with your Community Offender Manager to help you complete goals on your sentence plan. They are part of the team called the Offender Management Unit (OMU) or Offender Management in Custody (OMiC).

Your Community Offender Manager (COM) also known as your probation officer, is someone based in the probation service in the community. They will work with you to help you follow your licence after you leave prison. They may also visit you in prison before you are released and make decisions about what you should be doing in prison (see below).

Your key worker is a member of prison staff whose responsibility it is to support you throughout the custodial period. They should meet with you regularly. They can help you raise any concerns and communicate with your POM.

Be aware that staff change regularly so it is likely you will have many different POMs and COMs during your sentence.

It is important to have a positive relationship with both your POM and COM. However, you will more than likely have numerous in the time you are in prison and so it is inevitable you will not see eye to eye with them all.

What should I do if I want to see my Prison Offender Manager or Community Offender Manager?

If you would like to see your Prison Offender Manager, you should ask your key worker or put in an application to OMU.

If you would like to see or speak to your Community Offender Manager, you can ask your Prison Offender Manager to find out when this can happen. You could also write to your Community Offender Manager at their address in the community.

Write to or phone your COM on a regular basis – this is the person who will manage you on release!

If you are finding it difficult to get a response about either of these, you may wish to make an internal complaint. There is more information about this in our information sheet *Making a Complaint*.

It can be difficult to progress when you have a long tariff because OMU are so busy their focus is on those near parole. You may really have to push to see them.

Can I ask for my POM or COM to be changed?

You are not entitled to have a POM or COM of your choosing.

If you are finding things difficult with your POM or COM for any reason try speaking to them about this in the first instance.

If this does not help you could ask to speak to a senior member of staff or you can consider making a formal complaint. Try to explain why you are finding it difficult.

It is unlikely that a complaint will result in a change of POM or COM even if you ask for this. However, remember that POMs and COMs can change regularly anyway.

As a lifer you have to put the work in. If you just sit back and let your sentence happen to you, you will probably go over tariff. Learn for yourself what you need to do, push and learn your rights.

Offender Assessment System (OASys)

Prison and probation services use a tool called the Offender Assessment System. This is often called OASys.

Staff use OASys to complete a risk and needs assessment. This means working out why you offended and what you can do to help you reduce the risk of offending in the future. It also means working out if you are likely to harm yourself or other people, and what can be done to make this less likely.

The assessment includes an interview and a self-assessment questionnaire for you to complete.

When should my OASys assessment be completed?

You should be assessed as part of your induction or within 8 weeks of being sentenced.

When should my OASys assessment be reviewed?

Your assessment should be reviewed at least every 12 months or whenever a significant event or change has taken place.

If you think that your OASys assessment has not been reviewed recently enough you can put in an application to OMU to request this. You could also make a formal complaint if it is causing problems with your progression.

What is my OASys assessment used for?

Your OASys assessment will be used to create your sentence plan. There is more about sentence plans on page 28.

Information on OASys will also be considered for decisions such as re-categorisation and ROTL. It will also be looked at by the Parole Board when they consider your case.

Do I have a right to know what is in my OASys assessment?

The prison should give you a copy of your completed OASys assessment.

However, there may be some 'sensitive information' which the prison does not have to disclose to you.

If you think there are factual errors in your OASys assessment you can ask for these to be corrected. If you disagree with your risk levels or staff opinion this can be harder to challenge. See page 59 for more information.

Risk assessments and indicators

Your OASys report includes different assessments of risk based on different types of information.

Some of these assessments are based on static risk factors – this means things that can't change like age at first offence, nature and frequency of offending, number of custodial sentences that you have had.

Some are based on dynamic factors – this means things that can change over time such as substance misuse, accommodation, thinking and behaviour and attitudes.

Some risk assessment also use acute risk factors – this means things that can change quickly which would mean that serious offending becomes very likely.

Offender Group Reconviction Scale (OGRS)

OGRS is a risk assessment tool used to estimate likelihood of re-offending.

OGRS uses static factors such as age, gender and criminal history. It gives a score, which shows the likelihood of someone re-offending within a 12 and 24 month period if they were to be released.

OGRS scores range from 0 to 1. A lower score means a lower likelihood of re-offending. The score can also be shown as a percentage.

OASys General reoffending Predictor (OGP)

The OASys General reoffending Predictor (OGP) estimates the likelihood of non-violent offending using both static and dynamic risk factors. The static risk information is provided by the OGRS, as mentioned above.

OGP covers all offences, except violence, sexual offending and rare, harmful offences such as arson, child neglect or terrorist offences.

OASys Violence Predictor (OVP)

The OASys Violence Predictor (OVP) is similar to OGP, above, but it estimates the likelihood of nonsexual violent offending including homicide and assault, threats and harassment, violent acquisitive offences (e.g., robbery and aggravated burglary), public order, non-arson criminal damage and weapon possession offences.

OVP uses both static and dynamic risk factors. The static risk information is provided by the OGRS, as described above.

Risk of Serious Harm (RoSH)

The Risk of Serious Harm (RoSH) assessment estimates the risk of serious harm to others.

Serious harm is defined as *'an event which is life-threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible'*.

The RoSH assessment includes looking at the following:

- risk of serious harm to others
- risks to children
- risks to the individual – including risks of suicide or self harm, ability to cope in custody or hostel settings and general vulnerability.
- other risks – including escape or abscond risks, control issues or other risks around breach of trust.

The assessment is divided into a screening and a full risk assessment. The screening process is used to decide if a full assessment is needed.

The RoSH assessment will give a rating of very high, high, medium or low risk of serious harm. These are described in PSI 18/2016 *NOMS Public Protection Manual* as follows:

- **Low:** current evidence does not indicate a likelihood of causing serious harm;
- **Medium:** there are identifiable indicators of serious harm. The offender has the potential to cause such harm, but is unlikely to do so unless there is a change in circumstances - for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse;
- **High:** there are identifiable indicators of serious harm. The potential event could happen at any time and the impact would be serious;
- **Very high:** there is an imminent risk of serious harm. The potential event is more likely than not to happen as soon as the opportunity arises and the impact would be serious. "Opportunity" can include the removal or overcoming of controls, and changes in circumstances.

If you receive a rating of very high, high, or medium risk of serious harm, a risk management plan must be completed.

Other risk tools and indicators

Risk Matrix 2000

The Risk Matrix 2000 (RM2000) is a risk assessment tool which uses static risk factors to predict the likelihood of reconviction for a sexual or violent offence. It is used by prisons, police and probation for men aged 18 and over with at least one conviction for a sexual offence.

OSP

The OASys Sexual reoffending Predictor (OSP) predicts the likelihood of proven reoffending for a sexual or sexually motivated contact offence and for offences relating to indecent images of children. It has begun to replace the Risk Matrix 2000 (RM2000) as the main tool used to assess the likelihood of repeat sexual reconviction.

OSP must be calculated for all adult males:

- with an index offence or previous sanction for a sexual offence
- where the assessor has identified, in OASys, a current or previous nonsexual offence which has a sexual motivation.

There is more information in the *Implementation and use of OASys Sexual reoffending Predictor (OSP) Policy Framework*.

Spousal Assault Risk Assessment (SARA)

Spousal Assault Risk Assessment (SARA) looks at risk factors relating to spousal or family-related assault. It uses both static and dynamic risk factors. It is used in cases where offending is linked to domestic abuse.

ARMS

The Active Risk Management System is a dynamic risk management framework for men who are convicted of sexual offences aged 18+. The information feeds into the OASys RoSH and Sentence Management Plan.

Asset

Asset is an assessment tool for young offenders which looks at the offence and factors that may have contributed to the offending behaviour.

Risk of Serious Recidivism (RSR)

The Risk of Serious Recidivism (RSR) indicator was introduced in 2014 and is used by the National Probation service to help make decisions about allocation of cases. It is used to assess how likely offenders are to commit a seriously harmful re-offence within the next 2 years. RSR is mostly based on static factors but can include dynamic factors too.

There is more information in PSI 18/2016 *NOMS Public Protection Manual*

Your Sentence Plan

Your OASys assessment will be used to create an action plan to address the identified needs and risks. This plan is called your sentence plan.

Your sentence plan will include things you need to do to reduce the risk of reoffending in the community. If you have been assessed as having a risk of serious harm which is medium, high or very high it will also include things you need to do to reduce the risk of harm.

Here are some examples of things that could be included on your sentence plan:

- Engaging in assessments for interventions, treatments or programmes
- Completing an accredited Offending Behaviour Programme
- Maintaining periods of good behaviour
- Working with substance misuse services
- Accessing education
- Gaining training and skills for work
- Accessing Release on Temporary Licence (ROTL)

Your sentence plan is particularly important because it will be looked at by the Parole Board when they consider you for release or open conditions.

Can I say what I think about my sentence plan?

Managing the Custodial Sentence Policy Framework says that 'all prisoners who are in scope of OASys must be provided the opportunity to participate in their sentence planning'.

The more involved you are in compiling sentence plan objectives the more likely you are to achieve them.

PSI 19/2014 *Sentence Planning* says that:

'It is essential that the development of the plan involves the offender, so that the offender is engaged in the process and therefore involved in considering what actions might be needed to reduce the risk the offender poses, both in terms of causing serious harm and further offending'

If you are not happy with something in your sentence plan, or if you have not been involved in the sentence planning process, you should speak to your keyworker or POM in the first instance. You could also make a formal complaint using the prison complaints system or directly to probation services.

What can be included on my sentence plan?

Your sentence plan should clearly include:

- the overall outcomes to be achieved through the plan
- what you need to do to achieve the outcomes, and by when
- how your Prison Offender Manager, Community Offender Manager and the prison will help you to achieve the outcomes
- who will review and update your sentence plan when needed

PSI 19/2014 *Sentence Planning* contains further guidance. It says your sentence plan must be 'realistic and attainable'.

Objectives should be SMART. This means:

- Specific
- Measurable
- Achievable
- Realistic
- Time-bound

Actions should be set in order of priority. Where completion of an action is dependent upon other factors, this must be noted.

The *Managing the Custodial Sentence Policy Framework* says you 'must not be disadvantaged for not achieving an objective outside of their control'.

How often will my sentence plan be reviewed?

Your assessment and sentence plan should be reviewed throughout your sentence, and particularly if there is a significant change which might mean a change in risk. For example, the prison might review your plan if:

- you have been transferred
- one of the significant objectives in the plan has been achieved
- you are approaching a parole review
- you are due for release
- progress is not being made and alternative options need to be considered

When your sentence plan is reviewed, the actions could be changed. For example, you could have extra actions added if something has become available or because there has been a change in risk. However, the overall outcomes in your sentence plan are likely to remain the same.

Interventions (including Offender Behaviour Programmes)

Interventions aim to change the thinking, attitudes and behaviours which may lead people to reoffend. Interventions will be included on your sentence plan to help you meet sentence plan objectives.

There are a number of different types of intervention. An intervention could be:

- a specific course or programme to address offending behaviour
- participation in education, such as a qualification in maths or English
- having a job in a prison to improve employability
- participation in a PIPE (Psychologically Informed Planned Environment)

Offending behaviour programmes

Offending Behaviour Programmes may be part of your sentence plan. They are designed to give people the skills to avoid reoffending after release.

They include programmes to address:

- specific offences, for example linked to sexual offending or domestic abuse;
- general patterns of offending behaviour e.g. programmes like 'Kaizen' (for high or very high risk men who have committed a sexual offences, general violence or domestic violence);
- challenging how people think e.g. Thinking Skills Programme (TSP) for men or women; and
- substance misuse related offending e.g. Drugs and Alcohol Rehabilitation Treatment (DART).

Most programmes are accredited by the Correctional Services Accreditation and Advisory Panel (CSAAP). The content and design of programmes is informed by the latest research about predictors of reoffending and what works to reduce reoffending.

Try to learn as much as possible. Ignore what everyone else is doing time for and concentrate only on what you must do to show reduction of risk.

Different programmes are available to address a wide range of needs and offences:

- Intimate Partner Violence
- General Offending
- Sexual Offending
- Substance Misuse
- General Violence
- Extremism and Gang Affiliated Offending

There are also adapted programmes for those with learning disabilities and personality disorder (PD).

Programmes added to your sentence plan should be relevant to the overall objectives of the plan. Your eligibility for a programme should be considered before it is added to your sentence plan.

There is more information in PSI 19/2014 *Sentence Planning* and HMPPS booklet – *Interventions: Reducing Reoffending and Promoting Desistance*.

There is also a list of CSAAP currently accredited programmes on www.gov.uk with descriptions of each programme.

Three things to remember because you only get one chance at an Offending Behaviour Programme: commit, commit, commit!

PIPE units

You may be referred to a PIPE as part of your sentence plan.

PIPEs, which stands for ‘Psychologically Informed Planned Environments’, are residential environments which are specifically designed to support the progression of people with complex needs and personality related difficulties.

They are part of the Offender Personality Disorder Pathway (OPDP) which is a connected set of interventions for people who are likely to meet the criteria for a diagnosis of personality disorder.

However, a diagnosis of personality disorder is not required to be considered eligible for referral to a PIPE.

PIPEs are designed to have a focus on the environment in which they operate; recognising the importance and quality of relationships and interactions.

They aim to maximise ordinary situations and to approach these in a psychologically informed way, paying attention to interpersonal difficulties, such as those issues that might be linked to personality disorder.

Overall, PIPEs aim to improve the psychological health of participants, improve participants quality of relationships and relationship skills and reduce the likelihood of reoffending.

PIPE units can be a great benefit if you're willing to work with the staff and others.

The PIPE model incorporates some core components which are designed to support and develop individuals living and working within them. These are as follows:

- Staff working in a PIPE have additional training and clinical supervision to give them a better psychological understanding of their work. This understanding helps them to create a safer and more supportive environment, which can facilitate the development of those who live there.
- PIPEs will offer both 'structured' sessions and less formal 'socially creative' sessions in order to provide opportunities for relating and addressing issues that may be affecting progression through the pathway.
- Regular key worker sessions provide an opportunity to coordinate and reflect upon your involvement on the PIPE, and your plans for the future.

In prison a PIPE should be housed on a discreet unit, where influences from non-PIPE prisoners, and contact with non-PIPE trained/supported staff is kept to a minimum. Residents may have to engage with the rest of the prison for activity such as employment or workshops but otherwise contact with non-PIPE staff/residents should be kept to a minimum.

There are four different types of PIPE, each type with a different focus.

Preparation PIPEs focus on increasing motivation and readiness for the next phase of the pathway, whilst exploring any barriers there might be to treatment.

Provision PIPEs are designed to provide a supportive environment to increase engagement with treatment activity, and supports residents to actively apply skills and learning achieved through this treatment.

Progression PIPEs are designed to support residents in consolidating and generalising their treatment gains, putting new skills into practice and demonstrating improvements in behaviour.

In the community there are also Approved Premises PIPEs which take a whole-premises approach to support effective community re-integration and resettlement.

Whilst some individuals do move from one type of PIPE to another, this is not always the case, or the expectation. There is not a 'best time' to go onto a PIPE unit as each person's circumstances and sentence plan will be different.

At the time of writing there are 15 PIPE units in the men's prison estate, located in category A, B & C establishments, and 3 PIPE units in the women's estate.

There is also a further 10 PIPE Approved Premises in the community, 3 of which are for women.

Individual suitability for a PIPE should be discussed with either your Prison Offender Manager, your key worker or a psychologist in the first instance. They can then liaise with units on your behalf and assist with the referral process.

If you would like more information about PIPE services, please contact our advice service using the information at the back of this leaflet.

Consolidation

What does consolidation mean?

If you have taken part in an offending behaviour programme, you may hear staff asking for a period of 'consolidation' to demonstrate your progress.

Consolidation is about how you demonstrate what skills you have learned after being on a programme and showing how you apply them daily.

This work is important for showing others that changes have been made and are long lasting. This work is not wasted time or unnecessary and is usually the subject of discussions in Parole Board reports and hearings.

Some programmes have consolidation as a part of the ending phase, but most will talk about a 'New Me MOT'. This is a piece of work to show what changes you have made and what plans you have in place to live a positive life in the future. It is about how you are going to bring all the learning together and put into practice what has been planned for.

This period is the point of all the work you put into the programme. It is to show yourself and those around you that you are using the skills and thinking you have developed and the difference this is making.

What kind of skills might be being consolidated and built stronger in this phase?

The work that you were doing as part of the programme is expected to continue afterwards.

This might be practicing how you identify strong emotions and how you are now managing them. It might be how you are handling feeling unsafe or distressed without the use of violence, aggression, or substances. It might be how you are managing not being in a gang, or not being in unhelpful relationships.

Can I get support during this phase?

It will depend what prison you are in as to what local support might be available during a period of consolidation.

You may be living in a prison that provides you with ongoing support to keep an eye on how you are doing with all this. For example, there might be support from your local programme team, from Programme Mentors, from your POM, or even workshops.

However, not all prisons have enough resources and trained staff in post to support you with working on your post-programme objectives.

If you think you need more support speak to your POM or your keyworker to find out what could be available.

How can I make sure my progress is recognised and recorded?

If you want to ensure all the learning and changes you have made from various activities and your time in custody is properly recorded, you should discuss with your POM how you will do this.

This will need to be done differently to make it right for you and will depend on a number of factors, such as which programme you have completed, which prison you are in, the offence you committed and the risks on release.

For example, your original offence situation might not be possible in a prison setting, so being able to show how you are managing the underlying thoughts, attitudes and behaviours is essential.

It is a good idea to ask staff to add positive comments to your prison record if you think they have seen you dealing with a particular situation well or acting positively in a way you might not have done before. This could be helpful to evidence the changes you are making, especially if you were demonstrating skills learnt from a programme you have completed.

Psychologists and your sentence

How are psychologists involved in your sentence?

Psychologists employed by the prison service will be involved in many different parts of your sentence. Their involvement will depend on which stage in your sentence you are at and which prison you are in.

Generally, psychologists will be involved in helping your Prison Offender Manager (POM) identify targets for your sentence plan, delivering programmes and other treatments and conducting risk assessments for the Parole Board.

Most of the psychologists employed by HMPPS are Forensic Psychologists. Forensic Psychology is the use of psychology within the legal system to help people to find pathways away from criminal behaviour and to create safer communities. Forensic Psychologists work across many settings including, prison and probation services, hospitals, secure children's homes, police forces, and courts.

Psychologists can be in-training or qualified. Psychologists in-training receive regular supervision and guidance from a qualified psychologist.

Sometimes HMPPS commission psychologists outside of HMPPS to write reports on their behalf. These psychologists are not directly employed but are subject to all the same requirements as a HMPPS psychologist.

You may also come across psychologists in the prison who are employed by different services. For example, the NHS may employ psychologists to work in Healthcare and Offender Personality Disorder Services. Psychologists also sometimes sit on Parole Board review panels.

Your legal representative may also decide to appoint a psychologist to prepare a report for your Parole Review on your behalf. These are referred to as commissioned or external psychology reports.

At what point in my sentence could prison psychologists be involved?

Psychologists can become involved at all stages of your sentence and in several different ways. These include:

- Working with your POM to help inform your sentence plan. This may be early on in your sentence, or at various times throughout the sentence such as at a review.
- Completing psychological assessments to help with sentence planning, which might include assessing your suitability for certain offending behaviour programmes or other interventions and services.
- As part of the parole process psychologists can be required by the Parole Board to write risk assessment reports and to attend oral hearings to give evidence.
- In open conditions, psychologists are involved in the Enhanced Behaviour Monitoring (EBM) process which involves providing psychological advice and guidance to help staff managing your risk.
- Supporting the delivery of some offending behaviour programmes.
- Providing one to one psychological interventions and support relating to offence-related areas or in relation to difficulties associated with suicidal behaviours and self-harm.
- To support staff in working with you in a psychologically informed and evidence-based way.
- If you are serving an Indeterminate Public Protection (IPP) sentence psychologists will review and monitor your progress to ensure that things are in place to support your progression

What is a psychological risk assessment?

The Parole Board often direct psychologists to conduct risk assessments and write reports to help them with their decision making.

Forensic psychologists use risk assessment tools to assess your risk of reoffending and describe the different risk management options available to the Prison and Probation Service and the Parole Board.

A psychological risk assessment can involve a number of things:

- Looking at information about you from prison and probation files
- Speaking to staff who know you
- Interviewing you
- Using specific psychological assessment tools or tests to structure their assessment.

These tools are often referred to as Structured Professional Judgment (SPJ) tools. There are different SPJs for different offence types. Your psychologist will tell you which tool they are using and what it is measuring and will give you a choice about whether you want to be interviewed. If you do not want to be interviewed the assessment and report can still usually be completed from information that is held about you on file. The report will usually be more detailed and informative if you decide to take part.

“It is your choice if you want to take part in an interview for your risk assessment. Taking part usually means that the report is more detailed and useful to you, but it is your choice. Your psychologist will go through this with you.”

This information is brought together and presented within a Psychology Risk Assessment report (which is written on behalf of HMPPS). Psychological Risk Assessments reports are written for the Parole Board to help them make decisions about your risk, but they are about you. They should be written in a way which makes them easy for you to understand and are useful for your progression. They will include information on your strengths as well as your risks.

What is included in a Psychology Risk Assessment report?

Psychology Risk Assessment reports usually include a 'formulation'. A formulation is a narrative which explains why someone is like they are and gives direction as to what they need to work on. When used as part of risk assessment it tries to explain how your early experiences impact on your beliefs, attitudes and personality and make links between these and your offending.

"Have your say. The best formulations are those that are prepared jointly between the psychologist and the person they are describing."

The purpose of the Psychology Risk Assessment report is to describe your risks and how these could be managed. However, the report will always try to be balanced. It will include information on your strengths and positives (also known as protective factors). These positive factors are just as important to risk management.

The report will include an opinion about your likelihood of reoffending based on your strengths and risk and the different ways in which your risk can be managed. This will include describing all the options that are available for risk management.

They must also consider:

- the type of risk and if that risk is likely to happen soon.
- things that might increase risk or protect against it.
- the interventions that might assist in reducing or managing risk.
- your risk of absconding from open conditions (if open conditions are an option for you).
- the ways in which your risk could be managed if you were in closed conditions, open conditions or released into the community.

Your psychologist will share your report with you before it is submitted to the Parole Board. This is called the disclosure process. This gives you an opportunity to get any factual mistakes corrected and discuss any opinions you do not agree with. The report will not be submitted until you have seen the final version.

What policies and standards should psychologists be following?

HMPPS Psychologists and those commissioned on behalf of HMPPS must follow the general prison policies and procedures and Civil Service code of conduct.

Qualified Psychologists are registered with the Health and Care Professions Council (HCPC). They have a specific code of conduct and are the body which investigates complaints about registered psychologists.

Many qualified psychologists in HMPPS are also chartered with the British Psychological Society (BPS), and are also required to abide by their rules, regulations, and ethical standards.

Trainee Psychologists are registered with the BPS and will be enrolled onto a recognised training route to become qualified, at which time they can apply to join the HCPC. All Trainees Psychologists are supervised by a HCPC Registered Psychologist or a BPS Chartered Psychologist to ensure their practice and work is compliant with the code of practice and ethical standards as outlined above.

What if I disagree with the assessment or do not think it was completed fairly?

The first step is to discuss this with the psychologist who completed the assessment. Hopefully, the areas of disagreement can be resolved or explained in a way that helps clarify them.

If you continue to be unhappy either with the assessment or with the way it was conducted, you can raise this in a couple of different ways.

You can use the internal prison complaint system – there is more information about this in our information sheet *Making a Complaint in Prison*.

You could also raise the issue using the complaints process of the HCPC and/or the BPS depending on qualification level and whether they are chartered. If you wish to complain to the HCPC it must be about a Registered psychologist – this will either be the psychologist themselves, or the supervisor if the report was written by a trainee. You would need to write to the HCPC or the BPS setting out your concerns. You can get help with this via the Lead Psychologist in your prison, your legal representative, or your POM.

A psychologist is a qualified professional and their assessment and opinion is regarded as objective, similar to a clinical doctor or a psychiatrist. If you disagree with their assessment or opinion you could consider instructing an independent expert through your legal representative if you have one.

Recategorisation

What is my security category?

Your security category determines what type of prison you can be held in.

Prison staff consider the following things:

- How likely you are to escape or abscond.
- The risk of harm to the public if you did escape or abscond.
- Any ongoing criminal behaviour whilst you have been in custody.
- Any violent or other behaviour that impacts the safety of those in prison.
- Any control issues that impact on the security and good order in prison.

You should be given the lowest security category that can manage these risks.

If you are in a high security category (like A or B) you will have less freedom in prison to do things than other prisoners. Prison staff will do more to check on you and to stop you escaping.

Security categories for adult male prisons

Category A - This is where prison staff think you will harm someone outside prison and/or you might try to escape so everything possible will be done to stop you escaping.

Category B - This is where prison staff think you should have no chance of escaping.

Category C - This is where prison staff think you will not escape, but that you cannot be trusted in an open prison.

Category D - This is where prison staff think they can trust you to be in an open prison.

Security categories in women's prisons

The main two security categories of women prisoners are:

Closed Conditions - Prisoners for whom the very highest conditions of security are not necessary but who present too high a risk for open conditions or for whom open conditions are not appropriate.

Open conditions - Prisoners who present a low risk; can reasonably be trusted in open conditions and for whom open conditions are appropriate.

There are also two other categories used, though very few women prisoners fall into these categories:

Category A - Prisoners whose escape would be highly dangerous to the public or the police or the security of the state and for whom the aim must be to make escape impossible.

Restricted Status - Any female young person or adult prisoner convicted or on remand whose escape would present a serious risk to the public and who are required to be held in designated secure accommodation.

When will my security category be reviewed?

As a lifer you should have Sentence Planning and Review meetings at least every 12 months. Your security category should be considered at each meeting.

If you are a category D prisoner (or suitable for open conditions in the women's estate) you will not need regular categorisation reviews but could be recategorised if there has been a significant change in your circumstances or behaviour that impacts on the level of security required.

If you are a category A prisoner (or restricted status in the women's estate) staff who work at Prison Service Head Office will check your security category. There is more information about this on the following page. We recommended reading the [Category A Review Self-Help Toolkit](#) written by the Prisoners' Advice Service for more details.

What to do if I am not happy with a recategorisation decision?

You should be given reasons for any categorisation decision and can request a full explanation in writing. If you think your categorisation is wrong or has not fully considered all evidence, you can appeal via the internal complaints system. If the outcome remains unsatisfactory after the appeal stage you can escalate the complaint to the Prisons and Probation Ombudsman, Third Floor, 10 South Colonnade, London E14 4PU.

In some very limited circumstances, you may be able to challenge a refusal in the High Court. However, you are advised to seek independent legal advice before doing so.

Summary of Category A / Restricted status reviews

If you are a category A prisoner (or restricted status in the women's estate) staff who work in the Category A team at Prison Service Head Office will check your security category.

PSI 08/2013 describes three groups of Category A prisoners:

Potential Category A - *prisoners where an interim decision has been made for the them to be managed as a Category A but a final decision is yet to be made. A Potential Category A prisoner held outside the high security estate normally remains in their current location.*

Provisional Category A - *prisoners for whom the Category A Team has made the decision that Category A status is warranted and notification has been sent to the prison. If held outside the high security estate, a Provisional Category A prisoner is moved to a high security prison.*

If you are Provisional Category A/Restricted Status at point of conviction and sentence you will be reviewed immediately. If the decision is made for you to remain Category A/Restricted status this will be followed by a First Formal Review.

First Formal Reviews normally takes place approximately 3 months after conviction and sentence. If the decision is that you should continue to be Category A/Restricted Status, then you are then considered a confirmed Category A/Restricted Status.

Confirmed category A - *prisoners held in a High Security Prison that have been deemed to be Category A at First Formal Review (usually following conviction and sentencing).*

If you have been confirmed as Category A/restricted status at a first formal review you will normally have your security category reviewed two years later, and on an annual basis after this.

Prison staff must prepare reports in advance of the annual review. The completed reports must be disclosed to you at least four weeks before your review to allow you to make representations. You can make representations within 4 weeks of receiving the report.

Annual reviews are first considered by a local advisory panel (LAP) within the prison. The LAP then makes a recommendation about security category to the Category A Team.

If the LAP recommends that you stay as Category A, and this is agreed by the Category A Team, then the annual review may be completed without referral to the DDC High Security (unless the DDC has not reviewed the case for 5 years, in which case it will be automatically referred).

If the LAP recommends downgrading you to a lower security category, The DDC High Security (or delegated authority) must approve this, following consideration at the Deputy Director's panel.

The DDC High Security (or delegated authority) may decide to allow an oral hearing of a Category A/Restricted Status prisoner's annual review. This will allow you and your representatives to make representations verbally. PSI 08/2013 includes factors which they should consider to make this decision.

Please note that this section is only a summary of a complex area of prison law so we would recommend getting further information and legal advice if you need help with this. Legal aid is available for challenging Category A decisions.

We recommended reading the [Category A Review Self-Help Toolkit](#) written by the Prisoners' Advice Service for more details.

Information can also be found in the following documents:

- PSI 08/2013 *The Review of Security Category – Category A / Restricted Status Prisoners*
- PSI 09/2015 *The Identification, Initial Categorisation and Management of Potential and Provisional Category A / Restricted Status Prisoners*

Open conditions

Progressing from closed to open prison can help to demonstrate that you are ready for release. Open conditions mean that you can be assessed in conditions as near as possible to those in the community.

For example, you can access Release of Temporary Licence (ROTL) from open conditions. There is more information about ROTL on page 48.

Please note, being tested in open conditions is not a condition of release and it is possible to be released without having spent time in open conditions. It will depend on what risk factors need to be addressed and how time in open prisons will help this.

When will I be eligible for open conditions?

If you are serving an indeterminate sentence you can usually only be transferred to open conditions following a recommendation by the Parole Board and a decision by the Secretary of State. The earliest this will be considered is 3 years before your Tariff Expiry Date (TED). There is more information about the parole process in Chapter 3.

In certain rare cases, you can apply to the Secretary of State for a move to open conditions without having to wait for a Parole Board review. This is known as a Guittard application. Speak to a legal adviser if you want more information on this.

Suitability for open conditions for indeterminate sentences

On 6 June 2022, the Secretary of State introduced the following test for considering whether someone serving an indeterminate sentence is suitable for open conditions:

Suitability for Open Conditions Test

The Secretary of State (or an official with delegated responsibility) will accept a recommendation from the Parole Board (to approve an ISP for open conditions) only where:

- the prisoner is assessed as low risk of abscond; and
- a period in open conditions is considered essential to inform future decisions about release and to prepare for possible release on licence into the community; and
- a transfer to open conditions would not undermine public confidence in the Criminal Justice System.

Under previous policy there was no requirement for time in open conditions to be 'essential' to prepare for possible release, or an explicit requirement to consider what

would 'undermine public confidence'. This will make it more difficult to get a positive decision and will mean that fewer ISPs will go to open conditions.

Who decides if my case meets the criteria of the test?

The Parole Board

The Parole Board will only be considering whether the first two criteria apply when making their recommendation.

Before recommending that an ISP be transferred to open conditions, the Parole Board must be satisfied that the first two criteria of the open test are met.

The Parole Board is not required to assess whether the third criteria of the open test, the public confidence criteria, has been met.

The Secretary of State

Where the Parole Board recommends a move to open conditions, the Secretary of State is responsible for deciding whether to accept or reject this recommendation.

As part of this, the Secretary of State will consider whether all three parts of the new test have been met. This includes the third criteria about public confidence which will be a matter solely for the Secretary of State or their delegated official.

What would be considered 'essential'?

There has not been a definition published of what would make a period in open conditions considered 'essential'. However, staff may consider:

- whether you can access the necessary risk reduction and rehabilitation opportunities within the closed estate, such as employment or volunteering roles and progression regimes.
- how you can evidence your ability to act responsibly, comply with prison regimes and engage with sentence plan objectives within the closed estate. Where there are opportunities for development within the closed estate, these should be clearly outlined within the report, including timescales for completion.
- any opportunities that will only be available in open conditions.
- the benefits a move to open conditions would provide you, particularly if you have served a significant period of time in custody.
- whether the level of need for a move to open conditions would change should the Parole Board refuse release into the community, for example there may be opportunities available in the community and open conditions which are not available in a closed prison.

Which cases would 'undermine public confidence'?

There is currently no definition or further guidance about what kind of cases would be considered to 'undermine public confidence'.

Removal from Open Conditions

Some people find the move to open conditions very difficult. You should speak with your POM if you are finding the change hard.

Keep your head and be careful who you mix with. Don't do anything stupid.

You can be removed from open and returned to closed conditions. This might happen if:

- the prison do not think the you have adequately addressed risk factors.
- there are reports of criminal behaviour by you inside or outside the prison.
- your behaviour suggests you are not coping with the responsibilities well or are more likely to abscond.
- the prison thinks your behaviour may threaten the good order and control of the establishment.
- previous behaviour warning/indicators are identified .

Release on Temporary Licence (ROTL)

Release on Temporary Licence (ROTL) means being able to leave the prison for a short time.

You may get ROTL for the following things:

- To take part in paid or unpaid work.
- To see children for whom you were the main carer before you entered prison.
- Because a family member is seriously ill.
- To help you settle back into the community before you are released.

As an Indeterminate sentence prisoner (ISP) you will be subject to Restricted ROTL. This means you will have extra restrictions placed on ROTL.

These include:

- You will need to be held in an open prison to get ROTL (or assessed as suitable for open conditions for women).
- Decisions about ROTL must be made by the Governor or Deputy Governor.
- Your ROTL board must be chaired by a senior manager.
- Your COM and police must be consulted about ROTL.
- You will receive a higher level of monitoring whilst on release.
- You will also be considered for Enhanced Behaviour Monitoring – for more information about this see *Enhanced Behaviour Monitoring Policy Framework*.

Please note, it is no longer a requirement for Restricted ROTL prisoners to be accompanied on the first three Resettlement Day Releases. However, the prison may still decide accompanied ROTL is necessary in individual circumstances as a way of managing risk.

There is more detail in our information sheet about *Release on Temporary Licence (ROTL)*.

Progression Regimes

Progression regimes have been developed for ISPs who are having difficulty progressing through their sentence through the usual routes.

The purpose of progression regimes is to 're-introduce the responsibilities, tasks and routines associated with daily life in the community, to test prisoners' readiness to respond appropriately to the trust placed in them, and to actively pursue activities and relations which support rehabilitation'.

Each progression regime has three stages of progression. At each stage there are different expectations and entitlements. You will have the opportunity to progress through the three stages by demonstrating your readiness to move forwards.

Everyone participating in a progression regime will be expected to engage with their keyworker regularly. Reviews to consider progression through the stages should take place every 3 months.

You will be eligible and should be considered if you:

- are excluded from open conditions (e.g. due to a history of abscond)
- have been recalled to prison following initial release
- are within two years of tariff expiry – though be aware that post-tariff ISPs will take priority over pre-tariff, particularly those who have had two or more negative parole hearings

As well as being eligible you must be considered suitable. To be assessed as suitable, you must:

- show you are willing to engage in the approach PR's use – this requires high levels of personal responsibility, actively confronting offending-related behaviour, and taking action which will assist in your rehabilitation;
- have a recent record of good behaviour; and
- be unlikely to pose any evident and significant security risk, either to staff or other prisoners

Eligibility and suitability for Progression Regimes should be considered by POM's and COM's as part of the sentence planning process. If a referral is made, staff at the progression regime may make further checks about your suitability. Staff from the progression regime will make the final decision on whether to accept you or not.

There are currently 4 progression regimes in England:

- HMP Warren Hill (South East)
- The View - at HMP Erlestoke (South West)
- The HOPE Unit - at HMP Humber (North East)
- The ASPIRE Unit - at HMP Buckley Hall (North West)

Due to the lower numbers of ISPs it would apply to, progression regimes are not being run in women's prisons, but a 'progression approach' can be taken in any women's prison to help reduce risks whilst in closed conditions.

Maintaining innocence

'Maintaining Innocence' is a term used for people who do not admit to the offence for which they have been convicted.

Prison policies often distinguish between people who are maintaining innocence and those who are 'appellants'. You are an appellant if your conviction is the subject of review by a higher court such as the Court of Appeal. To prove you are an appellant you will usually be asked for your criminal appeal number to show your case is pending.

Report writers assessing risk often state that a prisoner who maintains their innocence of the offence they are convicted of is 'in denial'. For those maintaining their innocence, this term can conflict with their view of their offence, namely that they are not denying they did x or y but that they did not commit x or y. The report writer, whichever phrase they choose to use, must accept the verdict of a court of law whatever their personal belief may be about the veracity of the conviction, so technically a prisoner who disagrees with the conviction is denying that they are convicted of the offence.

How will maintaining innocence affect my progression?

Maintaining innocence can make it more difficult to progress through your sentence.

For example, it should not automatically result in a reduction to your incentive level but it can be difficult to demonstrate some of the criteria such as commitment to rehabilitation, particularly in order to gain Enhanced incentive level.

Some people who are maintaining innocence find that it affects their recategorisation. Though it may be more difficult to progress if you have been unable to complete things on your sentence plan, the prison should take wider risk evidence into consideration when reviewing your category. There is more information about categorisation on page 41.

Some people worry that they cannot take part in Offender Behaviour Programmes because they will have to discuss and admit the offence they are maintaining their innocence about. This is not usually the case anymore – Offending Behaviour Programmes are now designed to be suitable for people maintaining innocence in most cases. If you are concerned about this speak to your POM, keyworker or the interventions team at the prison.

Even if you maintain innocence there are numerous courses/programmes you can complete to show you are willing to follow rules which will help you complete your sentence plan

Parole and Maintaining Innocence

The Parole Board has to accept the court's verdict. They cannot assess whether someone is guilty or not guilty, they have to assess risk.

The Parole Board cannot refuse to release someone solely because they are maintaining innocence. They must demonstrate how this position impacts the risk of serious harm should the prisoner be released into the community or progressed to open conditions. It can be more difficult to show evidence of a reduced risk of re-offending if the person has not been able to fully engage with their sentence plan as a result, but this does not necessarily stop you progressing through the sentence

There is more detail in our information sheet about *Maintaining Innocence in Prison*.

Adjudications

If you break Prison Rules it is called an offence. You can be charged if staff think you have committed an offence. You must then go to a hearing, also called an adjudication.

It is important understand the adjudication process and your rights because it can have an impact on your progress. Adjudications will be looked at when considering your suitability for recategorisation and your release.

PSI 05/2018 *Prisoner Discipline Procedures (Adjudications)* includes full guidance on the charges including what needs to be established in order to prove guilt. You can ask staff for a copy or contact our advice service.

What happens if staff think I have broken prison rules?

1. You will be put on report. This means a prison officer will tell you that they think you have committed an offence and what offence they think you have committed.

They will give you two forms:

DIS 1 form – also called a ‘nicking sheet’. This tells you about the offence the prison officer thinks you have committed. The offence you are accused of is also called a charge. You must be given this within 48 hours of the alleged offence being discovered and at least two hours before the hearing.

You must say if you do not understand what is written on this form.

DIS 2 form. This tells you what will happen at the hearing.

On this form you can write a statement about what you think happened. Do this on the back of the form. Ask for more paper if you need it

Write the name of any witnesses you want to come to the hearing, if you know who they are at this stage. You can say at the hearing who you want your witnesses to be if you prefer.

2. Ask prison staff for all copies of paperwork relating to the charge. PSI 05/2018 says that if a legal representative or legal adviser requests copies of the adjudication papers these should be provided directly to them at no cost.
3. You must go to a hearing, also called an adjudication. This is where you and prison staff talk about the offence and what you all think happened.

The hearing will usually happen the day after you are put on report (unless it is a Sunday or a Public Holiday). You should have at least 2 hours to get ready for the hearing

The hearing will be run either by a senior member of prison staff or by a judge from outside the prison called an independent adjudicator. Independent adjudicators are involved for more serious offences.

4. During the hearing, the adjudicator will check:
 - if you are well enough to take part;
 - that the forms have been completed properly and time limits have been followed;
 - if you have got forms DIS1 and DIS2;
 - if you understand the charge and what will happen at the hearing;
 - if you have had enough time to get ready for the hearing;
 - if you want any help, like legal advice or an interpreter;
 - if you have witness statements or want to call any witnesses;
 - if you have written a statement for the hearing;
 - whether you plead to be guilty or not guilty of the offence.
5. The governor or the independent adjudicator will decide if you are guilty or not guilty of the offence. They will do this after listening to you and other people who know about what happened.
6. If you are found guilty, you will be given a punishment. If you are found not guilty, nothing more will happen.

The punishments you could get are included in Annex B of PSI 05/2018.

Help you can get at the hearing

If the hearing is run by a governor

You can get legal advice. This could be by telephone or by letter .

You cannot get legal representation except in exceptional circumstances where the case meets criteria known as Tarrant Rules. In deciding this, Governors should consider the following points:

- The seriousness of the charge and the potential penalty.
- Whether any points of law are likely to arise.
- Your capacity to present your own case – for example if you are unable to follow the proceedings or to present a written or oral defence due to language or learning difficulties, or mental health problems.
- Procedural difficulties.
- The need for reasonable speed.
- The need for fairness.

If the hearing is run by an independent adjudicator (a district judge)

- You can always get legal representation (a solicitor comes to represent you).

Can I appeal?

If you think the hearing was done in the wrong way or your punishment was too harsh you can appeal.

If your hearing was run by a governor

- Fill in and submit a DIS8 form 6 weeks of the hearing.
- The prison will send the form to the Prisoner Casework unit who will consider your appeal. The Prisoner Casework unit then make a recommendation to the Prison Group Director (PGD) for a decision. They can:
 - a) uphold the adjudicator's decision;
 - b) reduce the punishment to something less severe;
 - c) quash the finding of guilt and punishment.

If you are still not happy after this you can ask the Prisons and Probation Ombudsman to look at your case. You will not be able to have your hearing again. But the ombudsman can suggest that the prison changes the fact you were found guilty or the punishment you got.

Write to the ombudsman at

Prisons and Probation Ombudsman
Third Floor,
10 South Colonnade,
London E14 4PU

If your hearing was run by an independent adjudicator

- Ask a prisoner officer on your wing for a form called form IA4.
- Fill in the form and send it to the governor within 14 days of the hearing.
- Your paper will be sent to a judge called the senior district judge to look at. The judge is from Westminster Magistrates' Court.

The senior district judge can decide to quash or change your punishment but they cannot change the fact you were found guilty.

Challenging guilt can only be done by judicial review. If you believe you have a strong case for challenging a finding of guilt by an independent adjudicator on the grounds it was unlawful, irrational or procedurally incorrect you should obtain legal advice as soon as possible.

There is more information in Prisoner's Advice Service information sheet '*Judicial Review*'

Intelligence Reports (IRs)

Intelligence reports are information collected and analysed by the prison service about threats to security and good order that an individual is deemed to pose. They are used for the prevention and detection of crime, preserving order and discipline in prison, for management of risk and prevention of harm and to support offender management.

Any information which provides an indication of the likely or actual behaviour of a prisoner or staff member could be used as intelligence.

Some examples of intelligence are:

- Observations of your behaviour submitted by staff.
- Information passed to HMPPS by another party, such as the police, victims or family members, detailing concerns about your behaviour
- Confirmed information about inappropriate/criminal activity
- Images collected by non-directed CCTV, such as video of a pass of illicit items taking place in a visits hall
- Conversations overheard by, or directly held with a staff member where an someone volunteers information, such as a source of drugs on a wing

Intelligence reports should be rated for the reliability of the source and reliability of the information.

Intelligence reports can have an impact on your sentence and progression.

Intelligence can be considered at important stages such as recategorisation and when making decisions about ROTL. The Parole Board will be provided with your full intelligence record when considering your case. Intelligence may also considered to support general decisions in prison such as cell sharing, work allocations, access to training, etc.

You may not be given full information about intelligence even if decisions are made based on it. If you believe that a piece of intelligence is unfairly preventing you from progressing, you can ask for the 'gist' of this information. If this does not help you can also make a complaint. If you escalate a complaint to the Prison and Probation Ombudsman, they would be given access to your full intelligence record so they can make a judgement about whether to uphold your complaint. There is more information about making complaints in our information sheet *Making a Complaint in Prison*.

There is more information about intelligence reports in the *Intelligence Collection, Analysis and Dissemination Policy Framework*.

Multi-Agency Public Protection Arrangements (MAPPA)

Some people fall under management of MAPPA.

This is when police, probation and prison services work together with other professionals to manage people convicted of violent and sexual offences. The aim is to protect the public from harm.

You will be told if this applies to you.

There are three MAPPA 'categories':

Category One: All Registered Sexual Offenders

Category Two: Violent or other sex offenders not subject to notification requirements

Category Three: Other dangerous offenders

There are also three 'risk levels':

Level 1 - Ordinary agency management is for people who can be managed by one or two agencies (e.g. police and/or probation). It will involve sharing information about the offender with other agencies if necessary and appropriate.

Level 2 - Active multi-agency management is for people who are assessed as needing the ongoing involvement of several agencies to manage them. This involves discussion about their case in regular multi-agency public protection meetings.

Level 3 – This involves the same arrangements as level 2 but is for cases that are likely to require more resources and involvement of senior people from the agencies. For example, surveillance on an offender or emergency accommodation.

If you have a MAPPA assessment it will be used to inform the risk management plan to supervise you in the community.

Will my victims or their relatives have information about my progress?

Victims of violent or sexual crimes will be asked if they want to join the Victim Contact Scheme.

If they join they will be given a Victim Liaison Officer (VLO). The VLO will let them know:

- how long you will be in prison for, if there are any changes to your sentence, and when you could be released
- when you are up for parole and how to make a victim statement at the parole hearing
- how to apply for a licence condition to be considered
- If you request to change a licence condition
- how to challenge a parole decision if the Parole Board decides you are safe to move to open conditions or be released into the community (there is more information about this on page 76).

Victims should not be told the following things without your permission:

- the prison you are in, or the address to which you have been released;
- which treatment or programmes you are doing, and any information on your progress, unless agreed as part of a restorative justice intervention (see below);
- your medical information
- information about your family

Victims can also ask for restorative justice. Restorative justice is a process that brings those harmed by crime, and those responsible for the harm, into communication. The communication could be face-to-face or via letters, or other ways of communicating like videolink.

Restorative justice will only take place if everyone agrees to it, including yourself. You do not have to take part and you can withdraw at any time. If you would like to know more about this speak with your Prison Offender Manager (POM). There is also information in the *Restorative Practice Policy Framework*.

There is more information in PI 11/2013 *Victim Contact Scheme Guidance Manual*.

What can I do if I feel stuck?

There may be times during your sentence that you feel stuck and unable to progress. For example, you may not be able to complete things on your sentence plan from the prison you are in.

These things will often be out of your control, as many of the actions needed to help you progress are the responsibility of the prisons service.

However, there are a few things you could consider trying if you feel like this.

Speak to your Prison Offender Manager

Try speaking with your Prison Offender Manager. Ask them what steps can be taken to help you progress.

If there are delays or waiting lists for a particular intervention or a transfer, ask if they can give you an idea of how long this might be and if there is anything productive you can do in the meantime.

Ask if there are other options you could explore to help you progress. For example, would you benefit from a PIPE or a progression regime if you have not already done so?

Remember that engaging in activities like work and education will be viewed positively even if they are not a specific objective on your sentence plan.

Make a complaint

If you think your progression is being delayed unreasonably and you have tried speaking with your POM, you may want to make a formal complaint. You can do this through the internal complaint system using a COMP1 form.

If you are not happy with the response you can appeal it using a COMP1A form. If you are still not happy after this, you can escalate your complaint to the Prison and Probation Ombudsman (see more info on page 102).

Challenge your records

If you think that your progress is being prevented by things that are factually wrong on your prison records you can ask for this information to be changed...

If there is a fact in your file which is incorrect, you can ask for this information to be changed. The prison service should check this for you. The more important the consequences for you, the more effort they should make to check it is correct.

If a fact is proved to be incorrect, then the prison service should change or delete it. If there is a fact, or opinion in your file you disagree with, but cannot be clearly proved or disproved, staff should make a note on your record that you do not agree with the information.

You can complain about the contents of your file using the normal complaints procedure. If you are not happy with the response you can escalate it to the Prison and Probation Ombudsman (PPO) or ask The Information Commissioner's Office (ICO) to look into it.

Information Commissioner's Office
Casework and Advice Section
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Helpline: 0303 123 1113

You may be able to take a claim to the county court. There is more information on this in Prisoner Advice Service information sheet 'Access to Information'. The ICO may also be able to give more advice about this.

Legal action

It may be worth speaking to a legal adviser to find out if any action can be taken.

Your right to liberty as an indeterminate sentenced prisoner includes the opportunity for you to access rehabilitative treatment or work that will allow you to demonstrate reduced risk. It is advisable to seek legal advice if you believe that your access is being unjustifiably delayed.

If you have a legal adviser dealing with your case already, we suggest speaking to them.

Alternatively, you could contact the Prisoners' Advice Service (PAS) who offer free legal advice and support to adult prisoners throughout England and Wales regarding their human and legal rights, conditions of imprisonment and the application of Prison Law and the Prison Rules.

The PAS Telephone Advice Line is run by caseworkers three days a week.

Tel: 020 7253 3323, 10am-12.30pm and 2pm-4.30pm, Monday, Wednesday and Friday.

Contact our Advice and Information Service

If you feel you are unable to progress it may be worth contacting our service for advice.

We may be able to contact the prison on your behalf and ask them about the current plan to help you progress through your sentence.

To consider whether we can do this we would need to get detailed information and the get your signed consent to contact the prison. Please see our contact details at the end of this booklet.

Chapter 3: The Parole Board and parole reviews

What is the Parole Board?

The Parole Board is the organisation that undertakes parole reviews. It is a court-like body which is independent from the Ministry of Justice.

Parole Board members make decisions about who can be safely released to serve the rest of their sentence in the community.

The Board makes recommendations to the Secretary of State about suitability for a move to open conditions for people serving indeterminate sentences, including people serving life sentences.

What is a Parole review?

Parole reviews are held to make decisions about the following:

- deciding whether to release indeterminate sentence prisoners on or after the end of their tariff
- deciding whether to release some categories of determinate-sentenced prisoners
- deciding whether some recalled prisoners should be re-released
- advising the Secretary of State whether some indeterminate-sentenced prisoners should progress to an open prison
- advising on any other matter relating to release or recall that the Secretary of State refers to the Board

There is more information about parole reviews following recall in chapter 4 of this booklet.

Do I need to have a parole review for release?

If you are serving an indeterminate sentence your release on or after you have served your minimum tariff is determined by the Parole Board.

The Generic Parole Process – an overview

The following two pages give a general overview of the stages of a parole review. There is more information about each stage later in this booklet.

When will my parole review be?

As an indeterminate sentenced prisoner you will be considered for referral to the Parole Board up to 3 years before your tariff end date (TED) – this is known as a pre-tariff review (PTR). You cannot be released through a pre-tariff review but it could result in a recommendation by the Parole Board to the Secretary of State to transfer you to an open prison. There is more information about this on page 66.

The first parole review to consider you for release should start 6 months before your tariff expires. This is your on-tariff review.

If you are not released at your on-tariff review, you will have a further post-tariff review at least every 24 months.

Preparation stage

In the weeks before the parole process starts the following things should happen:

- The Public Protection Casework Section (PPCS) within HMPPS will write to you on behalf of the Secretary of State for Justice (SSJ) to let you know that the parole process is about to start and to advise that you should provide the prison OMU with the details of your legal representative, if you have one. Your legal representative will then correspond with the Parole Board and PPCS on your behalf.
- The PPCS compile the core dossier which contains the required reports about your sentence, offending history, progression and any other important and relevant information that is available. There is more information about your parole dossier on page 68.
- The PPCS will request prisons and probation provide up to date reports about your time in prison. They will also highlight outstanding issues from previous reviews if this is a further review.
- The PPCS will disclose the dossier to you and the Parole Board at the same time. They will set out what the Parole Board is being asked to do – this is called the referral and the terms of review.

Note that your pre-tariff review will follow the same process as above, but cannot lead to release.

The Parole window

The Generic Parole Process starts from your referral by the SSJ and ends with the date of your hearing, or earlier if a decision is made on the papers (see below).

During this period:

- Prison and probation reports are completed and added to the dossier which is then disclosed
- You can submit personal or legal representation
- There will be an initial review called a Member Case Assessment (MCA). There is more information about this on page 70. Your case may be decided on the papers at the MCA stage. If the decision is negative you have a further 28 days to request an oral hearing, if you believe you should have one
- If your case is directed to an oral hearing, at MCA stage or following a request for an oral hearing, witnesses will be contacted and your oral hearing date arranged

There is a detailed description of the Generic Parole Process, including what should have happened by when, in section 3.6 (p.15-21) of the *Generic Parole Process Policy Framework*.

It is important to be aware that the Generic Parole Process is a policy of the Secretary of State for Justice and the Parole Board are not legally bound to conclude a review to any particular time limit.

The decision

The Parole Board must let the prison, your Community Offender Manager and your legal representative know its decision within 14 days of the MCA, or the end of the oral hearing if there is one. The prison must provide you with a copy within one day of receiving it.

Can I get help with my parole review?

Legal representatives

You are strongly advised to ask a legal representative to help you with your parole review.

Ask prison staff for details of legal representatives for you to contact.

You can also find information about legal representatives in Inside Time newspaper or by calling Prison Reform Trust's Advice and Information Service (see final page of this booklet for details).

If you cannot pay for legal advice you may be eligible for legal aid. This means you will get legal representation for free. A legal representative will be able to check this for you and make the necessary application on your behalf if they have a legal aid contract.

Other representatives

If you cannot get a legal representative for any reason, you could also ask a friend or someone else to be your 'representative'.

This person cannot be someone in prison, on licence or with an unspent offence. They cannot be someone who is being held under the Mental Health Act.

You may find the following guides useful:

- Easy Read guide to help prisoners with their parole review
- Easy Read guide to help prisoners prepare for their oral hearing
- The Parole Board booklet "*Getting ready for a parole review without a lawyer - What you need to know*"

If you would like us to send you a copy of any of these, please contact our service using the contact details at the end of this booklet.

Pre-tariff sift and pre-tariff review

The pre-tariff sift

A pre-tariff sift is a decision made by the Public Protection Casework Section (PPCS) following a Sentence Planning Review Meeting (SPRM). The decision is about whether to refer your case to the Parole Board for a pre-tariff review. For PPCS to refer your case there must be a reasonable prospect of the Parole Board making a positive recommendation that you progress to open conditions.

The SPRM should take place 2 months before a pre-tariff review would be expected to begin. You should be told of the date of the pre-tariff sift in advance so you can prepare. You should also be given copies of reports that will be considered.

During the SPRM, staff will look at evidence which suggests that there is a reasonable chance of a positive decision being made by the Parole Board if you are referred for a pre-tariff review. The SPRM report is then sent to the PPCS for consideration.

If PPCS consider that your case has a reasonable prospect of the Parole Board making a positive recommendation, they will then refer to the Parole Board for a pre-tariff review to consider a transfer to open conditions. You should be aware that very few cases are referred by PPCS to the Parole Board.

If it is decided that there is no reasonable prospect that the Parole Board would make a positive decision, then your case will not be referred for a pre-tariff review. Clear reasons for this decision should be recorded.

Some factors may mean that your case is presumed unsuitable for referral to the Parole Board. The *Generic Parole Process Policy Framework (at 5.4.6)* lists the following:

- Exclusion from open criteria is met (see constraint paragraph 4.6.1)
- Category A status
- OASys assessment of high/very high risk of harm
- A proven adjudication for serious violence within the last 12 months

However, if there are exceptional circumstances a referral could still be made.

PPCS will send you a copy of the decision in writing within 10 working days of receiving the SPRM record. If you do not agree with the decision, you can make a complaint using the internal complaints procedure.

You can also speak to a legal adviser about whether there is enough merit in your case to challenge the refusal by PPCS to refer your case to the Parole Board. You can contact Prisoners' Advice Service (PAS) using the details on the following page.

The pre-tariff review

A pre-tariff review is a review by the Parole Board about whether to recommend you for transfer to open conditions in advance of your TED. It only takes place in cases which have been referred to the Parole Board following a pre-tariff sift.

A pre-tariff review should start 3 years before your tariff expiry date. It generally follows the generic parole process as described above on pages 63-64.

The Parole Board can only advise about your suitability for open conditions. The final decision will be made by the PPCS, acting on behalf of the Secretary of State for Justice.

Prisoners' Advice Service have produced a detailed *Self Help Toolkit: The Pre-Tariff Review Process* which includes information about how you can prepare for your sift and review.

If you would like further advice you can also contact PAS on 020 7253 3323, 10am-12.30pm and 2pm-4.30pm, Monday, Wednesday and Friday.

Your parole dossier

What information is included in my dossier?

The following information will be included in your dossier for the Parole Board to consider:

- Reports written by prison and probation staff
- Reports by other staff such as a psychologist or chaplain
- Reports from courses or interventions you have undertaken
- Information about your current and previous offences
- Judges sentencing remarks or comments
- Healthcare reports, if needed and permitted by you
- Prison security or intelligence reports may be included
- There may be a statement from the victim or their family
- Any representations you have included

How do I make representations?

You can send written information to the Parole Board to go in your dossier. These are called 'representations'.

You should ask your legal representative for help with your written representations. If you cannot get a legal representative, you can ask someone else you know to help you.

Representations should be submitted directly to the Parole Board. This should be done within 4 weeks from the date the dossier is disclosed to the Parole Board by PPCS.

In your representations you should include:

- Why you think you are ready to be released or moved to open conditions.
- Why you think you are less of a risk to the public.
- The good things you have done in prison, such as education, offending behaviour courses or responsible jobs you have done.
- What you think about the information in your dossier, including if you think something is factually wrong or if relevant information is missing.
- Whether you think your case should have an oral hearing.
- If there are witnesses who you want to attend and give information about you.

What to do if something in my dossier is incorrect?

If something is wrong in your dossier, you can let the Parole Board know in your representations (see above).

You could speak to your Prison Offender Manager (POM) about this. You could also consider using the internal complaints process if needed.

The prison should try to check the information you are concerned about. If the information is proved to be incorrect, then they should change or delete it. If there is a fact, or opinion in your file you disagree with they should make a note on your record that you do not agree with the information.

Challenge every little thing that you know or believe is wrong in your dossier.

There is more information about challenging inaccurate records and how to get a copy of your record in the Prisoners' Advice Service's information sheet 'Access to Information'.

Non-disclosure

In exceptional circumstances, information may not be shared with you as part of your dossier. This is called non-disclosure.

This is because it is considered to be in the interests of one or more of the following:

- a) National security
- b) The prevention of crime and disorder
- c) The health or welfare of yourself or any other person

There is more information about non-disclosure in : the Handling of Sensitive Information, Including Information Provided by Victims, For the Purpose of Parole Board Reviews Policy Framework.

This is a complex area and you should try to get legal advice regarding this, if you do not already have a representative.

Member Case Assessment (also called ‘on the papers’)

The first stage of a parole review is called a Member Case Assessment (MCA). This is when a Parole Board member reads your dossier to see if there is enough information to make a decision. This is sometimes called making a decision ‘on the papers’.

This is usually done by one Parole Board member but it can sometimes be a multi-member MCA panel.

At this stage they can:

- Direct your release ‘on the papers’
- Make a negative decision, which means they decide not to release you at this time
- Recommend a transfer to open conditions in some cases, if you are eligible
- Decline to recommend that you are transferred to open conditions
- Decide that an oral hearing is needed to hear from you in person or from other witnesses

You will receive a written letter about what decision has been made at this stage.

If you are given a negative decision, it is only provisional and you have 28 days from the date the decision was issued to ask for an oral hearing. You or your solicitor can do this by writing to the Parole Board.

If you do not ask for an oral hearing within 28 days, and if you are serving a qualifying sentence, there are a further 21 days during which the decision remains provisional to allow prisoners or PPCS on behalf of the Secretary of State to submit an application to the Parole Board to have the decision reconsidered. There is more information about the reconsideration mechanism on page 18.

Following this, if no oral hearing or reconsideration (if you are eligible) has been requested, the decision becomes final. You will stay in prison until you are eligible for a further parole review.

Oral hearing

Arranging the oral hearing

When it is decided that an oral hearing is needed, the Parole Board will find a date that everyone can attend. The Parole Board list hearings three months in advance. For example, in January they plan and list hearings for April.

What happens during an oral hearing?

The Parole Board will allocate a panel of members to hear your case. Sometimes panels are only one Parole Board member, but there can also be a panel of between two to four members doing it. One member will be in charge and is called the 'chair'.

For some cases, a specialist member is needed. This could be a psychologist or psychiatrist.

If the hearing takes place in the prison, it will take place in a private room.

When the panel do not come to the prison, they will conduct the hearing using a video link or telephone. This is referred to as a remote hearing. This means witnesses at the prison will see the panel on a TV screen or listen to them over a telephone. Other witnesses may also ask to join in using a video or telephone link.

During the hearing, the panel members will ask you questions about the things you have done to address your offending behaviour whilst you have been in prison and what your plans would be if you are released.

The panel will also speak to other people about your case. These people are called witnesses. They are people who know you and have something to say about your circumstances. This is to get more information and evidence to make their decision.

Panel members will take notes about things that you and other witnesses say. Oral hearings will be recorded with a microphone.

Who else can attend an oral hearing?

There may also be people who are observing the oral hearing. You can ask for someone to observe your oral hearing, such as a member of your family or a friend if that will be helpful for you. Other people may also ask to attend as observers, but you will be notified of this and can give your views to the panel. The panel "chair" will make the final decision about the attendance of an observer.

Sometimes the victim of the crime or a member of their family will attend. They can only read out a previously prepared message called a Victim Personal Statement (VPS).

They cannot ask questions or participate in your hearing and will usually leave once they have read out their statement.

You can decide before the hearing if you want to stay in the room during this part of the hearing. The victim can also say what their preference is about you staying or not and the “chair” will make the final decision about this. Quite often the victim will read out their statement via a video link or over the telephone and will not come to the prison. In some cases, the VPS will be read out by someone else on behalf of the victim, such as the prison chaplain.

Public parole hearings

From 21 July 2022, parole hearings can be held in public if an application has been made and the Parole Board decides to allow it. Prisoners, victims, the media or the wider public may make an application.

Any applications may not be made later than 12 weeks before the date allocated for the oral hearing.

Once an application is received, the Chair of the Parole Board will invite representations from parties involved in the case including the prisoner, the Secretary of State and victims.

The Chair of the Board will assess each application taking into consideration the factors described on the following page. Once the Chair has made a decision, the Parole Board will publish its decision.

The Parole Board have published *Guidance for Applications for Public Hearings*, which includes factors that will be considered when making the decision, such as:

- Whether it will be in the interests of justice for the hearing to be held in public;
- Whether witnesses (including the prisoner) will be able to give their best evidence if the hearing were to be held in public;
- Whether a public hearing might compromise the Parole Board’s ability to carry out its core function, which is to assess risk on all the evidence;
- Whether there are any particular special features in the case (which set it apart from other cases) which may add to proper public understanding of the Parole system and public debate about it and which particularly warrant a public hearing;
- the wishes of the victim(s);
- the (informed) wishes of the prisoner;
- any significant risks of inhibiting open and honest discussion during the hearing;

For a full copy of this guidance please contact our Advice and Information service.

Adjournments and Deferrals

Panels can decide to adjourn or defer completion of a case if it is necessary to do so. This will likely result in some delay to your parole review.

To adjourn means to postpone completion of the review to a specified future date with the same panel retaining responsibility; the panel will have reviewed the parole papers or taken some evidence at an oral hearing.

To defer means to postpone completion of the case to a fresh panel at a future date. The panel will have not started reviewing the case.

When deciding whether an adjournment or deferral is necessary, panels will consider:

- if extra information is needed and when this information will be available by
- if the information is likely to affect a decision about the need for an oral hearing or is likely to influence the eventual parole outcome.

If not, then a decision to adjourn or defer should generally be avoided, as this can cause unnecessary delay to a review.

Adjournments and deferrals should not usually be more than four months from the date of the panel unless there are exceptional circumstances.

You might wish to ask the panel to defer or adjourn your case if there is something important that you need to complete or provide to help your case. The panel will consider your request as mentioned above.

There is more information about this in the Parole Board *Adjournments and deferrals guidance* July 2020.

What are decisions based on?

This is the release test set out in law that the Parole Board must follow when making decisions:

'The Parole Board must not give a direction for release unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined'

To make this decision, they will be looking for evidence of how you have reduced the risk of serious harm from the time the offence was committed to now, such as:

- What was the situation that led to your offending?
- Have you learnt from what happened?
- Have you addressed any issues that may have contributed? (i.e. drugs and alcohol dependency)
- How would you act differently?
- Have you done any programmes?
- What has your behaviour been like in custody?

They will also be looking at the risk management plan for your release. They will look at things like:

- How will you cope?
- Where will you live?
- What support do you have?
- Will you have a job?
- What is your relationship like with your Community Offender Manager?
- Will you be honest and open?
- What licence conditions are being proposed to manage your risk in the community?

In order to explain this more easily, the Parole Board has produced a *Decision-making Framework*. You can ask someone in the prison to give you a copy or contact our Advice and Information Service using the information at the back of this document.

The decision

The Parole Board must let the prison, PPCS, your Community Offender Manager and your legal representative know their decision within 14 days of the end of the oral hearing.

The prison should give you a copy of the decision within one day of receipt.

When the parole review is finished, anyone can ask for a summary of your parole decision. This includes victims and journalists. These summaries are called 'summary decision letters'. There is more information in the *Parole Board Decision Summary Policy (October 2019)*.

Reconsideration of Parole Board Decisions

Where the Parole Board makes a decision regarding release of someone serving an indeterminate sentence the decision will remain provisional for 21 calendar days from the date of issue to allow prisoners or PPCS on behalf of the Secretary of State to submit an application to the Parole Board to have the decision reconsidered. Otherwise, the decision will be final once the 21 calendar days have expired.

A decision regarding a recommendation for open conditions is not eligible for reconsideration.

Who can apply for reconsideration?

Only the prisoner or the Secretary of State can apply to the Parole Board for reconsideration.

However, a victim or member of the public can also make a case to the Secretary of State to ask for a decision to be reconsidered, if there is a serious concern about the decision. PPCS, on behalf of the Secretary of State, will decide whether to submit an application to the Parole Board.

An application for reconsideration must be received within 21 calendar days of the initial decision being issued. The initial decision will be made final if there have not been any applications within 21 calendar days.

You may be able to request an extension of the application window. If you do not have legal representation and want to make a request, prisons must ensure that the extension request is emailed to Reconsideration@paroleboard.gov.uk within one working day of receipt. Late applications are unable to be accepted and so it is important your application is submitted promptly, and within the 21 calendar days.

You may also be able to request a reduction of the reconsideration window if there is an exceptional reason for your release before the end of 21 days. Such requests will only be granted in exceptional circumstances.

The Secretary of State can also make requests to extend or reduce the application window. You will be notified if this happens.

Reasons for reconsideration

You can ask for a parole decision to be looked at again by the Parole Board if you have reasons to show the decision is either:

- Procedurally unfair - the correct and fair process was not followed in the review of the offender for parole - for example, important evidence was not shared
- Irrational - the decision makes no sense based on the evidence of risk that was considered and that no other rational panel could come to the same conclusion.

How prisoners can apply

You can apply for a decision to be reconsidered yourself, or through your legal representative.

If you do not have legal representation and wish to submit an application for the decision to be reconsidered by the Parole Board, prisons must ensure that the application is emailed to Reconsideration@paroleboard.gov.uk within one working day of receipt.

The reconsideration decision

The Parole Board will decide if the decision should be reconsidered. This generally takes a further 21 to 28 days.

If it meets the criteria for reconsideration, the case will be sent for another parole review, which will be arranged as a priority.

All reconsideration decisions are given in writing and are published online at baili.org.

Other ways to challenge the decision

You could also consider requesting that a Judge in Court looks at your decision by asking for a Judicial Review of your decision.

There is more information in Prisoners' Advice Service Information sheet about *Judicial Review* – please contact our service using the details at the end of this booklet if you would like us to send you a copy of this.

Parole Board power to set aside final decisions

Since 21 July 2022 the Parole Board has the power to 'set aside' a final decision about release on application of a third party or on initiation of the Chair of the Parole Board.

It is a separate process from the reconsideration mechanism. The power to set aside a decision applies once a decision becomes final, and therefore takes place after the window for reconsideration has closed.

The *Generic Parole Process Policy Framework* includes details about this change – the following details are taken from this document.

A final decision can be set aside if the case meets the following criteria:

- There has been an error of law or fact (where the proceedings were unlawful or relied on factually incorrect information) and the Parole Board made a decision, which they determine would not have been made were it not for the error, or
- Where a direction given by the Parole Board for the release of a prisoner, which the Parole Board determines it would not have given if:
 - i) It had received information that was available but that was not provided to the Parole Board when they made the decision, or,
 - ii) a change in circumstances relating to the prisoner, that occurred after the decision was issued, had occurred prior to the decision being made.

Setting aside a direction to release

Where the probation service or prison determines that a case meets the criteria for the Parole Board to set aside their decision, they must inform Public Protection Casework Section (PPCS). PPCS will assess whether the request meets the criteria for the decision to be set aside and will decide whether an application should be made to the Parole Board.

PPCS (on behalf of the Secretary of State) has 21 calendar days to apply to the Parole Board for the decision to be set aside where it believes that an error of fact or law was made.

PPCS (on behalf of the Secretary of State) has up until the prisoner is released from custody to apply to the Parole Board for the decision to be set aside where it believes that there is new information or a change in circumstances.

If the Parole Board become aware of information that may prompt the need to set aside the original decision, they have the power to commence this process themselves.

Setting aside a direction not to release

If the Parole Board makes a direction not to release you, you (or your legal adviser) can apply to Parole Board for the final decision to be set aside. The Secretary of State can also request this.

The Parole Board has the power to set aside a final decision, where there has been an error of law or fact and the Parole Board made a decision, which they determine would not have been made were it not for the error.

You should speak to your legal adviser if you think this applies to you. You can also speak to your Offender Manager.

To apply you can write directly to the Parole Board to apply for them to set aside their decision, or you can ask your legal adviser to do this.

Write to: The Parole Board for England and Wales
 Floor 3
 10 South Colonnade
 Canary Wharf
 London
 E14 4PU
 United Kingdom

Email: settingaside@paroleboard.gov.uk.

The Secretary of State or the prisoner has 21 calendar days to apply to the Parole Board for the decision to be set aside where it believes that an error of fact or law was made.

If a decision is set aside

If a decision is made to set aside a final decision, the decision maker should also direct that the case should be:

- a) decided again on the papers by the previous panel or a new panel or
- b) decided again at an oral hearing by the previous panel or a new panel.

What happens if the Parole Board directs release?

If the Parole Board has directed release, and the decision becomes final (i.e. if no reconsideration request is made within 21 days as per the reconsideration mechanism above or if an application has been rejected), the PPCS must then arrange a release date with the prison and probation in accordance with your release plan.

If the decision has been made before your Tariff Expiry Date (TED) or Parole Eligibility Date (PED) then release must take place on an agreed date as soon as practicable after this date.

If the TED/PED falls on a weekend or bank holiday, then the release must be arranged for the working day before.

If the release decision has been issued after the TED/PED, then arrangements must be made once licence and associated documents have been prepared.

If your release plan includes residence in Approved Premises, then PPCS must be satisfied that a bed space is available before release.

PPCS are responsible for preparing and issuing the licence and associated documents. The prison must provide you with a copy of your licence and associated documents no later than on the day of release.

Can I make a complaint to the Parole Board?

You can complain to the Parole Board if you feel that someone on the panel behaved unprofessionally or inappropriately. You can also complain about poor service which may include concerns about delay, discourtesy or other failings.

However, the Parole Board cannot accept complaints about the decision itself. You can also ask a legal representative for advice about this.

Send your complaint to:

The Complaints Officer
The Parole Board for England and Wales
Floor 3
10 South Colonnade
Canary Wharf
London
E14 4PU
United Kingdom

Email: complaints@paroleboard.gov.uk

You should speak to a legal representative for advice on all of the above.

Chapter 4: Release on life licence

Preparing for release

Your Prison Offender Manager and Community Offender Manager will help you prepare for release as part of the process of risk management planning and preparing for parole.

Risk management plan

Risk management planning is an important part of preparing for your return to the community.

Your risk management plan is a plan of actions to be taken to address identified risks you are assessed to pose. It is based on risk on the risk and protective factors identified in the risk assessment and sentence planning process.

Your risk management plan is key consideration for the Parole Board when deciding whether to direct release. It will inform what conditions are included on your licence.

Risk management plans include:

- **Supervision** - This is about the contact you have with your offender managers and other agencies which you are required to maintain contact with.
- **Monitoring / Control** - This is about steps taken to restrict your ability to offend and to monitor you. For example, by restricting access to certain places or people. These steps are also called 'external controls'.
- **Interventions** – the risk management plan will include interventions such as accredited programmes which develop skills and strategies to help you manage risk yourself.

These skills and strategies are also called 'internal controls', and include:

- avoidance – e.g. of specific triggers for offending behaviour;
- involvement in other activities to 'divert' away from offending and
- cognitive skills – understanding consequences of behaviour, identifying reasons not to offend, learning to negotiate or be assertive.

Developing internal controls is an important protective factor which can help with longer term reduction in risk.

- **Victim safety planning** - These are the plans to keep known or potential victims safe.

Preparing for your release will include thinking about the following things:

Accommodation

If you have somewhere you can live, for example your own accommodation or staying with a family member, your COM will need to check it is suitable for you to live there. This will mean thinking about whether there are any risks related to this address – for example if it is with or close to a victim, or whether other people who live there are able to support you.

If you do not have permanent accommodation for release, your POM and COM may refer you to resettlement services within the prison, or help make referrals to local housing providers. This will be different in different areas so you should speak to your COM about what might be available. Information in our *Resettlement information sheet* may also be useful.

The final decision about accommodation is down to your COM and the Parole Board. They may decide that the accommodation that is available to you is deemed to be unsuitable.

Your COM can include residing in Approved Premises as part of the residence conditions of your licence. They might do this if they think it will help to manage any risks when you return to the community. You can find more information in our Approved Premises information sheet, and in PI 32/2014 Approved Premises.

Employment

Your COM should help you consider if you need to look for work after your release.

You may be able to use Release on Temporary License to engage in paid employment before release or to search for jobs.

Make as many links as you can while you are in prison for potential work and support to help when you are released. Also start saving for your eventual release as soon as possible - it is never too early to have your release in mind!

Health and social care needs

If you have health or social care needs which you will need help with after release, your COM and POM should work with prison-based services such as health care and community providers to link you to support services on release.

Licence after release

What does being on licence mean?

When you are released you will be 'on licence'.

This means you have an allocated Community Offender Manager and conditions which you must follow– otherwise you could be returned to prison.

Being on licence is sometimes called being 'on probation' or 'under supervision'. Your Community Offender Manager is sometimes called your 'probation officer' or your 'supervising officer'.

How long will I be on licence?

You will be on licence for life after you are released from custody.

What are licence conditions?

Licence conditions are the rules which you must follow when you are on licence. If you do not follow these conditions you could be returned to prison. This is called being recalled. Your licence conditions will be proposed by your Community Offender Manager (COM) but will be agreed by the Parole Board. In some cases, the final decision will be for the Secretary of State to make.

Your licence conditions will be written on your licence document which you will be given before you are released.

There are standard licence conditions which apply to everyone. There are also additional licence conditions which can be requested if your COM thinks they are needed.

Licence conditions are covered in detail by the *Licence Conditions Policy Framework*.

Standard licence conditions

The following are standard licence conditions and will be on every licence.

During your licence period you must:

- a) *be of good behaviour and not behave in a way which undermines the purpose of the licence period;*
- b) *not commit any offence;*
- c) *keep in touch with the supervising officer in accordance with instructions given by the supervising officer;*
- d) *receive visits from the supervising officer in accordance with instructions given by the supervising officer;*
- e) *reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address;*
- f) *not undertake work, or a particular type of work, unless it is approved by the supervising officer and notify the supervising officer in advance of any proposal to undertake work or a particular type of work;*
- g) *not travel outside the United Kingdom, the Channel Islands or the Isle of Man except with the prior permission of your supervising officer or for the purposes of immigration deportation or removal.*

Additional licence conditions

You may also have additional licence conditions if your Community Offender Manager requests this and the Parole Board agrees it is necessary and proportionate to do so.

The following categories of licence condition could be added to your licence:

- 1) *residence at a specified place;*
- 2) *restriction of residency;*
- 3) *making or maintaining contact with a person;*
- 4) *participation in, or co-operation with, a programme or set of activities;*
- 5) *possession, ownership, control or inspection of specified items or documents;*
- 6) *disclosure of information;*
- 7) *curfew arrangement;*
- 8) *freedom of movement;*
- 9) *supervision in the community by the supervising officer, or other responsible officer, or organisation.*
- 10) *restriction of specified conduct or specified acts;*
- 11) *extremism;*
- 12) *polygraph condition*
- 13) *drug testing conditions*
- 14) *electronic monitoring conditions*

Within each category there are different types of licence condition which your COM could request. You can find these in the *Licence Conditions Policy Framework*.

The Parole Board must agree that any request for additional licence conditions made by your COM is both necessary and proportionate. The *Licence Conditions Policy Framework* defines this criteria in the following way:

Necessary: Any licence condition requested must have been identified as a way to manage a specific risk or issue posed by the individual, without limitation to the current index offence;

Proportionate: Any licence condition must be the least intrusive means of enabling that management.

Some victims have the right to have their views considered about what conditions they think you should be subject to, and to be told about relevant conditions which are included in your licence. There is more information about this in the *Licence Conditions Policy Framework*.

Approved Premises

Your COM can include residing in Approved Premises as part of the residence conditions of your licence. They might do this if they think it will help to manage any risks when you return to the community.

Refusing to stay at an Approved Premises would be considered a breach of your licence and you could be recalled to prison. You can find more information in our *Approved Premises* information sheet, and in PI 32/2014 *Approved Premises*.

Use of computers and mobile phones

Under additional condition 5) there are a number of restrictions which could be added to your use of devices such as mobile phones and computers.

For example, you may not be allowed to have more than one mobile phone, or any device with a camera function. You may be expected to make devices such as computers and phones available for inspection and told not to delete internet history information. You may be restricted from using any computer or device which is internet enabled without the prior agreement of your COM.

Exclusion zones

You may have an exclusion zone included in your licence. This means you cannot enter a specific area whilst on licence. This could be based on where previous victims live or locations that are linked to offending behaviour. The *Licence Conditions Policy Framework* states that 'exclusion zones must have clear boundaries that can be understood on the ground.'

You should speak to your COM if you do not understand an exclusion zone or have a concern about access to something within it such as a hospital or family members.

Alcohol

Alcohol Monitoring (AM) conditions are available for adults where alcohol is considered a risk factor in their offending and for any sentence type which has at least 30 days remaining on the licence period.

There are two types of alcohol monitoring licence conditions:

- You must not drink any alcohol until [licence end date]. You will need to wear an electronic tag all the time so we can check this.
- You will need to wear an electronic tag all the time until [licence end date] so we can check how much alcohol you are drinking, and if you are drinking alcohol when you have been told you must not. To help you drink less alcohol you must

take part in any activities, like treatment programmes, your probation officer asks you to.

An alcohol tag is a device that is securely fitted to your ankle. It monitors for the presence of alcohol by taking a sample of sweat every 30 minutes, 24 hours a day. The information is uploaded to the Wireless Base Station, which will occur at an agreed time daily. The information from the tag will show if you have been drinking alcohol, or if you have attempted to obstruct or remove the tag.

Even if you do not have an Alcohol Monitoring condition, you should be aware that the condition to 'be of good behaviour' could be enough to justify recall if your behaviour after consuming alcohol increases the risk of serious harm so that it is unmanageable in the community. You should also be aware that complying with alcohol testing could be a condition of an Approved Premises. Being evicted from an Approved Premises for consuming alcohol could result in being recalled to prison.

Terrorism/Extremism Related Licence Conditions

Your COM may request use of specific terrorism/extremism related conditions if they believe you pose a risk in this area. You do not have to have been convicted of a terrorist or extremism related offence. There is more information about these conditions and their use in Annex A of the *Licence Conditions Policy Framework*.

Polygraph examinations

Polygraph examinations can be included as a licence condition for people convicted of relevant sexual offences and people convicted of relevant terrorist and terrorist connected offences. There is more information in the *Polygraph Examinations Policy Framework*.

Drug testing

A drug testing condition can only be added if you have a history of misusing illegal drugs and there is a reason to believe that this is linked to offending behaviour. There is more information in PSI 32/2014 *Drug appointment and drug testing*.

Electronic monitoring

Electronic monitoring, also known as 'tagging', is used to monitor conditions such as curfews and exclusion zones. It means having a 'tag' attached to you, usually on your ankle, and a monitoring unit installed in your agreed place of residence.

The Electronic Monitoring Service (EMS) will check the information from your tag and tell your COM if there is any indication you are breaching your licence condition. If you

have any problems or questions about your electronic tag, you should contact EMS on 0800 137 291.

Electronic monitoring can now be included as a licence condition for a wider range of people, including with indeterminate sentences.

Bespoke conditions

Your supervising officer may decide that the wording of the standard or additional licence conditions are not enough to manage a specific risk. They may make an application to the Public Protection Casework Section (PPCS) for a bespoke condition to be used.

Can I travel abroad whilst on licence?

Temporary travel abroad

The standard licence conditions mean that if you want to travel abroad for any reason including a seeing family, for business reasons, or for a holiday, you must get permission from your offender manager first.

You should be aware that it can be difficult to get permission to travel abroad, particularly in the early stages of your licence.

The *Travel and Transfer on Licence and PSS Outside of England and Wales Policy Framework* sets the following criteria for temporary travel abroad:

- A. Does the individual need to travel abroad to undertake the activity?
- B. Will the benefits to the individual of travelling abroad be realised if the travel is deferred until after the end of the licence and PSS period (for individuals subject to determinate sentences) or suspension of the supervision element of the licence (for individuals subject to indeterminate sentences)?;
- C. Are travel or activities carried out abroad connected or potentially connected to the individual's index offence (e.g. importation of drugs; fraud involving companies set up outside of the United Kingdom; human trafficking)?;
- D. Will the travel interfere with the sentence plan or:
 - 1. During a licence period: increase any risk of re-offending or risk of serious harm, including risk of serious harm to prior victims, or risk to the individual themselves?;
 - 2. During a PSS period: deter from the rehabilitation of the individual, and interfere with the reestablishment of family/community ties?;
- E. Will the travel interfere with reporting requirements or attendance at offending behaviour programmes or interventions?;
- F. Have there been any concerns regarding a lack of compliance or any escalation in risk of reoffending or risk of serious harm in the past 12 months?;
- G. Is the Senior Manager satisfied that the individual can be trusted to return and resume the supervisory period?

Note that the Policy Framework states that 'there is an expectation with both types of external travel that the individual will have been in the community for a period sufficiently long enough that the understanding of risk can be updated and so more accurately considered against the criteria for travel where needed.'

For individuals subject to indeterminate sentences, the Policy Framework states that the request must be considered in relation to the estimated time until the suspension of supervision instead of the end of the licence and/or PSS period.'

Permanent resettlement abroad

If you would like to resettle outside of England and Wales whilst you are on licence you must make a request to your offender manager. It can be very difficult to get permission to do this and you do not have an automatic right to do so.

The *Travel and Transfer on Licence and PSS Outside of England and Wales Policy Framework* sets out the following criteria:

A. Does the individual hold the nationality or have strong residential ties in the place s/he wishes to resettle, including, but not limited to, any compassionate reasons? If the answer to criterion a is 'no' then the application should be refused.

B. Is the individual's index offence connected or potentially connected with the country s/he wishes to resettle in, or is generally connected with overseas activities? (e.g. fraud involving companies set up outside of the United Kingdom; sexual offences against children and wishes to travel to a country known for child sexual exploitation; people trafficking; extremism with potential or actual international links). If the answer to criterion b is 'yes', then the application should be refused.

C. Would the protection of the public (including victims), reduction in the risk of reoffending and rehabilitation of the individual be undermined by such resettlement? If the answer to criterion c is 'yes', then the application should be refused.

D. Have there been any concerns regarding a lack of compliance or any escalation in risk of reoffending or risk of serious harm in the past 12 months?; If the answer to criterion d is 'yes', then the application should be refused.

If you are considering making a request there is more information in the Policy Framework.

There is also a very helpful explanation on Unlock's Information Hub titled *Resettling abroad whilst on licence*.

<http://hub.unlock.org.uk/knowledgebase/travelling-licence/>

Suspension of supervision condition

Your Community Offender Manager (COM) may consider requesting the suspension of the supervision conditions of your licence after 10 years of 'continuous, trouble free resettlement and good behaviour in the community, and, where appropriate, any additional conditions of the licence, due to good progress'.

The *Managing Parole Eligible Offenders on Licence Policy Framework* adds that 'exceptional applications' can be made before these time frames, but it is for Lifer Panels to consider whether exceptional circumstances apply in individual cases.

To make a request for suspension of supervision your COM must make an application to the Parole Board through the Public Protection Casework Section (PPCS). They can only do this with the endorsement of the Lifer Panel and sign off from the responsible Head of Service/Local Delivery Unit (LDU) or equivalent.

Any representations from victims will also be considered before deciding whether to agree an application to the Parole Board. PPCS are responsible for formally referring the case to the Parole Board. The Parole Board will make the final decision on whether supervision should be suspended.

To be able to recommend suspension of supervision, your COM must be able to evidence the following:

- a stable lifestyle, good integration, a balanced outlook and an open relationship with the Supervising Officer;
- gradual reduction in the requirement for contact with the NPS/YOT;
- crises, if any, having been faced and dealt with sensibly, with proper involvement of the Supervising Officer; and
- an indication that the licensee would turn to the NPS/YOT for assistance on a voluntary basis if necessary.

You should be given the opportunity to make your own representations when an application is made to suspend supervision. There is a space on the representation form for you to do this – ask your COM about this if you are not sure when or how to do this. You can also ask a legal representative to make representations on your behalf.

If an application is unsuccessful then the approval of the Lifer Panel will be needed before submitting another application. The Policy Framework recommends that the COM wait a further 12 to 18 months before they make a further application.

It is important to be aware that any suspended conditions may be re-imposed at any time, subject to Parole Board approval, if your COM believes that your behaviour gives cause for concern. You could also still have your licence revoked and be recalled to prison in these circumstances.

There is more information about suspension of supervision in the *Managing Parole Eligible Offenders on Licence Policy Framework*.

What can I do if I am unhappy with my licence conditions?

If you are unhappy with a licence condition you can:

- Ask to speak with your Community Offender Manager

It may be helpful to explain to your Community Offender Manager why you are unhappy with the conditions and see if they will reconsider this.

If your COM thinks it is necessary to change your licence conditions they can apply to Public Protection Casework Section (PPCS) who will refer this to the Parole Board for a decision. This is called an application for 'licence variation'.

There is more information about the process of application for licence variation in the *Managing Parole Eligible Offenders on Licence Policy Framework*.

- Make a complaint about the licence condition

If you have spoken to your Community Offender Manager and still think your licence conditions are unnecessary or disproportionate, you can make a complaint. Your initial complaint should be made to the relevant probation service. Our information sheet about *Probation Complaints* has more information about how to do this.

If you are still unhappy after following the internal complaints process you can then ask the Prison and Probation Ombudsman to investigate it.

- Get legal advice

It may be worth speaking to a solicitor to see if you can get any legal support challenging licence conditions. If you are in prison and need details of local solicitors, our Advice and Information Service can look for this information for you.

What happens if I do not follow my licence conditions?

If you do not follow your licence conditions you could be returned to prison. This is called being 'recalled'.

Recall

What does being recalled mean?

Being recalled means you are returned to prison. This can happen if your COM deems that you have breached your licence conditions and are no longer manageable in the community.

Your Community Offender Manager will make a request to the Public Protection Casework Section (PPCS) if they think you need to be recalled. PPCS decide if you should be recalled.

If the decision is made to recall you, your licence will be cancelled. This is known as having your licence 'revoked'.

The police will be informed, as well as your probation service and the prison you were released from. You will be arrested and returned to prison.

If you avoid being returned to prison it is called 'remaining unlawfully at large'. This is an offence and you could be prosecuted and get up to a 24 months' prison sentence.

Upon recall to prison you can be held indefinitely in custody. Your release can only be directed by the Parole Board.

Considerations for recall

The *Recall, Review and Re-Release of Recalled Prisoners* Policy Framework gives details about the things that should be considered when deciding whether to request recall of someone serving an indeterminate sentence.

Your Community Offender Manager must show that there is some link between your current behaviour and your behaviour at the time of the index offence.

COMs must meet one of the following criteria when assessing whether to request the recall of someone serving an indeterminate sentence:

- i. Exhibits behaviour similar to behaviour surrounding the circumstances of the index offence;
- ii. Exhibits behaviour likely to give rise (or does give rise) to a sexual or violent offence;
- iii. Exhibits behaviour associated with the commission of a sexual or violent offence; or
- iv. Is out of touch with the offender manager and the assumption can be made that any of (i) to (iii) may arise.'

As well as meeting at least one of the above criteria, Community Offender Managers 'must ensure that there is evidence of increased risk of harm to the public'.

The decision to recall must be based on your behaviour whilst on licence.

If there is an allegation of further offending, your Community Offender Manager can request recall based on your reported behaviour even if you have not been charged or if a police investigation is still taking place.

The Policy Framework also says:

'The test for recall does not require the criminal standard of evidence, and it is instead based on the Community Offender Manager's professional judgement as to whether, on the balance of probabilities, the reported behaviour has taken place.'

What happens after I am recalled?

You should be told the reasons for being recalled. This information is in paperwork called your 'recall dossier'.

Your recall dossier is given to the prison by PPCS. This should happen within one working day of PPCS being told that you have been returned to custody

The prison should then give you a copy. This should happen within one working day of the prison receiving the recall dossier from PPCS.

Re-release after recall

If you have been recalled on an indeterminate sentence your re-release can only be directed by the Parole Board.

The process is similar to Generic Parole Process for indeterminate prisoners, but over a shorter period of time.

It is important to speak to a solicitor as soon as possible to get help with this. You should be given a list of legal aid lawyers. You should also be given the opportunity to make a legal telephone call within two working days of receiving the recall dossier.

The first stage of the review is a Member Case Assessment. This is when one Parole Board member reads your dossier to see if there is enough information to make a decision. This is sometimes called making a decision 'on the papers'. You or your legal representative can make representations to argue for a decision to re-release you or direct an oral hearing.

You will receive a written letter about what decision has been made at this stage.

If you are given a negative decision, you have 28 days from the date of the decision to ask for an oral hearing. You or your solicitor can do this by writing to the Parole Board. If you do not ask for an oral hearing within 28 days, the decision becomes final and you will stay in prison until you are eligible for a further parole review.

If the Parole Board does not direct release, the Public Protection Casework Section will confirm the date of your next review. This must be within two years but could be sooner.

There is more information about Parole Reviews in Chapter 3 of this booklet.

Further information

The following may be of interest to you. If you are unable to access them elsewhere, feel free to contact our Advice and Information Service and we will be happy to send you a copy – though please note that we can only send 3 or 4 documents at any one time due to printing and postage costs.

Useful policy documents_(these should be available in the library)

- PSI 19/2014 *Sentence planning*
- PSI 05/2016 *Faith and Pastoral care for Prisoners*
- PSI 18/2016 *NOMS Public Protection Manual*
- PSI 08/2013 *The Review of Security Category – Category A / Restricted Status Prisoners*
- PSI 09/2015 *The Identification, Initial Categorisation and Management of Potential and Provisional Category A / Restricted Status Prisoners*
- PSI 32/2014 *Drug appointment and drug testing*
- PI 32/2014 *Approved Premises*
- *Implementation and use of OASys Sexual reoffending Predictor (OSP) Policy Framework*
- *Managing the Custodial Sentence Policy Framework*
- *Generic Parole Process Policy Framework*
- *Enhanced Behaviour Monitoring Policy Framework*
- *Intelligence Collection, Analysis and Dissemination Policy Framework*
- *Licence Conditions Policy Framework*
- *Polygraph Examinations Policy Framework*
- *Managing Parole Eligible Offenders on Licence Policy Framework*
- *Recall, Review and Re-Release of Recalled Prisoners Policy Framework*
- *Travel and transfer on licence and PSS outside of England and Wales Policy Framework*
- *Security Categorisation Policy Framework*
- *Release on Temporary Licence (ROTL) Policy Framework*
- *Handling Sensitive Information Policy Framework*
- *Restorative Practice Policy Framework*

Information sheets

Other information sheets produced by Prison Reform Trust

Please also see order form at back of this booklet which you can tear off and send to us

- Life inside Prison information pack
- Health and wellbeing information pack
- Security and Discipline information pack
- Information sheet for people maintaining innocence
- Information sheet about Release on Temporary Licence (ROTL)

Prisoners' Advice Service information sheets and toolkits

Self Help Toolkit: *The Pre-Tariff Review Process*

Self Help Toolkit: *Category A reviews*

Information sheet about *Judicial Review*

Information sheet about *Parole*

Information sheet about *Release, Licence and Conditions*

Information sheets about Categorisation – Men and Categorisation-Women

Information sheet about *Access to Information*

The Parole Board

Easy Read guide to help prisoners with their parole review

Easy Read guide to help prisoners prepare for their oral hearing

The Parole Board booklet: *Getting ready for a parole review without a lawyer - What you need to know*

The Parole Board booklet: *Information for family and friends of prisoners having a parole review*

The Parole Board: Decision-making Framework

The Parole Board: information for victims of crime

The Parole Board: Adjournments and deferrals guidance July 2020

Non-disclosure guidance for Parole Board members

The guides above are available from the online at

www.gov.uk/government/organisations/parole-board

Glossary of acronyms

AM – Alcohol Monitoring

ARMS – Active Risk Management System

BPS – British Psychological Society

CCRC – Criminal Case Review Commission

COM – Community Offender Manager

CSAAP – Correctional Services Accreditation and Advisory panel

CSAAP – Currently Accredited Programmes

DART – Drugs and Alcohol Rehabilitation Treatment

DDC – Deputy Director of Custody

EBM – Enhanced Behaviour Monitoring

ELM – Electronic Monitoring Service

HCPC – Health and Care Professions Council

HMPPS – His Majesty's Prisons and Probations Service

ICO – Information Commissioner's Office

IMB – Independent Monitoring Board

IPP – Imprisonment for Public Protection

IR – Intelligence Report

ISP – Indeterminate Sentenced Prisoners

LAP – Local Advisory Panel

LDU – Local Delivery unit

MAPPA – Multi Agency Public Protection Arrangements

MCA – Member Case Assessment

MOJ – Ministry of Justice

NPS – National Probation Service

OASYS - Offender Assessment System

OGP - General reoffending Predictor

OGRS – Offender Group Reconviction Scale

OMiC – Offender Management in Custody

OMU – Offender Management Unit

OPDP – Offender Personality Disorder Pathway

OSP – Sexual reoffending Predictor

OVP – Violence Predictor
PAS – Prisoners Advice service
PD – Personality Disorder
PED – Parole Eligibility Date
PF – Policy Framework
PGD – Prison Group Director
PIPE – Psychologically Informed Planned Environment
POM – Prison Offender Manager
PPCS – Public Protection Casework Section
PPCS – Public Protection Casework Team
PPO – Prison and Probation Ombudsman
PR – Progression Regime
PRT – Prison Reform Trust
PSI – Prison Service Instruction
PSO's – Prison Service Orders
PSS – Post Sentence Supervision
PTR – Pre-Tariff Review
ROSH – Risk of Serious Harm
ROTL – Release on Temporary Licence
RSR – Risk of Serious Recidivism
SARA – Spousal Assault Risk Assessment
SMART – Smart: Measurable: Achievable: Realistic: Timebound (used when setting targets)
SPJ – Structured Professional Judgment
SPRM – Sentence Planning Review Meeting
SSJ – Secretary of State for Justice
TED – Tariff Expiry Date
TSP – Thinking Skills Programme
VLO – Victim Liaison Officer
VPS – Victim Personal Statement
YOI – Young Offenders Institution
YOT – Youth Offending Team

Organisations you can call from prison

Below are some organisations that you can call from prison that you might find helpful.

The phone numbers of these organisations are automatically cleared in prison. This means you can call them without having to add them to your PIN. Be aware that you will still be charged for calling these numbers unless the number is a freephone number.

We have a more detailed list of cleared number in our information sheet about *'Helplines and other cleared numbers in prison'*

Equality Advisory Support Service

The EASS helpline is open Monday to Friday 9am to 7pm and Saturday 10am to 2pm.

Freephone Telephone - 0808 800 0082

<http://www.equalityadvisoryservice.com/app/ask>

Information Commissioners Officer (ICO)

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

If you have concerns about an organisation's data protection practices, you can report it to the ICO.

Tel: 0303 123 1113 9am-5pm, Monday to Friday

Prisoners' Advice Service

The PAS Telephone Advice Line is run by caseworkers three days a week. An answer phone service operates at all other times.

Tel: 020 7253 3323, 10am-12.30pm and 2pm-4.30pm, Monday, Wednesday and Friday.

Howard League

The Howard League's legal team runs a free, confidential legal service that can be accessed through our helpline. The number is free to call for young people, including those in prison. Anyone can call the advice line if they think they have a problem that might have a legal answer.

Tel: 0808 801 0308, Monday and Tuesday: 9.30am to 2pm, Thursday and Friday: 9.30am to 12pm

Prison and Probation Ombudsman (PPO)

You can contact the Prisons and Probation Ombudsman if you have already tried to solve a complaint with prison staff and you are still not happy.

The ombudsman does not work for the prison. Their job is to look at complaints from prisoners about their management, supervision, care and treatment.

Tel: 020 7633 4100 or 0845 010 7938 or 020 7633 4149

Please note there is more detail about what PPO do and how to contact them in our information sheet '*How to make a complaint in prison*'.

Legal

Bar Council

Providing direct access to the public to find and instruct a barrister.

Tel: 020 7242 0082 10am-4pm Monday, Tuesday, Wednesday & Friday. 9.30am -3.30 pm Thursdays

Criminal Cases Review Commission (CCRC)

Independent organisation set up to investigate suspected miscarriages of justice from magistrates' courts, the Crown Court in England, Wales and Northern Ireland and the Court Martial and Service Civilian Court.

Tel: 0121 233 1473 9am-5pm, Monday to Friday

Legal Ombudsman

The Legal Ombudsman's role is to look at complaints about legal service providers and claims management companies in a fair and independent way

Tel: 0300 555 0333, 9am to 5pm Monday to Friday.

<http://www.legalombudsman.org.uk/contact-us/>

Solicitors Regulation Authority

Setting the principles and a code of conduct for those providing legal services. Operating independently and with integrity in the interests of clients and in the wider public interest.

Tel: 0370 606 2555 8am-6pm, Monday, Wednesday, Thursday & Friday. 9.30am-6pm, Tuesdays

The Samaritans

The Samaritans helpline is available 24 hours a day. When you call the Samaritans, a volunteer will listen to you and help you talk through your worries, whatever they may be. It is a confidential service.

You can call the Samaritans for free, on 0845 450 7797 from prisons in England and Wales, or 08457 90 90 90 from prisons in Scotland and Northern Ireland. Some prisons can give you Samaritans phones which are specially for calling Samaritans.

You can also write to the Samaritans and you will receive a written reply:

Freepost RRYU-CBCR-TRSX
Samaritans
PO Box 9090
STIRLING FK8 2SA

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN

You do not need to use a stamp.

PRT information sheets and booklets

Below is a list of information sheets produced by our advice service. If you would a copy of any of these please put a tick in the box next to it, up to a maximum of 5, and send this form back to **Prison Reform Trust, FREEPOST ND 6125, London, EC1B 1PN.**

Name: _____ Prison number: _____

Prison: _____

#	Information sheet subject	Last updated	
Early days in prison			
0	Information sheet for women in prison for the first time	Jan 2018	
1	Early days in prison	July 2018	
2	People who can help you in prison	June 2022	
3	How to sort out things outside the prison	July 2022	
4	Keeping in contact with family and friends	June 2022	
5	Keeping in contact with solicitors	July 2018	
Understanding your sentence			
6	Understanding your sentence	June 2022	
7	Unconvicted, Unsented and Civil Prisoners	Dec 2020	
8	Information for people serving extended sentences	July 2021	
Life inside prison			
9	Accommodation and Living conditions	July 2022	
10	Regime and time out of cell	June 2022	
11	Prison Records	Oct 2021	
12	Property in prison	Nov 2022	
13	Money in prison	Jan 2023	
14	Food in prison	July 2018	
15	Faith in prison	Nov 2020	
16	Education and Work in prison	May 2019	
17	Incentives	Jan 2020	
18	Helplines and other cleared numbers in prison	Feb 2020	
19	Making a complaint in prison	Aug 2019	

Health and wellbeing			
20	Your Health in prison	Dec 2018	
21	Social Care in prison	July 2018	
22	Substance misuse support in prison	July 2018	
23	Safety and wellbeing	Nov 2022	
Security and Discipline			
24	Prison Rules and Adjudications	June 2022	
25	Cell searches	Jan 2023	
26	Searching of the person	Nov 2020	
27	Segregation	June 2022	
28	Use of force in prison	Nov 2020	
Sentence progression			
29	Offender Management and Sentence Planning	July 2022	
30	Categorisation	May 2022	
31	Release on Temporary Licence (ROTL)	Jun 2019	
32	Information sheet about Maintaining Innocence in Prison	June 2021	
Release and resettlement			
33	Release – determinate sentences	Jan 2023	
34	Home Detention Curfew (HDC)	May 2019	
35	Resettlement	July 2022	
36	The Parole Board and parole reviews	Oct 2022	
Licence conditions and recall			
37	Licence conditions and recall – determinate sentences	July 2022	
38	Licence conditions and recall – indeterminate sentences	July 2022	
39	Approved Premises	June 2022	
40	Probation Complaints	Mar 2022	
41	Information booklet for people on licence for a sex offence	Mar 2022	
Rights and equality			
42	Human Rights information booklet for prisoners	June 2014	
43	Information book for prisoners with a disability	Jan 2017	
44	Information sheet for transgender people in prison	Mar 2018	
45	Voting whilst in prison	Dec 2020	