Release and supervision

There are lots of abbreviations to do with release and supervision:

- SED – Sentence Expiry Date
- LED – Licence Expiry Date
- SLED – Sentence and Licence Expiry Date
- ACR – Automatic Conditional Release
- ADA – Additional Days Added
- AP – All Purpose Licence
- HDC – Home Detention Curfew
- ARD - Automatic Release Date
- NPD – Non-Parole Date
- CRD – Conditional Release Date

The date you are released, with or without supervision, and how long that supervision goes on for, depends on the length of your sentence and when you were convicted.

It is quite complicated.

If you have any questions you should ask the prison staff or your offender manager.

Home detention curfew (HDC)

Prisoners serving sentences of 3 months up to 4 years may be released early under home detention curfew. This is also called tagging.

This means you have an electronic tag which is used to check up on you.

You will have rules to follow about where you can go and what time you have to be back at home.
More about HDC

If you are to be released on Home detention curfew, you must have somewhere to live when you leave prison. If you have nowhere to go you can ask if Clearsprings Accommodation and Support Service can give you somewhere to live.

They can give you somewhere to live in small houses or flats. It may be somewhere that you share with up to 4 other people. You have to do cooking, cleaning and pay rent.

Clearsprings housing is just for the time you are on Home detention curfew.

You must serve a quarter of your sentence or 30 days (whichever is longer) in prison. You can be on HDC for up to 135 days (4 and a half months).

Staff will check to see if HDC will be right for you. This will depend on whether you are safe to others if you come out of prison.

You can choose not to be let out on HDC.

If you are not given HDC you can appeal against this. Use the complaints procedure to do this.

If you break your curfew for reasons that you could not control, like not being able to carry on living at your agreed address, you can ask to be let out on HDC again.

If you are recalled to prison for breaking your HDC you may not be released on HDC in the future. This will depend on whether you come under the Criminal Justice Act of 1991 or 2003. If you are not sure speak to a member of staff.
More about HDC

If you are recalled to prison you can appeal against it.

Some prisoners will **never** be granted HDC. For example

- Prisoners who have to sign the sex offender register.
- Violent and sex offenders currently on an extended sentence.
- Prisoners who do not return after Release on Temporary Licence.
- Prisoners in prison on a hospital order, hospital direction or transfer direction.
- Prisoners serving a sentence for not following a curfew order.
- Some prisoners recalled to prison for not following the HDC curfew conditions.
- Prisoners who might be removed from the UK.
- Some prisoners who, at any time, have been returned to prison for committing an offence before the ‘at risk’ period of their sentence ended.
- Prisoners who, at the point of sentencing, have less than 14 days left before the halfway point of sentence.
- Prisoners who have not paid a fine or not done what the court has told them to (contempt of court).

There is more information in **Prison Service Order 6700**.
Parole

There is separate information about parole for prisoners who are serving longer sentences – like life sentences or indeterminate sentences for public protection. Ask prison staff or your offender manager for this information.

- Parole is when you are released early from prison under the supervision of the probation service before the end of your sentence.
- You can apply for (ask for) parole 6 months before the earliest date you could be released.
- Most decisions about parole are made by an independent group of people called a Parole Board.
- The rules on parole are different for prisoners who are UK citizens or foreign nationals.
- You can ask the parole clerk in the prison if you need information about your parole.

Parole for prisoners who are UK citizens

Parole is one way you can be released from prison under licence. See page 136.

For most prisoners, parole is agreed to by a group of people called the Parole Board. The Board is not part of the prison service or the Ministry of Justice. They are totally independent.

To decide if you can be released on parole, the Board look at

- Reports from prison staff.
- Reports from probation staff.
- Details of your original offence (why you were sent to prison).
- Your behaviour in prison.
- If you have support from friends and family and a place to live.
- What the plan is for your release – things like, have you got a job?
More about parole for UK citizens

You can apply for (ask for) parole 6 months before you are half way through your sentence. The date you can be released on parole is called your Parole Eligibility Date (PED).

You do not have to apply for parole if you do not want to.

4 months before your PED, you will be asked if you want to see all the reports that are to be sent to the Parole Board. These reports are called your Parole Dossier.

You can use these reports to help you write about why you want to get parole and what you will do if you are released.

2 months before your PED some people from the Parole Board will meet to look at your case. This small group is called a Panel.

They may want to talk to you before they make up their minds.

You will be told the date and time of this meeting. You will meet with 1 Panel member.

All this should be sorted out so that you get a decision from the Parole Board before your Parole Eligibility Date.

The Parole Board will think about the risks to the public and the benefits to you of getting out on parole.

<table>
<thead>
<tr>
<th>What</th>
<th>When</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ask for parole</td>
<td>6 months before your Parole Eligibility Date</td>
</tr>
<tr>
<td>Parole Eligibility Date (PED)</td>
<td>The earliest date you can be released on parole</td>
</tr>
<tr>
<td>See your Parole Dossier and write about why your want parole</td>
<td>4 months before your PED</td>
</tr>
<tr>
<td>Panel from the Parole Board meets</td>
<td>2 months before your PED</td>
</tr>
<tr>
<td>Meeting with someone from the panel</td>
<td>Sometime during this 2 months</td>
</tr>
<tr>
<td>Get the Parole Board’s decision</td>
<td>Before your PED in enough time so you can get ready to take your parole</td>
</tr>
</tbody>
</table>
Finding out about your parole

The Parole Board will tell you and the prison as soon as it has made a decision about your parole.

There are 2 exceptions to this

1. If you are serving 15 years or more.
2. If you were sentenced before 1st October 1992.

If this is the case, the Parole Board have to tell the Secretary of State what they think. The Secretary of State then makes the decision about your parole.

If you are refused (not given) parole

The reasons why the Parole Board refused you parole will be put in writing and sent to the prison. You can see a copy.

You cannot appeal against this decision just because you disagree with it.

You can complain about the way your application was dealt with if you think this was not done correctly.

You can find out about complaints on page 110.

For example, you might complain if you feel that

- All the information to support your request for parole was not sent to the Parole Board.
- The procedures (how things should be done) for parole requests were not followed properly.

You should speak to a lawyer if you feel the decision was wrong.
More about being refused parole

If your parole was refused you may be able to have your case reviewed every year. This will depend on things like how long you have left on your sentence before your Non-Parole Date (NPD).

You may also be given an early or special review. This means that your request for parole would be looked at again even sooner.

- Early or special reviews are not given very often.
- They are mostly used to check out how you are doing on courses for employment, drug rehabilitation and so on.
- You may also be given a special review if there was not enough time to review your request for parole before the end of your sentence.

Parole and foreign national prisoners

There are 2 big differences with parole for foreign national prisoners

- If you qualify for parole you will automatically be considered for it. You do not get a choice.

- Decisions about your parole are taken by the prison governor unless you have been convicted of a sexual or violent offence, when the Ministry of Justice will decide.

If you are a foreign national prisoner, you may be taken back to your country early under the Early Removal Scheme. See page 151.
Young offender institution supervision – see page 159

If you have a sentence of less than 12 months then on release you will be under supervision for at least 3 months, no matter how short your sentence.

- You will need to report regularly to your probation offender manager.
- Supervision will end at 3 months or when you reach your 22nd birthday, whichever comes first.
- If you break the conditions of your supervision you may be fined or sentenced to 30 more days in prison.

Adult sentences up to 12 months

Your release will be unconditional (AUR). You will not be supervised by an offender manager. You will be given information called a notice. The notice will explain what this means and you have to sign it.

➢ If you committed your offence before 4th April 2005 read the section that starts on page 146.

➢ If you committed your offence on or after 4th April 2005 read the section that starts on page 148.
Offences before 4th April 2005

Main points

<table>
<thead>
<tr>
<th>Sentence length</th>
<th>Type of release</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 months to 4 years</td>
<td>Automatic Conditional Release ARC</td>
</tr>
<tr>
<td>4 years and over</td>
<td>End of sentence or parole</td>
</tr>
<tr>
<td>Extended sentence</td>
<td>End of sentence or parole but there will be longer on licence.</td>
</tr>
</tbody>
</table>

Over 12 months but less than 4 years (before 4th April 2005)

- The licence and supervision will last until you have almost finished your sentence – 3 quarters of the way through.

- Some prisoners convicted of sex offences are supervised until the end of their sentence.

- Any additional days added (ADAs) given at an adjudication will be added on. See page 89.

- The date your licence ends is called your Licence Expiry Date.

- You might be returned to prison if you do not stick to your licence.

- The court may send you back to prison if you commit another offence before your Sentence Expiry Date.
Just before your release you will be given your Automatic Conditional Release licence.

This explains the conditions of your licence and gives you the name and address of your supervising officer.

The conditions will be

- Reporting regularly to your offender manager.
- Living at an approved address.
- Having visits from your offender manager.
- Keeping out of trouble.

If you break the conditions of your licence you may be recalled to prison.

If you committed the offence you were sent to prison for **before 1st January 1999** and you break your licence, this will be sorted out by the courts.

If you committed the offence you were sent to prison for **after 1st January 1999** and you break your licence agreement, the probation service has to apply to the Ministry of Justice to have you recalled.

**4 years and over (before 4 April 2005)**

- When you are released, on parole or on your Non Parole Date, the licence and supervision will last until you have almost finished your sentence – three quarters of the way through.

- For some sex offenders the licence and supervision lasts until the end of your sentence.

- You will be at risk until your Sentence Expiry Date.
Extended sentence (offences before 4 April 2005)

An extended sentence has 2 parts

- Time in prison.
- Time on licence.

For example

If your sentence is 4 years, made up of 2 years prison and 2 years on licence.

You would serve half of the 2 years in prison – this is 1 year. You then have to do 6 months on licence, which is normal for this length of time in prison, plus an extra 2 years on licence. Your sentence ends at 4 years.

Early release will be decided by the Parole Board if your sentence is 4 years or more and can be from any time after you have done half your sentence.

If you break the conditions of your licence your offender manager can apply to have you recalled to prison.

Offences committed on or after 4th April 2005

Standard sentences of 12 months or more but less than 4 years (for offences on or after 4th April 2005)

You will be released on an All Purpose Licence. You will be on licence and under supervision until the end of your sentence (SLED).

Just before you are released you will be given your All Purpose Licence. This tells you the conditions of your licence and gives you the name and address of your supervising officer.
The conditions for standard sentences of 12 months but less than 4 years will be

- Reporting regularly to your offender manager.
- Living at an approved address.
- Having visits from your offender manager.
- Keeping out of trouble.

If you break your licence you may be fined or recalled to prison.

**Extended sentences (for offences on or after 4th April 2005)**

An extended sentence has 2 parts

- Time in prison.
- Time on licence.

For example, your sentence is 8 years and made up of 3 years in prison and 5 years on licence. At the half way point of your time in prison (1 ½ years), the Parole Board will decide if you can be released.

If you are not released, you stay in prison until the end of the time in prison the court said you should serve.

When you are released, you are on licence for the whole of the rest of your sentence.

**Recall or Revocation of Licence**

If you are recalled to prison you will be sent a pack called the *Representations Pack*. This pack is to help you appeal against being recalled to prison.

The Parole Board look at recalls to prison. They look at your case within 28 days of when you would be recalled to prison. The Parole Board decide if it is right for you to be recalled to prison or not.

If you want to appeal, do it quickly. You can write to the Parole Board and you may also be asked to go and talk to them.
More about recall

If you have been released from prison with conditions, or on licence which says what you should do, you may be taken back to prison if you do not follow the rules. This may be because you offend again or break some other rules. This is also called breach of licence.

If you do not stick to your conditions or licence, this is what will happen

- Whatever sort of licence you were on will be revoked (cancelled) straight away.
- The police (both local and national) will be told, as well as the probation service and the prison you were last at.
- You will be arrested and returned to the nearest prison.
- The prison you are being held in, as well as the probation service, will tell people in Headquarters of your return to prison.
- A Representations Pack will be sent to you and you will be asked if you wish to appeal against the decision to recall you back to prison.
- The Parole Board should look at your case within 28 days of your return with or without your appeal. They will reject or agree with the decision to recall you, set a date for you to be re-released or set a future date for your recall to be looked at again.
- You can speak to a lawyer if you need help with this.
Foreign national prisoners
The Early Removal Scheme for foreign national prisoners - ERS

This scheme lets prisoners who are foreign nationals leave the UK before their sentence is finished. Information will be sent to the Borders and Immigration Agency about you. The Borders and Immigration Agency will tell you if you are going to be leaving the UK and sort out your travel back to your home country.

You will serve a minimum period in prison in the UK before going back. The longest amount of time for ERS is up to 270 days. Some prisoners will not be granted ERS. For example

- Prisoners who have to sign the sex offender register.
- Violent and sex offenders currently on an extended sentence.
- Prisoners who are serving a sentence for not returning after a Release on Temporary Licence.
- Prisoners in prison on a hospital order, hospital direction or transfer direction.
- Prisoners serving a sentence for not following a curfew order.
- Prisoners who have at any time been recalled to prison for not following the HDC curfew conditions.
- Prisoners who have, during their current sentence, been released on HDC or given early compassionate release and have been recalled to prison.
- Prisoners who have, at any time, been recalled to prison for committing an offence before the ‘at risk’ period of their sentence has ended.
- Prisoners who, at the point of sentencing, have less than 14 days left before the halfway point of their sentence.
- Prisoners who have not paid a fine or not done what the court has told them to (contempt of court).

If you are not removed under the ERS, you will carry on with your sentence.
Deportation

The Borders and Immigration Agency will tell you if you are to be deported at the end of your sentence.

They will serve (send) an Immigration Detention Order to the prison.

You will either stay in prison after the end of your sentence or be sent to an Immigration Detention Centre until you are deported (removed) from the UK.

If you do not want to be deported you need to talk to a solicitor to find out if you can appeal.

You can find more information in **Prison Service Order 4630**.

Repatriation

The UK has repatriation agreements with some countries. This means that some prisoners can go to prison back in their own country.

You can be repatriated if

- You are a national of the country you want to go to.
- Your sentence is final and no appeal is outstanding.
- The offence you committed would also be an offence punishable by imprisonment in the other country.
- You have, at the time you make your application, at least 6 months of your sentence left to serve before release.

Prison staff can check if the UK has a repatriation agreement with your country.

You need to use the prison’s request/complaints procedure to start the process to see if you can be repatriated.

The UK and your country have to make an official request for repatriation.

You can also ask official staff who work at your country’s embassy to make an application for you.

You can find a list of embassies in **Prison Service Order 4630**.
It can take a long time to decide on requests for repatriation, sometimes up to 2 years.

The UK will usually only refuse requests for repatriation if

- you would serve less time in prison if you transferred abroad
- you have a fine or other judicial order for payment outstanding.

If you are repatriated, you must serve the amount of time that you have left to serve under the sentence you were given in the UK.

You will follow the rules of the country you go to on sentence review, release and supervision.

You will be told about any changes before you sign your repatriation agreement.

You can find out more from ‘Repatriation of Prisoners Act 1984 – Information for Foreign Prisoners’, in the prison library.

This information is in Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Turkish.

Transfers to prisons in Scotland, Northern Ireland, Channel Islands or the Isle of Man

Transfers from prisons in England or Wales to prisons in these countries are called transfers to another jurisdiction.

You can ask for a permanent transfer so you can have visits from family and friends. Prison services in both countries have to agree to the transfer.

There are 2 types of transfer

- Unrestricted – your sentence will be completely managed by the area you move to and you will follow their rules for release and supervision on release.
- Restricted – England and Wales will fix conditions to your transfer. These could be about release, supervision on release or recall.
More about transfers

To stand a good chance of having a transfer request agreed you

- Need to have at least 6 months left to serve before your release date.
- Need to have no outstanding appeal against conviction or sentence.
- Must not be going back to court.

Things that will be looked at as part of your application to transfer are

- Why you want to transfer.
- If you were living most of the time in the country you want to go back to.
- If you have close family and friends there.
- If you have shown that you plan to live there after you are released.

You can also request for your licence to be supervised in Scotland, Northern Ireland, Channel Islands or the Isle of Man. Ask your offender manager how to do this.