



Policy name: Recall, Review and Re-Release of Recalled Prisoners Policy Framework

Reference: N/A

Re-issue Date: 21 July 2022

Implementation Date: 1 April 2019

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:

- PSI 30/2014, AI 22/2014, PI 27/2014 – Recall Review and Re-Release of Recalled Offenders on Licence
- PSI 28/2015, AI 18/2015 - PI 20/2015 - Unlawfully at Large after Recall Offence Protocols

Introduces amendments to the following documents: N/A

Action required by:

<input checked="" type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input checked="" type="checkbox"/>	Contract Managers in Probation Trusts
<input checked="" type="checkbox"/>	Probation Service	<input checked="" type="checkbox"/>	Under 18 Young Offender Institutions
<input checked="" type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input checked="" type="checkbox"/>	Other providers of Probation and Community Services		

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions. Whilst this document sets out the actions for which the Parole Board is responsible, this document does not bind the Parole Board in any way as it is an internal policy document of the Ministry of Justice.

For Information: Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010). All groups must ensure that when handling personal data, they must have comprehensive and proportionate arrangements for collecting, storing, and sharing information, as set out in the Information Requests Policy Framework. For any data protection enquiries please contact InformationmgmtSecurity@justice.gov.uk.

All references to “prisoner” within this Framework also refer to those young individuals/children subject to recall who are covered by the processes detailed within this Policy Framework.

Audit/monitoring: HMPPS Prison Group Directors and Controllers, the Regional Probation Directors (RPDs) of the Probation Service and Youth Offending Teams (YOT) in England and Director of HMPPS in Wales will monitor compliance with the mandatory requirements set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated requirements as required in the contract.

Resource impact: The requirements laid out are designed to have a minimal impact on resources. The majority do not place new obligations on prison, Probation Service and YOT staff. Rather, the framework confirms existing obligations to ensure a swift and efficient recall and review process. There are resource implications for HMPPS arising from the introduction of the Parole Board Reconsideration Mechanism in July 2019. It has been confirmed that the resource implications for the Probation Service and Prisons are resourced within the Offender Management In Custody (OMiC) model.

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Revisions

Date	Changes
27/01/2020	A number of changes made to coincide with the publication of the Generic Parole Process (GPP) Policy Framework and ensure consistency across the parole and recall processes.
11/02/2020	Paragraphs 6.9.17 and 6.9.18.
31/03/2020	Addition of Annex B, minor amendment that do not affect prison/probation staff.
13/5/2021	A number of changes made to coincide with the amendments to the GP Policy Framework and ensure consistency across the parole and recall processes. The revised version of the Framework also includes the following amendments: <ul style="list-style-type: none"> • Changes to the representations process for the Day 28, Ongoing Review and Annual Review processes. • Minor changes to the guidance section covering executive release, clarifying the process where an oral hearing is due to take place within three weeks.
30/09/2021	A number of changes made to the chapters 4.2 and 4.3 of the Framework.
21/07/2022	Removal of all references to CRC following the Probation Service unification. All references to NPS amended to Probation Service. A number of changes made to the chapters 4.2, 4.3, 4.9, 4.10, 4.11, 4.17 and 6.9 of the Framework. A number of changes made to coincide with the introduction of the Police, Crime, Sentencing and Courts (PCSC) Act 2022

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1. Purpose

- 1.1 Determinate and indeterminate sentenced prisoners who are released into the community subject to licensed supervision are liable to be recalled to custody by the Secretary of State, where (a) they have breached a specific condition of their licence or where (b) the behaviour being exhibited, is sufficiently concerning to indicate that the risk they pose is assessed as no longer safely manageable in the community. This framework sets out the mandatory requirements that the Probation Service, Youth Offending Teams (YOT) and prison establishments must undertake for all recalled prisoners.

2. Evidence

- 2.1 Research has been undertaken to understand the risks and needs of recalled prisoners, as well as, the experience of recall from the perspective of the recalled prisoner. The outcomes of this research have guided elements of this Framework, with the introduction of the recall information leaflets, a legal phone call for all recalled prisoners and the publication of the Best Practice Guide (Annex A of this Framework).
- 2.2 Guidance is also available for staff within the “Better Outcomes of Recalled Prisoners document”, available via this [Link](#). This document provides guidance to support staff across the Probation Service and prisons working with prisoners who have been recalled to prison custody.

3. Outcomes

- 3.1 This framework aims to ensure that there is an effective process in place which:
- enables individuals subject to licensed supervision in the community to be swiftly recalled to custody where their behaviour (including where they are out of touch) indicates that they present an increased risk of serious harm (RoSH) to the public and / or an increased risk of re-offending, such that those risks are no longer capable of being effectively managed in the community.
 - notifies the police that an individual’s licence has been revoked, which provides the police with the authority needed to apprehend the individual and return the individual to prison custody.
 - notifies providers of probation services, the Police National Computer Bureau (PNCB) and the relevant local police force that individuals who have not been apprehended within four weeks of their licence having been revoked have been issued with a notification of recall and are therefore liable to be prosecuted for knowingly remaining unlawfully at large.
 - ensures that clear arrangements are in place for identifying which recalled determinate sentenced individuals are suitable for a fixed term recall.
 - provides for the review of recalled prisoners’ detention to be conducted speedily, efficiently and transparently so that all recalled prisoners are provided with clear timescales for the recall process.
 - ensures that recalled prisoners are not detained any longer than is necessary to protect the public and prevent further re-offending.
 - requires a recall dossier to be produced, containing a current assessment of the recalled prisoner and their response to supervision, including events which triggered a request for recall, together with clear and comprehensive proposals for the future management of the recalled prisoner in the community. The Parole Board or the Secretary of State will consider whether or not to re-release the recalled prisoner on the basis of the evidence in the recall dossier

4. Requirements

PART I - RECALL

4.1 Requesting a Recall

4.1.1	It is the responsibility of the Probation Service or Youth Offending Teams (YOT) to initiate the recall of individuals on licensed supervision through the Public Protection Casework Section (PPCS).	Probation Service YOT
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4.2 Recalling an Indeterminate Sentenced Individual and Extended Sentenced Individuals

Consideration of Recall for Indeterminate Sentenced and Extended Sentenced Individuals		Action By
4.2.1	<p>When assessing whether to request the recall of an indeterminate sentenced/extended determinate sentenced individual, community offender managers (COMs)/ Probation Practitioners must demonstrate a “causal link” in the current behaviour that was exhibited at the time of the index offence. One of the following criteria must be met when assessing whether to request the recall of an indeterminate sentenced individual:</p> <ul style="list-style-type: none"> 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 COM/Probation Practitioner and the assumption can be made that any of (i) to (iii) may arise. <p>COMs/ Probation Practitioners must ensure that there is evidence of increased risk of harm to the public and at least one of the criteria set out above is met. Further information is available in the guidance section of this Policy Framework at paragraphs 6.1.1 to 6.1.4.</p>	Probation Service YOT
4.2.2	Where the individual’s circumstances have changed, the COM/Probation Practitioner must also assess whether the risk posed as a result of this change is no longer safely manageable in the community, in line with the test above.	Probation Service YOT
4.2.3	The Probation Service/YOT must take into account the extent that the individual’s behaviour presents an increased risk of sexual or violent harm to others, regardless of the type of index offence for which s/he was originally convicted.	Probation Service YOT
4.2.4	The decision to request recall must be based on an individual’s behaviour, or change of circumstances, whilst on licence. This will not necessarily be directly linked to a breach of a specific licence condition.	Probation Service YOT
4.2.5	COMs/ Probation Practitioners must consider whether to seek recall in cases where they have reason to believe that an individual is actively thinking about re-offending. Further information is available on EQuiP which can be accessed via the following link: Disclosing thoughts of re-offending .	Probation Service YOT

4.2.6	Where there are allegations of further offending, the decision to request recall must be based upon the individual's reported behaviour. There is no requirement for the COM/Probation Practitioner to await the outcome of police investigations or for the individual to be charged, if they are satisfied that the reported behaviour meets the recall threshold.	Probation Service YOT
4.2.7	Where there have been allegations of further offending, COMs/ Probation Practitioners must consider whether it is appropriate to request a recall, whether the individual has been remanded or not. In doing so one of the factors that must be taken into account is whether the risk presented by the individual, including where they have been remanded, can be managed, in the event that the individual is automatically released should any further charges be dropped, or whether additional risks have been identified as a result of the alleged behaviour which would warrant an assessment of suitability for re-release by the Parole Board or Secretary of State.	Probation Service YOT
4.2.8	Following an allegation of further offending, where the individual is no longer remanded, if the COM/ Probation Practitioner is satisfied that they can be released immediately with no increase in RoSH to the public or risk of reoffending, then the COM/Probation Practitioner may not consider that recall is the appropriate course of action. This must be assessed on a case by case basis. The test for recall is based on the COM/Probation Practitioner's professional judgement regarding the risk the individual poses. Whether the reported behaviour has taken place does not require the criminal standard of evidence.	Probation Service YOT
4.2.9	Where the current behaviour exhibited is concerning but, the judgement of the COM/Probation Practitioner is that it does not meet the threshold to recall, they should consider what additional licence conditions or alternative enforcement action can be introduced to manage the individual's risk in the community.	Probation Service YOT
Submitting the Recall Request		Action By
4.2.10	The decision to initiate the recall of an individual must be made by the responsible COM/ Probation Practitioner.	Probation Service YOT
4.2.11	The COM/ Probation Practitioner must ensure that the emergency recall process is used, which is set out below in paragraphs 4.3.13 to 4.3.15.	Probation Service YOT
4.2.12	The Part A report (available on NDelius) along with the mandatory supporting documents must be submitted to PPCS within 24 hours of the COM/ Probation Practitioner making the initial decision to request recall.	Probation Service YOT
4.2.13	COMs/Probation Practitioners must ensure that all available information, which may assist the police in locating and safely apprehending the individual, is detailed in the Part A report.	Probation Service YOT
4.2.14	Where there is a victim(s) involved in the Victim Contact Scheme, COMs/Probation Practitioners must ensure that the VLO is informed of the recall request.	Probation Service YOT
4.2.15	The endorsement procedures set out in the Part A report must be followed.	Probation Service YOT
4.2.16	The COM/Probation Practitioner must remain contactable until PPCS has issued the revocation order. A direct dial telephone number or mobile number must be provided; availability through MS Teams is also an option. In the event that the COM/ Probation Practitioner will	Probation Service YOT

	not be available, the contact details of a senior manager or another member of staff must be provided.	
Authorising Recall		Action By
4.2.17	PPCS, acting on behalf of the Secretary of State, is responsible for ensuring that the Part A recall report and accompanying documents provides sufficient evidence and justification to recall the individual and deciding whether to authorise recall requests. This decision must take place within two hours of receipt of the recall request and the mandatory supporting paperwork. See paragraph 6.1.5 to 6.1.7 for further guidance.	PPCS
4.2.18	Where recall is authorised, PPCS must issue the revocation order to New Scotland Yard, the Police Single Point of Contact and probation services.	PPCS

Further guidance is available in [chapter 6.1](#) of this Policy Framework.

4.3 Recalling all Other Determinate Sentenced Individuals

Consideration of Recall for Determinate Sentenced Individual		Action By
4.3.1	COMs/ Probation Practitioners must consider recalling an individual where one or more of the following occurs: (i) they have breached a specific condition of their licence, or (ii) either the behaviour being exhibited, or their change in circumstances, means that the risk posed is assessed as no longer safely manageable in the community, or (iv) where contact between the COM/Probation Practitioner and the individual has broken down.	Probation Service YOT
4.3.2	In such cases, COMs/ Probation Practitioners may consider that imposing additional licence conditions and taking alternative enforcement action will provide an acceptable and safe alternative to recall.	Probation Service YOT
4.3.3	The decision to request recall must be based on an individual's behaviour or circumstances presented whilst on licence. This will not necessarily be directly linked to a breach of a specific licence condition.	Probation Service YOT
4.3.4	COMs/ Probation Practitioners must consider whether to seek recall in cases where they have reason to believe that an individual is actively thinking about re-offending. Further information is available on EQuIP which can be accessed via the following link: Offenders disclosing thoughts of re-offending	Probation Service YOT
4.3.5	Where there are allegations of further offending, the decision to request recall must be based upon the individual's reported behaviour. There is no requirement for the COM/ Probation Practitioner to await the outcome of police investigations or for the individual to be charged, if they are satisfied that the reported behaviour meets the recall threshold.	Probation Service YOT
4.3.6	COMs/ Probation Practitioners must consider whether it is appropriate to request a recall where there has been further offending, whether the individual has been remanded or not. In doing so one of the factors that must be taken into account is	Probation Service YOT

	whether the risk presented by the individual can be managed, in the event that the individual is automatically released should any further charges be dropped, or whether additional risks have been identified as a result of the alleged behaviour which would warrant an assessment of suitability for re-release by the Parole Board or Secretary of State.	
4.3.7	Following an allegation of further offending, where the individual is no longer remanded, if the COM/ Probation Practitioner is satisfied that they can be released immediately with no increase in RoSH to the public or risk of reoffending, then recall may not be considered appropriate. This must be assessed on a case by case basis. The test for recall is based on the COM/ Probation Practitioner's professional judgement regarding the risk the individual poses. Whether the reported behaviour has taken place does not require the criminal standard of evidence.	Probation Service YOT
Types of Recall		Action By
4.3.8	When requesting the recall of a determinate sentenced individual, the COM/Probation Practitioner must make a recommendation as to the type of recall, either a fixed term or a standard, whichever is assessed suitable in order to manage the individual's risk.	Probation Service YOT
Fixed Term Recall		Action By
4.3.9	COMs/Probation Practitioners must assess an individual's suitability for a fixed term recall in terms of the RoSH. Further information on fixed term recalls can be found in the guidance section of this Policy Framework, paragraphs 6.2.5 to 6.2.12.	Probation Service YOT
4.3.10	COMs/Probation Practitioners must also follow the requirements in "Submitting the Recall Request", see paragraphs 4.3.16 to 4.3.20.	Probation Service YOT
Standard Recall		Action By
4.3.11	Where it is assessed that the individual is not suitable for a fixed term recall, the COM/Probation Practitioner must complete the Part A report recommending a standard recall. Further information on standard recall can be found in the guidance section of this Policy Framework, paragraphs 6.2.13 to 6.2.15.	Probation Service YOT
4.3.12	COMs/Probation Practitioners must also follow the requirements in "Submitting the Recall Request", see paragraphs 4.3.16 to 4.3.20.	Probation Service YOT
Using the emergency recall process		Action By
4.3.13	At least one of the following criteria must be met when assessing whether to use the emergency recall process. The individual: <ul style="list-style-type: none"> • Is assessed to present an imminent RoSH; or • Is subject to an indeterminate sentence or an extended sentence; or • Is subject to MAPPA level 3 arrangements, or is a Critical Public Protection Case (CPPC); or • Is assessed to present an imminent risk of re-offending. 	Probation Service YOT
4.3.14	Where an emergency recall is being requested during office hours, COMs/ Probation Practitioners <u>must</u> alert the PPCS recall team to the emergency request by telephone for approval in advance of submitting the recall paperwork.	Probation Service YOT

4.3.15	The COM/ Probation Practitioner must remain contactable until PPCS has issued the revocation order. A direct dial telephone number or mobile number must be provided. In the event that the COM/ Probation Practitioner will not be available, the contact details of a senior manager or another member of staff must be provided.	Probation Service YOT
Submitting the Recall Request		Action By
4.3.16	The decision to initiate the recall of an individual must be made by the responsible COM/ Probation Practitioner.	Probation Service YOT
4.3.17	The Part A report (available on NDelius) along with the mandatory supporting documents must be submitted to PPCS within 24 hours of the COM/ Probation Practitioner making the initial decision to recall.	Probation Service YOT
4.3.18	COMs/ Probation Practitioner must ensure that all available information, which may assist the police in locating and safely apprehending the individual, is detailed in the Part A report.	Probation Service YOT
4.3.19	Where there is a victim(s) involved in the Victim Contact Scheme, COMs/ Probation Practitioners must ensure that the VLO is informed of the recall request.	Probation Service YOT
4.3.20	The endorsement procedures set out in the Part A report must be followed.	Probation Service YOT

Authorising Recall for Determinate Sentenced Individuals		Action By
4.3.21	<p>PPCS, acting on behalf of the Secretary of State, is responsible for ensuring that the Part A recall report and accompanying documents provides sufficient evidence and justification to recall the individual and deciding whether to authorise recall requests. See paragraph 6.2.16 and 6.2.18 for further guidance.</p> <p>For standard and fixed term recalls, this decision must take place within 24 hours of receipt of the recall request and the mandatory supporting paperwork. PPCS will determine the recall type based on the information provided.</p> <p>Where recall is requested on an emergency basis, this decision must take place within two hours of receipt of the recall request and the mandatory supporting paperwork.</p>	PPCS
4.3.22	Where recall is authorised, PPCS must issue the revocation order to New Scotland Yard, the Police Single Point of Contact and probation services.	PPCS

Further guidance is available in [chapter 6.2](#) of this Policy Framework.

4.4 Recalling an Individual subject to Home Detention Curfew (HDC)

Breach of Curfew Conditions		Action By
4.4.1	Electronic Monitoring Companies must notify PPCS immediately where a level 1 violation occurs.	Electronic Monitoring Companies
4.4.2	Electronic Monitoring Companies must issue a warning letter to the individual where a level 2 violation occurs	Electronic Monitoring Companies

4.4.3	Electronic Monitoring Companies must notify PPCS immediately where two level 2 violations occur.	Electronic Monitoring Companies
Inability to Monitor		Action By
4.4.4	Electronic Monitoring Companies must notify PPCS immediately where they are unable to monitor the individual.	Electronic Monitoring Companies
Authorising Home Detention Curfew Recall		Action By
4.4.5	PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise recall, issue a warning letter or take no further action. The decision must take place within 24 hours of receipt of the breach action request.	PPCS
Breach of Standard Conditions		Action By
4.4.6	When requesting the recall of a HDC individual for breach of standard licence conditions, COMs/ Probation Practitioners must follow the requirements set out in "Recalling all other Determinate Sentenced Individuals", chapter 4.3 of this Policy Framework.	Probation Service YOT

Further guidance is available in [chapter 6.3](#) of this Policy Framework.

4.5 Recalling a Young Individual

Young Individuals Serving Determinate Sentences		Action By
4.5.1	When requesting the recall of a determinate sentenced young individual, COMs/Probation Practitioners must follow the requirements set out in "Recalling Determinate Sentenced Individuals" chapter 4.2 or Recalling an Individual subject to "Home Detention Curfew", chapter 4.3 of this Policy Framework.	Probation Service YOT
Young Individuals Serving Indeterminate Sentences		Action By
4.5.2	When requesting the recall of an indeterminate sentenced young individual, COMs/Probation Practitioners must follow the requirements set out in "Recalling an Indeterminate Sentenced Individual", chapter 4.1 of this Policy Framework.	Probation Service YOT

Further guidance is available in [chapter 6.4](#) of this Policy Framework.

4.6 Out of Hours (OoH) Recall Requests

Using the Out of Hours Service		Action By
4.6.1	The OoH service must be used to seek recall for cases where the request for recall meets the following criteria: <ul style="list-style-type: none"> The criteria for an emergency recall (see paragraph 4.3.13) are met; and The case has come to light after 5pm or before 9am on a weekday or during a weekend including Bank Holidays. 	Probation Service YOT
Requesting an Out-of-Hours Recall		Action By
4.6.2	The COM/Probation Practitioner must contact the out-of-hours switchboard to request recall.	Probation Service YOT
Authorising an Out-of-Hours Recall		Action By

4.6.3	PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise out-of-hours recall requests. This decision must take place within two hours of the COM/ Probation Practitioner contacting the out-of-hours switchboard.	PPCS
4.6.4	The COM/ Probation Practitioner must ensure that the Part A report is completed and sent to PPCS the next working day with all mandatory supporting paperwork.	Probation Service YOT
4.6.5	COMs/ Probation Practitioners must also follow the requirements in "Submitting the Recall Request", see paragraphs 4.3.16 to 4.3.20.	Probation Service YOT

Further guidance is available in [chapter 6.5](#) of this Policy Framework.

4.7 Rescind of Recall

Requesting a Rescind		Action By
4.7.1	Requests to rescind a recall must be submitted to PPCS on the 'Probation Service Request to Rescind Recall form' (available on NDelius or an equivalent authorised case management system). Where possible it must be submitted before the individual has been returned to custody.	Probation Service YOT
4.7.2	Requests to rescind a recall must be endorsed by a senior manager who is equivalent to the former ACO grade/YOT manager or equivalent.	Probation Service YOT

Further guidance is available in [chapter 6.6](#) of this Policy Framework.

4.8 Unlawfully at Large (UAL) Offence Following Recall

Recalled Individuals with Known Addresses		Action By
4.8.1	Where a decision is made to pursue an unlawfully at large offence then where an individual has remained UAL for more than 28 calendar days (starting from the date of the revocation order), PPCS must issue a letter to the individual notifying them of their recall to custody. The letter will be sent to the individual's last recorded address, as detailed in the Part A report, and copied to the COM/ Probation Practitioner.	PPCS
4.8.2	Where the individual has failed to return to custody within 14 calendar days of the date of the letter, PPCS must notify the police by submitting an evidence bundle, copied to the COM/ Probation Practitioner, informing them that the individual is liable for prosecution.	PPCS
Recalled Individuals without Known Addresses		Action By
4.8.3	If there is no last recorded address at the point of recall or the individual is of no fixed abode whilst on licence, PPCS must issue the letter to the individual "care of" the COM/ Probation Practitioner. The COM/ Probation Practitioner must inform PPCS via email once the individual has been notified. The email must include the date the letter was given to the individual or the date this was verbally communicated to the individual. Where the individual is notified by telephone, the COM/ Probation Practitioner must be satisfied that it is the individual they have spoken to and advise PPCS of this. E-mails and text messages for this purpose are not permitted.	Probation Service YOT PPCS

4.8.4	Where the individual has failed to return to custody within 14 calendar days of receipt of the letter from the COM/ Probation Practitioner, PPCS must notify the police by submitting an evidence bundle, copied to the COM/ Probation Practitioner, informing them that the individual is liable for prosecution.	PPCS
Recalled Individuals who are Out of Contact		Action By
4.8.5	In cases where the individual is UAL for six months or more, the COM/Probation Practitioner must notify PPCS.	Probation Service YOT
4.8.6	PPCS is responsible for producing a Section 9 Witness Statement when the individual becomes 'deemed notified' and for providing it to the COM/ Probation Practitioner to complete and sign. Further information on this process can be found in the guidance section of this Policy Framework, paragraph 6.7.1.	PPCS
4.8.7	COMs/ Probation Practitioner have 28 calendar days from receipt of the statement to make all necessary checks and return the completed and signed statement to PPCS.	Probation Service YOT
4.8.8	On receipt of the Section 9 Witness Statement, PPCS must notify the police by submitting an evidence bundle, copied to the COM/ Probation Practitioner, informing them that the individual is liable for prosecution.	PPCS
Charging, Sentencing and Calculation		Action By
4.8.9	COMs/ Probation Practitioners must ensure that any further information requested by the police/CPS is provided by the deadline set.	Probation Service YOT
4.8.10	Where a recalled individual receives a further custodial sentence for an offence of remaining UAL, the prison must re-calculate the individual's release date. The guidance for the calculation of release dates is in "PSI 03/2015 – Sentence calculation – Determinate Sentenced Prisoners".	Prisons

Further guidance is available in [chapter 6.7](#) of this Policy Framework.

PART II – RETURN TO CUSTODY, REVIEW AND RE-RELEASE

4.9 Return to Custody of all Recalled Prisoners

Apprehending and returning a recalled prisoner to custody		Action By
4.9.1	Prisons must confirm immediately on request from the police or escort contractors whether they have space to take the prisoner.	Prisons
4.9.2	Prisons must check the status of any prisoner received into custody on Prison NOMIS, to establish whether or not the prisoner is subject to a licence and may have a revocation order outstanding.	Prisons
4.9.3	Where subject to a recall, the receiving prison must contact the original discharging prison and obtain the record that contains the sentencing warrant, associated sentencing documents and calculation sheets. The revocation order cancels the licence and brings the original sentencing warrant back into force; it is the sentencing warrant that enables the continuing imprisonment of the prisoner.	Prisons
4.9.4	Where the prisoner is subject to recall, a new entry must be made on the original prison record. The recall status code must be used to record the reason for return to custody.	Prisons

Notification of Return to Custody to PPCS		Action By
4.9.5	PPCS will run management information reports on a daily basis that will indicate when a recalled prisoner has returned to custody. If a recalled prisoner has remained in custody for over five days and the prison have not received a copy of the recall dossier, the prison must make contact with PPCS.	PPCS Prisons
4.9.6	Where the prison or community offender manager (POM/COM)/ Probation Practitioner identify concerns about a prisoner's mental capacity to participate in their recall review, PPCS must be notified as soon as possible and, ideally, at the beginning of the recall process. Where there are concerns about the prisoner's mental capacity, the process and requirements set out in the Generic Parole Process Policy Framework, chapter 3.13 must be followed.	Prison Probation Service YOT
4.9.7	Where the prison identifies that the prisoner will require documents to be translated, (including the BSL language translators) for example due to a disability or language barrier, the prison must ensure that PPCS is notified as soon as possible. Whether the prison, prisoner or anyone else informs PPCS, PPCS will notify the Parole Board at the point of referral so that where required reasonable adjustments, where possible, can be made. Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link: CY_HMPPS_Welsh_Language_Scheme_2020-2023.pdf (publishing.service.gov.uk) It is the responsibility of the prison to arrange for the translation for HMPPS documents.	Prisons
Disclosure of the Recall Dossier		Action By
4.9.8	PPCS is responsible for providing a copy of the recall dossier to the prison, and for notifying the COM/ Probation Practitioner of the recalled prisoner's return to custody, within one working day of receipt of notification of return to custody.	PPCS
4.9.9	All recalled prisoners must be provided with a copy of their recall dossier and a copy of the recall information leaflet by the POM within one working day of receipt from PPCS.	Prisons
4.9.10	All documents within the recall dossier must be disclosed to the recalled prisoner by the POM. The recall dossier must be disclosed in full to the prisoner. Any information subject to a non-disclosure application must only be disclosed in accordance with the outcome of the application. For further information please refer to the Handling Sensitive Information Policy Framework.	Prisons
4.9.11	The POM must explain the documents within the recall dossier to the recalled prisoner.	Prisons
4.9.12	PPCS will issue a notification with the recall dossier to the prison/recalled prisoner, informing the prisoner that they have the right to submit representations, and the deadline for which the representations must be submitted to PPCS.	PPCS
4.9.13	Where a recalled prisoner makes personal representations, and does not have a legal representative, POMs must ensure that these are returned to the relevant PPCS team.	Prisons

Legal Telephone Call		Action By
4.9.14	Prisons must ensure that all recalled prisoners are provided with the official list of legal aid lawyers and the opportunity to make a legal telephone call within two working days of receiving their recall dossier. This is in addition to the reception telephone call. See paragraph 6.8.6 of this framework for a link to legal advisor contact details.	Prisons
Recalled Individuals in custody in Prisons in Scotland, Northern Ireland, the Channel Islands and the Isle of Man		Action By
4.9.15	Where a recalled individual is returned to prison custody in Scotland, Northern Ireland, the Channel Islands or the Isle of Man, it is the responsibility of the releasing English prison to ensure that any time spent in Scotland, Northern Ireland, the Channel Islands or the Isle of Man custody is counted towards the recall.	Prisons
4.9.16	Where a recalled prisoner is being released from Scotland, Northern Ireland, the Channel Islands or the Isle of Man, the releasing English prison must provide a copy of the release licence to the Scotland, Northern Ireland, the Channel Islands or the Isle of Man prison where the recalled prisoner is being held.	Prisons

Further guidance is available in [chapter 6.8](#) of this Policy Framework.

This section of the Policy Framework applies to determinate sentenced prisoners (including extended sentence prisoners) and indeterminate sentenced prisoners subject to standard recall provisions.

Part B Report		Action By
4.10.1	The Part B report must be completed by the COM/ Probation Practitioner who will be responsible for the management of the case when the individual is re-released.	Probation Service YOT
4.10.2	The POM must provide the COM/ Probation Practitioner with information on the recalled prisoner's behaviour in custody for inclusion in the Part B report.	Prisons
4.10.3	The Part B report must contain clear timescales for release plans, including availability of approved accommodation, whether release is supported or not.	Probation Service YOT
4.10.4	The Part B report must contain a full up-to-date risk management plan, informed by a review of the Effective Proposal Framework (EPF) 2 plan, even where release is not supported.	Probation Service YOT
4.10.5	COMs/ Probation Practitioners must follow the endorsement procedures set out in the Part B report.	Probation Service YOT
4.10.6	The COM/ Probation Practitioner must submit the report to PPCS and the recalled prisoner no later than 10 working days after the recalled prisoner's return to custody (with Probation Service endorsement where appropriate).	Probation Service YOT
4.10.7	On receipt of the Part B report, PPCS is responsible for assessing whether the recalled prisoner is suitable for executive release. For further information on executive release see chapter 4.14 of this Policy Framework	PPCS
Disclosure of the Part B Report to the Prisoner		Action By
4.10.8	COMs/ Probation Practitioners must ensure that the Part B report is provided to the prison no later than 10 working days after the recalled prisoner's return to custody.	Probation Service YOT

4.10.9	The recalled prisoner must be provided with a copy of the Part B report by the POM within one working day of receipt.	Prisons
Statutory Day 28 Parole Board Review		Action By
4.10.10	PPCS is responsible for the collation and referral of the recall dossier to the Parole Board by the 28 th calendar day of the recalled prisoner's return to custody.	PPCS
4.10.11	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons & Probation).	PPCS
4.10.12	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third party directions See paragraphs 6.9.2 to 6.9.3 of this Policy Framework for further information.	Parole Board
4.10.13	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases, managed by the PPCS National Security Casework Team.	PPCS
4.10.14	From the point of referral by PPCS, the Parole Board is responsible for any representations from the prisoner or legal representative. All representations submitted after referral must be emailed directly to the Parole Board	Parole Board
4.10.15	Where an eligible prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration window, this must be copied to PPCSreconsiderationteam@justice.gov.uk. The Parole Board will provide the PPCS Reconsideration Team with an opportunity to submit representations on behalf of the Secretary of State. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	Prison Legal Representative
4.10.16	<u>Recalled indeterminate sentenced prisoners only:</u> On receipt of the automatic notification from the Public Protection Unit Database (PPUD), the prison must download a copy of the recall dossier and provide a copy to the recalled prisoner within one working day.	Prisons

Parole Board Decisions - Indeterminate Sentenced Prisoners		Action By
4.10.17	The Parole Board is responsible for issuing the Parole Board decision to all parties, including the COM/ Probation Practitioner and prison offender management unit (OMU).	Parole Board
4.10.18	The POM must ensure that a copy of the decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.10.19	Where the Parole Board makes a decision regarding release, the decision will remain provisional for 21 calendar days 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 where the criteria is met. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	Probation Service YOT Prisons PPCS

4.10.20	<u>The Parole Board has the power to set aside a decision in a case if that decision meets certain criteria. This applies to all recalled prisoners. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 'Setting aside Parole Board Decision', which sets out the process of how to apply to the Parole Board.</u>	Parole Board
Release of recalled Indeterminate Sentenced Prisoners		Action By
4.10.21	Where the Parole Board directs release, PPCS is responsible for organising the release arrangements with all parties for as soon as reasonably practicable.	PPCS
4.10.22	In these cases, COMs/ Probation Practitioners must provide all release information to PPCS within the deadline set.	Probation Service YOT
4.10.23	PPCS is responsible for notifying all parties of the release date and issuing the release licence to the prison, New Scotland Yard and the COM/ Probation Practitioners.	PPCS
4.10.24	The Prison must ensure that the recalled prisoner is provided with a copy of the release licence prior to release.	Prisons
4.10.25	Prisons must ensure that the recalled prisoner is released on the date specified by PPCS.	Prisons
Other Parole Board Decisions		Action By
4.10.26	Where the Parole Board makes a negative decision on the papers, the prison must ensure that the recalled prisoner is aware of their right to apply for an oral hearing within 28 calendar days. For further guidance see paragraph 5.6.29 of the Generic Parole Process Policy Framework.	Prisons
4.10.27	Where the Parole Board decides that an oral hearing is required, the prison must ensure that the recalled prisoner understands the directions set. Further information is set out in the Parole Board Oral Hearings chapter 4.17.	Prisons

Parole Board Decisions - Determinate Sentenced Prisoners		Action By
4.10.28	The Parole Board is responsible for issuing the Parole Board decision to all parties, including the COM/ Probation Practitioner, and prison OMU.	Parole Board
4.10.29	The POM must ensure that a copy of the decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.10.30	<u>Recalled discretionary conditional release (DCR), extended determinate sentence (EDS), extended sentence for public protection (EPP) prisoners, special custodial sentence for offenders of particular concern (SOPC) and terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003) only:</u> Where the Parole Board makes a decision regarding release, the decision will remain provisional for 21 calendar days 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 where the criteria is met.	Probation Service YOT Prisons

	All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	
4.10.31	<u>The Parole Board has the power to set aside a decision in a case if that decision meets certain criteria. This applies to all recalled prisoners. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 'Setting aside Parole Board Decision'.</u>	Parole Board
Release of recalled prisoners		Action By
4.10.32	Where the Parole Board directs the release of a determinate sentenced prisoner, the prison is responsible for organising the release arrangements with all parties to complete the release as soon as the risk management plan is in place.	Prison
4.10.33	In these cases, COMs/ Probation Practitioners must provide all release information to the prison within the deadline set.	Probation Service YOT
4.10.34	Where there are barriers to release, prisons are responsible for ensuring that all efforts are made to overcome these. Where that is not possible, prisons must escalate within the Probation Service in the first instance.	Prisons
4.10.35	Where all options have been exhausted and release within the proposed timescales (as set out in the Part B/C/PB Decision) looks unlikely, the prison must escalate the case to PPCS immediately.	Prisons
4.10.36	PPCS will escalate these concerns with the relevant senior manager within the Probation Service.	PPCS
Other Parole Board Decisions		Action By
4.10.37	Where the Parole Board makes a negative decision on the papers, the prison must ensure that the recalled prisoner is aware of their right to apply for an oral hearing within 28 calendar days. For further guidance see paragraph 5.9.6 of the Generic Parole Process Policy Framework.	Prisons
4.10.38	Where the Parole Board makes no direction to release, it is the responsibility of the COM/ Probation Practitioner to ensure that the recalled prisoner's ongoing detention is reviewed appropriately in light of any progress or developments that may be material to whether they can be safely re-released. Further information is set out in the further review chapter 4.15.	Probation Service YOT
4.10.39	Where the Parole Board decides that an oral hearing is required, the prison must ensure that the recalled prisoner understands the directions set. Further information is set out in the Parole Board Oral Hearings chapter 4.17.	Prisons

Parole Board Decision Summaries		Action By
4.10.40	Where a victim, who is involved in the Victim Contact Scheme, wishes to request a Parole Board decision summary (PBDS), the VLO must email the request directly to the Parole Board (summaries@paroleboard.gov.uk), copying in the COM/ Probation Practitioner. This request can be made at any time, within six months of the date of the decision.	Probation Service
4.10.41	The Parole Board is responsible for providing the PBDS to PPCS, the prison, the VLO and the COM/ Probation Practitioner.	Parole Board

4.10.42	Upon receipt of the PBDS, the VLO must ensure that a copy is disclosed to the victim as soon as possible.	Probation Service
4.10.43	Where the recalled prisoner is in custody, upon receipt of the PBDS, the POM must ensure a copy of it is disclosed to the recalled prisoner within one working day.	Prisons
4.10.44	Where the prisoner has been released, the COM must ensure that a copy of the PBDS is disclosed to the recalled individual as soon as possible.	Probation Service YOT

4.11 Fixed Term Recall – Review and Re-Release

Re-release prior to the end of the Fixed Term Recall		Action By
4.11.1	Where a COM/ Probation Practitioner assesses that a recalled prisoner is safe to be released before the end of the fixed term period, they must complete a Part B report and provide it to PPCS.	Probation Service YOT
4.11.2	Where a Part B report is submitted, all parties must follow the requirements set out in 'Standard Recall – Statutory Day 28 review' in relation to the completion and disclosure of Part B reports, paragraphs 4.10.1 to 4.10.9.	Probation Service YOT Prisons
4.11.3	On receipt of the Part B report, PPCS is responsible for assessing whether the recalled prisoner is suitable for executive release. For further information on executive release see chapter 4.14 of this Policy Framework.	PPCS
New information undermining the initial assessment of suitability		Action By
4.11.4	The COM/ Probation Practitioner must contact PPCS immediately where a recalled prisoner has been deemed suitable for a fixed term recall, but new information subsequently comes to light that calls into question the recalled prisoner's suitability. Further information is available in the guidance section at paragraph 6.10.2.	Probation Service YOT
4.11.5	PPCS is responsible for deciding if the recalled prisoner is no longer suitable for a fixed term recall and must notify the prison of the change of status to a standard recall and provide an updated recall dossier.	PPCS
4.11.6	Prisons must ensure that the recalled prisoner's status on PNOMIS is updated as a 'standard recall'. The recalled prisoner must be notified by the POM immediately and provided with the updated version of the recall dossier. In these cases, the prison must ensure that the recalled prisoner is not released automatically at the end of the fixed term period.	Prisons
Prisoner Representations in respect of Recall		Action By
4.11.7	In cases where the recalled prisoner makes representations on their suitability for re-release, prisons must ensure that the representations are provided to PPCS.	Prisons
4.11.8	Upon receipt of the recalled prisoner's representations, PPCS are responsible for requesting a full Part B Report from the COM/ Probation Practitioner. This request must be copied to the senior probation officer (and functional mailbox where detailed in the Part A Report).	PPCS
4.11.9	The COM/ Probation Practitioner will be required to submit a full Part B report. Due to the time constraints in fixed term recall cases, this must be provided within one working day of the request being issued.	Probation Service YOT

4.11.10	Where a Part B report is submitted, all parties must follow the requirements set out in 'Standard Recall – Statutory Day 28 review' in relation to the completion and disclosure of Part B reports, paragraphs 4.10.1 to 4.10.9.	Probation Service YOT Prisons
4.11.11	On receipt of personal or legal representations in respect of recall, PPCS must refer the case to the Parole Board in accordance with standard procedures. In these cases, the prison must ensure that the recalled prisoner is re-released no later than the end of the fixed term period even if the Parole Board has not yet had the opportunity to consider the representations, or has considered them and has declined to direct release on licence.	PPCS Prisons
4.11.12	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons and Probation).	PPCS
4.11.13	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third party directions in line with the Third Party Directions Protocol. See paragraphs 6.15.1 to 6.15.2 of this Policy Framework for further information.	Parole Board
4.11.14	Upon receipt of the Parole Board decision, all parties must follow the requirements set out in paragraphs 4.10.28 to 4.10.34 of this Policy Framework.	Probation Service YOT Prisons
Automatic release of Fixed Term Recall prisoners		Action By
4.11.15	Prisons must ensure that fixed term recall prisoners are re-released automatically on licence at the end of the fixed term period, unless they reach their sentence expiry date first.	Prisons
4.11.16	Where a prisoner has been released early subject to HDC and subsequently receives a 14-day fixed term recall, prisons must ensure that the recalled prisoner is released on the 14 th day or the CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the individual may not be re-released unless satisfactory curfew arrangements are in place.	Prisons
4.11.17	Where a prisoner has been released early subject to HDC and subsequently receives a 28-day fixed term recall, prisons must ensure that the recalled prisoner is re-released on the 28 th day or CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the individual may not be re-released unless satisfactory curfew arrangements are in place.	Prisons

Further guidance is available in [chapter 6.10](#) of this Policy Framework.

4.12 HDC Curfew Breach – Appeal Process

Prisoner Representations		Action By
4.12.1	Where a recalled prisoner makes representations against the recall breach decision, the prison must ensure that the representations are provided to PPCS.	Prisons

4.12.2	On receipt of the representations (personal or legal) PPCS is responsible for forwarding these to the HDC Recall Appeals Team.	PPCS
HDC Appeal Decision		Action By
4.12.3	The HDC Recall Appeals Team must issue the decision directly to the prison OMU functional mailbox and the COM/ Probation Practitioner. The prison must ensure that the recalled prisoner is provided with a copy within one working day of receipt.	HDC Appeal Team Prisons
4.12.4	If the appeal is allowed, PPCS must cancel the revocation of the HDC licence and the prison must generally re-release the recalled prisoner subject to HDC as soon as is practicable.	PPCS Prisons
4.12.5	If the appeal is dismissed, prisons must follow the requirements in paragraph 4.12.6.	Prisons
Release from HDC Curfew Breach		Action By
4.12.6	Where a prisoner on HDC has been recalled under s255(1)(a) CJA 2003, prisons must ensure that they remain in custody until the automatic conditional release date (CRD), unless they successfully appeal against recall (and there is a suitable address). Where the recall is for inability to monitor under 255(1)(b) CJA 2003, prisons may re-release if there is a suitable address (see the guidance section, paragraph 6.11.2).	Prisons
Standard and Fixed Term Recall during the HDC Period		Action By
4.12.7	Where a prisoner has been released early subject to HDC and subsequently receives a standard recall under s.254 CJA 2003, prisons must ensure that they are treated like any other recalled prisoner given a standard recall, as set out in chapter 4.10 of this framework. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the individual may not be re-released unless satisfactory curfew arrangements are in place.	Prisons
4.12.8	Where a prisoner has been released early subject to HDC and subsequently receives a 14 day fixed term recall, prisons must ensure that the recalled prisoner is released on the 14 th day following return to custody or the CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the recalled prisoner may not be re-released unless satisfactory curfew arrangements are in place. See chapter 4.11 for more information on fixed term recall.	Prisons
4.12.9	Where a prisoner has been released early subject to HDC and subsequently receives a 28 day fixed term recall, prisons must ensure that the recalled prisoner is re-released on the 28 th day following return to custody or CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the recalled prisoner may not be re-released unless satisfactory curfew arrangements are in place. See chapter 4.11 for more information on fixed term recall.	Prisons

Further guidance is available in [chapter 6.11](#) of this Policy Framework.

4.13 Young Individuals – Review and Re-Release

Return to custody and review of all Young Individuals		Action By
4.13.1	On return to custody of a young individual, prisons must follow the requirements set out in 'Return to Custody of all Recalled Prisoners', paragraphs 4.9.1 to 4.9.16.	Prisons
4.13.2	For determinate sentenced young individuals, all parties must follow the appropriate requirements set out in the appropriate chapter: <ul style="list-style-type: none"> • Standard Recall – Statutory Day 28 Review chapter 4.10; • Fixed Term Recall – Review and Re-Release chapter 4.11; or • HDC Curfew Breach – Appeal Process chapter 4.12. 	Prisons Probation Service YOT
4.13.3	For indeterminate sentenced young individuals, all parties must follow the requirements set out in 'Standard Recall – Statutory Day 28 Review' chapter 4.10.	Prisons Probation Service YOT

4.14 Executive Release

PPCS consideration of suitability for executive release		Action By
4.14.1	Where the COM/ Probation Practitioner submits a Part B / C report, PPCS is responsible for assessing the recalled prisoner's case to decide whether they are suitable for executive release.	PPCS
4.14.2	Where a Part B report is submitted, all parties must follow the requirements set out in 'Standard Recall – Statutory Day 28 review' in relation to the completion and disclosure of Part B reports, paragraphs 4.10.1 to 4.10.8.	Probation Service YOT Prisons
4.14.3	Where a Part C report is submitted to PPCS, the requirements set out in the below chapters must be followed in relation to the completion and disclosure of Part C reports: <ul style="list-style-type: none"> • Further Review, paragraphs 4.15.4 to 4.15.13; • Annual Review, paragraphs 4.16.2 to 4.16.13; or • Parole Board Oral Hearing paragraphs 4.17.9 to 4.17.16 and 4.17.30 to 4.17.35. 	Probation Service YOT Prisons
4.14.4	PPCS may seek further information to support the release process. This must be provided by the deadline set.	Probation Service YOT Prisons
Issuing an Executive Release Decision		Action By
4.14.5	Where an executive release is agreed, PPCS is responsible for issuing the decision to the prison, COM/ Probation Practitioner, the Parole Board (where the case has been referred to them) and legal representatives (where applicable).	PPCS
4.14.6	The POM must ensure that a copy is disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.14.7	On receipt of the executive release decision, the prison must ensure that the recalled prisoner is released from prison custody on the date specified.	Prisons
Executive Release Decision Summaries		Action By
4.14.8	Where a victim, who is involved in the Victim Contact Scheme, wishes to request an executive release decision summary (ERDS), the VLO must email the request directly to PPCS via ExecutiveReleaseSummaries@justice.gov.uk , copying in the COM.	Probation Service

	This request can be made at any time, within six months of the date of the decision.	
4.14.9	PPCS is responsible for providing the ERDS to the prison, the VLO and the COM/Probation Practitioner.	PPCS
4.14.10	Upon receipt of the ERDS, the VLO must ensure that a copy is disclosed to the victim as soon as possible.	Probation Service
4.14.11	Where the recalled prisoner is in custody, upon receipt of the ERDS, the POM must ensure a copy is disclosed to the recalled prisoner within one working day.	Prisons
4.14.12	Where the recalled prisoner has been released, the COM/Probation Practitioner must ensure that a copy of the ERDS is disclosed to the individual as soon as possible.	Probation Service

Further guidance is available in [chapter 6.12](#) of this Policy Framework.

4.15 Further Review

This section of the Policy Framework only applies to determinate sentenced prisoners (including extended sentence prisoners) subject to standard recall provisions where the Parole Board has made no direction to release.

Review of suitability for re-release		Action By
4.15.1	The COM/ Probation Practitioner must ensure that a recalled determinate sentenced prisoner's ongoing detention is reviewed regularly. How regularly it will be reviewed will depend on the individual case and any possible need for a review following a change of circumstances.	Probation Service YOT
4.15.2	Where there are outstanding criminal matters, it is the responsibility of the COM/ Probation practitioner to monitor progress of these and to notify PPCS immediately when an outcome is known.	Probation Service YOT
4.15.3	Where criminal offences are committed whilst in custody, prisons must notify the COM/ Probation Practitioner immediately.	Prisons
Part C Report		Action By
4.15.4	Where the COM/ Probation Practitioner assesses that the recalled prisoner's risk can be safely managed in the community, they must complete the Part C Report and submit it to PPCS.	Probation Service YOT
4.15.5	The Part C report must be completed by the COM/ Probation Practitioner who will be responsible for the management of the case when the individual is re-released.	Probation Service YOT
4.15.6	The Part C report must contain clear timescales for release plans, including availability of approved accommodation, whether release is supported or not.	Probation Service YOT
4.15.7	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan, even where release is not supported.	Probation Service YOT
4.15.8	POMs must provide the COM/ Probation Practitioner with information about the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
4.15.9	COMs/ Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YOT
4.15.10	On receipt of the Part C report, PPCS is responsible for assessing whether the recalled prisoner is suitable for executive release. For further information on executive release, see chapter 4.14 of this Policy Framework.	PPCS

Disclosure of the Part C report to the Prisoner		Action By
4.15.11	COMs/ Probation Practitioners must ensure that all Part C reports are provided to the prison.	Probation Service YOT
4.15.12	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.15.13	POMs must ensure that the prisoner is informed that they have the right to make representations and that these must be submitted to PPCS within 28 calendar days of receipt of the Part C.	Prisons

Further guidance is available in [chapter 6.13](#) of this Policy Framework.

4.16 Annual Review

This section of the Policy Framework only applies to determinate sentenced prisoners (including extended sentence prisoners) subject to standard recall provisions.

Updated Reports for the Annual Review		Action By
4.16.1	POMs must ensure that recalled prisoners are aware that they have a statutory right to have their ongoing detention reviewed by the Parole Board every 12 months and that they cannot opt out of this review. PPCS will issue an initial notification to the prison/recalled prisoner, informing the prisoner that they have the right to submit representations, and the deadline for which the representations must be submitted to PPCS.	PPCS Prisons
4.16.2	Prisons must provide details of the recalled prisoner's behaviour and progress in custody to the COM/ Probation Practitioner within four weeks of receipt of the notification from PPCS for inclusion in the Part C Report.	Prisons
4.16.3	The COM/ Probation Practitioner must provide a completed Part C report to PPCS within four weeks of the request from PPCS.	Probation Service YOT
4.16.4	The Part C report must be completed by the COM/ Probation Practitioner who will be responsible for the management of the case when the individual is re-released.	Probation Service YOT
4.16.5	The Part C report must contain clear timescales for release plans, including availability of approved accommodation, whether release is supported or not.	Probation Service YOT
4.16.6	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan, even where release is not supported (R11).	Probation Service YOT
4.16.7	In extended sentence cases, the COM/ Probation Practitioner must also provide a full copy of the updated OASys.	Probation Service YOT
4.16.8	COMs/ Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YOT
4.16.9	On receipt of the Part C report, PPCS is responsible for assessing the recalled prisoner's case to decide whether it is suitable for an executive release. For further information on executive release see chapter 4.14 of this Policy Framework.	PPCS
Disclosure of the Part C report and full dossier to the Prisoner		Action By

4.16.10	COMs/ Probation Practitioners must ensure that the Part C report is provided to the prison.	Probation Service YOT
4.16.11	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.16.12	PPCS is responsible for providing a copy of the dossier to the prison.	PPCS
4.16.13	The recalled prisoner must be provided with a copy of the annual review dossier within one working day of receipt from PPCS. The prison must explain the documents within the annual review dossier and the recalled prisoner's right to make representations direct to PPCS within 28 calendar days from the date of the prisoner's receipt of the annual review dossier.	Prisons
Disclosure and Referral to Parole Board		Action By
4.16.14	PPCS is responsible for the collation and referral of the dossier to the Parole Board by the anniversary date of the latest Parole Board decision.	PPCS
4.16.15	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons & Probation).	PPCS
4.16.16	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third party directions. See paragraphs 6.15.1 to 6.15.2 of this Policy Framework for further information.	Parole Board
4.16.17	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases, managed by the PPCS National Security Casework Team.	PPCS
4.16.18	From the point of referral by PPCS, the Parole Board is responsible for any representations from the prisoner or legal representative. All representations submitted after referral must be emailed directly to the Parole Board	Parole Board
4.16.19	Where the an eligible prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration window, this must be copied to PPCSreconsiderationteam@justice.gov.uk. The Parole Board will provide to the PPCS Reconsideration Team, with an opportunity to submit representations on behalf of the Secretary of State. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	Prison Legal Representative
Parole Board Decisions		Action By
4.16.20	The Parole Board is responsible for issuing the Parole Board decision to all parties.	Parole Board
4.16.21	The POM must ensure that a copy of the Parole Board decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.16.22	All parties must follow the requirements set out in Parole Board Decisions – Determinate Sentenced Prisoners paragraphs 4.10.28 to 4.10.34.	Probation Service YOT Prisons

4.16.23	All parties must follow the requirements set out in paragraphs 4.10.40 to 4.10.43 of this framework in relation to Parole Board Decision Summaries.	Probation Service YOT Prisons
4.16.24	Where the prisoner is eligible for reconsideration, all parties must follow the requirements set out in the Generic Parole Process Policy Framework Chapter 3.7.	Probation Service YOT Prisons
4.16.25	<u>The Parole Board has the power to set aside a decision in a case if that decision meets certain criteria. This applies to all recalled prisoners. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 Setting aside Parole Board Decision.</u>	Parole Board
Annual Reviews and New Sentences		Action By
4.16.26	Where a recalled prisoner receives a new sentence, the prison must ensure that PPCS are provided with the details of the new sentence. This must include the details of the length of the new sentence, the offence the sentence was imposed for, the new sentence CRD/SED, and as well as confirmation of the SED from the recall sentence.	Prisons
4.16.27	PPCS is responsible for checking whether the prisoner is eligible for an annual review, in light of the new sentence. Where the prisoner is no longer eligible or the date of the annual review has changed (in line with the CRD of the new sentence), PPCS will notify the prison (and the Parole Board if the case has been referred.) The prison is responsible for informing the prisoner.	PPCS Prisons
4.16.28	Where the prisoner has outstanding police/court matters, and they are eligible for an annual review (in line with the guidance at paragraph 6.14.1), the annual review will continue as normal, until such time as the outstanding matters are concluded. In these cases, further reports will be required for the annual review in line with the requirements outlined at the beginning of this chapter and must be followed by all parties. Where the prisoner then receives a new sentence, prisons must follow the requirements above at paragraph 4.16.26 to 4.16.27.	Probation Service Prisons

Further guidance is available in [chapter 6.14](#) of this Policy Framework.

4.17 Parole Board Oral Hearings

This section of the Policy Framework applies to all recalled prisoners, where the Parole Board has directed that an oral hearing take place, unless otherwise stated.

Directions (determinate recalls only)		Action By
4.17.1	The Parole Board is responsible for issuing Parole Board oral hearing directions and timetables to all parties.	Parole Board
4.17.2	The POM must ensure that Parole Board oral hearing directions and timetables are disclosed to the recalled prisoner within one working day of receipt.	Prisons

4.17.3	All HMPPS (Secretary of State, Prison & Probation) reports directed for a Parole Board oral hearing must be emailed to PPCS by the deadline set by the Parole Board panel.	Probation Service YOT Prisons
4.17.4	The Parole Board is responsible for securing all third party information for the panel (including directed information) as set out in the Third Party Directions Protocol. Information and reports that and are intrinsic to the Risk Management Plan will also remain the responsibility of PPCS.	Parole Board
4.17.5	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases.	PPCS
4.17.6	The Parole Board is responsible for uploading all third party directions to PPUD and ensuring that the dossier is recompiled on PPUD to ensure that all parties are notified as set out in the Third Party Directions Protocol.	Parole Board ¹⁷
4.17.7	The Parole Board is responsible for requesting representations from the prisoner or legal representative. All representations must be emailed directly to the Parole Board.	Parole Board
4.17.8	Where the Parole Board direct that a Part C report is completed, COMs/ Probation Practitioners must also follow the requirements set out in paragraph 4.17.30.	Probation Service YOT
4.17.9	The Part C report must be completed by the COM/ Probation Practitioner who will be responsible for the management of the case when the individual is re-released.	Probation Service YOT
4.17.10	The Part C report must contain clear timescales for release plans, including availability of approved accommodation, whether release is supported or not.	Probation Service YOT
4.17.11	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan, even where release is not supported.	Probation Service YOT
4.17.12	COMs/ Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YOT
4.17.13	POMs must provide the COM/ Probation Practitioner with information on the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
4.17.14	On receipt of the Part C report, PPCS is responsible for assessing the Part C report to determine whether the recalled prisoner is suitable for executive release. For further information on executive release, see chapter 4.14 of this Policy Framework.	PPCS

4.17.15	Where a direction cannot be complied with within the required timescale or where the information is either not available or would incur disproportionate cost, the directed party must ensure that PPCS is alerted immediately so that they can consider whether to seek a variation or revocation of the direction(s) under the Parole Board Rules.	Probation Service YOT Prisons
4.17.16	Where additional information comes to light during the oral hearing process, which is relevant to the assessment of risk, this must be provided in an addendum report.	Probation Service YOT Prisons
Directions (indeterminate recalls only)		Action By
4.17.17	The Parole Board is responsible for issuing Parole Board oral hearing directions and timetables to all parties.	Parole Board
4.17.18	POMs must ensure that Parole Board oral hearing directions and timetables are disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.17.19	Where the Parole Board directs that a report must be provided by the prison, prisons must ensure that the report is uploaded to the end of dossier by the deadline set by the Parole Board panel and disclosed to the recalled prisoner.	Prisons
4.17.20	Prisons must ensure that the dossier is recompiled on PPUD to ensure that all parties are notified that the report has been uploaded. Further guidance is available in paragraph 6.15.3.	Prisons
4.17.21	All directed reports must be emailed to PPCS by the deadline set by the Parole Board panel.	Probation Service YOT
4.17.22	PPCS is responsible for uploading Probation Service and YOT reports to PPUD and recompiling the dossier to ensure that all parties are notified. Further guidance is available in paragraph 6.15.3.	PPCS
4.17.23	The Parole Board is responsible for securing all third-party information for the panel (including directed information), as set out in the Third Party Directions Protocol. Information and reports that are intrinsic to the Risk Management Plan will remain the responsibility of PPCS. Further guidance is available in the Generic Parole Process Policy Framework.	Parole Board
4.17.24	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases.	PPCS
4.17.25	The Parole Board is responsible for uploading all third party directions to PPUD and ensuring that the dossier is recompiled on PPUD to ensure that all parties are notified, as set out in the Third Party Directions Protocol.	Parole Board
4.17.26	The Parole Board is responsible for requesting representations from the prisoner or legal representative. All representations must be emailed directly to the Parole Board.	Parole Board
4.17.27	Where the prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration	Prison

	<p>window, this must be copied to PPCSreconsiderationteam@justice.gov.uk. The Parole Board will provide to the PPCS Reconsideration Team, with an opportunity to submit representations on behalf of the Secretary of State.</p> <p>All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.</p>	Legal Representative
4.17.28	On receipt of the automatic email from the PPUD, the prison must download a copy of the report and the POM must provide a copy to the recalled prisoner within one working day.	Prisons
4.17.29	PPCS is responsible for disclosing all directed reports to the legal representative.	PPCS
4.17.30	Where the Parole Board direct that a Part C report is completed, COMs/ Probation Practitioners must also follow the requirements set out in paragraph 4.17.41.	Probation Service YOT
4.17.31	The Part C report must be completed by the COM/ Probation Practitioner who will be responsible for the management of the case when the individual is re-released.	Probation Service YOT
4.17.32	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan, even where release is not supported.	Probation Service YOT
4.17.33	COMs/ Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YOT
4.17.34	POMs must provide the COM/ Probation Practitioners with information on the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
4.17.35	Where a direction cannot be complied with within the required timescale or where the information is either not available or would incur disproportionate cost, the directed party must ensure that PPCS is alerted immediately so that it can consider whether to seek a variation or revocation of the direction(s) under the Parole Board Rules. All HMPPS staff, including Psychology, must send all requests to vary or revoke HMPPS directions to PPCS. PPCS are responsible for making an application to the Parole Board before the set deadline for the direction is reached.	Probation Service YOT Prisons
4.17.36	Where additional information comes to light during the oral hearing process, which is relevant to the assessment of risk, this must be provided in an addendum report by the COM/ Probation Practitioner.	Probation Service YOT Prisons
Disclosure of the Part C report and other directed reports to the Prisoner (determinate recalls only)		Action By
4.17.37	COMs/ Probation Practitioners must ensure that the Part C report is provided to the prison by the deadline set by the Parole Board.	Probation Service YOT

4.17.38	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.17.39	PPCS is responsible for disclosing all HMPPS directed reports to the prison, COM/ Probation Practitioner and legal representative and recompiling the dossier on PPUD	PPCS
4.17.40	POMs must ensure that the Parole Board directed reports are disclosed to the recalled prisoner within one working day of receipt.	Prisons
Disclosure of the Part C report and other directed reports to the Prisoner (indeterminate recalls only)		Action By
4.17.41	COMs/ Probation Practitioner must ensure that the Part C report is provided to the prison by the deadline set by the Parole Board.	Probation Service YOT
4.17.42	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.17.43	POMs must disclose all reports directed by the Parole Board to the recalled prisoner within one working day of receipt.	Prisons
4.17.44	Prisons must follow the requirements set out in paragraphs 4.17.18 to 4.17.20 and 4.17.28 of this framework in relation to disclosing Parole Board Directions to indeterminate recalled prisoners.	Prisons
Parole Board Oral Hearing Witnesses		Action By
4.17.45	Before listing the hearing, the Parole Board will provide all potential witnesses with the opportunity to declare any dates on which they are unavailable. All witnesses must respond directly to the Parole Board within two weeks of the request.	Probation Service YOT Prisons
4.17.46	The Parole Board is responsible for setting the hearing date, type of hearing, time and location. See paragraph 6.15.5 of this Policy Framework for further guidance.	Parole Board
4.17.47	Once the date of the hearing is confirmed, all witnesses must ensure that they attend the hearing.	Probation Service YOT Prisons
4.17.48	In exceptional cases, where a witness is no longer able to attend, they must notify PPCS immediately. Where deemed appropriate PPCS are responsible for informing the Parole Board and seeking agreement from the Panel Chair for an alternative witness to attend.	Probation Service YOT Prisons
4.17.49	If a witness refuses to attend, the Parole Board has the power to request a witness summons from the Civil Courts.	Probation Service YOT Prisons
4.17.50	HMPPS witnesses wishing to give their evidence remotely must notify the Parole Board to seek agreement from the Panel Chair no later than 12 weeks before the date of the oral hearing (unless that oral hearing has been convened as a remote hearing).	Probation Service YOT Prisons
4.17.51	The Parole Board is responsible for deciding whether to approve a request for a witness to give evidence remotely.	Parole Board

Psychological and Psychiatric Reports		Action By
4.17.52	Where directed by the Parole Board, the prison must request reports from psychologists at the earliest opportunity.	Prisons
4.17.53	Where directed by the Parole Board, the prison must commission reports from psychiatrists at the earliest opportunity. For further information on the commissioning of specialist reports please refer to Generic Parole Process Policy Framework section 5.6.19 to 5.6.21.	Prison
4.17.54	Where the Parole Board has directed that a particular assessment or a report is completed prior to the hearing, this must be included in the dossier	Prisons
4.17.55	If the direction is unclear or, in the expert view of the regional psychologist the assessment/report is unlikely to add value, the prison must contact the PPCS case manager at the earliest opportunity.	Prisons
4.17.56	PPCS is responsible for deciding whether to or seek a variation or revocation of the direction(s) under the Parole Board Rules.	PPCS
Oral Hearing Dossier		Action By
4.17.57	PPCS is responsible for compiling and disclosing all HMPPS (Secretary of State, Prisons & Probation) directions to all parties.	PPCS
4.17.58	The Parole Board is responsible for compiling and disclosing all third party directions to all parties, as set out in the Third Party Directions Protocol.	Parole Board
4.17.59	The POM must ensure that the dossier is disclosed to the recalled prisoner within one working day of receipt from PPCS.	Prisons

Transfer during an Oral Hearing		Action By
4.17.60	Where it has been agreed that a prisoner will transfer to another establishment during their recall review to access a progression opportunity in line with their sentence plan, or where transfer must take place for security reasons, the establishment must notify PPCS as soon as possible of the transfer and reasons (see guidance paragraphs 6.15.8 to 6.15.13).	Prisons
4.17.61	It is even more essential that prisoners are not transferred after their oral hearing date has been listed unless this is due to exceptional circumstances and it is unavoidable. In such cases, the prison must notify PPCS and the Parole Board immediately. The receiving establishment must also ensure arrangements are made for the prisoner to attend the hearing.	Prisons
4.17.62	Where a transfer is necessary during a review, the sending prison must take responsibility for completing any outstanding directions as it will normally have greater knowledge of the recalled prisoner.	Prisons
4.17.63	As set out in the guidance, there may be circumstances where the receiving prison is better placed to complete the outstanding	Prisons

	directions. Where an agreement cannot be reached, it is the responsibility of the sending prison to complete the reports. See paragraph 6.15.10 of this Policy Framework.	
4.17.64	Receiving prisons must ensure that they have procedures in place for checking on the progress of the recalled prisoner's oral hearing before the decision is taken to accept a recalled prisoner during the review period.	Prisons
Parole Board Decisions		Action By
4.17.65	The Parole Board is responsible for issuing the Parole Board decision to all parties.	Parole Board
4.17.66	A copy of the Parole Board decision must be disclosed to the recalled prisoner by the POM within one working day of receipt.	Prisons
4.17.67	All parties must follow the requirements set out for determinate sentenced prisoners in Parole Board Decisions – Determinate Sentenced Prisoners at paragraphs 4.10.28 to 4.10.35.	Probation Service YOT Prisons
4.17.68	All parties must follow the requirements set out for indeterminate sentenced prisoners in Parole Board Decisions – Indeterminate Sentenced Prisoners at paragraphs 4.10.17 to 4.10.27.	Probation Service YOT Prisons
4.17.69	All parties must follow the requirements set out in paragraphs 4.10.38 to 4.10.43 of this framework in relation to Parole Board Decision Summaries.	Probation Service YOT Prisons
4.17.70	Where the prisoner is eligible for reconsideration, all parties must follow the requirements set out in the Generic Parole Process Policy Framework Chapter 3.7 Reconsideration of Parole Board Decisions.	Probation Service YOT Prisons
4.17.71	Where the Parole Board makes a decision regarding release or a direction not to release, they have the ability to set aside their decision if the case meets certain criteria. All parties must follow the criteria, requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 Setting aside Parole Board Decision.	Parole Board

Further guidance is available in [chapter 6.15](#) of this Policy Framework.

5. Constraints

Out of Hours Rescind Requests		Action By
5.1	Rescind decisions cannot be taken out of hours. A request to rescind an out-of-hours recall must be submitted to PPCS the next working day, in accordance with requirements in chapter 4.7 of this Policy Framework.	Probation Service YOT

Reconsideration of Parole Board Decisions - Release Decisions		Action By
5.2	<p>This section only applies to recalled prisoners who are subject to the following sentences:</p> <ul style="list-style-type: none"> • All Indeterminate Sentenced Prisoners • Discretionary Conditional Release (DCR) • Extended Sentence for Public Protection (EPP) • Extended Determinate Sentences (EDS) • Special Sentences for Offenders of Particular Concern (SOPC) • Terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003) • Any other determinate sentence subject to initial release by the Parole Board <p>Prisons must not release recalled prisoners eligible for reconsideration until PPCS confirm that the reconsideration process has been completed and the decision has become final (see guidance paragraph section 6.9).</p>	Prisons

Parole Board Oral Hearings		Action By
5.3	HMPPS report writers must not contact the Parole Board directly unless it is in regard to witness availability.	Prisons Probation Service
Transfer during an Oral Hearing		
5.4	Prisoner may be transferred during their recall review only to access a progression opportunity in line with their sentence plan or for security reasons.	Prisons
Secretary of State Representation		Action By
5.5	Prisons must not provide a Secretary of State's Representative for an oral hearing, unless previously agreed by managers at PPCS. Any representation of the Secretary of State will be carried out by a PPCS Secretary of State Representative and only where PPCS senior managers have agreed that representation is required in order to facilitate the progress of a review.	Prisons

6. Guidance

6.1 Recalling an Indeterminate and Extended Determinate Sentenced Individuals

- 6.1.1 Life sentenced individuals who have been released on licence can have their licence revoked and be recalled to custody at any time, since their licence will remain in force for the whole of their life - even where supervision has been suspended. IPP sentenced prisoners can have their licence permanently ended after 10 years.
- 6.1.2 Extended sentence individuals who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period.
- 6.1.3 All life sentenced individuals, extended sentence individuals - extended sentence for public protection individuals (EPP) and extended determinate sentence individuals (EDS) are ineligible for a fixed term recall.
- 6.1.4 All life sentenced, EPP and EDS individuals can only be recalled if their behaviour indicates they present an increased RoSH/re-offending. This can either be where the RoSH has been clearly demonstrated or where the RoSH cannot be measured e.g. where the licensee fails to report as required or is out of contact entirely.

Authorising Recall for Indeterminate and Extended Determinate Sentenced Individuals

- 6.1.5 On receipt of the Part A recall report and all the mandatory supporting paperwork, PPCS will ensure that the information provides sufficient evidence and justification to support the request to recall the individual and will decide whether to authorise the recall.
- 6.1.6 Where PPCS considers that the information does not provide sufficient evidence and justification to support recall of the individual, or there are missing documents, they will discuss this with the Probation Service in order for a final decision to be taken.
- 6.1.7 For all requests to recall indeterminate sentenced and extended sentenced individuals, additional authorisation will be sought from a PPCS duty senior manager.

6.2 Recalling all other Determinate Sentenced Individuals

- 6.2.1 Determinate sentenced individuals who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period.
- 6.2.2. Section 184 of the Police, Crime, Sentencing and Courts (PCSC) Act 2022 provides the Police with the power to undertake an urgent arrest of a TACT or TACT-Connected individual on licence who is likely to be recalled to custody due to a breach of their licence conditions, where the police reasonably consider that it is necessary to protect the public from a risk of terrorism, to detain the individual until a recall decision is made.
- 6.2.3 Where the Police apprehend an individual under this power, they will make immediate contact with the Probation Service to allow them to consider recall proceedings. The police can only hold the TACT or TACT Connected offender for a limited period of time (6 hours in England and Wales and 12 hours in Scotland and N. Ireland). Therefore, it is imperative that the arrest is communicated swiftly to the Probation Service in order for recall proceedings to be considered within the custody time frame.
- 6.2.4 Although the Police make the decision to arrest an individual, the decision to request the recall of an individual on licence remains with the Probation Service and the usual process

of recalling an individual should be followed. COMs/ Probation Practitioners should refer to the appropriate chapters within this Framework when considering whether to recall the individual. For ISP/ ESP individuals please refer to paragraph 4.2 and for other Determinate sentenced individuals please refer to paragraph 4.3.

The criteria for arresting a terrorist individual without a warrant is set out in Counter Terrorism Policing- The Police, Crime, Sentencing and Courts (PCSC) Act 2022 Additional Police Powers (Terrorism) Guidance.

Fixed Term Recall

- 6.2.5 Individuals assessed as suitable for a fixed term recall will be automatically released at the end of the fixed term period. Individuals serving custodial sentences of less than 12 months will receive a 14 day fixed term recall and those individuals serving custodial sentences of 12 months or longer will receive a 28 day fixed term recall. The fixed term recall begins on the first day of their return to custody on or after the date of recall.
- 6.2.6 All indeterminate sentenced individuals and extended sentenced individuals are automatically ineligible for a fixed term recall.
- 6.2.7 All other individuals (including Sentences of Particular Concern (SOPCs), serving standard determinate sentences are deemed to be eligible for a fixed term recall.
- 6.2.8 Suitability is assessed in terms of the RoSH, and for the purposes of these provisions serious harm means death or serious personal injury, whether physical or psychological. The statutory test for assessing suitability is:
- A person is suitable for automatic release only if the Secretary of State is satisfied that the person will not present a RoSH to members of the public if released at the end of that period.
- 6.2.9 It is important to note that this is an assessment of RoSH at the end of the fixed term period.
- 6.2.10 When assessing an individual's suitability for fixed term recall, the COM/ Probation Practitioner should:
- Gather all relevant information, including the events that have led up to recall, and then consider the impact on the current risk assessment and, in cases of very high, high or medium risk of harm, also consider the OASys which accompanies the recall report; and
 - Identify the likely impact of a fixed term period in custody on the level of RoSH and whether that RoSH can be managed if the individual is released at the end of the fixed term period.
- 6.2.11 Where the individual is considered suitable for a fixed term recall, the COM/ Probation Practitioner should complete the Part A report recommending a fixed term recall. Where the individual is not considered suitable, the COM/ Probation Practitioner should complete the Part A report recommending a standard recall. See guidance below, paragraphs 6.2.16 to 6.2.18.
- 6.2.12 An individual will only receive a fixed term recall if assessed as eligible and suitable by PPCS.

Standard Recall

- 6.2.13 Standard recall could result in the individual remaining in prison until their sentence expiry date (SED).
- 6.2.14 A standard recall will be applied in all cases where the individual is assessed as unsuitable for a fixed term recall. All indeterminate sentenced individuals and extended sentenced individuals will be recalled under standard recall provisions.
- 6.2.15 All recalled individuals have a statutory right to have their case referred to the Parole Board. Standard recall individuals must have their case referred to the Board within 28 calendar days of their return to custody, whether or not they request a review, to allow a speedy review of their detention and annually thereafter, if they are not released sooner. Individuals may be re-released at any point before their SED where the Parole Board or the Secretary of State is satisfied that the risks presented by the individual can be safely managed in the community. For further details on the statutory Day 28 review see paragraph 6.9.1.

Authorising Recall for Determinate Sentenced Individuals

- 6.2.16 On receipt of the Part A recall report and all the mandatory supporting paperwork, PPCS will ensure that there is sufficient evidence and justification to authorise recall of the individual and, where appropriate, assess suitability for a fixed term or standard recall.
- 6.2.17 Where PPCS considers that the Part A recall Report and supporting documents do not provide sufficient evidence to recall the individual, they will discuss this with the Probation Service in order for a final decision to be taken.
- 6.2.18 Where PPCS, on behalf of the Secretary of State, does not agree with the recommendation (for a standard or fixed term recall) made in the Part A report, PPCS will discuss the assessment with the COM/ Probation Practitioner or senior probation officer before taking a final decision. This decision will be taken within 24 hours of receipt of the Part A report and mandatory supporting paperwork.

6.3 Recalling an Individual subject to Home Detention Curfew (HDC)

- 6.3.1 Individuals who are released subject to HDC can have their licence revoked and be recalled to custody at any time during the HDC period. Whilst the individual is within the HDC period, they are subject to additional HDC licence conditions which can be revoked by PPCS following a notification from Electronic Monitoring Contractors. Electronic monitoring companies' notifications are made without direct reference to the Probation Service/YOT but they should copy them in when sending the request to PPCS.
- 6.3.2 Individuals released early on HDC are liable to be recalled under Section 255 of the Criminal Justice Act 2003 where it appears to the Secretary of State that:
- There is a failure to comply with the curfew condition; or
 - The individual's whereabouts can no longer be electronically monitored at the place for the time being specified in the curfew conditions.
- 6.3.3 Individuals released subject to HDC are also subject to standard licence conditions. If these conditions are breached during the HDC period, the licence can be revoked by PPCS at the request of the COM/ Probation Practitioner. COMs/ Probation Practitioners should follow the requirements set out in 'Recalling all other Determinate Sentenced Individuals' paragraphs 4.3.1 to 4.3.20.

Breach of Curfew Conditions

- 6.3.4 Electronic monitoring companies must notify PPCS where a level 1 violation occurs (see the requirements section paragraph 4.4.1). The following constitutes a level 1 violation:
- Serious infringements of the curfew or other licence conditions such as being absent for an entire curfew period; or
 - Assaulting or threatening to assault a member of the contractor's staff; or
 - Intentional destruction of the monitoring equipment.
- 6.3.5 Electronic monitoring companies are responsible for issuing a warning letter where a level 2 violation occurs and, where two level 2 violations occur, they must notify PPCS (see the requirements section paragraphs 4.4.2 to 4.4.3). The following constitutes a level 2 violation:
- Shorter absences in one curfew period;
 - Intentional tampering with the equipment (but to a lesser degree than that covered by level 1); or
 - A number of very short absences over the length of the monitoring and curfew period.

Inability to Monitor

- 6.3.6 Electronic monitoring companies must notify PPCS where they are unable to electronically monitor an individual subject to curfew (see the requirements section paragraph 4.4.4). Inability to monitor could arise in three ways:
- Installation failure – inability to install the monitoring equipment at the curfew address, either for technical or practical reasons;
 - Monitoring failure – failure of the monitoring equipment resulting in an inability to electronically monitor an individual subject to curfew; or
 - Change of circumstances – the individual subject to curfew is unable to reside at the original approved curfew address (e.g. the householder/landlord/hostel manager has withdrawn consent for the individual to remain at the address).

6.4 Recalling a Young Individual

Young Individuals Serving Determinate Sentences

- 6.4.1 Young individuals serving determinate sentences of more than one day who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period. Where an individual is subject to a three month notice of supervision, recall is not available and breach of supervision requests to must be processed through the courts. Young individuals are subject to the same recall provisions as adult individuals released on licence.

Young Individuals Serving Indeterminate Sentences

- 6.4.2 Life sentenced young individuals who have been released on life licence can have their licence revoked and be recalled to custody at any time, since their licence will remain in force for the whole of their life - even where supervision and conditions may be lifted. Young individuals are subject to the same recall provisions as adult individuals released on life licence. For DPP prisoners they can have their licence ended after 10 years in the community.
- 6.5 Out of Hours (OoH) Recall Requests
- 6.5.1 PPCS operates an out-of-hours (OoH) service for all indeterminate and emergency determinate recall requests only. The OoH service applies to the Probation Service and YOT and is available between 5pm and 9am (weekdays) and 24 hours during the weekend (including Bank Holidays). The out-of-hours switchboard telephone number is detailed on the Public Protection Group Staff Contact List, which can be accessed via the following link: [Public Protection Group](#).
- 6.5.2 When contacting the out-of-hours switchboard, the Probation Service/YOT should state that an emergency recall is being requested; specifying the individual's name, Probation Service Probation Delivery Unit (PDU)/YOT area and the contact details of the requestor including a contact telephone number.
- 6.5.3 The switchboard will relay this information to PPCS, who will contact the requestor to discuss the request to recall and gather the individual's information in order to complete the revocation order.
- 6.5.4 PPCS will require the following information:
- Individual's full name including any aliases
 - Date of birth
 - Prison number and NOMIS number
 - MAPPA level
 - Releasing prison and release date
 - Index offence and length of sentence
 - CRO number and PNC number
 - Probation Service, PDU or YOT area
 - Police SPOC area
 - COM's/ Probation Practitioner details
 - Authorising senior manager's details
 - Last known address
 - Sentence Expiry Date
 - Vulnerability issues and known arrest risks
- 6.5.5 For requests to recall indeterminate and extended sentenced individuals, additional authorisation will be sought from a PPCS duty senior manager.
- 6.5.6 COMs/ Probation Practitioners should refer to the consideration for recall requirement sections in this framework to ensure that the criteria is met prior to requesting an OoH Recall. See paragraphs 4.2.1 to 4.2.8 for indeterminate sentenced individuals and extended sentenced individuals and paragraphs 4.3.1 to 4.3.5 for all other determinate sentenced individuals.

6.6 Rescind of Recall

- 6.6.1 PPCS, on behalf of the Secretary of State, has the power to rescind or cancel a recall decision in certain circumstances where the decision was based on erroneous information or the Secretary of State is satisfied that all conditions have been complied with or have been breached in circumstances beyond the control of the individual.
- 6.6.2 Rescind applications made after an individual's return to prison custody will only be considered where information is subsequently provided that was not available to the Secretary of State at the time the recall decision was taken.

6.7 Unlawfully at Large (UAL) Offence Following Recall

- 6.7.1 The offence of being UAL applies to those who are recalled, fail to respond to a notification of the recall and remain UAL. Individuals who remain UAL for a period of six months or more and fail to keep in touch with their COM/ Probation Practitioner are deemed notified under the 'failure to keep in touch' rule.
- 6.7.2 PPCS will identify individuals who have been recalled to custody and remain UAL. PPCS is also responsible for undertaking the notification procedures set out in this Policy Framework and for notifying the police and PNCB once the procedures have been complied with. See paragraph 4.8.1 and Annex B for more information.

Recalled Individuals with Known Addresses

- 6.7.3 Although PPCS will not as a rule instigate the notification process until at least 28 days after the revocation order has been issued, it can, exceptionally, instigate the process sooner if it believes that it is in the public interest to do so.

RETURN TO CUSTODY, REVIEW AND RE-RELEASE GUIDANCE

6.8 Return to Custody of all Recalled Prisoners

6.8.1 On return to custody, all recalled prisoners have a statutory right to be informed of the reasons for their recall and their right to make representations in regard to their suitability for re-release. This information is provided to the recalled prisoner in the form of the recall dossier. The requirements set out in this Policy Framework are in place to ensure this is completed in a timely, efficient and transparent manner.

Apprehending and returning a recalled prisoner to custody

6.8.2 If the Secretary of State decides to recall the individual, they will be liable for immediate arrest, if not in custody. Following arrest by the police, recalled individuals will be returned by the escort contractors to the nearest prison or remand centre categorised as a local for prisoners of that type (adult males, females, or young adults or young people) that serves the area where the arrest took place. The police are required to notify the prison in advance.

6.8.3 Recalled individuals should be returned to the nearest local prison as defined by Population Management Unit (PMU). The Prison Escort and Court Services (PECS) contractors are responsible for the escorting arrangements and will collect the recalled prisoner from the police station on receipt of a valid Person Transportation Request (PTR) and deliver to the nearest local prison in line with their contractual obligations. Local Function Prisons cannot refuse to accept such a recalled prisoner providing the delivery is within the agreed reception opening times - Schedule 26 of the PECS Contract. If the Local Function Prison cannot accept the recalled prisoner due to population pressures, PECS contractors must gain authority from PMU to re-direct to another prison. For details of the prison requirements see paragraphs 4.9.1 to 4.9.4 of this Policy Framework.

Disclosure of the Recall Dossier

6.8.4 All recalled prisoners have a statutory right to be notified of the reasons for their recall and their right to make representations seeking a review of their detention to the Parole Board, via PPCS. This information is contained within the recall dossier.

6.8.5 All recall dossiers will be provided by PPCS to the prison, normally by email to the prison OMU functional mailbox. The COM/ Probation Practitioner will be copied into this email, which will also include the date that the Part B report should be submitted to PPCS.

Legal Phone Call

6.8.6 Details of active civil and criminal providers can be accessed via the following website link: <https://www.gov.uk/find-a-legal-adviser>

Recall Information Leaflets

6.8.7 There are four recall information leaflets. These are:

- Standard Recall leaflet
- Fixed Term Recall leaflet
- Indeterminate Recall leaflet
- HDC Curfew Recall leaflet

6.8.8 PPCS will provide the appropriate leaflet to the prison with the recall dossier. Each leaflet contains information on the specific review process pertinent to the type of recall and has been written specifically for recalled prisoners. The recall leaflets are also available in Welsh.

Recalled Individuals in custody in Prisons in Scotland and Northern Ireland

6.8.9 Where possible, recalled individuals subject to a standard recall should be transferred to an English or Welsh prison so that they can access the Parole Board. PPCS will issue the recall dossier to the establishment where the recalled prisoner is being held (copied to the releasing prison that issued the licence and the COM/ Probation Practitioner). The review process will continue as normal. See 'Standard Recall – Statutory Day 28 Review' chapter 4.10 for more information. When requested, Scottish/Northern Irish prisons will need to prepare reports for the Parole Board.

6.8.10 Where a fixed term recalled prisoner is held in a Scottish or Northern Irish prison they can serve the recall in that establishment. Where the individual is serving a new sentence in Scotland or Northern Ireland, the fixed term recall will be served concurrently. PPCS will issue the recall dossier to the establishment where the recalled prisoner is being held (copied to the releasing prison that issued the licence and the COM/ Probation Practitioner).

6.9 Standard Recall - Statutory Day 28 Review

6.9.1 All standard recalled prisoners who remain in custody 28 days after their return to custody must have their case referred to the Parole Board. Statutory Day 28 Review process apply to all recalled indeterminate and extended sentenced prisoners, as well as, all other determinate sentenced prisoners subject to a standard recall.

Statutory Day 28 Parole Board Review

6.9.2 Following the referral of the dossier by PPCS, where the Parole Board have directed an oral hearing or an adjournment/deferral, the Parole Board will be responsible for acquiring all third party directions, other than in the cases set out at 6.9.3.

6.9.3 Where the Parole Board have directed an oral hearing or an adjournment/deferral, all Parole Board directed HMPPS directions will remain the responsibility of PPCS, including the recompiling of the dossier and disclosing the dossier to all parties. PPCS will retain responsibility for all directions compliance for cases managed by the PPCS National Security Casework Team.

Parole Board Decisions

Release of recalled prisoners (Indeterminate Sentenced Prisoners only)

6.9.4 Where the Parole Board directs the release of a recalled indeterminate sentenced prisoner, PPCS will work with the COM/ Probation Practitioner and the releasing prison to ensure that the recalled prisoner is released as soon as possible. This includes contacting the COM/ Probation Practitioner to confirm the release arrangements and reporting instructions (the time that the recalled prisoner should report and to whom). This is to ensure the integrity of the release and risk management plan. The Parole Board decision will note the proposals of the prisoner's release which was laid out by the COM/ Probation Practitioner in the Part B/C report. This will help manage the release of the prisoner.

Where the COM/ Probation Practitioner would like to seek a variation to the licence conditions set by the Parole Board, the COM/ Probation Practitioner should provide full details of the amended licence condition wording with reasons for the variation to PPCS. PPCS will then seek a variation.

Other Parole Board Decisions (Indeterminate Sentenced Prisoners only)

- 6.9.5 Where the Parole Board makes a negative decision on the papers e.g. that the recalled prisoner must stay in closed conditions, the recalled prisoner has 28 calendar days to make representations requesting an oral hearing. The decision will remain provisional until the 28 calendar days have elapsed, after which the decision will become final (unless the recalled prisoner has successfully requested an oral hearing).
- 6.9.6 In these cases, the recalled prisoner's case will then be managed under the Generic Parole Process (GPP), see Generic Parole Process Policy Framework (GPP) for more details.

Release of recalled prisoners (Determinate Sentenced Prisoners only)

- 6.9.7 Section xxx of the Police, Crime, Sentencing and Courts (PCSC) Act 2022 removed the Parole Board's power to direct immediate or forward release decisions for recalled determinate sentenced prisoners.
- 6.9.8 Where the Parole Board directs the release of a recalled determinate sentenced prisoner, the releasing prison will work with the COM / Probation Practitioner to ensure that the recalled prisoner is released as soon as possible. This includes contacting the COM / Probation Practitioner to confirm the release arrangements and reporting instructions (the time that the recalled prisoner should report and to whom). This is to ensure the integrity of the release and risk management plan. The Parole Board decision will note the proposals of the prisoner's release which was laid out by the COM/ Probation Practitioner in the Part B/C report. This will help manage the release of the prisoner.
- 6.9.9 Where the COM/ Probation Practitioner would like to seek a variation to the licence conditions set by the Parole Board, the COM / Probation Practitioner should provide full details of the amended licence condition wording with reasons for the variation to PPCS. PPCS will then seek a variation.

Other Parole Board Decisions (Determinate Sentenced Prisoners only)

- 6.9.10 Where the Parole Board make no direction to release a determinate sentenced prisoner, the recalled prisoner may be entitled to further statutory reviews as set out in the guidance (see Further Review chapter 6.14 and Annual Reviews chapter 6.15).
- 6.10 Fixed Term Recall – Review and Re-Release
- 6.10.1 Fixed term recalled prisoners' cases are only referred to the Parole Board in cases where the recalled prisoner submits representations before the end of the fixed term period. The COM / Probation Practitioner should provide a Part B report, where they are supporting release, or the recalled prisoner wishes to submit representations to the Parole Board.

New information undermining the initial assessment of suitability

- 6.10.2 Where the COM / Probation Practitioner provides new information to PPCS which has subsequently come to light and calls into question the recalled prisoner's suitability for fixed term recall, any re-assessment can only take place within the fixed term period of custody. The new evidence will need to satisfy the below criteria:

- The information was not available at the time the decision to issue a fixed term recall was taken; and
- The information would have made the recalled prisoner unsuitable for fixed term recall at the time the assessment was made.

6.11 HDC Curfew Breach – Appeal Process

Release from HDC Curfew Breach

- 6.11.1 Prisoners recalled under section 255 (1) (a) of CJA 2003 become statutorily ineligible for future release on HDC. This does not prevent them appealing the recall decision. If successful, the exclusion on future release on HDC no longer applies. Further information is available in Home Detention Curfew Policy Framework.
- 6.11.2 Prisoners recalled under section 255 (1) (b) of CJA 2003 because their whereabouts could no longer be electronically monitored (usually because they have lost their address) can apply to be re-released on HDC if suitable arrangements can be made. Further information is available in Home Detention Curfew Policy Framework.

6.12 Executive Release

- 6.12.1 PPCS, on behalf of the Secretary of State, has the power to executive release determinate sentence prisoners into the community subject to licensed supervision at any time during the recall period, including those prisoners subject to extended sentences. All such releases take place without reference to the Parole Board; in making a decision to re-release, the Secretary of State must be satisfied that the recalled prisoner's RoSH can be safely managed in the community.
- 6.12.2 COMs/Probation Practitioners can initiate a review of suitability for re-release at any point during the prisoner's recall by submitting an updated Part C report to PPCS. There is no requirement to wait until the next scheduled review of the case (including any directed oral hearing) to request re-release.
- 6.12.3 PPCS will work with the COM/ Probation Practitioner and, where appropriate, the individual supervisor to develop a robust risk management plan that addresses the risks identified, including any additional licence conditions to support compliance and protect the public. PPCS will also liaise with the COM/ Probation Practitioner in regard to the preferred timescale for re-release, taking into account availability of accommodation and other relevant factors.
- 6.12.4 In cases where an oral hearing is directed, any consideration of executive release must be concluded by PPCS three weeks prior to the confirmed oral hearing date. If it is not possible for executive release consideration to be concluded prior to that date, unless there are exceptional circumstances, the case must proceed to the oral hearing.
- 6.12.5 In cases where an oral hearing is directed, where an executive release decision is issued prior to the confirmed oral hearing date, PPCS will ensure that the Parole Board are notified so that the oral hearing can be cancelled.

6.13 Further Review

- 6.13.1 If the recalled prisoner's sentence expiry date is 13 months or more from the date of the Parole Board decision not to release, the case will be set for a statutory annual review which will take place 12 months from the date of the decision.

- 6.13.2 If the recalled prisoner's sentence expiry date is less than 13 months from the date of the Parole Board decision not to release, the recalled prisoner will remain in custody until their Sentence Expiry Date unless re-released at an earlier date by the Parole Board or the Secretary of State.
- 6.13.3 The COM/ Probation Practitioner is responsible for ensuring that a recalled determinate sentenced prisoner's ongoing detention is reviewed regularly. The review of a recalled determinate sentenced prisoner's ongoing detention should be completed in line with the Best Practice Guidance: working with recalled prisoners attached at Annex A of this Framework. There is no requirement on the COM/ Probation Practitioner to wait for a request from PPCS.
- 6.13.4 If the recalled prisoner is the subject of police investigations into alleged further offending, or has outstanding court matters when the Parole Board make a decision not to release, PPCS will await notification from the COM/ Probation Practitioner advising them of the outcome of those investigations or proceedings before determining whether a further review will take place. It should be noted though that, as laid out in paragraph 6.13.1, where the recalled prisoner's case is eligible for a statutory annual review, the case must proceed to the annual review and will not be delayed due to alleged further offending or outstanding court matters.
- 6.13.5 If any new or significant information comes to light that the Parole Board was not aware of when it made its decision, this must be provided to PPCS in an updated Part C report; in cases where release has not been directed PPCS will then take a decision as to whether a further review of the case is appropriate either by executive release or a new early referral to the Parole Board. However, if the direction is for release then it must be complied with and there can be no further referral to the Parole Board. New or significant information includes any information relating to further sentences of imprisonment, not guilty decisions at court or charges not being proceeded with.
- 6.13.6 Where the prisoner considers that there is new or significant information in their case that the Parole Board was not aware of when it made its last decision, this should be provided to the COM/ Probation Practitioner in written or oral representations. The COM/ Probation Practitioner will review and decide whether the representations refer to any new and significant developments, unknown at the time of the previous review, which might have a material effect upon the Parole Board decision. Where representations are received directly by PPCS, these will be forwarded to the COM/ Probation Practitioner to allow them to consider whether they constitute new or significant information that impacts on the individual's current risks and manageability in the community.
- 6.13.7 When reviewing the representations from the prisoner, the COM/ Probation Practitioner should consider:
- Do the representations provide any new significant and relevant information that the Parole Board were not aware of when considering the case?
 - Do the representations inform or update the Parole Board about the prisoner's current risks or circumstances leading to the recall?
 - Do the recommendations directly address any of the concerns the Parole Board raised in its reasons for not directing that the prisoner be re-released?
- 6.13.8 Where the COM/ Probation Practitioner considers that the representations do include new or significant information, the COM/ Probation Practitioner will prepare a Part C report and OASys report and submit these to PPCS. PPCS will then take a decision as to whether a further review of the case is appropriate either by executive release or a new early referral to the Parole Board.

6.13.9 Where the case is referred to the Parole Board, all parties should refer to paragraph 6.9.2 in the Standard Recall – Statutory Day 28 Review chapter.

6.14 Annual Review

6.14.1 All determinate sentenced individuals not released by the Parole Board or Secretary of State are statutorily entitled to have their detention reviewed annually, where their sentence expiry is 13 months or more from the date of the Parole Board decision not to release.

Annual Reviews and New Sentences

6.14.2 Section xxx of the Police, Crime, Sentencing and Courts (PCSC) Act 2022 clarifies that where a recalled prisoner has received a new sentence, they will no longer be automatically eligible for an annual review for as long as that sentence is being served.

6.14.3 Where a recalled prisoner receives a new sentence, the prison is required to provide the details of the sentence to PPCS. The prison will need to inform PPCS, via email, in all cases, where the prisoner has an active recall review on PPUD. This will include all types of recall reviews (including a statutory day 28 review, an oral hearing, a further review or an annual review).

6.14.4 The prison must provide PPCS with the following details:

- the length of the new sentence
- the offence the sentence was imposed for
- new sentence dates (CRD/SED); and
- confirmation of the SED from the recall sentence.

6.14.5 Upon receipt of the notification, PPCS will determine whether the prisoner is eligible for an annual review. Where the CRD from the new sentence is longer than the anniversary date of the annual review, PPCS will reschedule the annual review in line with the CRD date. When the CRD from the new sentence is longer than the SED from the recalled sentence, the prisoner will not receive an annual review.

6.14.6 In cases where the CRD from the new sentence is shorter than the anniversary date of the annual review, the annual review will take place as usual. Where the annual review is cancelled due to the new sentence or rescheduled, PPCS will notify the prison.

6.14.7 In cases where the annual review is currently underway, it will be for PPCS to decide whether the annual review should be cancelled or should proceed. This will be decided on a case by case basis.

6.15 Parole Board Oral Hearings

Directions

6.15.1 The Parole Board will be responsible for acquiring all third party directions, as set out in the Third Party Directions Protocol, other than in the cases set out at 6.15.2. Information and reports that are intrinsic to the Risk Management Plan will also remain the responsibility of PPCS.

6.15.2 All Parole Board directed HMPPS directions will remain the responsibility of PPCS, including the recompiling of the dossier and disclosing the dossier to all parties. PPCS will liaise with all relevant parties to ensure that the directed reports are submitted within the

timescales set. PPCS will retain responsibility for all directions compliance in National Security and Extremism cases, managed by the PPCS National Security Casework Team.

- 6.15.3 As set out in 4.17.20 and 4.17.22, in indeterminate recalled cases only, the HMPPS directed reports will be uploaded to PPUD and an automatic email will be issued by PPUD notifying all parties that the new report is available. All parties should access the new document through PPUD. PPCS should be alerted immediately if there are any issues. For Probation Service/ YOT cases, the automatic email will be issued to the division's functional mailbox.

Parole Board Oral Hearing Witnesses

- 6.15.4 The attendance of witnesses at an oral hearing is a matter for the Parole Board. Each party (i.e. the prisoner and Secretary of State) must apply in writing to the Parole Board (copied into the other parties) for leave to call witnesses. A witness may only attend if so directed by the Parole Board.
- 6.15.5 The Parole Board will contact all witnesses who have been directed to attend the hearing to ascertain their availability, so that this can be taken into account when the hearing is listed. It is important that witnesses provide their availability direct to the Parole Board within the deadline set. The Parole Board is not bound by witness availabilities.
- 6.15.6 Witnesses not based at the prison where the hearing is being held are encouraged to apply to give their evidence by video-link or telephone conference wherever possible in order to reduce travel expenses and improve efficiency by reducing time spent out of the office.
- 6.15.7 Where a person wishes to attend an oral hearing as an observer, an application should be made via PPCS to the Parole Board in writing no later than 12 weeks before the oral hearing date.

This request will be considered by the panel chair, who will agree or refuse any such request. The Parole Board will consult with the recalled prisoner prior to agreeing or refusing any such request.

Transfer during an Oral Hearing

- 6.15.8 Transferring a recalled prisoner during a review can cause considerable disruption and therefore this should only take place in exceptional circumstances. This may be appropriate, for example, where it is necessary to transfer the recalled prisoner to complete offending behaviour work, or for security or discipline reasons.
- 6.15.9 Where prisons are considering a transfer during a recall review to allow the prisoner to access a progression opportunity in line with their sentence plan, there must be a clear benefit which will support the delivery of their sentence plan objectives. It is important to bear in mind the impact that a transfer during a parole review may have on the prisoner's review.
- 6.15.10 As set out in the requirement section at paragraph 4.17.66 the sending prison must take responsibility for completing any outstanding directions as it will normally have greater knowledge of the recalled prisoner. Exceptionally, there may be cases where the receiving prison is better placed to complete the reports.
- 6.15.11 Only in cases where both prisons are in agreement, will the receiving prison take over responsibility for completing the reports.
- 6.15.12 If such an agreement cannot be obtained then the sending prison must complete the reports.

6.15.13 Prisons should make every effort to ensure that recalled ISPs' outstanding sentence plan requirements are considered as soon after a Parole Board decision as possible. This is to enable any necessary transfers to undertake outstanding interventions/ROTLs to take place before the next parole review commences. In circumstances where a transfer to access outstanding interventions/ROTLs is necessary to support progression during a parole review (but not after an oral hearing date is set) the transfer should be facilitated.

Secretary of State Representation

6.15.14 Where it is considered that a Secretary of State Representative should attend, PPCS will consider sending a Secretary of State Representative to attend an oral hearing but only where it has been agreed that representation is required in order to facilitate the progress of the review.

6.15.15 Where PPCS deem it appropriate for a Secretary of State Representative to attend, they will inform the prison and the Parole Board who the representative will be in advance of the hearing. Further information on Secretary of State Representation (including the criteria for Secretary of State Representative attendance) is available on Gov.uk via the following link: [Secretary of State Representation](#)

6.15.16 In addition, and entirely separate to the above, HMPPS (via the Secretary of State Victim Support Representative) also provides support to victims who choose to attend a recall hearing in order to read a Victim Personal Statement (VPS).

Best Practice Guide: Working with Recalled Prisoners

See Link: [Best Practice Guide: Working with Recalled Prisoners](#)

Information regarding section 32ZA Crime (Sentences) Act 1997 Unlawfully at Large Offence

See Link: [Information regarding section 32ZA Crime \(Sentences\) Act 1997 Unlawfully at Large Offence](#)