



**Policy name:** Licence Conditions Policy Framework

**Reference:** N/A

**Re-Issue Date:** 22 September 2022    **Implementation Date:** 2 August 2022

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

- PI 09/2015 Licence Conditions and Temporary Travel Abroad;
- PSI 12/2015 Licences, Licence Conditions and Licence and Supervision Notices;
- The Service Specification: Offender Management - Manage the Custodial & Post Relief Periods (outputs 33, 34, 35, 36, 37, 43 and 44)

**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 type="checkbox"/>	Contract Managers in Probation Trusts
<input checked="" type="checkbox"/>	The Probation Service	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input type="checkbox"/>	Under 18 Young Offender Institutions
<input 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.**

**For Information:** By the implementation date Governors<sup>1</sup> of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:

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).

Section 5 of the Policy Framework contains guidance to implement the mandatory requirements set out in the other sections of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

**How will this Policy Framework be audited or monitored:** There will be a range of ways in which auditing will be undertaken, including the usage of electronic systems such as EPF2 to

<sup>1</sup> In this document the term Governor also applies to Directors of Contracted Prisons.

determine the appropriate nature of the application of licence conditions. Individual mandatory actions may also have specific means of monitoring – for example, licence sharing with the PNC Bureau is monitored by the Bureau and they report back to HMPPS if they believe a prison establishment is failing to meet this requirement.

**Resource Impact:** This framework is making amendments as introduced in the Police, Crime, Sentencing and Courts Act 2022, and as such the resource impacts were discussed by the relevant implementation teams involved in the bill work.

**Contact:** [licence.policy@justice.gov.uk](mailto:licence.policy@justice.gov.uk)

**Deputy/Group Director sign-off:** Gordon Davison, Head of PPG

**Approved by OPS for publication:** Sarah Coccia and Ian Barrow, Joint OPS Chairs, July 2021.

**Revisions:**

<b>Date</b>	<b>Changes</b>
14 July 2022	Revised to introduce changes set out in the Police, Crime, Sentencing and Courts Bill, introduce two new standard licence conditions, simplify the licence approval system and mandate the licence authorisation process.
22 September 2022	Revised to add the requirements previously set out in electronic and domestic abuse /child safeguarding guidance about address checks (in the absence of specific address check policy).

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## **1. Purpose**

- 1.1 The aims of the licence period are to protect the public, to prevent re-offending and to secure the successful re-integration of the individual on licence into the community. Licence conditions must be preventative as opposed to punitive and must be proportionate, reasonable and necessary.
- 1.2 This Policy Framework aims to ensure that staff are aware of the licence conditions which apply to an individual on licence during the licence period of custodial sentences. Further explanation is given to individual types of licence conditions and how they should be correctly applied, as well as the mandatory actions which must be undertaken when preparing and creating a licence.
- 1.3 It also reflects the types of licence conditions and how these are applied, which comprise of a total of four types of licence condition; standard, compulsory, additional and bespoke. This policy introduces changes to the standard licence conditions, which will be applied to all licences being produced after the implementation date.
- 1.4 This edition of the policy framework also introduces a series of changes to processes to reflect the introduction of the Create and Vary a Licence (CVL) digital solution nationally in Autumn 2022. This new system automatically brings together information from nDelius and PNOMIS, to simplify and reduce the workload on all staff involved in the production of licences, and will enable the first phase of the Next Generation Licence (NGL).
- 1.5 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/Her Majesties Prison and Probation Service.

## **2. Outcomes**

- 2.1 Staff are aware of the licence period, the purpose, and the requirements that can be imposed under it;
- 2.2 The process for imposing and approving licence conditions both on initial release and through a licence variation is understood by relevant staff;
- 2.3 Staff are aware of how to apply electronic monitoring, and licence conditions specific to offenders with risks related to terrorism/extremism; ,
- 2.4 All staff are aware of the distinction between a Post-Sentence Supervision (PSS) period and a licence period, in particular that licence conditions are imposed only during the sentence as set by the court , whereas supervision requirements are imposed in a PSS period that is imposed by statute at the end of the sentence; and,
- 2.5 Staff are aware of the introduction of CVL, and the simplification of processes in relation to licence production as a result. At time of publishing, CVL is available in Wales and the East Midlands, with national rollout to follow in Autumn 2022. This policy is written with post-rollout in mind, and so processes are described to include CVL. The requirement to use CVL is only applicable once available in a region.

## **3. Requirements**

### **Prior to Release**

- 3.1 The initial holding prison must send information on any judicial recommendations for licence conditions to the probation service following sentencing after the individual has

been received into custody, using a copy of the record sheet 5089 or via the common platform if available.

- 3.2 By the thirteenth week before a determinate individual's release (or as part of the Home Detention Curfew (HDC) process), the COM must log into Create and Vary a Licence (CVL) to request licence conditions, and schedule the initial reporting instructions. If it is a HDC case, then this request will form part of the process on the HDC Digital Solution. These processes replace the former PD1 process, and prisons are no longer required to send the PD1 to COMs to initiate the process.
- 3.3 It is mandatory for a COM to use the EPF2 as part of pre-release planning. This is a tool which suggests additional licence conditions that the COM may wish to consider as part of this planning and highlights the policies in place for each condition.
- 3.4 Where the individual to be released is a Foreign National Offender (FNO) with Home Office interest, then Home Office Immigration Enforcement (HOIE) must also be informed at the same time by the Prison. The COM must liaise with the Criminal Caseworker (CC) in HOIE to ascertain the likelihood of deportation, and/or what restrictions will be applied by the Home Office or Immigration Tribunal based on the individual's immigration status. Information sharing between the two agencies should take place to ensure that appropriate release planning can take place regarding the individual. This may include requests from HOIE for address checks to be conducted by the probation provider. Checks, such as for accommodation, must be prioritised for cases currently being reviewed by the Immigration Tribunal.
- 3.5 Regardless of whether they are due to be released or not, all pre-release and licence processes must be completed for an FNO unless they are being removed from Prison under the Early Removal Scheme (ERS) and deported prior to the Conditional Release Date (CRD), or if relevant the Parole Eligibility Date (PED), being reached, or if indeterminate they are being removed under the Tariff Early Removal Scheme (TERS).

#### **Types of Licence Conditions: Standard**

- 3.6 In accordance with Article 3 of the Criminal Justice (Sentencing) (Licence Conditions) Order 2015, standard licence conditions must be included on the licence of all those released from determinate sentences. These have recently been updated with the Criminal Justice (Sentencing) (Licence Conditions) (Amendment No 2) Order 2022, in order to introduce new standard conditions related to disclosure of name and contact details.

You must:

- be of good behaviour and not behave in a way which undermines the purpose of the licence period;
- not commit any offence;
- keep in touch with the supervising officer in accordance with instructions given by the supervising officer;
- receive visits from the supervising officer in accordance with instructions given by the supervising officer;
- reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address;

- not undertake work, or a particular type of work, unless it is approved by the supervising officer and notify the supervising officer in advance of any proposal to undertake work or a particular type of work; and
- not travel outside the United Kingdom, the Channel Islands or the Isle of Man except with the prior permission of your supervising officer or for the purposes of immigration deportation or removal.
- tell your supervising officer if you use a name which is different to the name or names which appear on your licence.
- tell your supervising officer if you change or add any contact details, including phone number or email.

3.7 These updated licence conditions will be automatically applied to licences produced after the implementation date of this policy framework, no additional actions are required by staff for new cases. IT systems will be updated with revised licence templates to take into account the two new standard licence conditions, and also to add explanatory text for each standard conditions.

### **Name and Contact Details Standard Licence Conditions**

3.8 The new set of standard licence conditions introduces two new conditions. These conditions will only be applied on cases where the conditions appear on their licence, having been produced/varied after the implementation date of this Policy Framework.

3.9 These disclosure based licence condition require the individual on licence to update the COM whenever they use or operate under a name or contact details not previously supplied. This can be a permanent change (such as a name change via deed poll) or a temporary pseudonym adopted for a specific purpose. It extends to account names as used online for social media or other online activities, and includes where the individual on licence may operate multiple accounts on a single system i.e. multiple Facebook accounts under different names. This must be recorded on case management systems within case notes, and shared with partner agencies where applicable.

### **Changing Names on Licence**

3.10 The name printed on the licence for determinate sentences is derived from the name stored on PNOMIS. Processes for changing this name are set out in PSO 4455, which can be seen here: <https://www.gov.uk/government/publications/handling-requests-from-prisoners-to-change-their-name-pso-4455>.

3.11 Where a transgender individual has changed their name to better reflect their gender identity, this must be handled sensitively. In addition, where an individual holds a Gender Recognition Certificate (which legally changes someone's gender), consideration should be given to ensure adherence with the Gender Recognition Act 2004. Continued use of the individual's former name (referred to as "deadnaming") could be unlawful where it reveals their previous gender, and may cause significant distress to the individual on licence. Please refer to '[The Care and Management of Individuals who are Transgender](#)' Policy Framework or email [HMPPStransgender@justice.gov.uk](mailto:HMPPStransgender@justice.gov.uk) for further advice.

### **Types of Licence Conditions: Compulsory**

3.12 In accordance with section 62A of the Criminal Justice and Court Services Act 2000, the Secretary of State may by Order require an electronic monitoring condition is included on

the licence of all those individuals described in the Order in accordance with its provisions. Such an Order may:

- require an electronic monitoring condition to be included for so long as the person's release is required to be, or may be, subject to conditions or for a shorter period;
- make provision generally or in relation to a case described in the order;
- make provision in relation to cases in which compliance with a condition imposed on a person's release is monitored by a person specified or described in the order;
- make provision in relation to persons selected on the basis of criteria specified in the order or on a sampling basis;
- make provision by reference to whether a person specified in the order is satisfied of a matter.

3.13 Where the Secretary of State makes such an Order, the electronic monitoring condition required to be included in accordance with that Order will be known as a 'compulsory licence condition'.

3.14 These are similar to standard conditions in that, where applicable, the Decision Maker (as explained in paragraph 3.59) does not need to approve their inclusion on the licence. However, they differ from standard conditions as they are required by different legislation and will only be included on the licence of those meeting the description described in the Order that requires them, which is unlikely to be every determinate sentenced individual as is the case for standard conditions. They are similar to the additional conditions regarding electronic monitoring, as they will use the same wording set out in Annex A. However, they differ from additional conditions as no specific consideration of whether the condition is necessary and proportionate for a particular individual is required to be undertaken.

3.15 Should it be discovered that an individual has not had a compulsory licence condition applied which was required on initial release, then the COM must apply for this to be immediately added via a licence variation (as set out in paragraph 3.91 onwards). Decision Makers must only review that the wording is correct, the imposition of the condition is compulsory.

3.16 At time of publication, the only compulsory conditions to be applied to licences is for acquisitive crime individuals.

3.17 Any queries regarding the application of electronic monitoring on licence should be directed to [emchange@justice.gov.uk](mailto:emchange@justice.gov.uk).

#### **Types of Licence Conditions: Additional**

3.18 If the COM assesses that standard conditions are not sufficient to assist the individual's successful integration into the community, to prevent further re-offending or to ensure the protection of the public, then they may give consideration to requesting an appropriate additional condition from the list at Annex A. This request must be based on relevant information gathered either from the individual or other stakeholders, and/or based on the relevant risk assessments in the case. Any additional licence conditions must be necessary and proportionate, meaning:

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



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

3.19 The COM must consider any protected characteristics (as defined by the Equalities Act 2010) when drawing together the risk assessment; the impact of any such considerations must be considered when requesting licence conditions.

3.20 The COM will return any additional licence condition requests via either the CVL or HDC digital services (as appropriate for the case type). For individuals who are being considered for release by the Parole Board, the COM will provide the request for additional licence conditions as set out in the [Generic Parole Process Policy Framework](#).

3.21 Any additional conditions requested by the COM and subsequently added to the licence must be kept under review as to ensure they meet the necessary and proportionate guidelines set out above. The frequency of these reviews would be based on the impact on the individual on licence, with more onerous sets of licence conditions requiring more frequent reviews to take place.

3.22 The list of additional conditions which may be chosen, along with the relevant guidance for each condition, is located at Annex A.

#### **Types of Licence Conditions: Bespoke**

3.23 Should any changes to the wording of additional conditions in Annex A be required due to the unique nature of a specific case, or an entirely new condition needed then this is considered to be a bespoke condition. The approval process for bespoke conditions are as follows:

- Automatic release cases: The COM must complete the form “NAT NPS Request for Determinate Sentence Pre Release Bespoke Licence Conditions “ on nDelius (located under Institution Reports within the event/sentence, and then Licence Variation). The completed report must be emailed to PPCS via [licence.variations@justice.gov.uk](mailto:licence.variations@justice.gov.uk). This must be completed before the completion of the licence condition request on the HDC or CVL digital solutions to the prison, and the confirmation email from PPCS retained as evidence and saved on nDelius.
- Releases as a result of a decision by the Parole Board: Bespoke conditions will be reviewed directly by the Parole Board as part of their overall review of the suitability for release. For information on that process, see the Generic Parole Process Policy Framework, or the [Recall, Review and Re-Release of Recalled Prisoners Policy Framework](#) as relevant.

3.24 Where a COM wishes to request a curfew and reporting requirements which have an impact of more than 12 hours per day for a case not reviewed by the Parole Board, the COM must also seek permission from PPCS to treat this as a bespoke condition. As above, the COM should complete the form “NAT NPS Request for Determinate Sentence Pre Release Bespoke Licence Conditions”, available on nDelius, providing the details of the condition requested and full reasons as to why the condition is necessary and proportionate. The completed report must be emailed to [licence.variations@justice.gov.uk](mailto:licence.variations@justice.gov.uk). For this purpose, each requirement to report should be counted as an hour and added to the overall curfew length. For example, a 10 hour curfew, plus a requirement to report three times a day would equal an impact of 13 hours a day and require approval.

## The Victim Contact Scheme and Licence Conditions

- 3.25 Victims who qualify for the Victim Contact Scheme (VCS) have the right to make representations about licence conditions that relate to them. This is usually in coordination with the Victim Liaison Officer (VLO) assigned to that victim. In cases where an individual is or may be released and there is a VCS victim and VLO in respect of that case, the COM must notify the VLO in good time prior to release. In turn, the VLO must contact the victim so that they may discuss the case and any licence conditions already proposed which affect them or any further such conditions which the victim would like to request. Where the victim would like to request a condition, the VLO should manage their expectations including the requirements that must be met for any condition to be imposed. However, the victim must not be pressured into changing their request. Any victim requests should be through the VLO, who must send to the COM to then be sent to the Decision Maker alongside any other requests for additional conditions. At time of publishing, the sharing of these victim related requests will remain outside of the digital solutions, and so COMs must share any such views as they would have previously with a PD1.
- 3.26 Independently, the COM may consider requesting additional conditions concerning the VCS victim. These may be the same or similar to any requested by the VCS victim themselves and may be appropriate where there is disagreement with the VCS victim as to the scope of the conditions.
- 3.27 Licence conditions concerning victims are typically limited to exclusion zones or non-contact conditions, but in principle any condition may be requested if it is considered necessary and proportionate to manage the risk posed by an individual on licence. With respect to risk, licence conditions may be imposed which are sensitive to the emotional harm caused to victims of crime (and their families), particularly to the most serious of crimes, to their anxieties and concerns, and to the risks of emotional or psychological harm in the event of a chance encounter with a particular individual on licence. Accordingly, appropriate conditions may be imposed in circumstances where the individual does not pose a risk of serious (physical) harm to the victim or, where appropriate, their family and so that such persons may go about their daily life without fear of coming across the individual on licence.
- 3.28 In order to demonstrate the necessity and proportionality of a particular condition, appropriate evidence must be put forward to the Decision Maker. Where there is disagreement between the COM and the VLO regarding the licence conditions to be put forward, the COM must still put forward to the Decision Maker any requested by the victim via the VLO. The COM can put forward alternative conditions of their own, and the Decision Maker will need to determine which conditions to apply based on the evidence provided.
- 3.29 In the context of exclusion zones, due regard must therefore be given to the individual on licence's activity in relation to the zone balanced against the risks and rights of the victim and/or their family. For instance, where the individual on licence's activity, such as shopping or meeting family members, can reasonably take place outside of an appropriately drawn exclusion zone, the inconvenience can be justified to prevent a chance encounter with the victim or their family which could be extremely traumatic and re-victimise them.
- 3.30 In the context of non-contact conditions, these will be justified in most cases where it would be against the subject of the condition's wishes. However due regard should be given to

parental responsibilities where the condition concerns children of the individual (including contacting Social Services).

- 3.31 Where a victim does not fall within the remit of the VCS, they will not have a VLO assigned. In those cases, where the COM has identified that there is a risk of serious harm posed to the victim by the individual on licence then it is entirely appropriate to put in place additional licence conditions to mitigate that risk. These would fall under the normal considerations for the COM as part of the request for additional licence conditions.

#### **Individual Conditions: Exclusion Zones**

- 3.32 Exclusion zones must have clear boundaries that can be understood on the ground. This means that zone boundaries will often follow roads, or other geographical barriers such as rivers/canals, to ensure that when the individual is presented with those boundaries, they can adequately understand the parameters of the exclusion zones they must not enter. Where roads are being included, it must be clear if the individual is permitted to travel down those roads, or if the boundary roads themselves form part of the exclusion zone.
- 3.33 A map must be provided where an exclusion zone is used which doesn't describe a precise location, for example a specific street. Where the map is unclear as to what the boundaries are, the COM must provide a list of the street (or other geographical barriers) as well. Should the exclusion zone be monitored using electronic monitoring, then a copy of the map must be provided to the electronic monitoring provider at the same time as the request for installation.
- 3.34 When creating the zone, the COM should give consideration to whether there is something in the zone that the individual cannot access outside of it. For example, if the zone is in a rural location and there is only one hospital, place of worship, and/or gender identity clinics. In that instance, the COM would need to consider whether the individual would need to access the location frequently enough that an access route (a set route drawn onto the map) which the individual may use at set times/dates or with prior permission.
- 3.35 The individual may request access to the zone from the COM for a specific reason. This permission must only be given where the access is for something that cannot be conducted outside of the zone. Family contact must take place outside of the zone, unless specific evidence is shown why the other family member cannot leave the zone to meet with the individual, such as a letter from a medical practitioner.
- 3.36 In versions of the licence condition policy prior to 2021, there has been reference to "large" exclusion zones. This terminology is outdated, and now there should be consideration of whether or not the reason for an exclusion zone is sufficiently evidenced. Should there be any doubt around the adequacy of the evidence base for an exclusion zone, then the COM or VLO should contact [licence.policy@justice.gov.uk](mailto:licence.policy@justice.gov.uk).

#### **Individual Conditions: Non-Contact**

- 3.37 Permission does not need to be sought from people named on a non-contact condition, nor can a person refuse to be included in a non-contact condition where it is necessary and proportionate to manage the risks and issues posed by the individual on licence.
- 3.38 Names on non-contact conditions can be anonymised or altered as long as the individual on licence will know who the person in the condition is. For example, "victim of the index

offence” would be a specific person. However, care should be taken that any description applies to a set or limited number of individuals. For example, the phrase “victim and victim’s family” could not be used, as a family group does not mean a specific group of individuals. The alternative “victim, victim’s parents, victim’s siblings” would be of sufficient specificity to be used on the licence.

- 3.39 This anonymisation is not limited to VCS only cases and can be used more generally. For example, where a party has changed their name and does not wish to be known to the individual on licence, or where naming a person on the licence may increase a risk of serious harm to them. For Parole Board release/approval cases, any anonymisation is subject to the approval of the Parole Board.

### **Individual Conditions: Electronic Monitoring**

- 3.40 There are now a series of cohorts which qualify for electronic monitoring (EM) under licence. Details of the cohorts and the relevant guidance documents on how to apply for and manage an individual under electronic monitoring are also available from EQUIP or by contacting [emchange@justice.gov.uk](mailto:emchange@justice.gov.uk). Where a COM is proposing a curfew requirement or varying a curfew address to electronically monitored curfews available as a licence condition, they must first speak to the main occupier of the proposed address and obtain the prior informed consent for the individual to be curfewed at their address, and engage with police and children’s services to inform their consideration as to whether the person on probation poses a risk to other members of that household. Further information is available in the domestic abuse and child safeguarding guidance available on eQuip here: [https://portal.equip.service.justice.gov.uk/CtrlWebIsapi.dll/?\\_\\_id=docDetails.showDoc&doc=BA3AFEB7C1F245569CCA93494B0E8292&dpt=1](https://portal.equip.service.justice.gov.uk/CtrlWebIsapi.dll/?__id=docDetails.showDoc&doc=BA3AFEB7C1F245569CCA93494B0E8292&dpt=1) (this link will only function on internal MoJ/HMPPS systems).
- 3.41 In order to manage a licence condition under electronic monitoring, the generic electronic monitoring licence condition must also be applied, this is:
- Allow person(s) as designated by your supervising officer to install an electronic monitoring tag on you and access to install any associated equipment in your property, and for the purpose of ensuring that equipment is functioning correctly. You must not damage or tamper with these devices and ensure that the tag is charged, and report to your supervising officer immediately if the tag or the associated equipment are not working correctly. This will be for the purpose of monitoring your [INSERT TYPES OF CONDITIONS TO BE ELECTRONICALLY MONITORED HERE] licence condition(s) unless otherwise authorised by your supervising officer.
- 3.42 The COM will need to state the conditions that the EM is going to monitor on licence in the free text box of the condition. For example, curfews, exclusion zones, location monitoring etc. These must be additional licence conditions which are being requested at the same time as the EM condition above. The COM will only receive alerts from the EM provider related to licence conditions which are listed within this condition. For example, if only trail monitoring is included, yet there is a curfew on the licence elsewhere, that curfew will not be monitored by the EM provider if it is not added within this condition.
- 3.43 The Electronic Monitoring Service (EMS) is the EM provider who will need to be informed of electronic monitoring licence conditions once they are approved by the Decision Maker (see paragraph 3.59 onwards). This will be completed in one of two ways:

- Initial Release (for all cases): The prison is responsible for informing EMS of any licence conditions which require electronic monitoring. This is completed in the same way as informing EMS of HDC cases. For information on that process, see the Home Detention Curfew Policy Framework.
- Licence variation (for all cases): Once approved by the Decision Maker (probation or the Parole Board as appropriate), the COM must forward the relevant licence variation form and a copy of the new licence, ensuring that they have stated clearly which of the conditions are to require electronic monitoring, to LPAdmin@ems.co.uk.cjism.net.

3.44 For further details on how to impose and manage electronic monitoring licence conditions, see the Electronic Monitoring Guidance for Probation Staff, which will be located alongside this policy framework on Equip.

#### **Individual Conditions: Alcohol Monitoring on Licence (AML)**

3.45 Alcohol Monitoring on Licence (AML) is now available as an additional licence condition; guidance regarding the appropriate use of the two conditions is available on EQUIP following the introduction of electronic alcohol monitoring tags.

3.46 In order to impose AML, the generic condition 14(a) must be added to the licence, with “alcohol monitoring” added to the free text portion of the condition, and either 14(d) (for alcohol abstinence) or 14(e) (for alcohol monitoring) must also be added. These conditions may also help to enforce elements of an alcohol related programme/workplan required under condition 4(a).

#### **Individual Conditions: Polygraph**

3.47 The polygraph licence condition is applied to specific cohorts. For details on the application of the polygraph licence condition and the relevant cohorts, see the Polygraph Licence Condition Policy Framework.

#### **Individual Conditions: Child Contact**

3.48 Where a licence condition refers to not undertaking unsupervised contact with a child, the COM must designate who may supervise contact between the individual and the child if appropriate, or state that there must be no contact for the time being. The individual must understand that the presence of another person does not mean that contact is supervised unless the COM has designated that person as a suitable supervisor.

#### **Individual Conditions: Relationships**

3.49 When using the condition requiring notification of relationships, the COM must explain to the individual what the applicable definition is in that particular case. This may vary and should be set on a case by case basis, depending on the risks and issues posed in that individual case.

3.50 This condition has been modified in this version of the policy, with both the term “intimate” removed, and now includes a requirement to disclose when a relationship has come to an end. This enables the condition to be used on cases where disclosure of a relationship isn’t

intimate, but would be of interest on a risk management basis where the individual on licence has previously groomed vulnerable individuals.

### **Individual Conditions: Terrorist Personal Search Licence Condition**

- 3.51 This version of this Policy Framework sees the introduction of the terrorist search condition at 15(a) in Annex A. Its legal basis is in paragraph 43C into the Terrorism Act 2000. This will allow the police to stop and search an individual who has been released on a licence which includes this condition. The police may also, under this licence condition, stop and search any vehicle, and anything in it, in which the individual on this licence is travelling with, regardless of whether they are a passenger or the driver themselves.
- 3.52 Both of the following criteria must apply in order for the condition to be requested by the COM for addition to the licence. The first is a statutory criteria, the second a matter of policy. Failure to meet these criteria means that the condition cannot be applied:
- 3.52.1 Is the individual subject to an indeterminate or determinate sentence where the index offence is a terrorist offence included in Part 1 or 2 of Schedule 19ZA, or is an offence with a terrorist connection in accordance with the definition in 247A(7A) of the Criminal Justice Act 2003?
- 3.52.2 Based on the most recent risk assessment, does the individual on licence pose a high or very high risk of serious harm to the public?

Discussions must be held between probation and the police prior to implementing this condition, in order to ensure the police are aware of it and have the ability to search the individual and any vehicle they are travelling in or on.

- 3.53 This condition must be reviewed as normal under the necessary and proportionality considerations set out earlier in this policy. It can be applied either on release, or should risk escalate, as a licence variation.

### **Individual Conditions: Other Terrorism/Extremism Related Licence Conditions**

- 3.54 There are other specific terrorism/extremism related conditions set out in Annex A under category 11. COMs may request these where the individual poses a related extremism/terrorism risk; there is no specific requirement for the individual to have been convicted of TACT/extremism related index offence(s).

### **Mirroring of Requirements on Ancillary Orders**

- 3.55 An individual on licence may also be subject to one or more ancillary orders, just as a Sexual Harm Prevention Order (SHPO), a Restraining Order (RO) or a Violent Offender Prevention Order (VOPO). Where these are placed on the licence, the COM should use these as indicators of risk, but must not automatically copy over all the requirements of the ancillary order onto the licence.
- 3.56 This is because licence conditions must remain necessary and proportionate to the risk indicated, and may run at different expiry timescales to an ancillary order. Furthermore, there may be abilities to place restrictions in the order that are unable to be placed on licence, or conditions which can be placed on licence which are unable to be included in the order that better meet the necessary and proportionate tests.

- 3.57 Following the review of risk, it may be that some of the package of additional licence conditions looks similar to the requirements on an associated ancillary order, but this must be from the routine review of risks and issues in the case and not bypass the necessary and proportionality considerations.
- 3.58 In all cases, any breach of an ancillary order can be also considered to be a breach of the licence conditions per the standard good behaviour condition; this is even the case where no requirements from the orders are mirrored onto the licence as a licence condition.

### **Approval of Licence Conditions on Initial Release**

3.59 From the 28 June 2022, the requirements for approval of Extended Determinate Sentences (EDS) and Sentences of Particular Concern (SOPC) cases on automatic release are changing, the breakdown in the previous version of this PF no longer applies. This also includes all those released under section 244ZB (power to detain SDS's moved to the Parole Board for consideration of release) and section 247A (terrorist SDS's moved to the Parole Board for consideration of release) and Discretionary Custodial Release (DCR) sentences. Instead the final decision as to what licence conditions are to be imposed upon initial release must be undertaken by the relevant Decision Maker on advice from probation:

- Governors - where a prisoner is released automatically under a statutory duty for the Secretary of State to release the prisoner; or
- Parole Board - where the Parole Board directs the individual's initial release, or their release after recall.

3.60 Governors may delegate approval of licences and licence conditions, but the delegate must hold at least a Band 7 post and be a prison service employee. In the private sector prisons a Director can similarly delegate this task to an equivalent grade as long as they are employed by the same company as the Director; that approval does not need to be countersigned by the resident Controller. For the purpose of this Policy Framework, approval elsewhere in this document may be described as by the "Governor" – this refers to either the Governor or the Director as relevant to the establishment applying this policy, and their delegated authorities.

3.61 Should multiple versions of a victim related condition be submitted, such as two versions of an exclusion zone, the Decision Maker must decide which of them is to be applied taking into account any evidence or arguments put forward by the supervising officer and the VLO/Victim.

### **Production of Licences**

3.62 The responsibility for the production of licences is as follows:

- Prison:
  - Determinate sentences on automatic release
  - Determinate sentences where the individual has been recalled and is subject to a fixed-term recall
  - Determinate sentences where the individual has been recalled and is subject to a standard recall
- PPCS:
  - Determinate sentences where the Parole Board have directed release as part of a pre-release review of parole eligibility

- Indeterminate sentences (life sentences and IPP sentences, including recalls)
- Releases of those under compassionate grounds (see [here](#) for further details).

3.63 All licences where the prison holds responsibility must be produced by OMU staff on the digital solution, or on PNOMIS where this is not yet available for that case. Any PNOMIS produced licence will require a physical signature from the Governor or their delegate, whereas an electronic signature will be applied to those licences produced in the digital solution.

### **Recording of Considerations and Decision Making**

3.64 The COM must ensure that a record is kept of any consideration around a request for licence conditions and the decision made, including the reasoning for requesting the licence conditions and whether any stakeholders were consulted during the consideration, along with their response. This includes any response by MAPPA panels in those cases which fall under active multi agency management.

3.65 This applies equally to the initial setting of licence conditions, any variation of licence conditions, or authorisations to act outside of the restrictions set out by a licence condition.

3.66 This must be recorded in the case notes field on the individual record on NDelius by the COM.

### **Sharing and Issuing of Licences**

3.67 Prior to release, the prison should ensure that the individual signs two copies of the licence to confirm that they understand the requirements. If they refuse (or write anything other than their name) then the licences should be signed and countersigned by two staff members to validate that the conditions have been explained.

3.68 When explaining licence conditions to prisoners before release, staff must ensure that the individual understands any such conditions. Staff must take into account any issues such as English not as the primary language (including British Sign Language or other communication styles), learning disabilities or are neurodivergent that may prevent the individual from understanding what is required of them.

3.69 Prison staff must share the licence for an individual subject to a determinate sentence with the key contact points once it is approved. A copy of the licence must be emailed to the Police National Computer (PNC) Bureau, to the relevant police contact in the area to which the prisoner is being released (contact details are available in the document stored alongside this on EQUIP), and to the COM. Where the individual is on the new digital solution for licence production, there is no need to share with the COM as this will be automatically shared through that system. The PNC or police area do not need signed copies, but instead should be sent the initial electronic versions created and not a version which has been printed and re-scanned. These must be sent as soon as possible after approval by the Governor, and no later than 7 days prior to release.

3.70 Prison staff must ensure that a copy of the licence is given to the individual on discharge, and to explain the licence conditions to the individual. The individual is required to sign to signify that the explanation has taken place, if they refuse then the licence should be signed



and countersigned by two staff members to validate that the conditions have been explained. This should be accompanied by an exclusion zone map while taking into account those issues highlighted in paragraph 3.66, if such a condition has been applied. The second signed copy must be kept in the prisoner's F2050 record. Where an individual has a ViSOR Nominal record the licence conditions must be recorded by prison staff in the Statutory Instruments attachments.

- 3.71 Where PPCS produces the licence based on the Parole Board decision, this will be sent to the releasing establishment, who will need to provide a copy of the licence to the individual and explain the conditions as above. PPCS will share the licence with the PNC Bureau and the COM.

### **Release on Licence of Detainees Under the Mental Health Act**

- 3.72 Prisons and COMs are required to undertake those processes as set out above for the production of licences for any mentally disordered offender detained under the Mental Health Act 1983 (The 1983 Act) where a licence is required. There are three primary scenarios that can arise where an offender will be subject to a licence when they remain detained in a psychiatric hospital under the 1983 Act:
- I. A prisoner is transferred to hospital prior to their earliest date of release (sections 47/49 of the 1983 Act) and who remain detained in hospital at the point they would have been released;
  - II. An offender was directed to hospital by a court for treatment of a mental disorder alongside a prison sentence under a hospital and limitation direction (section 45A of the 1983 Act) and who remains detained in hospital at the point they would have been released;
  - III. An offender who has committed an offence which has led to a sentence of imprisonment whilst they have remained detained in a hospital under a hospital and restriction order (sections 37/41 of the 1983 Act)
- 3.73 Mentally disordered offenders who are subject to sections 47/49, section 45A or sections 37/41 are collectively known as restricted patients. More information about restricted patients can be found at the following link: [Mentally disordered offenders: The Restricted Patient System 2017 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/mentally-disordered-offenders-the-restricted-patient-system-2017).
- 3.74 Where transfer to a secure psychiatric hospital has occurred, the responsible prison (should production be their responsibility as set out in paragraph 3.62 above) will be the last holding establishment. In the case of offenders subject to s45A order the responsibility for the licence will be the remand prison. Occasion will arise where an offender was not remanded to prison prior to conviction and sentencing, in these cases the prison or probation office nearest the detaining hospital will be responsible for the licence.
- 3.75 Licences for individuals who remain detained in hospital under the 1983 Act must be produced prior to the CRD and issued to the offender. The licence remains active and multi-agency work will be required to ensure that the individual's licence conditions remain appropriate; this includes terrorist risk offenders detained in hospital. It is important to note that the licence is not suspended; an offender who is detained in hospital remains subject to an obligation to comply with their licence. Logistically and practically, this may not always be possible and as such, close co-ordination between the COM and responsible clinician is essential. Similarly, active engagement between agencies is required to ensure that any additional licence conditions are compatible with the offender's continuing detention in hospital including periods of community leave. The COM should actively manage the licence for those offenders who remain in hospital beyond their earliest date of release. The

close liaison between COMs and the hospital is particularly important as the offender's discharge from hospital detention will not necessarily be predictable and will, in large part, be determined by their treatment needs.

- 3.76 An offender should not be penalised for breaching their licence due to circumstances outside of their control; their status as a restricted patient may mean that certain licence conditions cannot be adhered to. Furthermore, if the inclusion of additional licence conditions impacts on the patient's mental disorder or treatment pathway, such as the placing of a GPS tag, consideration must be given to the necessity and proportionality of it, and legal advice sought where necessary.
- 3.77 The COM should contact the Mental Health Casework Section (MHCS) at [MHCSMailbox@justice.gov.uk](mailto:MHCSMailbox@justice.gov.uk) if they require contact information for the detaining hospital and the clinician responsible for the treatment of the offender, and for details of the extremism lead at MHCS for terrorist risk offenders. Stakeholders should use the above mailbox for any further advice or guidance on the management of restricted patients.
- 3.78 Should changes to the licence be required by the COM, this will be modified via a licence variation as described below. As previously stated, staff at MHCS should be contacted if advice is required.

### **Initial Reporting to the Community Offender Manager**

- 3.79 The COM must schedule an initial reporting appointment with the individual being released as part of the licence request via the appropriate digital solution. This is usually within one working day of the release from custody taking place, or release direct from court where a period spent on remand has meant that the individual is released "time served". However, it may be more appropriate for those being released on Fridays (or just prior to bank holidays) to schedule this initial report during the following week in cases where it is appropriate on a risk basis and they have other appointments that they would need to attend before the weekend/bank holiday – this would mostly apply to appointments with local housing authorities which would otherwise leave the individual of no fixed abode over the weekend if it doesn't take place, or where they need to urgently pick up prescriptions such as for methadone. Where appointments do not take place on the day of release for those reasons, the initial appointment must take place on the next working day.
- 3.80 Cases that must be prioritised for initial reporting appointments on Fridays must include those individuals who are:
- Those individuals who pose a high/very high risk of serious harm or reoffending.
  - Those individuals who are being managed under a Integrated Offender Management (IOM) scheme
  - Those individuals who would be considered to be vulnerable.
- 3.81 Included in this meeting must be an explanation of the licence conditions by the COM, including where specific clarity is required about what the expectations are for any additional conditions on the individual's licence. While prison staff will be able to give a general explanation of licence requirements, the initial reporting meeting between the COM and the individual on licence gives an opportunity for additional detail to be provided by the COM, and for any questions to be answered. The individual on licence is only required to re-sign a licence at a probation appointment where a licence variation has taken place.

## **Management While In Hospital / IS91 Detention**

- 3.82 When an individual has reached their Conditional Release Date (CRD), they are released on licence regardless of whether or not their physical location has changed. In some circumstances, an individual may be already outside a prison in a hospital or a mental health facility. In those circumstances the individual is still released on licence, but the presentation of the licence and the explanation of the conditions must be customised based on the circumstances of the case.
- 3.83 The COM must also consider which of the licence conditions can be practically enforced, and must not penalise the individual where conditions cannot be fulfilled because of circumstances outside of their control. For example, not being able to abide by reporting instructions because the individual is in hospital.
- 3.84 The COM must also ensure that any engagement with the individual continues as close to normal as possible, and whether any additional licence conditions are required to manage the unique circumstances which the individual is in.
- 3.85 Similar considerations apply to those Foreign National Offenders who are held under immigration powers, referred to as IS91 Detention. This type of detention can take place following CRD, in either a prison or in an Immigration Removal Centre. This means that once the individual reaches CRD, they are released on licence even though they may very well remain in the same establishment they were in previously. The same considerations apply as stated elsewhere in this section to these cases.

## **Licence Authorisation**

- 3.86 Licence authorisation is where the COM identifies that a temporary change to an additional licence condition is required. The capacity to do this is enshrined in the majority of additional licence conditions having text at the end allowing for the COM to grant permission for the individual to undertake activity otherwise not allowed.
- 3.87 An individual on licence can informally request permission to for a temporary change as part of a normal conversation with their COM.
- 3.88 Before making a decision on authorising a temporary change to a licence condition, the COM must contact any stakeholders who were engaged in the formulation of the licence condition in question so they are able to provide input into the decision about whether or not to authorise the activity outside of the licence condition. Where this was a meeting/forum, and the request is sufficiently urgent that it cannot wait until the next meeting, then a discussion with the chair of the meeting must be held instead. Where this is a MAPPA meeting, then the MAPPA Coordinator is the appropriate contact.
- 3.89 The COM may wish to discuss any request from the individual on licence with their Senior Probation Officer, before informing the individual of the decision. Any decision must be recorded in Case Notes on nDelius, with the rationale and decision included along with a record of any stakeholders who were engaged in the decision making.
- 3.90 A guide to licence authorisation and the differences between it and licence variation is located at 5.1.

## Licence Variation

- 3.91 Licence conditions must always be necessary and proportionate. If a COM identifies that a risk or issue has changed, or new information is brought to their attention following release, which requires the alteration of a licence condition or the addition/removal of a condition, then they must apply for a licence variation. Bespoke licence conditions may still be applied for under a licence variation, and still follow the process as set out in paragraph 3.23.
- 3.92 Forms for requesting licence variations can be found on nDelius under >Institution Reports (within the event/sentence) and then >Licence Variation.
- 3.93 The requirements for EDS and SOPC licence condition approval for automatic release have changed, and licence variations will now fall into one of the follow categories:
- HDC Cases (not on the digital solution): The rollout of the new digital solution for HDC is now complete. However, for cases where the HDC process was not completed on the digital solution then the Prison remains the variation authority. COMs must contact the OMU at the releasing prison to request a licence variation. Cases released on HDC outside of the digital solution remain under the variation process set out in this paragraph even after the Home Detention Curfew End Date (HDCED).
  - Automatic release cases (including HDC cases on the digital solution): COMs must request variation as set out on EQUIP. For those cases on a digital solution, any variation requests will be automatically sent to the relevant hub and/or Assistant Chief Officer (ACO). Cases released under the HDC digital solution do not transfer to Create and Vary a Licence after completion of the HDC period, any variation for these cases after the HDCED will continue to be requested via the HDC digital solution.
  - Cases released by the Parole Board: All individuals released by a Parole Board decision must have any changes to licence conditions considered by the Parole Board for a licence variation. The COM must contact the relevant caseworker/team who managed that release at PPCS to request a licence variation. PPCS will then liaise with the Parole Board, who will review the application to vary. Further details are in the Policy Framework on Parole Eligible Offenders on Licence.
  - Cases post-recall: Where an individual has been released, recalled back to custody and re-released, the process which will apply for variation will be based on the original release. Variations for standard determinate sentences will never be sent to the Parole Board, and will follow the processes as set out in the first two bullet points above as appropriate.
- 3.94 Licence variations are considered to be in place after the new version of the licence document is presented to the individual and the condition explained. They are required to sign to signify that the explanation has taken place, if they refuse then the licence should be signed and countersigned by two staff members to validate that the conditions have been explained.

## **Pre-Weekend/Bank Holiday Re-Releases**

- 3.95 Where an individual on a determinate sentence is being held in custody until their Sentence and Licence Expiry Date (SLED), and the SLED falls on a weekend or a bank holiday, that individual must be released on the day immediately prior which is not a Saturday/Sunday or a bank holiday. In practice this means that these releases will often be brought forward to the previous Friday.
- 3.96 The SLED is not affected itself, so the individual must be re-released on licence, with the previous licence re-issued unless the COM has submitted any amendments through a digital solution. There is not a requirement for the COM to meet with the individual on a post-release appointment on the Friday afternoon, nor complete a review of the conditions on EPF2 except for those cases as set out in 3.79.

## **4. Constraints**

### **Bespoke Licence Conditions**

- 4.1 Governors and probation ACOs may not approve bespoke licence conditions where permission has not been given by PPCS for determinate sentences (as appropriate to the type of case). If evidence has not been demonstrated by the probation provider that such permission has been agreed, then any such requests must be rejected, and the direction given that the probation provider should seek permission from PPCS for the bespoke condition to be included on the licence.

### **Approval of Licence Conditions**

- 4.2 Governors may not propose licence conditions for prisoners of any type. The Probation Service must propose any conditions.

### **Production of Licences**

- 4.3 Prison and probation staff are not permitted to create a licence outside of PNOMIS or a digital solution. The appropriate risk mitigation to ensure that licences are ready in the event of a computer/power failure is to print and share the licences at least seven days in advance.

### **Sharing and Issuing of Licences**

- 4.4 Where there is a mandatory action set out in a policy to share a licence document with an external agency, staff members are not permitted to conduct individual data protection assessments of the need to do so. Issues regarding the sharing of this information have already been discussed at an agency level, and no additional considerations must be made. Where staff have concerns over the need to share information, this should be flagged to [licence.policy@justice.gov.uk](mailto:licence.policy@justice.gov.uk).

### **Licence Variation**

- 4.5 COMs must not request variations to conditions which were requested via the VCS without first liaising with the VLO and allowing for sufficient time for the victim to be consulted.

4.6 VCS related conditions are set out under different considerations (as described in paragraph 3.27) to those otherwise applied for licence conditions. COMs must not request modifications of licence conditions on the basis of a change of risk of reoffending or serious harm where those considerations were not the reason for imposing that licence condition. Except where there was an increased risk to the victim identified and the COM was seeking to mitigate that risk by increasing the restrictions set out by the licence conditions.

## 5. **Guidance**

### **Licence Authorisation**

5.1 Additional guidance on licence authorisation is available here:  
<https://www.gov.uk/government/publications/licence-conditions-policy-framework>

### Additional Licence Condition Criteria and Table

*Any additional conditions must be necessary and proportionate. Use of EPF2 is required.*

CATEGORIES	LICENCE CONDITIONS	ADVICE
<p><b>1. Residence at a specific place</b></p>	<p>(a) You must reside overnight within [REGION] probation region while of no fixed abode, unless otherwise approved by your supervising officer.</p>	<p>This condition is to ensure that individuals on licence who are NFA (no fixed abode), whereby they are transient and will not have a permanent address), continue to reside in the probation region in which they are being managed for the purpose of ensuring that they can be rehabilitated into the community through access to local support on licence as signposted by their COM.</p> <p>This does not amount to an inclusion zone, as it is only overnight residency being restricted by this condition. This condition must not be applied to those individuals who identify as Gypsy, Roma or Travellers without making clear that permission can be sought by the individual on licence to request permission to transfer to another area and the length of notice this would require.</p> <p>This condition may be relevant for case subject to electronic monitoring as a compulsory condition to ensure they remain within an in-scope region.</p> <p>Should an individual request a transfer to another probation region permanently, then this condition must be varied and updated to reflect the new location should that individual continue to be NFA.</p>
<p><b>2. Restriction of residency.</b></p>	<p>(a) Not to reside (not even to stay for one night) in the same household as [ANY / ANY FEMALE / ANY MALE] child under the age of [INSERT AGE] without the prior approval of your supervising officer</p>	<p>The [INSERT AGE] field here may only be populated with either 16 or 18.</p> <p>The age limit of 18 may only be included where the individual</p>

		has previously held a position of responsibility over children, such as a teacher or a children's group staff member.
<b>3. Making or maintaining contact with a person.</b>	(a) Attend all appointments arranged for you with a psychiatrist / psychologist / medical practitioner, unless otherwise approved by your supervising officer	This condition does not require the individual to undergo treatment, but is required to attend any scheduled appointments.  There is also no longer a requirement to name a specific staff member in this condition.
	(b) Receive home visits from a Mental Health Worker.	There is also no longer a requirement to name a specific staff member in this condition.
	(c) Attend a location, as directed by your supervising officer, to address your dependency on, or propensity to misuse, a controlled drug.	The requirement to define a location within this condition as been removed based on staff feedback indicating that the location may change over the course of the licence period.
	(d) Should you return to the UK and Islands before the expiry date of your licence then your licence conditions will be in force and you must report within two working days to your supervising officer.	This condition should be applied where an individual has been granted permission to permanently travel outside of the UK and Islands under the Travel Outside England and Wales on Licence Policy Framework.  It is not typically necessary to apply this to a licence for an FNO awaiting deportation, as if they were to return to the UK following deportation, then they would be in automatic breach of their deportation order. However, where it is known that the deportation order is shorter than the licence period, this condition should be considered so that it may activate after the end of the deportation order.
	(e) Not to seek to approach or communicate with [INSERT NAME OF VICTIM AND / OR FAMILY MEMBERS] without the prior approval of your supervising officer and / or [INSERT NAME OF APPROPRIATE SOCIAL SERVICES	



	DEPARTMENT].	
	(f) Not to have unsupervised contact with [ANY / ANY FEMALE / ANY MALE] children under the age of [INSERT AGE] without the prior approval of your supervising officer and / or [INSERT NAME OF APPROPRIATE SOCIAL SERVICES DEPARTMENT] except where that contact is inadvertent and not reasonably avoidable in the course of lawful daily life.	The [INSERT AGE] field here may only be populated with either 16 or 18.  The age limit of 18 may only be included where the individual has previously held a position of responsibility over children, such as a teacher or a children's group staff member.
	(g) Not to contact or associate with [NAMED OFFENDER(S) / NAMED INDIVIDUAL(S)] without the prior approval of your supervising officer.	
	(h) Not to contact or associate with a known sex offender, other than when compelled by attendance at a Treatment Programme or when residing at Approved Premises, without the prior approval of your supervising officer.	This condition should only be applied where a specific issue has been identified where association with known sex offenders would increase the individual on licence's risks, and not as standard due to the offence profile or the individual's residency in an Approved Premises.
	(i) Not to contact directly or indirectly any person who is a serving or remand prisoner or detained in State custody, without the prior approval of your supervising officer	This condition only applies to contact with individuals in custody, not those on licence. Where the individuals are in the community, contact should be managed through the use of other non-contact conditions.
	(j) Not to associate with any person currently or formerly associated with [NAME OF SPECIFIC GROUPS OR ORGANISATIONS] without the prior approval of your supervising officer.	This may be applied where a group of individuals operate under a shared name, such as a gang or organisation. It cannot specify a registered political party.
<b>4. Participation in, or co-</b>	(a) To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your alcohol / drug / sexual / violent / gambling / solvent abuse / anger / debt / prolific offending / offending behaviour problems.	There is a known issue where the generic "offending behaviour" option is missing on PNOMIS. Should this be

<p><b>operation with, a programme or set of activities.</b></p>		<p>chosen, then it will need to be inserted onto the licence using the bespoke field.</p> <p>The course/centre is no longer named. This is because it prevents multiple choices to be included in a single condition, and to allow for flexibility where locations change during the course of a licence period.</p> <p>Where a case has been accepted onto an Integrated Offender Management (IOM) scheme, then this can now be managed through 4(c) below.</p>
	<p>(b) Not to undertake work or other organised activity which will involve a person under the age of [INSERT AGE], either on a paid or unpaid basis without the prior approval of your supervising officer;</p>	<p>The [INSERT AGE] field here may only be populated with either 16 or 18.</p> <p>The age limit of 18 may only be included where the individual has previously held a position of responsibility over children, such as a teacher or a children’s group staff member.</p>
	<p>(c) To engage with the Integrated Offender Management Team, and follow their instructions.</p>	<p>This condition is intended to require an individual on licence to follow the requirements of any IOM and cover requirements such as appointments with probation and police representatives, drug and alcohol workers etc.</p> <p>This had previously been covered by condition 4(a), but the specific condition makes it clearer for all involved.</p>
<p><b>5. Possession, ownership, control or inspection of specified</b></p>	<p>(a) Not to own or possess more than one mobile phone or SIM card without the prior approval of your supervising officer and to provide your supervising officer with details of that mobile telephone or one you have regular use of, including the IMEI number and the SIM card that you possess.</p>	<p>This condition now includes an additional provision to report the details of a mobile phone/SIM to which the individual has use of. Should the owner of that phone be unwilling to allow the individual to provide that information, then the COM should advise the individual that they should no longer use that phone</p>

<b>items or documents.</b>		and any usage of it could be considered to be a breach of licence.
	(b) Not to own or possess a mobile phone with a photographic function without the prior approval of your supervising officer.	
	(c) Not to own or use a camera without the prior approval of your supervising officer.	
	(d) To make any device capable of making or storing digital images (including a camera and a mobile phone with a camera function) available for inspection upon request.	
	(e) To surrender your passport(s) to your supervising officer and to notify your supervising officer of any intention to apply for a new passport.	When using this condition, COMs must be aware of how an individual's passport(s) are stored securely in their local office.
	(f) Not to use or access any computer or device which is internet enabled without the prior approval of your supervising officer; and only for a purpose, and only at a specific location, as specified by that officer.	This condition has now changed from a "public location" to a "specific location", which allows a COM to designate a home location. When using this condition, COMs must be mindful of any police enforcement and should discuss this prior to designating a public location as the only location that the individual may use.
	(g) Not to delete the usage history on any internet enabled device or computer used and to allow such items to be inspected as requested. Such inspection may include removal	This condition should only be used where the offender is assessed as being high and very high risk of harm at the point the condition is requested, and where there is local capability to

	<p>of the device for inspection and the installation of monitoring software.</p>	<p>use the condition meaningfully. Before requesting the condition practitioners must have a clear logistical plan for how the condition will be used, and for what purpose. This must be outlined in the risk management plan. It may be more realistic, for example, where there is also a licence condition to only own one internet enabled device.</p> <p>Where there is a named offender manager or other police contact Community Offender Managers/Probation Practitioners should contact them to establish if, how and under what circumstances they will undertake examination of devices – this can then be factored this into the plan. There is no expectation that this condition is used where it is unlikely that the police will play an active role in the monitoring of devices. If a practitioner wishes to request this condition in these circumstances they should get their plan agreed by their SPO.</p> <p>If, on inspecting a device, a Community Offender Manager/Probation Practitioner see something indicating criminal activity, they should stop the inspection immediately and contact the police as soon as is possible to do so safely.</p>
	<p>(h) Not to own or possess a [SPECIFIED ITEM] without the prior approval of your supervising officer.</p>	<p>The COM can specify that the individual on licence is not permitted to own/possess certain items. The specificity of the described item should be as required to manage the risk/issue but no greater than that to ensure this condition remains necessary and proportionate.</p>
<p><b>6. Disclosure of information</b></p>	<p>(a) Provide your supervising officer with details (such as make, model, colour, registration) of any vehicle you own, hire for more than a short journey or have regular use of, prior to any journey taking place.</p>	<p>The designation of how this condition operates must be set out by the COM to the individual when explaining the condition and will vary from case to case depending on the risks and issues</p>

		<p>posed. This will include what a “short journey” is or how they define “regular use of”.</p> <p>It should not be used to restrict access to public transport, or taxi/cabs, as the individual will not have the ability to know these details prior to the journey taking place. Public transport access can be restricted using condition 8(b).</p>
	(b) Notify your supervising officer of any developing relationships, including the ending of any relationships.	<p>Paragraph 3.49 contains details of how these conditions must be managed.</p> <p>Further information on the management of domestic abuse cases can be found in the <a href="#">Domestic Abuse Policy Framework</a>.</p>
	(c) Notify your supervising officer of any developing personal relationships, whether intimate or not, with any person you know or believe to be resident in a household containing children under the age of 18. This includes persons known to you prior to your time in custody with whom you are renewing or developing a personal relationship with.	
	(d) To notify your supervising officer of the details of any passport that you possess (including passport number), and of any intention to apply for a new passport.	

	<p>(e) Provide your supervising officer with the details of any bank accounts to which you are a signatory and of any credit cards you possess. You must also notify your supervising officer when becoming a signatory to any new bank account or credit card, and provide the account/card details. This condition will be reviewed on a monthly basis and may be amended or removed if it is felt that the level of risk that you present has reduced appropriately.</p>	<p>*This condition can be found in the Extremism category of additional licence conditions on PNOMIS.</p> <p>This condition has been moved from the extremism category of licence conditions, as it may be appropriate to use where there are relevant risks posed by the individual related to financial crime, such as organised crime, money laundering, or such as financial control of a vulnerable adult or a victim subject to Domestic Abuse.</p>
<p><b>7. Curfew arrangement</b></p>	<p>(a) Confine yourself to an address approved by your supervising officer between the hours of [TIME] and [TIME] daily unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY / MONTHLY / ETC] basis and may be amended or removed if it is felt that the level of risk that you present has reduced appropriately.</p>	<p>Where an individual is subject to a standard curfew in an Approved Premises (AP) under the AP rules, this does not need to be added to the licence. It only where the curfew differs from the standard curfew that this will need to be specified as a licence condition for an AP resident.</p> <p>The details of when curfew licence conditions may need to be reviewed by PPCs are contained in paragraph 3.24.</p> <p>Where a curfew is to be electronically monitored, the processes set out in 3.40 must be followed.</p> <p>The second curfew condition (formerly 7(b)) has now been removed, as the appropriate way to indicate an electronically monitored curfew is to use a combination of 14(a) with the curfew indicated and 7(a) from this section.</p>
<p><b>8. Freedom of movement</b></p>	<p>(a) Not to enter the area of [CLEARLY SPECIFIED AREA], as defined by the attached map without the prior approval of your supervising officer.</p>	

	<p>(b) Not to enter [NAME/TYPE OF PREMISES / ADDRESS / ROAD] without the prior approval of your supervising officer.</p>	<p>This condition is not limited to individuals convicted of sexual offences against children, but can be applied to any type of individual where they are to be excluded from a specific type of premises. Examples could be for someone with a history of robbery, and a restriction could be put in place for a type of shop. It can further be restricted by including a geographical limit in the free text box – i.e. “branches of Tesco’s within Kent”.</p> <p>It may also be used to restrict access to public transport or taxis/cabs, by specifying the types of public transport, specific routes or similar.</p>
	<p>(c) Not to enter or remain in sight of any [CHILDREN’S PLAY AREA, SWIMMING BATHS, SCHOOL ETC] without the prior approval of your supervising officer.</p>	<p>This condition is not restricted to individuals convicted of sexual offences against children, as the text included in the square brackets are purely examples. There may be other uses which are also appropriate, such as where stalking has taken place (but where locations cannot be easily defined through an exclusion zone map).</p>
	<p>(d) On release to be escorted by police to Approved Premises.</p>	<p>Agreement must be sought with the local police before this condition is applied. This would most frequently come up through the MAPPA process, as this condition is typically applied to complex individuals where there is a degree of risk that they would fail to attend an Approved Premises upon release.</p> <p>There is no need to conduct a licence variation to remove this condition after the individual has been escorted by Police to the AP. Should a licence variation take place for another reason, then it can be removed at that point.</p>
	<p>(e) To only attend places of worship which have been previously agreed with your supervising officer.</p>	<p>This condition can be applied where it is appropriate to limit an individual to a specific place of worship, specifically where that place of worship has a protection plan in place to manage the individual, or where the COM has a specific engagement with a</p>

		practitioner at a single place of worship to encourage the rehabilitation of the individual.
<b>9. Supervision in the community by the supervising officer, or other responsible officer, or organisation</b>	(a) Report to staff at [NAME OF APPROVED PREMISES] at [TIME / DAILY / OTHER], unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY / MONTHLY / ETC] basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately.	The details of when reporting requirements may need to be reviewed by PPCS are contained in paragraph 3.24.  These licence conditions were previously combined as a single condition, however practice usage has demonstrated that sometimes an individual on licence is required to report to both an Approved Premises and a Police Station at different times of the day. As such this has now been split into two.
	(b) Report to staff at [NAME OF POLICE STATION] at [TIME / DAILY / OTHER], unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a [WEEKLY / MONTHLY / ETC] basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately.	
<b>10. Restriction of specified conduct or specified acts</b>	(a) Not to participate directly or indirectly in organising and/or contributing to any demonstration, meeting, gathering or website without the prior approval of your supervising officer. This condition will be reviewed on a monthly basis and may be amended or removed if your risk is assessed as having changed.	This condition has been moved from the extremism category, as it may be appropriate for gang related individuals to prevent them from attending related meetings or contributing to websites related to those groups such as appearing in online videos promoting violence.
<b>11. Extremism</b>	(a) Not to contact directly or indirectly any person whom you know or believe to have been charged or convicted of any extremist related offence, without the prior approval of your supervising officer.	A list of specific persons should not be provided to the individual on licence, as if the intention was for the individual not to have contact with a specific list of persons then this should be managed through a non-contact condition.



	(b) Not to attend or organise any meetings or gatherings other than those convened solely for the purposes of worship without the prior approval of your supervising officer.	What constitutes a meeting or gathering can be defined by the COM when explaining this licence condition to an individual and can be tailored to the individual circumstances of the case.
	(c) Not to give or engage in the delivery of any lecture, talk, or sermon whether part of an act of worship or not, without the prior approval of your supervising officer.	
	(d) Not to engage in any discussion or act to promote grooming or influencing of an individual or a group for the purpose of extremism or radicalisation.	
	(e) Not to have in your possession any printed or electronically recorded material or handwritten notes which contain encoded information or that promote the destruction of or hatred for any religious or ethnic group or that celebrates, justifies or promotes acts of violence, or that contain information about military or paramilitary technology, weapons, techniques or tactics without the prior approval of your supervising officer.	
<b>12. Polygraph Condition</b>	(a) To comply with any instruction given by your supervising officer requiring you to attend polygraph testing. To participate in polygraph sessions and examinations as instructed by or under the authority of your supervising officer and to comply with any instruction given to you during a polygraph session by the person conducting the polygraph.	The criteria and cohorts under which this condition can be applied are described in the Polygraph Examinations Policy Framework.

<p><b>13. Drug Testing Condition</b></p>	<p>(a) Attend a location as required by your supervising officer, to give a sample of oral fluid / urine in order to test whether you have any specified Class A and specified Class B drugs in your body, for the purpose of ensuring that you are complying with the condition of your licence requiring you to be of good behaviour. Do not take any action that could hamper or frustrate the drug testing process.</p>	<p>The criteria under which these conditions are applied are described in PI 32/2014 – Drug Appointment and Drug Testing For Licence Conditions and Post Sentence Supervision Requirements. This condition must not be applied outside of the criteria set out in that policy.</p> <p>The requirement to specify a location has been removed, based on staff feedback that this may change over time during the course of the licence period.</p> <p>This condition is a merged version between the former conditions 13(a) and 13(b), where (b) was only the requirement not to frustrate the drug testing process. The new merged version of this condition more accurately reflects the wording for drug testing as set out in the Criminal Justice (Sentencing) (Licence Conditions) Order 2015.</p>
<p><b>14. Electronic Monitoring Conditions</b></p>	<p>(a) Allow person(s) as designated by your supervising officer to install an electronic monitoring tag on you and access to install any associated equipment in your property, and for the purpose of ensuring that equipment is functioning correctly. You must not damage or tamper with these devices and ensure that the tag is charged, and report to your supervising officer and the EM provider immediately if the tag or the associated equipment are not working correctly. This will be for the purpose of monitoring your [INSERT TYPES OF CONDITIONS TO BE ELECTRONICALLY MONITORED HERE] licence condition(s) unless otherwise authorised by your supervising officer.</p> <p>(b) You will be subject to trail monitoring. Your whereabouts will be electronically monitored by GPS Satellite Tagging, ending on [INSERT END DATE], and you must cooperate with the monitoring as directed by your supervising officer unless otherwise authorised by your supervising officer.</p>	<p>This condition must be applied in order to enable the electronic monitoring of any other licence conditions. Should 14(a) not be added to the licence, then the EM contractor will not install nor monitor any conditions on the licence.</p> <p>When requesting this condition, COMs must ensure that they have planned which of the other licence conditions will be electronically monitored and state those conditions in the free text box at the end of this condition.</p> <p>The cohorts that this condition may be applied to are listed in a separate document alongside this PF on EQUIP, and built into EPF2.</p>

		Refer to the relevant guidance for the specific cohorts for details of the appropriate timeframes to place in EM conditions. For example, the acquisitive crime cohort end date will be the licence end date if less than 365 day licence, or 365 days for any longer licence.
	(c) You must stay at [approved address] between 5pm and midnight every day until your electronic tag is installed unless otherwise authorised by your supervising officer.	This condition is to allow for the installation of an electronic monitoring device on an individual who is not being released on HDC. The EM provider is contracted to conduct the installation within two days.  A temporary curfew to allow for installation of equipment is only required where there is no other curfew between 5pm and midnight already in place.
	(d) You must not drink any alcohol until [END DATE]. You will need to wear an electronic tag all the time so we can check this.	The cohorts that this condition may be applied to will be listed in a separate document alongside this PF on EQUIP, and built into EPF2.  The previous version of this policy combined conditions (d) and (e) into a single condition. In order to make it easier to understand for those on licence, this condition has been split in two and has had the reading level reduced.
	(e) You will need to wear an electronic tag all the time until [END DATE] so we can check how much alcohol you are drinking, and if you are drinking alcohol when you have been told you must not. To help you drink less alcohol you must take part in any activities, like treatment programmes, your probation officer asks you to.	
<b>15. Terrorist Personal Search</b>	(a) You must let the police search you if they ask. You must also let them search a vehicle you are with, like a car or a motorbike.	Mandatory actions related to the application of this condition are contacted in 3.51.  Where the individual is travelling with a vehicle, a search may take place whether or not they are the driver. Expected

		exceptions would be where they are travelling by public transport, private hire car, or commercial airliner.
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