



HM Prison &
Probation Service

Working with Recalled Prisoners

Best Practice Guide

2018



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Introduction

A project was established in 2015, to develop an evidenced-based systematic approach for the review of recalled prisoners. Whilst the process around recall was generally understood and followed, it was apparent that there was a need for greater clarity, for both staff and prisoners, in relation to the review and re-release processes.

The Public Protection Casework Section (PPCS), part of Her Majesty's Prison and Probation Service, and Commercial and Commissioning Directorate, led the project working closely with Probation and Prison staff from Wales and Sussex. The project focused on recalled determinate sentenced prisoners. The main aim was to identify and safely re-release recalled prisoners, increasing the likelihood of the safe completion of their community licence periods, and thereby enhancing their future rehabilitation. The project aimed to gather information about what was happening with recalled prisoners in community teams and prisons through research and focus groups. This best practice guide also now includes information about how to work with fixed term recalled prisoners and the first review period for recalled prisoners who are serving an indeterminate sentence.

The outcome of the project is this best practice guidance and the new process for managing recalled prisoners in custody; all of which now form part of the OMiC model.

Context

This best practice guide is for use by all prison and probation staff involved in the recall process, irrespective of whether the OMiC model has been adopted in your location. It relates to all NPS and CRC managed offenders who are recalled under the following types of recall:

- Fixed Term Recalls
- Standard Recalls
- Indeterminate sentenced recalled prisoners - this relates to the first recall review period, until the prisoner is either released by the Parole Board at the initial recall hearing ((on the papers IPP sentenced prisoners ONLY) or at an oral hearing), or the prisoner moves to the Generic Parole Process after receiving a negative decision from the Parole Board.

Note:

Where this guide refers to “community offender managers (COMS)” this includes Community Rehabilitation Company responsible officers. Those working in prisons or in community NPS teams should read this in conjunction with the process for tasks to be undertaken for recalled prisoners. Details of these can be found in EQuip.

Best Practice Principles

Clear information and communication – simple and transparent explanations of recall decisions, the criteria for recall types and necessary steps to achieving re-release. This aims to enhance the recalled prisoner's understanding of their recall and perceptions of fairness, mapping their path to release, identifying specifically what progress needs to be made and how this can be achieved; enhancing their feelings of control over progression and giving hope and clarity.

Frequent communication and interaction – regular communication and interaction between recalled prisoners and the staff involved in their management assists in supporting progress, overcoming barriers to progression when needed and mitigating against the experience of feeling abandoned. Having a named individual whom prisoners can approach regarding their case is important. For staff based outside of prisons, keeping in contact with recalled prisoners could be through letters, telephone calls as well as visits and greater use of facilities such as video-conferencing.

Collaborative working between managers, supervisors and recalled prisoners - determine together what recalled prisoners need to address or demonstrate and include them in the process of assessing their risk and progress whilst on recall. Aim to make the recall process one that is 'done with' rather than 'done to' the prisoner. Making recalled prisoners active participants in this process may enhance their sense of control over their future, offer them chances to develop self-efficacy and reinforce progress that is made, as well as ensuring the recommendations are seen as meaningful and beneficial to them.

Recognise, reinforce and protect progress - this includes rewarding and reinforcing success and progress made in the community prior to recall as well as any progress made in custody whilst on recall. Taking a strengths-based approach may help to counteract the punitive experience of recall and instead engage prisoners in a rehabilitative process.

Ensure chances to succeed - seek alternative methods and opportunities for recalled prisoners to address the areas of concern, wherever possible (as interventions, for example, can be hard to access), as well as, providing recalled prisoners with the opportunity to practice and implement new skills once it has been learnt/intervention completed and encouraging recalled prisoners to show motivation to learn new skills. Close working links between staff in prison and in probation is needed to facilitate this, and creative thinking is required.

Recognise the loss and emotional distress experienced by being recalled - this cannot necessarily be avoided, but acknowledging this, empathising and supporting effective coping is recommended in order for recalled prisoners to feel less alone, feel cared about and invested in and continue to engage. This may go some way to protect against the pains of imprisonment and recall specifically.

Instil hope - communicating a belief that recalled prisoners can achieve change and have positive fulfilling futures is powerful and vitally important. This can support future orientation for recalled prisoners, enhance self-efficacy and motivation, and support the development of an identity as someone who has a valuable place in society.

Develop therapeutic relationships - these recommendations may all contribute to developing therapeutic relationships with recalled prisoners that are based on trust and are open and rehabilitative. Research findings have highlighted how important relationships are by demonstrating the potential disengagement when relationship quality declines.

Procedural justice - there is good evidence to show that fairness in the application of processes and procedures, and how decisions are made, make a big difference to prisoners' behaviour and how they view authority. This is called 'procedural justice'. The best practice principles, in addition to being valuable in their own right, are likely to help improve how procedurally just recalled prisoners feel they are treated. When the four principles of procedural justice are present, prisoners are more likely to see authority figures positively, see their authority as legitimate, and they are more likely to comply, cooperate and accept decisions, even if the outcome is not in their favour.

1. **Voice:** people need to feel they have had a chance to tell their story, feel heard, believe what they say will be given serious consideration, and that they get to participate.
2. **Neutrality:** prisoners need to see authority figures as open, transparent, unbiased and consistent in how they use their authority. The processes and assessments that prisoners are subject to also need to be experienced as clear, relevant and free of bias.
3. **Trustworthy Motives:** prisoners need to see authority figures as being principled, sincere and caring, and as genuinely trying to do what is right.
4. **Respect:** prisoners need to feel that they are being treated with respect, dignity and courtesy, and that their rights are respected and protected.

As part of the continuing intention to meet the Public Sector Equality Duty (PSED) and fulfilling the principals of procedural Justice it is imperative that there is appropriate data collection and analysis. The NPS, YOTs and CRCS should endeavour to seek out any disproportional outcomes that affect the recalled population within their Division. Where there is negative disproportionality, this should be investigated and where appropriate, explained or procedures / practices reformed.

Post recall victim notification

It is essential that COMs liaise with NPS victim liaison officers (VLOs) to ensure that victims who have opted into the Victim Contact Scheme are advised of the offender's recall to custody and are given the opportunity to provide a victim personal statement (VPS).

Where the victim decides to submit a VPS, this must be provided to PPCS within 10 working days of the prisoner's return to custody. The victim must be made aware that the VPS may be disclosed to the prisoner.

Recalled prisoner's journey through the prison estate, working towards re-release

In the future, prisoners recalled on a fixed term recall (14 or 28 days) will return to and remain in a reception function. Prisoners recalled on a standard recall will firstly return to a reception function; then those with less than 24 months left to their sentence expiry date will be transferred to a resettlement function; and those with more than 24 months left to their sentence expiry date, or indeterminate sentenced prisoners, will be transferred to a training function.

It should be planned that all prisoners serving a standard recall should be released from a resettlement prison and only be in a training function undertaking interventions to address any assessed risk or need areas. There is flexibility for the senior probation officer or head of offender management delivery to override these directions, either because the prisoner needs to go to a training function to undertake an identified intervention; or the prisoner is likely to be assessed as suitable for re-release and therefore they would need to go to a resettlement prison.

Prison and community offender manager's role

It is expected that all COMs and POMs will work with the recalled prisoner to ensure the prisoner is undertaking all relevant work to address any risk/need identified, with the COM ensuring attention is paid to reviewing prisoners in terms of their suitability for re-release.

Within OMiC, all NPS recalled determinate sentenced prisoners are the responsibility of the COM with an assigned POM. Recalled indeterminate sentenced prisoners (ISPs) are the responsibility of COMs until the prisoners move in to the Generic Parole Process (GPP) whereby the responsibility moves to the POM in line with the OMiC model for ISPs.

Where it is assessed, for recalled determinate sentenced prisoners, that their risk can be safely managed in the community, the COM should complete a Part B or C risk report and submit it to PPCS.

POM task

Prison meeting and explanation of the recall dossier

Prisons have a duty to provide all recalled prisoners with a copy of their recall dossier within one working day of receipt from PPCS. This is a very important meeting as it enables the prisoner to understand the reasons for their recall, the post-recall process and when their case can be reviewed for re-release, as well as what is required of them. This conversation is critical and should be used to instil hope and provide the prisoner with an understanding of what the next steps are, in what can be a stressful and frustrating time.

PPCS will send the recall dossier to the prison within one working day of notification from the receiving establishment that the recalled prisoner has been returned to custody. PPCS will include a copy of the relevant recall information leaflet with the dossier to help prisoners to understand the post-recall process and how they might engage to enhance their prospects of re-release.

Steps for the POM to take:

- POM to meet with and explain the reasons for the prisoner's recall within one working day of receipt of the recall dossier. Carefully go through the reasons described in the part A recall report with the prisoner so s/he fully understands why they have been recalled;
- For determinates: explain the reasons why the prisoner received a standard or a fixed term recall (this is clearly explained in the part A recall report);
- Explain the process post-recall – use the recall information leaflet to go through what happens next and what is expected of them;
- Explain that the prisoner has a right to legal representation (if they have not already made contact with their solicitor) and provide a list of names/numbers of approved prison lawyers;

It is important to:

- Encourage the prisoner to take responsibility for their recall
- Support the COM's reasons for recall – be pro-social and work collaboratively (even if you do not understand the context of the recall fully.) Use simple and tailored language and go through the recall information leaflet with the prisoner page by page as many may have poor literacy and/or learning difficulties.

COM & POM task

First 10 days: The post-recall 3-way meeting

The post-recall 3-way meeting should be attended by the COM, POM and the recalled prisoner within 10 working days of return to custody. This meeting should follow on from the recall dossier meeting with the POM as described above. This is a critical meeting for all standard / indeterminate recalled prisoners – as it helps to set the context for their recall, rebuild any professional relationship breakdown and importantly instil hope with the focus being on what they need to do in terms of working towards their re-release.

This meeting needs to be arranged by the COM within 10 working days of return to custody and will be by telephone or video conference. That said, if the prison is local to the COM, it may be possible for the COM to attend in person. The POM will also attend. It is expected that the OMU and POM will need to help the COM with the arrangement of logistics, although the responsibility to set up and facilitate this meeting should remain with the COM.

Important principles of this meeting are to:

- Ensure the meeting is motivational – with the focus on the future; ensure to look at what the prisoner needs to do to progress and work towards re-release. This needs to be collaborative, so asking the prisoner what they think will work or what they need to change / develop is important.
- Work on the professional relationship – build up a good rapport. Recall can be damaging to the relationship between COM and recalled prisoner. Recognising this and discussing this with the prisoner can be powerful and working to mend and rebuild the relationship can mitigate a whole series of problems. Ensure transparency about the future process and work collaboratively with the prisoner in relation to their sentence plan, re-release and future licence conditions.
- Recognise, acknowledge and empathise that the recall may have meant great loss to the prisoner and that they may be disappointed or upset about being back in prison and/or feel resentful about the recall itself.

This meeting will assist the COM to complete the Part B report. Important aspects to cover are on the next page and can be used as a template for these meetings.

The COM also needs to ensure that consideration has been given to where the prisoner will be transferred to following their first 10 days in the reception prison. The COM and POM should work together when recommending where the prisoner moved to.

POM & COM task

Meeting prompt for POM and COM

The below should be used by the COM and POM when discussing the recall, future release and sentence plan with the recalled prisoner.

Recall:

- Work with the prisoner to encourage him/her to talk about the reasons for their recall. What went wrong? What can they learn from it? What changes do they need to make?
- Explain from the COM's assessment the reasons for the recall and the context of the recall in relation to other warnings that had occurred previously.
- Encourage the prisoner to take responsibility and help him/her to understand that the recall was due to their actions (their behaviour resulted in them being recalled).
- Discuss the licence conditions and identify which ones were breached in the context of the recall.

Progress made in their sentence so far:

- Ask the prisoner to tell you what they think they did well in the community? What worked well for them?
- Recognise and reinforce the positive progress the prisoner may have made in some areas whilst in the community and how this can be maintained while they are back in custody and during a future re-release.
- Families and other social relationships can play a vital role in boosting rehabilitation and assisting in resettlement. Encourage visits, telephone and letter contact with family members/other social relationships. Where available, prisoners should also be encouraged to undertake parental or relationship learning/skills building. Where prisoners are isolated or have no family/friends, sentence planning should encourage the development of social bonds and set up opportunities to engage in this.

Check and explain the process:

- Check the prisoner understands the process - use the recall information leaflet – ensure the prisoner knows what is going to happen next.
- Explain that, as the COM, you will be writing the Part B report for the Parole Board.
- Communicate and reinforce hope about the prisoner's future and progress. Discuss the future with the different avenues available for re-release (including, for determinate sentenced prisoners the fact that the COM can review their case at any point and recommend re-release).

Community offender manager recommendation:

- Explain the reasons for either recommending or not recommending re-release at Day 28.

Sentence planning (COM responsibility for assessment and sentence plan):

- Talk about the identified (criminogenic) needs highlighted in your risk assessment – ensure these are addressed in sentence plan targets.
- What does the prisoner think they need to do to address their offending / risk? How can they manage their future licence / not offend in the future? What do they think will protect them from reoffending (e.g. protective factors) and how can these be developed?
- If interventions are difficult to access, what alternative options are available? What interventions are available in the community (rather than prison)?

Release plans (for determinate sentenced prisoners):

- Explain what plans need to be in place in the community for re-release – be collaborative by asking the prisoner what they think needs to be in place.
- What is the prisoner's attitude towards future re-release? This is an opportunity to develop their hope about the future and their possible success.
- Discuss accommodation plans with the recalled prisoner. Is an approved premises suitable? Do they have any accommodation plans?
- Discuss future licence conditions. Will current additional licence conditions remain on the release licence? Will any further additional conditions be required? Remember the VLO will need to be consulted about this (where applicable).
- Conclude with an overview of (1) what the prisoner needs to do (i.e. interventions, work in prison), (2) what the COM needs to do (police accommodation checks, MAPPA etc.) and (3) what the POM needs to do (arrange prison move, support application for interventions, support agencies etc.)

Future Release Reviews – for determinate sentenced prisoners:

- If release is not recommended, explain to the prisoner why and when their case will be reviewed again. Summarise what needs to be done during this period and how feedback on their progress will be communicated to them.

Give the prisoner a clear timeframe i.e. their suitability for release will be reviewed in X months.

POM task

Part B / C Report explanation to the recalled prisoner

The COM will send the completed Part B / C report direct to the Prison OMU (to the OMU's functional mailbox).

Steps for the POM to take:

- Once received by the prison, the POM must arrange a meeting with the recalled prisoner to disclose and discuss the Part B / C report within one working day;
- Carefully go through the contents of the report, clearly explaining each of the sections and checking the prisoner understands;
- Explain the process post-recall – use the relevant recall information leaflet to go through what happens next and what is expected of them;
- Ensure the prisoner is aware of the deadline to submit representations about their suitability for re-release;
- Any significant information which arises during this meeting should be provided to the COM.

It is important to:

- Encourage the prisoner to take responsibility for their recall
- Support the COM's recommendation – be pro-social and work collaboratively with the COM (even if you do not understand the context of the recall fully)
- Use simple and tailored language and go through the leaflet with the prisoner page by page as many may have poor literacy and/or learning difficulties.

COM task

Reviewing recalled determinate sentenced prisoners for re-release

It is the COM's responsibility to consider and assess all recalled determinate sentenced prisoners on their caseloads on an ongoing basis as to whether they can be safely re-released and managed in the community. A pre-requisite to this is that COMs retain contact with these prisoners after they have been returned to custody and make sure they are clear about what they are required to do in order to progress towards re-release.

Community offender managers have a responsibility to review cases for re-release at the following points:

- Part B report (for the day 28 Parole Board paper-review)
- Ad-hoc review - the COM can review at any point (i.e. when there is a material change in circumstances, which might influence any decision to re-release (e.g. successful completion of an intervention or availability of suitable accommodation in the community)). If the COM supports release, they should complete a Part C report and submit to PPCS.
- If police charges are dropped or on completion of the prisoner's court hearing, whether sentenced or not.
- Part C report (this could be for annual review, Oral Hearing or when asked by PPCS).
- Three months before sentence expiry date.

Role of the prison offender manager:

If the POM believes the NPS or CRC recalled prisoner could be released back into the community, they should engage with the COM and share their views and the evidence as to why they assess the prisoner could be managed in the community.

Note:

Prisoners who have been recalled to prison should only remain in prison if their risk of serious harm is unmanageable in the community. All standard recalled prisoners should be actively undertaking interventions or other suitable work to reduce their risk to support future re-release.

The HMPPS intervention database (NID) can be accessed using the following link and details information about the interventions and services that can be accessed by offenders in prison and the community.

<https://intranet.noms.gsi.gov.uk/support/rehabilitation-services-group>

COM task

Consideration Matrix for re-release

The matrix below will help COMs review current recalled prisoners on their caseload who could be considered for re-release.

Recalled prisoner
<ul style="list-style-type: none"> • Can they be managed safely in the community? • Has the prisoner's behaviour improved or are there signs of positive behaviour changes? Consideration should also be given to any adjudications/poor behaviour since returning to prison custody. • Is the prisoner reflective about their offending and motivated to address their offending / be re-released? • Has the prisoner been assertive or asked for their case to be reviewed? • Has the prisoner presented an attitude which takes responsibility for their behaviour and ability to manage their risk/prepare for re-release? • Has the prisoner been complying with their sentence plan targets? • Are they assessed as medium or low ROSH or risk of re-offending?
Recall / Process
<ul style="list-style-type: none"> • Was the reason for the recall related to a technical breach and not about an increase in ROSH? • Have the police charges been dropped or the prisoner's court case been completed?
Risk management - community
<ul style="list-style-type: none"> • Has accommodation been sought and police checked as suitable? Does the prisoner have a rehabilitative / treatment bed to go to? • Has an approved premises bed been confirmed (remember if a bed is needed, consider referring for bed post-recall – and work towards re-release once date is confirmed)? • Consult with Offender Personality Disorder (OPD) pathways, where relevant. • Are there community links which will support the prisoner's resettlement? • Do MAPPA L2/3 or the police want some monitoring whilst on licence? • Would a period of supervision on licence be more beneficial to managing long term risk of serious harm / rehabilitation? • Does the prisoner have three months left to their SED? (Note: all prisoners must be considered for release prior to their SED).
Interventions
<ul style="list-style-type: none"> • Has the prisoner completed a programme or undertaken interventions as planned since recall? • Can the prisoner undertake a programme in the community? • Can the prisoner undertake another intervention or other pro-social activity in the community?
<p>REMEMBER THE COMMUNITY OFFENDER MANAGER CAN REQUEST RE-RELEASE AT ANY POINT AFTER RECALL</p>

COM task

Secretary of State executive release

PPCS, on behalf of the Secretary of State, has the power to executive release determinate and extended sentence prisoners into the community subject to licensed supervision. 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 prisoner's risk of serious harm can be safely managed in the community.

COMs can initiate a review of suitability for re-release at any point during a determinate sentenced prisoner's recall by contacting PPCS. There is no requirement to wait until the next scheduled review of the case (including any directed oral hearing) to request re-release.

Where it is assessed that the recalled prisoner's risk can be managed in the community, the COM should complete a Part B / C report and submit it to PPCS. Upon receipt, PPCS will assess the recalled prisoner's case and decide whether it is suitable for executive release.

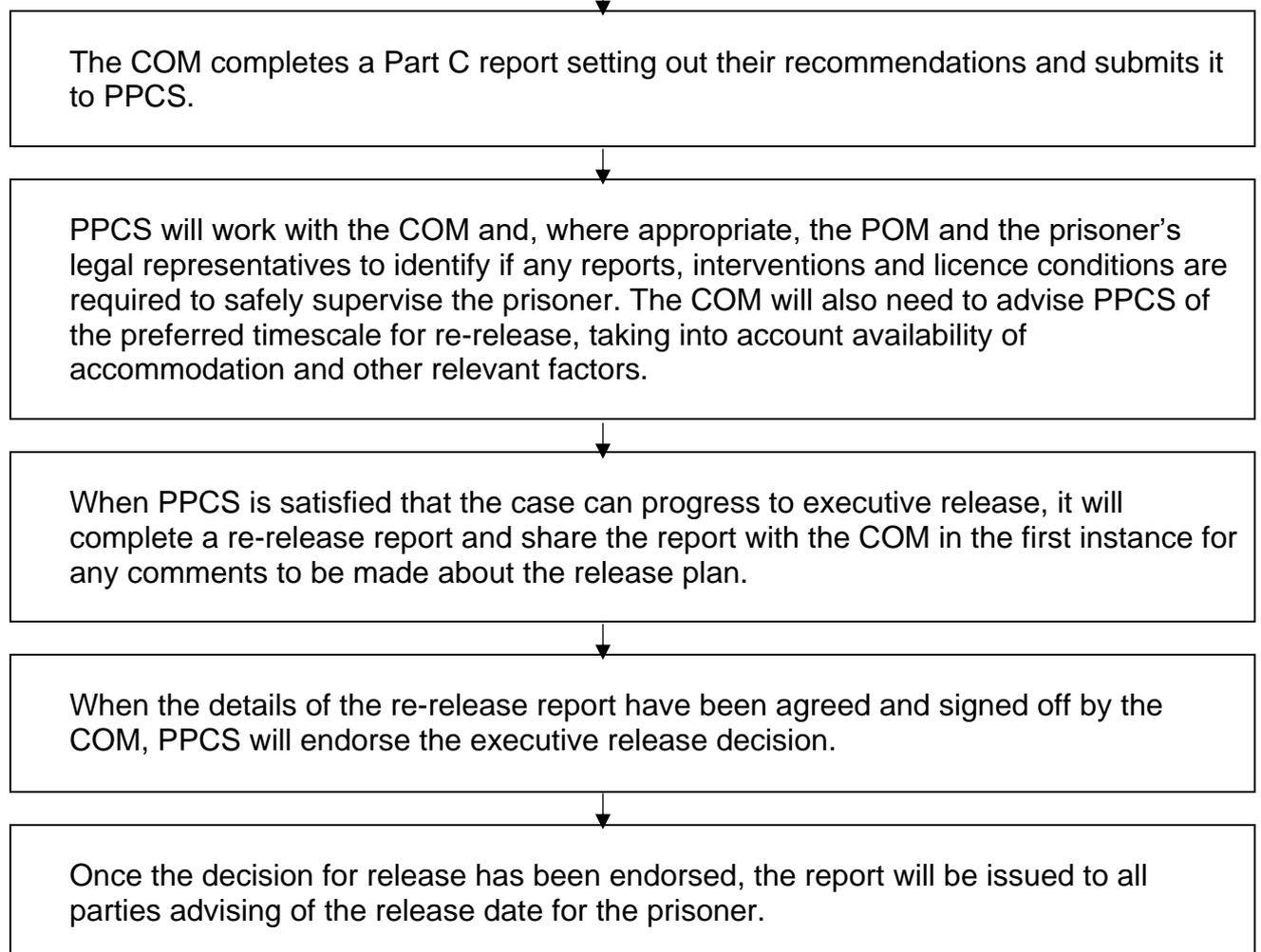
COM task

Initiating an ad-hoc executive release

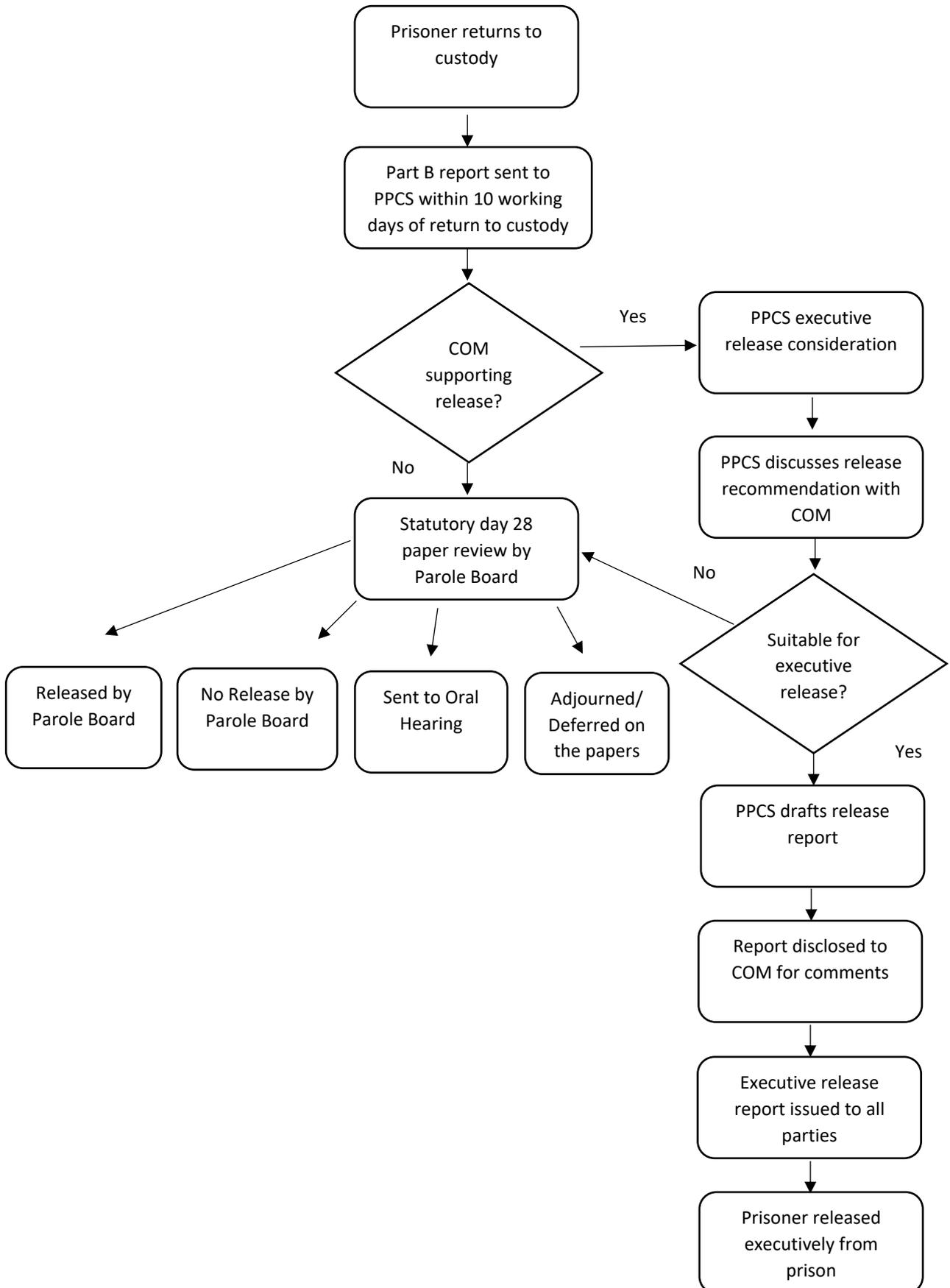
The COM can initiate an executive release review at ANY point during the prisoner's recall by contacting PPCS. **There is no requirement to wait until the next scheduled review of the case to request re-release.**

There is a team of seconded offender managers in PPCS, based within the review team, whose role is to assess risk and review release proposals in cases where executive release is proposed. They are also available to provide advice and guidance to COMs who are considering whether to recommend re-release.

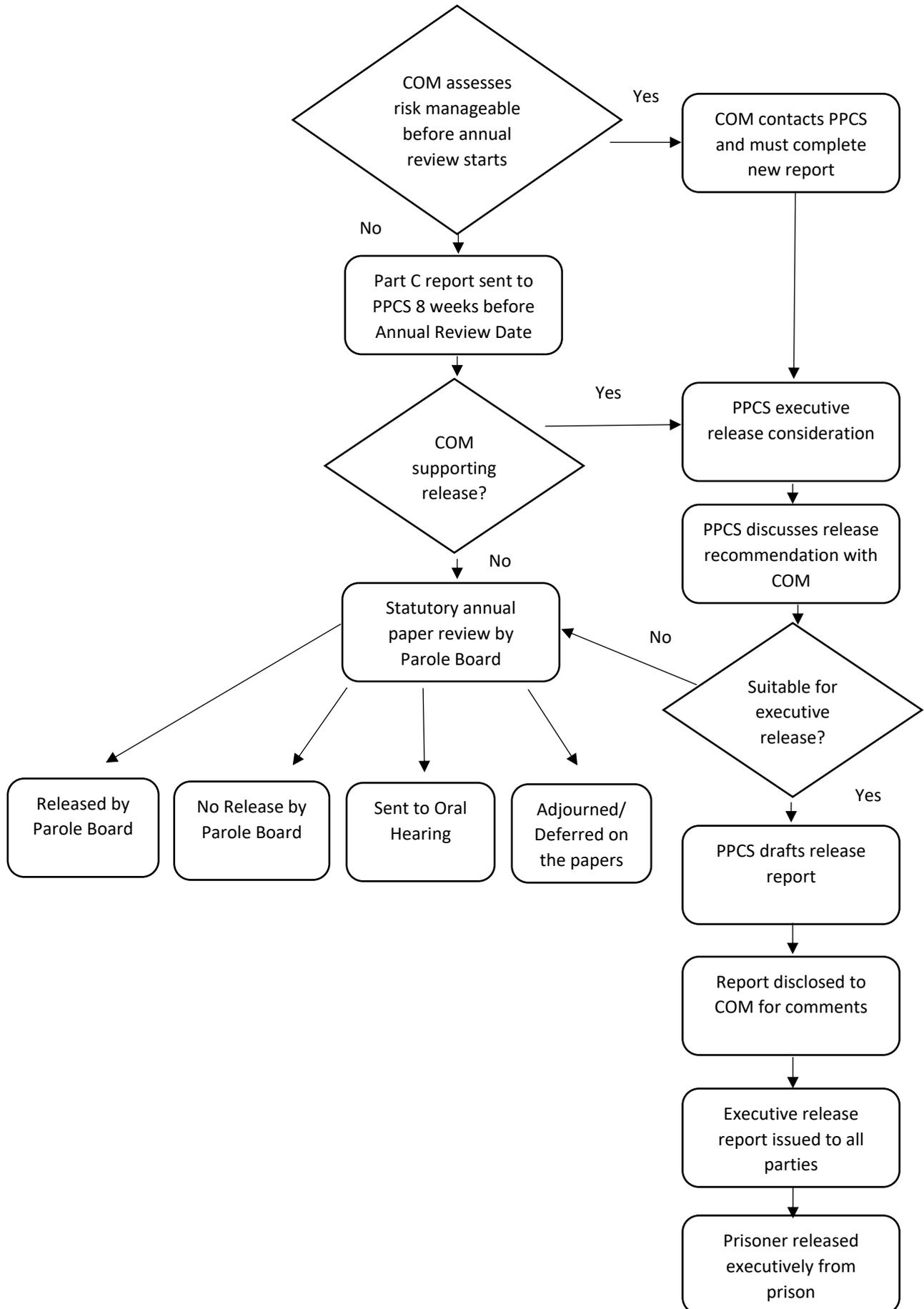
The executive release process



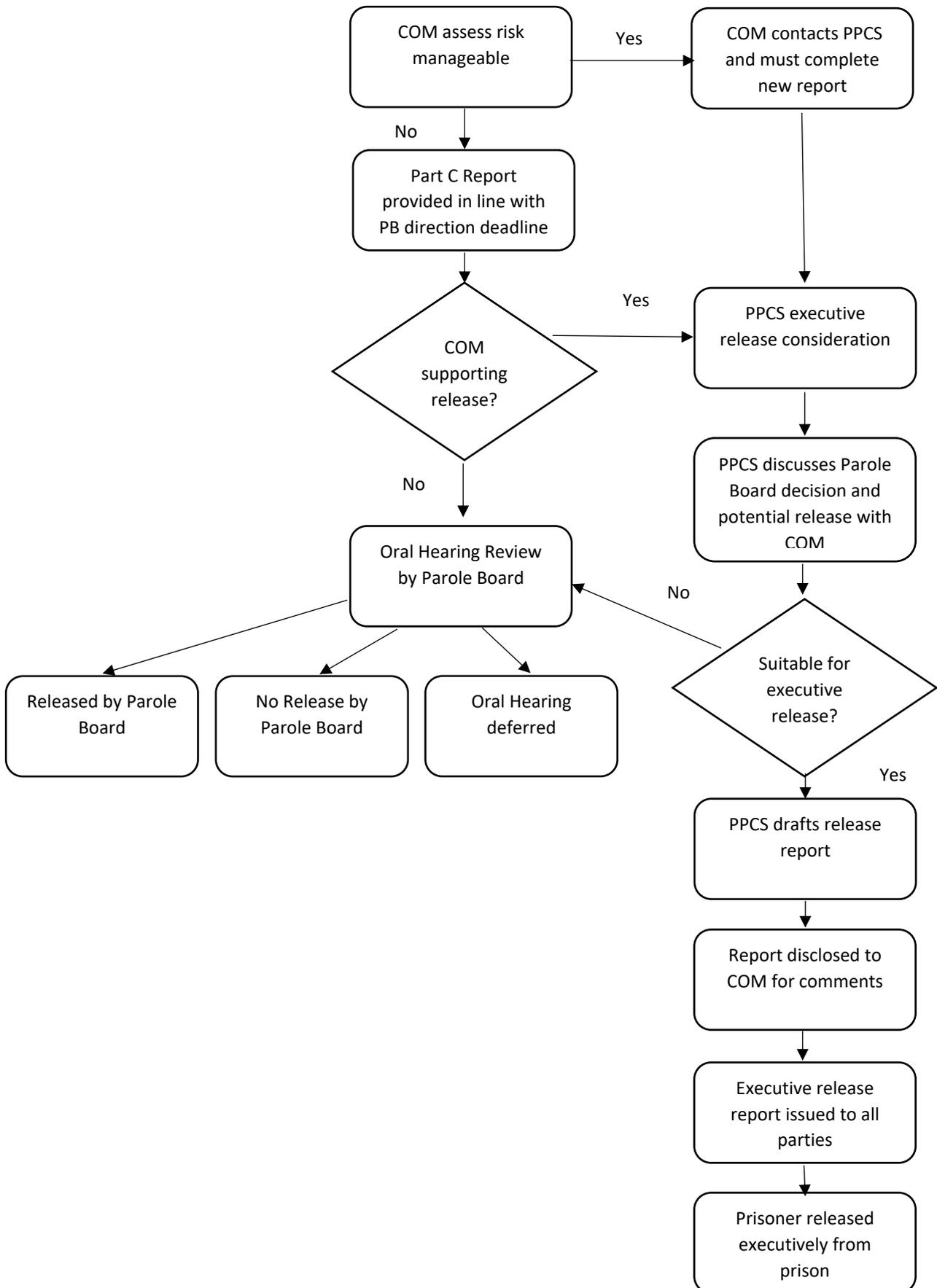
Day 28 Re-Release Process



Annual Review Re-Release Process



Oral Hearing Re-Release Process



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