



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

**Reference:** N/A

**Re-issue Date:** 13 May 2021

**Implementation Date:** 1 April 2019

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

PSI 30/2014, AI 22/2014, PI 27/2014 – Recall Review and Re-Release of Recalled Offenders on licence

PSI 28/2015, AI 18/2015 - PI 20/2015 - Unlawfully at Large after Recall Offence Protocols

**Introduces amendments to the following documents:** N/A

**Action required by:**

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

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

**For Information:** Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010). All groups must ensure that when handling personal data, they must have comprehensive and proportionate arrangements for collecting, storing, and sharing information, as set out in PSI 3/2018- The Data Protection Act 2018, General Data Protection Regulation, The Freedom of Information Act 2000, Environmental Information Regulations 2004. For any data protection enquiries please contact [InformationmgmtSecurity@justice.gov.uk](mailto:InformationmgmtSecurity@justice.gov.uk).

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

**Please note that unification of the NPS and CRCs is planned for June 2021, and from that point forward all former CRC staff should follow the processes as outlined for NPS managed individuals on licence.**

**Audit/monitoring:** HMPPS Deputy Directors of Custody and Controllers, the Director of the National Probation Service (NPS) and Youth Offending Teams (YOT) in England and Director of HMPPS in Wales and HMPPS Director of Rehabilitation Services for Community Rehabilitation Companies (CRCs) will monitor compliance with the mandatory requirements set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated requirements as required in the contract.

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

**Contact:** Policy Queries - [ppcs.policy@justice.gov.uk](mailto:ppcs.policy@justice.gov.uk)

Specific Operational Queries: Nina Shuttlewood – 07469 578900  
Jodie Holland – 07773 050638

**Deputy/Group Director sign-off:** Gordon Davison, Deputy Director, Public Protection and Victims.

**Approved by OPS for publication:** Sonia Flynn, Michelle Jarman-Howe, Joint Chairs, Operational Policy Sub-board, November 2019

## Revisions

Date	Changes
27/01/2020	A number of changes made to coincide with the publication of the GPP Policy Framework and ensure consistency across the parole and recall processes
11/02/2020	Paragraphs 6.9.17 and 6.9.18
31/03/2020	Addition of Annex B, minor amendment that do not affect prison/probation staff.
13/5/2021	A number of changes made to coincide with the amendments to the GPP Policy Framework and ensure consistency across the parole and recall processes. The revised version of the Framework also includes the following amendments: <ul style="list-style-type: none"><li>• Changes to the representations process for the Day 28, Ongoing Review and Annual Review processes.</li><li>• Minor changes to the guidance section covering executive release, clarifying the process where an oral hearing is due to take place within three weeks.</li></ul>

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## 1. **Purpose**

- 1.1 Determinate and indeterminate sentenced prisoners who are released into the community subject to licensed supervision are liable to be recalled to custody by the Secretary of State, usually where they have breached the conditions of their licence. This framework sets out the mandatory requirements that the National Probation Service (NPS), Youth Offending Teams (YOT), Community Rehabilitation Companies (CRCs) and prison establishments must undertake for all recalled prisoners.

## 2. **Evidence**

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

## 3. **Outcomes**

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

Secretary of State will consider whether or not to re-release the recalled prisoner on the basis of the evidence in the recall dossier

#### 4. Requirements

##### PART I - RECALL

#### 4.1 Requesting a Recall

4.1.1	It is the responsibility of the National Probation Service (NPS), Youth Offending Teams (YOT) or Community Rehabilitation Company (CRC) to initiate the recall of individuals on licensed supervision through the Public Protection Casework Section (PPCS).	NPS YOT
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#### 4.2 Recalling an Indeterminate Sentenced Individual

<b>Consideration of Recall for Indeterminate Sentenced Individuals</b>	<b>Action By</b>
4.2.1 Community Offender managers (COMs) must demonstrate a “causal link” in the current behaviour that was exhibited at the time of the index offence. One of the following criteria must be met when assessing whether to request the recall of an indeterminate sentenced individual: <ul style="list-style-type: none"> <li>i. Exhibits behaviour similar to behaviour surrounding the circumstances of the index offence;</li> <li>ii. Exhibits behaviour likely to give rise (or does give rise) to a sexual or violent offence;</li> <li>iii. Exhibits behaviour associated with the commission of a sexual or violent offence; or</li> <li>iv. Is out of touch with the COM and the assumption can be made that any of (i) to (iii) may arise.</li> </ul>	NPS YOT
4.2.2 COMs must ensure that there is evidence of increased risk of harm to the public and at least one of the criteria set out above in paragraph 4.2.1 is met. Further information is available in the guidance section of this Policy Framework at paragraphs 6.1.1 to 6.1.2.	
4.2.3 The NPS/YOT must take into account the extent that the individual's behaviour presents an increased risk of sexual or violent harm to others, regardless of the type of index offence for which s/he was originally convicted.	NPS YOT
4.2.4 The decision to request recall must be based on an individual's behaviour whilst on licence.	NPS YOT
4.2.5 COMs must consider whether to seek recall in cases where they have reason to believe that an individual is actively thinking about re-offending. Further information is available on EQuIP which can be accessed via the following link: Disclosing thoughts of re-offending.	NPS YOT
4.2.6 Where there are allegations of further offending, the decision to request recall must be based upon the individual's reported behaviour. There is no requirement for the COM to await the outcome of police investigations	NPS YOT

	or for the individual to be charged, if they are satisfied that the reported behaviour meets the recall threshold.	
4.2.7	COMs must consider whether it is appropriate to request a recall where there has been further offending, whether the individual has been remanded or not. In doing so one of the factors that must be taken into account is whether the risk presented by the individual can be managed, in the event that the individual is automatically released should any further charges be dropped, or whether additional risks have been identified as a result of the alleged behaviour which would warrant an assessment of suitability for re-release by the Parole Board or Secretary of State.	NPS YOT
4.2.8	Where the COM is satisfied that, should the individual no longer be remanded, they can be released immediately with no increase in RoSH to the public, or risk of reoffending then recall may not be considered appropriate. This must be assessed on a case by case basis. The test for recall does not require the criminal standard of evidence, and it is instead based on the COM's professional judgement as to whether, on the balance of probabilities, the reported behaviour has taken place.	NPS YOT
<b>Submitting the Recall Request</b>		<b>Action By</b>
4.2.9	The decision to initiate the recall of an individual must be made by the responsible COM.	NPS YOT
4.2.10	The COM must ensure that the emergency recall process is used, which is set out below in paragraphs 4.3.20 to 4.3.23.	NPS YOT
4.2.11	The Part A report (available on NDeIus) along with the mandatory supporting documents must be submitted to PPCS within 24 hours of the COM making the initial decision to request recall.	NPS YOT
4.2.12	COMs must ensure that all available information, which may assist the police in locating and safely apprehending the individual, is detailed in the Part A report.	NPS YOT
4.2.13	Where there is a victim(s) involved in the Victim Contact Scheme, COMs must ensure that the VLO is informed of the recall request.	NPS YOT
4.2.14	The endorsement procedures set out in the Part A report must be followed.	NPS YOT
4.2.15	The COM must remain contactable until PPCS has issued the revocation order. A direct dial telephone number or mobile number must be provided. In the event that the COM will not be available, the contact details of a senior manager or another member of staff must be provided.	NPS YOT
<b>Authorising Recall</b>		<b>Action By</b>
4.2.16	PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise indeterminate recall requests. This decision must take place within two hours of receipt of the recall request and the mandatory supporting paperwork.	PPCS
4.2.17	Where recall is authorised, PPCS must issue the revocation order to New Scotland Yard, the Police Single Point of Contact and probation services.	PPCS

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

### 4.3 Recalling Determinate Sentenced Individuals

#### Recalling Extended Sentenced Individuals (EPP, ESP and EDS)

<b>Consideration of Recall for Extended Sentenced Individuals</b>		<b>Action By</b>
4.3.1	<p>COMs must demonstrate a “causal link” in the current behaviour that was exhibited at the time of the index offence. At least one of the following criteria must be met when assessing whether to request the recall:</p> <ul style="list-style-type: none"> <li>i. Exhibits behaviour similar to behaviour surrounding the circumstances of the index offence;</li> <li>ii. Exhibits behaviour likely to give rise (or does give rise) to a sexual or violent offence;</li> <li>iii. Exhibits behaviour associated with the commission of a sexual or violent offence; or</li> <li>iv. Is out of touch with the COM and the assumption can be made that any of (i) to (iii) may arise</li> </ul>	NPS YOT
4.3.2	The decision to request recall must be based on an individual’s behaviour whilst on licence.	NPS YOT
4.3.3	COMs must consider whether to seek recall in cases where they have reason to believe that an individual is actively thinking about re-offending. Further information is available on EQuIP which can be accessed via the following link: <a href="#">Disclosing thoughts of re-offending</a> .	NPS YOT
4.3.4	Where there are allegations of further offending, the decision to request recall must be based upon the individual’s reported behaviour. There is no requirement for the COM to await the outcome of police investigations or for the individual to be charged, if they are satisfied that the reported behaviour meets the recall threshold.	NPS YOT
4.3.5	COMs must consider whether it is appropriate to request a recall where there has been further offending, whether the individual has been remanded or not. In doing so one of the factors that must be taken into account is whether the risk presented by the individual can be managed, in the event that the individual is automatically released should any further charges be dropped, or whether additional risks have been identified as a result of the alleged behaviour which would warrant an assessment of suitability for re-release by the Parole Board or Secretary of State.	NPS YOT
4.3.6	Where the COM is satisfied that, should the individual no longer be remanded, they can be released immediately with no increase in RoSH to the public, or risk of reoffending then recall may not be considered appropriate. This must be assessed on a case by case basis. The test for recall does not require the criminal standard of evidence, and it is instead based on the COM’s professional judgement as to whether, on the balance of probabilities, the reported behaviour has taken place, or other risk factors have increased.	NPS YOT



<b>Standard recall</b>		<b>Action By</b>
4.3.7	COMs must request a standard recall and follow the requirements found in “Submitting the Recall Request - NPS/YOT Managed Individuals”, paragraphs 4.3.33 to 4.3.37.	NPS YOT
<b>Using the emergency recall process</b>		<b>Action By</b>
4.3.8	When considering whether to use the emergency recall process, COMs must follow the requirements found in “Using the emergency recall process” at paragraphs 4.3.20 to 4.3.37.	NPS YOT

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

#### Recalling all other Determinate Sentenced Individual

<b>Consideration of Recall for Determinate Sentenced Individual</b>		<b>Action By</b>
4.3.9	COMs must recall an individual in cases where an they have breached the conditions of their licence in such a way as to indicate that their risk can no longer be managed safely in the community. COMs must consider whether to recall an offender where s/he has breached licence conditions in such a way as to indicate that that the risk has increased. In such cases, COMs may consider that imposing additional licence conditions and taking alternative enforcement action provide an acceptable and safe alternative to recall. COMs must also consider recall in cases where contact between the COM and the individual has broken down.	NPS YOT CRC
4.3.10	The decision to request recall must be based on an individual’s behaviour or circumstances presented whilst on licence.	NPS YOT CRC
4.3.11	COMs must consider whether to seek recall in cases where they have reason to believe that an individual is actively thinking about re-offending. Further information is available on EQuIP which can be accessed via the following link: Offenders disclosing thoughts of re-offending	NPS YOT CRC
4.3.12	Where there are allegations of further offending, the decision to request recall must be based upon the individual’s reported behaviour. There is no requirement for the COM to await the outcome of police investigations or for the individual to be charged, if they are satisfied that the reported behaviour meets the recall threshold.	NPS YOT CRC
4.3.13	COMs must consider whether it is appropriate to request a recall where there has been further offending, whether the individual has been remanded or not. In doing so one of the factors that must be taken into account is whether the risk presented by the individual can be managed, in the event that the individual is automatically released should any further charges be dropped, or whether additional risks have been identified as a result of the alleged behaviour which would warrant an assessment of suitability for re-release by the Parole Board or Secretary of State.	NPS YOT CRC
4.3.14	Where the COM is satisfied that, should the individual no longer be remanded, they can be released immediately with no increase in RoSH	NPS YOT

	to the public, or risk of reoffending then recall may not be considered appropriate. This must be assessed on a case by case basis. The test for recall does not require the criminal standard of evidence, and it is instead based on the COM's professional judgement as to whether, on the balance of probabilities, the reported behaviour has taken place, or other risk factors have increased.	CRC
<b>Types of Recall</b>		<b>Action By</b>
4.3.15	When requesting the recall of a determinate sentenced individual, the COM must make a recommendation as to the type of recall, either a fixed term or a standard, whichever is considered suitable in order to manage the individual's risk.	NPS YOT CRC
<b>Fixed Term Recall</b>		<b>Action By</b>
4.3.16	COMs must assess an individual's suitability for a fixed term recall in terms of the RoSH. Further information on fixed term recalls can be found in the guidance section of this Policy Framework, paragraphs 6.2.6 to 6.2.16.	NPS YOT CRC
4.3.17	COMs must also follow the requirements in "Submitting the Recall Request". For CRC managed individuals see paragraphs 4.3.24 to 4.3.32 and for NPS/YOT managed individuals see paragraphs 4.3.33 to 4.3.37.	NPS YOT CRC
<b>Standard Recall</b>		<b>Action By</b>
4.3.18	Where it is assessed that the individual is not suitable for a fixed term recall, the COM must complete the Part A report recommending a standard recall. Further information on standard recall can be found in the guidance section of this Policy Framework, paragraphs 6.2.14 to 6.2.16.	NPS YOT CRC
4.3.19	COMs must also follow the requirements in "Submitting the Recall Request". For CRC managed individuals see paragraphs 4.3.24 to 4.3.32 and for NPS/YOT managed individuals see paragraphs 4.3.33 to 4.3.37.	NPS YOT CRC
<b>Using the emergency recall process</b>		<b>Action By</b>
4.3.20	At least one of the following criteria must be met when assessing whether to use the emergency recall process. The individual: <ul style="list-style-type: none"> <li>• Is assessed to present an imminent RoSH; or</li> <li>• Is subject to an indeterminate sentence;</li> <li>• Is subject to MAPPA level 3 arrangements, or is a Critical Public Protection Case (CPPC); or</li> <li>• Is assessed to present an imminent risk of re-offending.</li> </ul>	NPS YOT CRC
4.3.21	Where an emergency recall is being requested during office hours, COMs <u>must</u> alert the PPCS recall team to the emergency request by telephone for approval in advance of submitting the recall paperwork. Where a CRC is seeking an emergency recall, the COM must consider whether to instigate a risk review referral.	NPS YOT CRC
4.3.22	The COM must remain contactable until PPCS has issued the revocation order. A direct dial telephone number or mobile number must be provided. In the event that the COM will not be available, the	NPS YOT CRC

	contact details of a senior manager or another member of staff must be provided.	
4.3.23	COMs must also follow the requirements in “Submitting the Recall Request”. For CRC managed individuals see paragraphs 4.3.24 to 4.3.32 and for NPS/YOT managed individuals see paragraphs 4.3.33 to 4.3.37.	NPS YOT CRC
<b>Submitting the Recall Request – CRC Managed Individuals</b>		<b>Action By</b>
4.3.24	The decision to initiate the recall of an individual must be made by the responsible CRC offender manager.	CRC
4.3.25	The Part A report (available on NDelius or an equivalent authorised case management system) along with the mandatory supporting documents must be submitted to PPCS within 24 hours of the CRC offender manager making the initial decision to recall.	CRC
4.3.26	CRC offender managers must ensure that all available information, which may assist the police in locating and safely apprehending the individual is detailed in the Part A report.	CRC
4.3.27	Where there is a victim(s) involved in the Victim Contact Scheme, CRC offender managers must ensure that the VLO is informed of the recall request.	CRC
4.3.28	The endorsement procedures set out in the Part A report must be followed.	CRC
4.3.29	Where it is assessed that the individual’s RoSH remains low or medium, the CRC offender manager must submit the Part A report and mandatory supporting documents direct to PPCS within 24 hours of the decision to request recall.	CRC
4.3.30	Where it is assessed that the individual’s RoSH has increased to high or very high (i.e. a case where the CRC intends to invoke the risk escalation process) the Part A report must be endorsed by the NPS.	CRC NPS
4.3.31	Where the CRC submits a recall to the NPS for endorsement (see requirement 4.3.30 above), the decision whether to endorse the recall must be taken by a designated NPS manager.	NPS
4.3.32	If for any reason the request for recall in an increasing risk case is not endorsed by the designated NPS manager, the NPS must notify the CRC and return the documentation to the CRC offender manager, together with a copy of the reasons for not endorsing the request.	NPS CRC
<b>Submitting the Recall Request – NPS/YOT Managed Individuals</b>		<b>Action By</b>
4.3.33	The decision to initiate the recall of an individual must be made by the responsible COM.	NPS YOT
4.3.34	The Part A report (available on NDelius) along with the mandatory supporting documents must be submitted to PPCS within 24 hours of the COM making the initial decision to recall.	NPS YOT
4.3.35	COMs must ensure that all available information, which may assist the police in locating and safely apprehending the individual, is detailed in the Part A report.	NPS YOT
4.3.36	Where there is a victim(s) involved in the Victim Contact Scheme, COMs must ensure that the VLO is informed of the recall request.	NPS YOT

4.3.37	The endorsement procedures set out in the Part A report must be followed.	NPS YOT
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<b>Authorising Recall for Determinate Sentenced Individuals</b>		<b>Action By</b>
4.3.38	PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise recall requests.  For standard and fixed term recalls, this decision must take place within 24 hours of receipt of the recall request and the mandatory supporting paperwork. PPCS will determine the recall type based on the information provided.  Where recall is requested on an emergency basis, this decision must take place within two hours of receipt of the recall request and the mandatory supporting paperwork.	PPCS
4.3.39	Where recall is authorised, PPCS must issue the revocation order to New Scotland Yard, the Police Single Point of Contact and probation services.	PPCS

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

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

<b>Breach of Curfew Conditions</b>		<b>Action By</b>
4.4.1	Electronic Monitoring Companies must notify PPCS immediately where a level 1 violation occurs.	Electronic Monitoring Companies
4.4.2	Electronic Monitoring Companies must issue a warning letter to the individual where a level 2 violation occurs	Electronic Monitoring Companies
4.4.3	Electronic Monitoring Companies must notify PPCS immediately where two level 2 violations occur.	Electronic Monitoring Companies
<b>Inability to Monitor</b>		<b>Action By</b>
4.4.4	Electronic Monitoring Companies must notify PPCS immediately where they are unable to monitor the individual.	Electronic Monitoring Companies
<b>Authorising Home Detention Curfew Recall</b>		<b>Action By</b>
4.4.5	PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise recall, issue a warning letter or take no further action. The decision must take place within 24 hours of receipt of the breach action request.	PPCS
<b>Breach of Standard Conditions</b>		<b>Action By</b>
4.4.6	When requesting the recall of a HDC individual for breach of standard licence conditions, COMs must follow the requirements set out in "Recalling all other Determinate Sentenced Individuals", paragraphs 4.3.9 to 4.3.37.	NPS YOT CRC

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

#### 4.5 Recalling a Young Individual

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

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

#### 4.6 Out of Hours (OoH) Recall Requests

<b>Using the Out of Hours Service</b>		<b>Action By</b>
4.6.1	The OoH service must be used to seek recall for cases where the request for recall meets the following criteria: <ul style="list-style-type: none"> <li>The criteria for an emergency recall (see paragraph 4.3.20) are met; and</li> <li>The case has come to light after 5pm or before 9am on a weekday or during a weekend including Bank Holidays.</li> </ul>	NPS YOT CRC
<b>Requesting an Out-of-Hours Recall</b>		<b>Action By</b>
4.6.2	The COM must contact the out-of-hours switchboard to request recall.	NPS YOT CRC
<b>Authorising an Out-of-Hours Recall</b>		<b>Action By</b>
4.6.3	PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise out-of-hours recall requests. This decision must take place within two hours of the COM contacting the out-of-hours switchboard.	PPCS
4.6.4	The COM must ensure that the Part A report is completed and sent to PPCS the next working day with all mandatory supporting paperwork.	NPS YOT CRC
4.6.5	COMs must also follow the requirements in “Submitting the Recall Request”. For CRC managed individuals see paragraphs 4.3.24 to 4.3.32 and for NPS/YOT managed individuals see paragraphs 34.3.33 to 4.3.37.	NPS YOT CRC

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

#### 4.7 Rescind of Recall

<b>Requesting a Rescind</b>		<b>Action By</b>
4.7.1	Requests to rescind a recall must be submitted to PPCS on the 'NPS/CRC Request to Rescind Recall form' (available on NDelius or an equivalent authorised case management system). Where possible it must be submitted before the individual has been returned to custody.	NPS YOT CRC
4.7.2	Requests to rescind a recall must be endorsed by a senior manager who is equivalent to the former ACO grade/YOT manager or equivalent.	NPS
4.7.3	Where a CRC is requesting that a recall, which has not been endorsed by the NPS, is rescinded, the request must be endorsed by a CRC senior manager who is equivalent to the former ACO grade/YOT manager or equivalent and submitted direct to PPCS.	CRC
4.7.4	Where a CRC is requesting that a recall, which has been endorsed by the NPS, is rescinded, the rescind request must also have NPS endorsement.	CRC NPS

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

#### 4.8 Unlawfully at Large (UAL) Offence Following Recall

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

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

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

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

### **4.9 Return to Custody of all Recalled Prisoners**

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

4.9.4	Where the prisoner is subject to recall, a new entry must be made on the original prison record. The recall status code must be used to record the reason for return to custody.	Prisons
<b>Notification of Return to Custody to PPCS</b>		<b>Action By</b>
4.9.5	PPCS will run management information reports on a daily basis that will indicate when a recalled prisoner has returned to custody. If a recalled prisoner has remained in custody for over five days and the prison have not received a copy of the recall dossier, the prison must make contact with PPCS.	PPCS Prisons
4.9.6	Where the prison identifies that the prisoner will require documents to be translated for example due to a disability or language barrier, the prison must ensure that PPCS is notified as soon as possible. PPCS will notify the Parole Board, where applicable, at the point of referral so that where required reasonable adjustments, where possible, can be made.  Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link (add link)  It is the responsibility of the prison to arrange for the translation for HMPPS documents.	Prisons
<b>Disclosure of the Recall Dossier</b>		<b>Action By</b>
4.9.7	PPCS is responsible for providing a copy of the recall dossier to the prison, and for notifying the COM of the recalled prisoner's return to custody, within one working day of receipt of notification of return to custody.	PPCS
4.9.8	All recalled prisoners must be provided with a copy of their recall dossier and a copy of the recall information leaflet by the prison offender manager (POM) within one working day of receipt from PPCS.	Prisons
4.9.9	All documents within the recall dossier must be disclosed to the recalled prisoner by the POM.	Prisons
4.9.10	The POM must explain the documents within the recall dossier to the recalled prisoner.	Prisons
4.9.11	PPCS will issue a notification with the recall dossier to the prison/recalled prisoner, informing the prisoner that they have the right to submit representations, and the deadline for which the representations must be submitted to PPCS.	PPCS
4.9.12	Where a recalled prisoner makes personal representations, and does not have a legal representative, POMs must ensure that these are returned to the relevant PPCS team.	Prisons



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

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

#### 4.10 Standard Recall - Statutory Day 28 Review

<b>Part B Report</b>		<b>Action By</b>
4.10.1	The Part B report must be completed by the COM who will be responsible for the management of the case when the individual is re-released.	NPS YOT CRC
4.10.2	Where the management of the recalled prisoner has been transferred from the CRC to the NPS, as the recalled prisoner's RoSH has increased to high, the NPS must complete the Part B.  In these cases the CRC that was formerly responsible must inform PPCS of the transfer of the recalled prisoner's management.  The CRC must also provide any relevant material or information to the NPS.	NPS CRC
4.10.3	The POM must provide the COM with information on the recalled prisoner's behaviour in custody for inclusion in the Part B report.	Prisons
4.10.4	The Part B report must contain a full up-to-date risk management plan, even where release is not supported.	NPS YOT CRC
4.10.5	COMs must follow the endorsement procedures set out in the Part B report.	NPS YOT CRC
4.10.6	The COM must submit the report to PPCS and the recalled prisoner no later than 10 working days after the recalled prisoner's return to custody (with NPS endorsement where appropriate).	NPS YOT CRC

4.10.7	On receipt of the Part B report, PPCS is responsible for assessing whether the recalled prisoner is suitable for executive release. For further information on executive release see chapter 4.14 of this Policy Framework	PPCS
<b>Disclosure of the Part B Report to the Prisoner</b>		<b>Action By</b>
4.10.8	COMs must ensure that the Part B report is provided to the prison no later than 10 working days after the recalled prisoner's return to custody.	NPS YOT CRC
4.10.9	The recalled prisoner must be provided with a copy of the Part B report by the POM within one working day of receipt.	Prisons
<b>Statutory Day 28 Parole Board Review</b>		<b>Action By</b>
4.10.10	PPCS is responsible for the collation and referral of the recall dossier to the Parole Board by the 28 <sup>th</sup> calendar day of the recalled prisoner's return to custody.	PPCS
4.10.11	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons & Probation).	PPCS
4.10.12	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third party directions. See paragraphs 6.9.2 to 6.9.3 of this Policy Framework for further information.	Parole Board
4.10.13	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases, managed by the PPCS National Security Casework Team.	PPCS
4.10.14	From the point of referral by PPCS, the Parole Board is responsible for any representations from the prisoner or legal representative. All representations submitted after referral must be emailed directly to the Parole Board	Parole Board
4.10.15	<b><u>Recalled indeterminate sentenced prisoners only:</u></b> On receipt of the automatic notification from the Public Protection Unit Database (PPUD), the prison must download a copy of the recall dossier and provide a copy to the recalled prisoner within one working day.	Prisons

<b>Parole Board Decisions - Indeterminate Sentenced Prisoners</b>		<b>Action By</b>
4.10.16	The Parole Board is responsible for issuing the Parole Board decision to all parties, including the COM and prison management unit (OMU).	Parole Board
4.10.17	The POM must ensure that a copy of the decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
<b>Release of recalled indeterminate sentenced prisoners</b>		<b>Action By</b>
4.10.18	All parties must follow the requirements set out in "Reconsideration of Parole Board Release Decisions", paragraphs 4.10.56 to 4.10.83.	NPS YOT Prisons PPCS

4.10.19	Where the Parole Board directs release, PPCS is responsible for organising the release arrangements with all parties for as soon as reasonably practicable.	PPCS
4.10.20	In these cases, COMs must provide all release information to PPCS within the deadline set.	NPS YOT
4.10.21	PPCS is responsible for notifying all parties of the release date and issuing the release licence to the prison, New Scotland Yard and the COM.	PPCS
4.10.22	POMs must ensure that the recalled prisoner is provided with a copy of the release licence prior to release.	Prisons
4.10.23	Prisons must ensure that the recalled prisoner is released on the date specified by PPCS.	Prisons
<b>Other Parole Board Decisions</b>		<b>Action By</b>
4.10.24	Where the Parole Board makes a negative decision on the papers, the prison must ensure that the recalled prisoner is aware of their right to apply for an oral hearing. For further guidance see paragraph 5.9.6 of this Policy Framework.	Prisons
4.10.25	Where the Parole Board refuses to send the recalled prisoner's case to an oral hearing, the prison must ensure that the recalled prisoner is aware of their right to apply for reconsideration of the decision.	Prisons
4.10.26	Where the Parole Board sends the recalled prisoner's case to an oral hearing, the prison must ensure that the recalled prisoner understands the directions set. Further information is set out in the Parole Board Oral Hearings chapter 4.17.	Prisons

<b>Parole Board Decisions - Determinate Sentenced Prisoners</b>		<b>Action By</b>
4.10.27	The Parole Board is responsible for issuing the Parole Board decision to all parties, including the COM, and prison OMU.	Parole Board
4.10.28	The POM must ensure that a copy of the decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
<b>Release of recalled prisoners</b>		<b>Action By</b>
4.10.29	<b><u>Recalled discretionary conditional release (DCR), extended determinate sentence (EDS), extended sentence for public protection (EPP) prisoners, special custodial sentence for offenders of particular concern (SOPC) and terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003) only:</u></b> All parties must follow the requirements set out in "Reconsideration of Parole Board Release Decisions", paragraphs 4.10.56 to 4.10.83.	NPS YOT CRC Prisons
4.10.30	Where the Parole Board directs the immediate release of a determinate sentenced prisoner, all parties must give effect to this direction as soon as practicable.	NPS YOT CRC Prisons

4.10.31	Where the Parole Board directs release at a future date of a determinate sentenced prisoner, all parties must ensure that the recalled prisoner is released on the date specified.	NPS YOT CRC Prisons
<b>Other Parole Board Decisions</b>		<b>Action By</b>
4.10.32	Where the Parole Board makes a negative decision on the papers, the prison must ensure that the recalled prisoner is aware of their right to apply for an oral hearing. For further guidance see paragraph 5.9.6 of this Policy Framework.	Prisons
4.10.33	Where an oral hearing is refused, the prison must ensure that the recalled prisoner is aware of their right to apply for reconsideration of the decision.	Prisons
4.10.34	Where the Parole Board makes no direction to release, it is the responsibility of the COM to ensure that the recalled prisoner's ongoing detention is reviewed appropriately in light of any progress or developments that may be material to whether they can be safely re-released.  Further information is set out in the ongoing review chapter 4.15.	NPS YOT CRC
4.10.35	Where the Parole Board directs an oral hearing, the prison must ensure that the recalled prisoner understands the directions set.  Further information is set out in the Parole Board Oral Hearings chapter 4.17.	Prisons

<b>Parole Board Decision Summaries</b>		<b>Action By</b>
4.10.36	Where a victim, who is involved in the Victim Contact Scheme, wishes to request a Parole Board decision summary (PBDS), the VLO must email the request directly to the Parole Board, copying in the COM.	NPS
4.10.37	The Parole Board is responsible for providing the PBDS to PPCS, the prison, the VLO and the COM.	Parole Board
4.10.38	Upon receipt of the PBDS, the VLO must ensure that a copy is disclosed to the victim as soon as possible.	NPS
4.10.39	Where the recalled prisoner is in custody, upon receipt of the PBDS, the POM must ensure a copy of it is disclosed to the recalled prisoner within one working day.	Prisons
4.10.40	Where the prisoner has been released, the COM must ensure that a copy of the PBDS is disclosed to the recalled individual as soon as possible.	NPS YOT CRC

<b>Reconsideration of Parole Board No Release Decisions</b>		<b>Action By</b>
<p>This section only applies to recalled prisoners who are subject to the following sentences:</p> <ul style="list-style-type: none"> <li>• All Indeterminate Sentenced Prisoners</li> <li>• Discretionary Conditional Release (DCR)</li> <li>• Extended Sentence for Public Protection (EPP)</li> <li>• Extended Determinate Sentences (EDS)</li> <li>• Special Sentences for Offenders of Particular Concern (SOPC)</li> <li>• Terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003)</li> <li>• Any other determinate sentence subject to initial release by the Parole Board</li> </ul>		
4.10.41	As stated in requirement paragraph 4.10.28 POMs must ensure that the decision to not release the prisoner is disclosed to the prisoner within one working day of receipt.	Prisons
<b>Application Window Extension Requests</b>		<b>Action By</b>
4.10.42	All extension requests must be submitted directly to the Parole Board within the 21 calendar day application window.	Prisons
4.10.43	Where the prisoner does not have legal representation and wishes to submit an extension request, prisons must ensure that the extension request is emailed to <a href="mailto:Reconsideration@paroleboard.gov.uk">Reconsideration@paroleboard.gov.uk</a> within one working day of receipt.	Prisons NPS YOT
4.10.44	The Parole Board is responsible for deciding whether to approve extension requests and issuing their decision to PPCS ( <a href="mailto:PPCSreconsiderationteam@justice.gov.uk">PPCSreconsiderationteam@justice.gov.uk</a> ), the prison, the COM and legal representatives (where applicable).	Parole Board
4.10.45	COMs must ensure that VLOs are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible.	NPS YOT CRC
4.10.46	POMs must ensure that a copy of the Parole Board extension decision is disclosed to the prisoner within one working day of receipt.	Prisons
<b>The application</b>		<b>Action By</b>
4.10.47	Where a prisoner does not have legal representation and wishes to submit an application for the decision to be reconsidered by the Parole Board, prisons must ensure that the application is emailed to <a href="mailto:Reconsideration@paroleboard.gov.uk">Reconsideration@paroleboard.gov.uk</a> within one working day of receipt.	Prisons
4.10.48	Where a prisoner makes an application, the Parole Board will provide PPCS with the option of submitting representations on behalf of the Secretary of State direct to the Parole Board	PPCS

	(copied to the prison) within seven calendar days of receipt of the notification from the Parole Board.	
4.10.49	Where Secretary of State representations are received, the POM must ensure that a copy of the representations are disclosed to the prisoner within one working day of receipt.	Prisons
<b>Parole Board Reconsideration – The Decision</b>		<b>Action By</b>
4.10.50	The Parole Board is responsible for issuing the reconsideration decision to PPCS (PPCSreconsiderationteam@justice.gov.uk), the prison, the COM and the legal representative (where applicable).	Parole Board
4.10.51	The POM must ensure that a copy of the Parole Board decision is disclosed to the prisoner within one working day of receipt.	Prisons
4.10.52	Where the Parole Board direct the case to a decision on the papers or an Oral Hearing, COMs must ensure that VLOs are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible.	NPS YOT
4.10.53	Where the Parole Board has decided to direct a reconsideration of the decision, they will specify whether this is to take place on the papers or at an oral hearing, and will make bespoke directions to progress the case towards a decision.	Parole Board
4.10.54	Where the Parole Board have decided to direct the case to Oral Hearing, all parties must follow the requirements set out in the Parole Board Oral Hearings chapter 4.17 of this Policy Framework.	Prison NPS YOT
4.10.55	Where the Parole Board have decided that the original no release decision is to be upheld, all parties must follow requirement 4.10.24 for indeterminate sentenced prisoners and 4.10.34 for all determinate sentenced prisoners.	Prison NPS YOT

<p><b>Reconsideration of Parole Board Release Decisions</b></p> <p><b>This section only applies to recalled prisoners who are subject to the following sentences:</b></p> <ul style="list-style-type: none"> <li>• <b>All Indeterminate Sentenced Prisoners</b></li> <li>• <b>Discretionary Conditional Release (DCR)</b></li> <li>• <b>Extended Sentence for Public Protection (EPP)</b></li> <li>• <b>Extended Determinate Sentences (EDS)</b></li> <li>• <b>Special Sentences for Offenders of Particular Concern (SOPC)</b></li> <li>• <b>Terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003)</b></li> </ul>	<b>Action By</b>
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<ul style="list-style-type: none"> <li>• <b>Any other determinate sentence subject to initial release by the Parole Board</b></li> </ul>		
4.10.56	Upon receipt of a Parole Board release decision, the COM must ensure that the VLO is notified of the decision as soon as possible.	NPS YOT CRC
4.10.57	VLOs must ensure that the victim is informed of the decision and of their right to request a summary of that decision from the Parole Board and that they can request the decision is reconsidered as soon as possible. All reconsideration request forms must be sent to PPCS via reconsiderationapplications@justice.gov.uk. See guidance paragraph 6.9.13 for further information on when a decision can be reconsidered.	NPS YOT CRC
<b>Application Window Extension Requests</b>		<b>Action By</b>
4.10.58	PPCS is responsible for submitting all extension requests directly to the Parole Board within the 21 calendar day application window.	PPCS
4.10.59	COMs / VLOs must notify PPCS via PPCSreconsiderationteam@justice.gov.uk immediately where an extension will be required. The email must include clear reasons why the extension is required and the length of the extension being requested.	NPS YOT CRC
4.10.60	The Parole Board is responsible for deciding whether to approve extension requests and issuing the decision to PPCS (PPCSreconsiderationteam@justice.gov.uk), the prison, COM, and legal representatives (where applicable).	Parole Board
4.10.61	PPCS are responsible for ensuring that VLOs are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible.	PPCS
4.10.62	Where an extension is agreed, POMs must ensure that the prisoner is notified within one working day of receipt.	Prisons
<b>PPCS Internal Reconsideration Review</b>		<b>Action By</b>
4.10.63	Where PPCS decide internally that a reconsideration application should be submitted to the Parole Board, PPCS must notify the prison, COM, VLO and legal representative (where applicable). VLOs must ensure that the victim is informed as soon as possible.	PPCS NPS YOT CRC
4.10.64	POMs must ensure that a copy of the notification is disclosed to the prisoner within one working day of receipt.	Prisons

4.10.65	PPCS is responsible for submitting the application to the Parole Board Reconsideration Team for a review by their assessment panel.	PPCS
<b>Exceptionally reducing the 21-day reconsideration window</b>		
4.10.66	For guidance on seeking approval from the Parole Board for exceptionally reducing the 21-day reconsideration window, all parties must follow the guidance at 6.9.16 to 6.9.18 of this Policy Framework.	PPCS NPS YOT CRC
<b>Victim Applications to PPCS</b>		<b>Action By</b>
4.10.67	Where a victim (or interested party) submits a request for the release decision to be reconsidered, all requests must be submitted to PPCS via <a href="mailto:reconsiderationapplications@justice.gov.uk">reconsiderationapplications@justice.gov.uk</a> .	NPS YOT CRC
4.10.68	Upon receipt of the request from the victim or interested party, PPCS is responsible for deciding whether the request meets the eligibility criteria (see guidance paragraph 6.9.16).	PPCS
4.10.69	Where the request meets the criteria, PPCS is responsible for submitting the application to the Parole Board.	PPCS
4.10.70	Where an application is submitted to the Parole Board, PPCS must ensure that the prison, the applicant, COM, VLO and the legal representatives (where applicable) are notified.	PPCS
4.10.71	POMs must ensure that a copy of the application and notification is disclosed to the prisoner within one working day of receipt.	Prisons
<b>Parole Board Assessment Panel</b>		<b>Action By</b>
4.10.72	The Parole Board is responsible for issuing the assessment panel's decision to PPCS (PPCSreconsiderationteam@justice.gov.uk), COM, prison and legal representatives (where applicable).	Parole Board
4.10.73	POMs must ensure that a copy of the Parole Board assessment panel decision is disclosed to the prisoner within one working day of receipt.	Prisons
4.10.74	In a case with a victim, PPCS is responsible for issuing the decision to VLOs. VLOs must ensure the victim is informed as soon as possible. Where the application is made following a request from an interested party, PPCS is responsible for issuing the decision to that interested party.	PPCS NPS YOT CRC
4.10.75	Where no submitted to the Parole Board once the 21 day window has elapsed, PPCS is responsible for notifying the prison, the COM and legal representative (where applicable) that the release decision is now final.	PPCS



4.10.76	COMs must ensure that VLOs are informed the Parole Board decision is now final. VLO must ensure that the victim is informed as soon as possible.	NPS YOT CRC
4.10.77	POMs must ensure that a copy of the notification is disclosed to the prisoner within one working day of receipt.	Prisons
<b>Parole Board Reconsideration – The Decision</b>		<b>Action By</b>
4.10.78	The Parole Board is responsible for issuing the reconsideration decision to PPCS (PPCSreconsiderationteam@justice.gov.uk), the prison, the COM and legal representative (where applicable).	Parole Board
4.10.79	POMs must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.	Prisons
4.10.80	Where the Parole Board direct the case to a decision on the papers or an Oral Hearing, PPCS must ensure that VLOs/or other interested parties requesting reconsideration are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible.	PPCS NPS YOT CRC
4.10.81	Where the Parole Board has decided to direct a reconsideration of the decision, they will specify whether this is to take place on the papers or at an oral hearing, and will make bespoke directions to progress the case towards a decision.	Parole Board
4.10.82	Where the Parole Board have decided to direct the case to Oral Hearing, all parties must follow the requirements set out in the Parole Board Oral Hearings chapter 4.17 of this Policy Framework.	Prison NPS YOT CRC
4.10.83	Where the Parole Board have decided that the original release decision is to be upheld, all parties must follow requirements 4.10.18 to 4.10.23 for indeterminate sentenced prisoners and 4.10.28 to 4.10.30 for determinate sentenced prisoners.	PPCS

Further guidance is available in [chapter 6.9](#) of this Policy Framework.

#### 4.11 Fixed Term Recall – Review and Re-Release

<b>Re-release prior to the end of the Fixed Term Recall</b>		<b>Action By</b>
4.11.1	Where an COM assesses that a recalled prisoner is safe to be released before the end of the fixed term period, they must complete a Part B report and provide it to PPCS.	NPS YOT CRC
4.11.2	Where a Part B report is submitted, all parties must follow the requirements set out in ‘Standard Recall – Statutory Day 28 review’ in relation to the completion and disclosure of Part B reports, paragraphs 4.10.1 to 4.10.9.	NPS YOT CRC Prisons

4.11.3	<p>On receipt of the Part B report, PPCS is responsible for assessing whether the recalled prisoner is suitable for executive release.</p> <p>For further information on executive release see chapter 4.14 of this Policy Framework.</p>	PPCS
<b>New information undermining the initial assessment of suitability</b>		<b>Action By</b>
4.11.4	The COM must contact PPCS immediately where a recalled prisoner has been deemed suitable for a fixed term recall but new information subsequently comes to light that calls into question the recalled prisoner's suitability. Further information is available in the guidance section at paragraph 6.10.2.	NPS YOT CRC
4.11.5	PPCS is responsible for deciding if the recalled prisoner is no longer suitable for a fixed term recall and must notify the prison of the change of status to a standard recall and provide an updated recall dossier.	PPCS
4.11.6	<p>Prisons must ensure that the recalled prisoner's status on PNOMIS is updated as a 'standard recall'. The recalled prisoner must be notified by the POM immediately and provided with the updated version of the recall dossier.</p> <p>In these cases, the prison must ensure that the recalled prisoner is not released automatically at the end of the fixed term period.</p>	Prisons
<b>Prisoner Representations in respect of Recall</b>		<b>Action By</b>
4.11.7	In cases where the recalled prisoner makes representations on their suitability for re-release, prisons must ensure that the representations are provided to PPCS.	Prisons
4.11.8	Upon receipt of the recalled prisoner's representations, PPCS are responsible for requesting a full Part B Report from the COM. This request must be copied to the senior probation officer (and functional mailbox where detailed in the Part A Report).	PPCS
4.11.9	The COM will be required to submit a full Part B report. Due to the time constraints in fixed term recall cases, this must be provided within one working day of the request being issued.	NPS YOT CRC
4.11.10	Where a Part B report is submitted, all parties must follow the requirements set out in 'Standard Recall – Statutory Day 28 review' in relation to the completion and disclosure of Part B reports, paragraphs 4.10.1 to 4.10.9.	NPS YOT CRC Prisons
4.11.11	<p>On receipt of personal or legal representations in respect of recall, PPCS must refer the case to the Parole Board in accordance with standard procedures.</p> <p>In these cases, the prison must ensure that the recalled prisoner is re-released no later than the end of the fixed term period even if the Parole Board has not yet had the opportunity to consider the representations, or has considered them and has declined to direct immediate release on licence.</p>	PPCS Prisons

4.11.12	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons and Probation).	PPCS
4.11.13	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third party directions. See paragraphs 6.15.1 to 6.15.2 of this Policy Framework for further information.	Parole Board
4.11.14	Upon receipt of the Parole Board decision, all parties must follow the requirements set out in paragraphs 4.10.27 to 4.10.33 of this Policy Framework.	NPS YOT CRC Prisons
<b>Automatic release of Fixed Term Recall prisoners</b>		<b>Action By</b>
4.11.15	Prisons must ensure that fixed term recall prisoners are re-released automatically on licence at the end of the fixed term period, unless they reach their 'supervision on licence' expiry date or sentence expiry date first, depending on the type of sentence being served.	Prisons
4.11.16	Where a prisoner has been released early subject to HDC and subsequently receives a 14-day fixed term recall, prisons must ensure that the recalled prisoner is released on the 14 <sup>th</sup> day or the CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the individual may not be re-released unless satisfactory curfew arrangements are in place.	Prisons
4.11.17	Where a prisoner has been released early subject to HDC and subsequently receives a 28-day fixed term recall, prisons must ensure that the recalled prisoner is re-released on the 28 <sup>th</sup> day or CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the individual may not be re-released unless satisfactory curfew arrangements are in place.	Prisons

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

#### 4.12 HDC Curfew Breach – Appeal Process

<b>Prisoner Representations</b>		<b>Action By</b>
4.12.1	Where a recalled prisoner makes representations against the recall breach decision, the prison must ensure that the representations are provided to PPCS.	Prisons
4.12.2	On receipt of the representations (personal or legal) PPCS is responsible for forwarding these to the HDC Recall Appeals Team.	PPCS
<b>HDC Appeal Decision</b>		<b>Action By</b>
4.12.3	The HDC Recall Appeals Team must issue the decision directly to the prison OMU functional mailbox and the COM.	HDC Appeal Team Prisons

	The prison must ensure that the recalled prisoner is provided with a copy within one working day of receipt.	
4.12.4	If the appeal is allowed, PPCS must cancel the revocation of the HDC licence and the prison must generally re-release the recalled prisoner subject to HDC as soon as is practicable.	PPCS Prisons
4.12.5	If the appeal is dismissed, prisons must follow the requirements in paragraph 4.12.6.	Prisons
<b>Release from HDC Curfew Breach</b>		<b>Action By</b>
4.12.6	Barring a successful appeal and/or re-release by the prison following an inability to monitor recall (see the guidance section, paragraph 6.11.2), where a prisoner on HDC has been recalled under s255 CJA 2003, prisons must ensure that they remain in custody until the automatic conditional release date (CRD).	Prisons
<b>Standard and Fixed Term Recall during the HDC Period</b>		<b>Action By</b>
4.12.7	Where a prisoner has been released early subject to HDC and subsequently receives a standard recall under s.254 CJA 2003, prisons must ensure that they are treated like any other recalled prisoner given a standard recall, as set out in chapter 4.10 of this framework. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the individual may not be re-released unless satisfactory curfew arrangements are in place.	Prisons
4.12.8	Where a prisoner has been released early subject to HDC and subsequently receives a 14 day fixed term recall, prisons must ensure that the recalled prisoner is released on the 14 <sup>th</sup> day following return to custody or the CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the recalled prisoner may not be re-released unless satisfactory curfew arrangements are in place. See chapter 4.11 for more information on fixed term recall.	Prisons
4.12.9	Where a prisoner has been released early subject to HDC and subsequently receives a 28 day fixed term recall, prisons must ensure that the recalled prisoner is re-released on the 28 <sup>th</sup> day following return to custody or CRD, whichever is later. Where, exceptionally, re-release before CRD is directed by the Secretary of State or the Parole Board, the recalled prisoner may not be re-released unless satisfactory curfew arrangements are in place. See chapter 4.11 for more information on fixed term recall.	Prisons

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

#### 4.13 Young Individuals - Review and Re-Release

<b>Return to custody and review of all Young Individuals</b>		<b>Action By</b>
4.13.1	On return to custody of a young individual, prisons must follow the requirements set out in 'Return to Custody of all Recalled Prisoners', paragraphs 4.9.1 to 4.9.15.	Prisons

4.13.2	For determinate sentenced young individuals, all parties must follow the appropriate requirements set out in the appropriate chapter: <ul style="list-style-type: none"> <li>• Standard Recall - Statutory Day 28 Review chapter 4.10;</li> <li>• Fixed Term Recall – Review and Re-Release chapter 4.11; or</li> <li>• HDC Curfew Breach – Appeal Process chapter 4.12.</li> </ul>	Prisons NPS YOT CRC
4.13.3	For indeterminate sentenced young individuals, all parties must follow the requirements set out in ‘Standard Recall - Statutory Day 28 Review’ chapter 4.10.	Prisons NPS YOT CRC

#### 4.14 Executive Release

<b>PPCS consideration of suitability for executive release</b>		<b>Action By</b>
4.14.1	Where the COM submits a Part B / C report, PPCS is responsible for assessing the recalled prisoner’s case to decide whether they are suitable for executive release.	PPCS
4.14.2	Where a Part B report is submitted, all parties must follow the requirements set out in ‘Standard Recall – Statutory Day 28 review’ in relation to the completion and disclosure of Part B reports, paragraphs 4.10.1 to 4.10.9.	NPS YOT CRC Prisons
4.14.3	Where a Part C report is submitted to PPCS, the requirements set out in the below chapters must be followed in relation to the completion and disclosure of Part C reports: <ul style="list-style-type: none"> <li>• Ongoing Review, paragraphs 4.15.4 to 4.15.12;</li> <li>• Annual Review, paragraphs 4.16.3 to 4.16.12; or</li> <li>• Parole Board Oral Hearing paragraphs 4.17.8 to 4.17.15 and 4.17.27 to 4.17.31.</li> </ul>	NPS YOT CRC Prisons
4.14.4	PPCS may seek further information to support the release process. This must be provided by the deadline set.	NPS YOT CRC Prisons
<b>Issuing an Executive Release Decision</b>		<b>Action By</b>
4.14.5	Where an executive release is agreed, PPCS is responsible for issuing the decision to the prison, COM, the Parole Board (where the case has been referred to them) and legal representatives (where applicable).	PPCS
4.14.6	The POM must ensure that a copy is disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.14.7	On receipt of the executive release decision, the prison must ensure that the recalled prisoner is released from prison custody on the date specified.	Prisons
<b>Executive Release Decision Summaries</b>		<b>Action By</b>
4.14.8	Where a victim, who is involved in the Victim Contact Scheme, wishes to request an executive release decision summary (ERDS), the VLO	NPS

	must email the request directly to PPCS via <a href="mailto:ExecutiveReleaseSummaries@justice.gov.uk">ExecutiveReleaseSummaries@justice.gov.uk</a> , copying in the COM.	
4.14.9	PPCS is responsible for providing the ERDS to the prison, the VLO and the COM.	PPCS
4.14.10	Upon receipt of the ERDS, the VLO must ensure that a copy is disclosed to the victim as soon as possible.	NPS
4.14.11	Where the recalled prisoner is in custody, upon receipt of the ERDS, the POM must ensure a copy is disclosed to the recalled prisoner within one working day.	Prisons
4.14.12	Where the recalled prisoner has been released, the COM must ensure that a copy of the ERDS is disclosed to the individual as soon as possible.	NPS

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

#### 4.15 Ongoing Review

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

<b>Review of suitability for re-release</b>		<b>Action By</b>
4.15.1	The COM must ensure that a recalled determinate sentenced prisoner's ongoing detention is reviewed regularly.	NPS YOT CRC
4.15.2	Where there are outstanding criminal matters, it is the responsibility of the COM to monitor progress of these and to notify PPCS immediately when an outcome is known.	NPS YOT CRC
4.15.3	Where criminal offences are committed whilst in custody, prisons must notify the COM immediately.	Prisons
<b>Part C Report</b>		<b>Action By</b>
4.15.4	Where the COM assesses that the recalled prisoner's risk can be safely managed in the community, they must complete the Part C Report and submit it to PPCS.	NPS YOT CRC
4.15.5	The Part C report must be completed by the COM who will be responsible for the management of the case when the individual is re-released.	NPS YOT CRC
4.15.6	The Part C report must contain a full up-to-date risk management plan, even where release is not supported.	NPS YOT CRC
4.15.7	POMs must provide the COM with information about the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons

4.15.8	COMs must follow the endorsement procedures set out in the Part C report.	NPS YOT CRC
4.15.9	On receipt of the Part C report, PPCS is responsible for assessing whether the recalled prisoner is suitable for executive release. For further information on executive release, see chapter 4.14 of this Policy Framework.	PPCS
<b>Disclosure of the Part C report to the Prisoner</b>		<b>Action By</b>
4.15.10	COMs must ensure that all Part C reports are provided to the prison.	NPS YOT CRC
4.15.11	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.15.12	POMs must ensure that the prisoner is informed that they have the right to make representations and that these must be submitted to PPCS within 28 calendar days of receipt of the Part C.	Prisons

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

#### 4.16 Annual Review

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

<b>Updated Reports for the Annual Review</b>		<b>Action By</b>
4.16.1	POMs must ensure that recalled prisoners are aware that they have a statutory right to have their ongoing detention reviewed by the Parole Board every 12 months and that they cannot opt out of this review. PPCS will issue an initial notification to the prison/recalled prisoner, informing the prisoner that they have the right to submit representations, and the deadline for which the representations must be submitted to PPCS.	PPCS Prisons
4.16.2	Prisons must provide details of the recalled prisoner's behaviour and progress in custody to the COM within four weeks of receipt of the notification from PPCS for inclusion in the Part C Report.	Prisons
4.16.3	The COM must provide a completed Part C report to PPCS within four weeks of the request from PPCS.	NPS YOT CRC
4.16.4	The Part C report must be completed by the COM who will be responsible for the management of the case when the individual is re-released.	NPS YOT CRC
4.16.5	The Part C report must contain a full up-to-date risk management plan, even where release is not supported (R11).	NPS YOT CRC
4.16.6	In extended sentence cases, the COM must also provide a full copy of the updated OASys.	NPS YOT

4.16.7	COMs must follow the endorsement procedures set out in the Part C report.	NPS YOT CRC
4.16.8	On receipt of the Part C report, PPCS is responsible for assessing the recalled prisoner's case to decide whether it is suitable for an executive release.  For further information on executive release see chapter 4.14 of this Policy Framework.	PPCS
<b>Disclosure of the Part C report and full dossier to the Prisoner</b>		<b>Action By</b>
4.16.9	COMs must ensure that the Part C report is provided to the prison.	NPS YOT CRC
4.16.10	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.16.11	PPCS is responsible for providing a copy of the dossier to the prison.	PPCS
4.16.12	The recalled prisoner must be provided with a copy of the annual review dossier within one working day of receipt from PPCS. The prison must explain the documents within the annual review dossier and the recalled prisoner's right to make representations direct to PPCS within 28 calendar days from the date of the prisoner's receipt of the annual review dossier.	Prisons
<b>Disclosure and Referral to Parole Board</b>		<b>Action By</b>
4.16.13	PPCS is responsible for the collation and referral of the dossier to the Parole Board by the anniversary date of the latest Parole Board decision.	PPCS
4.16.14	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons & Probation).	PPCS
4.16.15	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third party directions. See paragraphs 6.15.1 to 6.15.2 of this Policy Framework for further information.	Parole Board
4.16.16	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases, managed by the PPCS National Security Casework Team..	PPCS
4.16.17	From the point of referral by PPCS, the Parole Board is responsible for any representations from the prisoner or legal representative. All representations submitted after referral must be emailed directly to the Parole Board	Parole Board
<b>Parole Board Decisions</b>		<b>Action By</b>
4.16.18	The Parole Board is responsible for issuing the Parole Board decision to all parties.	Parole Board



4.16.19	The POM must ensure that a copy of the Parole Board decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.16.20	All parties must follow the requirements set out in Parole Board Decisions – Determinate Sentenced Prisoners paragraphs 4.10.27 to 4.10.33.	NPS YOT CRC Prisons
4.16.21	All parties must follow the requirements set out in paragraphs 4.10.36 to 4.10.40 of this framework in relation to Parole Board Decision Summaries.	NPS YOT CRC Prisons
4.16.22	All parties must follow the requirements set out in “Reconsideration of Parole Board No Release and Release Decisions”, paragraphs 4.10.41 to 4.10.83.	NPS YOT CRC Prisons

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

4.17 Parole Board Oral Hearings

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

<b>Directions (determinate recalls only)</b>		<b>Action By</b>
4.17.1	The Parole Board is responsible for issuing Parole Board oral hearing directions and timetables to all parties.	Parole Board
4.17.2	The POM must ensure that Parole Board oral hearing directions and timetables are disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.17.3	All HMPPS (Secretary of State, Prison & Probation) reports directed for a Parole Board oral hearing must be emailed to PPCS by the deadline set by the Parole Board panel.	NPS YOT CRC Prisons
4.17.4	The Parole Board is responsible for securing all third party information for the panel (including directed information).	Parole Board
4.17.5	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases.	PPCS
4.17.6	The Parole Board is responsible for uploading all third party directions to PPUD and ensuring that the dossier is recompiled on PPUD to ensure that all parties are notified.	Parole Board <sup>17</sup>
4.17.7	The Parole Board is responsible for requesting representations from the prisoner or legal representative. All representations must be emailed directly to the Parole Board.	Parole Board
4.17.8	Where the Parole Board direct that a Part C report is completed, COMs must also follow the requirements set out in paragraph 4.17.32.	NPS YOT CRC

4.17.9	The Part C report must be completed by the COM who will be responsible for the management of the case when the individual is re-released.	NPS YOT CRC
4.17.10	The Part C report must contain a full up-to-date risk management plan, even where release is not supported.	NPS YOT CRC
4.17.11	COMs must follow the endorsement procedures set out in the Part C report.	NPS YOT CRC
4.17.12	POMs must provide the COM with information on the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
4.17.13	On receipt of the Part C report, PPCS is responsible for assessing the Part C report to determine whether the recalled prisoner is suitable for executive release. For further information on executive release, see chapter 4.14 of this Policy Framework.	PPCS
4.17.14	Where a direction cannot be complied with within the required timescale or where the information is either not available or would incur disproportionate cost, the directed party must ensure that PPCS is alerted immediately so that they can consider whether to seek a variation or revocation of the direction(s) under the Parole Board Rules.	NPS YOT CRC Prisons
4.17.15	Where additional information comes to light during the oral hearing process which is relevant to the assessment of risk, this must be provided in an addendum report.	NPS YOT CRC Prisons
<b>Directions (indeterminate recalls only)</b>		<b>Action By</b>
4.17.16	The Parole Board is responsible for issuing Parole Board oral hearing directions and timetables to all parties.	Parole Board
4.17.17	POMs must ensure that Parole Board oral hearing directions and timetables are disclosed to the recalled prisoner within one working day of receipt.	Prisons
4.17.18	Where the Parole Board directs that a report must be provided by the prison, prisons must ensure that the report is uploaded to the end of dossier by the deadline set by the Parole Board panel and disclosed to the recalled prisoner.	Prisons
4.17.19	Prisons must ensure that the dossier is recompiled on PPUD to ensure that all parties are notified that the report has been uploaded. Further guidance is available in paragraph 6.15.3.	Prisons
4.17.20	All directed reports must be emailed to PPCS by the deadline set by the Parole Board panel.	NPS YOT
4.17.21	PPCS is responsible for uploading NPS and YOT reports to PPUD and recompiling the dossier to ensure that all parties are notified. Further guidance is available in paragraph 6.15.3.	PPCS

4.17.22	The Parole Board is responsible for securing all third party information for the panel (including directed information).	Parole Board
4.17.23	PPCS will retain responsibility for all directions compliance in National Security and Extremism cases.	PPCS
4.17.24	The Parole Board is responsible for uploading all third party directions to PPUD and ensuring that the dossier is recompiled on PPUD to ensure that all parties are notified.	Parole Board <small>Error! Bookmark not defined.</small>
4.17.25	The Parole Board is responsible for requesting representations from the prisoner or legal representative. All representations must be emailed directly to the Parole Board.	Parole Board
4.17.26	On receipt of the automatic email from the PPUD, the prison must download a copy of the report and the POM must provide a copy to the recalled prisoner within one working day.	Prisons
4.17.27	PPCS is responsible for disclosing all directed reports to the legal representative.	PPCS
4.17.28	Where the Parole Board direct that a Part C report is completed, COMs must also follow the requirements set out in paragraph 4.17.39.	NPS YOT
4.17.29	The Part C report must be completed by the COM who will be responsible for the management of the case when the individual is re-released.	NPS YOT CRC
4.17.30	The Part C report must contain a full up-to-date risk management plan, even where release is not supported.	NPS YOT
4.17.31	COMs must follow the endorsement procedures set out in the Part C report.	NPS YOT CRC
4.17.32	POMs must provide the COM with information on the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
4.17.33	Where a direction cannot be complied with within the required timescale or where the information is either not available or would incur disproportionate cost, the directed party must ensure that PPCS is alerted immediately so that it can consider whether to seek a variation or revocation of the direction(s) under the Parole Board Rules. All HMPPS staff, including Psychology, <b>must</b> send all requests to vary or revoke HMPPS directions to PPCS. PPCS are responsible for making an application to the Parole Board before the set deadline for the direction is reached.	NPS YOT Prisons
4.17.34	Where additional information comes to light during the oral hearing process which is relevant to the assessment of risk, this must be provided in an addendum report by the COM.	NPS YOT Prisons

<b>Disclosure of the Part C report and other directed reports to the Prisoner (determinate recalls only)</b>		<b>Action By</b>
4.17.35	COMs must ensure that the Part C report is provided to the prison by the deadline set by the Parole Board.	NPS YOT CRC
4.17.36	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.17.37	PPCS is responsible for disclosing all HMPPS directed reports to the prison, COM and legal representative and recompiling the dossier on PPUD	PPCS
4.17.38	POMs must ensure that the Parole Board directed reports are disclosed to the recalled prisoner within one working day of receipt.	Prisons
<b>Disclosure of the Part C report and other directed reports to the Prisoner (indeterminate recalls only)</b>		<b>Action By</b>
4.17.39	COMs must ensure that the Part C report is provided to the prison by the deadline set by the Parole Board.	NPS YOT
4.17.40	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
4.17.41	POMs must disclose all reports directed by the Parole Board to the recalled prisoner within one working day of receipt.	Prisons
4.17.42	Prisons must follow the requirements set out in paragraphs 4.17.17 to 4.17.19 and 4.17.26 of this framework in relation to disclosing Parole Board Directions to indeterminate recalled prisoners.	Prisons
<b>Parole Board Oral Hearing Witnesses</b>		<b>Action By</b>
4.17.43	Before listing the hearing, the Parole Board will provide all potential witnesses with the opportunity to declare any dates on which they are unavailable. All witnesses must respond directly to the Parole Board within two weeks of the request.	NPS YOT CRC Prisons
4.17.44	The Parole Board is responsible for setting the hearing date, time and location. See paragraph 6.15.5 of this Policy Framework for further guidance.	Parole Board
4.17.45	Once the date of the hearing is confirmed, all witnesses <b>must</b> ensure that they attend the hearing.	NPS YOT CRC Prisons
4.17.46	In exceptional cases, where a witness is no longer able to attend, they must notify PPCS immediately. Where deemed appropriate PPCS are responsible for informing the Parole Board and seeking agreement from the Panel Chair for an alternative witness to attend.	NPS YOT CRC Prisons
4.17.47	If a witness refuses to attend, the Parole Board has the power to direct PPCS to obtain a witness summons.	NPS YOT CRC Prisons

4.17.48	HMPs witnesses wishing to give their evidence remotely must notify the Parole Board to seek agreement from the Panel Chair no later than 12 weeks before the date of the oral hearing (unless that oral hearing has been convened as a remote hearing).	NPS YOT CRC Prisons
4.17.49	The Parole Board is responsible for deciding whether to approve a request for a witness to give evidence remotely.	Parole Board

<b>CRC Attendance at Oral Hearings</b>		<b>Action By</b>
4.17.50	The NPS must provide a representative to attend any oral hearings for CRC managed prisoners and give evidence, along with the CRC offender manager. The CRC must advise the NPS of the oral hearing.	NPS YOT CRC
4.17.51	The CRC and NPS must confirm their attendance with the Parole Board by the requested timescale.	NPS YOT CRC
4.17.52	In exceptional circumstances, the NPS can request that PPCS perform this role on their behalf.	NPS
4.17.53	The CRC offender manager must assist the representative and provide any relevant material.	CRC
<b>Psychological and Psychiatric Reports</b>		<b>Action By</b>
4.17.54	Where directed by the Parole Board, the prison must commission reports from psychologists and/or psychiatrists at the earliest opportunity.	Prisons
4.17.55	Where the Parole Board has directed that a particular assessment or a report is completed prior to the hearing, this must be included.	Prisons
4.17.56	If the direction is unclear or, in the expert view of the regional psychologist the assessment/report is unlikely to add value, the prison must contact the PPCS case manager at the earliest opportunity.	Prisons
4.17.57	PPCS is responsible for deciding whether to or seek a variation or revocation of the direction(s) under the Parole Board Rules.	PPCS
<b>Oral Hearing Dossier</b>		<b>Action By</b>
4.17.58	PPCS is responsible for compiling and disclosing all HMPs (Secretary of State, Prisons & Probation) directions to all parties.	PPCS
4.17.59	The Parole Board is responsible for compiling and disclosing all third party directions to all parties.	Parole Board
4.17.60	The POM must ensure that the dossier is disclosed to the recalled prisoner within one working day of receipt from PPCS.	Prisons

<b>Transfer during an Oral Hearing</b>		<b>Action By</b>
4.17.61	Where it has been agreed that a prisoner will transfer to another establishment during their recall review to access a progression opportunity in line with their sentence plan, or where transfer must	Prisons

	take place for security reasons, the establishment must notify PPCS as soon as possible of the transfer and reasons (see guidance paragraphs 6.15.8 to 6.15.13).	
4.17.62	It is even more essential that prisoners are not transferred after their oral hearing date has been listed unless this is due to exceptional circumstances and it is unavoidable. In such cases, the prison must notify PPCS and the Parole Board immediately. The receiving establishment must also ensure arrangements are made for the prisoner to attend the hearing.	Prisons
4.17.63	Where a transfer is necessary during a review, the sending prison must take responsibility for completing any outstanding directions as it will normally have greater knowledge of the recalled prisoner.	Prisons
4.17.64	As set out in the guidance, there may be circumstances where the receiving prison is better placed to complete the outstanding directions. Where an agreement cannot be reached, it is the responsibility of the sending prison to complete the reports. See paragraph 6.15.10 of this Policy Framework.	Prisons
4.17.65	Receiving prisons must ensure that they have procedures in place for checking on the progress of the recalled prisoner's oral hearing before the decision is taken to accept a recalled prisoner during the review period.	Prisons
<b>Parole Board Decisions</b>		<b>Action By</b>
4.17.66	The Parole Board is responsible for issuing the Parole Board decision to all parties.	Parole Board
4.17.67	A copy of the Parole Board decision must be disclosed to the recalled prisoner by the POM within one working day of receipt.	Prisons
4.17.68	All parties must follow the requirements set out for determinate sentenced prisoners in Parole Board Decisions – Determinate Sentenced Prisoners at paragraphs 4.10.27 to 4.10.33.	NPS YOT CRC Prisons
4.17.69	All parties must follow the requirements set out for indeterminate sentenced prisoners in Parole Board Decisions – Indeterminate Sentenced Prisoners at paragraphs 4.10.16 to 4.10.26.	NPS YOT CRC Prisons
4.17.70	All parties must follow the requirements set out in paragraphs 4.10.36 to 4.10.40 of this framework in relation to Parole Board Decision Summaries.	NPS YOT CRC Prisons
4.17.71	All parties must follow the requirements set out in "Reconsideration of Parole Board No Release and Release Decisions", paragraphs 4.10.41 to 4.10.83.	NPS YOT CRC Prisons

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

## 5. Constraints

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

<b>Reconsideration of Parole Board Decisions - Release Decisions</b>		<b>Action By</b>
5.2	<p><b>This section only applies to recalled prisoners who are subject to the following sentences:</b></p> <ul style="list-style-type: none"> <li>• <b>All Indeterminate Sentenced Prisoners</b></li> <li>• <b>Discretionary Conditional Release (DCR)</b></li> <li>• <b>Extended Sentence for Public Protection (EPP)</b></li> <li>• <b>Extended Determinate Sentences (EDS)</b></li> <li>• <b>Special Sentences for Offenders of Particular Concern S</b></li> <li>• <b>Terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s 104 of the Criminal Justice Act 2003)</b></li> <li>• <b>Any other determinate sentence subject to initial release by the Parole Board</b></li> </ul> <p>Prisons must not release recalled prisoners eligible for reconsideration until PPCS confirm that the reconsideration process has been completed (see guidance <a href="#">paragraph section 6.9</a>).</p>	Prisons

<b>Parole Board Oral Hearings</b>		<b>Action By</b>
5.3	HMPPS report writers must not contact the Parole Board directly unless it is in regard to witness availability.	Prisons NPS

<b>Transfer during an Oral Hearing</b>		
5.4	Prisoner may be transferred during their recall review only to access a progression opportunity in line with their sentence plan or for security reasons.	Prisons

<b>Secretary of State Representation</b>		<b>Action By</b>
5.5	Prisons must not provide a Secretary of State's Representative for an oral hearing, unless previously agreed by managers at PPCS. Any representation of the Secretary of State will be carried out by a PPCS Secretary of State Representative and only where PPCS senior managers have agreed that representation is required in order to facilitate the progress of a review.	Prisons

## **6. Guidance**

### **6.1 Recalling an Indeterminate Sentenced Individual**

6.1.1 Life sentenced individuals who have been released on licence can have their licence revoked and be recalled to custody at any time, since their licence will remain in force for the whole of their life - even where supervision has been suspended. IPP sentenced prisoners can have their licence permanently ended after 10 years.

6.1.2 For requests to recall indeterminate sentenced individuals, additional authorisation will be sought from a PPCS duty senior manager.

### **6.2 Recalling Determinate Sentenced Individuals**

6.2.1 Determinate sentenced individuals who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period.

#### Recalling Extended Sentenced Individuals (EPP and EDS)

6.2.2 Extended sentence individuals who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period.

6.2.3 All extended sentence individuals - extended sentence for public protection individuals (EPP) and extended determinate sentence individuals (EDS) are ineligible for a fixed term recall.

6.2.4 All EPP and EDS individuals can only be recalled if their behaviour indicates they present an increased RoSH/re-offending. This can either be where the RoSH has been clearly demonstrated or where the RoSH cannot be measured e.g. where the licensee fails to report on a regular basis or is out of contact entirely.

6.2.5 For requests to recall extended sentenced individuals, additional authorisation will be sought from a PPCS duty senior manager.

#### Recalling all other Determinate Sentenced Individuals

##### Fixed Term Recall

6.2.6 Individuals assessed as suitable for a fixed term recall will be automatically released at the end of the fixed term period. Individuals serving custodial sentences of less than 12 months will receive a 14 day fixed term recall and those individuals serving custodial sentences of 12 months or longer will receive a 28 day fixed term recall. The fixed term recall begins on the first day of their return to custody on or after the date of recall.



- 6.2.7 All indeterminate sentenced individuals and extended sentenced individuals are automatically ineligible for a fixed term recall.
- 6.2.8 All other individuals serving standard determinate sentences are deemed to be eligible for a fixed term recall.
- 6.2.9 Suitability is assessed in terms of the RoSH, and for the purposes of these provisions serious harm means death or serious personal injury, whether physical or psychological. The statutory test for assessing suitability is:
- A person is suitable for automatic release only if the Secretary of State is satisfied that the person will not present a RoSH to members of the public if released at the end of that period.
- 6.2.10 It is important to note that this is an assessment of RoSH at the end of the fixed term period.
- 6.2.11 When assessing an individual's suitability for fixed term recall, the COM should:
- Gather all relevant information, including the events that have led up to recall, and then consider the impact on the current risk assessment and, in cases of very high, high or medium risk of harm, also consider the OASys (or CRC equivalent assessment) which accompanies the recall report; and
  - Identify the likely impact of a fixed term period in custody on the level of RoSH and whether that RoSH can be managed if the individual is released at the end of the fixed term period.
- 6.2.12 Where the individual is considered suitable for a fixed term recall, the COM should complete the Part A report recommending a fixed term recall. Where the individual is not considered suitable, the COM should complete the Part A report recommending a standard recall. See guidance below, paragraphs 6.2.14 to 6.2.16.
- 6.2.13 An individual will only receive a fixed term recall if assessed as eligible and suitable by PPCS.

#### Standard Recall

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

Secretary of State is satisfied that the risks presented by the individual can be safely managed in the community. For further details on the statutory Day 28 review see paragraph 6.9.1.

#### Submitting the Recall Request – CRC Managed Individuals

- 6.2.17 In cases where there is an escalation in the individual's RoSH or re-offending and the risk is deemed to be imminent, the CRC should consider whether the recall should be sought under the emergency recall procedures. See requirements set out in paragraphs 4.3.24 to 4.3.32. In these cases, the CRC has the discretion to submit the request directly to PPCS, copied to the NPS without seeking a prior endorsement. However, wherever practicable, the CRC should seek to alert the NPS to the recall request before it is submitted and seek endorsement by telephone.
- 6.2.18 PPCS cannot process a CRC standard recall which has been requested on the basis that RoSH may have increased to high without either an NPS endorsement or confirmation from a CRC manager that prior NPS endorsement has not been possible due to the need to expedite the recall.
- 6.2.19 There may be cases where the NPS considers that the request for recall requires additional information before an endorsement can be given. The designated NPS manager should request this as soon as possible and the CRC offender manager should make sure this is made available in order to avoid delay. The overriding requirement to protect the public means that re-submission requests must be dealt with urgently in all cases.
- 6.2.20 NPS endorsement of a standard recall does not pre-judge the outcome of the risk review referral, which should be completed within 48 hours of PPCS' decision (See PI 57/2014). However, where a risk review referral does result in a case being transferred from a CRC to the NPS, it is the responsibility of the NPS COM who is allocated to the case to notify PPCS of the transfer.

#### Authorising Recall for Determinate Sentenced Individuals

- 6.2.21 On receipt of the Part A report and all the mandatory supporting paperwork, PPCS will decide whether to authorise the recall and, where appropriate, assess suitability for a fixed term or standard recall.
- 6.2.22 Where PPCS, on behalf of the Secretary of State, does not agree with the recommendation made in the Part A report, PPCS will discuss the assessment with the COM or senior probation officer before taking a final decision. This decision will be taken within 24 hours of receipt of the Part A report and mandatory supporting paperwork.

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

- 6.3.1 Individuals who are released subject to Home Detention Curfew (HDC) can have their licence revoked and be recalled to custody at any time during the HDC period. Whilst the individual is within the HDC period, they are subject to additional HDC licence conditions which can be revoked by PPCS following a notification from Electronic Monitoring Contractors. Electronic monitoring companies' notifications are made without direct reference to the NPS/YOT/CRC but they should copy them in when sending the request to PPCS.

6.3.2 Individuals released early on HDC are liable to be recalled under Section 255 of the Criminal Justice Act 2003 where it appears to the Secretary of State that:

- There is a failure to comply with the curfew condition; or
- The individual's whereabouts can no longer be electronically monitored at the place for the time being specified in the curfew conditions.

6.3.3 Individuals released subject to HDC are also subject to standard licence conditions. If these conditions are breached during the HDC period, the licence can be revoked by PPCS at the request of the COM. COMs should follow the requirements set out in 'Recalling all other Determinate Sentenced Individuals' paragraphs 4.3.9 to 4.3.37.

#### Breach of Curfew Conditions

6.3.4 Electronic monitoring companies must notify PPCS where a level 1 violation occurs (see the requirements section paragraph 4.4.1). The following constitutes a level 1 violation:

- Serious infringements of the curfew or other licence conditions such as being absent for an entire curfew period; or
- Assaulting or threatening to assault a member of the contractor's staff; or
- Intentional destruction of the monitoring equipment.

6.3.5 Electronic monitoring companies are responsible for issuing a warning letter where a level 2 violation occurs and, where two level 2 violations occur, they must notify PPCS (see the requirements section paragraphs 4.4.2 to 4.4.3). The following constitutes a level 2 violation:

- Shorter absences in one curfew period;
- Intentional tampering with the equipment (but to a lesser degree than that covered by level 1); or
- A number of very short absences over the length of the monitoring and curfew period.

#### Inability to Monitor

6.3.6 Electronic monitoring companies must notify PPCS where they are unable to electronically monitor an individual subject to curfew (see the requirements section paragraph 4.4.4). Inability to monitor could arise in three ways:

- Installation failure – inability to install the monitoring equipment at the curfew address, either for technical or practical reasons;
- Monitoring failure – failure of the monitoring equipment resulting in an inability to electronically monitor an individual subject to curfew; or
- Change of circumstances – the individual subject to curfew is unable to reside at the original approved curfew address (e.g. the householder/landlord/hostel manager has withdrawn consent for the individual to remain at the address).

## 6.4 Recalling a Young Individual

### Young Individuals Serving Determinate Sentences

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

### Young Individuals Serving Indeterminate Sentences

- 6.4.2 Life sentenced young individuals who have been released on life licence can have their licence revoked and be recalled to custody at any time, since their licence will remain in force for the whole of their life - even where supervision and conditions may be lifted. Young individuals are subject to the same recall provisions as adult individuals released on life licence. For DPP prisoners they can have their licence ended after 10 years in the community.

## 6.5 Out of Hours (OoH) Recall Requests

- 6.5.1 PPCS operates an out-of-hours (OoH) service for all indeterminate and emergency determinate recall requests only. The OoH service applies to the NPS, YOT and CRCs and is available between 5pm and 9am (weekdays) and 24 hours during the weekend (including Bank Holidays). The out-of-hours switchboard telephone number is detailed on the Public Protection Group Staff Contact List, which can be accessed via the following link: [Public Protection Group](#).
- 6.5.2 When contacting the out-of-hours switchboard, the NPS/YOT/CRC should state that an emergency recall is being requested; specifying the individual's name, NPS Local Delivery Unit (LDU)/YOT area/CRC area and the contact details of the requestor including a contact telephone number.
- 6.5.3 The switchboard will relay this information to PPCS, who will contact the requestor to discuss the request to recall and gather the individual's information in order to complete the revocation order.
- 6.5.4 PPCS will require the following information:
- Individual's full name including any aliases
  - Date of birth
  - Prison number and NOMIS number
  - MAPPA level
  - Releasing prison and release date
  - Index offence and length of sentence
  - CRO number and PNC number
  - NPS, LDU or YOT area or CRC area
  - Police SPOC area
  - COM's details

- Authorising senior manager's details
- Last known address
- Sentence Expiry Date
- Vulnerability issues and known arrest risks

6.5.5 For requests to recall indeterminate and extended sentenced individuals, additional authorisation will be sought from a PPCS duty senior manager.

6.5.6 COMs should refer to the consideration for recall requirement sections in this framework to ensure that the criteria is met prior to requesting an OoH Recall. See paragraphs 4.2.1 to 4.2.8 for indeterminate sentenced individuals, paragraphs 4.3.1 to 4.3.6 for extended sentenced individuals and paragraphs 4.3.9 to 4.3.14 for all other determinate sentenced individuals.

## 6.6 Rescind of Recall

6.6.1 PPCS, on behalf of the Secretary of State, has the power to rescind or cancel a recall decision in certain circumstances where the decision was based on erroneous information or the Secretary of State is satisfied that all conditions have been complied with or have been breached in circumstances beyond the control of the individual.

6.6.2 Rescind applications made after an individual's return to prison custody will only be considered where information is subsequently provided that was not available to the Secretary of State at the time the recall decision was taken.

## 6.7 Unlawfully at Large (UAL) Offence Following Recall

6.7.1 The offence of being UAL applies to those who are recalled, fail to respond to a notification of the recall and remain UAL. Individuals who remain UAL for a period of six months or more and fail to keep in touch with their COM are deemed notified under the 'failure to keep in touch' rule.

6.7.2 PPCS will identify individuals who have been recalled to custody and remain UAL. PPCS is also responsible for undertaking the notification procedures set out in this Policy Framework and for notifying the police and PNCB once the procedures have been complied with. See paragraph 4.8.1 and Annex B for more information.

## Recalled Individuals with Known Addresses

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

## **RETURN TO CUSTODY, REVIEW AND RE-RELEASE GUIDANCE**

### **6.8 Return to Custody of all Recalled Prisoners**

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

#### **Apprehending and returning a recalled prisoner to custody**

- 6.8.2 If the Secretary of State decides to recall the individual, they will be liable for immediate arrest, if not in custody. Following arrest by the police, recalled individuals will be returned by the escort contractors to the nearest prison or remand centre categorised as a local for prisoners of that type (adult males, females, or young adults or young people) that serves the area where the arrest took place. The police are required to notify the prison in advance.
- 6.8.3 Recalled individuals should be returned to the nearest local prison as defined by Population Management Unit (PMU). The Prison Escort and Court Services (PECS) contractors are responsible for the escorting arrangements and will collect the recalled prisoner from the police station on receipt of a valid Person Transportation Request (PTR) and deliver to the nearest local prison in line with their contractual obligations. Local Function Prisons cannot refuse to accept such a recalled prisoner providing the delivery is within the agreed reception opening times - Schedule 26 of the PECS Contract. If the Local Function Prison cannot accept the recalled prisoner due to population pressures, PECS contractors must gain authority from PMU to re-direct to another prison. For details of the prison requirements see paragraphs 4.9.1 to 4.9.4 of this Policy Framework.

#### **Disclosure of the Recall Dossier**

- 6.8.4 All recalled prisoners have a statutory right to be notified of the reasons for their recall and their right to make representations seeking a review of their detention to the Parole Board, via PPCS. This information is contained within the recall dossier.
- 6.8.5 All recall dossiers will be provided by PPCS to the prison, normally by email to the prison OMU functional mailbox. The COM will be copied into this email, which will also include the date that the Part B report should be submitted to PPCS.

#### **Legal Phone Call**

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

## Recall Information Leaflets

6.8.7 There are four recall information leaflets. These are:

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

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

## Recalled Individuals in custody in Prisons in Scotland and Northern Ireland

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

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

## 6.9 Standard Recall - Statutory Day 28 Review

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

## Statutory Day 28 Parole Board Review

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

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

### Parole Board Decisions

6.9.4 Where the Parole Board make no direction to release a determinate sentenced prisoner, the recalled prisoner may be entitled to further statutory reviews as set out in the guidance (see Ongoing Review chapter 6.14 and Annual Reviews chapter 6.15).

#### Release of recalled prisoners (Indeterminate Sentenced Prisoners only)

6.9.5 Where the Parole Board directs the release of a recalled indeterminate sentenced prisoner, PPCS will work with the COM and the releasing prison to ensure that the recalled prisoner is released as soon as possible. This includes contacting the COM to confirm the release arrangements and reporting instructions (the time that the recalled prisoner should report and to whom). This is to ensure the integrity of the release and risk management plan. Where the COM would like to seek a variation to the licence conditions set by the Parole Board, the COM should provide full details of the amended licence condition wording with reasons for the variation to PPCS. PPCS will then seek a variation.

### Other Parole Board Decisions (Indeterminate Sentenced Prisoners only)

6.9.6 Where the Parole Board makes a negative decision on the papers e.g. that the recalled prisoner must stay in closed conditions, the recalled prisoner has 28 calendar days to make representations requesting an oral hearing. The decision will remain provisional until the 28 calendar days have elapsed, after which the decision will become final (unless the recalled prisoner has successfully requested an oral hearing).

6.9.7 In these cases, the recalled prisoner's case will then be managed under the Generic Parole Process (GPP), see Generic Parole Process Policy Framework (GPP) for more details.

### Reconsideration of Parole Board No Release Decisions

6.9.8 Where the Parole Board makes a decision not to release the prisoner on the papers or following an oral hearing, and the case is one subject to reconsideration, the prisoner has 21 calendar days to apply direct to the Parole Board for the decision to be reconsidered where they believe that the eligibility criteria has been met. The decision will remain provisional for 21 calendar days, after which the decision will become final (unless the prisoner has requested an extension or submitted an application for the decision to be reconsidered).

### Application Window Extension Requests

6.9.9 Extension requests should only be submitted in exceptional circumstances.

6.9.10 Where the prisoner wishes to request an extension, the extension request must be sent direct to the Parole Board FMB [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk) within the 21 calendar day deadline. Extension requests can be submitted direct from prisoners or via their legal representative. Legal representatives should send extension requests direct to the Parole Board FMB [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk). Extension requests should provide clear reasons why the extension is required.



### The Application

6.9.11 Applications for reconsideration should only be submitted where the eligibility criteria is met.

The eligibility criteria is: a party may apply to the Board for the case to be reconsidered on the grounds that the decision is –

- i. irrational; or
- ii. procedurally unfair

6.9.12 Applications can be submitted direct from prisoners or via their legal representative to the Parole Board functional mailbox (FMB) [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk).

### Reconsideration of Parole Board Release Decisions

6.9.13 Where the Parole Board issues a release decision on the papers or following an oral hearing, PPCS (on behalf of the Secretary of State) has 21 calendar days to apply to the Parole Board for the decision to be reconsidered where it believes that the eligibility criteria has been met, and the case is one subject to reconsideration. The release decision will remain provisional for 21 calendar days, after which the decision will become final (unless the Secretary of State has requested an extension to the application period or has submitted an application for the decision to be reconsidered). The prisoner cannot be released during this period, unless authorised by PPCS. See guidance paragraphs 6.9.17 – 6.9.18 for further information about how a prisoner may exceptionally be released within the 21-day window.

### The Application

6.9.14 The eligibility criteria is: a party may apply to the Board for the case to be reconsidered on the grounds that the decision is –

- i. irrational; or
- ii. procedurally unfair

6.9.15 Only PPCS, on behalf of the Secretary of State or the prisoner can apply to the Parole Board for reconsideration as they are parties to the proceedings. A victim or interested party (e.g. a member of the public) can also make representations to the Secretary of State for a decision to be reconsidered, if they consider the eligibility criteria has been met. Requests for reconsideration can be submitted direct from victims or via the VLO. All requests should be sent to PPCS FMB [Reconsiderationapplications@justice.gov.uk](mailto:Reconsiderationapplications@justice.gov.uk). Requests must not be sent direct to the Parole Board.

6.9.16 The prisoner cannot be released while the decision is provisional, however, it is important that COMs continue to plan for the prisoner's release in the normal way to ensure release goes ahead as soon as possible following the window closing. The length of time that the decision will remain provisional will depend on whether an extension has been granted and whether an application is submitted. The prison should not release the prisoner until PPCS have confirmed that the release decision is final.

### Exceptionally reducing the 21-day reconsideration window

6.9.17 There is a general power under Rule 9 of the Parole Board Rules 2019 for the Parole Board to alter any of the normal times limits set out in the 2019 Rules “*where it is necessary to do so for the effective management of the case, in the interests of justice or for such other purpose as the panel chair or duty member considers appropriate*”. An application to alter the normal time limits could be made by the Secretary of State or a prisoner. This guidance identifies the cases in which the Secretary of State is likely to apply to the Parole Board to shorten the 21-day reconsideration period, pursuant to Rule 9. A reduction of this reconsideration window would render the Parole Board decision final earlier, to allow for the prisoner’s earlier release.

6.9.18 The Secretary of State is likely to apply to the Parole Board to shorten the 21-day reconsideration period where the following three conditions are satisfied:

1. There are no victims signed up to the Victim Contact Scheme or the Secretary of State has received and considered a request from a victim for reconsideration, and there is no likelihood of further victim requests; *and*
2. The Secretary of State is satisfied that there are no grounds on which to make a reconsideration application; *and*
3. There are exceptional reasons which justify an application to shorten the 21-day reconsideration period, including circumstances where:
  - (1) the prisoner is at risk of losing their place in an Approved Premises or other specialist accommodation;
  - (2) the prisoner may lose an opportunity to take up employment;
  - (3) the continuity of a prisoner’s healthcare, treatment or medication will be compromised;
  - (4) continued detention may significantly impede arrangements to deport the prisoner;
  - (5) there are other exceptional reasons which justify an application to shorten the 21-day reconsideration period to allow for the prisoner’s earlier release.

### 6.10 Fixed Term Recall – Review and Re-Release

6.10.1 Fixed term recalled prisoners’ cases are only referred to the Parole Board in cases where the recalled prisoner submits representations before the end of the fixed term period. The COM should provide a Part B report, where they are supporting release or the recalled prisoner wishes to submit representations to the Parole Board.

#### New information undermining the initial assessment of suitability

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

- The information was not available at the time the decision to issue a fixed term recall was taken; and

- The information would have made the recalled prisoner unsuitable for fixed term recall at the time the assessment was made.

## 6.11 HDC Curfew Breach – Appeal Process

### Release from HDC Curfew Breach

- 6.11.1 Prisoners recalled under section 255 (1) (a) of CJA 2003 become statutorily ineligible for future release on HDC. This does not prevent them appealing the recall decision. If successful, the exclusion on future release on HDC no longer applies. Further information is available in Home Detention Curfew Policy Framework.
- 6.11.2 Prisoners recalled under section 255 (1) (b) of CJA 2003 because their whereabouts could no longer be electronically monitored (usually because they have lost their address) can apply to be re-released on HDC if suitable arrangements can be made. Further information is available in Home Detention Curfew Policy Framework.
- ## 6.12 Executive Release
- 6.12.1 PPCS, on behalf of the Secretary of State, has the power to executive release determinate sentence prisoners into the community subject to licensed supervision at any time during the recall period, including those prisoners subject to extended sentences. All such releases take place without reference to the Parole Board; in making a decision to re-release, the Secretary of State must be satisfied that the recalled prisoner's RoSH can be safely managed in the community.
- 6.12.2 COMs can initiate a review of suitability for re-release at any point during the prisoner's recall by submitting an updated Part C report to PPCS. There is no requirement to wait until the next scheduled review of the case (including any directed oral hearing) to request re-release.
- 6.12.3 PPCS will work with the COM and, where appropriate, the individual supervisor to develop a robust risk management plan that addresses the risks identified, including any additional licence conditions to support compliance and protect the public. PPCS will also liaise with the COM in regard to the preferred timescale for re-release, taking into account availability of accommodation and other relevant factors.
- 6.12.4 In cases where an oral hearing is directed, any consideration of executive release must be concluded by PPCS three weeks prior to the confirmed oral hearing date. If it is not possible for executive release consideration to be concluded prior to that date, unless there are exceptional circumstances, the case must proceed to the oral hearing.
- 6.12.5 In cases where an oral hearing is directed, where an executive release decision is issued prior to the confirmed oral hearing date, PPCS will ensure that the Parole Board are notified so that the oral hearing can be cancelled.

### 6.13 Ongoing Review

- 6.13.1 If the recalled prisoner's sentence expiry date is 13 months or more from the date of the Parole Board decision not to release, the case will be set for a statutory annual review which will take place 12 months from the date of the decision.
- 6.13.2 If the recalled prisoner's sentence expiry date is less than 13 months from the date of the Parole Board decision not to release, the recalled prisoner will remain in custody until their Sentence Expiry Date unless re-released at an earlier date by the Parole Board or the Secretary of State.
- 6.13.3 If the recalled prisoner is the subject of police investigations into alleged further offending, or has outstanding court matters when the Parole Board make a decision not to release, PPCS will await notification from the COM advising them of the outcome of those investigations or proceedings before determining whether a further review will take place. It should be noted though that, as laid out in paragraph 6.13.1, where the recalled prisoner's case is eligible for a statutory annual review, the case must proceed to the annual review and will not be delayed due to alleged further offending or outstanding court matters.
- 6.13.4 If any new or significant information comes to light that the Parole Board was not aware of when it made its decision, this must be provided to PPCS in an updated Part C report; in cases where release has not been directed PPCS will then take a decision as to whether a further review of the case is appropriate either by executive release or a new early referral to the Parole Board. However, if the direction is for release then it must be complied with and there can be no further referral to the Parole Board. New or significant information includes any information relating to further sentences of imprisonment, not guilty decisions at court or charges not being proceeded with.
- 6.13.5 Where the case is referred to the Parole Board, all parties should refer to paragraph 6.9.2 in the Standard Recall – Statutory Day 28 Review chapter.

### 6.14 Annual Review

- 6.14.1 All determinate sentenced individuals not released by the Parole Board or Secretary of State are statutorily entitled to have their detention reviewed annually. This applies to individuals who are serving an additional period of imprisonment.

### 6.15 Parole Board Oral Hearings

#### Directions

- 6.15.1 The Parole Board will be responsible for acquiring all third party directions, other than in the cases set out at 6.15.2.
- 6.15.2 All Parole Board directed HMPPS directions will remain the responsibility of PPCS, including the recompiling of the dossier and disclosing the dossier to all parties. PPCS will liaise with all relevant parties to ensure that the directed reports are submitted within the timescales set. PPCS will retain responsibility for all directions compliance in National Security and Extremism cases, managed by the PPCS National Security Casework Team..

6.15.3 As set out in 4.17.19 and 4.17.21, in indeterminate recalled cases only, the HMPPS directed reports will be uploaded to PPUD and an automatic email will be issued by PPUD notifying all parties that the new report is available. All parties should access the new document through PPUD. PPCS should be alerted immediately if there are any issues. For NPS and YOT cases, the automatic email will be issued to the division's functional mailbox.

#### Parole Board Oral Hearing Witnesses

6.15.4 The attendance of witnesses at an oral hearing is a matter for the Parole Board. Each party must apply in writing to the Parole Board (copied into the other parties) for leave to call witnesses. A witness may only attend if so directed by the Parole Board.

6.15.5 The Parole Board will contact all witnesses who have been directed to attend the hearing to ascertain their availability, so that this can be taken into account when the hearing is listed. It is important that witnesses provide their availability direct to the Parole Board within the deadline set. The Parole Board is not bound by witness availabilities.

6.15.6 Witnesses not based at the prison where the hearing is being held are encouraged to apply to give their evidence by video-link or telephone conference wherever possible in order to reduce travel expenses and improve efficiency by reducing time spent out of the office.

6.15.7 Where a person wishes to attend an oral hearing as an observer, an application should be made via PPCS to the Parole Board in writing. This request will be considered by the panel chair, who will agree or refuse any such request. The Parole Board will consult with the recalled prisoner prior to agreeing or refusing any such request.

#### Transfer during an Oral Hearing

6.15.8 Transferring a recalled prisoner during a review can cause considerable disruption and therefore this should only take place in exceptional circumstances. This may be appropriate, for example, where it is necessary to transfer the recalled prisoner to complete offending behaviour work, or for security or discipline reasons.

6.15.9 Where prisons are considering a transfer during a recall review to allow the prisoner to access a progression opportunity in line with their sentence plan, there must be a clear benefit which will support the delivery of their sentence plan objectives. It is important to bear in mind the impact that a transfer during a parole review may have on the prisoner's review.

6.15.10 As set out in the requirement section at paragraph 4.17.64, the sending prison must take responsibility for completing any outstanding directions as it will normally have greater knowledge of the recalled prisoner. Exceptionally, there may be cases where the receiving prison is better placed to complete the reports.

6.15.11 Only in cases where both prisons are in agreement, will the receiving prison take over responsibility for completing the reports.

6.15.12 If such an agreement cannot be obtained then the sending prison must complete the reports.

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

#### Secretary of State Representation

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

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

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

**Best Practice Guide: Working with Recalled Prisoners**

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

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

See Link: