



HM Prison &  
Probation Service

# Better Outcomes for Recalled Prisoners

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## Introduction

This document is part of a series issued by Her Majesty's Prison and Probation Service (HMPPS) to support the delivery of effective services that help achieve outcomes. It is intended to provide information and best practice principles based on the available evidence. It supplements existing mandatory instructions but does not replace them, and should be read in conjunction with the Best Practice Guidance "*Working with Standard Recalled Prisoners*".

This Better Outcomes document aims to support leaders across the NPS, CRCs and prisons working with people recalled to prison.

The purpose of recall is public protection. Once individuals are back in custody they need to be re-released at the right point, and we need to make their time in prison a constructive experience. The outcomes that we want are:

- A more positive, rehabilitative experience of the post-recall process for prisoners enabling progression to a successful re-release and resettlement
- A timely and systematic approach to the review and management of recall prisoner cases
- The timely and appropriate re-release of recalled prisoners with an increased use of the Secretary of State's Executive release power

The principles set out in this document are based on the findings from a project led by the Public Protection Casework Section and the Evidence-Based Practice Team in HMPPS. The project involved focus groups, surveys and research into the profile of recalled prisoners and their experience of recall. This work focused primarily on standard recalled determinate sentenced prisoners. However, the recommendations set out in this document should apply in most cases to all recalled prisoners.

### **Current Offender Management model and the new Offender Management in Custody model**

This Better Outcomes for Recalled Prisoners document applies to the management of recalled prisoners under the current Offender Management model and the new Offender Management in Custody (OMiC) model once implemented. As such, this document uses the current OM model term of 'offender supervisor' and the new OMiC term of 'prison Offender Manager'; community Offender Manager remains the same for both models.

## What do we know about recalled prisoners?

In 2015/16 (when the profiling for this document was conducted), recalled prisoners were a fast growing part of the prison population, with an increase of 15% between March 2015 and March 2016. As a snapshot, on 31 March 2016 there were 6,564 recalled prisoners in custody, equal to 7.7% of the total prison population. Over the year 2015, around 21,500 people were recalled to custody in total. Around 75% of those recalled prisoners were determinate sentence prisoners on standard recall.

Since that time, the numbers of people recalled to custody has remained similarly high, around 21,500 in 2016 and around 21,900 in 2017. At the end of December 2017, there were 6,138 people in prison on recall, fewer than in March 2016.

### Profile of Recalled Prisoners

Individuals in prison on recall are, on average, 33 years old - two years younger than the sentenced prison population as a whole.

Approximately 45% of the recall population have been back in custody for less than six months, though approximately 20% have spent more than a year in custody on recall. The most common reasons for recall include:

- Poor behaviour - non-compliance (43%)
- Further charges (23%)
- Failure to reside at an agreed address (12%)
- Being out of touch (9%)

Individuals recalled to custody have particularly high levels of risk and need, and complex responsivity needs:

#### Risk

Compared with the sentenced prison population as a whole, recalled prisoners have a higher likelihood of reconviction (for any offence, a violent, sexual or serious offence), and they are more likely to be classed as posing a high Risk of Serious Harm.

#### Need

Recalled prisoners have more risk factors than other prisoners, in all domains of OASys except the drug misuse domain. In particular, they have more serious difficulties with problem solving, temper control, impulsivity, problematic drinking and domestic violence.

More of those on standard recall are suitable for accredited programmes than have attended one. Particular gaps are in relation to cognitive skills programmes, and moderate or higher intensity violence interventions.

## **Personality, learning difficulties and coping**

Many recalled prisoners have learning disability and/or a personality disorder, more than we see in the general prisoner population. Many also have moderate to severe difficulties with coping, emotional stability, social isolation and psychological problems including anxiety and depression.

## **How do Recalled Prisoners Experience their Recall?**

Research to understand the experience of recall from the perspective of the recalled prisoner indicates that this is a difficult and challenging experience. Recalled individuals often perceive their treatment to be inconsistent with how others are treated, and feel overly punished for their actions. Once recalled they can feel alone and abandoned by the system, which makes knowing how to achieve re-release confusing and difficult. They are unlikely to trust those in authority, and so overall, recall is usually experienced as unfair and unjust.

Women in particular often feel unprepared for release, confused about their licence conditions and alone and confused when in the community. This can lead them to feel that successful resettlement is unlikely, and that recall is inevitable.

Being recalled to prison is often experienced as very distressing and means considerable loss of important features of their lives in the community (such as relationships, parenting roles, accommodation and employment). The recall process is experienced as punitive and as something that 'takes away', rather than being a rehabilitative process that helps them.

Progressing to re-release feels very difficult for recalled prisoners. Delays, confusion about what they need to do, unclear timeframes, and reliance on others to make important decisions means that re-release feels out of their control. Recalled individuals commonly feel hopeless about the future and powerless to change this. However, they also express motivation and desire for a different future, and wanting opportunities to learn new skills, which some prisoners, particularly those who are more resilient, may push forward in achieving regardless. They do experience support and investment, but inconsistently.

Because of the way they experience recall, there is a risk that recalled prisoners will not engage actively and meaningfully with prison and probation staff in the future. Some prisoners actively disengage and try to have as little contact as possible, even if this means staying in prison until their Sentence End Date (SED). Others may appear to engage but only in a superficial way.

## Achieving better outcomes for recalled prisoners

The aim of the Recall Review and Re-Release project was to find ways to get more recalled prisoners re-released before their end of their sentence. The project's findings suggest that the following actions will improve outcomes for recalled prisoners:

### 1. Improving knowledge and understanding about recall and re-release

Surveys and interviews indicate that prisoners frequently have a poor understanding of recall, in particular the precise reasons for the recall, the criteria for the two different types of recall (i.e. fixed-term or standard), and the process and prospects of re-release. For example, over half of surveyed prisoners said that they had not been given information or advice on what recall means or how they can work towards release. While community Offender Managers and Offender Supervisors have a good understanding of recall, there was less consistent knowledge about the post-recall and release process, particularly the use of the Secretary of State executive re-release power.

*What should we do?*

- Ensure staff knowledge of the recall and re-release process and best practice is up to date, by referring to the relevant Probation and Prison Service Instruction and making use of the Best Practice Guidance "*Working with Standard Recalled Prisoners*".
- Offender Supervisors / prison Offender Managers should meet with recalled prisoners shortly after their return to custody to go through their recall dossier and provide a simple and transparent explanation of their recall and the process for re-release (making use of the new easy to follow Recall Leaflet).
- Prisons should facilitate prisoners receiving early legal advice and explain their right to legal representation on return to custody. This should include provision of contact details for legal services, and a system for prisoners to contact legal representatives in the first few days of recall.
- Community Offender Managers should ensure the recalled prisoner understands the context of their recall and what they need to do to address the risk factors that led to their recall.

### 2. Clear communication and collaborative working

Effectively managing the recall process and supporting prisoners to progress requires close collaboration between prisoners, community Offender Managers, Offender Supervisors / prison Offender Managers and others involved. However, recalled prisoners sometimes have very little communication with those involved in their management in prison or the community, and there are often difficulties in the different parties making contact and sharing basic information. For example, 38% of surveyed prisoners said that they had had no contact with their Offender Supervisor since their return to prison. Lack of communication can result in the prisoner feeling

abandoned and unsure about how to progress at a time when it is important for them to be actively engaged in working towards release. It can also mean important information, such as details of prison transfer or intervention completion, is not shared.

*What should we do?*

- Make contact with recalled prisoners as soon as possible after their return to custody so they can ask any initial questions and feel reassured that they will be receiving further advice and support
- Aim to hold an early meeting between the prisoner, community Offender Manager and Offender Supervisor / prison Offender Manager to discuss the recall, rebuild working relationships, identify meaningful recommendations and motivate the prisoner to work towards re-release. This meeting should also be used to recognise the sense of loss and disappointment that may be felt by the prisoner, and discuss any resentment about the recall itself.
- Actively engage the prisoner in the recall review process. This will enhance their sense of control and self-efficacy over their progression and future. It will also ensure that recommendations and planning for re-release are seen as meaningful and beneficial to them.
- Ensure all parties involved in the recall, including legal representatives, prisons and the Parole Board are kept fully informed and up to date.
- Prisons to work collaboratively with Probation in order to help community Offender Managers to keep in touch with prisoners.

### **3. Proactively review cases to identify opportunities for progression and safe re-release**

Recalled prisoners should only remain in prison if their risk of serious harm is unmanageable in the community. It is important that cases are regularly reviewed to assess whether the prisoner could be released, or to identify what is required to progress toward release. However, in some cases, recalled prisoners are only being considered for release at the formal 28-day and annual review points. In addition, a significant number of prisoners are leaving custody at their Sentence End Date (SED), removing the opportunity for a managed transition into the community. For example, a case review exercise showed that around 60% of cases were released at SED, but that community Offender Managers felt that a third of these prisoners could have been released earlier. The lack of regular reviews can mean missed opportunities to safely release prisoners and support their resettlement, creating additional costs and limiting incentives for prisoners to engage in rehabilitative opportunities in between formal review points.

*What should we do?*

- Make sure that recalled prisoners are proactively reviewed to identify those who might be suitable for release immediately or in the near future.

- Regularly review individual cases to consider the case for release and/or need for actions to support progression.
- Take opportunities to safely release recalled prisoners at any point during their recall – rather than waiting until the next scheduled formal review of the case.
- Aim wherever possible to release recalled prisoners before their SED to allow for some supervision in the community.
- Make use of management information to monitor practice and outcomes, so managers understand the number of recalled prisoners managed by their team and how effectively their teams are supporting re-release.

#### **4. Tackle barriers to re-release, create opportunities to progress and recognise success**

While evidence suggests that recall is achieving its primary function of protecting the public, the potential rehabilitative function of recall is not currently being achieved. The process post-recall is perceived by prisoners as damaging rather than rehabilitative, with significant numbers feeling that they get limited help in working towards release, and that recall represents a ‘backwards step’ given progress they may have made in the community. This can lead to feelings of hopelessness, a sense of being ‘stranded’, feelings of anger and resentment towards the system and individuals. This risks their disengagement from meaningful supervision and important relationships (such as with community Offender Managers). A review of recall cases and surveys with prisons also indicated that the quality of risk management and sentence plans can be varied, and are not always appropriately reviewed following a recall.

##### *What should we do?*

- Have early discussions about what the prisoner can do to address their risk and need (including seeking the prisoner’s views to make this a collaborative process).
- Recognise and reinforce progress made across their sentence (including their time in the community) so that the prisoner does not feel like they are “back at square one”.
- Work with the prisoner to identify the positive resources and social capital (such as supportive personal relationships) that they have built up in the community and that may be relevant in working towards re-release.
- Make sure there is a clear, current and realistic sentence plan and the offender manager, offender supervisor and prisoner all know what they and each other need to do.
- Remind the prisoner about the opportunities for release outside of statutory review points to create ongoing incentive.
- Where formal interventions are hard to access, seek alternative opportunities for recalled prisoners to address areas of risk, whether in prison or in the community.



## **5. Acknowledge the prisoner's experience of being recalled and work to instil hope**

Research with prisoners indicates that their experience of recall can be emotionally distressful and damaging. Prisoners can feel a strong sense of frustration and anger at being back in custody and experience feelings of great loss, particularly where it impacts on family relationships. For some, these effects can lead to a sense of hopelessness and affect the prisoner's belief in the possibility of positive progress and change in the future.

*What should we do?*

- Acknowledge and empathise with emotional distress of recall.
- Support the prisoner in coping with their feelings of loss.
- Communicate a clear and consistent belief that recalled prisoners can achieve change, achieve release and have a positive future

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