



Ministry  
of Justice

# **Guide to Offender Management Statistics**

England and Wales

**Ministry of Justice**  
Guidance Documentation

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## Introduction

This document supplements the quarterly Offender Management Statistics bulletin by providing a comprehensive guide to the statistics. This document focuses on concepts and definitions published in Ministry of Justice statistics and the counting procedures used to produce them. It also provides a brief background overview of the management of the prison estate in England and Wales, explanations of data sources and quality and outlines key legislative changes and long term trends.

The bulletin is published alongside two inter-related bulletins:

- **Proven Re-offending Statistics Quarterly:** provides proven re-offending figures for offenders who were released from custody, received a non-custodial conviction at court, received a caution, reprimand, warning or tested positive for opiates or cocaine. [www.gov.uk/government/collections/proven-reoffending-statistics](http://www.gov.uk/government/collections/proven-reoffending-statistics)
- **Safety in Custody Statistics Quarterly:** provides statistics on death, self-harm and assault incidents whilst in prison custody. [www.gov.uk/government/collections/safety-in-custody-statistics](http://www.gov.uk/government/collections/safety-in-custody-statistics)

Taken together, these publications present users with a more coherent overview of offender management including re-offending among both adults and young people, and the safety of offenders whilst in prison custody.

Other publications of interest relating to the wider criminal justice system include:

- **Youth Justice Statistics:** provides statistics and key performance indicators on the flow of young people (aged 10-17) through the Youth Justice System in England and Wales. [www.gov.uk/government/collections/youth-justice-statistics](http://www.gov.uk/government/collections/youth-justice-statistics)
- **Criminal Court Statistics:** provides statistics on activity in the Magistrates' Courts and Crown Court of England and Wales, including the type and volume of cases that are received and processed through the criminal court system. [www.gov.uk/government/collections/criminal-court-statistics](http://www.gov.uk/government/collections/criminal-court-statistics)
- **Crime in England and Wales:** provides statistics based on the Crime Survey for England and Wales (CSEW) and includes crime against households and adults, also including data on crime experienced by children, and crimes against businesses and society. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice>

# Setting the scene

## Overview of offender management data

The data used to report statistics on offender management can broadly be categorised as either **stock data** or **flow data**.

- **Stock data** refers to a representation of the caseload at any given point in time. For offender management statistics, this is mainly prison population and probation caseload data. Annual statistics relating to the prison population are always reported on a snapshot taken on 30 June as this point avoids any seasonality issues that affect the prison population around the Christmas or Easter periods.
- **Flow data** refers to the volume of certain aspects of offender management over a specified time period. For example, the number of prisoners entering prison custody over a quarter or how many times a prisoner was granted day release on temporary licence. Flow data is reported on a quarterly and annual basis.

## Age group

For offender management statistics, **adults** are those aged 21 and over at the date of sentence, **young adults** are those aged 18 to 20 and **juveniles** refer to those aged 15 to 17.

For prison population statistics, adults include those aged 21 and over at the date of sentence and those sentences to detention in a young offender institution that have had their sentence converted to adult imprisonment. Young adults are prisoners aged 18 to 20, but also include those aged 21 who were aged 20 or under at conviction who have not been reclassified as part of the adult population.

## Demographics

Other demographic properties of prisoners that are commonly reported on include **nationality**, **ethnicity** and **religion**. All of these types of data are obtained from self-reports of prisoners; this information is not checked by prison establishments before being entered on Prison-NOMIS.

## Sentencing information

If a defendant pleads guilty, or is found guilty after a trial, the magistrates or the judge (depending on the seriousness of the offence) imposes a sentence. It is often the case that the National Probation Service will have been requested to prepare a Pre-Sentence Report on the defendant and the information, assessments, and recommendations in the report will be used to help the magistrate or judge arrive at a decision. Generally, the range of sentences that can be imposed include:

- **Conditional discharge** – No further sanction so long as the offender stays out of trouble for the duration of the discharge period;
- **Fine** – The level of the fine is usually related to the seriousness of the offence and must be paid within a set period of time;
- **Community Sentence** – This places the offender under the supervision of the probation service and there will be a range of requirements that must be completed (e.g. attendance at group programmes, performing unpaid work, residing at a specific residence). Supervision can last from 6 months to 3 years depending on the seriousness of the offence.

- **Suspended Sentence** – A prison sentence will be imposed but suspended for a defined period of time. As long as the offender stays out of trouble there is no further sanction;
- **Custodial Sentence** – A Magistrates' Court can only impose custodial sentences for up to 12 months. Only judges in the Crown Court can impose longer sentences including Life Sentences for very seriousness offences such as murder or manslaughter. Further information on types of custodial sentences can be found in the prison population section.

## Prisons

The prison estate is broadly categorised according to the level of security each establishment provides. The purpose of categorisation is to assess the risks posed by a prisoner in terms of:

- i. likelihood of escape or abscond;
- ii. the risk of harm to the public in the event of an escape or abscond; and
- iii. control issues that impact on the security and good order of the prison and the safety of those within it.

Following these assessments, the prisoner is assigned to the lowest security category consistent with managing those risks.

**Adult male prisoners** may be held in one of four security categories:

- **Category A** – prisoners whose escape would be highly dangerous to the public or the police or the security of the State and for whom the aim must be to make escape impossible.
- **Category B** – prisoners for whom the very highest conditions of security are not necessary but for whom escape must be made very difficult.
- **Category C** – prisoners who cannot be trusted in open conditions but who do not have the resources and will to make a determined escape attempt.
- **Category D** – prisoners who present a low risk; can reasonably be trusted in open conditions and for whom open conditions are appropriate.

All prisoners who are on remand awaiting trial, convicted and awaiting sentence other than those provisionally placed in Category A are not subject to the categorisation process but are placed in Category U (unclassified). They are normally held in Category B conditions in **local prisons**.

Female prisoners may be held in one of four security categories

- **Category A** – prisoners whose escape would be highly dangerous to the public or the police or the security of the state and for whom the aim must be to make escape impossible.
- **Restricted Status** – any female, young person or young adult prisoner convicted or on remand whose escape would present a serious risk to the public and who are required to be held in designated secure accommodation
- **Closed Conditions** – prisoners for whom the very highest conditions of security are not necessary but who present too high a risk for open conditions or for whom open conditions are not appropriate.

- **Open Conditions** – prisoners who present a low risk; can reasonably be trusted in open conditions and for whom open conditions are appropriate.

Prisoners may move between different categories of prisons during their time in custody. The purpose of the **recategorisation process** is to determine whether, and to what extent, there has been a clear change in the risks a prisoner presented at their last review and to ensure that they continue to be held in the most appropriate conditions of security.

Young offenders may be held in **Young Offender Institutions (YOIs)** which are prisons for 15 to 21 year olds. They are run by the Prison Service as part of the prison estate as a whole. Young offender wings also exist within adult prisons.

## Types of sentence and release provisions

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 contains provisions which have consolidated and simplified the previous legislation governing the release and recall of prisoners. These changes came into force on 3 December 2012.

In essence, the LASPO Act has since brought all the previous release provisions together within the Criminal Justice Act 2003 (CJA03), subject to a few modifications. In other words, since 3 December 2012, all releases are governed by provisions now contained in the 2003 Act. Full details of the most recent release provision can be found in [Annex A](#).

The release arrangements for prisoners previously subject to the provisions of the CJA 1991 have been preserved for those already serving such sentences, but for anyone sentenced after 3 December 2012, the 2003 Act arrangements now apply regardless of the length of sentence or date of offence.

Another change to note is that, from 3 December 2012, there are no longer any 'at risk' periods attached to any sentence. That is, the power for the courts to add all or part of the outstanding part of a sentence to any new sentence for an offence committed before the expiry of a 1991 Act sentence has been fully repealed and therefore no longer available.

Prior to the LASPO Act changes, releases from prison (and the data relating to them) were generally governed by provisions contained in four main statutes: the Criminal Justice Act 2003 (CJA03), Criminal Justice and Immigration Act (2008), Crime (Sentences) Act 1997 (indeterminate sentences), and Criminal Justice Act 1991 (CJA91).

### Types of sentence

Sentences imposed by court which lead to immediate imprisonment can broadly be categorised as either **determinate** or **indeterminate sentences**.

#### Determinate sentences

A determinate prison sentence is where the court sets a fixed length for the prison sentence and is the most common type of prison sentence. For example, an offender may be sentenced to five years in prison. This is the maximum period of time the offender could spend in prison. There are three main types of determinate sentences:

- **Standard determinate sentence.** The rules governing when a prisoner is released vary depending on the length of the sentence and when the offence was committed.

For offences committed prior to 1 February 2015, those serving less than 12 months were released unconditionally (no licence) at the half-way point in the sentence. Offenders serving determinate sentences of 12 months or more were released after serving one half of their sentence in prison, with the rest of their sentence being served on licence in the community.

The **Offender Rehabilitation Act (ORA) 2014**, for offences committed after 1 February 2015, introduced new provisions so that any offender sentenced to a custodial term of more than 1 day will receive at least 12 months supervision in the community.

Prior to the implementation of ORA, those sentenced to a custodial term of 2 years or more would already receive a 12 month period of supervision, this would be the licence period. Therefore, ORA only affects those sentenced to less than 2 years.

This means that, those serving custodial sentences of less than 2 years will be released conditionally on licence after serving one half of their sentence in prison and will serve the remaining period in the community. Offenders are then subject to an additional period of supervision, for the purposes of rehabilitation once their license period comes to an end. The licence and supervision periods will together make up 12 months. If an offender breaches the terms of their supervision they will be brought before a Magistrates' Court and may be punished for the breach. Examples of release arrangements are provided in Table 1.

**Table 1: Examples of release provisions for custodial sentences of less than 2 years under the Offender Rehabilitation Act 2014.**

Length of custodial sentence	Period to be served in custody	Release arrangements
6 month sentence	3 months	3 months on licence. 9 months on post-sentence supervision. Total 12 months supervision
16 month sentence	8 months	8 months on licence. 4 months on post-sentence supervision. Total 12 months supervision.

- **Special Custodial Sentence for Offenders of Particular Concern.** These custodial sentences are reserved for the most serious violent and sexual offenders where the courts do not wish to impose an Extended Determinate Sentence or a life sentence. It comprises a custodial term and a further period of one year for which the offender is subject to licence, and was available for courts to impose from 13 April 2015.
- **Extended Determinate Sentence.** Extended Determinate Sentences are given to provide extra protection to the public in certain types of cases where the court has found that the offender is dangerous and extra precautions are required to protect the public from risk of harm. The offender will either be entitled to discretionary release at the two thirds point of the custodial sentence or be entitled to apply for parole at that point. If parole is refused the offender will be released at the expiry of the prison term.

### **Indeterminate sentences**

An indeterminate prison sentence is usually given for the most serious crimes if the Judge believes that the offender poses a threat to the public and usually contain a minimum term, known as a **tariff**, which the prisoner must serve before being considered for release. The actual date of release is decided by the independent Parole Board. The different types of indeterminate sentences are described below:

- **Whole life sentence** – a sentence which is **wholly indeterminate**. The Parole Board may grant release on licence once the minimum term imposed to meet the requirements of retribution and deterrence has been served. If released, the licence continues indefinitely and offenders are liable to recall for the rest of their lives.



- **Mandatory life sentences**
  - Mandatory Life – this is the only sentence that can be imposed on anyone over the age of 21 who is convicted of murder.
  - Detention during Her Majesty's Pleasure – this is the mandatory sentence for a person convicted of murder who was aged 10 or over but under 18 at the time of the offence.
  - Custody for Life – this is the mandatory sentence for a person aged 18 or over but under 21 at the time of the offence who is convicted of murder and sentenced while under 21. This is also a discretionary sentence (see below).
- **Discretionary life sentence**
  - Discretionary Life – this is a sentence for those over 21 convicted of a serious offence other than murder, e.g. manslaughter, attempted murder, rape, armed robbery, arson etc.
  - Detention for Life – this is a sentence for a person aged 10 or over but under 18, who is convicted of offences other than murder for which a discretionary life sentence may be passed on a person over 21.
  - Custody for Life – this is a sentence may also be imposed where a person aged 18 or over but under 21 at the time of the offence is convicted of any other offence for which a discretionary life sentence may be passed on an adult.
- **Automatic life sentence** – sentence for offenders of 18 years or over convicted of a second serious violent or sexual offence. The automatic life sentence was replaced by the indeterminate sentence of Imprisonment for Public Protection (IPP) for offences committed on or after 4 April 2005. However, there will continue to be automatic life sentence prisoners in the system for some years to come.
- **Imprisonment for Public Protection (IPP) sentence** – applies to offenders aged 18 or over convicted of a serious specified violent or sexual offence, for which the maximum penalty is 10 years or more and who are considered by courts to be dangerous. Following the Criminal Justice and Immigration Act 2008, an IPP sentence could only be given where the tariff would be at least two years. **Detention for Public Protection (DPP)** sentences are equivalent to IPP sentences but are for those aged under 18 years. IPP sentences were introduced by Section 225 of the Criminal Justice Act 2003 (with effect from 2005) and abolished in 2012.

# Prison population

## Key definitions

The prison population is formed of four main custody categories:

- **Remand** – Until a prisoner is sentenced, in theory they should be treated as innocent until proven guilty. Prisoners in custody on **remand** are those awaiting commencement or continuation of trial prior to verdict. This category also includes those prisoners that are **convicted unsentenced**. These are prisoners that have been convicted but are still waiting to be sentenced.
- **Sentenced** – Those held in custody as a result of receiving a sentence in a criminal court. Persons committed for default of a fine are normally included in this group. It should be noted that **immediate custodial sentenced** numbers do not include fine defaulters.
- **Recall** – Those held in custody for breaching the terms of their licence conditions following release into the community.
- **Non-criminal** – Those held for civil offences or under the immigration act. A **civil non-criminal prisoner** is someone who is in prison because of a non-criminal matter, for example, non-payment of council tax or contempt of court. The non-criminal population also includes **immigration detainees** that have finished serving their sentence and are being kept in prison by immigration authorities or those detained in NOMS operated Immigration Removal Centres (IRCs).

## Sentence length

There are two different types of sentence length information available for sentenced prisoners in the population. The **Judicially Imposed Sentence Length** is the sentence length given at court and the **Effective Sentence Length** is the judicially imposed sentence length adjusted for any time already spent on remand, tagged bail or unlawfully at large.

When a person is received under sentence for two or more sentences which have been passed at the same time and ordered to run consecutively, they are treated as one sentence which is equal to the sentences added together. In the case of concurrent sentences, the longest sentence is recorded.

When a person is received to serve a period of imprisonment composed on a sentence for a criminal offence and a consecutive period of imprisonment in connection with a non-criminal matter, the total period of imprisonment is recorded against the criminal offence.

## Data sources and quality

Prison establishments record details for individual inmates on the prison IT system (Prison-NOMIS). The information recorded includes details such as date of birth, sex, religion, nationality, ethnic origin, custody type, offence, reception and release dates and, for sentenced prisoners, sentence length. The data from individual prison establishments then feeds through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce the various analyses of prison population.

On 30 June 2015, the data extracts used to produce statistics on the prison population transitioned to a new extract which extracts information from the Prison-NOMIS system directly and without needing to be processed by the Inmate Information System. As a result, vast improvements in data quality were observed and more detailed information about the prison population became available. In particular, the new extract has more accurate sentence length information and richer detail about offences committed.

Information relating to tariffs for Imprisonment for Public Protection (IPP) and Detention for Public Protection (DPP) prisoners and those serving life sentences is held by the Offender Management and Public Protection Group (OMPPG) in the Public Protection Unit Database (PPUD).

**Additional sources of information:**

- Summary statistics on the population in Secure Children's Homes (SCHs) and Secure Training Centres (STCs) are provided by the Youth Justice Board.
- Figures for the previous criminal history of offenders have been compiled using the Ministry of Justice's extract from the Police National Computer (PNC). The process involves matching offender details from the prison and probation services to the personal details recorded on the PNC and then examining the previous history as recorded by the police. A proportion of cases cannot be matched and the figures presented are expressed as a percentage of the offenders that are matched.

**Data quality issues:**

- In May 2009, the National Offender Management Service (NOMS) began the roll-out of a new case management system for prisons. During this phased roll-out, data collection issues emerged that affected the supply of data for statistical purposes from July 2009 to February 2010. Specifically, statistical information on sentence length and offence group are not available on any of the prison datasets for this period. The problems were successfully resolved in March 2010.
- Routine data quality checks identified an issue with how offenders who are held post-sentence awaiting deportation are recorded within the population data. At any given time, around 300 offenders who should be recorded as non-criminals, wrongly remained recorded as sentenced prisoners. The issue has been resolved with effect from April 2013.

While it was not possible to also carry out the data quality work on data prior to April 2013, it is likely that the impact would have been similar (around 300 non-criminal prisoners incorrectly recorded as sentenced prisoners).

- Data quality work conducted during the summer of 2015 led to improvements in the methods for identifying sentence information for indeterminate sentences. This resulted in a decrease in the number of offenders classified as 'tariff not known'.

## **Counting procedures**

Until June 2009, the prison population data used for analysis was derived by combining two sources: the individual level data collected on IIS, and a set of aggregate totals from each prison establishment giving the numbers held in each prison broadly subdivided according to age group, sex, custody type and sentence length. The individual level data was scaled to the aggregate totals to create the monthly prison population dataset used for all analysis.

Following the rollout of the new prison IT system, Prison-NOMIS, the prison population data is now drawn from a single source, removing the need for the scaling process used

previously. All prison population data from July 2009 onwards is taken from this new data source. For all annual tables showing the prison population over time, this means the 2010 figures have been taken from a different source to earlier years. To aid comparison, the 2009 figures from both the old and new systems have been presented.

### **Estimate procedures for the annual 2009 data**

In order to maintain an annual time series of data, wherever possible the missing figures caused by data supply issues were estimated for the second half of 2009. A number of estimation methods were considered, and each tested on the 2008 data (prior to the data problems) to see which yielded estimates closest to the actual 2008 data. This identified the following method:

- Calculate data for the first half of the year as a proportion of the full calendar year, for each year 2001 to 2008; separately for each sentence length band or offence group (the two key breakdowns to be estimated).
- Apply the average of these proportions to the Jan–Jun 2009 data to estimate the 2009 annual totals; separately for each sentence length band or offence group.
- Scale the estimated numbers in each sentence length band or offence group to the sum of the annual total recorded in the raw data (where the totals are known to be correct).

### **Key historical trends and legislative changes**

The prison population grew rapidly between 1993 and 2008, at an average of 4% a year. This rapid rise was driven by:

- Increases in the number of people sentenced to immediate custody from 1993 to 2002;
- Increases in the average custodial sentence length and increased use of indeterminate sentences; and
- Increases in the number of offenders recalled to prison following breaches of their licence conditions, along with increases in the average length of time these offenders spent in prison once recalled.

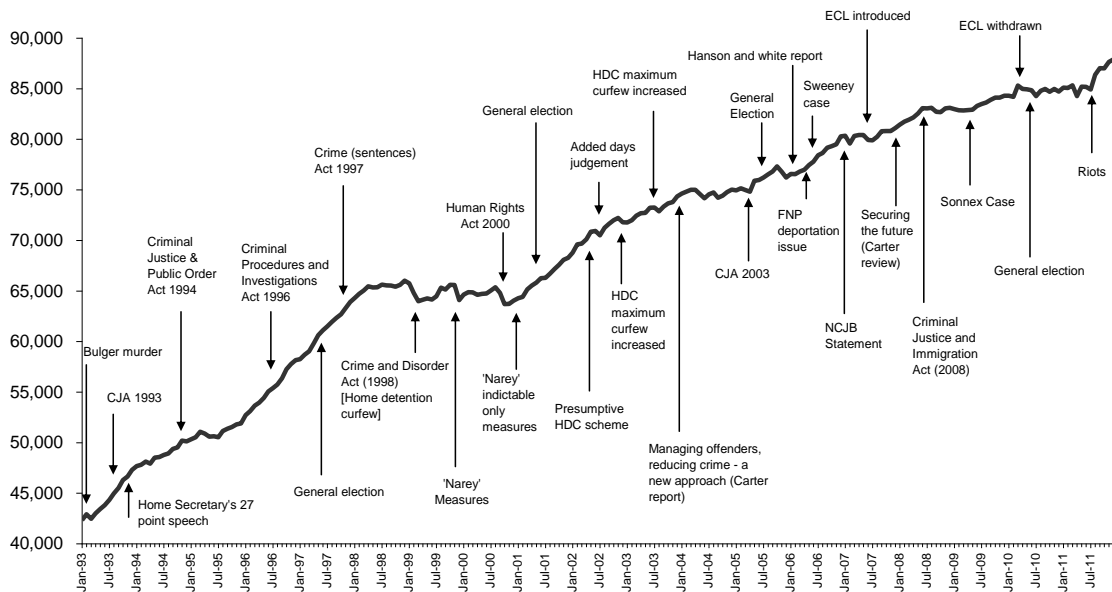
The rise in the prison population slowed considerably from the summer of 2008, in part due to the introduction of the [Criminal Justice and Immigration Act 2008](#), which changed sentencing and offender management in ways which helped to reduce growth in the prison population.

This flatter trend continued until the public disorder seen in UK cities from 6 to 9 August 2011 which had an immediate but temporary impact on the prison population. During 2012 and into 2013, the prison population began to fall due to a falling remand population and a continued decline in the number of under 18s in custody. The falling remand population during 2012 reflected falling volumes going through the courts plus the introduction of the [Legal Aid, Sentencing and Punishment of Offenders \(LASPO\) Act](#) in December 2012. This Act restricted the use of remand for offenders who would be unlikely to receive a custodial sentence.

The '[Story of the Prison Population 1993 to 2012](#)' is an in-depth look at what happened to the prison population between 1993 and 2012 and the major factors contributing to the changes.

Following the LASPO Act in December 2012, and up until the end of June 2013, the prison population stabilised. In particular, by March 2013 the remand population stopped falling as it had done since August 2011. After settling at a lower level the remand population then began to rise again from August 2013, and contributed to the sharp rise in the prison population seen between the end of August and October 2013. Overall, since June 2013 the prison population has increased, albeit at a slower rate than in previous years, typically growing at around 1% or less a year.

**Figure 1: Prison population, policy interventions and other key events, 1993 – 2011**



# Prison receptions

## Key definitions

- A **first reception** counts the number of new prisoners in the reporting period. First receptions can be broken down into three different components depending on the custody status of the prisoner upon first entering prison custody for a particular set of offences committed.
  - i. *Remand first reception*: this describes a prisoner's first movement into custody where the prisoner spends at least one day on remand.
  - ii. *Sentenced first reception*: this describes a prisoner's first movement into custody where the prisoner has been sentenced at court, and thus spends no time on remand.
  - iii. *Civil non-criminal first reception*: this describes a prisoner's first movement into custody where the prisoner has only been committed to custody for a civil offence (e.g. contempt of court).
- An **admission** counts the number of individuals who either enter custody or who have a change in their custody status in the reporting period.
  - i. A prisoner's admission type is counted as untried, convicted unsentenced, and sentenced each time they are *first classified* according to such a custody status following a court hearing for a particular set of offences committed, or as a recall admission.
  - ii. A recall admission counts *every instance* a prisoner is first received into custody following a licence recall issued from a probation supervising body.
  - iii. This means that prisoners can be counted in more than one of these admission categories if their custody status changes as they progress through the Criminal Justice System in the reporting period.

## Data sources and quality

The data from individual prison establishments is recorded on the Prison-NOMIS system which feeds through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce the various analyses of prison receptions.

Due to improvements in IT systems, from 1 January 2015, the data extracts used to produce statistics on prison receptions transitioned to a new extract, which is taken from the Prison-NOMIS system directly and without needing to be processed by the Inmate Information System. The new extract contains more detailed and accurate information about prison receptions which has resulted in a change in the methodology used to count prison receptions. Details of these changes are set out in a statistical notice published in April 2016. To aid comparison, the 2015 figures for both the old and new systems have been presented.

### Data quality issues:

- Following the introduction and phased roll-out of the new case management system for prisons (Prison-NOMIS) from May 2009, data collection issues emerged that affected the supply of data for statistical purposes. The vast majority of these issues

were resolved in March 2010, however, this caused a disruption in the supply of prison reception data for statistical purposes in 2010.

Analysis of the receptions data in early 2010 identified a problem with the way reception dates were being handled in the data extract used centrally (operations within prisons were unaffected). In terms of producing the statistics, this potentially affected the period for which a given reception was counted, for example Q3 2010 versus Q4 2010. Further analysis has shown that the issues predominately affected 2010, with the data from 2011 onwards impacted less.

Whilst the data for 2010 may not be accurate to the last digit, it is considered robust enough for analysis of broad trends; both over time, and new between different types of admission.

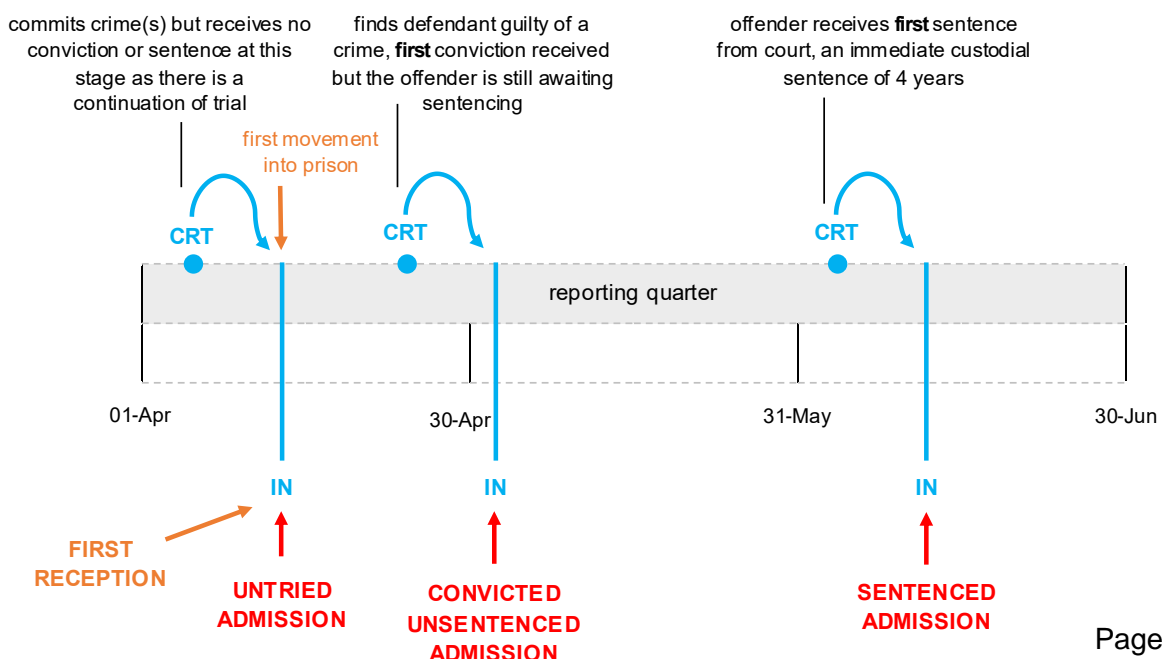
- Due to data quality concerns an issue with the supply of data between 1 April 2014 and 30 June 2014, the volume of first receptions, convicted unsentenced admissions and all offence information are unavailable for this period. To **estimate** the 2014 totals for the affected statistics, an imputation method has been applied. This takes the proportion of the 2013 total which Apr–Jun 2013 accounts for and applies this to the known 2014 data to estimate the total volume of first receptions and convicted unsentenced admissions in 2014. Further breakdowns of these totals have then been estimated by applying the distribution from Jan–Mar 2014 to the estimated Apr–Jun 2014 totals. In some cases, due to rounding, this may result in subtotals not equating to overall totals.

## Counting procedures

Further to the definitions provided above, this section outlines different cases which are counted as first receptions or types of admission. The counting procedures described below relate specifically to those used to produce statistics for the **new data source** for prison receptions which is available for **data from 1 January 2015 onwards**.

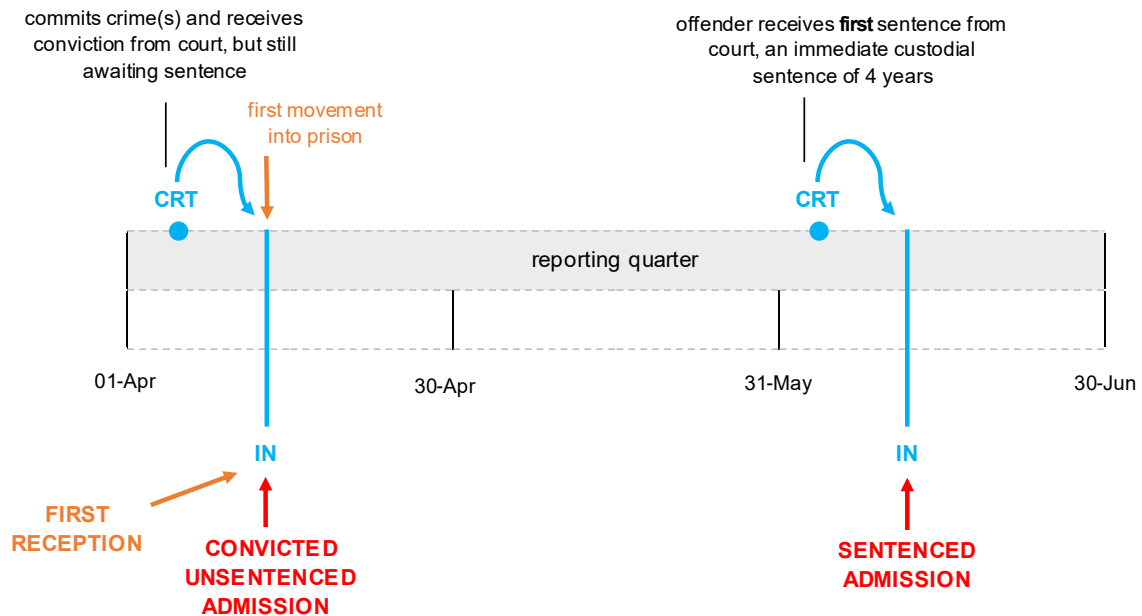
**Example 1:** scenario where a prisoner is counted as a first reception and as an untried, convicted unsentenced and sentenced admission in the reporting period.

In this scenario, the first reception would be classified as a remand first reception as the first time the offender enters prison for the set of offences committed, he spend at least a day on remand in custody.



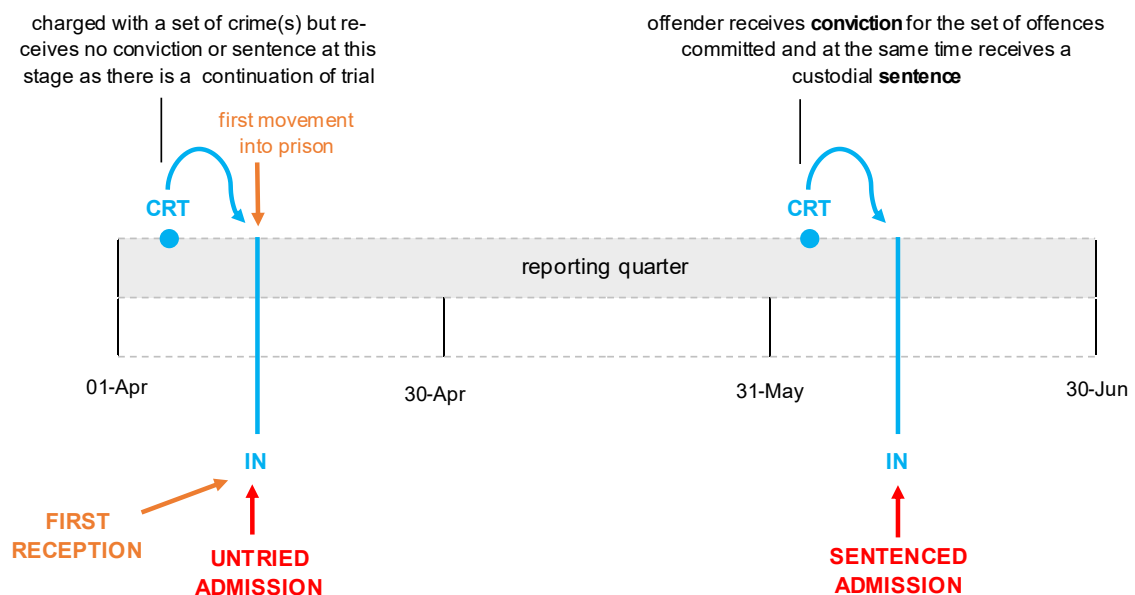
**Example 2:** scenario where a prisoner is a first reception, but is only counted as a convicted unsentenced and sentenced admission.

In this scenario, on first entering prison the offender has already been convicted for the set of offences committed from court. As the offender does not enter prison custody without a conviction at any point in the reporting period, he is *not* counted as an untried admission. This type of first reception is still a remand first reception as the prisoner is still awaiting sentencing upon first entering custody.



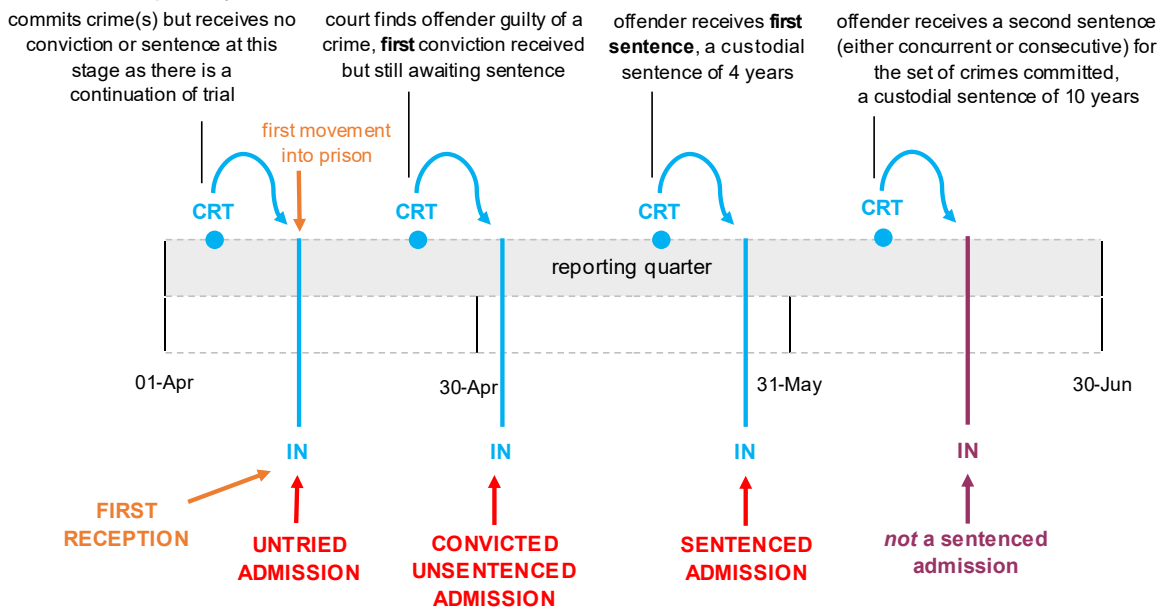
**Example 3:** scenario where the offender receives a conviction and sentence at the same court hearing.

This scenario provides an important example for the counting procedures used when multiple events happen at a court hearing. In this scenario, in the second court hearing the offender is both convicted for the set of charges and receives a sentence to be served. The following movement into prison custody is *only* counted as a sentenced admission, it is *not* counted as a convicted unsentenced admission as the prisoner does not spend any time in custody with a conviction and without a sentence.



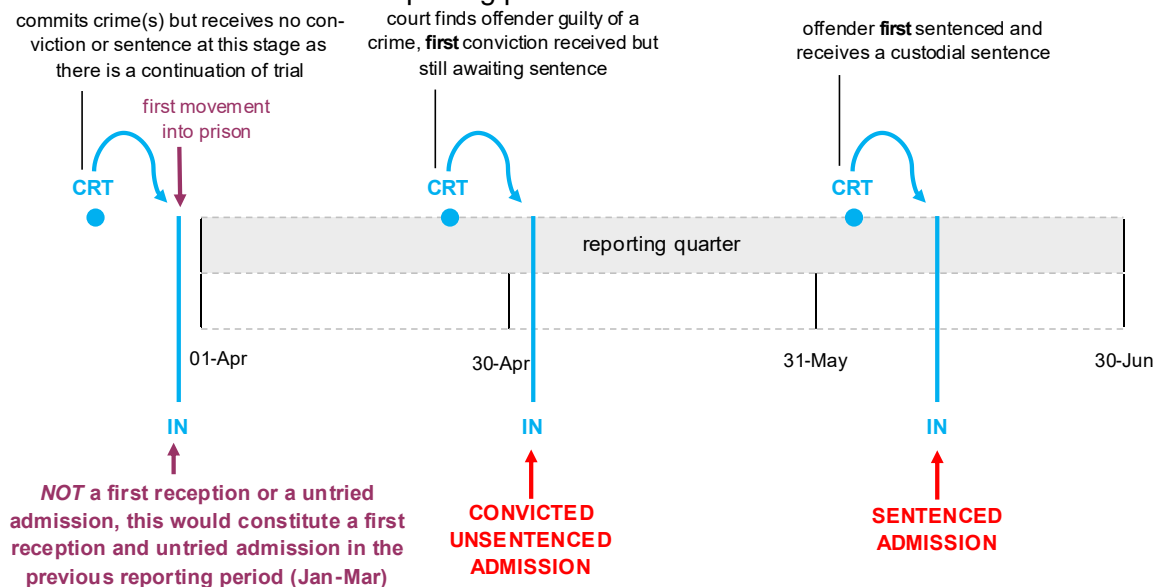


**Example 4:** scenario where the offender receives a custodial sentence to be served and then subsequently receives additional sentences to be served.



This scenario stresses the importance of admissions only counting the *first* instance in which an offender is classified according to a certain custody status. In this example, the prisoner initially receives a custodial sentence of 4 years to be served. Following on from this, at a second court hearing the offender receives an additional custodial sentence of 10 years to be served (either concurrently or consecutively) to the original sentence. The movement into custody following the court hearing where the offender is first sentenced is counted as a sentenced admission. However, the movement into custody from the second sentencing court hearing is *not* counted as a sentenced admission. This is because this movement is not the first time the offender was admitted into prison custody with a sentenced custody status. The counting procedure is adopted to all occasions where an offender receives additional sentences on a different occasion to the first sentence, whether this be related to the original set of offences committed or a further offence committed whilst in prison. A similar procedure is adopted for occasions where an offender receives additional convictions from court on a different occasion to the first conviction, only the movement into custody following the first conviction will be counted as a convicted unsentenced admission.

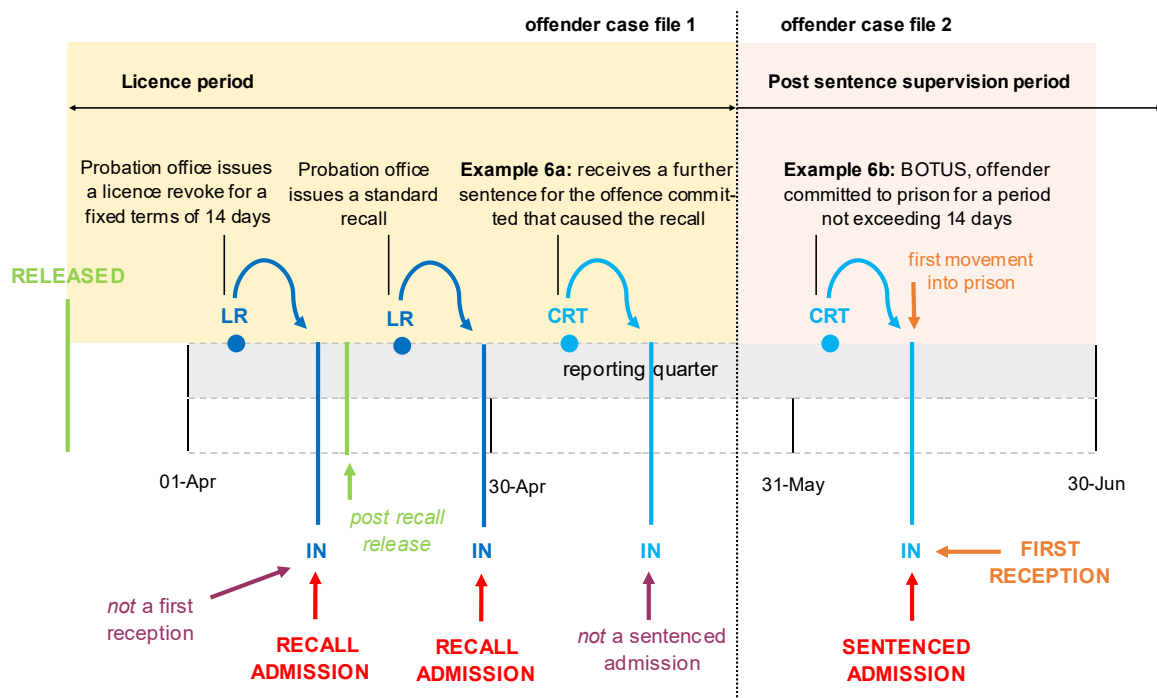
**Example 5:** scenario where first reception and the convicted unsentenced and sentenced admissions occur in different reporting periods.



This example highlights the importance of the reporting period in question when counting first receptions or different types of admission. This scenario is similar to the one presented in Example 1, but the first movement into prison custody occurs before the reporting period in question starts. Thus the first time the offender enters prison custody is not identified as a first reception in the reporting period in question (Apr–Jun), but is identified as a first reception in the previous reporting period (Jan–Mar) instead. However, the offender does receive a conviction and sentence in the reporting period so is counted as a convicted unsentenced and sentenced admission.

**Example 6:** scenarios where the offender is counted as a recall admission and whether additional sentences received post release are counted.

This example describes how recall admissions are counted. An offender may have their licence revoked on multiple occasions in the reporting period, and each time the offender first moves to prison custody following a recall is counted as a recall admission. If the offender commits a further offence whilst out on licence in the community which subsequently causes a licence revoke, the offender may be re-sentenced if convicted for the further charge(s). The movement to prison custody following the court hearing where the offender receives the additional sentence is *not* counted as a sentenced admission, as seen in Example 6a. This is because Prison-NOMIS effectively treats the events of an offender from the initial movement into custody for the original set of charges until the sentence or licence expiry date as a single case file. As the sentence received following recall is not the first sentence received under the prisoners' case file (the first sentence would be the custodial sentence given for the original set of charges), the second sentence following a recall is not counted as a sentenced admission. Equivalently, offenders received into custody for breaching the terms of their licence, are not considered to be first receptions either.



The **Offender Rehabilitation Act (ORA) 2014** introduced new provisions so that any offender sentenced to a custodial term of more than a day will receive at least 12 months supervision in the community. This means that offenders sentenced for a period of less than 2 years will be released after serving one half of their sentence, and serve the remaining period on licence in the community. Once the licence period has ended, the offender will be subject to an additional period of post sentence supervision, so that the aggregate of the licence period and the post sentence supervision is 12 months.

As the post sentence supervision falls after the licence and sentence expiry date, any events that occur in this period are treated as a new case file in Prison-NOMIS. Offenders who breach the post sentence supervision (referred to as BOTUS) period requirements will be brought back before the Magistrates' Court, who have the power to impose a return to custody for a period of up to 14 days. Therefore, any offender that is committed to custody for a period not exceeding 14 days for breaching post-sentence supervision or commits a further offence during this period is counted as a sentenced admission, as outlined in Example 6b.

It should be noted that some offenders will have video link court hearings instead of making physical appearances at court. In the case of a video link hearings, the offender will not have movements out of and into prison establishments. Thus *movements* into prison custody following a court hearing cannot be applied to these cases. However, the video link hearing essentially replaces the process of attending court and the prisoner will still have a change in their custody status if a first conviction or sentence is received from court. Thus, the examples described previously apply to video link court hearings as well.

### **Methodological note – first receptions of former members of the Armed Forces**

In December 2014, the Government published [a response to the review of ex-armed forces in the criminal justice system](#). In line with recommendation 2, the National Offender Management Service (NOMS) have been recording whether remand and newly sentenced prisoners self-report as a member of the armed services on first reception into prison.

In light of this statement, this publication release includes an additional quarterly receptions table (Table 2.6) presenting experimental statistics relating to first prison receptions of former members of the armed services for July to December 2015.

All offenders are asked on reception by prison staff whether they have ever been a member of the armed forces (although they may decline to answer) and this information is recorded on the Basic Custody Screening Tool (BCST). This dataset is then compared with the first prison receptions recorded on the Prison-NOMIS system, which is the case management system used to collate information on the number of prison receptions. Those individuals identified through the BCST which also appear as a first prison reception according to the Prison-NOMIS system are used as the cohort for analysis.

## **Key historical trends**

- Between 1990 and 2002, there was an increase in remand admissions, the largest of which were seen in convicted unsentenced admissions, which more than doubled in number. From 2002 to 2014, remand admissions decreased with untried admissions falling by 18% and convicted unsentenced admissions falling by 40% in that time.
- Between 1990 and 2008, sentenced admissions increased by 49%. Much of this increase was due to admissions on to determinate sentences of six months or less which more than doubled in number between 1993 and 2008. From 2008 to 2014, sentenced admissions fell by 22%. A pattern of increasing numbers of sentenced admissions with longer determinate sentences of four years or more began to emerge.
- The volume of offenders imprisoned for defaulting on a fine decreased by 94% between 1995 and 2002, following the Cawley judgement in 1995 which clarified legislative position whereby all enforcement measures have to be actively considered or tried before imprisonment can be imposed by the courts.

# Adjudications

## Key definitions

The adjudication process in Prison Service establishments allows governors to deal with **disciplinary matters**. Discipline procedures are provided for by the Prison Rules 1999, including amendments, affecting the Prison and Young Offender Institution Rules. The Prison Rules are statutory instruments made by the Secretary of State, which set out all disciplinary offences and punishments. These are outlined in the Prison Service Instructions (PSI 47/2011) and they serve the purpose of empowering adjudicators (governors and Independent Adjudicators) to **investigate all charges and give sanctions**.

By inquiring into alleged disciplinary matter, adjudicators must reach a fair decision based on all relevant evidence presented at the hearing and decide whether or not the charge has been proved beyond reasonable doubt. If the prisoner is found guilty, any sanction adjudicators may impose, must be proportionate and in accordance with the Prison and Young Offender Institution Rules. In case of serious breaches to Prison Discipline, adjudicators may consider punishment of additional days if the prisoner is found guilty. The charge may then be referred to an independent adjudicator, or the Police, for an inquiry into it to be made.

## Data sources and quality

Following the introduction and phased roll-out of the new case management system for prisons (Prison-NOMIS) from May 2009, data collection issues emerged that affected the supply of data for statistical purposes. The vast majority of these issues were resolved in March 2010. However, this caused a disruption in the supply of prison adjudication data for statistical purposes in 2010.

From 2011, data quality of adjudication data from the old data source improved, and as a result differences in the statistics between the 2014 old and new data sources are minor. In order to highlight the impact of the new adjudication data, a singular table (Table 1 in the 2016 annual adjudications table and Annex B in the document '**Changes to Offender Management Statistics: quarterly and annual editions**' published in April 2016) has been produced which compares the number of proven adjudications between the two data sources for the years 2010 and 2014.

## Counting procedures

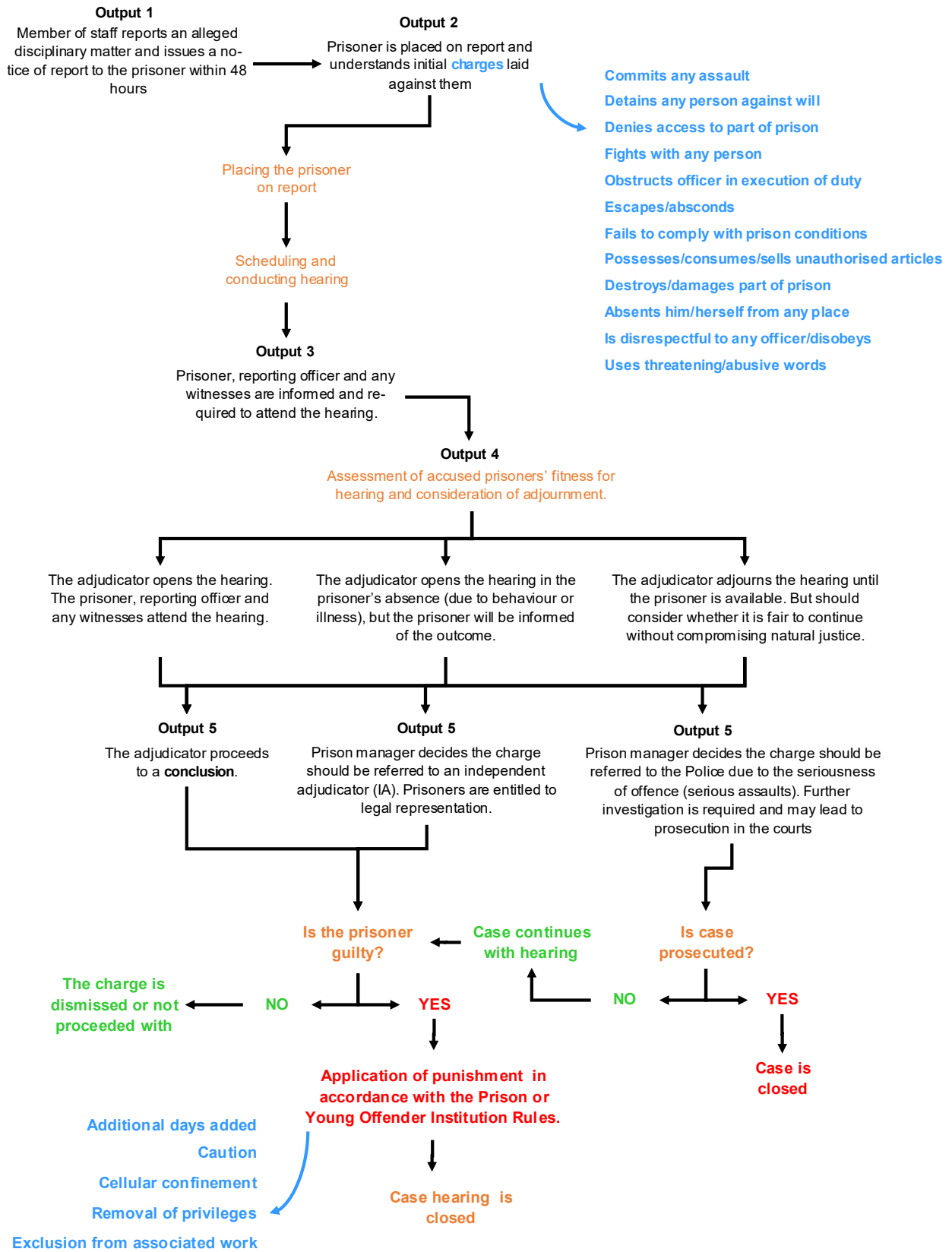
The statistics count single adjudications in each monthly reporting period, which arise from single or multiple offences. The findings are reserved until the hearing has been completed and these are recorded in the monthly returns. The statistics count all sanctions that may be given to prisoners if proven guilty and one or more sanctions may be given to prisoners who have breached the Prison Discipline Rules.

## **Changes to content in csv files**

The introduction of the new data source has enabled us to provide further details of the type of adjudicators and punishment length imposed on the prisoner, if found guilty. Due to sustained policy interest in additional breakdowns of published statistics, the new data source has a much greater scope than the old data source and includes detailed information on case hearing and more accurate records on the punishment length the offender will be serving at the time a case is completed. This allows better reporting of case hearing and punishments and identification of whether a Governor or an Independent Adjudicator dealt with the case. As a result, these new breakdowns are more reflective of the specification of the Prison Discipline Rules and more transparent.

Users should be aware that these new statistics are now available for inclusion in this statistical series, in CSV files for the adjudication statistics from 2016 onwards. Statistics prior to 2016 are available on request.

# Adjudication process



# Prison releases

## Key definitions

For the purposes of Offender Management Statistics, the figures described for prison releases (internally known within prisons as a **discharge**) are a specific type of release which provide the best indication of the number of prisoners that have finished serving the custodial term of their sentence.

A **release** is defined as a release from prison where the prisoner has finished serving the custodial term of their sentence(s) and excludes:

- civil non-criminal offenders
- persons committed to custody for non-payment of a fine
- releases to hospital
- deported prisoners from NOMS operated Immigration Removal Centres (IRCs)
- for **determinate** sentenced prisoners, releases following recall after release on licence, except occasions
  - i. where the offender has committed a new offence and is committed to custody for a new sentence and the subsequent release date falls after the sentence expiry date of the original sentence, or
  - ii. where upon release the offender is subject to the licence conditions of the new custodial sentence.

An **indeterminate** sentenced prisoner must have served their tariff period in full, however release on expiry of the tariff period is not automatic. Release will only take place where the Parole Board is satisfied that the risk of harm the prisoner poses to the public is acceptable.

As released indeterminate prisoners are subject to a licence which remains in force for the duration of their natural life, occasions (i) and (ii) above do not apply, and thus all indeterminate releases reported will be *first releases*.

## Data sources and quality

The data from individual prison establishments is recorded on the Prison-NOMIS system (previously this information was recorded on a now defunct Local Inmate Database System (LIDS)) which feeds through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce statistics for prison releases from determinate sentences. Information on releases from indeterminate sentences is derived from the Public Protection Unit Database (PPUD), an application owned by the Offender Management and Public Protection Group (OMPPG), which tracks offenders serving life and other indeterminate sentences.

Due to improvements in IT systems, from 1 January 2015, the data extracts used to produce statistics on both determinate and indeterminate prison releases transitioned to a new extract which is taken from the Prison-NOMIS system directly and without needing to be processed by the Inmate Information System. The new extract contains more detailed and accurate information about prison releases which has resulted in a change in the methodology used to count prison releases. Details of these changes are set out in a statistical notice published in April 2016. To aid comparison, the 2015 figures for both the old and new systems have been presented.



## Counting procedures

Further to the definitions provided above, this section outlines different cases which would be counted as a prison release and those that would not; the list of examples is not exhaustive. The counting procedures described below relate specifically to those used to produce statistics for the **new data source** for prison releases which is available for **data from 1 January 2015 onwards**. Before outlining different examples, it should be noted that releases legislation state that the following conditions apply to prisoners that are sentenced after a release from an earlier sentence.

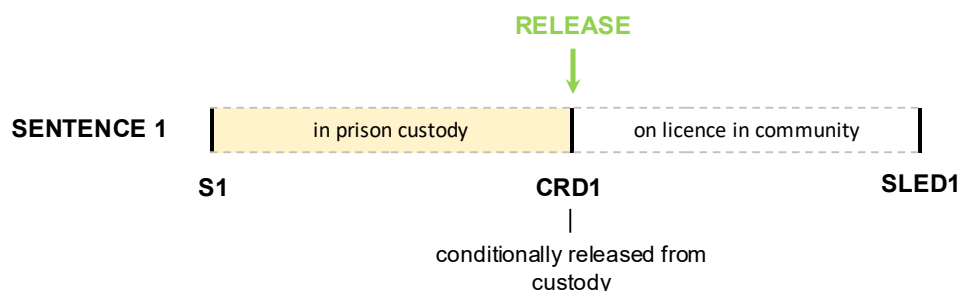
The two sentences (licence revoke and new sentence) will, in effect, **run in parallel** and the following three principles will apply in such cases:

1. the prisoner will not be released until he or she is required to be released in respect of each sentence;
2. the prisoner will not be eligible for release on parole, or re-released following a review after recall, until he or she is required to be released, or is eligible for release, in respect of each sentence;
3. the prisoner will be on licence, following release, for as long as is required by the sentence which gives the latest licence expiry date.

The examples below all describe situations where the prisoner is released after serving half of their custodial term, however the same scenarios also apply where the offender has been released on an early release mechanism such as **Home Detention Curfew**.

**Example 7:** scenario where a prisoner is released at the half-way point.

This is the usual scenario which applies to most prisoners (there may be exceptions to this for those prisoners serving Extended Determinate Sentences or those that have committed [Schedule 15](#) offences). The prisoner is sentenced to a custodial term which starts at S1 and after serving half of the custodial term in prison, the prisoner is released at the conditional release date, CRD1. **The release at CRD1 is counted as a release for reporting purposes**, as the prisoner has finished serving the custodial part of their sentence. The prisoner then spends the remaining period of the custodial term on licence in the community; the offender is liable to be recalled to custody for breaching the terms of their licence. The licence period ends at the sentence and licence expiry date, SLED1.

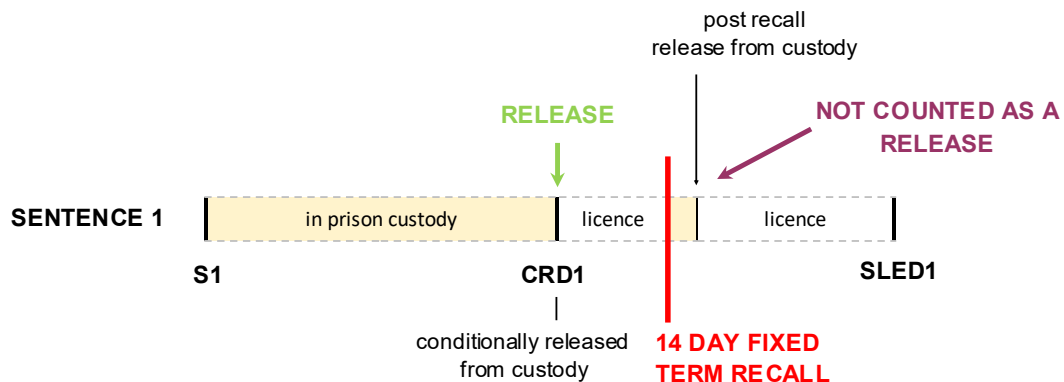


**Example 8:** scenario where a prisoner is released at the half-way point and receives a fixed term recall during the licence period.

The premise of this scenario is the same as the one presented in Example 7, however in this scenario the offender is recalled to custody on a 14 day fixed term recall for breaching the terms of their licence conditions. The release from prison at the end of the 14 day period is **not counted as a release for reporting purposes**. This is because the offender has not



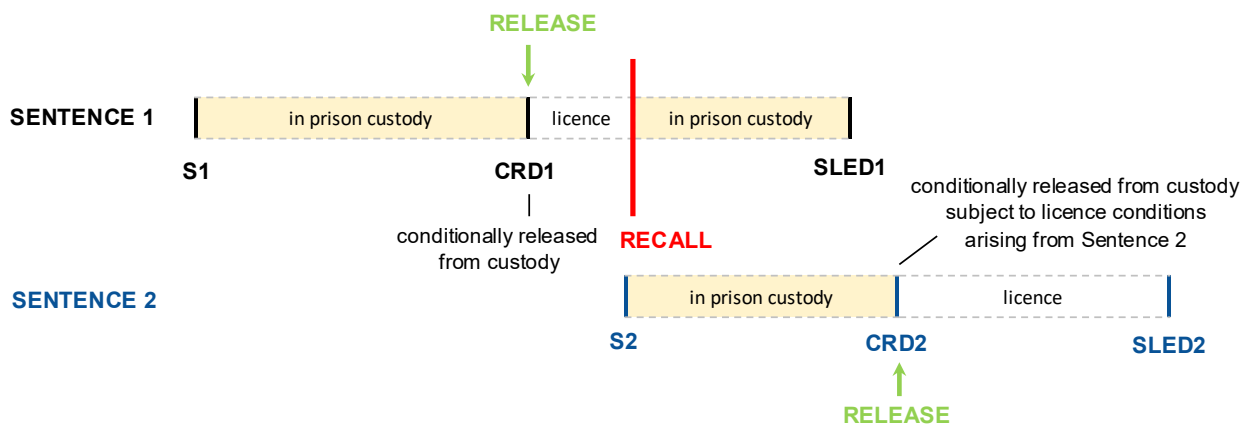
been sentenced to a new custodial term from court, but simply committed to custody for a fixed period.



**Example 9:** scenarios where a prisoner is released at the half-way point and is recalled to custody and is sentenced to a second custodial term for committing further offences. When a standard recall is issued, the prisoner will typically be required to remain in prison to serve the remainder of their sentence. Interactions of the conditional release and sentence end dates between the first and second sentences will yield different outcomes.

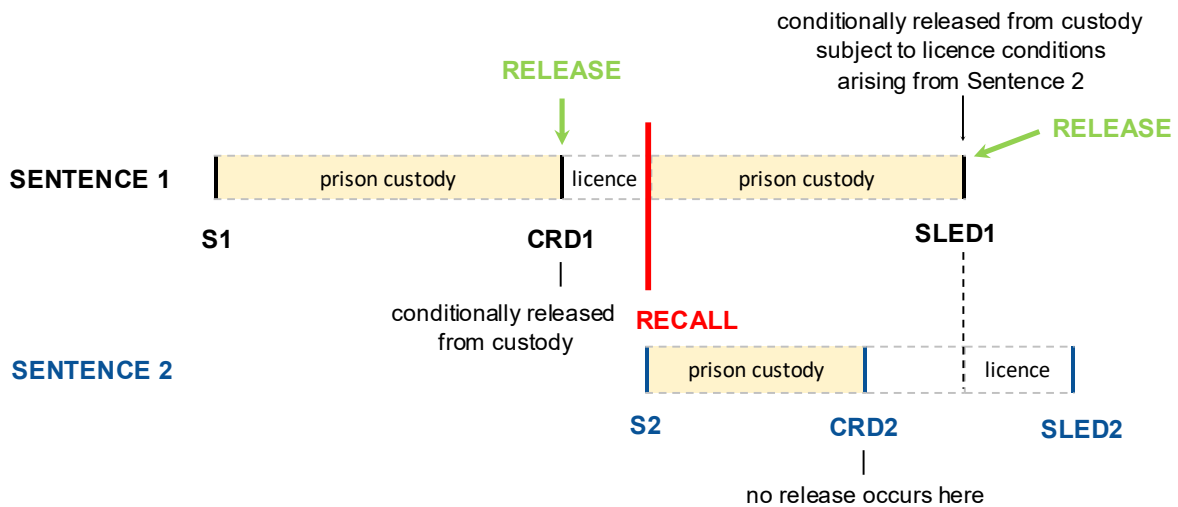
*Example 9a*

The prisoner receives a second custodial sentence for committing further offences whilst on licence in the community. The conditional release date of the second sentence, CRD2, surpasses the sentence end date of the first sentence, SLED1. As outlined above, the prisoner will not be released until he or she is required to be released in respect of each sentence which in this case is at CRD2. The release from prison at CRD2 is **counted as a release for reporting purposes** and comes under occasion (i) in the definition of a prison release.



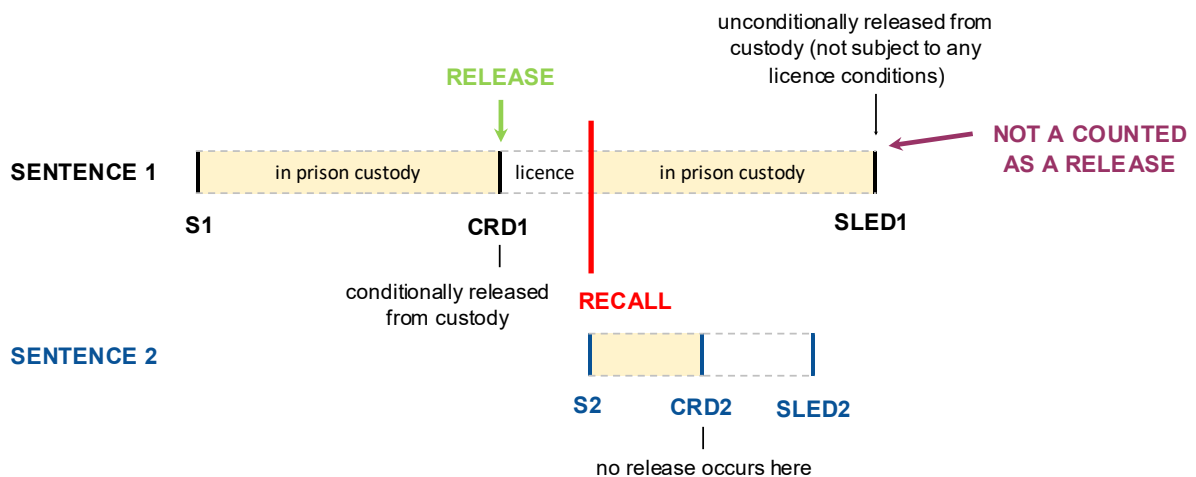
*Example 9b*

A variation on Example 9a is where the conditional release date of the second sentence, CRD2, falls before the sentence and licence expiry date of the first sentence, SLED1. The prisoner will not be released until he or she is required to be released in respect of each sentence which in this case is at SLED1. The release at SLED1 is **counted as a release for reporting purposes** and comes under occasion (ii) in the definition of a prison release. Following the release at SLED1, the offender will be on licence in the community until the sentence and licence expiry date of the second sentence, SLED2.



**Example 9c**

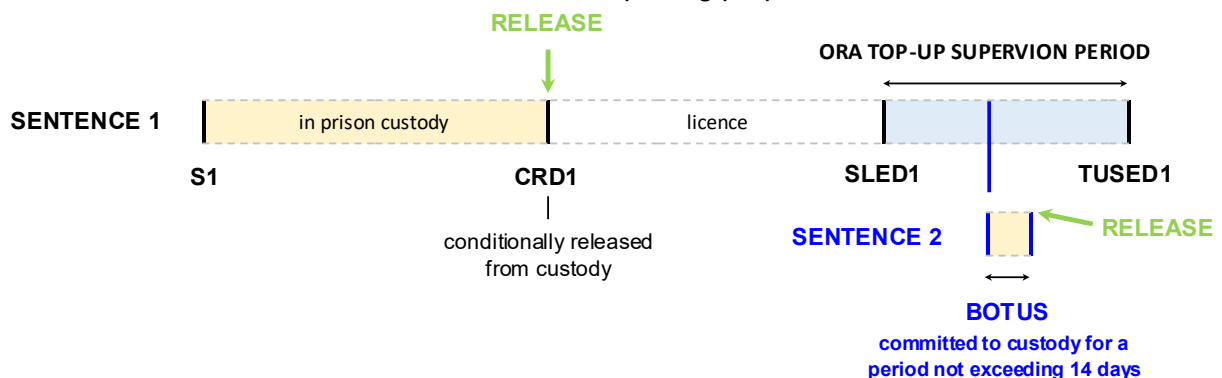
Another variation on Example 9a is where both the conditional release date of the second sentence, CRD2, and the sentence end date of the second sentence, SLED2, fall before sentence end date of the first sentence, SLED1. The prisoner will not be released until he or she is required to be released in respect of each sentence which in this case is at SLED1. However upon release at SLED1, the prisoner is released *unconditionally* and is not subject to the licence conditions of either the first or second sentence. The release at SLED1 in this scenario is **not counted as release for reporting purposes**, as this is a post recall release which does not meet the requirements of occasion (i) or (ii) in the given definition of a release.



**Example 10:** scenario where an offender has breached the ORA top-up supervision period (BOTUS) and been committed to custody for a period.

The provisions of the **Offender Rehabilitation Act (ORA) 2014** have meant that offenders sentenced for a period of less than 2 years will be subject to a period of additional post sentence supervision (called top-up supervision). The aggregate of the licence period and post sentence supervision period should be 12 months. Offenders that are found to breach the conditions of the post sentence supervision may be committed to a custodial term not exceeding 14 days by the Magistrates' Court and offenders must serve this term in full. The release following the committal to custody for breach of post sentence supervision is **counted as a release for reporting purposes**, as the committal is a new custodial

sentence. It should be noted that returning to custody in the top-up supervision period is not considered to be a licence recall as the offender has surpassed the licence expiry date. Equivalently, if the offender commits further offences during the period of post sentence supervision and is subsequently sentenced to a custodial term, the release from this new sentence will also be counted as a release for reporting purposes.

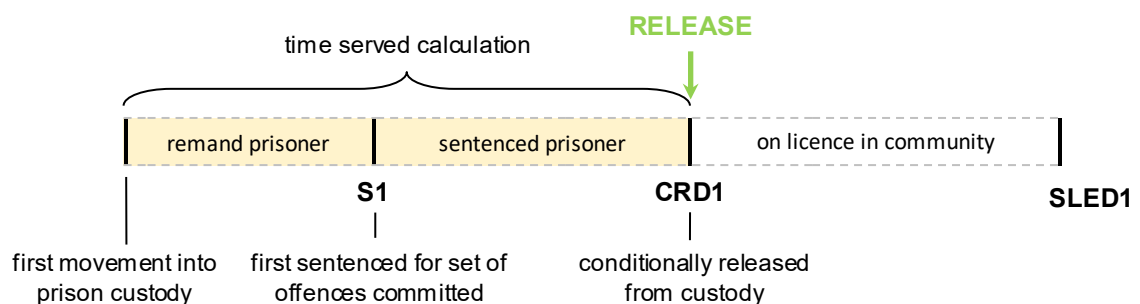


### Methodological note

Tables presented for prison releases include a calculation of the average time served by prisoners released in the reporting period.

- For releases from determinate sentences, the time served figure is calculated by incorporating any time spent on remand. Broadly speaking, it is the difference between the conditional release date in question and the date of first movement into prison custody for the original set of offences committed. This is described in Example 11a.
- For releases from indeterminate sentences, the time served figure excludes any time spent on remand. It is calculated as the difference between the release date in question and the date the prisoner was first sentenced for the set of offences committed.

### Example 11a: time served calculation where the offender is not recalled to custody

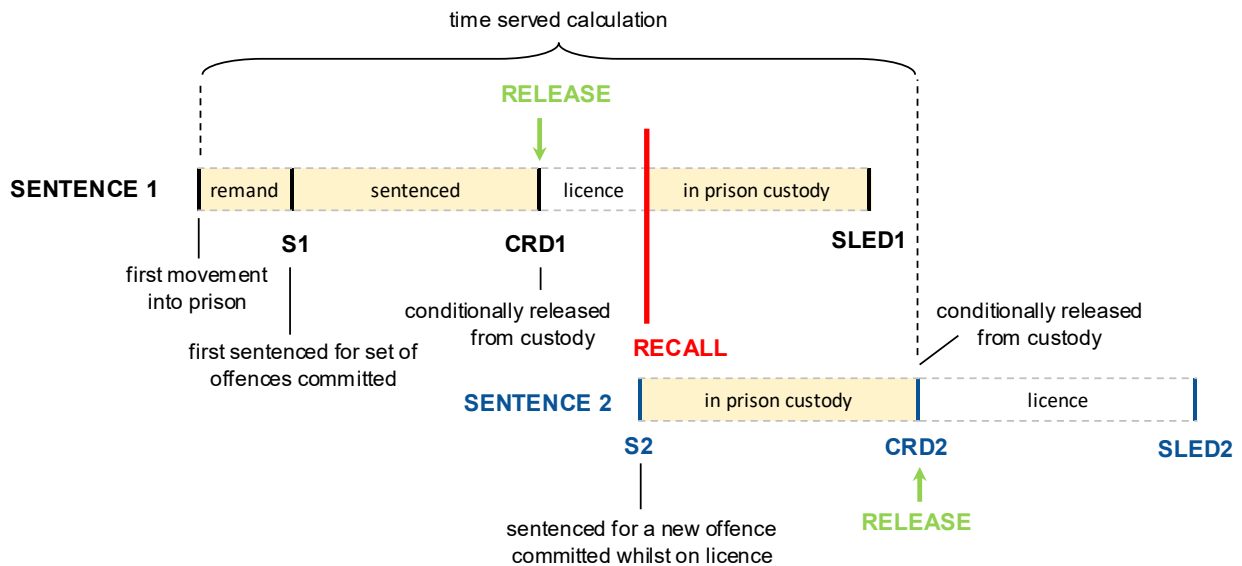


For releases from determinate sentences where the prisoner has been released following a licence recall, the time served calculation will actually include a period of time where the offender was on licence in the community and *not* in prison custody. This is because the time served calculation uses the first movement into prison custody as the basis for the calculation.

For prisoners that are released following recall, the first movement into custody will be the initial entry into prison for the original offences committed. This technicality causes an upward drive in the time served calculation which is more pronounced for offenders serving short custodial sentences. The method used to calculate time served including remand

remains the most appropriate given the data that is centrally held. Example 11b below describes the time served calculation procedure.

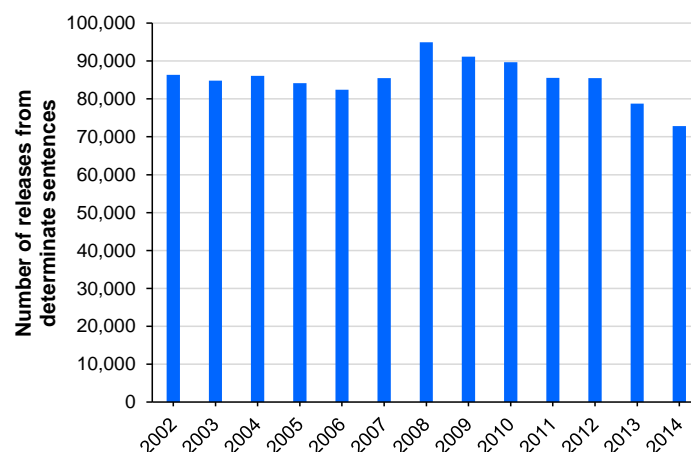
**Example 11b:** time served calculation where the offender is released following recall to custody



### Key historical trends

- The number of releases from determinate sentences remained relatively stable between 2002 and 2007 before rising in 2008. This rise was attributable to a large increase in the numbers leaving prison having served short custodial sentences of less than 12 months, and is consistent with the growth in the short sentenced prison population at that time.
- The number of releases has been falling since 2008 due to a falling number of prison receptions for shorter determinate sentenced (less than 12 months) throughout the period.
- The number of releases from indeterminate sentences increased sharply from 2009 which can attributed to the large number of prisoners being released from Imprisonment for Public Protection (IPP) sentences.

**Figure 2: Time series of prison releases from determinate sentences, 2002–2014**



## Home Detention Curfew (HDC)

The Home Detention Curfew (HDC) scheme came into force on 28 January 1999. HDC is an scheme that allows certain offenders to be released from prison early subject to an electronically monitored curfew. Eligible prisoners will be released on HDC unless there are clear grounds to indicate that they are unlikely to successfully complete the period on curfew. Prisoners must pass a risk assessment and have suitable accommodation approved by the Probation Service before they can be granted HDC.

Not all prisoners will be eligible for release on HDC; currently all prisoners serving sentences of 12 weeks or over but less than four years will be eligible subject to certain criteria being met. Certain offences automatically rule out the prospect of release under the scheme, for example, registered sex offenders are statutorily exempt from release on HDC.

### Data sources and quality

The data from individual prison establishments is recorded on the Prison-NOMIS system (previously this information was recorded on a now defunct Local Inmate Database System (LIDS)) which feeds through to a central computer database, called the Inmate Information System (IIS). The data extracts are then used to produce different cohorts of individuals including:

- i. those that are considered to be eligible for release on HDC,
- ii. those that have been released on HDC in the reporting period, and
- iii. number of offenders on HDC at any given point in time (known as the HDC caseload).

Due to improvements in IT systems, from 1 January 2015, the data extracts used to produce statistics on HDC transitioned to a new extract, which is taken from the Prison-NOMIS system directly and without needing to be processed by the Inmate Information System. The new extract contains more detailed and accurate information which has resulted in a change in the methodology used to produce statistics relating to HDC. Details of these changes are set out in a statistical notice published in April 2016. To aid comparison, the 2015 figures for both the old and new systems have been presented.

### Counting procedures

In order to bring the coverage of HDC eligibility in line with all other prison population data, figures from 2011 onwards have been taken from a different data extract which contained variables and information specifically relating to the Home Detention Curfew process. Prior to this, the number of prisoners eligible for HDC was determined by using population snapshots and release dates attached to the prisoner. This resulted in a break in series from 2011. The impact of the change in data source is a 2% increase in the number eligible HDC, which resulted in a slight fall in the release rate (down 1 percentage point).

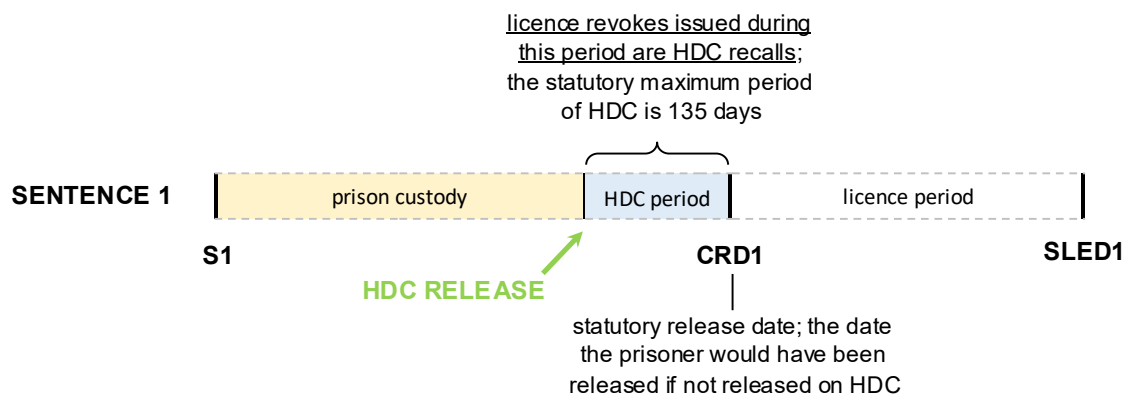
The increase in the number of offenders identified as being eligible for HDC in the alternative extract in 2011 is due to improved recording of release dates which enables more prisoners to be captured in the 'eligible' category. Using the previous data source, if the release date for an offender was missing, they would have been excluded from the eligible category as it would not have been possible to determine at which point they were eligible to be released under HDC.

Further revisions were made to the counting procedures for HDC eligibility when the data source transitioned to new source in 2015. Prisoners eligible for HDC are determined by analysing end of month population snapshot data and selecting prisoners that meet certain HDC eligibility criteria. Notably, the cohort of prisoners identified as eligible for HDC was improved to include those individuals that have *become* eligible for release on HDC in the reporting period as well as those individuals that became eligible for HDC before the reporting period started but *remain eligible* in the reporting period in question. Thus the cohort of HDC eligible prisoners are those that are eligible for HDC *at any given time* in the reporting period. The availability of richer information on key dates, such as the Home Detention Curfew Eligibility Date (HDCED), and sentence lengths has made this possible.

### Methodological note: HDC recalls

With the transition to the new data source in 2015, the methodology used to produce the number of HDC recalls changed. The number of HDC recalls reported under the new data source will be the total number of individuals that have been recorded to be released on HDC in the reporting year and have had a licence revoke in the HDC period issued by 31 March of the following year (which is the most recent date for which licence recall data is available at the time of publication). Previously, all HDC recalls that occurred in the reporting year were presented. However, this did not allow users to compare the number of releases on HDC to the subsequent number of recalls accurately.

For the new data source, licence recall data is taken from the Public Protection Unit Database (PPUD) which records all instances of licence revokes. This data is then matched to the number of HDC releases over the reporting year found in the releases dataset. Those individuals that appear with a licence revoke date on the PPUD dataset that falls between the date of release on HDC and the conditional release date (which is when the prisoner would have been released, if HDC was not granted) are taken forward as the cohort of HDC recalls.



### Key legislative changes

- The extension of the maximum Home Detention Curfew period to **90 days** received Parliamentary approval on 3 December 2002 and came into force on 16 December 2002.
- Two changes to the Home Detention Curfew Scheme which were announced by the Home Secretary on 10 April 2003 and will come into force on 14 July 2003. In summary these changes are:
  - the maximum curfew period will be **increased to 135 days**;
  - certain types of offences will render prisoners 'unsuitable' for consideration for release on HDC unless there are exceptional reasons to grant release.

- With effect from 14 July 2003, the **new requisite periods** prisoners must serve before they become eligible for release on HDC are set out in Table 2 below. As a result, on the day of implementation (14 July 2003) there was an increase of approximately 1,000 prisoners eligible for immediate release subject to passing the risk assessment.

**Table 2: Provisions for release on Home Detention Curfew**

<b>Sentence Length</b>	<b>Requisite Period to be Served before the HDC Eligibility Date</b>	<b>Approximate Range of minimum and maximum curfew periods</b>
3 months ( <i>updated to 12 weeks by LASPO 2012</i> ) or more but less than 4 months	30 days ( <i>updated to 28 days by LASPO 2012</i> ).	Between two weeks and one month depending on length of sentence.
4 months or more but less than 12 months	One quarter of the sentence	Between one month and 3 months ( <i>updated to 12 weeks by LASPO 2012</i> ) depending on length of sentence
Between 12 months and under 18 months	One quarter of the sentence	Between 3 months ( <i>updated to 12 weeks by LASPO 2012</i> ) and 4 ½ months depending on length of sentence
Between 18 months and under 4 years	135 days less than half the sentence	135 days

- From 3 December 2012, the LASPO Act has amended the Criminal Justice Act 2003 (CJA03) HDC provisions so that the certain categories of prisoner are now statutorily excluded from HDC, including:
  - those serving 4 years or more;
  - those who have previously breached the curfew condition of HDC.
 Further, the minimum period to be served in custody before release on HDC can occur was reduced to 28 days (previously 30 days), and the minimum sentence for which HDC could be considered changed to 12 weeks (previously 3 months), in all cases.
- With effect from 3 December 2012, **fixed term recalls became available** to those on HDC for breach of general licence conditions. Re-release will be after a fixed term of 28 days, if that point is reached before the prisoner's conditional or automatic release date.
- The **Offender Rehabilitation Act (ORA) 2014** introduces provisions such that a **14 day fixed term recall** is available for those serving custodial sentences of less than 12 months.

## Release on Temporary Licence (ROTL)

Release on Temporary Licence (ROTL) is the mechanism under which offenders may be released into the community, generally towards the end of their sentences, for rehabilitative purposes. It can play an important role in public protection by allowing risk management plans for offenders to be tested in the community under strict conditions before they are released. It also provides a valuable means of helping offenders prepare for their resettlement in the community by, for example, finding work or rebuilding links with their families, which helps to reduce reoffending.

The decision to allow temporary release is always balanced by an active consideration, by means of rigorous risk assessment, of the need for maintaining public safety and the public's confidence in the judicial system.

### Key definitions

- **Resettlement day release:** Offenders may be released on resettlement day release to undertake activities that are linked to objectives in their sentence plans. This is the key criterion and they can generally be categorised according to the following headings:
  - i. Paid and unpaid work placements
  - ii. Training or education
  - iii. Maintaining family ties
  - iv. Other activities linked to sentence plan
- **Resettlement overnight release:** The purpose of resettlement overnight release is to allow prisoners to spend time at their release address, or an approved temporary hostel address, re-establishing links with family and the local community. Prisoners can also use these temporary absences to facilitate interviews for work, training or accommodation.
- **Childcare resettlement licence:** Where it is established that prisoners have sole caring responsibility for a child under 16, subject to eligibility criteria, they are eligible to be considered for temporary release under childcare resettlement licence. Reflecting the unique position of the children of the sole carer, the purpose of the licence is to encourage the maintenance of the parent/child tie and to help prepare the prisoner for the resumption of their parental duties on release. If the child attains the age of 16 whilst the prisoner remains in custody, the prisoner becomes ineligible for childcare resettlement licence.
- **Special purpose licence:** This is a short duration temporary release, often at short notice, that allows eligible prisoners to respond to exceptional, personal circumstances and to wider criminal justice needs. Grounds for special purpose licence include compassionate reasons such as visits to dying relatives, to attend medical appointments, for court, tribunal or inquiry proceedings and for helping police with enquiries.



The following are the four categories of ROTL failure:

- **Failure to return:** Where an offender has failed to return to an establishment from ROTL and unlawfully at large (UAL) contingency plans have been activated, including notification to the police.
- **Late return:** Where the offender returns late to the establishment, but UAL contingency plans have not been activated and the offender is not late solely through matters beyond their control.
- **Alleged offending on ROTL:** Where the offender has been arrested for an offence allegedly committed whilst temporarily released.
- **Other breach of licence:** Where any of the other conditions attached to the licence have been breached; e.g. alcohol use, gambling etc.

## Data sources and quality

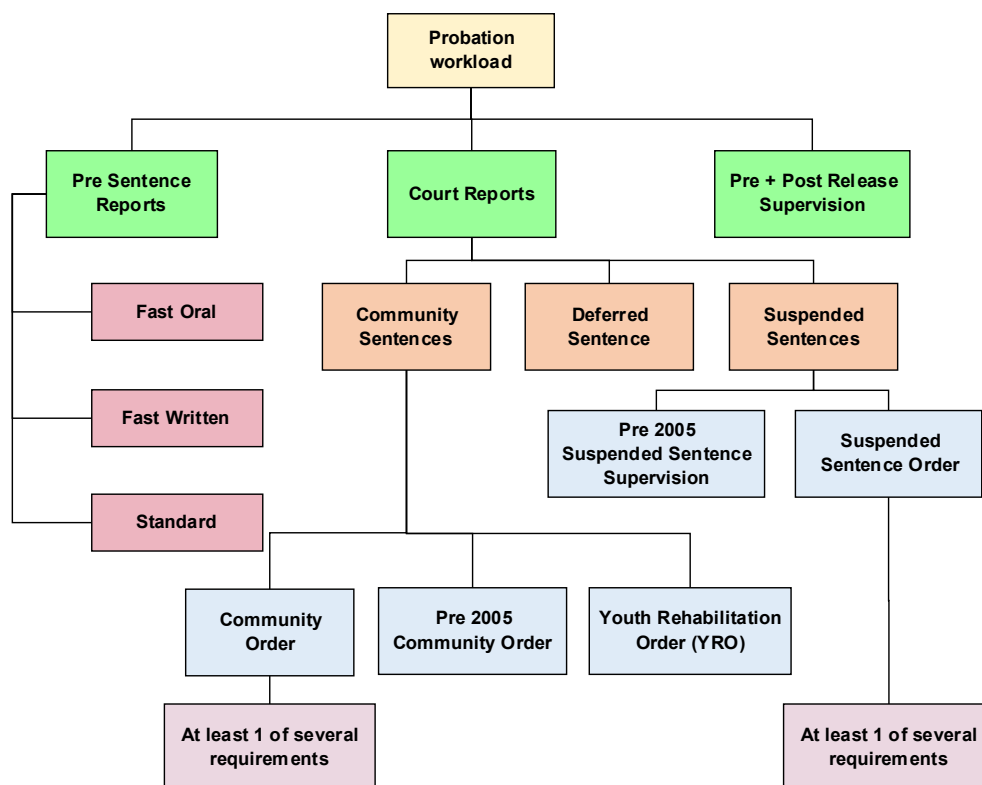
The data from individual prison establishments is recorded on the Prison-NOMIS system (previously this information was recorded on a now defunct Local Inmate Database System (LIDS)) which feeds through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce statistics for release on temporary licence. Due to improvements in IT systems, from 1 January 2015, the data extracts used to produce statistics on temporary releases transitioned to a new extract which would extract information from the Prison-NOMIS system directly and without needing to be processed by the Inmate Information System. To aid comparison, the 2015 figures for both the old and new systems have been presented. Data for Temporary Release Failures (TRFs) is drawn from the Incident Reporting Application on the Prison-NOMIS case management system.

### Data quality issues:

- Following the introduction and phased roll-out of the new case management system for Prisons (Prison-NOMIS) from May 2009, data collection issues emerged that affected the supply of data for statistical purposes from July 2009 to February 2010. Annual data for 2009 is taken from Offender Management Caseload Statistics 2009, in which volumes for 2009 were estimated using data from the first half of the year and rounded to the nearest 100. Data for 2010 is unavailable.
- In 2015, a statistical notice was published to advise users that an error has been identified in the figures on the sentence type breakdown for individuals released on temporary licence that are reported in the Offender Management Statistics Quarterly (OMSQ) series. This error was a result of a misclassification for statistical reporting purposes only; locally held data within prisons was unaffected, as was the management of offenders within prisons. Revisions were made to the annual tables which made corrections for these errors.

# Probation

Since the 1 June 2014, Probation Trusts have been replaced by the National Probation Service (NPS), which manages the most high-risk offenders across seven divisions; and 21 new Community Rehabilitation Companies (CRCs), that manage medium and low-risk offenders. They generally deal with those aged 18 years and over (those under 18 are mostly dealt with by Youth Offending Teams, answering to the Youth Justice Board). They are responsible for supervising offenders who are given community sentences and suspended sentence orders by the courts, as well as offenders given custodial sentences, both pre- and post- their release.



However, probation is currently being reformed.<sup>1</sup> As part of these plans, the NPS will be responsible for managing all offenders on a community order or licence following their release from prison in England and Wales. In addition, from April 2020, the process of shifting the NPS from its current formation of seven divisions to 12 regions began. It is intended that this process of restructuring areas will be complete by the end of 2020. However, given partial unification has occurred to date, tables presenting breakdowns by geography will show figures for offenders being managed by the current divisions as well as those supervised within the new regional structure, where relevant; footnotes in the appropriate tables will also indicate where transitions to new regions has begun.

<sup>1</sup> [www.gov.uk/guidance/strengthening-probation-building-confidence](http://www.gov.uk/guidance/strengthening-probation-building-confidence)

## Key definitions

### Court orders

The term court orders used in the text includes all the 'orders' listed. It does not include any pre- or post-release supervision.

#### **Criminal Justice Act 2003 and Offender Rehabilitation Act (ORA) 2014 court orders:**

- **Community order** – replaced all pre-Criminal Justice Act community sentences for adults. Under this order, a number of possible requirements must be added, such as supervision, unpaid work and/or drug treatment.
- **Suspended sentence order (SSO) with requirements attached** – this new order was introduced for offences which pass the custody threshold. One or more of the same set of possible requirements must be added to this order. Time periods associated with SSOs:
  - **operational period** – the total time for the custodial sentence to be suspended (i.e. the offender is at risk of being sent to custody). This can be from six months up to two years;
  - **supervision period** – the total time that the offender is supervised by the probation service (from six months to two years, can be shorter than the operational period, but not longer);
  - **suspended custodial sentence length** – the custodial sentence length to be served if the offender breaches the SSO, up to a maximum of 12 months.

**Community orders and SSOs made under the ORA 2014, for offences committed after 1 February 2015, cannot have supervision of specified activity requirements added, but can have the new rehabilitation activity requirement added.**

- **Supervision Default Order** – see below under the pre- and post-release supervision section.

#### **Criminal Justice and Immigration Act 2008 court orders:**

- **Youth Rehabilitation Order (YRO)** – implemented in November 2009. The YRO combines a number of existing sentences into one generic community sentence for young offenders.

#### **Legal Aid, Sentencing & Punishment of Offenders Act 2012 court orders:**

- **Suspended Sentence Order (SSO) without requirements attached** – offenders sentenced to SSOs without requirements attached are not supervised by the Probation Service: there are no requirements for the offender to meet, other than to not commit a further offence.

Under this Act custodial sentences of two years or less can be suspended, whereas previously only custodial sentences of 12 months or less could be suspended.

- **Community sentences** – refers to all court orders except suspended sentence orders and deferred sentences, which may have a custodial component to the sentence.

- **Termination** – a period of supervision (e.g. a community order) which comes to an end because the order has been completed successfully, because the order has been breached and terminated early for negative reasons (such as failing to comply with its requirements) or because of some other neutral reason, such as the order being quashed by the court or because the offender has died.

### Pre- and post-release supervision

**Offender Rehabilitation Act (ORA) 2014:** from 1 February 2015, all offenders given custodial sentences are now subject to statutory supervision on release from prison. Previously only adults sentenced to over 12 months in custody and all young offenders were subject to statutory supervision.

The ORA also made provision for those sentenced to under two years in custody to receive a period of 'post-sentence' supervision after their licence expires to make sure they get 12 months supervision in the community. If this period is breached, the offender can be taken back to court and given a **Supervision Default Order** to be served in the community or committed to prison for up to 14 days.

- **Pre-release supervision** – home supervising officers along with probation staff in prisons work jointly with prison staff on sentence planning and management, including consideration of post-release issues.
- **Post-release supervision** – all prisoners given a custodial sentence serve a proportion of their sentence in custody and are then released on licence. They are supervised on probation before and after release from custody.

### Pre-sentence reports

Reports by Probation Service staff providing information on offender and offence(s) committed to assist sentencing. They include a full risk assessment taking into account risk of harm to others, the causes of offending, likelihood of reoffending and a recommendation for the most appropriate sentence.

- **Fast Delivery Oral Pre-Sentence Reports** – An oral pre-sentence report (PSR) is usually completed within 24 hours of conviction due to a limited amount of information required by the sentencing court. Reports are completed by NPS staff to help the sentencing court determine the offender's suitability for sentence envisaged by court, helping to avoid delays.
- **Fast Delivery Written Pre-Sentence Reports** – A 'fast-delivery' (expedited) PSR can be completed on the day of sentence by probation court officers. This type of report will only be suitable where the cases are of 'low seriousness' or even 'medium seriousness' and where the court indicates that a community sentence is being considered.

This report may also be suitable where the court is considering custody. These reports will be prepared by a probation officer and may include a full assessment of the offender using the Offender Assessment System (OASys), an electronic risk assessment system used by both the Prison and Probation Services.

- **Standard Delivery (Adjourned) reports** – A standard delivery (adjourned) PSR is based on a full OASys assessment and is suitable for 'medium' and 'high' seriousness cases when the court has indicated that a possible community sentence or where a custodial sentence is being considered.

- **The Sentencing Process** – The Criminal Justice Act 2003 put into place measures to streamline the system of preparation of PSRs.

Under the Act the court must assess, in a structured way, the 'seriousness' of the offence (high, medium or low) and pass the assessment and the reasons for the assessment on to the Probation Service. An indication of the purpose of the proposed sentence (e.g. punishment, rehabilitation, reparation, etc.) should also be given. This will assist the report writer in the preparation of the report and the report will focus on specific sentencing options, which should be clearly stated at the time the report is requested.

## Data sources and quality

### Probation Service supervision

Since 2005, detailed information on the supervision of offenders (at the individual offender level) has been submitted by Probation Trusts and, from 1 June 2014, by NPS divisions and CRCs, on a monthly basis. These monthly 'probation listings' include information on offenders starting and terminating probation supervision each month and those supervised on the probation caseload at the end of each quarter. Between 2002 and 2005, this information was submitted quarterly, and prior to 2002, a different data collection system was in place, which meant that information on caseload had to be calculated based on the number of people starting supervision and the number of terminations.

### Court reports

Since 1 July 2005, detailed court reports data at the individual offender level has been submitted by Probation Trusts on a monthly basis. This contains details of the actual sentences given to offenders as well as the sentences proposed in the reports. Prior to July 2005, probation areas were only required to submit quarterly aggregate data showing the total number of pre-sentence, specific sentence and deferred sentence reports written, by type of court, in a specific quarter. The definitions of these reports were revised from 1 April 2005 under the Criminal Justice Act 2003.

Evidence provided by Probation Trusts suggested that previously published statistics on the number of PSRs prepared by each trust were lower than those statistics produced by their internal case management systems.

The PSR data collection process, in place until 31 March 2012, entailed each trust providing monthly data on the number of reports prepared that month, with the data extracted on or just after the 15th of the following month, e.g. data for July collected on 15th August. On investigation, it emerged that many trusts, particularly those in large metropolitan areas, enter some PSRs onto case management systems after this date due to data collection practicalities. To address this issue, trusts were asked to submit each monthly return two months later than previously to allow time for additional reports to be recorded, and the impact on the statistics was assessed.

This new extended data collection process has been introduced for data from April 2012, and we estimate that the statistics now capture between one and three per cent more PSRs per quarter.

Subsequent data quality work has shown that the introduction of a longer time lag between the date a PSR is prepared and when data is extracted from case management systems, i.e. more than two months, would capture more court report data (over and above the additional one to three per cent now included since April 2012). However, these further increases were

mostly seen in the number of court reports prepared for breaches, court reviews and deferred sentences (see below). For standard and fast delivery PSRs, a two-month time lag captures the vast majority of data and there are diminishing returns in extending the data collection period any further.

During the data quality work described above, it emerged that previously published data for court reviews, PSR breach reports and deferred sentences was incomplete in terms of coverage across all trusts and that there were inconsistencies between trusts in the coverage and content of the data extracted from their case management systems. This data has, therefore, been removed from all PSR related quarterly and annual tables – the estimated impact on the total number of reports written is a reduction of around 4,500 reports per quarter.

## Counting procedures

**People starting probation service supervision** – the statistics count each person only once in each period (quarter or year) for each type of supervision started in the period (e.g. if a person received more than one community order in a given period, they would only be counted once under community order, but a person starting a community order and an SSO in the same period would be counted once under each type of supervision). However, in totals or sub-totals, each person is counted only once even if they started several types of supervision in the period (e.g. a person starting a community order and an SSO in the same period would only be counted once under 'all court orders'). As a result, the sum of the number of persons starting each type of community sentence exceeds the total number of those starting community sentences; similarly, the sum of the number of persons starting community sentences and those starting other sentences exceeds the total number of those starting court orders. Because of these counting rules, it is not possible to derive the total number of starts in an annual period by adding together the number of starts in each quarter (as an offender may be counted in more than one quarter, but only once in the annual totals). For any given year, the sum of quarterly starts will always exceed the annual total number of starts.

**People supervised (caseload)** – the statistics count each person once for each type of supervision being received on 31 December. But each person is counted only once in each total or sub-total even if they were subject to several types of supervision at the year end (the examples above apply). Thus, the sum of the numbers receiving each type of court order supervision exceeds the number receiving court order supervision in total.

**Terminations** – the statistics count all terminations of all types of supervision in each year, including multiple terminations of the same type of supervision (e.g. two periods of community order supervision terminating in the same year would be included in the tables). It has only been possible to compare percentages over time from 2008 onwards as, before then, not enough time had elapsed for all orders to run their full course. These orders were introduced in April 2005.

## Key historical trends

- The total annual probation caseload (court orders and pre- and post-release supervision) increased by 39% between 2000 and 2008 to 243,434, largely due to the introduction of the suspended sentence order in 2005 and the increase in the prison population. Since 2008, the probation caseload has decreased year on year, reaching 217,359 at the end of December 2014. However, at the end of December

2016, the total probation caseload stood at 267,146. This increase is mainly due to the extension of statutory supervision to offenders sentenced to less than 12 months (see section above on pre- and post- release supervision).

- The total court order caseload (offenders on community orders and suspended sentence orders) decreased by 27% between 2007 and 2014, largely reflecting the decrease in community orders. Although the court order caseload increased by 14% to 124,643 in 2016, it decreased by 15% to 106,234 at the end of December 2019.
- For offenders starting supervision by the Probation Service, the number of court order starts decreased by 38% between 2009 and 2019 to 104,038; community orders decreased by 40% from 127,012 to 75,236 over the same period. This decrease in starts also reflects the decline in community orders given as sentences by the courts in England and Wales.



## Licence recalls

Offenders who are released from prison on licence to continue serving their sentence under supervision in the community can be recalled to prison if they fail to comply with the conditions in their licence. This includes requirements to be of good behaviour, not to commit further offences, to live and work only as approved by the supervising officer and not travel abroad without permission.

For population data, the custody type breakdown includes a 'recalls' category for sentenced prisoners. It should be noted that this figure describes the number of offenders that have been recalled to custody from the following:

- Recalled to custody from licence for determinate sentences, Imprisonment for Public Protection (IPP) and life sentences, and those recalled from Home Detention Curfew for breaching their licence conditions.

There are various reasons why offenders are recalled to custody for breaching their licence conditions. For example, an offender may be recalled if there is any deterioration in his behaviour which leads the Probation Service to conclude that there is an increased risk of the offender committing further offences. If an offender is no longer in touch with his Offender Manager or if he has resumed a drug habit or alcohol abuse or has been spotted entering an exclusion zone – all such breaches are likely to lead to the offender being recalled to custody.

- Recalled to custody from Home Detention Curfew for breaching their curfew conditions. An offender can be recalled to custody for breaching their curfew conditions if, for example, the offender is absent during home during curfew hours, or is found to be tampering with the tag or monitoring equipment.

In the statistical bulletin, commentary is provided for Licence Recalls which presents an analysis of those specific offenders that have breached their licence conditions only. The [Criminal Justice Act 2003, Section 253](#) states that curfew conditions are to be included in the licence conditions. Thus an offender recalled from HDC for breaching their curfew conditions simultaneously breaks their licence conditions and thus is included in the data for Licence Recalls.

Licence recall data does not include those that are committed to custody for a breach during the post sentence supervision period as these offenders are recalled due to a breach of their top-up supervision requirements, not their licence. A detailed analysis of these licence recalls is presented in Tables 5.1 – 5.10 of the quarterly licence recall tables, whilst the number of people committed to custody for breach of post sentence supervision can be found in Table 4.1 of the quarterly probation tables.

## Key definitions

There are two types of recall for offenders on licence:

- **Fixed term recall** – This is a recall for a fixed period of time after which an offender is released automatically to continue serving the sentence on licence. The fixed term is **28 days** for offenders serving determinate sentences of 12 months or more and **14 days** for offenders serving determinate sentences of less than 12 months. This is



appropriate for lower risk offenders where a breach of licence is not considered to indicate the public is at risk.

- **Standard recall** – This is a recall which means the offender does not have a pre-determined re-release date. This is the only type of recall available for indeterminate sentenced offenders who can then only be re-released by the independent Parole Board. Determinate sentenced offenders are liable to be held until the end of their sentence but can be released earlier either by referral to the independent Parole Board or by executive release.

In addition to this, recalls can be classified as either ‘Standard’ or ‘Emergency’ recalls. This is based on the perceived level of risk that the offender poses and determines the target time between their licence being revoked and their return to custody. Offenders are returned in target time if the end-to-end process takes less than 74 hours for emergency process recalls and less than 144 hours (6 days) for standard process recalls. All offenders serving indeterminate sentences are subject to an emergency recall. Determinate sentenced offenders can be subject to either an emergency or standard recall process. Either recall process can be used for either a fixed term or standard recall for a determinate sentenced offender. Where an offender is subject to an emergency recall process, it is not recorded whether their underlying recall is for a fixed-term or standard period.

Table 5.1 of the quarterly licence recall tables present a breakdown of the instances in which offenders have returned to custody and not returned to custody, for which the difference can be identified as follows:

- **Returned to custody** – the figures for those returned to custody include people who have died or been deported by the UK Borders Agency, as prior to 2007 this information was not collected separately. The information that is held centrally records whether or not recalled offenders are still wanted for return to custody but for those offenders no longer wanted for return to custody, information is not held on whether the recall was completed by actual return to custody or because the offender died or was deported.
- **Not returned to custody** – this includes those offenders believed to be dead or living outside of the UK but who have not been confirmed as dead or deported.

Hence, those offenders identified as a licence recall and recorded as being return to custody will contribute towards the ‘recall’ prison population.

### **HDC recalls**

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 implemented changes to the recall and re-release provisions for those on HDC. From 3 December 2012, all recalls from HDC will be under [Section 254](#) (breach of general licence conditions) or [Section 255](#) (breach of curfew conditions) of the Criminal Justice Act 2003, regardless of the licence on which initial release took place. The consequences of being recalled under these two sections are different.

- **Breach of curfew conditions (Section 255):** The consequence of a recall under this section is that the offender remains in prison until the end of the HDC period, at the half-way point in sentence, and is then released again automatically on licence for the second half of the sentence.
- **Breach of general licence conditions (Section 254):** If an offender on HDC is recalled under this section for breaching their licence conditions, they can be given a

fixed term or standard recall in the same way as other offenders on licence. The difference, however, is that if given a *fixed term recall* during the HDC period they are not entitled to be re-released again until the half-way point in the sentence or the end of the fixed term recall period if that comes later. A *standard recall* during the HDC period means the offender is liable to serve until the end of the sentence as normal, subject to earlier release by either the Parole Board.

### **Data sources and quality**

Data on recalls come from the Public Protection Unit Database (PPUD). They are subject to monthly audit in which PPUD data are cross-referenced with those held by police forces to confirm the status of offenders who are recorded as recalled and unlawfully at large.

## Annex A – Sentencing and release provisions

The following table provides a summary of the different types of **Criminal Justice Act (CJA) 2003** determinate sentences and the release arrangements to which they are subject.

Type of Sentence	Date Sentence Imposed	Date Offence Committed	Release Dates	Comments
SDS Less than 12 months	Any date of sentence	On or after 01/02/2015	CRD  SLED  TUSED	Automatic Release at ½ way point.  On licence to end of sentence.  Post Sentence Supervision expires 12 months after ½ way point.
SDS Less than 12 months	Any Date of Sentence	Prior to 01/02/2015	ARD  SED	Automatic Release at ½ way point.  Release is unconditional
SDS 12 months but less than 2 years	Any date of sentence	On or after 01/02/2015	CRD  SLED  TUSED	Automatic Release at ½ way point.  On licence to end of sentence.  Post Sentence Supervision expires 12 months after ½ way point.
SDS 12 months but less than 2 years	Any date of sentence	Prior to 01/02/2015 <b>and</b> on or after 04/04/05	CRD  SLED	Automatic Release at ½ way point.  On licence to end of sentence.
SDS 2 years or more	Any date of sentence	On or after 04/04/05	CRD  SLED	Automatic Release at ½ way point  On licence to end of sentence.
SDS 12 months but less than 4 years	Sentenced Prior to 03/12/2012	Prior to 04/04/05	CRD  LED  SED	Automatic Release at ½ way point.  On licence to ¾ point.  End of sentence
SDS 4 years or more Offence NOT in Schedule 15	Sentenced Prior to 03/12/2012	Prior to 04/04/05	CRD  SLED	Automatic Release at ½ way point.  On licence to end of sentence.

Type of Sentence	Date Sentence Imposed	Date Offence Committed	Release Dates	Comments
SDS 4 years or more Offence in Schedule 15	Sentenced Prior to 03/12/2012	Prior to 04/04/05	PED  NPD LED SED	Eligible for discretionary release by the Parole Board at ½ way point.  Automatic Release at ⅔ point. On licence to ¾ point  End of sentence
SOPC Special custodial Sentence for Certain Offenders of Particular Concern Section 236A	Sentenced on or after 13/04/2015	Any Date of Offence	PED  CRD  SLED	Eligible for discretionary release by the Parole Board at ½ way point of the custodial term.  Automatic Release at the end of the custodial term.  On licence to the end of the aggregate of the custodial term + one year.
Extended Determinate Sentence Section 226A or 226B Where custodial period is both less than 10 years AND is NOT for a Schedule 15B offence	Convicted On or after 03/12/2012 but sentenced before 13/04/2015	Any Date of Offence	CRD  SLED	Automatic Release at ⅔ point of custodial period.  On licence to end of sentence.
All Extended Determinate Sentence Section 226A or 226B imposed on or after 13/04/2015 and where imposed before 13/04/2015 those EDS where custodial period is 10 years or more OR is for a Schedule 15B offence	Convicted and Sentenced On or after 03/12/2012 <b>and</b> ALL EDSs imposed on or after 13/04/2015	Any Date of Offence	PED  CRD  SLED	Eligible for discretionary release by the Parole Board at ⅔ point of custodial period.  Automatic Release at end of custodial period.  On licence to end of sentence.
Extended Sentence Section 227 or 228	Sentenced On or after 14/07/08 Convicted before 03/12/12	On or After 04/04/05	CRD  SLED	Automatic Release at ½ way point of custodial period.  On licence to end of sentence.
Extended Sentence Section 227 or 228	Sentenced Prior to 14/07/08	On or After 04/04/05	PED	Eligible for discretionary release by the Parole Board at ½ way point of custodial period.

Type of Sentence	Date Sentence Imposed	Date Offence Committed	Release Dates	Comments
			CRD SLED	Automatic Release at end of custodial period.  On licence to end of sentence.
Extended Sentence Section 85 Where custodial period is less than 12 months	Convicted prior to 03/12/12	Prior to 04/04/05	CRD LED SED	Automatic Release at ½ way point of custodial period.  On licence to end of custodial period + extension period.  End of sentence
Extended Sentence Section 85 Where custodial period is 12 months but less than 4 years	Convicted prior to 03/12/12	Prior to 04/04/05	CRD LED SED	Automatic Release at ½ way point of custodial period.  On licence to ¾ point of custodial period + extension period.  End of sentence
Extended Sentence Section 85 Where custodial period is 4 years or more.	Convicted prior to 03/12/12	Prior to 04/04/05	PED NPD LED SED	Eligible for discretionary release by the Parole Board at ½ way point of custodial period.  Automatic Release at ⅔ point of custodial period.  On licence to ¾ point of custodial period + extension period.  End of sentence
Extended Licence Section 86 or 44 12months but less than 4 years	Convicted prior to 03/12/12	Prior to 30/09/98	CRD LED/SED	Automatic Release at ½ way point of sentence.  On licence to end of sentence.
Extended Licence Section 86 or 44 4 years or more	Convicted prior to 03/12/12	Prior to 30/09/98	PED NPD LED/SED	Eligible for discretionary release by the Parole Board at ½ way point of sentence.  Automatic Release at ⅔ point of sentence.  On licence to end of sentence.

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