



Policy name: Release on Temporary Licence (ROTL) Policy Framework

Reference: N/A

Re-issue Date: 3 October 2022

Implementation Date: 16th May 2019

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: PSI 13/2015 Release on Temporary Licence

Action required by:

<input type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input checked="" type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input checked="" type="checkbox"/>	National Probation Service	<input type="checkbox"/>	Youth Custody Estate
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input type="checkbox"/>	Women's Estate
<input type="checkbox"/>	Other providers of Probation and Community Services	<input checked="" type="checkbox"/>	

Mandatory Actions: All groups referenced above must adhere to the requirements section of this Policy Framework, which contains all mandatory actions.

For Information: By the implementation date, Governors¹ must ensure that their local procedures achieve the required Outcomes and comply with the Requirements as set out in this Policy Framework.

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public Sector Equality Duty as prescribed by the *Equality Act 2010*.

Unified Probation Model: Community Rehabilitation Company (CRC) contracts come to an end on 25 June 2021. From 26 June 2021 all actions in this policy framework relating to CRCs should be read as applying to the National Probation Service (NPS).

How will this Policy Framework be audited or monitored: HMPPS Deputy Directors of Custody and Controllers, the Director of the National Probation Service (NPS) in England, the Director of HMPPS in Wales and HMPPS Director of Rehabilitation Services for Community Rehabilitation Companies (CRCs) will monitor compliance with the mandatory requirements set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated requirements as required in the contract.

¹ In this document the term Governor also applies to Directors of Contracted Prisons.

Resource Impact: It is expected that the number of releases on temporary licence will rise following implementation of this policy framework. This is expected to be primarily in open and women's prisons where the resourcing and infrastructure best enable ROTL. Provisions in the framework will make the process more efficient, reducing the need for multiple consideration of ROTL through a formal Board, and minimising the need for repeat or additional information from police and probation services, although this is balanced to some extent by the fact that 'paid work' ROTL placements require additional ongoing support. Changes in the criteria for ROTL eligibility will mean more prisoners become eligible for ROTL, or earlier in their sentence. This may have a greater initial impact on administrative staff, particularly in open and women's prisons, but this is largely expected to level out in steady state, and there will be a reduction in the need for assessment from psychology services. In addition, the new HMPPS case management approach has been modelled to include specific resource for ROTL as it rolls out.

Prison and probation staff are expected to implement the policy, but any increase in ROTL will need to be managed according to available resources. The Executive Directors of Public Sector Prisons North and South will consider the need for any budget adjustments for open and women's prisons, in the light of implementation experience. Impact is expected to be low for probation services, but the Executive Director for the National Probation Service will consider the need for any budget adjustments in the light of implementation experience.

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Approved by OPS for publication: Sonia Crozier, Michelle Jarman-Howe, Joint Chairs, Operational Policy Sub-board, May 2019

Revisions

Date	Changes
19 July 2019	Para 6.43 – 6.45: to reflect the revised Parole Board reconsideration process.
27 January 2020	References to IEP have been changed to the Incentives Policy Framework (IPF), which came into force on 13 January 2020
18 December 2021	Change to sentencing code – para 4.9
13 May 2021	Para 4.9 and 5.10 – addition of specified terrorist and terrorist connected offenders to the Restricted ROTL cohort Paras 4.22-4.25 and Annexes D & E– changes to clarify the purpose of ROTL work placements Para 6.83 – clarification of ViSOR recording requirements for ROTL information
17 August 2021	Para 5.10 updated in relation to terrorist offenders
17 August 2022	Paras 1.5 – 1.8, 3, 4, 11, Table 1, 4.22 - 4.25, 5 (subtitle), 6.2, 6.4, 6.6 and 6.8 to reflect the introduction of apprenticeships for serving prisoners.
October 2022	Paragraphs 4.26 – 4.28 have been added to align with Searching Policy Framework and new procedures around searching arrangements for prisoners in work or activity whilst on ROTL.

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1. **Purpose**

- 1.1. Release on Temporary Licence (ROTL) facilitates the rehabilitation of offenders, by helping to prepare them for resettlement in the community once they are released. This includes, among other examples, finding work and rebuilding family ties. It is intended that this will lead to reduced reoffending in the long-term.
- 1.2. There is no entitlement to ROTL but the expectation is that it will be widely used with suitable offenders in open prisons and women's prisons where the resourcing and infrastructure best enable ROTL to be undertaken. As now, closed prisons can release eligible prisoners on ROTL, but Governors will want to be assured that they have the necessary security arrangements in place to prevent contraband being brought in by returning prisoners, staff in place to carry out the required assessments and Boards, and operational enablers, before considering a wider expansion.
- 1.3. This policy framework deals with temporary release for adults. Instructions to practitioners on temporary release for children are given in PSO 6300, in relation to children detained in Young Offender Institutions, and in separate "Mobilities" guidance for children detained in Secure Training Centres and Secure Children's Homes. Approaches to Release on Temporary Licence and Mobility for the Youth Secure Estate are being considered separately, outside of this framework. Where a child transitions from the youth to the adult estate then the adult, ROTL provisions set out here will generally apply. Where the individual has already begun to take temporary release for resettlement purposes as a child, however, consideration should be given to maintaining access to temporary release, where this remains in line with the sentence plan and subject to risk assessment, even where the individual has yet to reach the adult ROTL eligibility date.
- 1.4. A number of changes have been made to the previous policy in order to allow governors to consider ROTL earlier and in more cases within a robust risk assessment framework. These include:
 - Changing the threshold for Restricted ROTL so that it is focused on the most serious offenders.
 - Removing the current restriction on ROTL in the first three months after transfer to open conditions, subject to individual progress and risk assessment.
 - Making prisoners, including those serving indeterminate sentences, eligible to be considered for unaccompanied day release (RDR) from the point of entry to the open estate (or reaching open status in the women's estate).
 - Streamlining the process so that agencies are consulted and boards sit only where necessary, the focus is on the right information, and paperwork is reduced.
 - Encouraging the greater use of workplace ROTL, for example, by allowing paid work to be taken as soon as the offender is eligible for day release and removing the requirement for a prisoner on ROTL to spend at least one 24-hour period per week in prison.
 - Allowing primary carers and sole carers to apply for Childcare Resettlement Licence.

- Allowing offenders with a prior abscond history (if it occurred more than two years ago and only once during the current sentence) to be risk assessed for open conditions and ROTL.
- Allowing Directors of contracted prisons to take ROTL decisions whilst the Controller will continue to monitor the Director's compliance in this area.

- 1.5 This policy framework also includes the Prisoner Apprenticeship Programme. The differing types of apprenticeships range from Intermediate Apprenticeships, where the individual needs to show that they have the ability to complete the programme as well as proficiency in English and maths to higher level, and degree level apprenticeships which require higher levels of prior educational attainment. An intermediate apprenticeship usually lasts between one to four years and we expect most of our candidates to undertake this type of apprenticeship.
- 1.6 An apprenticeship is a job with training and there are two types of arrangement under which an approved English apprenticeship can be achieved: an approved English apprenticeship agreement (AEAA), and an alternative apprenticeship. The Apprenticeship, Skills, Children and Learning Act 2009 dictates that an AEAA is to be treated as a contract of service, which means it qualifies as a contract of employment. However, it is the policy of MoJ/HMPPS that prisoners should not have contracts of employment. This is due to the practical issues and litigation risk that would arise from the conflict between prison rules and both contract law and employment rights.
- 1.7 For these reasons, when prisoners currently undertake paid work whilst on ROTL they do so under a Memorandum of Understanding made between them, the placement provider and the prison.
- 1.8 An alternative English apprenticeship arrangement does not necessarily qualify as a contract of employment. Such arrangements are currently available where apprentices are training to become religious ministers or police constables (as members of both these vocations are office holders, rather than employees). DfE have amended their secondary legislation to allow an alternative English apprenticeship for serving prisoners. We have also developed a Prisoner Apprenticeship Programme MOU which will operate in a similar way as the one currently in use for ROTL. Paid work undertaken as part of the Prisoner Apprenticeship Programme in the open estate will be done under a quadripartite agreement via this MOU made between the prisoner, the prison, the placement provider and the training provider.

2. **Evidence**

- 2.1 Evidence supports increased access to ROTL and transparency in the process.

Reducing Re-offending

- 2.2 There is promising evidence from research in several countries that temporary release from prison is associated with better outcomes. In March 2018, the Ministry of Justice Analytical Services Team published: *The reoffending impact of increased release of prisoners on temporary licence* - a report on the impact of ROTL on reoffending in England and Wales, including the impact of giving people increasing numbers of temporary releases from prison.

- 2.3 The report concluded that increased use of ROTL was associated with small but statistically significant reductions in rates of proven reoffending and frequency of reoffences. Each day release had a small effect on reoffending, and overnight release had a larger effect. Furthermore, the closer the ROTL recipient got to release, the greater the effect of increased numbers of ROTLs on reoffending (particularly for overnight release).
- 2.4. Compliance with the conditions of temporary release is consistently very high. Well over 99% of all temporary releases are completed successfully.

Procedural justice

- 2.4 When people believe the process of applying rules (how a decision is made rather than what decision is made, and how they are treated during the process) is fair, it influences their views and behaviour – this is called ‘procedural justice’. There is very robust evidence, from all around the world, showing that people are much more likely to respect and comply with rules and authority willingly when they believe the way the rules are applied is fair and just. This is true even if the outcomes of decisions are not in their favour or are inconvenient for them.
- 2.5 Research from HMPPS, and from prison services around the world, shows that when prisoners perceive authority to be used in a more procedurally just way, this is associated with significantly less misconduct and violence, better psychological health, lower rates of self-harm and attempted suicide, and lower rates of reoffending after release.

3. Outcomes

This policy aims to ensure that:

- Prison governors and decision-makers can consider ROTL earlier and in more cases;
- Offenders who are granted ROTL will benefit from resettlement opportunities, which in turn will safely prepare them for permanent release back into the community;
- The ROTL process will be clearer, more efficient, and easier to administer;
- Offenders who are eligible for ROTL will continue to undergo a thorough risk assessment;
- ROTL will be applied consistently and fairly and in a way which supports the resettlement of the prisoner, while ensuring the protection of the public remains central to the process.
- Prison governors and decision makers will also consider prisoners for the Prisoner Apprenticeship Programme and, where prisoners are eligible, will undergo the same thorough risk assessment process.

4. Requirements

Legal Requirements

- 4.1. Prison Rule 9 (The Prison Rules 1999) and YOI Rule 5 (The Young Offender Institution Rules 2000) provide the authority for temporary release to support appropriate activities. They also set out the following requirements:
- (4) An offender shall not be released under this rule unless the Secretary of State is satisfied that there would not be an unacceptable risk of his committing offences whilst released or otherwise failing to comply with any condition upon which he is released.

- (5) The Secretary of State shall not release under this rule a prisoner serving a sentence of imprisonment if, having regard to.... (a) the period or proportion of his sentence which the prisoner has served or...the period or proportion of any such sentence he has served; and (b) the frequency with which the offender has been granted temporary release under this rule... the Secretary of State is of the opinion that the release of the offender would be likely to undermine public confidence in the administration of justice.”

Other Requirements

- 4.2. The following sections, paragraphs 4.3. to 4.10., list the key actions that must be completed throughout the ROTL process. These sections are expanded on in more detail from page 9 onwards, and in the guidance section below.
- 4.3. **Governors must ensure that all staff are aware of and act in accordance with the ROTL principles and procedures set out in this policy framework.**
- 4.4. **NPS offender managers and CRC responsible officers² must be familiar with ROTL procedures set out below and particularly with those stages that deal with offender management comments and notifications about ROTL.**
- 4.5. **Decisions on temporary release must be taken by the governor or delegate (acting on behalf of the Secretary of State) and, for any release to be acceptable, there must in all cases be an identified basis under the Prison Rules for the release.**
- All resettlement ROTL must have a clear, recorded link to an objective identified in the individual offender’s sentence plan and/or resettlement goals. Special purpose ROTL may be granted to enable offenders to deal responsibly with unexpected family and personal events and wider criminal justice needs.
- 4.6. **The decision to allow temporary release must always be 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.**
- The risk assessment must take account of all the information that is available, obtaining further information where necessary and considering how that evidence bears on the offender’s suitability for the proposed activity.
- 4.7. **Governors must ensure that the impact of the release on any identified victims is taken into account before any release is authorised.**
- Before any release is considered, a check must be made for any relevant information held by the HMPPS Victims’ Helpline and a check must be made with the offender manager to establish the whereabouts of any identified victims and whether the victim or victim’s family are participating in the NPS victim contact scheme. If so, they must be afforded a reasonable opportunity to make representations about the conditions to be attached to any temporary release and any representations must be put before the ROTL board.

² Hereafter all references to offender manager or OM should be taken to include “community offender managers” or “responsible officers”.

- The offender manager must be informed of the outcome of the ROTL board, including any victim specific conditions in order that this can be communicated to the victims via the victim liaison officer (VLO).

4.8. Governors must provide all offenders with information outlining how this policy on temporary licence will be locally administered.

- It should be made clear to the offender what ROTL opportunities are available at the prison, when and how they may apply and how the procedure works, including the principles around funding for ROTL travel and subsistence expenses set out in the Guidance below (see 6.1). Most importantly, offenders must understand the sorts of behaviours expected of them in order to gain and maintain access to ROTL. The Incentives scheme serves a different purpose to ROTL which is primarily about facilitating resettlement, but incentives scheme factors such as prisoner behaviour and engagement in addressing offending behaviour should be considered, alongside other criteria, in ROTL suitability assessments. Local incentives policies can be linked to ROTL by making prisoners aware that abiding by the rules, addressing their offending behaviour and engaging with their sentence plan are also important factors in ROTL assessments. Progress on the incentives scheme will be taken into account in all ROTL decisions, alongside all other relevant information, and ROTL failure will lead to suspension of privileges.

Types of ROTL, eligibility dates, frequency and duration and Prisoner Apprenticeship Programme eligibility and duration.

4.9. Governors must have in place a mechanism to ensure the accurate identification of Restricted and Standard ROTL prisoners so that the appropriate procedure is applied as set out in the ROTL Procedure Table below.

The following offenders are all subject to Restricted ROTL:

- Indeterminate sentence prisoners (ISPs);
- Prisoners serving Extended Determinate Sentences, or other legacy extended sentences;
- Prisoners serving sentences imposed under sections 265 or 278 of the Sentencing Code (formerly section 236A of the Criminal Justice Act 2003 - offenders of particular concern);
- Prisoners serving other custodial sentences for an offence described in section 247A(2) of the Criminal Justice Act 2003 (specified terrorist or terrorist connected offences);
- Any other offender who is currently assessed as high or very high risk of serious harm on OASys.

All other offenders will be considered under the Standard ROTL regime.

Restricted ROTL includes a number of elements over and above Standard ROTL:

- Offender must be in open prison (men), assessed as suitable for open conditions (women)
- Decision must be made at Governor or deputy Governor level;

- Board must be chaired by a senior manager
- Board must see an enhanced behaviour monitoring (EBM) assessment);
- Enhanced behaviour monitoring for those who require it.
- Mandatory consultation with offender manager and police
- Mandatory comments from the offender manager
- Higher level of monitoring whilst on release

Prisons listed in Annex A have been designated as being able to provide Restricted ROTL and include all open prisons, some prisons which have both open and closed conditions on the same site and, because they all have a resettlement focus, all women's prisons. Exceptionally, Restricted ROTL may be delivered from closed, male prisons for offenders who have been assessed as suitable for open conditions but cannot transfer due to their health and/or social care needs. In such cases all the Restricted ROTL elements above apply but EBM is not available so a bespoke psychologist review must be prepared for the ROTL Board.

4.10. Governors must ensure that the purpose, eligibility, frequency and duration criteria set out below are applied appropriately in each case.

Offenders may be released on ROTL to undertake activities that are linked to objectives in their sentence plans³, for childcare reasons or in more exceptional circumstances.

Resettlement Day Release (RDR)

4.11. Offenders may be released on RDR to undertake activities that are linked to objectives in their sentence plans. This is the key criterion and there is no list of approved activities but, in order to be lawful, its purpose must fall under one of the prescribed list of reasons for temporary release under Rule 9(3) of the Prison Rules. Primarily under this heading release must be to engage in paid or voluntary work, to receive instruction or training which cannot reasonably be provided in the prison, or to assist in maintaining family ties or transition from prison to the community. Therefore, under this heading the release should fall under one or more of the following headings:

- Paid or unpaid work placements (Including prisoner apprenticeships)
- Training or Education
- Maintaining family ties
- Prisoner Apprenticeships Pathway
- Accommodation Related
- Outside Prison Activities
- Other activities linked to sentence plan

³ Throughout this framework, reference to "sentence plan" should be taken to include "resettlement plan" for offenders not qualifying for a sentence plan.

Resettlement Overnight Release (ROR)

- 4.12. The purpose of ROR is to allow offenders to spend time at their release address re-establishing links with family and the local community. Offenders can also use these temporary absences to facilitate interviews for work, training or accommodation.

Childcare resettlement licence (CRL)

- 4.13. The purpose of CRL is to encourage the maintenance of the ties between primary carers and their children and to help prepare the offender for the resumption of their parental duties on release.

Special purpose licence (SPL)

- 4.14. SPL is generally a short duration temporary release, often at short notice, that allows eligible offenders to respond to exceptional, personal circumstances and to wider criminal justice needs. Grounds for granting SPL include compassionate, medical or court proceedings. More details can be found in the attached guidance.
- 4.15. Table 1 below sets out the eligibility, frequency and duration for different types of ROTL.

Table 1: ROTL types, eligibility, frequency and duration

Type		Eligibility	Frequency and Duration
Resettlement Day Release (RDR)	Standard – from closed men’s prisons/ women not suitable for open conditions	Either 24 months before the effective release date, or once they have served half the custodial period including remand/tagged bail time (see the formula at 6.33), whichever gives the later date.	The governor must decide the frequency and duration of any release. RDR to maintain family ties should generally be limited to once in every 14 day period unless special resettlement circumstances are found to apply.
	Standard – from open/ women suitable for open conditions	Eligible to be considered from the point of entry into the prison (men)/categorisation (women), subject to appropriate risk assessment.	The governor must decide the frequency and duration of any release. RDR to maintain family ties should generally be limited to once in every 14 day period unless special resettlement circumstances are found to apply.
	Prisoner Apprenticeship Programme – from open/women suitable for open conditions	Eligible to be considered from point of entry or from 24 months before the earliest release date which-ever is the later.	The governor must decide the frequency and duration of any release. Although an apprenticeship lasts for at least 12 months and requires 30 hours work per week.
	Restricted	As Standard (from open) but must be assessed as suitable for open conditions and be in a prison which has been designated as being able to provide Restricted ROTL (except where the Parole Board has directed the release of an offender to supported accommodation, such as Approved Premises, or the offender is prevented from transferring to such a prison on health grounds).	The governor must decide the frequency and duration of any release. RDR to maintain family ties should generally be limited to once in every 14 day period unless special resettlement circumstances are found to apply.

	ISP	As Restricted.	<p>The governor must decide the frequency and duration of any release.</p> <p>RDR to maintain family ties should generally be limited to once in every 14 day period unless special resettlement circumstances are found to apply.</p>
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Resettlement Overnight Release (ROR)	Standard – from closed men’s prisons/ women not suitable for open conditions	Either 6 months before the release date, or once they have served half the custodial period less half the relevant remand time, whichever gives the later date.	ROR should only take place after a period of successful RDR. ROR should be limited to one ROR session in each 28-day period during the eligibility period. The governor must decide the appropriate duration of any period of ROR – this will not usually exceed 4 nights.
	Standard – from open prisons/ women suitable for open conditions	Eligible to be considered from the point of entry into the prison (men)/categorisation (women), subject to appropriate risk assessment.	ROR should only take place after a period of successful RDR. ROR should be limited to one ROR session in each 28-day period during the eligibility period. The governor must decide the appropriate duration of any period of ROR – this will not usually exceed 4 nights.
	Restricted	As Standard (from open) but must be assessed as suitable for open conditions and be in a prison which has been designated as being able to provide Restricted ROTL (except where the Parole Board has directed the release of an offender to supported accommodation, such as Approved Premises, or the offender is prevented from transferring to such a prison on health grounds).	As Standard but must be in a prison which has been designated as being able to provide Restricted ROTL.
	ISP	As Restricted.	As Standard but must be in a prison which has been designated as being able to provide Restricted ROTL.

Childcare Resettlement Licence (CRL)	Standard	No minimum eligibility period. Offenders are eligible when they have primary caring responsibilities for a child under 18. If the child attains the age of 18 whilst the offender remains in custody, the offender becomes ineligible for CRL.	CRL may be taken no more than once per week including one period of overnight release in every 28 day period, which must not exceed four nights away from the prison.
	Restricted	As Standard but must be assessed as suitable for open conditions and be in a prison which has been designated as being able to provide Restricted ROTL.	CRL may be taken no more than once per week including one period of overnight release in every 28 day period which must not exceed four nights away from the prison.
	ISP	As Restricted.	CRL may be taken no more than once per week including one period of overnight release in every 28 day period which must not exceed four nights away from the prison.
Special Purpose Licence (SPL)	Standard	No minimum eligibility period.	SPL will generally be issued in response to a specific event or set of circumstances that would not usually require release on a regular basis. (See attached guidance in 6.23.)
	Restricted	There is no minimum eligibility period but offenders subject to Restricted ROTL must be assessed as suitable for open conditions and be in a prison that offers Restricted ROTL before being considered for SPL, except where a prisoner is in closed conditions and urgent medical attention is required.	SPL will generally be issued in response to a specific event or set of circumstances that would not usually require release on a regular basis.
	ISP	As Restricted.	SPL will generally be issued in response to a specific event or set of circumstances that would not usually require release on a regular basis.

N.B. The reference to the effective release date must be taken as meaning the latest halfway point of the sentences (i.e. the effective parole eligibility date (PED) or the effective conditional release date (CRD)).

ROTL procedure

Governors must ensure that the procedure set out in the ROTL procedure table below is followed appropriately in each case.

- 4.16. Wherever possible, the aim should be to agree the likely ROTL programme for the offender at the start of the process, making clear to the offender the behaviours expected of them to gain and maintain access to ROTL. The prison must establish the offender's suitability for ROTL, plus any key dates and locations to be avoided, with input of the offender manager and other agencies as required. Once these details have been established there should generally be no need for further consultation with the offender manager and other agencies, unless there is a significant change in circumstances requiring a review of the validity of the current ROTL authorisation via a fresh ROTL Board.
- 4.17. Applications for different types of ROTL should generally be considered at the same Board and a Board must reconvene every 6 months to review the currency of ROTL authority even where there has been no significant change in circumstance (a Board can take place earlier where a significant change has occurred). Initial Boards will establish the offender's suitability based on all relevant information, reconvened Boards will focus on what has changed since the last board.
- 4.18. For ROTL to be considered the following steps must be followed:
- Application – making clear the purpose(s) and type(s) of ROTL to be applied for;
 - Information is sought – from the community OM and police, and other agencies as required;
 - A dossier of relevant risk assessment and other information is compiled – by the case administrator;
 - Assessment – of the risks presented by the temporary release proposed, by the offender supervisor⁴;
 - Board – a board is convened to consider the application and make a recommendation.
 - Decision – a decision must be taken by a separate person, and the offender and relevant parties notified of the outcome.
- 4.19. Table 2 below sets out the procedure to be followed stage by stage, the actions required, who is involved and which forms/information should be used.

⁴ Where Offender Management in Custody (OMIC) case management is in place, the term "Prison Offender manager" should be used in place of "Offender Supervisor"

Table 2: ROTL procedure

Stages	Stakeholders to involve	Details	Information/ Form required
1. Application for ROTL	Those involved in sentence planning	<p>ROTL must be a standing item in all sentence planning meetings, starting with the one that takes place immediately before the offender becomes eligible to be considered for RDR or after arriving in open conditions.</p> <p>An outline ROTL plan to the end of sentence should be completed as part of OASys sentence planning (for in-scope cases) and should be in place as soon as possible and no later than 8 weeks after arrival in open conditions in line with the timescales for reviewing OASys. Where this is not possible the OS must indicate clearly why on the ROTL Board form.</p> <p>Offender applies.</p>	<p>ROTL APP</p> <p>OASys sentence plan</p> <p>EBM case file review</p>
2. Input from external agencies	<p>Offender manager</p> <p>NPS Victim liaison Officer</p> <p>Victim</p> <p>Police (in all Restricted ROTL and MAPPA nominal cases, and case-by-case in Standard ROTL)</p> <p>Home Office Immigration Enforcement (HOIE, in FNP cases)</p>	<p>The offender manager must have the opportunity to offer information and views about the proposed temporary release that can be fed into the risk assessment.</p> <p>The OM must comment on applications for ROTL from Restricted ROTL and all MAPPA nominal prisoners. The OM must consult local police and victim liaison officers (where appointed) in all such cases. Where they have opted into the scheme, victims must be offered the opportunity to make representations about the conditions to be attached to release.</p> <p>In Standard non-MAPPA cases, the offender manager must comment on applications where resettlement overnight release (ROR) is sought or in any other case where the ROTL is to the offender’s home address or home area (Chapter 4 refers). The police need only be consulted where the offender manager considers the police may have specific information relevant to the application.</p> <p>Before considering ROTL for offenders who may be liable to removal from the UK, the prison must confirm the offender’s current deportation status using the ROTL FNP form.</p>	<p>ROTL OM</p> <p>ROTL POL</p> <p>ROTL FNP</p>

	<p>Regional Confiscation Units (RCU, in confiscation order cases)</p> <p>Serious Organised Crime Unit (SOCU, in SOC flagged cases)</p>	<p>RCUs must be consulted in any case where the prisoner has a Confiscation Order.</p> <p>SOCU must be consulted by the Prison Security Department in any case involving Band 1 or 2 SOC flagged individual.</p>	<p>Email</p>
<p>3. Compiling the ROTL dossier</p>	<p>Case Administrator</p>	<p>The case administrator must complete Parts 1 and 2 of the ROTL BOARD form, and supplement it with the following documents:</p> <ul style="list-style-type: none"> • Application form • Latest OASys assessment (including latest sentence plan) - this can be in the form of an OASys risk review (known as Layer 1) where applicable; • NOMIS case notes; • ViSOR and Mercury records (where applicable) • Any comments from the OM, police or other agencies (completed ROTL OM and ROTL POL) • EBM case file review (in Restricted cases only) • Assessment of the suitability of the work placement (where applicable) • Offender/Placement Provider feedback on ROTL (as required and applicable); • Latest Parole report (where relevant); 	<p>Part 1 and 2 of the ROTL BOARD form</p> <p>ROTL OM ROTL POL</p>

4. Risk assessment	Offender Supervisor	The Offender Supervisor uses the ROTL dossier and Parts 1 and 2 of the ROTL BOARD form to complete Part 3, providing their assessment of the suitability of the offender for ROTL, and particular types of ROTL.	Part 3 of ROTL BOARD form
5. ROTL Board and recommendation	ROTL Board must comprise: <ul style="list-style-type: none"> • A manager or senior manager deemed competent by the governor to chair; • Offender Supervisor • Administrative support as required 	For Restricted ROTL cases, the chair must be a senior manager. The ROTL board convenes to make an appropriate recommendation – including licence conditions to mitigate risk. Chair records the board’s reasoning and makes a recommendation in Part 4 of the ROTL BOARD form.	ROTL Dossier Part 4 of ROTL BOARD form
6. ROTL decision	Governor/Senior Manager deemed competent for the task by the governor (Director or Deputy Director in the contracted estate).	<p>The decision-maker must not have been involved in the Board.</p> <p>For Restricted ROTL, the decision-maker must be the governor or deputy governor (Director or Deputy Director in the contracted estate).</p> <p>The decision-maker must assess the board’s recommendation, including the appropriateness and relevance of proposed licence conditions.</p> <p>They may:</p> <ol style="list-style-type: none"> 1) Refer the case back for further information, or to amend proposed licence conditions; or 2) Reject the board’s recommendation; or 3) Approve the board’s recommendation. 	ROTL Dossier Part 5 of ROTL BOARD form

		They must record the reasons for their decision in part 5 of the ROTL BOARD form.	
7. Notification of decision to the offender	ROTL decision-maker, offender	The offender must be informed of the final decision through the ROTL-DEC form. It must be clear from the form whether the application has been granted, refused or put on hold pending further information. The governor must ensure that offenders are given full written reasons for a refusal.	ROTL-DEC
8. Notification of the decision to Police and Offender Manager	Offender manager, police, VLO, case administrator.	<p>The police and offender manager must be notified of the decision either way using the ROTL-NOTIFY form. The offender manager must, in turn, notify the VLO if there are victims in the Victim Contact Scheme and update existing ViSOR records. Where OMIC case management is in place the prison offender manager will notify the VLO.</p> <p>ViSOR trained case administrators must ensure that all periods of ROTL are recorded on ViSOR in cases where a record exists. The entry must show the days and times when the offender is not within the prison.</p> <p>A ROTL-NOTIFY must be sent 5 days before the issue of each licence issued following the decision, if any of the actual dates of release was not covered by the initial ROTL NOTIFY. (In exceptional cases where SPL has been granted at short notice this should be as soon as possible following the decision.)</p>	ROTL-NOTIFY
9. The Licence	<ul style="list-style-type: none"> • A manager deemed competent by the governor to sign the licence; • Administrative support as required 	<p>All temporary release must be covered by a licence including relevant conditions.</p> <p>Governors must have in place a system for checking the licence before each new period of ROTL (that is where the type of ROTL has changed or where there has been a gap of 28 days or more between releases). The check is to ensure that the activities detailed are covered by the Board authorisation.</p> <p>The check should take place no more than 5 days before the release and be conducted by a competent manager supported by case admin.</p>	ROTL-LIC
10. Monitoring of ROTL	<ul style="list-style-type: none"> • Governor • Offender • Offender supervisor 	Governors must have in place a system of checks to ensure that offenders released on temporary licence are complying with the licence conditions. It is for governors to decide when and in what form these checks should take	Placement Provider/offender feedback

	<ul style="list-style-type: none"> • Offender manager • Placement Providers or tutors • Local dynamic risk management systems, • A manager or senior manager deemed competent by the governor to review ROTL. • Administrative support as required 	<p>place. The Board must consider whether any monitoring is required in an individual case and what form this should take, recording this on the ROTL-BOARD form.</p> <p>Governors must have in place processes to ensure that significant changes in the offender’s behaviour or circumstances will lead to a review of current ROTL and to its suspension where necessary. It is for the governor to decide how this will operate but the process must be made clear to all departments in the establishment so that staff know how to raise concerns about significant changes with offenders currently accessing ROTL.</p> <p>There must be a review of the current ROTL authorisation in any case where there has not been a ROTL Board for six months. The review must be conducted by a competent manager supported by a case administrator.</p>	
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Drug Testing

Governors must ensure that the following drug testing principles are applied to ROTL.

- 4.20. A mandatory test that proves positive prior to a period of temporary release must result in the cancellation of the release unless there are extremely compelling circumstances in favour of the release being allowed to proceed. A positive test must give rise to disciplinary proceedings in accordance with the guidelines on mandatory drug testing and will be considered in future risk assessments. Full details on mandatory drug testing are available in PSO 3601.
- 4.21. Any positive Compact Based Drug Testing (CBDT) result must only be considered as part of a wider review of behaviour when deciding suitability for ROTL. A wider review should include the views of Healthcare/substance misuse providers and Mental Healthcare teams. CBDT must not, however, replace MDT as the principal mode of drug testing, which informs the ROTL risk assessment. Full details on CBDT are available in PSI 31/2009 and the CBDT Compact Good Practice Guide.

Work Placements

- 4.22. **Any placement, whether for unpaid community work, education, prisoner apprenticeships or paid work, must be approved by the governor and monitored by the establishment on the basis of a risk assessment of both the proposed placement and the individual offender.**
- 4.23. The primary purpose of ROTL work placements and prisoner apprenticeships are rehabilitative, the prisoner is not an employee or worker. The objective is for the offender's experience of the workplace to be close to that of an employee whilst reflecting their status as a prisoner and the limitations that brings. Security and operational considerations are paramount and will always take precedence in decisions about the management of the offender..
- 4.24. ROTL for work placements and prisoner apprenticeships may be authorised only where a Memorandum of Understanding signed by all three parties (prison, prisoner and provider) is in place. A separate Prisoner Apprenticeship MOU exists and must be signed by all four parties (prison, prisoner, placement provider and training provider) A member of staff deemed competent by the Governor must sign on behalf of the prison. The prisoner and provider should be directed to read all of the provisions of the MOU before signing. The templates at annex D (Paid Placement), E (Unpaid Placement) and M (Prisoner Apprenticeship) must be used and the prisoner and the provider (and training provider in the case of a prisoner apprenticeship) must be advised at the time of signing that:
- the MOU is not a contract of employment;
 - the placement may be terminated at any point by any party to the MOU;
 - if the placement is terminated, this does not constitute a dismissal for the purposes of the Employment Rights Act 1996; and
 - a contract of employment is not required and should not be used for prisoners in work placements. This does not prevent the provider and prisoner entering into a contract which comes into effect after the prisoner's release
- 4.25. In cases of paid work placements and prisoner apprenticeships, the following principles apply:

- the Placement Provider must certify that serving prisoners do not constitute a majority of its workforce and that its business is not dependent on prisoner labour;
- although prisoners are specifically excluded from the provisions of the National Minimum Wage (NMW) Act 1998, the prisoner should be paid at the same rate as others doing the same job for the Placement Provider i.e. at least the relevant NMW. Where the Placement Provider is required to provide specific training for prisoners, a “training wage” below NMW equivalent level is permissible for a maximum of three months;
- ordinarily, the prisoner is expected to meet the cost of meals and travel to and from work (but see Section 6.5 for guidance). When the Placement Provider provides other benefits such as transport or meals, a suitable deduction to the prisoner’s wage may be agreed and must be noted in the Memorandum of Understanding. This does not apply where the prisoner is on a “training wage”;
- although the offender is not an employee or a “worker”, the Placement Provider must agree to apply, so far as is possible and subject to licence conditions, similar terms and conditions of employment relating to pay, holiday entitlement, sickness and other benefits, grievance and disciplinary rules and procedures, and notice periods (applicable to the provider) as apply to others doing the same work; and
- the Placement Provider must ensure that the prisoner’s pay, less the deductions they make, such as tax and national insurance, is deposited into the HMPPS bank account. Payments must not be made directly to the offender.

Searching Considerations for Work Placements

- 4.26. Prisoners who keep a vehicle at the prison or who wish to attend a ROTL placement in the community are expected to sign a compact, giving their consent to allow prison staff to search any vehicle they use for ROTL that is kept at the prison, or used by them at any placement, or any other personal storage at the placement. Where a search results in a find of contraband or evidence of criminality leading to arrest, in addition to any criminal proceedings that might arise, this may be recorded as a breach of the good behaviour condition of the ROTL licence and dealt with in the usual way via the disciplinary process and may lead to ROTL suspension and/or recategorisation, and will be considered in future risk assessments.
- 4.27. If the prisoner refuses to sign the compact, ROTL approval will need to be reviewed.
- 4.28. Establishments must consider best practice in the use of a local compact that outlines searching arrangements. Breach of the ROTL compact can be enforced in two ways. If it is clear the terms of the compact were breached during a period of ROTL, that would be a licence breach under section 6 of the standard licence part (i) that the prisoner should not commit any offence and be well behaved and/or part (ii) to not do anything which could undermine the purposes of the conditions of release. Alternatively, prisoners could be charged under Prison Rules for failing to comply with any rule or regulation applying to them.

ROTL Failure Review and related processes

- 4.29. **Governors must follow the ROTL failure review process set out at Section 6.103.** This is to ensure that the causes of ROTL failures are examined so that they are dealt with appropriately and consistently, and so that any learning is absorbed and shared.

4.30. Governors must ensure that they have a process to consider the recall of prisoners from ROTL in appropriate cases.

- The governor must recall the offender if it does not remain safe or appropriate for the offender to remain on licence. If an offender is charged by the police, but not committed to custody by a court, the Governor must recall the offender.
- The governor must document all decisions to recall an offender from temporary licence. Once a decision is made to recall an offender, the governor must ask the police to take the offender into custody and hold him or her at a police station. The police must be asked to notify the escort contractor serving their area. The offender will be returned to the nearest appropriate closed prison or YOI.

5. **Constraints**

Exclusions from ROTL and prisoner apprenticeships and other restrictions

5.1. **The following must not be considered for any form of temporary release:**

- Category A offenders (adult males) or restricted status offenders (adult females/young offenders);
- Offenders on the escape list;
- Offenders who are subject to extradition proceedings;
- Remand and convicted unsentenced offenders;
- Sentenced offenders who are remanded for further charges or further sentencing; and
- Offenders held on behalf of the International Residual Mechanism for Criminal Tribunals

5.2. **Category B offenders must not be considered for Resettlement Day or Overnight Release.**

Offenders with a history of recent or repeated escape, abscond or serious ROTL failure⁵

5.3. **Offenders in closed conditions are ineligible to be assessed for open conditions or to be released on ROTL** if they have, more than once during their current sentence or within the two years prior to:

- the date of the next re-categorisation decision, or
- the date of the next parole hearing, or
- the first date of the proposed ROTL),
 - i. Absconded (or been absconding)* from open conditions; and/or
 - ii. Failed to return from a period of ROTL**; and/or
 - iii. Been convicted of a criminal offence that took place when they were on ROTL; and/or
 - iv. Escaped (or continued to escape) or attempted to escape from prison custody.

unless there are exceptional circumstances.

* An abscond, failure to return or escape continues until the offender is returned to custody.

** The definition of a failure to return is as follows –

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, *unless* the offender surrenders to prison or police custody later the same day, or other exceptional circumstances apply (e.g. where following further enquiries, the governor is satisfied that the offender was unable to return as required due to circumstances beyond their control). The failure to return continues until the offender is returned to custody

⁵ Referred to hereafter as offenders with a history of recent or repeated absconding.

Exceptional circumstances

Transfer to open conditions for offenders with a history of recent or repeated absconding

- 5.4. No exception will be made in relation to any offender who is serving a determinate sentence of any description.
- 5.5. There is a very strong presumption that an ISP with a history of recent or repeated absconding will not be eligible to transfer to open conditions. However, exceptionally, the offender might be assessed as to their suitability for open conditions at the next, and each successive, parole review. It is for HMPPS to make the assessment as to whether the test of exceptional circumstances is met in each given case following the parole process set out in PSI 22/2015.

ROTL from closed conditions for offenders with a history of recent or repeated absconding

- 5.6. Resettlement day or overnight release must not be granted for offenders with a history of recent or repeated absconding.
- 5.7. Standard ROTL offenders may be considered for SPL provided they have made significant progress in reducing their risk of harm and risk of abscond such that a further abscond is judged very unlikely to occur.
- 5.8. Restricted ROTL offenders may be considered for SPL for medical treatment only in the very specific circumstances set out in Section 6.23.
- 5.9. Standard or Restricted ROTL offenders may be considered for CRL provided that all the criteria of CRL are met and the offender has made significant progress in reducing their risk of harm and risk of abscond such that a further abscond is judged very unlikely to occur.

Terrorist Offenders

- 5.10. Offenders serving custodial sentences for an offence described in section 247A(2) of the Criminal Justice Act 2003 (a specified terrorist or terrorist connected offence) are subject to Restricted ROTL and must therefore be in an open prison (men) or assessed as suitable for open conditions (women) in order to access ROTL. There are no exceptions to this requirement. For the purposes of this policy, an offender is treated as serving such a sentence, and therefore subject to Restricted ROTL, from the date on which the sentence is imposed until the date on which it would be served in full (the sentence and licence expiry date). Where the offender is serving consecutive or concurrent sentences, they are presumed unsuitable for open conditions if any sentence forming part of the overall sentence envelope is for a specified terrorist or terrorist connected offence or is an indeterminate sentence for a terrorist or terrorist connected offence; and the presumption applies for the duration of the sentence envelope (including whilst released or recalled during that envelope). (NB. Where an indeterminate sentence forms part of the sentence envelope then, unless the indeterminate sentence is for a terrorist or terrorist connected offence, the presumption

against open conditions ends at the end of the sentence envelope for the determinate sentences, but prisoners remain subject to Restricted ROTL so long as they are serving any indeterminate sentence). If an offender is released on licence, sentences imposed subsequently to this won't form part of this envelope and once the original envelope ends, the presumption will no longer apply (unless the new sentence is for a specified terrorist or terrorist connected offence).

Geographical limitations

- 5.11. Offenders may not be considered for release on temporary licence to any place outside the United Kingdom, Channel Islands and the Isle of Man other than in the most compelling compassionate circumstance such as where a life would be put at risk but for the release, and where the risk of harm and non-compliance are assessed as low. If a governor considers that they have such an exceptional case, the ROTL helpline should be contacted in the first instance.

6. Guidance

- Associated Guidance:** *None – all guidance included in this section*
- To be Published Separately (but signposted below)*
- Restricted*

6.1. **Principles of purposeful ROTL**

- all ROTL must have a clear, recorded link to an objective identified in the individual offender's sentence plan and/or resettlement goals;
- the offender must make this link when they apply;
- ROTL must be a standing item for every sentence planning meeting for offenders who are nearing their ROTL eligibility date and thereafter⁶
- the time allowed for the release must reflect the time required to conduct these activities, including travel time;
- the activity must be one which cannot be met within the prison, unless it is specified why release is required in the individual case; e.g. that conducting the activity in the community will help to test the offender's decision-making or other need identified in the particular case

Types of ROTL

6.2. There are four types of ROTL:

- Resettlement Day Release (RDR)
- Resettlement Overnight Release (ROR)
- Childcare Resettlement Licence (CRL)
- Special Purpose Licence (SPL)

Resettlement Day Release (RDR)

6.3. Offenders may be released on RDR to undertake activities that are linked to objectives in their sentence plan.

6.4. **Paid or unpaid work placements (including prisoner apprenticeships):**

Undertaking paid and unpaid work whilst the offender remains in custody can help to enhance the offender's prospects of returning productively to the community and thereby reduce re-offending. The use of suitable, available work/ placements is therefore strongly encouraged. It is for the governor to determine what is a suitable placement. The primary purpose of work placement is rehabilitative and, as a matter of policy, it is expected that prisoners undertaking

work in the community should be treated so far as possible, in the same way as others doing the same job.

Governors will forge their own placement provider relationships locally but should also work with the New Futures Network (NFN), which was established in October 2018 to broker partnerships between prisons and Placement Providers in England and Wales. NFN is a part of HM Prison Service. Its purpose is to help businesses to fill skills gaps and prisoners to find employment on release.

ROTL is a key aspect of this – NFN will work to attract Placement Providers to offer ROTL placements. NFN has a central team, which engages large, national Placement Providers. This team will pass contacts and opportunities on to the wider network of Regional Employment brokers, based in prison groups across England and Wales. Regional Employment brokers will also engage small and medium enterprises (SMEs) and regional businesses and bring opportunities for ROTL placements to prisons in their area.

NFN will also play a significant role in brokering relationships with placement providers to facilitate the Prisoner Apprenticeship Programme. We are committed to the government's levelling up agenda and need to ensure we reach large and small placement providers across England. We also need to ensure we engage with the right training providers. Sometimes these will be providers already linked to the placement provider and sometimes we will use other training providers who are able to support a prisoner apprenticeship.

Work placement assessment

- 6.5. Any work placement, whether for unpaid community work, education, prisoner apprenticeship or paid placement, must be approved by the governor and monitored by the establishment on the basis of a risk assessment of both the proposed placement and the individual offender.

The placement risk assessment will normally include:

- Security issues, including a police assessment commissioned via the Police Liaison Officer;
- Location of the placement in terms of time and/or distance from the establishment;
- Transport arrangements
- The appropriate Health and Safety Assessments (which must be conducted by the Placement Provider and not by the prison)
- Ability of the establishment to monitor the placement; and
- Suitability of the placement in terms of propriety and public confidence.

Some Placement Providers provide placements for a number of prisons. To avoid duplication, staff should discuss potential ROTL opportunities with the Regional Employment Broker for the New Futures Network. These Employment Brokers will have an overview of relationships with key Placement Providers.

- 6.6. Governors will want to take particular care before approving a placement on a self-employed basis. This will require a suitable third-party host with whom a placement agreement (see below) can be signed and who will take on the same responsibilities as another placement host in terms of monitoring activity and reporting to the establishment.

Similarly, a placement (including a prisoner apprenticeship) with a family member or friend should be permitted only in exceptional circumstances, when it is assessed that it is in the best interests of the offender's resettlement and the family member/friend will take on the monitoring and reporting responsibilities. In both cases the establishment should consider increasing the usual level of spot-checks.

Child and Vulnerable Adult Public Protection Issues for placements

- 6.7. There are special provisions restricting work with children and vulnerable adults that are set out in the Prison Public Protection Manual, which must be consulted before approving any such placement. Some offenders will be barred from working with children and/or vulnerable adults – detailed guidance is set out in PSI 05/2014 – PI 02/2014. This also sets out the process to be followed when seeking information on the barred status of offenders, and its provisions must be followed before any offender is placed anywhere where they will work with children or vulnerable adults.

Memoranda of Understanding

- 6.8. Model Memoranda of Understanding between prison, offender and work placement provider (and, in the case of a Prisoner Apprenticeship, a training provider) have been drawn up and are attached at Annexes D, E and M– these must be in place. These templates must be used for all paid placements and any necessary variations to the terms of these memoranda should be discussed with the ROTL policy helpline before executing.

Training or education

- 6.9. This may include offending behaviour and vocational courses as well as life skills courses which are not available within the establishments and which have been identified as part of the offender's sentence or development plan.

Maintaining family ties

- 6.10. As an offender approaches their release date, spending time in the community with close family members with whom they have a positive relationship, and particularly those with whom they will be living on release, will contribute to resettlement. Close family members are children, partners, siblings and parents but could extend beyond this, and to non-family members where there is a strong, positive relationship.
- 6.11. The safety of the child is the overriding concern in all decisions about ROTL where the offender will be spending time with children, and the principles and relevant actions governing offenders' contact with children set out in the Public Protection Manual must be followed.
- 6.12. The need to maintain family ties will vary significantly between offenders, depending upon their family circumstances. Generally, it should take place no more than twice per month. Exceptionally, this might be increased, for example, in the case of offenders who can

demonstrate that, on release, they will undertake the role of sole carer of someone requiring substantial care due to old age, infirmity or disability, and that they will need to spend at least 20 hours per week providing care (which is one of the eligibility criteria for Carers' credit).

- 6.13. Offenders should not generally spend resettlement release at the home of a recently discharged ex-offender (except in cases involving the offender's spouse or partner, parent, child, brother or sister with whom the offender was living immediately before reception). Where the ROTL board consider that there are good reasons for making an exception to this rule, it must draw this to the attention of the decision-maker, setting out the board's reasons, together with any dissenting views, the report of the offender manager and, if available, the views of the ex-offender.
- 6.14. Guidance on CRL is set out below. This section is mainly aimed at those who are not eligible for CRL but wish to maintain family ties. Those who are eligible for both CRL and RDR may apply for both once past RDR eligibility date.

Other activities linked to sentence plan or resettlement goals

- 6.15. This may include normal, everyday activities in the community that can test key skills, knowledge and confidence that offenders will need in order to act as law-abiding citizens when they return to the community.
- 6.16. Statutory provisions on release mean that Friday is the busiest day of the week for releases and offenders with multiple needs may find it difficult to access all necessary services on the day of release before the weekend when access may be limited or non-existent. In certain cases, RDR during the week leading to the conditional release date may be considered in order to help manage access to community services; for example, with initial meetings with the OM or with drug and alcohol intervention induction. It will be for the offender manager to identify those cases where this is required in order to manage the release arrangements better, taking account of the complexity of the individual's resettlement needs.
- 6.17. Where it has been identified as assisting with the offender's resettlement in line with their sentence plan, RDR to allow an offender to drive a prison vehicle may be considered. The offender will be subject to the requirements on occasional drivers set out in PSO 5400. They must comply with all the requirements of the Road Traffic Regulations and Highways Acts and be responsible for all penalty charges which arise as a direct result of their actions whilst driving a prison vehicle. Full details on how to process any driving penalties are given in PSO 5400. The temporary licence of any prisoner authorised to drive a prison vehicle must bear the following condition:

You must comply with all applicable road and traffic laws and regulations, and accept responsibility, including payment, for all penalty charges which arise as a direct result of your actions whilst driving a prison vehicle.

Resettlement Overnight Release (ROR)

- 6.18. The main purpose of ROR is to allow offenders to spend time at their release address re-establishing links with family and the local community. Exceptionally, where the CRD falls on a Friday and the travel time to the release address means that access to key community services will be impossible, ROR without the expectation of return may be considered for the day before CRD. This form of ROR may be considered only where the offender manager has indicated that this is required in order to manage the release arrangements more effectively.

Childcare Resettlement Licence (CRL)

Eligibility

- 6.19. The onus will be on the applicant to show they are a primary carer of a child under 18, for example providing documents from school, nursery, GP, social services, etc to support their claim; and the prison will have evidence about the claimed relationship based on contact during the current period of custody and information from probation in some cases. CRL is primarily for the benefit of children under 18 but may continue after the child has reached 18. Regular assessment of primary carer status should be undertaken.
- 6.20. There is no standard CRL eligibility date. Governors must balance the interests of the child with the duty to maintain public confidence. Where it has been established that the release is in the child's best interests, that will be a primary consideration but it does not over-ride all other considerations. All cases must be considered on their merits and balanced against any assessment of risk posed by the offender. Cases involving offenders whose offending has attracted a long sentence and/or who have been convicted of serious violent or sexual offences, or any offence involving the death of or serious injury of the victim, must be considered with particular sensitivity to public confidence. Depending on the individual circumstances of the case, the earlier the proposed period of CRL falls following conviction the higher the risk that granting CRL would undermine public confidence.

Frequency and Duration

- 6.21. CRL may be taken no more than once per week including one period of overnight release per 28 day period which must not exceed four nights away from the prison. Offenders who are eligible for both CRL and RDR/ROR may apply for both

Risk Assessment

- 6.22. Local Authority Children Services must always be consulted before authorising CRL.

Special purpose licence (SPL)

Frequency and Duration

- 6.23. SPL may generally be issued in response to a specific event or set of circumstances that would not usually require release on a regular basis.

6.24. The governor has discretion whether or not to allow a licence to cover overnight absences. The maximum duration of this licence should ordinarily be no more than four nights in every 28 days although, exceptionally, the governor may agree to grant back-to-back licences. There is no limit on the number of renewals of SPL where an offender is receiving in-patient treatment in a medical facility.

Eligibility

6.25. Releases for this type of licence are subject to the normal risk assessment process, although in some case the urgency will mean it is not possible to complete the process in full. Where the prisoner is a man in open conditions or a woman assessed as suitable for open conditions, SPL in such cases may be authorised on the basis of the available evidence but any release in such circumstances must be accompanied by a prison officer until a Board has approved ROTL, and the decision must be made by the duty governor or other manager deemed competent for this task by the governor. Until a Board has approved ROTL, SPL will not be possible for men in closed prisons or women not assessed as suitable for open conditions, who will instead require a secure escort pending a ROTL decision.

6.26. Offenders subject to Restricted ROTL must be assessed as suitable for open conditions and be in a prison that offers Restricted ROTL before being considered for SPL, except in the following circumstances:

- the offender needs essential medical treatment in the community; and
- a senior manager chaired ROTL board has sat; and
- the governor or deputy governor has agreed SPL is appropriate in all the circumstances including: where an accompanying officer is deemed necessary, that the offender will comply with the accompanying officer's instructions at all times; and, there is no evidence to suggest that the offender will use this opportunity to attempt "escape" AND the prisoner's physical condition makes escape very unlikely.

Where all of these criteria are met, the offender may be granted SPL.

If these criteria are not met, for example the prisoner wishes to attend a funeral, they can only be allowed to attend under a secure escort. This will need to be considered according to the National Security Framework.

6.27. Grounds for special purpose licence

- *Compassionate*

6.28. Acceptable reasons for granting SPL on compassionate grounds are:

- visits to dying relatives, funerals or other tragic personal circumstances;
- for offenders who, on reception, have established general (ie not just primary carer) parental responsibility for a child under 18, to deal with emergencies relating to their parental duties.
- for offenders, who on release will have sole caring responsibility of an elderly or severely disabled relative or who are parents of a disabled child under 18. SPL for

this purpose might be taken regularly and at the same frequency as RDR for maintaining family ties. Regular assessment of carer status must be undertaken.

- 6.29. Temporary release should normally be considered for offenders to visit close relatives who are terminally ill or to attend funerals of close relatives and the offender may be permitted SPL both to visit the relative and to attend the funeral. A close relative is defined as the offender's spouse/life partner (i.e. someone with whom the offender was living as a couple in an established relationship immediately prior to imprisonment), parent, child, brother, sister (including half – or step – brothers and sisters), or a person who has been in loco parentis to an offender, or to whom the offender has been in loco parentis. However, governors will want to take account of other close caring relationships that may occur in extended families. It is for the offender to establish the closeness of the relationship. For any visit to a terminally ill relative, it must be clear that the patient, if able to express a view, wants to see the offender.
- 6.30. Governors must take account of the fact that, within some communities, funerals may occur within 24 hours and the decision to grant temporary release must be taken at short notice. The governor may wish to seek the view of the appropriate chaplain.
- 6.31. There may be other personal or family circumstances which are tragic or exceptional, for which temporary release on SPL might be considered. In cases of doubt, the Prison Group Director must be consulted.

- *Medical*

SPL may be granted for offenders to attend medical out-patient appointments, or inpatient requirements.

- *Marriage or civil partnership of the offender*

SPL may be used for this purpose; equally, for an offender who is eligible for RDR/ROR either form of ROTL might be used to facilitate a marriage or civil partnership. Further guidance is given in PSI 14/2016 Marriage of prisoners and civil partnership registration.

- *Inter-prison transfers*

Standard ROTL offenders transferring from closed to open prisons, and Standard or Restricted ROTL offenders transferring from one open prison to another, may do so under licence.

- *Court, tribunal or inquiry proceedings*

This includes cases where the offender's presence is required, and those where it is in the offender's interests to attend proceedings such as tribunals, and family matters in a civil court. If it is necessary for the offender to attend, but they fail the acceptability or risk assessments, then use of video link or secure escort must be considered. Where a prison has been ordered to produce an offender to court it is often expected that the offender will be escorted to court. If it has been decided to allow the offender to attend under SPL, the requestor must be notified

in advance that the offender will be attending on ROTL rather than under escort so that the court is aware.

- *Conferences with legal advisers*

Offenders must not be released or escorted to attend legal conferences outside the prison unless this is necessary. Legal Advisers should instead attend the prison for a legal visit under Rule 38 (YOIR 16). Exceptional situations where the offender might be allowed to consult his or her legal adviser outside the prison include:

- a large number of other parties, other than employees of the legal adviser, need to attend;
- minors need to attend; or
- there are no appropriate visiting facilities at the establishment.

Additionally, there may be instances where consulting a legal advisor is directly linked to resettlement needs, for example in relation to buying property, and could therefore be conducted during RDR or ROR if the offender is eligible.

Calculating the ROTL Eligibility Date

Resettlement Day Release (RDR)

6.32. **The RDR eligibility date should be calculated for all ROTL eligible prisoners when the sentence calculations are completed using the following principles and formula:**

Principles

6.33. Men in closed prisons or women not assessed as suitable for open conditions may be considered for RDR either 24 months before the effective release date (CRD, ARD or PED), or once they have served half the custodial period, whichever is later. However, men who have progressed to open conditions and women who have been assessed as suitable for open conditions are eligible to be considered for RDR from the point of transfer (or categorisation for women), subject to sentence plan and risk assessment requirements.

Formula

- A. Calculate the number of days in the current custodial period (i.e. date of **first** sentence to the CRD/ARD/PED including added days awarded (ADAs) but **before** remand/tagged bail is applied). **NB. The CRD/ARD/PED for the purposes of this calculation is not the effective CRD/ARD/PED.** If there is any UAL time to be taken into account, you should ensure that the number of UAL days is deducted at this point of the calculation.
- B. Halve A (Rounded up).
- C. Subtract from B the number of relevant remand/tagged bail days.

- D. Add the number of days at C to the date of first sentence (not the day before). Any UAL days should be added at this point of the calculation.
- E. The offender is eligible for RDR **either** two years prior to the **effective** CRD/ARD/PED **or** the date at D, **whichever produces the later date**.

NB: effective CRD/ARD/PED is the actual current date on the NOMIS key date screen, once ADAs, UAL and remand/tagged bail have been applied

Where there are multiple concurrent and/or consecutive sentences, providing the offender has not been released from one sentence before another one was imposed, the number of days in the custodial period will be the number of days between the first date of sentence and the latest CRD/ARD/PED including ADAs but **before** remand/tagged bail has been applied.

Examples of how to calculate RDR eligibility date are given in Annex C.

- 6.34. Governors have discretion to allow RDR before the eligibility date in circumstances where waiting until the eligibility date would undermine the sentence plan. For example, when ROTL eligibility dates fall shortly after a key educational course enrolment date.

Resettlement Overnight Release (ROR)

Eligibility

- 6.35. Men in closed prisons or women not assessed as suitable for open conditions may be considered for ROR either 6 months before the effective release date (CRD, ARD or PED), or once they have served half the custodial period, whichever is later. However, men who have progressed to open conditions and women who have been assessed as suitable for open conditions are eligible to be considered for ROR from the point of transfer (or categorisation for women), subject to sentence plan and risk assessment requirements.

Example 1

A man in a closed prison serving 18 months would have a conditional release date at the halfway point of the sentence after 9 months. Eligibility for ROR would be at half of the custodial period, i.e. 4 ½ months after sentence because this is later than 6 months before the conditional release date.

Example 2

A man in a closed prison serving 8 years will have a CRD at the halfway point of the sentence after 4 years. Eligibility for RDR will be after 2 years but eligibility for ROR will be after 3 years and 6 months (ie 6 months before the conditional release date), as this is a later date than half of the custodial period.

Frequency and Duration

- 6.36. In some cases, it might be appropriate for the offender to continue to take RDR at the same rate after they have been authorised to take ROR. In other cases, the sentence planning

objectives might be met solely by the ROR, or by the ROR and fewer RDRs, where the latter had previously been authorised for the same activity covered by the ROR.

- 6.37. Offenders who are eligible for both ROR and Childcare Resettlement licence, may apply for both.
- 6.38. The following would amount to exceptional circumstances allowing ROR from closed conditions earlier than 6 months prior to the earliest possible date of release:
- the offender has established that they will be the sole carer of someone requiring substantial care due to old age, infirmity or disability;
 - there is a key sentence plan opportunity linked to work, training or accommodation that can only be facilitated by overnight release. Temporary transfer to another prison may also be considered in such cases to facilitate the interview etc.

ROTL Eligibility post-recall (RDR and ROR)

- 6.39. A recalled offender is generally immediately eligible for RDR (and for ROR, provided they are within 6 months of the release date or parole review date). As always, there can be no ROTL without a successful risk assessment and the facts of the recall will always need to be taken into account. Where a recalled offender is also given an additional custodial sentence, the principles immediately following will apply.
- 6.40. If the CRD of the new sentence is later than the SLED/LED of the recall sentence, fresh RDR and ROR eligibility dates should be calculated, based on the new custodial period that has been created between the date the recall period started (or the start date of the new sentence where that is earlier than the start of the recall) and the CRD of the new sentence. The CRD in this scenario would be the effective release date, and (subject to the risk assessment and sentence plan), any resettlement ROTL should be planned in relation to that date in order to help to prepare for release. The ROTL calculation formula should be applied to the custodial period in the usual way but it should be noted that only the remand time from the new sentence is relevant to the new RDRED calculation.
- 6.41. If the CRD of the new sentence falls before the SLED/LED of the recall sentence then:
- If the new sentence is less than 4 years no new RDRED should be calculated, the offender is/remains eligible for RDR from date of recall.
 - If the new sentence is 4 years or more, the RDRED should be given as the date 2 years before the CRD of the new sentence; i.e. the maximum eligibility period of RDR for determinate sentence offenders.

ROTL after an adverse Parole Hearing for offenders currently taking ROTL

- 6.42. If the offender is unsuccessful at parole review, the ROTL plan must be immediately suspended. A senior manager should assess the Parole Board's decision, in consultation with the OM, and decide within 3 working days whether the suspension needs to remain in

place and a fresh board is required. The senior manager must be satisfied that any risks identified by the parole refusal or arising from the decision have been fully considered before further temporary release can take place. ROTL may continue provided this assessment by the senior manager concludes that it remains safe to do so. The OM must separately review the OASys sentence plan to assess whether any change to the ROTL plan is required, for example where the Parole review has highlighted different ROTL activities to consider.

ROTL after a successful Parole Hearing for a Restricted ROTL man in a closed prison (or woman not suitable for open conditions).

- 6.43. Where the Parole Board has already directed the release of such an offender to supported accommodation, such as Approved Premises (AP), but the offender has not yet been released, the governor may authorise ROTL to the accommodation in question. The board should follow the Restricted ROTL process but no EBM case file review will be required. The following provisions must also be taken into account.
ROTL following a Parole Board release decision subject to the reconsideration mechanism (all prisoners).
- 6.44. Where the offender has not been accessing ROTL immediately before the Parole Board decision, ROTL may not take place until 21 calendar days has elapsed from the date of the decision. If the Public Protection Casework Section (PPCS) has confirmed to the Offender Manager that the release decision is subject to a reconsideration application, ROTL should not be considered until the outcome of the reconsideration is known.
- 6.45. If an application for reconsideration is submitted to the Parole Board by PPCS, where the offender has been accessing ROTL or approved to do so before the Parole Board release decision, there is no requirement automatically to postpone or suspend ROTL or to recall the offender from ROTL. However, there must be an immediate review of the current ROTL authorisation by a senior manager in consultation with the offender manager, taking into account the reasons for the application for reconsideration. Where it is assessed that the delay to the prisoner's release, while the Parole Board decides whether the release decision should be reconsidered, may affect the risk the offender may pose while on ROTL, or the risk of absconding, ROTL should be suspended pending the outcome of the reconsideration application.
- 6.46. The Offender Manager must inform the VLO, to ensure the victim is aware of the ROTL decision, following a reconsideration application.

ROTL Procedure

- 6.47. The Procedure for Resettlement ROTL starts before the application. The offender supervisor should agree a potential ROTL programme with the offender during sentence planning sessions. This should, so far as possible, cover the range of potential activities and destinations for ROTL for the remainder of the sentence. This might, for example, include starting with day release to a work placement and/or to maintain family ties locally, then to the home address and finally overnight release to the home address. It should be

made clear to the offender the behaviours required of them in order to gain and maintain access to the ROTL programme and to progress to maximum frequency.

- 6.48. The prison must establish the offender's suitability for ROTL, plus any key dates and locations to be avoided, with the input of the offender manager and other agencies as required. Once these details have been established there should generally be no need for further consultation, unless there is a significant change in circumstances requiring a review of the validity of the current ROTL authorisation via a fresh ROTL Board. Applications for different types of ROTL should generally be considered at the same board and a board must reconvene every 6 months to review the currency of the ROTL authority even where there has been no significant change in circumstances. Initial Boards will establish the offender's suitability based on all relevant information, reconvened Boards will focus on what has changed since the last board.
- 6.49. The procedure set out below is that to be followed in Standard ROTL cases. The procedure for Restricted ROTL cases builds upon this and where extra elements are required this is clearly indicated below. Flow charts showing the ROTL stages are being made available on EQuIP.

Stage 1 - Application

- 6.50. The offender may apply for ROTL using the ROTL-APP form and prisons must make special arrangements for offenders who may find it difficult to understand the form or the process.
- 6.51. With urgent medical treatment there will be no application and prisons may conduct boards to assess suitability for SPL for emergency medical treatment at local medical facilities as soon as the necessary information is available. Until a board has taken place that confirms that the offender is suitable for unaccompanied ROTL for urgent medical treatment, all such ROTL must be accompanied by a prison officer and the offender manager must be notified that the ROTL has taken place.

Stage 2 – Input from external agencies

- 6.52. The principle is that in addition to checking existing ViSOR records for risk related information/intelligence in relevant cases, the prison will seek comments from the offender manager in the area to which the offender will ultimately be released ("the home area"), who in turn will seek comments from the police (where applicable) in that area on the potential ROTL programme for the remainder of the sentence. The Prison Admin Hub must send out the ROTL-OM with the ROTL-POL to the offender manager four weeks before the prospective board date. If the OM has yet to be assigned the request should go to the NPS LDU or CRC functional mailbox. A list of mailbox addresses is being made available on EQuIP. In each of the forms, the prison must fill in the basic details about the proposed release before sending to the offender manager who must return the form within four weeks.

- 6.53. When the offender manager receives a ROTL-OM, in all cases where the prisoner is subject to Restricted ROTL procedures or a MAPPA nominal, the OM must immediately send the accompanying ROTL-POL to the police in the “home area” and invite comments within three weeks. In Standard ROTL, non-MAPPA cases, the police need only be sent the ROTL-POL where the OM has reason to believe they have information relevant and specific to the case. If no response is received after this time, the offender manager must return the completed ROTL-OM (within the overall four weeks deadline) with their comments whilst indicating that police comments have been sought but none have been received. A list of police functional mailboxes is being made available with the ROTL process flow charts on EQUIP.
- 6.54. Where the offender is flagged as a Band 1 or 2 SOC (serious organised crime) offender on NOMIS then, in addition to the usual consultation requirements, the prison security department must notify the serious organised crime unit (via the central SOCU mailbox or regional lead using functional mailbox SOCU.HQ@NOMS.gsi.gov.uk). This is to ensure that they are aware of the plans for ROTL and can provide further information as necessary to inform the risk assessment. If there are no comments within three weeks it may be assumed that there are no comments from the SOCU.
- 6.55. Where the victim has opted into the NPS Victim Contact Scheme, the offender manager must ensure that the victim liaison officer (VLO) is notified immediately the ROTL-OM is received so that they can ensure the victims have the opportunity to make any representations if they wish. The offender manager must ensure that the VLO has contacted the victims and allow the victims a reasonable time to respond. Victims should be allowed up to two weeks to make representations, and any made after this point forwarded urgently to the prison via the OM.

Further requests for information

- 6.56. The OM should be further consulted only where key details of the ROTL programme change significantly and the further consultation should be by email or phone rather than requiring the production of a new form. The police should only be consulted where the OM has specific questions for them and has reason to believe circumstances have significantly changed since the previous police consultation. The following should always be regarded as significant and the offender manager must be consulted:
- Any change of home address;
 - Any change in whom the prisoner is expected to spend time with;
 - Any application following a suspension of ROTL.
- 6.57. When contacting the OM in relation to further ROTL requests, the prison should indicate in the email if a previous ROTL-OM has been completed by NPS or CRC giving the date so that they can review whether updated information is required or whether the initial information provided remains current.

- 6.58. The offender manager will be expected to report to the prison any significant change in home or victims' circumstances that they are aware of.

Enquiries of Home Office Immigration Enforcement (HOIE)

- 6.59. In the case of Foreign National Offenders (FNOs) liable to removal from the United Kingdom, the prison must obtain information about immigration status from Home Office Immigration Enforcement before making any ROTL decision.

Enquiries of Regional Confiscation Units (RCU)

- 6.60. Regional Confiscation Units must be consulted by email in any case where the prisoner has a confiscation order.

Enquiries of Healthcare

- 6.61. There is no requirement to medically examine all offenders before release on ROTL but it is good practice in cases of ROR that a check be made with Healthcare before each ROR to ensure that those offenders with identified needs will have access to or know how to access the treatment that they will need during release.

Stage 3 – Compiling the ROTL Dossier

- 6.62. The case administrator must complete Parts 1 and 2 of the ROTL BOARD form and supplement it with the documents suggested in the ROTL Procedure table (in Section 4.19.).

Stage 4 – Risk Assessment

- 6.63. Offender Supervisor completes Part 3 of the ROTL BOARD form giving their assessment of the offender's suitability for ROTL and identifying the link with the sentence plan
- 6.64. The focus is upon the particular challenges that the release will present and how the offender will react to them – i.e. on the risks during the particular release arising from the venue, timing, activity itself and people encountered – as well as the risks to the safety and security of the establishment arising from the abuse of, or pressure during, ROTL to import contraband. There will be a range of sources of relevant information, including NOMIS, Mercury, ViSOR and previous reports but OASys will be the core source supplemented by the Enhanced Behaviour Monitoring (EBM) case file review in Restricted ROTL cases.

OASys

- 6.65. It is essential that an up-to-date OASys is used to assess risk for all offenders in scope of OASys. The current OASys should be used, whether layer 1 or 3 but, on a case by case basis, the offender supervisor may seek additional information where required. (Under

current plans, from September 2019 those in scope of OASys will have a layer 3 and for those not in scope a risk of serious harm assessment (ROSH) will be used).

- 6.66. OASys needs to be reviewed within 8 weeks of arrival in an open prison and taking account of the EBM case file review in Restricted ROTL cases. Where a ViSOR record exists, it should be checked.

EBM Case File Review

- 6.67. A case file review must be conducted by forensic psychologists on all offenders' subject to Restricted ROTL when they arrive in open conditions. This is to establish their suitability for EBM which is a mechanism for giving assurance that ongoing risks (e.g. of harm; re-offending, or abscond) are being appropriately identified and managed within open prisons and with relevant residents of women's prisons and in Progression Regime prisons. The case file review must be completed within 4 weeks of arrival in open conditions and, if an offender is identified as suitable, they will be managed under EBM for about 6 months.
- 6.68. The content of the EBM case file review must be considered when reviewing the OASys assessment and by ROTL boards. All relevant information from EBM will be fed into ROTL process.

Stage 5 - ROTL Board and recommendation

- 6.69. The board convenes to make an appropriate recommendation based on the information in the dossier and the offender supervisor's assessment. The board records its reasoning and recommendation in Part 4 of the ROTL BOARD form.
- 6.70. It is expected that the initial board will consider the offender's suitability for all types of ROTL in most cases and that the decision made after the board will be valid for six months or until there has been a significant change in circumstances that would affect the risk assessment which will include: any change of home address, any change in who the offender is expected to spend time with, and any application following a suspension of ROTL.
- 6.71. The board may decide to limit the scope or validity of the decision in specific cases. More generally, it is essential that the ROTL board process is supplemented by systems that ensure that significant changes in risk or offender behaviour can lead to an urgent review of ROTL currently authorised. There must be an agreed escalation route for any significant information that is received to ensure that the duty governor is able to suspend ROTL if necessary. There is an expectation that Security and OMU departments will mutually share information to ensure critical decisions on ROTL can be made.
- 6.72. Parts 1 and 3 of the ROTL BOARD Assessment form must be prepared for each board. Part 2 needs to be prepared for a board only in the following circumstances:

- For the first ROTL application; or

- Whenever there has been a significant change in circumstances that would affect the risk assessment.

6.73. The board may invite the prisoner to attend for all or part of its consideration.

Stage 6 – ROTL Decision

6.74. The decision-maker must consider the recommendation of the Board and record their decision with reasons in Part 4 of the ROTL BOARD form.

Stage 7 - Notification of the decision to the offender

6.75. The offender must be informed of the final decision through the ROTL-DEC form. This form should also be used to inform the offender of any significant or unexpected delay in processing the application due to the need to gather further key information. Particular care should be taken in delivering adverse news to any offender with an open ACCT.

6.76. Where offenders find it difficult to cope with written material, the governor must ensure that the decision is explained and any offender who is unable to read or write English must be given help to ensure that they are not disadvantaged.

6.77. The four principles of procedural justice are critical when communicating decisions, especially unwelcome ones. This can significantly affect people's acceptance of decisions, and respect and trust in prison staff in future, even when they do not like or agree with the outcome of the decision. The form needs to include very clear reasons about what information was considered, on what basis ROTL was refused and why (for what purpose) this rule/decision was made. The tone and language in the letter can make all the difference to someone's reaction to it. The offender affected by the decision needs to be informed who (specifically) to talk to about the decision, and what their options are from this point on.

Disclosure

6.78. The general rule is that all information that has been taken into account in reaching the ROTL decision must be disclosed to the prisoner on request, except where the decision maker determines that non-disclosure is necessary:

- in the interests of national security;
- for the prevention of crime or disorder, including information relevant to prison security; or
- in the interests of the health and welfare of the prisoner or anyone else.

In such cases those providing the information must mark it "not for disclosure to the offender" and submit alongside this an edited or, summarised version which may be disclosed to the offender, who must be advised that information has been taken into account but is being withheld.

Stage 8 – Notification of decision to police and offender manager

- 6.79. The police and OM must be notified of the decision using the ROTL-NOTIFY form. Initially, it may not be possible to confirm all ROTL dates in the form. It will therefore be necessary to issue a further ROTL-NOTIFY before the issue of each licence made under the authority of the Board decisions.

Stage 9 – The Licence

- 6.80. The ROTL-LIC includes all of the standard licence conditions that must be applied in every case but in certain circumstances additional conditions may be considered appropriate.
- 6.81. Any non-standard conditions must be justified by the particular circumstances of the case. One likely scenario where additional conditions will be needed will be to help to protect victims against repeat victimisation by restricting when and where ROTL might take place, for example by imposing inclusion or exclusion zones. Each case must be considered on its merits and in the light of any representations from the victims, and comments from the police and the victim liaison officer via the offender manager.
- 6.82. Where ROTL is accompanied/supervised there must be an additional condition requiring the offender to remain with and/or follow the instructions of the accompanying/supervising officer at all times.
- 6.83. In all cases where ROTL is authorised the licence will be created by the case administrator and then signed by the governor or any competent manager in advance of any period of release. The licence signatory's responsibilities are limited to checking that the licence accurately reflects the decision and that licence conditions are clear. If there are concerns or new information relating to behaviour or security information then the ROTL application requires review by a manager at the appropriate level, therefore in Restricted ROTL cases this should be the governor or deputy governor. Prison staff must ensure that all periods of ROTL are recorded on ViSOR in cases where a record exists. Where ROTL is granted for regular work, training or other such activity, the entry must show the days and times when the offender is not within the prison. The ROTL information must be recorded in the "Custody" Attachment under the "Licences" Tab.

Stage 10 – Monitoring of ROTL

- 6.84. Governors must have in place a system of monitoring ROTL in line with the requirements set out in the ROTL Procedure table (Section 4.19). At their discretion, governors may require that ROTL is accompanied by a member of staff to support the offender whilst offering an additional layer of assurance and allowing the monitoring of the offender's behaviour. Where the offender has passed a ROTL Board, it is for the ROTL decision-maker to determine who is best suited to the role in light of the particular circumstances of the offender and the release; it may be a prison officer or non-operational staff, for example, education staff where the ROTL is to college.

Classes of offender needing special consideration

People who are imprisoned solely as civil prisoners, contemnors or fine defaulters

- 6.85. Civil prisoners, fine defaulters and contemnors (civil or criminal) may be considered for release on temporary licence using the principles of this instruction where applicable. There should be a legitimate purpose for the release that cannot be met in prison and there should not be an unacceptable risk of harm, re-offending or non-compliance in releasing the person. Where there is no current offender manager the governor must liaise with the probation provider for the area to which the offender will ultimately be released to arrange comments about home circumstances.

Offenders detained in default of a confiscation order

- 6.86. Offenders who are further detained at the end of their sentence in default of a confiscation order are eligible to be considered for temporary release. Where the offender has a term in default for non-payment of a confiscation order/fine ordered to run consecutive to a sentence of imprisonment, the ROTL eligibility date must be (re-) calculated on the basis of the overall custodial period to be served (i.e. the period between the date the initial criminal sentence was imposed and the release date of the default term).
- 6.87. In all cases where ROTL is being considered for offenders facing confiscation proceedings or whose sentence includes a confiscation order, the usual risk assessment must be undertaken, giving particular consideration to the risk of absconding in light of impending proceedings or the presence of the unpaid confiscation order, taking account of the individual circumstances of each case. Where a confiscation order has been made but has yet to be paid, or the offender is actually in default, then comments must be sought from the regional HMCS Confiscation Unit. Contact details are given in PSI 16/2010 on Confiscation Orders.

Appellants

- 6.88. In considering whether to grant release on temporary licence to an appellant, governors must take account of the need to produce offenders for the hearing of their appeals where the court has confirmed that their attendance is required. The appellate court, most often the Registrar of the Court of Appeal (Criminal Division), Royal Courts of Justice, London WC2, must be notified immediately when an appellant is granted release on temporary licence.

Offenders who are subject to Assessment, Care in Custody & Teamwork (ACCT).

- 6.89. Guidance on the approach to ROTL for prisoners subject to ACCT is given in Annex F.

Restricted transfers from other UK jurisdictions

- 6.90. Where an offender has been transferred to England and Wales from another UK jurisdiction on a restricted basis under the provisions of the Crime (Sentences) Act 1997, they will be eligible to apply for temporary release in line with this instruction. However, reasons for the restricted transfer must be considered in the risk assessment and the view of the sending jurisdiction must be sought before any temporary release is granted.

Unrestricted transfer and Repatriated prisoners

- 6.91. Unrestricted transfers from other UK jurisdictions, and prisoners repatriated from foreign jurisdictions are treated the same as any offender sentenced by a court in England and Wales and so are eligible to apply for ROTL in line with this framework and there is no requirement to consult the sentencing jurisdiction.

Foreign National Offenders

- 6.92. Before considering ROTL for offenders who may be liable to removal from the UK, the prison must confirm the offender's current deportation status which will determine their eligibility. Once the first application for ROTL is received in relation to a foreign national offender a ROTL-FNP form must be submitted to Home Office Immigration Enforcement (HOIE), unless there is already confirmation that a decision has been taken *not* to seek their removal from the UK. In such a case the offender may be considered for ROTL in line with the usual assessment process.

FNOS who are statutorily excluded from ROTL

- 6.93. Offenders with a Deportation Order who have exhausted all deportation appeal rights in the UK are statutorily prohibited from ROTL under Prison Rule 9 (1A) / YOI Rule 5 (1A) unless the prisoner is located in open conditions. If a notification is received that appeal rights have been exhausted then the relevant security alert, "Appeal Rights Exhausted (ARE)" must be activated on the offender's NOMIS record.
- 6.94. There may be cases where a decision has been made to release on ROTL, or the prisoner is on ROTL, when they become statutorily excluded; i.e. they exhaust their in-country appeal rights against deportation. Where the prisoner has yet to be released the decision should be rescinded. Where they are on ROTL at this point, the governor, must revoke the licence and recall the offender to prison unless they are due back from ROTL on the same day the notification is received.

FNOs subject to enhanced risk assessment

- 6.95. Those offenders who have *not* exhausted deportation appeal rights in the UK but who are liable for deportation must have their release on licence considered on an individual basis, subject to assessment against the enhanced risk assessment principles set out immediately below. If a notification is received that an offender is liable for then the relevant security alert, "Liability for Deportation", must be activated on the offender's NOMIS record.
- 6.96. The term "liable for deportation" applies to offenders who:
- are confirmed by the Home Office as meeting the initial criteria for deportation based on such factors as nationality and sentence length (whether the offender has been informed of this or not); or
 - have received a formal notice of liability for deportation; or
 - have received a deportation order with appeal rights in the UK remaining; or

- fall below the threshold for deportation but are being considered for or made subject to removal from the UK.

Enhanced Risk Assessment

6.97. Offenders liable for deportation must not be assessed as suitable for ROTL, unless it is judged that there is a low risk of failure to return. In making the assessment, there must be an assumption that removal from the UK will take place. The risk that the offender will use temporary release to evade not only custody but also possible deportation action must be weighed and specific account taken of the following:

- Any evidence that the offender has sought to frustrate or evade the immigration process, for example - through their previous failure to comply with immigration restrictions, immigration bail or via the terms of leave in the UK, or because they have previously absconded from an immigration removal centre.
- Any failures of temporary release or other instance of lack of compliance with prison rules and regulations that may indicate an inclination to abuse the privilege afforded by ROTL when considered in conjunction with their deportation status.

Any evidence of this nature should normally be seen as proof of not falling within the “ low risk” of abscond category.

6.98. Governors must also consider factors that might indicate lower risk of failure to return, for example, where the offender is known to be cooperative with the deportation process. Other factors indicating lower risk may include strong family ties in this country and/or other evidence to indicate that the offender would not wish to jeopardise his or her chances of successfully appealing and remaining in this country.

6.99. Where the offender is in open conditions when it is confirmed that they are liable for deportation, the offender must have their security category reviewed. Only once it has been confirmed that the offender may remain in open conditions may the application for ROTL be considered, and it may be considered under the usual and not the enhanced risk assessment process.

Prisoner travel and subsistence expenses on ROTL

6.100. Offenders who are working out in the community, and earning at least the minimum wage, are expected to meet the cost of travel to work and of any necessary meals. They would also be expected to meet a reasonable proportion of the costs for all other temporary releases, except those special purpose releases listed below. If the offender is able to establish that this arrangement will cause them undue hardship, the governor may consider an appropriate level of assistance.

6.101. For all other offenders, the establishment will meet the cost of travel in the most cost-effective way available, unless the offender is earning a high level of prison earnings within the establishment and so able to meet a reasonable proportion of the cost. Offenders should be made aware that they are liable to meet the cost of replacing any lost tickets.

6.102. Offenders who are away from the establishment should routinely be provided with a suitable packed lunch and/or evening meal. If an offender refuses to accept this, they will be expected

to pay for their own meals. Exceptionally, establishments may reimburse, on production of receipts (except where vending machines are the only outlet available, such as in some hospitals), an amount not exceeding the day subsistence rate for staff applicable at that time.

The responsibility to cover expenses associated with special purpose licence are usually to be met as listed below:

Reason for special purpose licence	Funding
Compassionate & medical purposes other than wedding	Governor
Helping the police	Governor
Attending court at request of authorities	Governor
Attending court at own request	Offender
Attending private healthcare appointments	Offender
Wedding	Offender

ROTL Failure, Reporting and Discipline

ROTL Failure Review

- 6.103. All ROTL failures must prompt an immediate suitability review within 24 hours involving at least orderly officer and duty governor. This is to set in train any immediate case management actions, including ROTL suspension, removal to closed conditions and laying any charges in line with the disciplinary procedures set out in PSI 05/2018. If found guilty of the charge, the ROTL suspension/punishment guidance at Annex H must be applied as required. The period of any ROTL suspension will commence from the adjudication finding, except in cases where ROTL has already been suspended as a result of an immediate suitability review. A flow chart setting out the review process is being made available on EQuIP.
- 6.104. Certain ROTL failures must also prompt a local review which may be followed by a further review commissioned by the Prison Group Director. Failures involving an offender being charged with a serious further offence committed whilst on ROTL (ROTL SFO) will always prompt a PGD commissioned review.

ROTL SFOs

- 6.105. This Policy Framework replaces the instructions in PI 6/2018 and PI 15/2014 so far as they relate to offenders charged with a serious further offence allegedly committed whilst on ROTL. The NPS must identify all ROTL SFOs at court and advise the governor of the releasing prison of the first court appearance and keep them informed of all court appearances thereafter. A simple notification by telephone is sufficient. A list of SFOs is given in Annex A to PI 6/2018 and the current list is reproduced at **Annex J**.

Local Review

- 6.106. Once the immediate actions are in train, the head of the OMU or head of Public Protection must arrange for a local review on the template at Annex I by the Interdepartmental Risk Management Team (IRMT) or an ad hoc review team. This must happen in the following types of failure:

- all ROTL SFOs;
- all Restricted ROTL failures;
- all Standard ROTL serious failures (i.e. failure to return or alleged offending)
- any other failures where the nature of the failure clearly evidences increased risk of serious harm (e.g. breach of an exclusion zone to protect a victim), or if there is clear evidence on the available facts that key operational requirements have not been followed.

6.107. The local review should focus on the decision to release and the management/monitoring of the offender since the ROTL decision was made. It could also extend into the earlier management of the case if the IRMT or governor determines that is necessary. A completed local review template must be submitted to the governor within 10 working days of the failure.

Mandatory referral to the Prison Group Director (PGD)

6.108. The governor must refer all ROTL SFOs and all Restricted ROTL serious failures (i.e. failure to return or other alleged offending) to the PGD. The governor must ensure that the local review document has been completed correctly before referral and all referrals (mandatory or discretionary) must be submitted within five working days of completion of the local review.

Discretionary referral to PGD

6.109. Other failures may be referred where the governor is satisfied there is likely to be learning that would benefit other establishments or the development of the ROTL policy and a thorough, independent review of the management of the case overall is required to draw this out. In mandatory (non SFO) referral cases the governor may also make recommendations on whether there is a need for a Prison Group Director (PGD) commissioned review and in relation to any learning points already established at local review.

PGD Review criteria

6.110. A PGD commissioned review is required in all SFO cases. It is for the PGD to consider whether to commission a review in the other (non-SFO) cases referred and it is expected that few such referrals will lead to PGD review. The key issues for the PGD to determine at this point are whether:

- a further, independent review is likely to add substantively to the local review findings and/or
- the nature of the case means that further review is required in order to maintain public confidence.

6.111. In deciding whether a review is required on public confidence grounds, the PGD should take into account the seriousness of the failure (*alleged offending other than minor non-violent, non-sexual offending should generally prompt PGD review*), the seriousness of the index offence and the profile of the offender.

6.112. The PGD must commission a senior manager deemed competent to conduct the review. The reviewer may be based within the region but wherever possible, should have had no direct involvement in the management of the offender in question. The review should be commissioned using the template at Annex K and be completed using the ROTL PGD Review template at Annex L.

6.113. Once a review has been commissioned by the PGD, the referring establishment must prepare a dossier with the relevant case documents to aid the reviewer. The following is suggested as a minimum but anything the establishment considers would inform the comprehensive PGD review should be included, and the reviewer may ask for other documents and must be assisted:

- Local Review document
- ROTL Board paperwork for last 36 months
- NOMIS case notes covering the last 36 months
- Record of contacts with external agencies (including OM)
- Most up to date OASys and other applicable assessments including EBM.
- Mercury and ViSOR Records covering last 36 months
- Establishment's Contingency Plan for Abscond/ROTL failure
- Re-Categorisation to Cat D paperwork/Parole Board Decision recommending Cat D plus letter from PPCS confirming their transfer to Open Conditions

6.114. A PGD review must be commissioned within two weeks of receipt of the referral and the review must be completed within a further three months and returned to the PGD's office. The PGD must arrange for any SFO reviews to be quality assured by a senior manager deemed competent, who works in a different location to the reviewer and has had no direct involvement in the management of the offender in question. It may be necessary to commission the quality assurance outside of the region if the PGD considered that there is a conflict of interest. A further month should be allowed for the QA process. The HMPPS SFO Review team may be consulted for advice on quality assurance of ROTL SFO Reviews

6.115. On completion of a non-SFO PGD review or the SFO QA process, the final report must be agreed by the PGD's office and sent to the Governor and to prisonsdirector@justice.gov.uk. Where the offender is an ISP it must also be sent to the relevant casework manager in the Public Protection Casework section.

Sharing the findings of a ROTL SFO review with victims

6.116. Where an offender is convicted of a ROTL SFO, victims of the SFO are entitled to be notified that a review has been conducted and that they may receive a summary of the review if they wish. On conviction, the reviewer must contact the relevant Witness Care Unit and invite them to inform the victims of this entitlement. The relevant NPS Victim Liaison Unit should be notified of the review at the same time.

6.117. The PGD review form is process heavy and not readily accessible to non-practitioners. Where the victims of a ROTL SFO wish to see the review, the reviewer must prepare an executive summary which sets out:

- the objectives of the review,
- the methodology used,
- the key events in a chronology,
- the key findings; and,
- any actions taken or planned as a result.

6.118. The PGD must appoint a governor to disclose the executive summary to the victims and the governor must, in cooperation with the NPS Victim Liaison Unit, make arrangements to meet the victims, discuss the findings and share a copy of the executive summary. This is to ensure that victims and their families can be provided with relevant information on how the ROTL process works, how the decision to release was taken, whether there were any shortcomings and how action to drive improvements has been, or will be, taken. Although the approach to ROTL SFOs is distinct from that taken in relation to SFO reviews for offenders under probation supervision, the operational guidance provided in relation to SFO reviews (currently PI 6/2018) offers guidance on the approach to drafting reviews which will be helpful to those commissioned to prepare executive summaries and to disclose the findings.

Learning from ROTL Failures

6.119. Governors should undertake periodic reviews of ROTL failure reviews to identify trends and update local strategies. On a quarterly basis, the PGD must submit a brief report to prisonsdirectorates@nomsjustice.gsi.gov.uk. The report should include the number of cases referred to them, together with any recommendations for change and/or commentary on lessons that have been learned locally in relation to ROTL within or outside of the Failure Review Process.

Reporting ROTL failures

6.120. Guidance on reporting ROTL failures is given in Annex G.

Recall from temporary licence

6.121. Prison Rule 9 and YOI Rule 5 state that an offender released under this rule may be recalled to prison at any time whether the conditions of his release have been broken or not. Recall must be considered in any case where immediate arrest is required to protect the public. Governors may decide to await return or invite early return, depending on the circumstances.

Procedure for recall

6.122. Upon application by the police or escort contractor, the governor must indicate whether or not the prison has space to take the offender. The governor must designate a particular post as having responsibility for this, and that person must have authority to accept the offender.

6.123. Local and closed prisons must not refuse to accept from the police offenders that have been recalled from temporary release on licence, unless space in the receiving prison prevents acceptance. If no space is available, the prison must contact the Population Management Unit (PMU) in HMPPS HQ. [PSI 07/2015 – PI 06/2015 Early Days in Custody -Annex C - Prisoners previously unlawfully at large, ROTL failures, and recalled prisoners]

6.124. It is the responsibility of the PMU to find an alternative location for the offender, and to notify the police, PECS and the originating prison of where the offender is to be sent.

6.125. Once the offender is back in prison custody, the receiving establishment must notify the originating establishment of the offender's location and the two establishments must decide whether or not the offender should be returned to the originating establishment.

List of prisons designated as being able to provide Restricted ROTL

Ford
Hatfield
Haverigg
Hollisley Bay
Kirkham
Kirklevington Grange
Leyhill
North Sea Camp
Norwich*
Prescoed
Spring Hill
Standford Hill
Sudbury
Thorn Cross

* = this is a dual site which provides both open and closed conditions. *The offender must be located in the open part of the sites prior to being able to apply for ROTL.*

All women's prisons have been designated as being able to provide Restricted ROTL for offenders who have been categorised as 'suitable for open conditions'.

ROTL Forms

ROTL-APP Application

ROTL APP – ROTL Application Prisoner to complete

Name:	NOMIS No:
Location:	RDR Eligibility Date:
	ROR Eligibility Date:

Please complete this application form as fully as possible to help us make a fully informed decision about your case.

Type of ROTL Please tick the type of ROTL you wish to apply for	
Resettlement Day Release (RDR)	
Resettlement Overnight Release(ROR):	
Special Purpose Licence (SPL):	
Childcare Resettlement Licence (CRL):	

Does your Offender Supervisor support ROTL? Y/N	
To be signed by Offender Supervisor	
OS Name:	OS Signature

Please provide details of your release address (if known) or say if you need to apply for Approved Premises.

Resettlement Address
Approved Premises Required Y/N
Is the proposed address your resettlement Address? If no - Please detail why we need to consider release to this address. Release to any address other than release address only happens in exceptional circumstances.

--

Travel Arrangements
Travel Warrant Required Y/N
<p>How will you get to the proposed destination?</p> <p>Please outline how you intend to travel. (A travel warrant will only be provided in exceptional circumstances such as helping the police or attending court at the request of the authorities or for some compassionate reasons)</p>

DATES AND DESTINATION

Type of ROTL	RDR	ROR	CRL	SPL
Date (when do you want to go?)	Destination (where are you going?)		Time Required (how long will you need?)	
Purpose of this ROTL (what is the reason for release on this date?) 'what will you do?', 'who will you meet?' (include names, relationships and ages of anyone under 18), 'what are your contact details?' and 'what will you do in the event of a problem?'				

RDR/ROR Address & Contact Number

Travel Arrangements

How will you get to the proposed destination?

Type of ROTL	RDR	ROR	CRL	SPL
Date (when do you want to go?)	Destination (where are you going?)		Time Required (how long will you need?)	
Purpose of this ROTL (what is the reason for release on this date?)				

'what will you do?', 'who will you meet?' (include names, relationships and ages of anyone under 18), 'what are your contact details?' and 'what will you do in the event of a problem?'

RDR/ROR Address & Contact Number

Travel Arrangements

How will you get to the proposed destination?

Type of ROTL	RDR	ROR	CRL	SPL
Date (when do you want to go?)	Destination (where are you going?)		Time Required (how long will you need?)	

Purpose of this ROTL (what is the reason for release on this date?)

'what will you do?', 'who will you meet?' (include names, relationships and ages of anyone under 18), 'what are your contact details?' and 'what will you do in the event of a problem?'

RDR/ROR Address & Contact Number

Travel Arrangements

How will you get to the proposed destination?

Applicant Name

Applicant Signature	
Date	

Standard/Restricted* ROTL Application

*delete as appropriate

To	Offender Manager	From	HMP Establishment
NPS/CRC Address			
Telephone			
Email			

Part 1 - To be completed by the Prison and sent to the Offender Manager (NPS/CRC)

For ROTL, this offender is categorised as **Standard/Restricted**

Offender Name:		D.O.B	
NOMIS No:			
Date of Sentence:		Offence:	
CRO/NIB No:			

The above prisoner has applied for the following type(s) of ROTL			
			ROTL locations
RDR		Proposed Date: Insert actual date or estimated date (if not known)	

ROR:		Proposed Date: Insert actual date or estimated date (if not known)		
SPL:		Proposed Date: Insert actual date or estimated date (if not known)		
CRL:		Proposed Date: Insert actual date or estimated date (if not known)		
Are any of the ROTL locations in the Offender's home area?			Y/N	

Home Address Contact details
Name, address, contact details and relationship to prisoner of anyone the prisoner proposes to visit or stay with in the home area during the period of release.

Purpose of Release and Supporting Information

**Part 2 populated by the Offender Manager should be returned to _____ at HMP
_____ by _____**

This report should address the home circumstances, any known risks of releasing the offender on temporary licence and the position of known victims, including whether the victim has engaged with Victim Services. The VLO should be advised / consulted where one has been allocated, and any representations they have made about licence conditions should be included.

You should also clearly indicate any destinations, activities or individuals that should be avoided on ROTL and any anniversary dates.

Home Circumstances

- Is the proposed home address for any day or overnight release acceptable and have appropriate arrangements been made?
- Have you made a visit?

Victims – the following are given as areas to consider. Please include any information relevant or delete as applicable.

- Does the victim have any relationship with the offender?
- Is the victim living in the neighbourhood, or the area to which the offender would be going on release on temporary licence?
- Are there indications that the victim would be at risk if the offender was released?
- Have there been any representations from the victims?
- If known, has the victim contacted the HMMPS victim helpline?
- Is the victim working with a VLO? (please give details)
- Are there particular events, or dates, which need to be avoided i.e. the anniversary of an offence?

Safeguarding (Child or Vulnerable Adult and Domestic Abuse) the following are given as areas to consider. Please include any information relevant or delete as applicable.

- Are there any child protection or vulnerable adult issues to be aware of?
- Is the offender known to children's/social services?
- Are there any Domestic Abuse issues to be aware of (not already provided by the police?)

Has the ROTL -POL been sent to the Police?	Y/N	Date:	DD/MM/YY
--	-----	-------	----------

Attach ROTL- POL where completed

Part 3

Decision

Do you support the offender accessing the proposed ROTL?
Please address each of the ROTL's applied for.

[Empty rectangular box for notes or information]

Do you wish to have contact with the offender during the ROTL period?
Please provide date & times etc.

Please indicate any non- standard Licence Conditions below?

Signed:		Print Name:	
Role:		Date:	

ROTL-POL

Form for completion by police

Standard/Restricted* ROTL Application

*delete as appropriate

Part 1 - To be completed by the Prison and sent to the Offender Manager (NPS/CRC)

Offender Details

Offender Name:		D.O.B	
NOMIS No:			
MAPPA Nominal	Y/N		
Date of Sentence:		Offence:	
CRO/NIB/ PNCID:			
Station dealing with original case:			

Type of ROTL	RDR	ROR	CRL	SPL
Date	Destination		Time Required	
Purpose of this ROTL				
RDR/ROR Address & Contact Number				

Travel Arrangements

This offender has applied for a period(s) of ROTL from HMP _____ as detailed above.

Part 2 - To be completed by the Offender Manager (NPS/CRC) and both parts to be sent to Police

From	Offender Manager Name	TO	Police Contact Details (FIB)
NPS/CRC Address			
Contact Details:			
Telephone			
Email			

This offender is subject to **Standard / Restricted** ROTL and is/is not a MAPPA Nominal. The police are invited to provide information, to inform the ROTL risk assessment.

Please return by _____

If no comments are received by this date it will be assumed that the police force has no comments to make and a decision will be made on the available information.

Please note that this form is disclosed to the prisoner, so if there is information not to be disclosed, please send separately with a clear marking “not to be disclosed”.

Part 3 - To be completed by the Police

Please Provide
1. Details of any police call-outs or other information relating to domestic abuse at the proposed release address or specific to the offender
2. Any other information about the address, the offender or identified victims that the police consider relevant to the proposed release.

Signed:		Print Name:	
Role:		Police Station:	
Date:			

ROTL-BOARD

Risk assessment and Decision

Offender Name			
Offender Number			
MAPPA Level		Tier Level	
OAsys Levels			
Next Parole Date (if applicable)			
Date of last Board (if applicable)			

**ROTL
BOARD ASSESSMENT**

**Part 1 – BOARD INFORMATION
(To be completed for every Board)**

Board Type	New	Review
RDR		
ROR		
SPL		
CRL		

Board Attendees	
Date of Board	
Chair	
Offender Supervisor	
Case Admin	
Offender	
Other	

What type of ROTL is the offender subject to?	Standard	Restricted
--	----------	------------

Key Date Information	
Date of Sentence	
Offence	
Sentence Length	
RDR Eligibility	
ROR Eligibility	
CRD	
PED or review date	
SLED	

Image

Offender Management Information			
Offender Manager		NPS	CRC
OM Address			
OM Email			
OM Phone Number			

Part 2 Background Information- to be completed by Case Admin

Documents for the Board- please attach copies

ROTL Dossier Checklist	
PNC (Pre- Cons)	
OASys	
EBM Review (Restricted Only)	
Recent Parole Info	
PNomis Report	
ROTL APP	
ROTL OM	
ROTL POL	
ROTL FNP (if applicable)	

Is OASys in date	Y	N	Date of next review:
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Current Offence Details:

Previous Offending Behaviour		
Offence Type	Year of latest conviction	Details
Sexual Offence		
Violence against the person		
Violence against the property		
Public order offence		
Firearms or Offensive weapons		
Drug offence		
Racially aggravated offence		
Domestic Violence		
Other		

Status					
Registered Sex Offender - Current	Y	N	Registered Sex Offender - Previous	Y	N
Notification Requirements explained & signed			Y	N	
ViSOR Registered			Y	N	
Relevant ViSOR information					
Risk to Children			Y	N	
Request made for contact with children			Y	N	

Mail and pin phone monitoring authorised	Y	N
--	---	---

Security Information
Include information from internal sources and Mercury

Part 3 - ROTL Risk Assessment- Offender Supervisor to complete

In this section the Offender Supervisor should detail their assessment of the Offender's suitability for the ROTL requested considering all the information above and in the dossier.

Where this is a review board, the offender supervisor should also indicate any significant changes since the last board.

New/Review Board (delete as appropriate)
Risk Assessment

Part 4 Board Recommendation- Chair to complete

Board Recommendation with reasoning and including any non-standard licence conditions plus specific monitoring measures as necessary.

Name:	
Signed:	
Date:	

Part 5 Decision- Authorising Manager to complete

Assessment by authorising manager

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Approved	Not Approved
----------	--------------

Authorising Manager Name:	
Signature:	
Position:	
Date:	

ROTL DEC- Notification of ROTL Decision to Offender

Name:	NOMIS No:
Location:	

Your application for a RDR/ROR/ SPL/ CRL (please delete as necessary) has been fully considered on the ROTL Board on DD/MM/YY.

The decision has been:

Delete as appropriate:

Agreed and you will be released subject to licence as follows:

Date

Times

Location

Non-Standard Licence Conditions

Refused for the following reasons:

Placed on hold pending further information:

Your board will reconvene on DD/MM/YY to reconsider the application

If you wish to appeal against the refusal of an application, you should use the complaints procedure. Please ask a member of staff to advise you on how to do this.

Form completed by			
Signed		Name	
Role		Date	

NOTES

A copy of this form must go to the offender and one copy must be retained with the Risk Assessment and Sentence Planning Documents

ROTL-NOTIFY

Notification of decision to police and offender manager

Notification to police and offender manager of ROTL decision

From	HMP	TO	Police Contact Details (FIB)
Email			OM NPS/CRC
Telephone			

Offender Name:		D.O.B	
NOMIS No:			
Date of Sentence:	Offence:		
CRO/NIB PNCID No:			

This form should be sent to local FIB via the secure police FIB pnn email address, to update appropriate intelligence records and ensure that ROTL details are disseminated to the relevant BCU area.

The application has been refused but the offender may re-apply and you will be given a further chance to comment

OR

The above-named offender has been granted release on temporary licence

From [Times]

On [Date]

To [Address/ Area]
ROTL Policy Framework

Re-issued: 12 August 2022

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Purpose & Type of ROTL

Type of ROTL	RDR	ROR	CRL	SPL
Date	Destination		Time Required	
Purpose of this ROTL				
RDR/ROR Address & Contact Number				
Travel Arrangements				
Non-Standard Licence conditions				

--

Where ROTL dates are not confirmed a further ROTL-NOTIFY form will be provided before the issue of each licence.

Signed:		Print Name:	
Role:			
Date:			

ROTL-FNP



Request for Information

Consideration of Offender for Release on Temporary Licence

Section 1 to be completed by the establishment and e- mailed:

- Directly to the CCD case worker if known, or to
- CCD.CAT-D@HOMEOFFICE.GSI.GOV.UK Fax: 0208 760 8650

Section 1			
Prison		Prison Tel No:	
Named Contact:		Email/Fax:	
Offender's Name:		NOMIS No:	
Date of Birth:		Declared Nationality:	
Known Aliases:		Other info linked to aliases	
Home Office Ref:		Port Ref (If Known):	

Sentence Date:		Sentence Length:	
Offence(s):		Proposed Release Address:	
ROTL Eligibility Date:			
Earliest Release Date:			

Name:	
Signed:	
Position:	

Date submitted
5 day deadline

Sections 2 & 3 to be completed by HOIE and faxed/emailed to the prison contact

This offender is eligible to be considered for release on temporary licence from prison from the ROTL Eligibility Date (ROTLED) above and, if found suitable, may be released at any point and on several occasions between that date and the earliest release date given above. The purpose of the ROTL-FNP is to obtain information which will inform consideration of the offender's suitability for ROTL. The information provided will be considered by the prison as part of the wider risk assessment process.

By ticking the relevant box below, please confirm whether there has been:

Section 2			
	YES	NO	DATE
An assessment that the offender meets the initial criteria for deportation (whether the offender has been advised of this or not)			
Does the offender have:			
A formal notice of liability for deportation			
A Deportation Order made: appeal rights in UK remain			
A Deportation Order made: appeal rights in UK exhausted			
A decision that the offender does not meet the criteria for deportation but is liable to removal proceedings			
Authority to detain (IS91) issued			

Section 3	
<p>Please provide information/evidence which may be relevant to the prison's assessment of the offender's suitability for ROTL.</p> <p>This will include information indicative of risk of failing to return from ROTL as well as positive indicators such as willingness to comply with the deportation process or whether no relevant information is known to the caseworker.</p> <p>Factors that are relevant to risk may include: information about family ties (in the UK or country of origin); strong community links; compliance / non-compliance with immigration conditions including bail; any previous abscond from IRC; behaviour during any previous detention in IRC; any history of verbal/documentary deception to gain leave to enter/remain or evade removal from the UK; whether evidence of nationality or identity has been produced; whether there is an appeal against deportation / return to country of origin sought; known aliases in addition to any noted in section 1; removal from the UK is imminent/ unlikely in the near future; any other relevant factors or whether there is little information known.</p>	
Signed (caseworker):	
Date:	
Signed (Assistant Director):	
Date:	

Date ROTL-FNP to prison:

ROTL-LICENCE

PROTECT - PERSONAL

Criminal Justice Act 2003

[Establishment Name]

[Establishment Telephone Number]

Insert Picture here

Name:

NOMS No:

CRO No

Date of Birth:

Prison No:

PNCID No:

1. Under the provisions of Prison Rule 9/YOI Rule 5 you are being released on temporary licence. Temporary release is not an entitlement, but is at the discretion of the prison. You may be recalled to prison at any time whether or not you have broken any of the terms and conditions of temporary release as stated below.

Delete as appropriate

2a. Your Release On Temporary Licence commences on [ROTL Start Date and time] and expires on [ROTL Expiry Date and time] unless the licence is previously revoked **OR**

2b. You have been authorised for Release on Temporary Licence at the times set out in the attached schedule, unless the licence is revoked.

3. You are being released on [type of ROTL] in order to conduct the following activities only:

-
-
-

4. These activities will take place at the following address/area [insert] and you are required to take the following route and mode of transport between the prison and this address [insert details of route/transport. Attach map if necessary]

5. *Optional for ROR* [On release from prison, you must report without delay to: / You are not required to report to your supervising officer, but you should contact the officer below if you need help or advice:

[Offender Manager role]

[Offender Manager name]

[Offender Manager address]

[Offender Manager telephone]

At [First time of First Appointment] on [Date of First Appointment]

6. Whilst on release you must:

- i. Not commit any offence;
- ii. Be well behaved and not do anything which could undermine the purposes of the conditions of your release, which are to protect the public, prevent you from re-offending and help you re-settle successfully into the community;
- iii. Keep this form with you at all times throughout your release on temporary licence, and must provide it if requested to do so by a police officer or a probation officer;
- iv. Keep in touch with your supervising officer or others in accordance with any instructions that you may be given;
- v. (for ROR) reside at [address] between the hours of 11pm and 6am unless otherwise authorised by a further condition on this licence, or you have obtained the prior permission from your offender supervisor or your offender manager for a change of address.
- vi. Undertake only approved financial transactions as agreed with offender supervisor (defined by PSI 1/2012 – Offender’s Financial Affairs);
- vii. Not partake in gambling, or making payments for other games of chance;
- viii. Not consume alcohol or enter any premises whose primary function is the sale and consumption of alcohol; ie pubs, club and bars. You may enter licenced premises such as supermarkets or restaurants, or where this is necessary as part of a work placement, provided you do not purchase or consume alcohol;
- ix. Not contact the media (including any person or place associated with broadcasting or publication) without the permission of the Governor of your establishment.
- x. Not upload, add or modify any material on any social networking site or internet chat-room without the permission of your offender supervisor.
- xi. Not take unauthorised controlled drugs or psychoactive substances.

- xii. Not return to the establishment with any unauthorised articles

7. If you remain at large after the time stated above, or after an order recalling you has been made, you will be liable to arrest and may be excluded from further ROTL and transfer to open conditions

8. If you are unable to return to prison on time due to serious illness, accident or similar cause, you must inform the local police and ask them to inform the prison. You must ask the Doctor treating you to sign Form ROTL-MED, stating that you are unfit to travel and you must send this form immediately to the prison.

Signed: _____ Role _____ :

Date:

for the Secretary of State for Justice

This licence has been given to me and its requirements have been explained.

Name:

Signed:

Date:

**INABILITY TO RETURN TO PRISON
DUE TO MEDICAL REASONS**

Offender
Name
Offender
Number

HM Prison

Address

Tel No

Date:

- 1 If you have been released on temporary licence for an overnight visit, you may have been examined by the prison's medical officer and have been passed fit for release

- 2 If you become ill, or are injured while on leave and are unable to return to prison for treatment, you must ask your local police to inform the Governor. You must then have this form signed by your Doctor to confirm that you are unable to return and ensure that it is sent, immediately, to the prison.

- 3 Your signature to this paragraph means that you have consented to the prison medical officer discussing with your Doctor why your medical condition prevents your transfer to a prison hospital for treatment.

Signature _____

Prison
Stamp _____

Date _____

INABILITY TO RETURN TO PRISON DUE TO MEDICAL REASONS

TO THE DOCTOR RESPONSIBLE FOR TREATMENT

- 4 _____ is released on temporary
licence from prison
- 5 The prisoner's signature above indicates his or her consent to the prison medical Officer or our designated Healthcare Provider discussing with you, if necessary, why the medical condition about which you have been approached should prevent transfer to a prison hospital for treatment
- 6 Unless a prisoner is seriously ill, it should be possible to arrange a transfer to a prison hospital. The Prison Service would, therefore, be grateful for your co-operation if you are contacted by our medical staff, who will identify themselves to you appropriately
- 7 *If you consider that this prisoner is unfit to travel, please sign both this form and the attached licence.

Signature

**Surgery/ Hospital
Stamp**

Date

*'UNFIT TO TRAVEL' is defined as:

- (1) the prisoner is physically unable to return to HMP..... by public transport, private car or taxi cab, due to his medical condition; OR
- (2) the prisoner is physically unable to travel to the prison nearest to his temporary release address by public transport, ambulance, private car or taxi cab, due to his medical condition.

Calculating the RDR eligibility date (examples)

Single sentence with no remand

- i. Offender A was sentenced to 1461 days imprisonment on 01/01/2020. The CRD is 31/12/2021, this being the halfway point of the sentence (731 days). Eligibility for RDR is at the halfway point of the custodial period, rounded up (366 days). This is applied from the actual date of sentence and provides an RDR of 01/01/2021.

Single sentence with remand

- ii. Offender B was remanded on 01/01/2020 for 30 days and sentenced to 1461 days on 31/01/2020. The CRD **before** the 30 days remand is applied is 30/01/2022. The custodial period runs from the date of sentence to the CRD before remand is applied (i.e. 31/01/20 to 30/01/2022 = 731 days). Dividing the custodial period in half, rounded up is 366 days, and subtracting the relevant remand time (30 days) provides the number of days the offender must serve before becoming eligible for RDR (336 days). Eligibility for RDR is after serving 336 days from the actual date of sentence (i.e. 31/01/2020 + 336 days = 01/01/2021). The eligibility date for RDR is 01/01/2021.

Single sentence with remand and ADAs

- iii. Offender C was remanded on 01/01/2020 for 30 days and sentenced to 1461 days on 31/01/2020. Following sentence, 20 ADAs are awarded. The CRD **before** remand is applied but **including** the ADAs is 19/02/2022 (a custodial period of 751 days). The RDR is calculated by taking half the custodial period including the ADAs but before the remand is applied (rounded up) i.e. $751 / 2 = 376$, this figure less the 30 days remand time gives 346 days. Eligibility for RDR is after serving 346 days from the day of sentence (i.e. day of sentence 31/01/2020 plus 346 days). The eligibility date for RDR is 11/01/2021

NB: Each time ADAs are awarded a new custodial period must be calculated based on the half way point of the sentence plus the total number of ADAs before applying remand.

Multiple concurrent sentences with no remand

- iv. Offender D is sentenced on 04/12/2019 to 12 months, which gives a CRD of 03/06/2020. On 06/01/2020, a further sentence of 2 years concurrent is imposed. The 2 years provides a CRD of 05/01/2021. RDR is calculated by taking half of the custodial period between first date of sentence (04/12/2019) and the latest CRD (05/01/2021) rounded up (i.e. $399 / 2$ rounded up = 200 days). Eligibility for RDR is after serving 200 days from the first date of sentence (i.e. date of sentence 04/12/2019 plus 200 days). The eligibility for RDR is 21/06/2020.

Multiple concurrent sentences with remand and ADAs

- v. Offender E is sentenced on 17/03/2020 to 18 months, giving a CRD of 16/12/2020. On 24/06/2020, a further sentence of 3 years concurrent is imposed with 40 days relevant remand. Following sentence, 42 ADAs are awarded. The CRD **before** remand is applied but **including** the ADAs is 03/02/2022. The custodial period created is from date of first sentence (17/03/2020) to the latest CRD, including ADAs (03/02/2022) = 689 days. RDR is calculated by taking half of that custodial period, rounded up less the remand time (i.e. $689 / 2$ rounded up if applicable = 345, this figure less 40 days remand = 305 days). Eligibility for RDR is after serving 305 days from the first date of sentence (i.e. date of sentence 17/03/2020 + 305) The RDR is 16/01/2021.

The **effective** CRD on the NOMIS key date screen is 25/12/2021.

Model Memorandum of Understanding – Paid Placement

(This model placement Memorandum of Understanding is designed to cover situations in which an offender undertakes any paid external placement. A separate model Memorandum of Understanding covers unpaid external placements).

MEMORANDUM OF UNDERSTANDING

(PAID EXTERNAL PLACEMENT)

INTRODUCTION

1. The purpose of this Memorandum of Understanding is to ensure that all those who are party to it (the Offender, the Placement Provider and the Establishment) are aware of the arrangements under which the placement will take place.
2. The purpose of the placement is to progress the offender's rehabilitation and nothing in this Memorandum of Understanding shall create or shall be deemed to create a contract of employment, a contract for services or a partnership between any of the parties hereto, nor any rights or obligations that are legally enforceable.
3. Nothing in this memorandum should be taken to prevent the Placement Provider separately entering into a written contract of employment with the offender where the contract comes into effect once the offender has been released after serving the custodial element of the sentence.

THE OFFENDER

4. [Name of offender] is reminded that:
 - i. As a serving offender, he/she will be subject to Prison Rules throughout the duration of the placement. Payments for work will, if above the specified threshold, be subject to a levy under the Prisoners' Earnings Act 1996. For further details, please see PSI 76/2011.
 - ii. He/She will be released on Resettlement Day Release (RDR) to undertake the placement. The RDR licence will specify the time, location and purpose of the release. The terms of the RDR licence may be varied only on the authority of the governor.
 - iii. A copy of the RDR licence will be given to the Placement Provider by the establishment at the start of the placement.

- iv. He/She must comply fully with the terms of the RDR licence and that any breach of the terms of the licence may lead to disciplinary action and the cancellation of the placement.
 - v. He/she is not employed by the Placement Provider. In the event that the Placement is terminated that does not constitute a dismissal for the purposes of the Employment Rights Act 1996.
5. [Name of offender] agrees to the disclosure of previous convictions, that are not prohibited by the Rehabilitation of Offenders Act, to specified persons within [name of Placement Provider] for use solely by [name of Placement Provider] in the management of the placement, including checks on [name of offender] behaviour by persons authorised to act on behalf of [name of establishment].

THE PLACEMENT PROVIDER

6. [Name of Placement Provider] is reminded that:
- i. They will ensure that the placement complies with all relevant health and safety and equal opportunities legislation..
 - ii. They will be clear about the range of work activities entailed in the placement, and engage with [name of establishment] about any proposed changes to those activities before they occur.
 - iii. They will monitor the timekeeping, performance and general conduct of [name of offender] and provide [name of establishment] with reports at intervals of [] weeks or as required.
 - iv. They will facilitate a programme of checks by staff from [name of establishment] to check on [name of offender]'s adherence to the terms and conditions of their temporary release
 - v. They will participate in meetings (on a timescale to be agreed with [name of establishment] to review the progress of the placement.
 - vi. In the event of any breach or suspected breach of the terms of his/her RDR licence by [name of offender] or any breach of the Placement Provider's own rules governing the conduct of its employees, [name of Placement Provider] will inform [name of establishment] immediately.
 - vii. They will not ask [name of offender] to do or not to do anything which might constitute a breach of any condition(s) of his/her RDR licence.
 - viii. They must not divulge to a third party any information about [name of offender], and must immediately report any approaches from a third party. They must comply in all respects with the provisions of the Data Protection Act 1998 and the two organisations will agree in writing the names/positions

of [name of Placement Provider]'s staff who will have access to confidential information about [name of offender] who must in turn have a copy of these details.

7. [Name of Placement Provider] certifies that serving offenders do not constitute a majority of its workforce and that its business is not dependent on offender labour.
8. The amount of remuneration agreed between the governor and [the Placement Provider] is [insert amount per hour].
9. When setting the rate it is critical that due consideration is afforded to the risk of the perception of under cutting the local workforce. Accordingly, there is an explicit expectation that the level of remuneration is no lower than the level which a member of the public would be expected to receive for the same task. Where a wage lower than the National Minimum Wage is considered appropriate in the initial stages of a placement, there should be a clear path towards paying the National Minimum Wage by the three month point of any placement or, if appropriate, at an earlier stage.
10. [Name of Placement Provider] agrees to apply, so far as is possible and subject to licence conditions, similar terms and conditions relating to pay, holiday entitlement, sickness and other benefits, grievance and disciplinary rules and procedures, and notice periods as apply to others doing the same work.
11. Where the Placement Provider is providing meals or transport or other expenses which an employee would normally be expected to fund themselves, the Placement Provider may make appropriate deductions for these costs where these costs are agreed with both the prison and the offender.
12. [Name of Placement Provider] further confirms that gross pay less the deductions which they make, such as income tax and National Insurance, to [name of offender] will be made into HMPPS Bank Account, details of which are set out below:

BACS PAYMENTS

Sort code	60-70-80
Account Number	10030123
Account Name	HM Prison and Probation Service
Bank	NatWest

Please note the same information applies if cheque or cash payments are required.

Payments must not be made direct to the offender

13. [Name of Placement Provider] should provide the following information when making payment which will enable Shared Services staff to identify the relevant offender:

Name of offender

Prison number (if available)

Name of Placement Provider

14. [Name of Placement Provider] will provide pay advice direct to the offender

THE ESTABLISHMENT

15. [Name of establishment] is reminded that it will:

- i. Agree with the Placement Provider the criteria of offender with regards to current and previous offences. Due consideration must be given to the suitability of engagement in the activity, e.g. sector, interface either directly or indirectly with children or other vulnerable groups etc.
- ii. Risk assess [name of offender] in relation to the nature of the placement before RDR can be approved.
- iii. Monitor [name of offender] compliance with the terms and objectives of his/her RDR licence by means of site visits and telephone checks.
- iv. Inform [name of Placement Provider] if [name of offender's RDR licence is suspended or withdrawn. This information will be provided as soon as possible and, in the case of a suspension, information on the reinstatement of the RDR licence will be supplied.
- v. Provide information on [name of offender's] criminal record to [name of Placement Provider] in confidence. (See paragraphs 4 and 5 viii, above).

(points vi to ix are applicable to Public Sector Prisons only)

- vi. Provide the following information to the Shared Services:

- Offender Name
- Offender Number
- Offender Release Date
- Establishment
- Placement Provider
- Value of payment to offender (net of PAYE)
- Frequency – Weekly/monthly
- Date Paid
- Period Worked

- vii. Ensure offenders have completed personal bank account details and submit to the Shared Services.
- viii. Ensure deduction statements prepared by the Shared Services are issued to offenders.
- ix. Act as an intermediary between offender/Placement Provider and the Shared Services.

GENERAL

- 16. [Name of offender] will commence his/her placement at [] on [date].
- 17. His/Her hours of attendance will be [].
- 18. His/Her supervisor will be [].
- 19. His/Her main duties will be [], and he/she will receive appropriate training before undertaking these tasks.
- 20. No special clothing/equipment will be required / the following special clothing/equipment will be required. [Identify whether special clothing/equipment will be provided by the placement organisation, the establishment or the offender].
- 21. In the event of a dispute about the terms of this Memorandum of Understanding, any resolution or variation of the terms must involve all those who are party to it.
- 22. The placement defined by this Memorandum of Understanding may be terminated at any time by anyone who is a party to it..

CONTACT POINTS

- 23. For the Establishment:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

24. For the Placement Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

SIGNATORIES TO THE AGREEMENT

25. For the Establishment:

[Signature]

[Name]

[Position/Role]

[Date]

26. For the Placement Provider:

[Signature]

[Name]

[Position/Role]

[Date]

27. Offender:

[Signature]

[Name]

[Date]

Model Memorandum of Understanding – Unpaid Placement

(This model placement Memorandum of Understanding is designed to cover situations in which an offender undertakes any unpaid external placement. A separate model Memorandum of Understanding covers paid external placements).

MEMORANDUM OF UNDERSTANDING

(UNPAID EXTERNAL PLACEMENT)

INTRODUCTION

1. The purpose of this Memorandum of Understanding is to ensure that all those who are party to it (the Offender, the Placement Provider and the Establishment) are aware of the arrangements under which the placement will take place.
2. The purpose of the placement is to progress the offender's rehabilitation and nothing in this Memorandum of Understanding shall create or shall be deemed to create a contract of employment, a contract for services or a partnership between any of the parties hereto, nor any rights or obligations that are legally enforceable.
3. Nothing in this memorandum should be taken to prevent the Placement Provider separately entering into a written contract of employment with the offender where the contract comes into effect after the offender has been released after serving the custodial element of the sentence.

THE OFFENDER

4. [Name of offender] is reminded that:
 - i. As a serving offender, he/she will be subject to Prison Rules throughout the duration of the placement.
 - ii. He/She will be released on Resettlement Day Release (RDR) to undertake the placement. The RDR licence will specify the time, location and purpose of the release. The terms of the RDR licence may be varied only on the authority of the governor.
 - iii. A copy of the RDR licence will be given to the Placement Provider by the establishment at the start of the placement.

- iv. He/She must comply fully with the terms of the RDR licence and that any breach of the terms of the licence may lead to disciplinary action and the cancellation of the placement.
 - v. He/She must comply fully with the reasonable instructions of the Placement Provider (and any of the Placement Provider's employees who have responsibility for him/her), particularly in relation to timekeeping, performance and general conduct.
 - vi. He/she is not employed by the Placement Provider. In the event that the Placement is terminated that does not constitute a dismissal for the purposes of the Employment Rights Act 1996.
5. [Name of offender] agrees to the disclosure of previous convictions, that is not prohibited by the Rehabilitation of Offenders Act, to specified persons within [name of Placement Provider] for use solely by [name of Placement Provider] in the management of the placement, including checks on [name of offender] behaviour by persons authorised to act on behalf of [name of establishment]. (See paragraphs 5vii and 9iv, below).

THE PLACEMENT PROVIDER

6. [Name of Placement Provider] is reminded that:
- i. They will ensure that the placement complies with all relevant health and safety and equal opportunities legislation.
 - ii. They will be clear about the range of work activities entailed in the placement, and engage with us about any proposed changes to those activities or the premise where they take place before they occur.
 - iii. They will monitor the timekeeping, performance and general conduct of [name of offender] and provide [name of establishment] with reports at intervals of [] weeks or as required.
 - iv. They will facilitate a programme of checks by staff from [name of establishment] to check on [name of offender]'s adherence to the terms and conditions of their temporary release.
 - v. They will participate in meetings (on a timescale to be agreed with [name of establishment]) to review the progress of the placement.
 - vi. In the event of any breach or suspected breach of the terms of his/her RDR licence by [name of offender] or any breach of the Placement Provider's own rules governing the conduct of its employees, [name of Placement Provider] will inform [name of establishment] immediately.
 - vii. They will not ask [name of offender] to do or not to do anything which might constitute a breach of any condition(s) of his/her RDR licence.

- viii. They must not to divulge to a third party any information about [name of offender], and must immediately report any approaches from a third party. They must comply in all respects with the provisions of the Data Protection Act 1998 and the two organisations will agree in writing the names/positions of [name of Placement Provider]’s staff who will have access to confidential information about [name of offender] who must in turn have a copy of these details.

THE ESTABLISHMENT

7. [Name of establishment] is reminded that it will:
 - i. Agree with the host organisation the criteria of offender with regards to current and previous offences. Due consideration must be given to the suitability of engagement in the activity, e.g. sector, interface either directly or indirectly with children or other vulnerable groups etc.
 - ii. Risk assess [name of offender] in relation to the nature of the placement before RDR can be approved.
 - iii. Monitor [name of offender]’s compliance with the terms and objectives of his/her RDR licence by means of site visits and telephone checks.
 - iv. Inform [name of Placement Provider] if [name of offender]’s RDR licence is suspended or withdrawn. This information will be provided as soon as possible and, in the case of a suspension, information on the reinstatement of the RDR licence will be supplied.
 - v. Provide information on [name of offender] criminal record to [name of Placement Providers] in confidence. (See paragraphs 4 and 5 viii, above).

GENERAL

8. [Name of offender] will commence his/her placement at [] on [date].
9. His/Her hours of attendance will be [].
10. His/Her supervisor will be [].
11. His/Her main duties will be [], and he/she will receive appropriate training before undertaking these tasks.
12. No special clothing/equipment will be required / the following special clothing/equipment will be required. [Identify whether special clothing/equipment will be provided by the placement organisation, the establishment or the offender].
13. In the event of a dispute about the terms of this Memorandum of Understanding, any resolution or variation of the terms must involve all those who are party to it.
14. The placement defined by this Memorandum of Understanding may be terminated at any time by anyone who is a party to it.

CONTACT POINTS

16. For the Establishment:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

17. For the Placement Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

SIGNATORIES TO THE AGREEMENT

18. For the Establishment:

[Signature]

[Name]

[Position/Role]

[Date]

19. For the Placement Provider:

[Signature]

[Name]

[Position/Role]

[Date]

20. Offender:

[Signature]

[Name]

[Date]

ACCT and ROTL - general advice to prisons

1. The question of how to protect and support a vulnerable prisoner who is seeking Release on Temporary Licence is a delicate one. This annex offers some advice on how to manage the interaction between the ACCT and ROTL processes.
2. Being on ACCT is not a bar to getting ROTL. Nonetheless, prisons do have a responsibility to prisoners in considering requests for ROTL, and must take account of risks and protective factors in deciding those requests. The key is to base the decision on the facts of the individual case. A blanket policy treating all prisoners the same is not possible.
3. In each case you need to consider whether ROTL might **increase or decrease** the risk of suicide and/or self-harm. In some cases the prisoner might find greater opportunities for self-harm; in others, ROTL might provide protective factors that would make it less likely. The purpose and length of the ROTL, and where and to whom the prisoner will go, all need to be factored in as well.
4. Where the initial conclusion is to allow ROTL, you should check what support needs the prisoner has and then satisfy yourself that they have access to the appropriate services, or knows how to gain access to them. If there is a concern that the prisoner might nonetheless not use those services, that would influence the assessment of whether ROTL was likely to increase the risk of self-harm.
5. This consideration is best done through a multi-disciplinary ACCT case review, as close as possible to the possible ROTL date. If it cannot be done on the morning of release, you will need to be alert to the chance that something might change before release, and take account of it.
6. In the case review, it is good practice to involve those on the outside who may be able to provide services and other support measures: agencies in the community, including the community offender manager, and the prisoner's family and/or friends. The review can take into account what they can offer, whether it is likely to be available in practice, and whether the prisoner is likely to make use of it. If the conclusion then is that the risk to the prisoner will increase, it is legitimate to deny ROTL. But if the conclusion is that risk will be no worse or will reduce, ROTL can go ahead.
7. Prisoners on ROTL cannot be monitored, or required to report to anyone, except as provided in the ROTL Policy Framework. You cannot impose conditions on the prisoner to take certain steps regarding their own protection, nor on anyone else to manage any risk. But the offender manager could, for example, offer to meet the prisoner at agreed times. That would be a support measure, not a condition: it could not be imposed, and whether the prisoner would take it up could be taken into account.

Reporting ROTL failures

The following failures should immediately be notified by telephone to the National Incident Management Unit (NIMU) and Press Office and reported via the incident reporting system (IRS) within 24 hours:

- a) Noteworthy/high profile prisoners – ie those likely to arouse public or parliamentary concern or attract media attention;
- b) Prisoners serving an IPP or life sentence;
- c) Where there is evidence of offending having taken place on ROTL or whilst UAL

The recapture or surrender of these prisoners must also be reported to NIMU by telephone.

All other ROTL failures must be reported within 72 hours via IRS in line with the requirements of PSI 11/2012. The following reporting principles should be followed:

A. What counts as a ROTL failure?

There are four types of ROTL failure:

- i) **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. Where, following further enquiries, the Governor is satisfied that the offender was unable to return as required due to circumstances beyond their control, this should not be reported as a failure to return. Where the offender surrenders later the same day, it should be reported as a late return.
- ii) **Late return:** Where the offender returns late on the date of return, but UAL contingency plans have not been activated and the offender is not late solely through matters beyond their control. Late arrival to planned ROTL destinations (e.g. Approved Premises), where this is required in the licence conditions, should be reported as an “other breach of licence”.
- iii) **Alleged offending on ROTL:** Where the offender has been arrested for an offence allegedly committed whilst temporarily released. Where a prisoner is arrested for the offence of failing to return, this should be reported as a “failure to return” not as alleged offending.
- iv) **Other breach of licence:** Where any of the other conditions attached to the licence have been breached.

B. What happens when there are two types of failure arising from the same release?

Full details of the facts should be reported in IRS but only one reason for the failure will be reported according to the following hierarchy:

- i) alleged offending;
- ii) failure to return;

- iii) late return;
- iv) other breach of licence conditions.

So, where someone has failed to return and been arrested for an offence committed whilst on ROTL the incident should be reported under “alleged offending”.

C. How to decide if an offence was committed whilst on ROTL?

In order to draw a clear reporting line, it has been agreed that offences committed in the community on any of the dates covered by the licence will qualify as offences committed on ROTL. This means that where someone is late and commits an offence after the return time on the licence but before midnight on the date in question, that should be/remain reported as alleged offending rather than a late return.

Where, however, the offence was committed after the date on which the offender should have returned, the failure should be/remain reported as a failure to return. Clearly, however, the alleged offence will be a significant factor in reviewing the failure.

D. What if the licence has been rescinded?

Rescinding the licence might follow any of the four types of ROTL failure and should be reported under one of the four headings.

E. What about prisoners who return to the establishment from ROTL with contraband, including illicit/prohibited substances, or who fail testing for illicit substances taken whilst on ROTL?

This should be reported as an “other breach of licence”. This is in addition to any other actions arising from the find or testing, including the requirement to report all finds on IRS. The offence of Conveying an Unauthorised Article should be reported in the usual way but the ROTL failure should be reported as “other breach of licence conditions” and not as “alleged offending during ROTL”, unless the offender was arrested for an offence committed during the period covered by the licence.

ROTL Suspension/Punishment Guidance

When an offender fails a temporary release ROTL must be suspended whilst the immediate suitability review takes place, and a suspension of privileges following adjudication.

Every temporary release failure must be treated as a potential disciplinary offence and, in addition to suspending ROTL, consideration should be given to further disciplinary procedures under PSI 05/2018. Where an adjudicator is satisfied that a disciplinary offence has taken place they will set the punishment (award) in accordance with the parameters of PSI 05/2018.

Repeat ROTL failures should result in more punitive consequences and longer suspensions should be considered to allow the prisoner to rebuild trust and to reflect upon their behaviour.

Where an offender fails to return or is charged with an offence allegedly committed during ROTL, all ROTL must be suspended indefinitely. If the offender was in open conditions they must be re-categorised and returned to closed conditions on return/recapture. An adjudication should be opened pending police/CPS consideration of prosecution; if there is no prosecution then consideration should be given to referring to independent adjudicator for additional days (additional days are only available for determinates).

With late returns and breach of conditions, extending the period of ROTL suspension beyond the period required for the immediate suitability review should be considered as a means of dealing with the failure but there is no minimum period of suspension and alternative means of addressing the breach may be considered where it is assessed that suspension of ROTL would have a disproportionate impact on the offender's progress; for example, leading to their missing a key ROTL opportunity.

LOCAL Review Document

Release on Temporary Licence (ROTL) Failure

OFFENDER DETAILS						
Offender name:						
'Restricted' or 'Standard' ROTL Prisoner?						
Mandatory or Discretionary PGD referral?						
Failure Details						
Index Offence Details						
Sentence Length:		Date Sentenced:				
Prison Number:		Date of Birth:				
Ethnic Origin:		Gender:	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Record the following (at the time of the decision to authorise ROTL unless otherwise stated)						
OASys high or very high risk of serious harm to children, public or known others? (detail)						
12 month OGRS reconviction %						
OASys likelihood of reconviction score at start of sentence:						
OASys Sexual Reoffending Predictor (OSP) (*detail)						

ROTL PROCESSES AND PRACTICE

1. Was the offender correctly identified as either a 'Restricted' or a 'Standard' ROTL case?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
2. If the offender was in open conditions, how long had he/she been there before the ROTL event that led to the failure?

Please add comments here:

3. When was the offender's first ROTL release?

Please add comments here:

4. How many occasions of the following ROTL types has the offender successfully completed during the current sentence (indicate if any was accompanied or supervised)?

SPL:

RDR:

ROR:

CRL:

5. Were the activities for which ROTL was currently authorised clearly linked to objectives within the sentence/resettlement plan?

Yes No Please add comments here:

6. Were external agencies consulted as required (e.g. Offender Manager, Police, Children's Services)?

Yes No Please add comments here:

7. Were all key documents included in the Board Dossier?

Yes No Please add comments here:

8. Was the impact of the release on identified victims considered? Were those in the NPS victims' contact scheme given the opportunity to make representation about the release?

Yes No Please add comments here:

9. Was there any divergence of opinion evidenced in the most recent ROTL decision, including between Board member and decision-maker, or in any of the reports considered, eg the comments from the offender manager?

Yes No Please add comments here:

10. If a "Restricted ROTL" case, was there evidence that the relevant notes and information arising from the Enhanced Behaviour Monitoring approach were utilised in considering ROTL?

Yes No Please add comments here:

11. Is there any history of ROTL failure (or absconding), in any sentence. Please provide details (include a review of Mercury and NOMIS case notes, in case a minor infringement during ROTL was not formally recorded as a Temporary Release Failure).

Yes No Please add comments here:

11. Where the information is available, what was the outcome of any known ROTL failure (including any minor infringement)?

Please add comments here:

12. Did the ROTL decision take appropriate account of previous ROTL history?

Yes No Please add comments here:

13. Was the ROTL period during which the failure occurred monitored in accordance with current requirements?

Yes No Please add comments here:

14. Have you identified any divergence from key requirements of the current ROTL Policy Framework.

Yes No Please add comments here:

15. Is there any indication from the offender as to the reason for the failure (eg what prompted a failure to return or any offending)?

17. Any additional relevant factors related to the failure or the ROTL process that have not been not addressed above?

18. Based on your review, have you identified:

- i. any factors which might have contributed to the failure?;
- ii. any practice or policy which should be reviewed further?

Please add comments here:

19. Recommendations to the Governor

Governor' Comments

Recommend Formal Review	Yes <input type="checkbox"/> No <input type="checkbox"/>
Recommendations to PGD	
Recommend Further Work by IRMT	Yes <input type="checkbox"/> No <input type="checkbox"/>
Detail further work:	

SERIOUS FURTHER OFFENCE LIST

IN ADDITION TO THE SUBSTANTIVE OFFENCES BELOW, AIDING, ABETTING, COUNSELLING, PROCURING OR INCITING THE COMMISSION, OR CONSPIRING TO COMMIT, OR ATTEMPTING TO COMMIT ANY OF THE LISTED OFFENCES CONSTITUTES A SERIOUS FURTHER OFFENCE.

Violent Serious Further Offences
Murder
Attempt to commit murder or a conspiracy to commit murder
Manslaughter
Kidnapping
False imprisonment
Soliciting murder (section 4 of the Offences against the Person Act 1861)
Attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence (section 21 of the Offences against the Person Act 1861)
Using chloroform etc. to commit or assist in the committing of any indictable offence (section 22 of the Offences against the Person Act 1861)
Causing bodily injury by explosives (section 28 of the Offences against the Person Act 1861)
Using explosives etc. with intent to do grievous bodily harm (section 29 of the Offences against the Person Act 1861)
Placing explosives etc. with intent to do bodily injury (section 30 of the Offences against the Person Act 1861)
Endangering the safety of railway passengers (section 32 of the Offences against the Person Act 1861)
Causing explosion likely to endanger life or property (section 2 of the Explosive Substances Act 1883)
Attempt to cause explosion, or making or keeping explosive with intent to endanger life or property (section 3 of the Explosive Substances Act 1883)
Child destruction (section 1 of the Infant Life (Preservation) Act 1929)

Infanticide (section 1 of the Infanticide Act 1938)
Causing or allowing the death of a child or vulnerable adult, also called 'familial homicide' (Section 5 of the Domestic Violence, Crime and Victims Act 2004)
Possession of firearm with intent to endanger life (section 16 of the Firearms Act 1968)
Use of firearm to resist arrest (section 17(1) of the Firearms Act 1968)
Possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act (section 17(2) of the Firearms Act 1968}
Carrying a firearm with criminal intent (section 18 of the Firearms Act 1968)
Robbery or assault with intent to rob (section 8(1) of the theft Act 1968). <i>[NB. Only where a firearm/imitation firearm is used]</i>
Burglary with intent to- Inflict grievous bodily harm on a person, (section 9 of the Theft Act 1968) –
Aggravated burglary (section 10 of the Theft Act 1968)
Aggravated vehicle-taking involving an accident which caused the death of any person (Section 12A of the Theft Act 1968)
Arson with intent to endanger life of another or being reckless as to whether the life of another would be thereby endangered. (section 1 of the Criminal Damage Act 1971)
Aggravated criminal damage - destroying or damaging property other than an offence of arson (section 1(2a) of the Criminal Damage Act 1971) <i>[NB -- there must be intention or recklessness as to the endangerment of life by the criminal damage].</i>
Hostage-taking (section 1 of the Taking of Hostages Act 1982)
Hijacking (section 1 of the Aviation Security Act 1982)
Destroying, damaging or endangering safety of aircraft (section 2 of the Aviation Security Act 1982)
Other acts endangering or likely to endanger safety of aircraft (section 3 of the Aviation Security Act 1982)
Torture (section 134 of the Criminal Justice Act 1988)
Causing death by dangerous driving (section 1 of the Road Traffic Act 1988)
Causing death by careless driving when under influence of drink or drugs (section 3A of the Road Traffic Act 1988)
Endangering safety at aerodromes (under section 1 of the Aviation and Maritime Security Act

1990)
Hijacking of ships (section 9 of the Aviation and Maritime Security Act 1990)
Seizing or exercising control of fixed platforms (section 10 of the Aviation and Maritime Security Act 1990)
Destroying fixed platforms or endangering their safety (section 11 of the Aviation and Maritime Security Act 1990)
Other acts endangering or likely to endanger safe navigation (section 12 of the Aviation and Maritime Security Act 1990)
Offences involving threats (section 13 of the Aviation and Maritime Security Act 1990)
Offences relating to Channel Tunnel trains and the tunnel system (Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570))
Genocide, crimes against humanity, war crimes and related offences), other than one involving murder (section 51 or 52 of the International Criminal Court Act 2001)
Female genital mutilation (section 1 of the Female Genital Mutilation Act 2003)
Assisting a girl to mutilate her own genitalia (section 2 of the Female Genital Mutilation Act 2003)
Assisting a non-UK person to mutilate overseas a girl's genitalia (section 3 of the Female Genital Mutilation Act 2003)

Sexual Serious Further Offences

Rape or assault by penetration (section 1 or 2 of the Sexual Offences Act 2003)
Intercourse with girl under thirteen (section 5 of the Sexual Offences Act 1956)
Incest by a man with a woman whom he knows to be his grand-daughter, daughter, sister or mother (section 10(1) of the Sexual Offences Act 1956)
Abduction of woman by force or for the sake of her property (section 17 of the Sexual Offences Act 1956)
Permitting girl under thirteen to use premises for intercourse (section 25 of the Sexual Offences Act 1956)
Burglary with intent to commit rape (section 9 of the Theft Act 1968)
Rape (section 1 of the Sexual Offences Act 2003)
Assault by penetration (section 2 of the Sexual Offences Act 2003)

Rape of a child under 13 (section 5 of the Sexual Offences Act 2003)
Assault of a child under 13 by penetration (section 6 of the Sexual Offences Act 2003)
Sexual assault of a child under 13 (section 7 of the Sexual Offences Act 2003)
Causing or inciting a child under 13 to engage in sexual activity (section 8 of the Sexual Offences Act 2003)
Sexual activity with a child (section 9 of the Sexual Offences Act 2003)
Causing or inciting a child to engage in sexual activity (section 10 of the Sexual Offences Act 2003)
Arranging or facilitating commission of a child sex offence (section 14 of the Sexual Offences Act 2003)
Sexual activity with a child family member (section 25 of the Sexual Offences Act 2003)
Inciting a child family member to engage in sexual activity (section 26 of the Sexual Offences Act 2003)
Sexual activity with a person with a mental disorder impeding choice (section 30 of the Sexual Offences Act 2003)
Causing or inciting a person with a mental disorder impeding choice to engage in sexual activity (section 31 of the Sexual Offences Act 2003)
Inducement, threat or deception to procure sexual activity with a person with a mental disorder (section 34 of the Sexual Offences Act 2003)
Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception (section 35 of the Sexual Offences Act 2003)
Paying for sexual services of a child (section 47 of the Sexual Offences Act 2003)
Causing or inciting child prostitution or pornography (section 48 of the Sexual Offences Act 2003)
Controlling a child prostitute or a child involved in pornography (section 49 of the Sexual Offences Act 2003)
Arranging or facilitating child prostitution or pornography (section 50 of the Sexual Offences Act 2003)
Trafficking into the UK for sexual exploitation (section 57 of the Sexual Offences Act 2003)
Trafficking within the UK for sexual exploitation (section 58 of the Sexual Offences Act 2003)
Trafficking out of the UK for sexual exploitation (section 59 of the Sexual Offences Act 2003)
Causing a person to engage in sexual activity without consent (Section 4 Sexual Offences Act 2003)

2003)

Note: only where penetration is involved

Care workers: Sexual activity with a person with a mental disorder (Section 38 Sexual Offences Act

2003) note: only where penetration is involved

Care workers: causing or inciting sexual activity (Section 39 Sexual Offences Act 2003) note: only where penetration is involved

ROTL FAILURE REVIEW

TERMS OF REFERENCE

To:

Date:

ROTL FAILURE OF (Insert offender name and number) ON (Insert date of failure) FROM (Insert establishment)

You are directed to examine the circumstances of the Release on Temporary Licence failure of *(Insert offender name and number)* on *(Insert date of failure)* from *(Insert establishment)* and report using the attached template.

Your report should take account of the overarching aims of the resettlement of offenders and our obligation to protect the public by the rigorous and appropriate application of Release on Temporary Licence.

In particular, you should establish:

- The details of the failure;
- Whether the decision to grant ROTL was reasonable and defensible;
- Whether the requirements of the current ROTL policy framework were followed;
- Whether due regard had been given to all available information about *(Insert offender name and number)*,
- *PGD may specify further issues to investigate, as necessary]*

In addition to the above, you should also make an immediate assessment about:

- Remedial actions needed;
- Whether a similar incident could happen again;
- Lessons learned and urgent findings to be shared;

Your final report should be submitted no later than *(three months from the date of commissioning)*.

You act with my authority in conducting this review.

This review is not intended to be an investigation under the terms of PSO 1300 (Conduct and Discipline). However, if during the course of the review you encounter evidence of potential wrongdoing, you are to inform me as the commissioning authority immediately.

Prison Group Director

PGD ROTL Review

OFFENDERS DETAILS			
Offender name:			
'Restricted' or 'Standard' ROTL Prisoner?			
Offence/failure Details			
SFO – Yes or No			
Sentence Length:		Date Sentenced:	
Prison Number:		Date of Birth:	

REVIEW DETAILS			
Prison Service Region			
HMP/ YOI			
Telephone number:			
Email address:	sfo@noms.gsi.gov.uk		
REVIEW COMPLETED BY			
Full Name:		Grade:	
Department:		Email address	
Telephone Number:			

Interviews

All interviews must be noted and the notes retained. Please enter under topics, only the main topics that were discussed.

INTERVIEW LOG			
Grade and role of the interviewee	Identifier (e.g. OS, CA, Gov, etc.)	Date of interview	Topics

2.1 – CASE CHRONOLOGY

Please provide a concise summary of key significant events in custody, during the three years to the date of the ROTL failures, , together with your observations, including where applicable;

- Transfers- paying particular attention to moves to open conditions or returns to closed conditions
- Perceived, alleged or known deterioration in behaviour
- Adjudications, incentive reviews, SIRs
- Assessments/ reviews of OASys, including Sentence Plans (from initial onwards) and Risk Management Plans, and changes to risk levels
- Sentence Planning review meetings (including attendance)
- Commencement, quality and completion of interventions (accredited and non-accredited)

- ROTL, HDC assessments
- Enhanced Behaviour Monitoring (EBM) assessments
- ROTL events including breaches or failures
- MAPPA or other risk management meetings- IRMT
- ViSOR entries. ViSOR Partnership rights for prison provided
- Reference to victim of SFO (where there was one)
- Contact with outside agencies if relevant
- Information sharing including LISP 4s

CASE CHRONOLOGY		
Date	Event	Reviewing Manager Comments

MAPPA INFORMATION				
At the start of sentence, was the offender a 'relevant sexual and/or violent offender' for MAPPA eligibility purposes?	? Yes <input type="checkbox"/> No <input type="checkbox"/>			
If yes, which category?				
If yes, was this correctly identified at the time the ROTL application was considered?				
Is the offender, or has the offender previously been registered as a Critical Public Protection Case? If yes, please specify	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

If yes was this correctly identified in prison?	
---	--

BACKGROUND INFORMATION

You must ensure that the following information is provided in full before answering the core questions in sections 2.9 – 2.12.

2.2 RISK ASSESSMENT

OGRS risk of reconviction at latest OASys:

12 months	%	24 months	%
OASys likelihood of reconviction score at start of sentence:			
OASys risk of serious harm level at latest OASys			
Details:			

Please tick the relevant box provided in the breakdown in the table below:

	Children		Public		Known adult		Staff		Offenders
	Risk in community	Risk in custody	Risk in community	Risk in custody	Risk in community	Risk in custody	Risk in community	Risk in custody	Risk in custody
V High	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Med	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.3 CRIMINOGENIC FACTORS

Were any of the following identified in the latest OASys as related to risk of re-offending? i.e. to the right of the line on OASys

Accommodation	<input type="checkbox"/>	Emotional wellbeing	<input type="checkbox"/>	Drugs misuse	<input type="checkbox"/>
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Relationships	<input type="checkbox"/>	Health and other considerations	<input type="checkbox"/>	Alcohol misuse	<input type="checkbox"/>
Attitudes	<input type="checkbox"/>	Lifestyle and associates	<input type="checkbox"/>	Thinking / behaviour	<input type="checkbox"/>
Education Training and Employment	<input type="checkbox"/>	Finance management and income	<input type="checkbox"/>		

DETAILS

Were any of the following identified in the latest OASys as related to risk of serious harm?

Accommodation	<input type="checkbox"/>	Emotional wellbeing	<input type="checkbox"/>	Drugs misuse	<input type="checkbox"/>
Relationships	<input type="checkbox"/>	Health and other considerations	<input type="checkbox"/>	Alcohol misuse	<input type="checkbox"/>
Attitudes	<input type="checkbox"/>	Lifestyle and associates	<input type="checkbox"/>	Thinking / behaviour	<input type="checkbox"/>
Education Training and Employment	<input type="checkbox"/>	Finance management and income	<input type="checkbox"/>		

DETAILS

2.4 CHILD PROTECTION

Are there any child protection concerns noted in relation to the index or previous offences, to the offender's previous circumstances, or raised by the offender's behavior?

If yes, specify:

- whether the offender identified as presenting a risk to children?
- whether appropriate measures put into place in response to the risks?

Yes

No

2.5 DOMESTIC ABUSE

Are there any domestic abuse concerns in relation to the previous and index offences, or to the offender's circumstances and behaviour? If yes specify:

Yes

No

If there were domestic abuse concerns, was the offender assessed using SARA in custody?

N/A

Yes

Please specify the outcome of the assessment(s):

No

Please explain why a SARA assessment was not undertaken:

<p>If there were any domestic abuse concerns, was there liaison with the appropriate offender manager and police domestic abuse unit, either ahead of, or as part of the ROTL consideration process.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>Were there any applicable court orders in relation to protection of public/victims from harassment?</p>	
<p>Was appropriate action taken to restrict contact?</p>	
<p>Comments:</p>	

2.6 SEXUAL OFFENCES

<p>Are there any sexual offending concerns in relation to the previous or index offence(s), or behaviour in prison?</p>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<p>If no, please move on to Risk Assessment (section 2.7). If yes, please specify, and ensure that this issue is fully addressed in your answers to the Review core questions:</p>				
<p> </p>				
<p>Was the offender subject to the statutory sex offences notification requirements?</p> <p>If yes, please provide details including dates</p>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<p> </p>				
<p>Was the offender informed of this status when temporarily released from custody for ROTL? If yes specify:</p>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<p> </p>				
<p>Was the offender subject to a Sexual Offences Prevention Order (SOPO), a Risk of Sexual Harm Order or a Foreign Travel Order? If yes specify, including dates:</p>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<p> </p>				
<p>Was the offender on any sexual offender programmes or other accredited programmes while in custody? If yes specify:</p>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<p> </p>				

While in custody did the offender refuse to attend any programmes? If yes specify:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Were there any concerns raised by any members of staff relating to the offender's sexual behaviour while in custody? If yes specify:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the index or if any previous convictions were sexual offences, was the offender assessed using: OASys Sexual Reoffending Predictor (OSP)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>				
Please specify dates and the outcome of the assessment(s):				
Please explain why an OASys Sexual Reoffending Predictor (OSP) assessment was not undertaken:				
Other sex offender specific structured risk assessment tools? If yes. provide outcome	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

REVIEW CORE QUESTIONS

The Review Core Questions (2.9, 2.10, and 2.11) must be answered in full for the period whilst the offender was in custody, with supporting comments, whether the answers are positive or negative.

2.7 RISK ASSESSMENT

This whole section leads a reviewer to focus on OASys but for 'Restricted' ROTL cases, please also consider the Psychology EBM case file review completed on arrival at the open prison.

1. Was a satisfactory risk of harm screening undertaken at the start of sentence, using all of the information available at the time?

Yes No N/A Please add comments here:

2. If the risk of harm screening identified the need for a full OASys risk of harm assessment, was it clear, accurate and undertaken in the appropriate timescale?

Yes No N/A Please add comments here:

3. Where required, was a comprehensive risk management plan completed using the appropriate format and within the required timescale?

Yes No N/A Please add comments here:

4. Were the reviews up-to-date, taking into account all available information, and completed satisfactorily and on time?

Yes No N/A Please add comments here:

5. Did prison staff (including security, wing officers, and others) contribute effectively to risk assessment and reviews?

Yes No N/A Please add comments here:

6. Were recommendations for allocation (within the prison estate, or within the prison) appropriate, given the level and nature of the risk posed by the offender?

Yes No N/A Please add comments here:

Based on your answers to the questions 1-6 above, were risk assessments and reviews carried out to a sufficient standard?

Yes No You **must** provide evidence to substantiate your answer:

What were the reasons and/or contributory factors for any deficiencies in risk assessment?

Additional comments:

2.8 RISK MANAGEMENT

1. Was the OASys Risk Management Plan implemented effectively and in a timely fashion?

Yes No N/A Please add comments here:

2. Were there any significant incidents of concern or deterioration in behaviour during the period in custody (include in what period the incidents occurred)?

Yes No N/A Please add comments here:

3. Was risk of harm managed appropriately throughout the custodial period, particularly following any significant incident or deterioration in behaviour, using relevant sanctions where appropriate?

Yes No N/A Please add comments here:

4. Was there effective communication about risk, between departments in Prison, and or between departments in Prison and others involved in the case? This should be linked to interdepartmental risk management meetings.

Yes No N/A Please add comments here:

5. Did the prison remind and/or update the OM of the release dates of those managed at MAPPA Level 2 or 3? Note here that the prison can only remind of release dates for MAPPA 2 or 3 if they are aware that a MAPPA level has been set.

Yes No N/A Please add comments here:

6. If the offender was subject to MAPPA levels 2 or 3 management, did the offender supervisor and all other relevant staff contribute effectively from the prison establishment to MAPPA, including attendance at external risk management meetings and/or provision of written reports as appropriate?

Yes No N/A Please add comments here:

7. Was effective action taken to promote victim safety where there was a direct victim/known person at risk and/or if there were restrictive/prohibitive conditions?

Yes No N/A Please add comments here:

Based on your answers to questions 1- 7 above, was the risk management carried out to a sufficient standard?

Yes No You **must** provide evidence to substantiate your answer:

What were the reasons and/or contributory factors for any deficiencies in risk management?

Additional comments:

2.9 ROTL PROCESSES AND PRACTICE

1. Was the offender correctly identified as either a 'Restricted' or a 'Standard' ROTL case?

Yes No Please add comments here:

2. If the offender was in open conditions, how long had he/she been there before the ROTL event that led to the failure?

Please add comments here:

3. When was the offender's first ROTL release?

Please add comments here:

4. How many occasions of the following ROTL types has the offender successfully completed (indicate if any was accompanied or supervised)?

SPL:

RDR:

ROR:

CRL:

5. Were the activities for which ROTL was currently authorised clearly linked to objectives within the sentence/resettlement plan?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
6. Were external agencies consulted as required (e.g. Offender Manager, Police, Children's Services)?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
7. Were all key documents included in the Board Dossier?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
8. Was the impact of the release on identified victims considered? Were those in the NPS victims' contact scheme given the opportunity to make representation about the release?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
9. Was there any divergence of opinion evidenced in the most recent ROTL decision, including between Board member and decision-maker, or in any of the reports considered, eg the comments from the offender manager?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
10. If a "Restricted ROTL" case, was there evidence that the relevant notes and information arising from the Enhanced Behaviour Monitoring approach were utilised in considering ROTL?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
11. Is there any history of ROTL failure (or absconding), in any sentence. Please provide details (include a review of Mercury and NOMIS case notes, in case a minor infringement during ROTL was not formally recorded as a Temporary Release Failure).
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
12. Where the information is available, what was the outcome of any known ROTL failure (including any minor infringement)?
Please add comments here:
13. Did the ROTL decision take appropriate account of previous ROTL history?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
14. Was the ROTL period during which the failure occurred monitored in accordance with current requirements?
Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
15. Have you identified any divergence from key requirements of the current ROTL Policy Framework.

Yes <input type="checkbox"/> No <input type="checkbox"/> Please add comments here:
16. Is there any indication from the offender as to the reason for the failure (eg what prompted a failure to return or any offending)?
17. Any additional relevant factors related to the failure or the ROTL process that have not been not addressed above?
Based on your answers to questions 1- 17 above, were the ROTL processes and practice carried out to a sufficient standard?
Yes <input type="checkbox"/> No <input type="checkbox"/> You <u>must</u> provide evidence to substantiate your answer:
What were the reasons and/or contributory factors for any deficiencies in the ROTL process?
Additional comments:

2.12 OFFENDER MANAGEMENT

1. Did the sentence plan contain appropriate outcome-focused objectives and is there evidence that the offender was an active participant in the sentence planning process and that the objectives reflect the goals set?
Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Please add comments here:
2. What was the frequency and quality of the offender supervisor engagement with the offender during the custodial period?
Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Please add comments here:
3. Has the sentence plan been appropriately and effectively delivered by the prison, working with the supervising agency, in accordance with risk of serious harm and/or risk of re-offending concerns? (Please include details of responses to any non-compliance with sentence plan interventions).
Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Please add comments here:
4. Was risk information shared at appropriate points between the prison an community offender managers?
Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Please add comments here:
5. If the case had been transferred in from another Prison, was it a progressive transfer (i.e. for Sentence Planning purposes)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Please add comments here:
6. Is there any evidence that the last transfer had unsettled the individual at all?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Please add comments here:
7. If 'Restricted' ROTL case, was Enhanced Behaviour Monitoring undertaken as required by policy. Please provide details below:			
8. Is there any evidence that a lack of understanding by the prisoner of the objectives and conditions for the ROTL contributed in any way to the failure?			
Please add comments here:			
9. Were contact and events up-to-date and clearly recorded against the offender's record according to all protocols and policies (review NOMIS case notes)?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Please add comments here:
Based on your answers to the questions 1-9 above, was offender management practice delivered to a sufficient standard?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	You <u>must</u> provide evidence to substantiate your answer:	
What were the reasons and/or contributory factors for any deficiencies in Offender Management?			
Additional comments:			

2.13 REVIEW – FINAL QUESTIONS		
1. The Review demonstrates that there was a sufficient standard of risk assessment:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. The Review demonstrates that there was a sufficient standard of risk management:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. The Review demonstrates that there was a sufficient standard of ROTL practice (as per current ROTL Policy Framework)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. The Review demonstrates that there was a sufficient standard of offender management:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

2.14 ANY FINAL REVIEWER COMMENTS

--

2.15 ACTION PLAN

Please use the table below to summarise the actions that will be taken to address any deficiencies identified. The actions should be SMART (Specific, Measurable, Achievable, Realistic and Time-bound). They may include referral of concerns to other bodies where appropriate.

Learning point	Review question number	Action to address the Learning Point	By whom	Date	How the impact of the action taken will be checked

Has this Review raised any other issues about the effective management of offenders during custody, or is there any information about initiatives/achievements in your prison/region that is needed to put the action plan in context? Yes No

Please add any comments here:

This section must be signed off by the PGD. If the Review has identified exceptionally poor practice please indicate the consideration that has been given to initiating capability or disciplinary procedures, unless already stated above.

Full Name:		Grade:		Date:	
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ACTION PLAN UPDATE

Offender Name:

Prison Number:

	What action has taken place?	By whom	Date	What impact has it had?
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

This section must be signed off by the countersigning officer

Name:

Prison Region

Date

:

Comments:

Model Memorandum of Understanding – Prisoner Apprenticeships

(This model placement Memorandum of Understanding is designed to cover situations in which an offender undertakes a prisoner apprenticeship. A separate model Memorandum of Understanding covers paid and unpaid external placements).

MEMORANDUM OF UNDERSTANDING

(Prisoner Apprenticeship)

INTRODUCTION

1. The purpose of this Memorandum of Understanding is to ensure that all those who are party to it (the Offender, the Placement Provider, the Training Provider and the Establishment) are aware of the arrangements under which the prisoner apprenticeship will take place.
2. The purpose of the prisoner apprenticeship is to progress the offender's rehabilitation and nothing in this Memorandum of Understanding shall create or shall be deemed to create a contract of employment, a contract for services or a partnership between any of the parties hereto, nor any rights or obligations that are legally enforceable.
3. Nothing in this memorandum should be taken to prevent the Placement Provider separately entering into a written contract of employment with the offender where the contract comes into effect once the offender has been released after serving the custodial element of the sentence.

THE OFFENDER (Apprentice)

4. [Name of offender] is reminded that:

- i. As a serving offender, he/she will be subject to Prison Rules throughout the duration of the prisoner apprenticeship. Payments for work will, if above the specified threshold, be subject to a levy under the Prisoners' Earnings Act 1996. For further details, please see PSI 76/2011.
- ii. He/She will be released on Resettlement Day Release (RDR) to undertake the prisoner apprenticeship. The RDR licence will specify the time, location and purpose of the release. The terms of the RDR licence may be varied only on the authority of the governor.
- iii. A copy of the RDR licence will be given to the Placement Provider by the establishment at the start of the prisoner apprenticeship.
- iv. He/She must comply fully with the terms of the RDR licence and that any breach of the terms of the licence may lead to disciplinary action and the termination of the prisoner apprenticeship.
- v. He/she is not employed by the Placement Provider. In the event that the prisoner apprenticeship is terminated that does not constitute a dismissal for the purposes of the Employment Rights Act 1996.
- vi. He/she will:
 - a. Give the Placement Provider relevant information to assist in learner or programme eligibility checks.
 - b. Comply with any policies and procedures as outlined in the apprenticeship commitment statement.
 - c. Attend all required off-the-job training and workshops (or notify the Placement Provider (in advance where possible) of non-attendance).
 - d. Commit to the learning activities required in each module including any additional self-study and research (to take place during normal working hours).
 - e. Complete any coursework, assignments and exams required to achieve the apprenticeship.
 - f. Assist the Training Provider in collecting evidence of off-the-job training (where information is held by the apprentice).
 - g. Attend and contribute to the progress review meetings.
 - h. Agree, with the Placement Provider, Training Provider and establishment, when learning is complete and that they are ready to undertake the end point assessment.
 - i. Bring any issues to the attention of the Placement Provider, Training Provider and establishment, including any learning support/health issues that might affect the plan of training.

5. [Name of offender] agrees to the disclosure of previous convictions, that are not prohibited by the Rehabilitation of Offenders Act, to specified persons within [name of Placement Provider] for use solely by [name of Placement Provider] in the management of the prisoner apprenticeship, including checks on [name of offender] behaviour by persons authorised to act on behalf of [name of establishment].

THE PLACEMENT PROVIDER

6. [Name of Placement Provider] is reminded that they will:

- i. Ensure that the prisoner apprenticeship complies with all relevant health and safety and equal opportunities legislation.
- ii. Work with their selected Training Provider to identify the most suitable apprenticeship standard.
- iii. Provide assistance to the Training Provider in the eligibility checks of the apprenticeship (outlined below).
- iv. Confirm that the Training Provider has made the appropriate checks , and that they have confirmed with the Training Provider that:
 - The apprenticeship is the most appropriate learning programme for the individual.
 - The apprentice has the opportunity in their job role to gain the knowledge, skills and behaviours needed to achieve the apprenticeship.
 - The apprentice has the necessary support and supervision to carry out their job role.
 - Prior learning has been taken into account with the design of the programme.
 - They have acknowledged that an apprenticeship requires at least 20% off-the-job training over the duration of the training period.
 - All off-the-job training must be completed during normal working hours (including English and maths if required).
- v. Choose an end point assessment organisation (at least 3 months prior to the end of the programme).
- vi. Contribute to and agree a plan of training, as developed by the Training Provider, under which they will:
 - Deliver off-the-job training (where agreed and detailed in the plan of training).
 - Provide the apprentice with opportunities to practice new skills in the work environment.
 - Assist the provider in collecting evidence of off-the-job training (where information is held by the Placement Provider).
 - Contribute to quadripartite progress reviews with the apprentice, the prison and provider.
 - Agree, with the apprentice and Training Provider, when learning is complete and the apprentice is ready to take an end point assessment.

- vii Seek to resolve any complaints brought by the apprentice/Training Provider.
 - viii Be clear about the range of work activities entailed in the prisoner apprenticeship and engage with [name of establishment] about any proposed changes to those activities before they occur.
 - ix. Monitor the timekeeping, performance and general conduct of [name of offender] and provide [name of establishment] with reports at intervals of [] weeks or as required.
 - x. Facilitate a programme of checks by staff from [name of establishment] to check on [name of offender]'s adherence to the terms and conditions of their apprenticeship.
 - xi. Inform [name of establishment] immediately, in the event of any breach or suspected breach of the terms of his/her RDR licence by [name of offender] or any breach of the Apprenticeship Provider's own rules governing the conduct of its employees Placement Provider.
7. [Name of Placement Provider] is reminded that they will not:
- xii. Ask [name of offender] to do or not to do anything which might constitute a breach of any condition(s) of his/her RDR licence.
8. [Name of Placement Provider] is reminded that they must not divulge to a third party any information about [name of offender] and must immediately report any approaches from a third party. They must comply in all respects with the provisions of the Data Protection Act 1998 and the two organisations will agree in writing the names/positions of [name of Placement Provider]'s staff who will have access to confidential information about [name of offender] who must in turn have a copy of these details.
9. [Name of Placement Provider] certifies that serving offenders do not constitute a majority of its workforce and that its business is not dependent on offender labour.
10. The amount of remuneration agreed between the governor and [the Placement Provider] is [insert amount per hour].
11. When setting the rate, it is critical that due consideration is afforded to the risk of the perception of under cutting the local workforce. Accordingly, there is an explicit expectation that the level of remuneration is no lower than the level which a member of the public would be expected to receive for the same task. Where a wage lower than the National Minimum Wage is considered appropriate in the initial stages of an apprenticeship, there should be a clear path towards paying the National Minimum Wage by the three month point of any apprenticeship or, if appropriate, at an earlier stage.
10. [Name of Placement Provider] agrees to apply, so far as is possible and subject to licence conditions, similar terms and conditions relating to pay, holiday entitlement, sickness and other benefits, grievance and disciplinary rules and procedures, and notice periods as apply to others doing the same work.

11. Where the Placement Provider is providing meals or transport or other expenses which an employee would normally be expected to fund themselves, the Placement Provider may make appropriate deductions for these costs where these costs are agreed with both the prison and the offender.
12. [Name of Placement Provider] further confirms that gross pay less the deductions which they make, such as income tax and National Insurance, to [name of offender] will be made into HMPPS Bank Account, details of which are set out below:

BACS PAYMENTS

Sort code	60-70-80
Account Number	10002383
Account Name	HM Prison and Probation Service
Bank	NatWest

Please note the same information applies if cheque or cash payments are required.

Payments must not be made direct to the offender

13. [Name of Placement Provider] should provide the following information when making payment which will enable Shared Services staff to identify the relevant offender:

Name of offender

Unique Learner Number

Prison number (if available)

Name of Placement Provider

14. [Name of Placement Provider] will provide pay advice direct to the offender

THE TRAINING PROVIDER

15. (Name of training provider) is reminded that it will:

i Check to ensure that that Placement Provider:

- Has signed an apprenticeship MOU with the Offender.
- Is paying the apprentice a lawful wage.
- Has agreed that the apprenticeship is the most appropriate learning programme for the prisoner.
- Acknowledges that the apprentice requires at least 20% off-the-job training over the duration of the training period.
- Will allow the apprentice to complete their off-the-job training during normal working hours (including English and maths if required).
- Will give the apprentice the appropriate support and supervision.

ii Devise a plan of training, for agreement by all 4 parties, taking account of the following:

- An initial assessment of the learner's pre-existing knowledge, skills and behaviours (prior learning), against those required to complete the apprenticeship.
- The learner's current English and maths working level.
- Any learning support needs.
- The minimum off-the-job training requirement.
- Any requirements for training to be sub-contracted (to be agreed with the Placement Provider).

iii Negotiate a price with the Placement Provider, including the following checks (is this needed for our programme?):

- Additional payments/bursaries/small employer waiver.
- Relevant prior learning (which would reduce the content, duration and negotiated price).
- That the Placement Provider understands any obligations in relation to co-investment (where appropriate).

iv Manage/provide the off-the-job training as detailed in the plan of training, which will include:

- Providing an induction programme to the (named) apprentice (and the Placement Provider if required) that explains the plan of training.

- Providing appropriate learning materials to the apprentice.
- Reporting (named) apprentice non-attendance at scheduled training sessions to the Placement Provider.
- Managing/overseeing delivery provided by any third party (subcontractors) as detailed in the plan and in accordance with the funding rules.
- Passing on any apprenticeship funding to any subcontractors (as agreed with the Placement Provider) and to the end point assessment organisation selected by the Placement Provider.
- Ensuring the quality of delivery through regular observations of teaching and learning, and apprentice/Placement Provider feedback.
- Providing any certification as agreed with the Placement Provider/apprentice and/or required by the apprenticeship.
- Leading the quadripartite progress reviews with apprentice, Placement Provider and establishment.
- Updating the commitment statement in consultation with the apprentice, Placement Provider and establishment as and when required.
- Agreeing with the apprentice, Placement Provider and establishment when learning is complete, and the apprentice is ready to undertake the end point assessment.

v Administer the programme, by:

- Completing any required paperwork (e.g. ILR) and upload data to the ESFA to trigger funding (will this apply to prisoners?)
- Making efforts to secure alternative employment for the (named) apprentice if made redundant by the Placement Provider. Or where the apprentice is transitioned to another establishment.
- Seeking to resolve any complaints brought by the Offender/Placement Provider/Establishment.

THE ESTABLISHMENT

15. [Name of establishment] is reminded that it will:

- vi. Check the eligibility of the apprentice, including that:
 - a. The apprentice is a serving prisoner who is eligible for ROTL/day release OR who is eligible to undertake the training part of an apprenticeship in a prison industry setting.
 - b. That the apprentice is within 24 months of their earliest release date.

- vii. Agree with the Placement Provider the criteria of offender with regards to current and previous offences. Due consideration must be given to the suitability of engagement in the activity, e.g. sector, interface either directly or indirectly with children or other vulnerable groups etc.
- viii. Risk assess [name of offender] in relation to the nature of the apprenticeship before RDR can be approved.
- ix. Monitor [name of offender] compliance with the terms and objectives of his/her RDR licence by means of site visits and telephone checks.
- x. Inform [name of Placement Provider] if [name] of offender's RDR licence is suspended or withdrawn. This information will be provided as soon as possible and, in the case of a suspension, information on the reinstatement of the RDR licence will be supplied.
- xi. Provide information on [name of offender] criminal record to [name of Placement Provider] in confidence. (See paragraphs 4 and 5 viii, above).

(points vi to ix are applicable to Public Sector Prisons only)

vi. Provide the following information to the Shared Services:

- Offender Name
- Offender Number
- Offender Release Date
- Establishment
- Placement Provider
- Value of payment to offender (net of PAYE)
- Frequency – Weekly/monthly
- Date Paid
- Period Worked

- vii. Ensure offenders have completed personal bank account details and submit to the Shared Services.
- viii. Ensure deduction statements prepared by the Shared Services are issued to offenders.
- ix. Act as an intermediary between offender/Training Provider/Placement Provider and the Shared Services.

GENERAL

16. [Name of offender] will commence his/her apprenticeship at [] on [date].
17. His/Her hours of attendance will be [].
18. His/Her supervisor will be [].
19. His/Her main duties will be [], and he/she will receive appropriate training before undertaking these tasks.
20. No special clothing/equipment will be required / the following special clothing/equipment will be required. [Identify whether special clothing/equipment will be provided by the Placement Provider, the establishment or the offender].
21. In the event of a dispute about the terms of this Memorandum of Understanding, any resolution or variation of the terms must involve all those who are party to it.
22. The apprenticeship defined by this Memorandum of Understanding may be terminated at any time by anyone who is a party to it.

CONTACT POINTS

23. For the Establishment:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

24. For the Placement Provider:

[Name]

[Position/Role]

[Telephone number]

[e-mail address]

25. For the Training Provider

(Name)

(Position/Role)

(Telephone number)

(e-mail address)

SIGNATORIES TO THE AGREEMENT

26. For the Establishment:

[Signature]

[Name]

[Position/Role]

[Date]

27. For the Placement Provider:

[Signature]

[Name]

[Position/Role]

[Date]

28. For the Training Provider

(Signature)

(Name)

(Position/Role)

(Date)

27. Offender:

[Signature]

[Name]

[Date]