

Policy name: Discretionary Friday/pre-Bank Holiday Release Scheme Policy Framework

Re-issue Date: 08 December 2023 **Implementation Date:** 30 November 2023

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: None

Introduces amendments to the following documents: Sentence Calculation Policy Framework.

Action required by:

X	HMPPS HQ	X	Governors
X	Public Sector Prisons	X	Heads of Group
X	Contracted Prisons	X	The Probation Service
X	Youth Custody Estate	X	Other providers of Probation and Community Services
X	HMPPS Rehabilitation Contract Services Team		

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions. Under-18 young offender institutions, secure children's homes, secure training centres and secure 16 to 19 academies must adhere to sections 4.13-4.20, 5.1-5.2 and 6.33-6.50, 7.8-7.10 of this Policy Framework.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:

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

Section 6 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 4 of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

How will this Policy Framework be audited or monitored: Use of the scheme will be monitored periodically both regionally and nationally using data from NOMIS reporting.

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

Resource Impact: This Policy Framework does not ask HMPPS staff to take on significant additional work or activity, as it simply changes when existing activity (already specified and mandated in previous frameworks) happens. There will be some additional work to identify prisoners who are eligible for release an additional day early (i.e., two eligible working days earlier) and those prisoners whose release date should be reverted to the Friday/day before a bank holiday. As a result, we believe this Policy Framework can be carried out by existing staff, and no additional staff will be required to enact its requirements.

Contact: oisg@justice.gov.uk

Deputy/Group Director sign-off: Michelle Jarman-Howe, Chief Operating Officer, HMPPS, November 2023.

Approved by OPS for publication: Sarah Coccia and Tom Browning, Joint Chairs, OPS, November 2023.

Revisions

Date	Changes
08/12/23	Updated to provide further clarity on recall and remand in response to questions raised about the scheme, specifically: <ul style="list-style-type: none">• Eligibility for those who have served 28 days on the current sentence as opposed to the 28 days served post sentence;• Clarify that fixed term recalls are eligible for the process insofar as they have served at least 28 days on the current sentence; and• Clarify who the guidance for the children's estate is relevant to.

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1. Purpose

- 1.1 This policy outlines how the discretionary power to bring forward the release date of a person leaving prison by up to 2 eligible working days, where that release date falls on a Friday or the day preceding a bank/public holiday, will be applied. In practice, this discretionary power will be delegated to the Governor (public prisons)/Director (private prisons)/appropriate officials in youth establishments, and there will be a presumption that all determinate sentenced prisoners (including those who are subject to terms of imprisonment or serving a recall), who have served at least 28 days in custody (which includes remand time and/or "tagged bail") on the current sentence and who are due for a release on a Friday/day preceding a bank/public holiday will be released 1 eligible working day earlier to support their resettlement. Discretion can be applied to release an additional eligible working day earlier (2 eligible working days before the Friday/Day before a bank/public holiday) to support resettlement needs, or to revert release back to the Friday or day before the bank/public holiday in cases where exceptional circumstances mean that a person in prison is excluded from the scheme.
- 1.2 This will allow people leaving prison additional time to access resettlement support services and appointments ahead of the reduced availability or closure of services during the weekend or a bank/public holiday and will therefore help to reduce their risk of reoffending.
- 1.3 For the purpose of this framework, an "eligible working day" is defined as a working day that is not immediately followed by a non-working day. A "non-working day" is defined as any Saturday or Sunday, or bank/public holiday in England or Wales. For example, a Wednesday or Thursday is an eligible working day as it does not immediately precede a Saturday (a non-working day). Where a bank/public holiday falls on a day that would otherwise be a working day, such as Good Friday, the preceding Tuesday or Wednesday are eligible working days as they do not immediately precede Good Friday (a non-working day).
- 1.4 For the purposes of this framework, the Community Probation Practitioner (CPP) is referred to as the Community Offender Manager (COM) as this policy will apply across both prison and community and therefore uses a term that is familiar in both settings.

2. Evidence

- 2.1 Accessing timely support on release can be particularly challenging on a Friday due to the number of different services, both wider government and third sector, that need to be accessed; the limited time before services close for the weekend, as well as the additional pressure on support services due to an increased number of releases. Evidence suggests that failure to access this support can increase the risk of reoffending. Prisoners released on a Friday from sentences of less than 12 months had a slightly higher reoffending rate within 2 weeks of release (15%) compared to the average reoffending rate of those released on other days of the week (13.4%) (July 2016-September 2020).
- 2.2 Children in youth custody are inherently vulnerable on account of their youth. They also often have complex needs, with over three quarters (77%) assessed as having a high or very high risk of serious harm and 75% as having high or very high safety and wellbeing issues (2021). Due to the geographical spread of the youth secure estate, 15% of children are held over 100 miles from their homes and 41% are held over 50 miles away (2022).

- 2.3 Qualitative reports suggest that release on a Friday can pose significant challenges for cohorts with multiple complex needs, including children², who may have greater support needs, those with greater distances to travel back to their community, and/or those with health / mobility issues which can restrict their ability to attend multiple appointments in a short time.
- 2.4 Women are likely to face additional challenges with accessing timely resettlement support due to the geographical spread of the female custodial estate. This is not just a challenge in terms of access to family, friends and local community, but also in terms of understanding the local landscape of resettlement and support services in the eventual release area. Staff working in resettlement roles within the women's estate face additional challenges in understanding the vast landscape of service availability across the country if they are to effectively support women in preparing for their release.

3. **Outcomes**

- 3.1 This policy will provide flexibility for release dates to be set 1 or 2 eligible working days earlier than release would otherwise take place on the Conditional Release Date /Automatic Release Date/Non-Parole Date (CRD/ARD/NPD), at the end of a fixed term recall (FTR) or at the Sentence and Licence Expiry date (SLED)/Sentence Expiry Date (SED) where that falls on a Friday or on the day before a bank/public holiday. This will enable additional time for prison leavers to access resettlement services and support to address the practical challenges posed by Friday releases that can lead to an increased risk of reoffending. This will enhance public protection through promoting stable and law-abiding resettlement.

4. **Requirements**

Requirements for applying the scheme to the adult estate

- 4.1 There is a presumption that all determinate sentenced prisoners (including those who are subject to terms of imprisonment), who have served at least 28 days in custody on the current sentence and who are due for release on a Friday, or before a bank/public holiday **will be released 1 eligible working day earlier to support their resettlement**. Discretion can be applied to release an additional eligible working day earlier (2 eligible working days before the Friday/Day before a bank/public holiday) or to revert the release back to the Friday to support resettlement. The criteria to be met to enable release 2 days earlier can be found in section 6.9 – 6.10.
- 4.2 The presumption to release earlier may be overridden at the discretion of the Governor (or their delegate, see section 6.20) where there are exceptional circumstances, examples of which are outlined in section 6.6.
- 4.3 Offender Management Unit (OMU) case admin should manually update the release schedule on NOMIS where a prisoner is due for release on a Friday or before a bank/public holiday to 1 eligible working day earlier by default whilst carrying out the 14-day check, unless a decision has been made to release an additional day earlier or to revert to release on the Friday or day before a bank/public holiday.

² In this document, the term 'children' refers to all individuals held in under-18 young offender institutions, secure children's homes, secure training centres and secure 16 to 19 academies.

- 4.4 Once the scheme is implemented, current prisoners serving a determinate sentence will be eligible. This means that any 14-day checks for these prisoners carried out on or after the date of implementation will involve defaulting Friday/day before a bank/public holiday release dates to the Thursday. OMU case admin should therefore update the release schedule to reflect the 1-day earlier release at this point. For guidance on the 14- and 2-day checks, please refer to the Sentence Calculation Policy Framework.
- 4.5 **Decisions to release an additional eligible day earlier will be based on the recommendation of the COM.** When considering whether a prisoner should be released in line with the default of 1 eligible working day earlier or 2 eligible working days earlier (see section 6.9 – 6.10), the COM should give due consideration to resettlement need (examples of resettlement need and services are set out in Annex A). This may also be helpful in considering whether a release should revert to the Friday or day before a bank/public holiday, in line with the guidance outlined in section 6.4.
- Any recommendation to release 2 eligible working days earlier **should be submitted by the COM at least 28 days prior to the assumed release date** to allow sufficient time for the release schedule to be updated at the 14-day check.
 - Any recommendation to revert release to the Friday or day before a bank/public holiday **should be submitted by the COM 28 days prior to release where possible.** This does not prevent a recommendation being made after this point, where appropriate, but this should be communicated directly to the prison and confirmation sought that this recommendation has been received.
- 4.6 Where a recommendation is received from the COM, Governors (or their delegate – see 6.21) will make a final decision on whether to bring release forward by 2 eligible working days or whether it would be more appropriate for the release to occur on the Friday or day before a bank/public holiday, instead of the presumed 1 day.
- A decision to release 2 eligible working days earlier should be confirmed prior to the 14-day check. In exceptional or extenuating circumstances where the 14-day check deadline is missed, the final point of decision making (or to review the decision if necessary) should be prior to the 2-day check.
 - The final point of discretion to revert release to the Friday or day before a bank/public holiday is prior to the 2-day check.
- 4.7 Prisoners who are excluded from consideration under this scheme are set out in paragraph 6.5.
- 4.8 Decisions under this scheme should be based on the benefits of additional time for resettlement or genuine exceptional circumstances and **must not** be used as an incentive or penalty linked to behaviour or progression under regime in custody.
- 4.9 The COM should ensure that relevant teams and agencies within the community (for example, healthcare, substance misuse, resettlement services) are made aware of the release date.
- 4.10 The release of the prisoner should remain in accordance with PSI 72/2011 Discharge policy.

- 4.11 Victims who are part of the Victim Contact Scheme are usually told the week of release in advance, not the actual day, although release is then confirmed with the victim, once it has taken place. Victim Liaison Officers (VLOs) should be told by the COM if the release date changes, so that they can then be on standby to inform the victim on that day once release has taken place. The COM must confirm to the VLO that release has taken place on the day it happens, so the VLO can then inform the victim once the release has taken place.
- 4.12 In cases where prisoners are subject to added days imposed through an independent adjudication (ADAs), the ADAs must be applied to the actual CRD/ARD/NPD/end of a FTR date before consideration is made for this scheme. For example, where a prisoner is due for release from custody on a Friday, weekend or bank holiday and ADAs result in the ARD/ARD/NPD/end of the FTR date being moved to a date that no longer falls on a Friday, weekend or bank holiday, they would fall out of scope for consideration under this scheme. Should the prisoner have a successful application of remission of some of the added days (RADAs) and the RADA adjusted release date then falls on a Friday, weekend or bank holiday, the release date of eligible prisoners will be brought forward by 1 day (unless 2 days have been agreed or it is more appropriate to defer to the Friday) using the NOMIS release schedule at the sentence calculation 14 day check prior to release. The timescales outlined in section 4.5 should be adhered to.

Requirements for applying the scheme to children in under-18 young offender institutions, secure children's homes, secure training centres and secure 16 to 19 academies

- 4.13 This section of the Policy Framework applies to those under the age of 18 and those who have reached age 18 but continue to be accommodated in the children and young people secure estate, i.e., under-18 young offender institutions (YOI), secure children's homes (SCH), secure training centres (STC) and secure 16 to 19 academies (secure schools).
- 4.14 This scheme allows for release up to 2 working days before the date on which the individual would otherwise be released
- on their Conditional Release Date/Automatic Release Date/Non-Parole Date/Early Transfer Date/Mid-term Transfer Date/Late Release Date (CRD/ARD/NPD/ETD/MTD/LRD),
 - at the end of a fixed term recall (FTR) or
 - at the end of the sentence (SED/SLED),
- where this date falls on a non-working day or a day before a non-working day. As set out in Section 23 of the Criminal Justice Act 1961 (Prison Rules), those whose release date falls on a weekend or bank holiday must have their release date moved to the preceding Friday. This is a mandatory requirement. This policy introduces an additional discretion to release a child or young person up to 2 working days earlier to support resettlement.
- 4.15 This policy applies to children and young people serving determinate custodial sentences/terms with an MTD, an ETD or an LRD for DTOs or a CRD/ARD/NPD for other sentences in England and Wales, including those who also have a parole eligibility date, such as those serving extended determinate sentences (EDS) and special custodial sentences for certain offenders of particular concern (SOPC). The policy only applies to children and young people who have served at least 28 days in custody (which includes remand time and/or "tagged bail") on the current sentence. It does not apply to discretionary releases such as release by the Parole Board or under the Home Detention Curfew (HDC) scheme, where the release will take place on the agreed date.

- 4.16 The policy does not apply to children/young people remanded to custody but not yet sentenced, nor those who have been given a standard recall and are being released by the parole board before the end of their sentence (SLED) as release in those circumstances will be on the agreed date.
- 4.17 There is a presumption that under the scheme children/young people will be released 1 or 2 eligible working days before their MTD, ETD or LRD for DTOs and CRD for other sentences if that falls on a Friday or the day before a bank/public holiday. This is because they are inherently vulnerable due to their age, and because the majority of children/young people in youth custody have additional needs and/or have to travel long distances back to their community on release. They will, therefore, always be considered for the earlier release date unless exceptional circumstances set out in sections 6.33-6.47 of this document apply.
- 4.18 When a child is subject to added days imposed through an independent adjudication (ADAs), the ADAs must be applied to the actual conditional release date (CRD)/ automatic release date (ARD)/non-parole date (NPD) before consideration is made for this scheme. For example, when a child is due for release from custody on a Friday, weekend or bank/public holiday and ADAs result in the CRD/ARD/NPD date being moved to a date that no longer falls on a Friday, weekend or bank/public holiday, they fall out of scope for this scheme. Should the child have a successful application of remission of some of the added days (RADAs) and the RADA adjusted release date then falls on a Friday, weekend or bank/public holiday, the release child's date will be brought forward as per sections 6.33-6.47 of this framework using the NOMIS release schedule at the sentence calculation 14 day check prior to release.
- 4.19 When the added days bring the child into scope for this scheme, for example, when the child leaving custody would have been released on a Thursday, but the added days mean the new CRD falls on a Friday, weekend or bank/public holiday, discretion to release on the Wednesday or Thursday can be applied where this would reduce the risk of reoffending through improved resettlement. The final decision to do so should be made by the governor or controller for children placed in a YOI, or by a senior manager in the YCS Sentence and Release Team where a child is placed in an STC, SCH or secure school.
- 4.20 If there is a victim liaison officer (VLO) allocated to the case, the youth offending team (YOT)/youth justice service (YJS) case worker should be notified, and they should liaise with the VLO regarding any change in the child/young person's release date.

5. Constraints

- 5.1 This policy sets out how to operate a discretionary power to bring forward the release date of a person leaving custody by up to 2 eligible working days. This power is set out in statute, and **there is no scope for further discretion to bring forward a release date by any more than 2 eligible working days under this scheme.** This is without regard for any situation that may arise that makes an earlier release more suitable.
- 5.2 The discretion to bring forward the release date of a person leaving custody only applies to those who are due for release on a working day immediately before a non-working day, i.e., one that falls immediately before a weekend or bank/public holiday (see 1.3). Examples of eligible working days include: any Friday that is a working day, a day before a bank holiday such as Christmas Eve, or the Thursday immediately before Good Friday.

6. Guidance

Guidance on applying the Policy Framework to the adult estate

Eligibility

6.1 This scheme allows for release up to 2 working days before the date on which the prisoner would otherwise be released:

- on their Conditional Release Date/Automatic Release Date/Non-Parole Date (CRD/ARD/NPD),
- at the end of a fixed term recall (FTR) or
- at the end of the sentence (SED/SLED) ,

where this date falls on a non-working day or a day before a non-working day. As set out in Section 23 of the Criminal Justice Act 1961 (Prison Rules), those whose release date falls on a weekend or bank holiday must have their release date moved to the preceding Friday. This is a mandatory requirement. This policy introduces an additional discretion to release up to 2 working days earlier in order to support resettlement. It applies to all determinate sentenced prisoners (serving sentences and terms) with a CRD/ARD/NPD, including those who also have a parole eligibility date, such as those serving extended determinate sentences (EDS) and special custodial sentences for certain offenders of particular concern (SOPC). It does not apply to, discretionary releases such as release by the Parole Board or under the HDC scheme, where the release will take place on the agreed date. For those eligible prisoners who are not subject to licence conditions, the default position will be to release 1 day earlier (unless there is strong reason not to).

6.2 As a matter of policy, this scheme does not apply to prisoners who have been given a standard recall and are being released by the Parole Board before the end of their sentence (SLED) as release in those circumstances will be on the agreed date.

6.3 All eligible determinate sentenced prisoners due for a Friday Release/release the day before a bank holiday will be released 1 day earlier unless circumstances outlined below apply which make the prisoner unsuitable for the early release. A decision will need to be made as to whether the prisoner is released 2 days early, rather than just 1 (i.e. the Wednesday rather than the Thursday).

6.4 **Decisions to depart from this presumption should be made in the interests of public protection** – Timely access to services to meet an individual's resettlement needs will enhance public protection by promoting effective resettlement and reducing the risk of reoffending. Therefore, decisions to depart from this presumption should consider whether:

- i. A person leaving prison has resettlement needs which would deem them eligible for release an additional day earlier (i.e., 2 eligible working days earlier than original release date). Guidance on eligibility criteria is outlined in section 6.9.
- ii. An exceptional circumstance means that a person leaving prison is excluded from the scheme and the release date is reverted to the original release date. Guidance on exclusion from the scheme in an exceptional circumstance can be found in section 6.6.

Exclusions from consideration for the scheme

6.5 The following are considered excluded from consideration under this policy:

- Those who are serving indeterminate sentences
- Those who are subject to discretionary release authorised by the Parole Board
- Those who are being released on Home Detention Curfew
- Those who will not have served at least 28 days in custody (which includes remand time and/or “tagged bail”) on the current sentence at the point of release

Prisoners must serve at least 28 days in custody on the current sentence-

- To ensure public confidence in sentencing decisions, there is an important balance between the sentence of the court being upheld, whilst taking into account a prisoner’s needs to reduce their risk of reoffending. In addition, this will ensure that there is sufficient time:
 - i. To establish the day of the week that the prisoner will be released upon following sentencing.
 - ii. To allow for the identification of eligible cases, particularly for those who are close to the minimum threshold. This includes time for assessment and approval of the person leaving prison’s resettlement needs, to determine whether they are eligible for the scheme and to determine whether there are exceptional circumstances to revert release to the Friday/day before a bank/public holiday.
 - iii. For the request to bring forward release an additional day to the prison and for operational processes such as the release reason to be amended to reflect the decision and systems to be updated.

Exclusions in exceptional circumstances

6.6 There will be occasions where, due to exceptional circumstances, the decision maker may use their discretion to exclude a prisoner from an earlier release under this scheme. This discretion will be considered on a case-by-case basis, but examples may include when:

- Transport disruptions would be expected to exacerbate the prison leaver’s travel upon release on both eligible working days to which the release could be moved.
- Considerations for risk and/or public protection outweigh the benefits of release 1 to 2 eligible working days earlier for the prisoner. For example, where the prisoner presents a high risk of harm to a known person and a victim safety plan has been put in place in readiness for a Friday release; or where a MAPPA release plan involves some surveillance.
- The prison is waiting for confirmation from Home Office Immigration Enforcement as to whether they are intending to pursue a warrant of detention (IS91) for a foreign national offender.
- Releasing a prisoner 1 to 2 eligible working days earlier could undermine public confidence in the criminal justice system. For example, if multi-agency monitoring arrangements cannot be in place prior to a Friday, in these cases the release must take place on a Friday.
- Circumstances where either eligible working day would be unsuitable, including for any of the above reasons, resulting in a Friday/day before a bank/public holiday

becoming a more suitable day for the resettlement of the person leaving prison.

- 6.7 Exclusions in exceptional circumstances must be used sparingly and decision makers must hold at the forefront of their decision the overriding purpose of this policy, which is to support the resettlement of the prisoner and reduce their risk of reoffending. Where a decision has been made to exclude a prisoner from an earlier release under this scheme, the impact that the decision will have on the person leaving prison should be given due consideration with clear record of the decision by case note on NOMIS.

Decisions on whether to release an additional day earlier

- 6.8 It will be for the COM to decide whether to make a recommendation for a prisoner to be released an additional day earlier (2 eligible working days earlier than the CRD/ARD/NPD, end of a fixed term recall or at the SED/SLED). In cases where the prisoner is not subject to licence conditions, the Prison Offender Manager (POM) will communicate decisions regarding day of release to the Governor.
- 6.9 The default presumption is that a prisoner is released 1 day earlier, but if **any one** of the criteria in the table below are fulfilled, a decision of releasing 2 days earlier is recommended.

Recommended for release 2 days earlier
Due to be released with no accommodation
Releasing establishment is outside of probation region
3 or more resettlement appointments on day of release (excluding initial probation appointment)

- 6.10 The recommendation to release 2 days earlier should be submitted with the licence at least 28 days prior to the assumed release date.

Operational guidance – Process for operation of this scheme

(please note: a step-by-step process can also be found on the Friday Releases EQuIP Map – note – a link to the map will be added)

- 6.11 Where an eligible prisoner has a release date that falls on Friday, Saturday, Sunday, bank holiday or day before a bank/public holiday, release will be brought forward to the preceding eligible working day by default. For example, where a prisoner has a release date that falls on a Friday, release will be moved forward 1 eligible working day to the preceding Thursday or should release fall on the Thursday before Good Friday, release will be moved forward 1 eligible working day to the preceding Wednesday.
- 6.12 OMU case admin must not amend the CRD/ARD/NPD/SED/SLED field on the key dates screen but should manually update the release schedule on NOMIS whilst carrying out the 14-day check (following the same procedure that has existed, prior to implementation of this policy, for those whose release falls on a weekend or bank holiday).
- 6.13 Where a prisoner is serving a custodial sentence at the point that this policy is implemented, the steps outlined above should be carried out at the 14-day checks occurring on or after

the date of implementation, to ensure that the release is correctly scheduled for the preceding working day before the Friday/day before a bank holiday.

- 6.14 If the COM is satisfied that the date of release should remain on the preceding working day before the Friday/day before a bank holiday, then no further action is required, although agencies and resettlement services in the community should be given notice of the date of release from custody.
- 6.15 The COM will be prompted to consider eligible prisoners under this policy through an email to initiate completion of the licence. The email will be automatically generated by Create and Vary a Licence (CVL) at 13 weeks pre-release. Further notification to consider eligible prisoners will appear when completing the licence in CVL.

Hello John Farrell,

You need to create a licence for:

Carl Barnes, who is due to leave custody on August 6 2024

You must:

1. Decide which additional licence conditions are needed on EPF 2: <https://epf.linkspace.uk/planning>
2. Create and submit the licence for prison approval on the Create and vary a licence digital service: <https://create-and-vary-a-licence.hmpss.service.justice.gov.uk/licence/create/caseload>

Eligibility for earlier release

At least one of the people you need to create a licence for is eligible for an earlier release. They can leave prison a day earlier if their release date is on a Friday or the day before a bank holiday, or moved there from a weekend or bank holiday.

You or the prison can also request that the release is:

- brought forward an extra day to help with resettlement
- not changed if an earlier release is not suitable

Find more information in the [Friday or pre-bank holiday release policy framework](#).

Thanks

Create and vary a licence

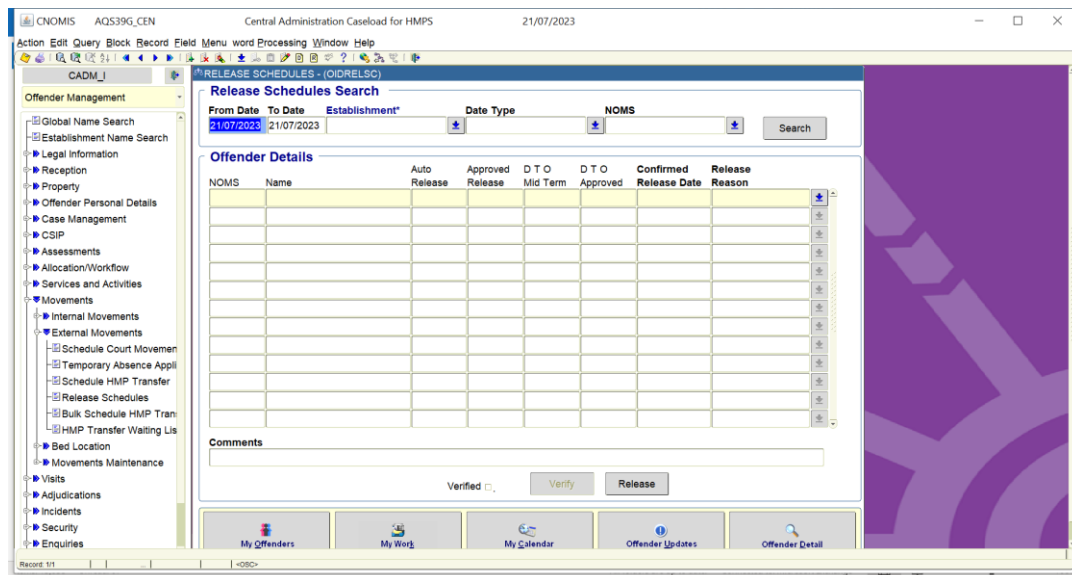
- 6.16 The COM should assess whether the prisoner will require an additional eligible day to support their resettlement and therefore release should be moved to 2 eligible working days earlier than the release date (per the guidance in section 6.9). The COM should also assess whether there is an exceptional circumstance (outlined in section 6.6) that means it is more appropriate for the release to revert to the CRD/ARD/NPD/SED/SLED/end of the FTR (the Friday or day before a bank holiday). In these cases, the COM should email the OMU functional mailbox to have the request approved.
- 6.17 Upon receiving the request, OMU case admin should send the request to the Governor for a decision.
- 6.18 Governors may delegate this responsibility of approval to a suitably senior decision maker within the establishment (Band 7 Head of Function minimum).
- 6.19 The Governor (or their delegate) may exercise the discretion to approve the release to be brought forward, or revert release to the Friday/day before a bank holiday where an exceptional circumstance (outlined in section 6.6) applies.
- 6.20 The Governor (or their delegate) should approve the request for earlier release upon the COM's recommendation unless:

- i. There is a clear risk of harm to the public which would make the prisoner unsuitable for release. There is a low likelihood of this occurring; for example, where the risk of the prisoner reoffending is so high that it would outweigh the benefits from slightly earlier release or undermine public confidence in the criminal justice system.
- ii. An exceptional circumstance is identified which would exclude the prisoner from consideration (see paragraph 6.6).

- 6.21 Once the Governor (or their delegate) has made a decision and communicated this to OMU case admin, the agreed date of release from custody should be entered on NOMIS through the release schedule, with the correct release reason (see NOMIS actions – section 6.25 – 6.27). OMUs must not amend the CRD/ARD/NPD/SED/SLED on the key date screen.
- 6.22 OMU case admin should add a case note on NOMIS with the name of the decision maker, the date the decision was made, and any supporting rationale. They must then email this information to the COM and case administrator if known.
- 6.23 The prison should be clear on the presumption to release 1 day early and at the 14-day check the prisoner should be notified of the decision to release an additional day earlier to the 1-day presumptive date or to revert to the Friday release date. If the prisoner has concerns about an earlier release they should speak to an appropriate member of staff on the wing (i.e. POM, COM or key worker) to express their concerns. The original release date can be reapplied pending approval by the governor. As highlighted above, reasons to apply to original date could also include any of the exclusion criteria highlighted in section 6.6 and/or concerns regarding the safeguarding of the prisoner and members of the public (considered alongside the benefits of earlier release).
- 6.24 Timescales for recommendation and decision making, refer to **Requirements – section 4.5 – 4.6**. For a step-by-step overview of the process, please refer to the EQuIP Map.

NOMIS actions

- 6.25 Staff should use the Release Schedules screen which can be found under the Movements > External Movements Section of the Offender Management menu in NOMIS.
- 6.26 Using the date parameters at the top of the screen search for the prisoner's current calculated release date (this can either be the exact date or a date range).



- 6.27 Once the prisoner is on screen, select them, amend the Confirmed Release Date to the date they are to be discharged and choose the appropriate reason for the discharge and then save. This will create the required discharge movement for Reception to action on the correct day. **Under no circumstances should the prisoner’s CRD/ARD/NPD/SED/SLED be changed on the Key Dates Screen.**

Added days awarded on adjudications bringing prisoners into scope of the scheme

- 6.28 Further to paragraph 4.12 regarding adjudications, in cases where the added days bring the prisoner into scope for this scheme, for example, where the person leaving prison would have been released on a Thursday, but the added days mean the new CRD/ARD/NPD/end of the FTR falls on a weekend/bank holiday and they become a Friday release, discretion can be applied where releasing earlier would reduce the risk of reoffending through improved resettlement.

Interactions with HDC

- 6.29 HDC release dates are discretionary and not automatic. Therefore, whilst HDC eligible prisoners are not excluded from this scheme – and it may apply if they are not released on HDC - it has no effect on the date of release on HDC. Where HDC has been agreed for a Friday, that is because the appropriate resettlement plan is in place.

Interactions with End of Custody Supervised License (ECSL)

- 6.30 Those eligible for an early release under the End of Custody Supervised License (ECSL) scheme will not also be eligible for an earlier release under the Friday Releases scheme. The ECSL scheme brings forward an eligible prisoner's release date by up to 18 days. As the number of days is discretionary, the release date should not be set to fall on a Friday or day before a Bank/Public Holiday. For example, in cases where releasing 18 days earlier would mean a prisoner is released on a Friday, the release date should instead be set at the following Monday.

Duty to Refer

- 6.31 Since 1 October 2018, prison and probation staff have had a statutory responsibility to refer homeless individuals (or those at risk of homeless within the next 56 days) to a Local Authority. This is under Section 10 of the Homelessness Reduction Act 2017.
- 6.32 The Duty to Refer Policy Framework sets out duties, rules and general guidance for prisons and probation staff for meeting their statutory duties.

Guidance on applying the policy framework to children in under-18 young offender institutions, secure children's homes, secure training centres and secure 16 to 19 academies

Eligibility

- 6.33 This scheme **is not** and **must not** be treated as part of the secure establishment's rewards and sanctions scheme. Bringing forward the child/young person's release date **must not** be based on their behaviour in custody or how they progressed against their training and resettlement plans.
- 6.34 The scheme applies to children/young people who are to be released early or late under the early and late release for detention and training orders policy. When calculating the child/young person's release date, practitioners must apply the Friday/pre-Bank Holiday release scheme **after** accounting for their early/late release date, if their early/late release date falls on a Friday or the day preceding a bank/public holiday.
- 6.35 However, where a child/young person **was** due for release from custody on a Friday, weekend or bank holiday and early/late release results in their release date being moved to a date that no longer falls on a Friday, weekend or bank holiday, they would fall out of scope for consideration under this scheme.
- 6.36 The scheme has no effect on the HDC scheme, where the release will take place on the agreed date.
- 6.37 At the point of sentence calculation, when the day of release is identified, it must be highlighted on the sentence calculation on YJAF and on the key dates sheet that is provided to the practitioner working with the child that the Friday/pre-bank/public holiday release scheme applies in the case and must be considered throughout the sentence as part of release planning.
- 6.38 The resettlement case admin staff should manually update the sentence calculation by default to 2 days earlier whilst carrying out the 14-day check unless a decision has been made to release by only 1 additional day earlier or to revert to a Friday release.

Duty to Refer

- 6.39 Since 1 October 2018, prison and probation staff have had a statutory responsibility to refer homeless individuals (or those at risk of homeless within the next 56 days) to a Local Authority. This is under Section 10 of the Homelessness Reduction Act 2017.

6.40 The Duty to Refer Policy Framework sets out duties, rules and general guidance for staff for meeting their statutory duties and it applies to the youth custody estate.

Decision-making:

6.41 The presumption in favour of bringing forward the child/young person's release date must form part of sentence calculation. However, in exceptional circumstances the relevant authorising body can make a decision to release the child/young person on a Friday or the day before a bank/public holiday. The authorising body in YOIs is the governor or controller, while in STCs, SCHs and secure schools it is a senior manager in the YCS Sentence and Release Team.

6.42 Exceptional circumstances could include, but are not limited to the following:

- Accommodation is only available from the original release date
- The child's parent/carer is unable to accommodate an earlier release date

6.43 Exceptional circumstances can be identified by the child/young person's resettlement (or equivalent) practitioner in custody, in consultation with any other relevant practitioners in custody (e.g. health care or substance misuse practitioners, education providers), as well as the external professionals involved in the child/young person's care (e.g. YOT/YJS, children's services).

6.44 Practitioners should use the regular resettlement meetings to identify any exceptional circumstances.

6.45 If practitioners recommend that the child/young person should be released on a Friday or the day before a bank/public holiday, they must submit a **Friday and Pre-Bank/Public Holiday Release Form** to the relevant authorising body at least 6 weeks before the child's original release date. The authorising body must make its decision four weeks before the child's final release date at the latest.

6.46 When completing the notice of supervision/licence for the child/young person, the decision made in relation to the Friday/pre-bank/public holiday release scheme must be recorded on YJAF when prompted.

Releasing one or two days early:

6.47 The law allows release up to 2 eligible working days prior to the existing release date, in order to allow the spread of releases across a larger timeframe. The starting point should be that the child/young person is released 2 days earlier than their original release date if that falls on a Friday or the day before a bank/public holiday to give them enough time to address their resettlement needs upon release.

6.48 However, practitioners involved in the child/young person's sentence calculation can bring forward the release date by only 1 day, rather than 2 days, if that serves the child/young person's successful resettlement the best due to their individual needs and circumstances. This decision is at the practitioner's discretion, they don't need to get approval or

permission to bring forward the release date by only 1 day, rather than 2. (They still need to seek approval if they are recommending a release on a Friday or the day before a bank/public holiday.)

Involving the child/young person:

- 6.49 Every child/young person must be made aware of their release date as soon as possible. The release date must be explained and provided to the child/young person in writing in a format that they can easily understand, taking account of any learning needs or visual impairments. It is good practice to check their understanding of the information provided. If there is any change in the child/young person's release date, they should be made aware as soon as possible and an explanation that they can easily understand should be provided.
- 6.50 The child/young person's views about bringing forward their release date should also always be sought during sentence calculation. However, the final decision must always be made by the relevant professionals based on an assessment of the child/young person's needs and circumstances.

Guidance on Transitional Arrangements for the adult estate:

- 7.1 Transitional arrangements will apply to all releases scheduled between Friday the 15th of December and Friday the 29th of December 2023. These are designed to ensure that resettlement support which has already been set up for those with pre-release plans at the point of launch is preserved.
- 7.2 During this period, cases due for release on
- Friday 15th of December 2023,
 - Friday 22nd of December 2023 and
 - Friday 29th of December 2023
- should be treated with additional care.
- 7.3 For these cases, the presumption is that release should occur on the preceding Thursday (ie the 14th, 21st and 28th of December), *however in circumstances where resettlement plans in place mean a Friday or a day before a bank or public holiday is a more suitable day for the resettlement*, for example where accommodation has been put in place for the Friday night, **COMs do not have to change their existing release plans. Instead, they should notify the releasing prison's Offender Management Unit (OMU) to request that the release date is reverted back to the Friday/day before a bank or public holiday and await confirmation from OMUs that this update has been made.**
- 7.4 During the Transition period, release on a Wednesday will ordinarily only be considered on the 27th December 2023 given that this is the first date on which the COM would have the requisite period of time to make the application. The exception to this is where the COM or POM consider that a Friday or Thursday release would be manifestly unsafe. In these circumstances the COM or POM may apply to the relevant Governing Governor outlining the rationale for release up to two days early.

- 7.5 **In circumstances where there is an absence of any instruction from the COM and where the POM is not satisfied that there are safe resettlement provisions in place for release on a Thursday they should make the Governor aware so that the Governor can exercise their discretion to revert the release day to Friday (or day before a bank/public holiday) if, taking account of all of the circumstances, this is the safest thing to do.**
- 7.6 In all such cases the POM should make every reasonable attempt to contact the COM and to discuss the case. Where this is not possible, the POM may conclude, for example, that reverting the release to the preceding Thursday is unsafe because of the unavailability of accommodation or transportation. In such cases the POM may wish to revert to the original Friday release where this presents the safest option. This will be a matter of professional judgement for the POM and the final decision will be taken by the Governor (or their delegate). The POM must record a summary of any discussions had with the COM and/or Governor along with a brief justification of any decisions made and any actions taken.
- 7.7 Transitional arrangements will cease after the 29th of December 2023. Following this date, prisons should continue to ensure that the COM is contacted and that their professional opinion is sought where there is any doubt about the safety of a release.

Guidance on transitional arrangements for the youth estate (i.e. under-18 young offender institutions, secure children's homes, secure training centres and secure 16 to 19 academies)

- 7.8 Transitional arrangements will apply to all releases scheduled between Friday the 15th of December and Friday the 11th of January 2024. These are designed to ensure that resettlement support which has already been set up for those with pre-release plans at the point of launch is preserved.
- 7.9 During this period, cases due for release on:
- Friday 15th of December 2023,
 - Friday 22nd of December 2023 and
 - Friday 29th of December 2023
 - Friday 5th of January 2024
- should be treated with additional care.
- 7.10 For these cases, the presumption is that release should occur on the preceding Wednesday (i.e. the 13th, 20th, 27th of December and 3rd January). *However*, due to the time needed to establish if an exceptional circumstance applies and therefore the release should occur on a Friday or a day before a bank or public holiday, certain children/young people can be released on a Friday or a day before a public bank holiday if resettlement plans are already in place without following the process set out in the policy framework. Resettlement (or equivalent) practitioners in establishments should contact community professionals who will be supervising/supporting these children/young people on release to explore whether it is appropriate and suitable for plans to be amended to facilitate the earlier release. In the absence of any instruction from the community professionals and if the resettlement (or equivalent) practitioner is not satisfied that there are safe resettlement provisions in place for release on a Wednesday, they should make the Governor/decision-maker aware so that they can exercise their discretion for the release to occur on the Friday (or day before a bank/public holiday) if, taking account of all of the circumstances, this is the safest thing to do. For these transition cases, a diary entry should be submitted to YJAF to record the decision made for the most appropriate release date with a brief justification.

Annex A: Outlining resettlement needs for consideration

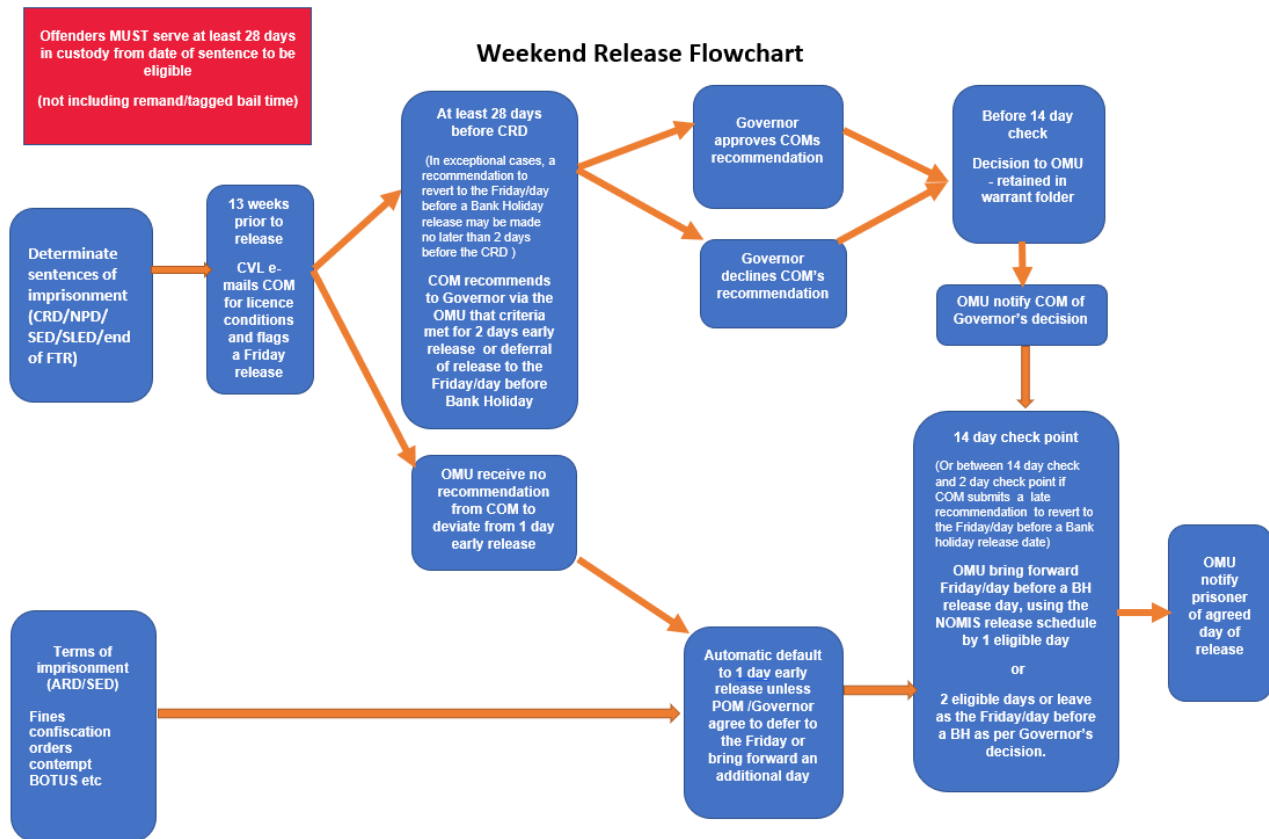
Considerations of resettlement, particularly in considering whether to recommend a prisoner is released 2 days earlier, may include:

- **Accommodation:** The person leaving prison is due to be released with no accommodation or is being released with an accommodation need and additional time would be beneficial in ensuring that accommodation can be sourced in time for the weekend. This may include, but is not exclusive to, prisoners who will reside in the following upon release:
 - Supported housing
 - CAS1 accommodation (Approved Premises)
 - CAS2 accommodation
 - CAS3 accommodation
 - Local Authority provided accommodation
 - Accommodation with family or support networks

- **Access to resettlement services:** The person leaving prison will need to access one or more resettlement services / appointments upon release where the weekend would impede risk management and effective resettlement. Resettlement services may include, but are not exclusive to:
 - Substance misuse services
 - Services that address health (including medical appointments)
 - Community support services (including women's centres, education, training, employment or financial support)
 - Family services, including social services and perinatal care
 - Services for which early access would reduce the risk of reoffending and improve public protection

- **Travel:** Prison leavers for whom travel is likely to present a barrier towards resettlement. Circumstances where this is the case may include, but are not exclusive to, when:
 - Release is from a particularly remote prison;
 - Travel will involve significant time or distances;
 - A prison leaver will otherwise be expected to leave the establishment at a difficult time to travel;
 - Public transport times and availability will otherwise present a barrier to resettlement;
 - Mobility or health issues would exacerbate travel distances or impede the ability to navigate travel. This could include the prison leaver having physical health needs or being neurodivergent;
 - The availability of services in the area that the prisoner is resettling to will otherwise present a barrier to resettlement;
 - Travel may otherwise affect the prison leavers capacity to attend multiple appointments (prior to weekend service closures)

Annex B – Friday Release Scheme Process Map – Adult Estate



***BOTUS** – Breach of Top up Supervision

Annex C – Friday Releases Scheme Process Map – Youth Estate

Friday and pre-bank/public holiday release process

