



Policy name: Licence Conditions Policy Framework

Reference: N/A

Re-Issue Date: 7 November 2024 **Implementation Date:** 7 November 2024

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

- PI 09/2015 Licence Conditions and Temporary Travel Abroad;
- PSI 12/2015 Licences, Licence Conditions and Licence and Supervision Notices;
- The Service Specification: Offender Management - Manage the Custodial & Post Relief Periods (outputs 33, 34, 35, 36, 37, 43 and 44)

Introduces amendments to the following documents: N/A

Action required by:

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

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 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 5 of the Policy Framework contains guidance to implement the mandatory requirements set out in the other sections 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.

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

Where applicable, this policy applies to all Indeterminate Sentenced Prisoners (ISP), Extended Determinate Sentence (EDS) prisoners, Sentences for Offenders of Particular Concern (SOPC), Discretionary Conditional Release (DCR) sentenced offenders, Terrorist Offenders and those standard determinate sentenced prisoners subject to the Power to Detain protocol, where the Parole Board makes the release decision, either initially or after recall and any variation to those conditions set on by the Board.

Determinate sentenced offenders will have their licences managed by Probation Service local arrangements in line with this Framework. Any licence variations for Imprisonment for Public Protection (IPP) and Detention for Public Protection (DPP) sentenced offenders following an executive release can only be set by PPCS in line with this Framework.

Some offenders on youth sentences are released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 and will have licence conditions imposed under section 250 and the Framework will apply to them. These will be the youths sentenced to serious dangerous offences and sentenced under section 250 of the Sentencing Act 2020. It will not apply to youths serving a Detention and Training Order or youths serving sentences of under 12 months.

How will this Policy Framework be audited or monitored: There will be a range of ways in which auditing will be undertaken, including the usage of electronic systems such as EPF2 to determine the appropriate nature of the application of licence conditions. Individual mandatory actions may also have specific means of monitoring – for example, licence sharing with the PNC Bureau is monitored by the Bureau and they report back to HMPPS if they believe a prison establishment is failing to meet this requirement.

Resource Impact: This version of the Framework will reduce the resource impact on staff marginally, by introducing the most commonly used bespoke licence conditions into the pre-approved list at Annex A, streamlining that process for requesting bespoke conditions.

Terminology: This version of the Policy Framework makes reference to Community Offender Managers (COMs), which should also be read as Probation Practitioners. In addition, the individual licence conditions refer to Supervising Officers. All three terms refer to the same Probation Service staff member who is managing the case. Any reference to a Prison Governor is also intended to mean Directors of Contracted Prisons. The term offender is used throughout the document, which is to refer to a person serving a custodial sentence either in custody or as a person on Probation in their community phase on licence.

Associated Documents:

- Address Checks (Post Custody) Policy Framework - GOV.UK (www.gov.uk)
- Child Safeguarding Policy Framework - GOV.UK (www.gov.uk)
- Domestic abuse policy framework - GOV.UK (www.gov.uk)
- Foreign National Offenders on Licence, PSS and IS91 Policy Framework
- HMPPS risk of serious harm guidance - GOV.UK (www.gov.uk)
- Home detention curfew - GOV.UK (www.gov.uk)
- Polygraph examination policy framework - GOV.UK (www.gov.uk)
- Release on temporary licence - GOV.UK (www.gov.uk)
- Serious and organised crime policy framework - GOV.UK (www.gov.uk)
- Victim Contact Scheme Policy Framework - GOV.UK (www.gov.uk)
- ViSOR Policy Framework - GOV.UK (www.gov.uk)
- Women's Policy Framework - GOV.UK (www.gov.uk)

Contact:

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Deputy/Group Director sign-off: Gordon Davison, Head of PPG

Approved by OPS for publication: Sarah Coccia and Ian Barrow, Joint OPS Chairs, July 2021

Revisions:

Date	Changes
14 July 2022	Revised to introduce changes set out in the Police, Crime, Sentencing and Courts Bill, introduce two new standard licence conditions, simplify the licence approval system and mandate the licence authorisation process.
22 September 2022	Revised to add the requirements previously set out in electronic and domestic abuse /child safeguarding guidance about address checks (in the absence of specific address check policy)
07 November 2024	Integrated licence variation process for indeterminate cases from the Managing Parole Eligible Offenders PF, and added commonly used bespoke licence conditions as additional conditions in Annex A.

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Annex A – Additional Licence Condition Criteria and Table – separate document		

1. Purpose

- 1.1 The aims of the licence period are to protect the public, to prevent re-offending and to secure the successful re-integration of the offender on licence into the community. Licence conditions must by law be preventative as opposed to punitive and must be proportionate, reasonable and necessary.
- 1.2 This Policy Framework aims to ensure that staff are aware of the licence conditions which apply to an offender during the licence period of custodial sentences. Further explanation is given to individual types of licence conditions and how they should be applied, as well as actions that are mandatory when preparing and creating a licence.
- 1.3 There are four types of licence condition; standard, compulsory, additional and bespoke. This policy introduces changes to the standard licence conditions, which will be applied to all licences being produced after the implementation date.
- 1.4 Whilst this document sets out the actions for which the Parole Board is responsible, it does not bind the Parole Board in any way as it is an internal document of the Ministry of Justice/HM Prison and Probation Service.

2. Outcomes

- 2.1 Staff are aware of the purpose of the licence period and the requirements that can be imposed;
- 2.2 Staff understand the process for imposing and approving licence conditions both on initial release and through a licence variation;
- 2.3 Staff are aware of how to apply electronic monitoring, and licence conditions specific to offenders with risks related to terrorism/extremism and Serious Organised Crime (SOC);
- 2.4 All staff are aware of the distinction between a Post-Sentence Supervision (PSS) period and a licence period and, in particular, that licence conditions are imposed only during the sentence as set by the court, whereas supervision requirements are imposed in a PSS period that is imposed by statute at the end of the sentence; and,
- 2.5 Staff are aware of the requirement to use the digital platforms and the simplification of processes in relation to licence production as a result.

3. Requirements

Prior to Release

- 3.1 The initial holding prison must send information on any judicial recommendations for licence conditions to the Probation Service following sentencing after the offender has been received into custody, using a copy of the record sheet 5089 or via the common platform if available.
- 3.2 By the thirteenth week before a determinate offender's release (or as part of the Home Detention Curfew (HDC) process), the COM must log into Create and Vary a Licence (CVL) to request licence conditions and schedule the initial reporting instructions. If it is a HDC case, then this request will form part of the process on the HDC Digital Solution. These processes replace the former PD1 process, and prisons are no longer required to send the PD1 to COMs to initiate the process.

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- 3.3 An address check must be conducted prior to release, as set out in Address Checks (Post Custody) Policy Framework - GOV.UK (www.gov.uk).
- 3.4 It is mandatory for a COM to use the EPF2 as part of pre-release planning. This is a tool which suggests additional licence conditions for the COM to consider and highlights the policies in place for each condition.
- 3.5 Where the offender is a Foreign National Offender (FNO) with Home Office interest, then Home Office Immigration Enforcement (HOIE) must also be informed at the same time by the Prison. The COM must liaise with the Criminal Caseworker (CC) in HOIE to ascertain the likelihood of deportation, and/or what restrictions will be applied by the Home Office or Immigration Tribunal. Information sharing between the two agencies should take place to ensure that appropriate release planning. This may include requests from HOIE for address checks to be conducted by the probation provider. Checks, such as for accommodation, must be prioritised for cases being reviewed by the Immigration Tribunal.
- 3.6 Regardless of whether they are due to be released or not, all pre-release and licence processes must be completed for an FNO unless they are being removed from Prison under the Early Removal Scheme (ERS) and deported prior to the Conditional Release Date (CRD), or if relevant the Parole Eligibility Date (PED), being reached, or if indeterminate they are being removed under the Tariff Early Removal Scheme (TERS).

Types of Licence Conditions: Standard

- 3.7 In accordance with Article 3 of the Criminal Justice (Sentencing) (Licence Conditions) Order 2015, standard licence conditions must be included of all those released from determinate sentences. These have recently been updated with the Criminal Justice (Sentencing) (Licence Conditions) (Amendment No 2) Order 2022, in order to introduce new standard conditions related to disclosure of name and contact details.

You must:

- be of good behaviour and not behave in a way which undermines the purpose of the licence period;
- not commit any offence;
- keep in touch with the supervising officer in accordance with instructions given by the supervising officer;
- receive visits from the supervising officer in accordance with instructions given by the supervising officer;
- reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address;
- not undertake work, or a particular type of work, unless it is approved by the supervising officer and notify the supervising officer in advance of any proposal to undertake work or a particular type of work; and
- not travel outside the United Kingdom, the Channel Islands or the Isle of Man except with the prior permission of your supervising officer or for the purposes of immigration deportation or removal.
- tell your supervising officer if you use a name which is different to the name or names which appear on your licence.
- tell your supervising officer if you change or add any contact details, including phone number or email.

- 3.8 These updated conditions will be automatically applied to licences produced after the 2 August 2022. IT systems were updated with revised licence templates to take into account the two new standard licence conditions, and also to add explanatory text for each standard conditions.

Name and Contact Details Standard Licence Conditions

- 3.9 The new set of standard licence conditions introduces two new conditions. These conditions will only be applied on cases where the conditions appear on their licence, having been produced/varied after the implementation date of this Policy Framework.
- 3.10 These disclosure-based licence conditions require the offender, firstly, to update the COM whenever they use or operate under a different name (i.e., one not previously supplied), and, secondly, they use different contact details (i.e., ones not previously supplied). This can be a permanent change (such as a name change via deed poll) or a temporary pseudonym adopted for a specific purpose. It extends to account names as used online for social media or other online activities, and includes where the offender may operate multiple accounts on a single system i.e. multiple Facebook accounts under different names. This must be recorded on case management systems within case notes, and shared with partner agencies where applicable.

Changing Names on Licence

- 3.11 The name printed on the licence for determinate sentences is derived from the name stored on PNOMIS. Processes for changing this name are set out in PSO 4455, which can be seen here: <https://www.gov.uk/government/publications/handling-requests-from-prisoners-to-change-their-name-pso-4455>.
- 3.12 Where a transgender offender has changed their name to better reflect their gender identity, this must be handled sensitively. In addition, where an offender holds a Gender Recognition Certificate (which legally changes someone's gender), consideration should be given to ensure adherence with the Gender Recognition Act 2004. Continued use of the offender's former name (referred to as "deadnaming") could be unlawful where it reveals their previous gender, and may cause significant distress to the offender. Please refer to 'The Care and Management of Individuals who are Transgender' Policy Framework or email HMPPStransgender@justice.gov.uk for further advice.

Types of Licence Conditions: Compulsory

- 3.13 In accordance with section 62A of the Criminal Justice and Court Services Act 2000, the Secretary of State may by Order require an electronic monitoring condition is included on the licence of all those offenders described in the Order in accordance with its provisions. Such an Order may:
- require an electronic monitoring condition to be included for so long as the person's release is required to be, or may be, subject to conditions or for a shorter period;
 - make provision generally or in relation to a case described in the order;
 - make provision in relation to cases in which compliance with a condition imposed on a person's release is monitored by a person specified or described in the order;
 - make provision in relation to persons selected on the basis of criteria specified in the order or on a sampling basis;
 - make provision by reference to whether a person specified in the order is satisfied of a matter.

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- 3.14 Where the Secretary of State makes such an Order, the electronic monitoring condition required to be included in accordance with that Order will be known as a 'compulsory licence condition'.
- 3.15 These are similar to standard conditions in that, where applicable, the Decision Maker (as explained in paragraph 3.59) does not need to approve their inclusion on the licence. However, they differ from standard conditions as they are required by different legislation and will be included on the licence only of those meeting the description described in the Order that requires them, which is unlikely to be every determinate sentenced offender as is the case for standard conditions. They are similar to the additional conditions regarding electronic monitoring, as they will use the same wording set out in Annex A. However, they differ from additional conditions as no specific consideration of whether the condition is necessary and proportionate for a particular offender is required.
- 3.16 Should it be discovered that an offender has not had a compulsory licence condition applied which was required on initial release, then the COM must apply for this to be immediately added via a licence variation (as set out in paragraph 3.91 onwards). Decision Makers must only review that the wording is correct, the imposition of the condition is compulsory.
- 3.17 At time of publication, the only compulsory conditions to be applied to licences is for acquisitive crime offenders.
- 3.18 Any queries regarding the application of electronic monitoring on licence should be directed to emchange@justice.gov.uk.

Types of Licence Conditions: Additional

- 3.19 If the COM assesses that standard conditions are not sufficient to assist the offender's successful integration into the community, to prevent further re-offending or to ensure the protection of the public, then they may consider requesting an appropriate additional condition from the list at Annex A. This request must be based on relevant information gathered either from the offender or other stakeholders, and/or based on the relevant risk assessments in the case. Any additional licence conditions must be necessary and proportionate, meaning:
- Necessary: Any licence condition requested must have been identified as a necessary way to manage a specific risk or issue posed by the offender, without limitation to the current index offence; and
 - Proportionate: Any licence condition must be the least intrusive means of enabling that management.
- 3.20 The COM must consider any protected characteristics (as defined by the Equalities Act 2010) when drawing together the risk assessment; the impact of any such considerations must be considered when requesting licence conditions.
- 3.21 The COM will return any additional licence condition requests via either the CVL or HDC digital services (as appropriate for the case type). For offenders who are being considered for release by the Parole Board, the COM will provide the request for additional licence conditions as set out in the [Generic Parole Process Policy Framework](#).
- 3.22 Any additional conditions requested by the COM and subsequently added to the licence must be kept under review as to ensure they meet the necessary and proportionate guidelines set out above. The frequency of these reviews would be based on the impact on

the offender on licence, with more onerous sets of licence conditions requiring more frequent reviews to take place.

- 3.23 The list of additional conditions which may be chosen, along with the relevant guidance for each condition, is located at Annex A. Conditions are not restricted to any particular type of case, with the exception of the Extremism and the Serious Organised Crime sections of that Annex which are restricted to those types of cases.

Types of Licence Conditions: Bespoke

- 3.24 Should any changes to the wording of additional conditions in Annex A be required due to the uncommon/unusual nature of a specific case, or an entirely new condition needed then this is considered to be a bespoke condition. The approval process for bespoke conditions are as follows:
- Automatic release cases: The COM must complete the form “NAT NPS Request for Determinate Sentence Pre Release Bespoke Licence Conditions “ on nDelius (located under Institution Reports within the event/sentence, and then Licence Variation). The completed report must be emailed to PPCS via licence.variations@justice.gov.uk. This must be completed before the completion of the licence condition request on the HDC or CVL digital solutions to the prison, and the confirmation email from PPCS retained as evidence and saved on nDelius.
 - Releases as a result of a decision by the Parole Board: Bespoke conditions will be reviewed directly by the Parole Board as part of their overall review of the suitability for release. For information on that process, see the Generic Parole Process Policy Framework, or the [Recall, Review and Re-Release of Recalled Prisoners Policy Framework](#) as relevant.
- 3.25 Where a COM wishes to request a curfew and reporting requirements which have an impact of more than 12 hours per day for a case not reviewed by the Parole Board, the COM must also seek permission from PPCS to treat this as a bespoke condition. As above, the COM should complete the form “NAT NPS Request for Determinate Sentence Pre Release Bespoke Licence Conditions”, available on nDelius, providing the details of the condition requested and full reasons as to why the condition is necessary and proportionate. The completed report must be emailed to licence.variations@justice.gov.uk. For this purpose, each requirement to report should be counted as an hour and added to the overall curfew length. For example, a 10 hour curfew, plus a requirement to report three times a day would equal an impact of 13 hours a day and require approval.

The Victim Contact Scheme and Licence Conditions

- 3.26 Victims who qualify for the Victim Contact Scheme (VCS) have the right to make representations about licence conditions that relate to them. This is usually in coordination with the Victim Liaison Officer (VLO) assigned to that victim. In cases where an offender is or may be released and there is a VCS victim and VLO in respect of that case, the COM must notify the VLO in good time prior to release. In turn, the VLO must contact the victim so that they may discuss the case and any licence conditions already proposed which affect them or any further such conditions which the victim would like to request. The VLO should manage their expectations including the requirements that must be met for any condition to be imposed. However, the victim must not be pressured into changing their request. Any victim requests should be through the VLO, who must send to the COM to then be sent to the Decision Maker alongside any other requests for additional conditions. At time of publishing, the sharing of these victim related requests will remain outside of the

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digital solutions, and so COMs must share any such views as they would have previously with a PD1.

- 3.27 Independently, the COM may consider requesting additional conditions concerning the VCS victim. These may be the same or similar to any requested by the VCS victim themselves and may be appropriate where there is disagreement with the VCS victim as to the scope of the conditions.
- 3.28 Licence conditions concerning victims are typically limited to exclusion zones or non-contact conditions, but in principle any condition may be requested if it is considered necessary and proportionate to manage the risk posed by an offender on licence. With respect to risk, licence conditions may be imposed which are sensitive to the emotional harm caused to victims of crime (and their families), particularly to the most serious of crimes, to their anxieties and concerns, and to the risks of emotional or psychological harm in the event of a chance encounter with a particular offender on licence. Even if an offender does not pose a risk of serious physical harm to the victim, where it is necessary and proportionate to do so, appropriate conditions may be imposed so that the victim may go about their daily life without fear of coming across the offender on licence.
- 3.29 In order to demonstrate the necessity and proportionality of a particular condition, appropriate evidence must be put forward to the Decision Maker. Where there is disagreement between the COM and the VLO regarding the licence conditions to be put forward, the COM must still put forward to the Decision Maker any requested by the victim via the VLO. The COM can put forward alternative conditions of their own, and the Decision Maker will need to determine which conditions to apply based on the evidence provided.
- 3.30 In the context of exclusion zones, due regard must therefore be given to the offender on licence's activity in relation to the zone balanced against the risks and rights of the victim and/or their family. For instance, where the offender on licence's activity, such as shopping or meeting family members, can reasonably take place outside of an appropriately drawn exclusion zone, the inconvenience can be justified to prevent a chance encounter with the victim or their family which could be traumatic and re-victimise them.
- 3.31 In the context of non-contact conditions, these will be justified in most cases where it would be against the subject of the condition's wishes. However due regard should be given to parental responsibilities where the condition concerns children of the offender (including contacting Social Services).
- 3.32 Where a victim does not fall within the remit of the VCS, they will not have a VLO assigned. In those cases, where the COM has identified that there is a risk of serious harm posed to the victim by the offender on licence then it is entirely appropriate to put in place additional licence conditions to mitigate that risk. These would fall under the normal considerations for the COM as part of the request for additional licence conditions.

Individual Conditions: Exclusion Zones

- 3.33 Exclusion zones must have clear boundaries that can be understood on the ground. This means that zone boundaries will often follow roads, or other geographical barriers such as rivers/canals, to ensure that when the offender is presented with those boundaries. Where roads are included as boundaries, it must be clear if the offender is permitted to travel down those roads, or if the roads themselves form part of the exclusion zone.

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- 3.34 A map must be provided where an exclusion zone is used which doesn't describe a precise location, for example a specific street. Where the map is unclear as to what the boundaries are, the COM must provide a list of the street (or other geographical barriers) as well. Should the exclusion zone be monitored using electronic monitoring, then a copy of the map must be provided to the electronic monitoring provider at the same time as the request for installation.
- 3.35 When creating the zone, the COM should consider whether there is something in the zone that the offender cannot access outside of it. For example, if the zone is in a rural location and there is only one hospital, place of worship, and/or gender identity clinic. In that instance, the COM would need to consider whether the offender would need to access the location frequently enough that an access route (a set route drawn onto the map) is needed, which the offender may use at set times/dates or with prior permission.
- 3.36 The offender may request access to the zone from the COM for a specific reason. This permission must only be given where the access is for something that cannot be conducted outside of the zone. Family contact must take place outside the zone, unless specific evidence is shown why the other family member cannot leave the zone to meet the offender, such as a letter from a medical practitioner.
- 3.37 In versions of the licence condition policy prior to 2021, there has been reference to "large" exclusion zones. This terminology is outdated, and now there should be consideration of whether or not the reason for an exclusion zone is sufficiently evidenced. Should there be any doubt around the adequacy of the evidence base for an exclusion zone, then the COM or VLO should contact licence.policy@justice.gov.uk.

Individual Conditions: Non-Contact

- 3.38 Permission does not need to be sought from people named on a non-contact condition, nor can a person refuse to be included in a non-contact condition where it is necessary and proportionate to manage the risks and issues posed by the offender on licence.
- 3.39 Names on non-contact conditions can be anonymised or altered as long as the offender on licence will know who the person in the condition is. For example, "victim of the index offence" would be a specific person. However, care should be taken that any description applies to a set or limited number of people. For example, the phrase "victim and victim's family" could not be used, as a family group does not mean a specific group of individuals. The alternative "victim, victim's parents, victim's siblings" would be sufficiently specific to be used on the licence.
- 3.40 This anonymisation is not limited to VCS only cases and can be used more generally. For example, where a party has changed their name and does not wish to be known to the offender on licence, or where naming a person on the licence may increase a risk of serious harm to them. For Parole Board release/approval cases, any anonymisation is subject to the approval of the Parole Board.

Individual Conditions: Electronic Monitoring

- 3.41 There are now a series of cohorts which qualify for electronic monitoring (EM) under licence. Details of the cohorts and the relevant guidance documents on how to apply for and manage an offender under electronic monitoring are also available from EQUIP or by contacting emchange@justice.gov.uk. Where a COM is proposing a curfew requirement or varying a curfew address to electronically monitored curfews available as a licence

condition, they must first speak to the main occupier of the proposed address and obtain the prior informed consent for the offender to be curfewed at their address, and engage with police and children's services to inform their consideration as to whether the person on probation poses a risk to other members of that household. Further information is available in the domestic abuse and child safeguarding guidance available on eEquip here:

https://portal.equip.service.justice.gov.uk/CtrlWebIsapi.dll?__id=docDetails.showDoc&doc=BA3AFEB7C1F245569CCA93494B0E8292&dpt=1 (this link will only function on internal MoJ/HMPPS systems).

- 3.42 In order to manage a licence condition under electronic monitoring, the generic electronic monitoring licence condition must also be applied, this is:
- Allow person(s) as designated by your supervising officer to install an electronic monitoring tag on you and access to install any associated equipment in your property, and for the purpose of ensuring that equipment is functioning correctly. You must not damage or tamper with these devices and ensure that the tag is charged, and report to your supervising officer immediately if the tag or the associated equipment are not working correctly. This will be for the purpose of monitoring your [INSERT TYPES OF CONDITIONS TO BE ELECTRONICALLY MONITORED HERE] licence condition(s) unless otherwise authorised by your supervising officer.
- 3.43 The COM will need to state the conditions that the EM is going to monitor on licence in the free text box of the condition. For example, curfews, exclusion zones, location monitoring etc. These must be additional licence conditions which are being requested at the same time as the EM condition above. The COM will only receive alerts from the EM provider related to licence conditions which are listed within this condition. For example, if only trail monitoring is included, yet there is a curfew on the licence elsewhere, that curfew will not be monitored by the EM provider if it is not added within this condition.
- 3.44 The Electronic Monitoring Service (EMS) is the EM provider who will need to be informed of electronic monitoring licence conditions once they are approved by the Decision Maker (see paragraph 3.59 onwards). This will be completed in one of two ways:
- Initial Release (for all cases): The prison is responsible for informing EMS of any licence conditions which require electronic monitoring. This is completed in the same way as informing EMS of HDC cases. For information on that process, see the Home Detention Curfew Policy Framework.
 - Licence variation (for all cases): Once approved by the Decision Maker (probation or the Parole Board as appropriate), the COM must forward the relevant licence variation form and a copy of the new licence, ensuring that they have stated clearly which of the conditions are to require electronic monitoring, to LPAdmin@ems.co.uk.cjism.net.
- 3.45 For further details on how to impose and manage electronic monitoring licence conditions, see the Electronic Monitoring Guidance for Probation Staff, which will be located alongside this policy framework on Equip.

Individual Conditions: Alcohol Monitoring on Licence (AML)

- 3.46 Alcohol Monitoring on Licence (AML) is now available as an additional licence condition; guidance regarding the appropriate use of the two conditions is available on EQUIP following the introduction of electronic alcohol monitoring tags.

- 3.47 In order to impose AML, the generic condition 14(a) must be added to the licence, with “alcohol monitoring” added to the free text portion of the condition, and either 14(d) (for alcohol abstinence) or 14(e) (for alcohol monitoring) must also be added. These conditions may also help to enforce elements of an alcohol related programme/workplan required under condition 4(a).

Individual Conditions: Polygraph

- 3.48 The polygraph licence condition is applied to specific cohorts. For details on the application of the polygraph licence condition and the relevant cohorts, see the Polygraph Licence Condition Policy Framework.

Individual Conditions: Child Contact

- 3.49 Where a licence condition refers to not undertaking unsupervised contact with a child, the COM must designate who may supervise contact between the offender and the child if appropriate, or state that there must be no contact for the time being. The offender must understand that the presence of another person does not mean that contact is supervised unless the COM has designated that person as a suitable supervisor.

Individual Conditions: Relationships

- 3.50 When using the condition requiring notification of relationships, the COM must explain to the offender what the applicable definition is in that particular case. This may vary and should be set on a case by case basis, depending on the risks and issues posed in that individual case.
- 3.51 This condition has been modified in this version of the policy, with both the term “intimate” removed, and now includes a requirement to disclose when a relationship has come to an end. This enables the condition to be used on cases where disclosure of a relationship that isn’t intimate, but would be of interest on a risk management basis where the offender on licence has previously groomed vulnerable persons.

Individual Conditions: Terrorist Personal Search Licence Condition

- 3.52 This version of this Policy Framework sees the introduction of the terrorist search condition at 15(a) in Annex A. Its legal basis is in paragraph 43C into the Terrorism Act 2000. This will allow the police to stop and search an offender who has been released on a licence which includes this condition. The police may also, under this licence condition, stop and search any vehicle, and anything in it, in which the offender on this licence is travelling with, regardless of whether they are a passenger or the driver themselves.
- 3.53 Both of the following criteria must apply in order for the condition to be requested by the COM for addition to the licence. The first is a statutory criteria, the second a matter of policy. Failure to meet these criteria means that the condition cannot be applied:
- 3.53.1 Is the offender subject to an indeterminate or determinate sentence where the index offence is a terrorist offence included in Part 1 or 2 of Schedule 19ZA, or is an offence with a terrorist connection in accordance with the definition in 247A(7A) of the Criminal Justice Act 2003?
- 3.53.2 Based on the most recent risk assessment, does the offender on licence pose a high or very high risk of serious harm to the public?

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Discussions must be held between probation and the police prior to implementing this condition, in order to ensure the police are aware of it and have the ability to search the offender and any vehicle they are travelling in or on.

- 3.54 This condition must be reviewed as normal under the necessary and proportionality considerations set out earlier in this policy. It can be applied either on release, or should risk escalate, as a licence variation.

Individual Conditions: Extremism / Serious Organised Crime Related Licence Conditions

- 3.55 Specific extremism related conditions are set out in Annex A under category 11, and Serious Organised Crime (SOC) conditions under category 16. COMs may request these where the offender poses a related relevant risk, as appropriate. There is no requirement for a specific offence to have taken place in either category, but discussion must be held with local Probation Service leads on the relevant subject matter before the conditions are requested.

Mirroring of Requirements on Ancillary Orders

- 3.56 An offender on licence may also be subject to one or more ancillary orders, such as a Sexual Harm Prevention Order (SHPO), a Restraining Order (RO) or a Violent Offender Prevention Order (VOPO). Where these are imposed on the person on licence, the COM should use these as indicators of risk, but must not automatically copy over all the requirements of the ancillary order onto the licence.
- 3.57 This is because licence conditions must remain necessary and proportionate to the risk indicated, and may run at different expiry timescales to an ancillary order. Furthermore, there may be abilities to place restrictions in the order that are unable to be placed on licence, or conditions which can be placed on licence which are unable to be included in the order that better meet the necessary and proportionate tests. The COM must take care that any requested licence conditions do not contradict the requirements of any ancillary orders imposed.
- 3.58 Following the review of risk, it may be that some of the package of additional licence conditions look similar to the requirements on an associated ancillary order, but this must be from the routine review of risks and issues in the case and not bypass the necessary and proportionality considerations.
- 3.59 In all cases, any breach of an ancillary order can be also considered to be a breach of the licence conditions per the standard good behaviour condition; this is even the case where no requirements from the orders are mirrored onto the licence as a licence condition.

Approval of Licence Conditions on Initial/Post-Recall Release

- 3.60 In practice, the initial licence conditions that are to be imposed are approved by the following acting as the Decision Maker:
- **Governors**
 - Where a prisoner is released automatically under a statutory duty for the Secretary of State to release the prisoner; or
 - Where a prisoner is released following a fixed term recall.

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- Parole Board and PPCS on behalf of the Secretary of State for Justice
 - Where the Parole Board directs the offender's initial release; or
 - Where a prisoner is released following a standard recall.

For the decision maker for licence variations, see 3.92.

- 3.61 Governors may delegate approval of licences and licence conditions, but the delegate must hold at least a Band 7 post and be a prison service employee. In the private sector prisons a Director can similarly delegate this task to an equivalent grade as long as they are employed by the same company as the Director; that approval does not need to be countersigned by the resident Controller. For the purpose of this Policy Framework, approval elsewhere in this document may be described as by the "Governor" – this refers to either the Governor or the Director as relevant to the establishment applying this policy, and their delegated authorities.
- 3.62 Should multiple versions of a victim related condition be submitted, such as two versions of an exclusion zone, the Decision Maker must decide which of them is to be applied taking into account any evidence or arguments put forward by the supervising officer and the VLO/Victim.

Creation of Licence Documents

- 3.63 The responsibility for the production of the licence (placing the approved licence conditions onto the template if not completed automatically as part of a digital solution) is as follows:
- Prison:
 - Determinate sentences on automatic release
 - Determinate sentences where the offender has been recalled and is subject to a fixed-term recall
 - Determinate sentences where the offender has been recalled and is subject to a standard recall
 - PPCS:
 - Determinate sentences where the Parole Board have directed release as part of a pre-release review of parole eligibility
 - Indeterminate sentences (life sentences and IPP sentences, including recalls)
 - Releases of those under compassionate grounds (see [here](#) for further details).
- 3.64 All licences where the prison holds responsibility must be produced by OMU staff on the digital solution, or on PNOMIS where this is not yet available for that case. Any PNOMIS produced licence will require a physical signature from the Governor or their delegate, whereas an electronic signature will be applied to those licences produced in the digital solution.
- 3.65 The prison is responsible in all instances for printing a copy of the licence to be given to the prisoner as part of the release process.

Recording of Considerations and Decision Making

- 3.66 The COM must ensure that a record is kept of any consideration around a request for licence conditions and the decision made, including the reasoning for requesting the licence

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conditions and whether any stakeholders were consulted during the consideration, along with their response. This includes any response by MAPPA panels in those cases which fall under active multi agency management.

- 3.67 This applies equally to the initial setting of licence conditions, any variation of licence conditions, or authorisations to act outside of the restrictions set out by a licence condition.
- 3.68 This must be recorded in the case notes field on the individual record on NDelius by the COM.

Sharing and Issuing of Licences

- 3.69 Prior to release, the prison should ensure that the offender signs two copies of the licence to confirm that they understand the requirements. If they refuse (or write anything other than their name) then the licences should be signed and countersigned by two staff members to validate that the conditions have been explained.
- 3.70 When explaining licence conditions to prisoners before release, staff must ensure that the offender understands any such conditions. Staff must take into account any issues such as English not as the primary language (including British Sign Language or other communication styles), learning disabilities or are neurodivergent that may prevent the offender from understanding what is required of them.
- 3.71 Prison staff must share the licence for an offender subject to a determinate sentence with the key contact points once it is approved. A copy of the licence must be emailed to the Police National Computer (PNC) Bureau, to the relevant police contact in the area to which the prisoner is being released (contact details are sent to Prison OMUs, or can be requested from licence.policy@justice.gov.uk), and to the COM. Where the offender is on the digital solution for licence production, there is no need to share with the COM as this will be automatically shared through that system. The PNC or police area do not need signed copies, but instead should be sent the initial electronic versions created and not a version which has been printed and re-scanned. These must be sent as soon as possible after approval by the Governor, and no later than 7 days prior to release.
- 3.72 Prison staff must ensure that a copy of the licence is given to the offender on discharge, and to explain the licence conditions to the offender. The offender is required to sign to signify that the explanation has taken place, if they refuse then the licence should be signed and countersigned by two staff members to validate that the conditions have been explained. This should be accompanied by an exclusion zone map while taking into account those issues highlighted in paragraph 3.66, if such a condition has been applied. The second signed copy must be kept in the prisoner's F2050 record. Where an offender has a ViSOR Nominal record the licence conditions must be recorded by prison staff in the Statutory Instruments attachments.
- 3.73 Where PPCS produces the licence based on the Parole Board decision, this will be sent to the releasing establishment, who will need to provide a copy of the licence to the offender and explain the conditions as above. PPCS will share the licence with the PNC Bureau and the COM.

Release on Licence of Detainees Under the Mental Health Act

- 3.74 Prisons and COMs are required to undertake those processes as set out above for the production of licences for any mentally disordered offender detained under the Mental Health Act 1983 (The 1983 Act) where a licence is required. There are three primary scenarios that can arise where an offender will be subject to a licence when they remain detained in a psychiatric hospital under the 1983 Act:
- I. A prisoner is transferred to hospital prior to their earliest date of release (sections 47/49 of the 1983 Act) and who remain detained in hospital at the point they would have been released;
 - II. An offender was directed to hospital by a court for treatment of a mental disorder alongside a prison sentence under a hospital and limitation direction (section 45A of the 1983 Act) and who remains detained in hospital at the point they would have been released;
 - III. An offender who has committed an offence which has led to a sentence of imprisonment whilst they have remained detained in a hospital under a hospital and restriction order (sections 37/41 of the 1983 Act)
- 3.75 Mentally disordered offenders who are subject to sections 47/49, section 45A or sections 37/41 are collectively known as restricted patients. More information about restricted patients can be found at the following link: Mentally disordered offenders: The Restricted Patient System 2017 - GOV.UK (www.gov.uk).
- 3.76 Where transfer to a secure psychiatric hospital has occurred, the responsible prison (should production be their responsibility as set out in paragraph 3.62 above) will be the last holding establishment. In the case of offenders subject to s45A order the responsibility for the licence will be the remand prison. Occasion will arise where an offender was not remanded to prison prior to conviction and sentencing, in these cases the prison or probation office nearest the detaining hospital will be responsible for the licence.
- 3.77 Licences for individuals who remain detained in hospital under the 1983 Act must be produced prior to the CRD and issued to the offender. The licence remains active and multi-agency work will be required to ensure that the individual's licence conditions remain appropriate; this includes terrorist risk offenders detained in hospital. It is important to note that the licence is not suspended; an offender who is detained in hospital remains subject to an obligation to comply with their licence. Logistically and practically, this may not always be possible and as such, close co-ordination between the COM and responsible clinician is essential. Similarly, active engagement between agencies is required to ensure that any additional licence conditions are compatible with the offender's continuing detention in hospital including periods of community leave. The COM should actively manage the licence for those offenders who remain in hospital beyond their earliest date of release. The close liaison between COMs and the hospital is particularly important as the offender's discharge from hospital detention will not necessarily be predictable and will, in large part, be determined by their treatment needs.
- 3.78 An offender should not be penalised for breaching their licence due to circumstances outside of their control; their status as a restricted patient may mean that certain licence conditions cannot be adhered to. Furthermore, if the inclusion of additional licence conditions impacts on the patient's mental disorder or treatment pathway, such as the placing of a GPS tag, consideration must be given to the necessity and proportionality of it, and legal advice sought where necessary.

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- 3.79 The COM should contact the Mental Health Casework Section (MHCS) at MHCSMailbox@justice.gov.uk if they require contact information for the detaining hospital and the clinician responsible for the treatment of the offender, and for details of the extremism lead at MHCS for terrorist risk offenders. Stakeholders should use the above mailbox for any further advice or guidance on the management of restricted patients.
- 3.80 Should changes to the licence be required by the COM, this will be modified via a licence variation as described below. As previously stated, staff at MHCS should be contacted if advice is required.

Initial Reporting to the Community Offender Manager

- 3.81 The COM must schedule an initial reporting appointment with the offender being released as part of the licence request via the appropriate digital solution. This is usually within one working day of the release from custody taking place, or release direct from court where a period spent on remand has meant that the offender is released “time served”.
- 3.82 Cases may fall within the Discretionary Friday/Pre-Bank Holiday Release Scheme Policy Framework - GOV.UK (www.gov.uk) should their release dates fall on a Friday or a bank holiday.

Management While In Hospital / IS91 Detention

- 3.83 When an offender has reached their Conditional Release Date (CRD), they are released on licence regardless of whether or not their physical location has changed. In some circumstances, an offender may be already outside a prison in a hospital or a mental health facility. In those circumstances the offender is still released on licence, but the presentation of the licence and the explanation of the conditions must be customised based on the circumstances of the case.
- 3.84 The COM must also consider which of the licence conditions can be practically enforced, and must not penalise the offender where conditions cannot be fulfilled because of circumstances outside of their control. For example, not being able to abide by reporting instructions because the offender is in hospital.
- 3.85 The COM must also ensure that any engagement with the offender continues as close to normal as possible, and whether any additional licence conditions are required to manage the unique circumstances which the offender is in.
- 3.86 Similar considerations apply to those Foreign National Offenders who are held under immigration powers, referred to as IS91 Detention. This type of detention can take place following CRD, in either a prison or in an Immigration Removal Centre. This means that once the offender reaches CRD, they are released on licence even though they may very well remain in the same establishment they were in previously. The same considerations apply as stated elsewhere in this section to these cases.

Licence Authorisation

- 3.87 Licence authorisation is where the COM identifies that a temporary change to an additional licence condition is required. The capacity to do this is enshrined in the majority of additional licence conditions having text at the end allowing for the COM to grant permission for the offender to undertake activity otherwise not allowed.

- 3.88 An offender on licence can informally request permission to for a temporary change as part of a normal conversation with their COM.
- 3.89 Before making a decision on authorising a temporary change to a licence condition, the COM must contact any stakeholders who were engaged in the formulation of the licence condition in question so they are able to provide input into the decision about whether or not to authorise the activity outside of the licence condition. Where this was a meeting/forum, and the request is sufficiently urgent that it cannot wait until the next meeting, then a discussion with the chair of the meeting must be held instead. Where this is a MAPPA meeting, then the MAPPA Coordinator is the appropriate contact.
- 3.90 The COM may wish to discuss any request from the offender on licence with their Senior Probation Officer, before informing the offender of the decision. Any decision must be recorded in Case Notes on nDelius, with the rationale and decision included along with a record of any stakeholders who were engaged in the decision making.
- 3.91 A guide to licence authorisation and the differences between it and licence variation is located alongside this policy framework at <https://www.gov.uk/government/publications/licence-conditions-policy-framework>.

Licence Variation

- 3.92 Licence conditions must always be necessary and proportionate. If a COM identifies that a risk or issue has changed, or new information is brought to their attention following release, which requires the alteration of a licence condition or the addition/removal of a condition, then they must apply for a licence variation. Requests may not come directly from the offender on licence and should that offender have any issues with existing licence conditions then they must speak to their COM. Bespoke licence conditions may still be applied for under a licence variation, and still follow the process as set out in the initial release section for PPCS approval.
- 3.93 Where there is a VCS victim involved in the case, and the variation involves conditions related to them, then the VLO attached to the case must be informed. Reductions in VCS related exclusion zones may only take place where the original risks/issues identified have been reduced, and it is no longer necessary and proportionate to the relevant risks.
- 3.94 The Decision Maker for licence variation is different to that for licence preparation for initial release, as Prison Governors (or delegates) do not retain responsibility after release. The Decision Makers for the different scenarios are as follows:
- Cases released Automatically on initial release
- The Head of the Probation Delivery Unit (PDU), with the ability to delegate to a Deputy PDU Head.
- Cases released initially by the Parole Board
- The Parole Board.
- 3.95 The method for varying a licence depends on the original means of release, and in the case of automatic releases, the system under which the most recent licence was produced. In the case of recalled offenders who are subsequently re-released and have their licence varied, they are not considered by the Parole Board unless their original release was as a

result of a decision by the Parole Board.

Cases released Automatically on initial release

- Home Detention Curfew releases: Variation is conducted via the Home Detention Curfew digital solution.
- Non-HDC releases:
 - Licences produced on Create and Vary a Licence (CVL): Variation is conducted via the CVL digital solution.
 - Licences produced on PNOMIS: COMs must request variation through their local Probation Hub (or via diary managers in Wales) using the form found on nDelius under >Institution Reports (within the event/sentence) and then >Licence Variation.

Cases released initially by the Parole Board

- COMs must request variation to PPCS using the form found on nDelius under >Institution Reports (within the event/sentence) and then >Licence Variation. The contact point at PPCS is the team which managed the original release. PPCS will then refer this request onwards to the Parole Board, who will respond directly to all parties.
- If time allows, the COM must inform the offender on licence of the variation request and provide them with seven days to submit representations. Any representations must be submitted to PPCS alongside the variation report.

3.96 Production of the updated licence following release remains as set out in 3.62, except any prison responsibilities are taken over by the Probation Service, whose method of production for determinate sentence licences depends on the production system which created the existing licence as set out in the bullets above.

3.97 Licence variations are considered to be in place after the new version of the licence document is presented to the offender and the condition explained. They are required to sign to signify that the explanation has taken place, if they refuse then the licence should be signed and countersigned by two staff members to validate that the conditions have been explained.

Pre-Weekend/Bank Holiday Re-Releases

3.98 Where an offender on a determinate sentence is being held in custody until their Sentence and Licence Expiry Date (SLED), and the SLED falls on a weekend or a bank holiday, that offender at least must be released on the day immediately prior which is not a Saturday/Sunday or a bank holiday. This means that these releases will be brought forward to the previous Friday, or earlier per the Discretionary Friday/Pre-Bank Holiday Release Scheme Policy Framework - GOV.UK (www.gov.uk).

Application of Licence Conditions on the SLED

3.99 A licence for an offender on a determinate sentence is in force on the Sentence and Licence Expiry Date (SLED) or Licence Expiry Date (LED) until 11:59pm of that day. If they are eligible for PSS and the licence document gives the same date for the SLED and the Post Sentence Supervision Start Date (TUSSD), it is the licence period that will be in force on that day with the Post-Sentence Supervision period beginning only after licence expiry.

4. **Constraints**

Bespoke Licence Conditions

- 4.1 Governors and PDU Heads may not approve bespoke licence conditions where permission has not been given by PPCS for determinate sentences (as appropriate to the type of case). If evidence has not been demonstrated by the probation provider that such permission has been agreed, then any such requests must be rejected, and the direction given that the probation provider should seek permission from PPCS for the bespoke condition to be included on the licence.

Approval of Licence Conditions

- 4.2 Governors may not propose licence conditions for prisoners of any type. The Probation Service must propose any conditions.

Production of Licences

- 4.3 Prison and probation staff are not permitted to create a licence outside of PNOMIS or a digital solution. The appropriate risk mitigation to ensure that licences are ready in the event of a computer/power failure is to print and share the licences at least seven days in advance.

Sharing and Issuing of Licences

- 4.4 Where there is a mandatory action set out in a policy to share a licence document with an external agency, staff members are not permitted to conduct individual data protection assessments of the need to do so. Issues regarding the sharing of this information have already been discussed at an agency level, and no additional considerations must be made. Where staff have concerns over the need to share information, this should be flagged to licence.policy@justice.gov.uk.

Licence Variation

- 4.5 COMs must not request variations to conditions which were requested via the VCS without first liaising with the VLO and allowing for sufficient time for the victim to be consulted.
- 4.6 VCS related conditions are set out under different considerations (as described in paragraph 3.27) to those otherwise applied for licence conditions. COMs must not request modifications of licence conditions on the basis of a change of risk of reoffending or serious harm where those considerations were not the reason for imposing that licence condition. Except where there was an increased risk to the victim identified and the COM was seeking to mitigate that risk by increasing the restrictions set out by the licence conditions.

5. **Guidance**

Licence Authorisation

- 5.1 Additional guidance on licence authorisation is available here:
<https://www.gov.uk/government/publications/licence-conditions-policy-framework>