

# Restricted Transfer Prisoners

## Member Guidance

December 2023 (v1.0)

# Document History

Document version	Date of Issue	Revision description
1.0	15/12/2023	Published version

## Contents

<b>1. Introduction</b>	3
<b>2. Initial criteria and consideration for a restricted transfer</b>	4
<b>3. HMPPS actions following a restricted transfer</b>	5
<b>4 HMPPS actions following the release of a restricted transfer individual</b>	5
<b>5 Licence Conditions</b>	6
<b>6 Parole Board Case Management</b>	7
<b>7 Scotland</b>	8
Parole Board for Scotland	8
Reports	8
Witnesses	9
Release and recall	10
<b>8 Northern Ireland</b>	11
Northern Ireland Commissioners	11
Reports	11
Witnesses	13
Release and recall	13
Paramilitary Prisoners	14
Restorative Justice	15
<b>9 Channel Islands</b>	17
<b>Bailiwick of Guernsey</b>	17
Guernsey Parole Review Committee	17
Parole Reviews	17
<b>Bailiwick of Jersey</b>	18
Parole in Jersey	18
Parole Reviews	18
<b>10 Isle of Man</b>	20
Isle of Man Parole Committee	20
Parole Reviews	20
<b>11 Restricted Transfers into England and Wales (open conditions)</b>	22

## **1. Introduction**

- 1.1 Indeterminate sentence prisoners, whilst sentenced in England and Wales, may request to serve their sentence in another jurisdiction of the United Kingdom and the Islands. Most often, this is because they originate from that jurisdiction. They may wish to be closer to family or have other ties in the jurisdiction that will support them whilst in custody and/or their eventual release back into their community.
- 1.2 The Crime (Sentences) Act 1997 (section 41 and Schedule 1) provides for prisoners to be transferred from England and Wales to another United Kingdom jurisdiction, the Channel Islands, or the Isle of Man.
- 1.3 A rigorous case assessment is undertaken to determine whether a prisoner can be approved for a restricted transfer, and if so, the Secretary of State will instruct that they be transferred. The following should be noted:
  - If they are transferred on a restricted basis the prisoner will fall within the parole process of the country that they were convicted in (the sending jurisdiction) in terms of release. A move to open conditions will be for the receiving jurisdiction to determine<sup>1</sup>.
  - If they are transferred on an unrestricted basis the prisoner will fall within the parole process of the country that they are transferred to (the receiving jurisdiction).
- 1.4 If the prisoner is transferred on a restricted transfer basis, this means that the Secretary of State has not approved an unrestricted transfer and therefore the case is still “held” in England and Wales.
- 1.5 Conversely, there are a small number of prisoners who are sentenced in one of the other jurisdictions or islands but transferred *into* England and Wales on a restricted basis. In these instances, the Parole Board for England and Wales will only be asked to provide advice about a move to open conditions as release remains the responsibility of the sending jurisdiction.
- 1.6 The UK and Islands comprise:
  - England and Wales
  - Scotland
  - Northern Ireland
  - The Channel Islands (the Bailiwicks of Jersey and Guernsey)
  - The Isle of Man
- 1.7 A list of prisons in the other jurisdictions can be found at Annex A.

---

<sup>1</sup> There may be a rare occasion where a restricted transfer prisoner has asked or is planned to be returned to England and Wales, in which case the referral may ask for advice about open conditions.

- 1.8 Where the prisoner is transferred to one of the other jurisdictions on a restricted transfer basis, the Secretary of State retains the duty to refer eligible cases to the Parole Board for England and Wales. The Parole Board for England and Wales has the responsibility to determine release of these prisoners and the prisoner remains subject to the parole release and licence schemes of England and Wales.
- 1.9 The Board is required to undertake regular reviews of the prisoner's continued detention in the same way as if they were being held in prison in either England or Wales. The Secretary of State will make referrals in line with the Generic Parole Process (GPP).
- 1.10 The conditions and category in which such a prisoner is detained is a matter purely for the authorities in the relevant territory (Scotland, Northern Ireland etc).
- 1.11 Security classifications in jurisdictions outside England and Wales are different and progression to open conditions is not currently a matter for the Parole Board. The terms of the referral from the Secretary of State at the front of the dossier should, therefore, not seek advice on suitability for open conditions. If panels are asked to advise on open conditions in such cases, it is best practice to seek confirmation of the extent of the referral via a direction to the Secretary of State.
- 1.12 For clarification, an unrestricted transfer gives all authority for the administration of the sentence and release to the receiving jurisdiction. In these cases, the Parole Board for England and Wales has no role following the transfer out of England and Wales.
- 1.13 This guidance provides information about these cases.

## **2. Initial criteria and consideration for a restricted transfer**

- 2.1 Whilst this is not within the responsibility of the Board, the following information may be useful to understand how an application is considered by His Majesty's Prison and Probation Service (HMPPS).
- 2.2 A Community Offender Manager (COM) who receives a request from a prisoner to transfer to another jurisdiction must first make an initial assessment according to the following criteria:
- Does the prisoner have close family or residential ties in the place they wish to resettle, including, but not limited to, any compassionate reasons?

If the answer is 'no', the application will likely be refused.

If the answer is 'yes', the COM then needs to consider the following:

- Can the sentence plan be implemented in the receiving jurisdiction or will the transfer, upon release of the prisoner:

a. *During a licence period*: increase any risk of re-offending or risk of serious harm, including risk of serious harm to prior victims, or risk to the prisoner themselves?

b. *During a Post Sentence Supervision (PSS) period*: deter from the rehabilitation of the prisoner, and interfere with the reestablishment of family/community ties?

### **3. HMPPS actions following a restricted transfer**

- 3.1 Following a restricted transfer of a parole eligible prisoner, the COM in England and Wales remains the lead for the case. The case records remain open, and the case will remain on their caseload.
- 3.2 If the prisoner has an England or Wales last known address, the Probation Service area for that address will assume responsibility for the prisoner, which includes providing reports and attending any oral hearing.
- 3.3 If the prisoner does not have an England or Wales last known address, the Probation Service area of the sentencing court will assume responsibility for the prisoner, including providing reports and attending oral hearings.
- 3.4 The England and Wales COM undertakes all activity required of them by other policies and practice, with the exception of direct contact with the prisoner, as this is carried out and managed by the supervising officer in the receiving jurisdiction.
- 3.5 To facilitate this, the England and Wales COM must keep in contact with the local custodial supervising officer managing the prisoner with telephone/video conferencing meetings. These will take place as agreed between them but should be sufficient to prepare for the lead up to the parole review commencing.

### **4 HMPPS actions following the release of a restricted transfer individual**

- 4.1 Once released into the community, the England and Wales COM must keep in contact with the local community supervising officer managing the prisoner with telephone/video conferencing meetings. These will take place as agreed between them but should be no less frequently than the frequency of the prisoner's reporting timetable, other than if mutually agreed.
- 4.2 The England and Wales COM remains responsible for requesting any licence variations or breach action, including recall, as the individual remains on an England and Wales licence. This is irrespective of whether they are released automatically or on the direction of the Parole Board for England and Wales.
- 4.3 Should recall be required, this will be initiated by the HMPPS Public Protection Casework Section (PPCS). PPCS will refer the case to the Parole Board for England and Wales for a review of the recall where the

individual is serving an indeterminate sentence, a parole eligible determinate sentence, or for an individual recalled on a determinate sentence who is not re-released under executive powers.

- 4.4 No two jurisdictions have the same breach standards and so there will likely be differences of opinions at times.
- 4.5 While the England and Wales COM remains the lead on this, the local supervising officer reserves the right to terminate the transfer at any point should they feel that the individual is no longer manageable by them.
- 4.6 Should the transfer be terminated, the England and Wales COM must require the individual to return to a prison in England and Wales with additional breach action taken if they refuse these instructions.
- 4.7 Information about restricted transfers is set out in the HMPPS Policy Framework:

[\*Travel and transfer on licence and PSS outside of England and Wales.\*](#)

## **5 Licence Conditions**

- 5.1 The Secretary of State is responsible for enforcing licence conditions.
- 5.2 The licence conditions for restricted transfer cases will be set by the Parole Board for England and Wales (where it was the releasing authority) and will rely on the knowledge of the England and Wales COM about what can and cannot be facilitated in the receiving jurisdiction and specific wording for bespoke conditions that may be needed (see paragraph 5.4 below). The England and Wales COM will propose conditions that are considered necessary and proportionate, as with any other case that comes before the Board.
- 5.3 The England and Wales COM and the local supervising officer will need to engage fully to discuss and agree which licence conditions can or cannot be imposed to manage risk in the receiving jurisdiction. The proposed conditions should be supported by both the England and Wales COM and the local supervising officer, who will need to reach an agreement.
- 5.4 Panels may need to set bespoke conditions, based on the proposals from the England and Wales COM, as the standard wording of additional conditions may not always be applicable or enforceable in the receiving jurisdiction. The England and Wales COM will liaise with the local supervising officer to determine suitable wording.
- 5.5 Consideration should be given to managing and enforcing the licence conditions in the receiving jurisdiction. For example, polygraph examinations and electronic monitoring may not be enforceable, or Approved Premises may not be available etc.

- 5.6 If conditions that are deemed necessary and proportionate to manage risk are not assessed to be manageable or enforceable in the jurisdiction, then release may be deemed unsuitable on the basis of the proposed risk management plan.
- 5.7 The level and frequency of supervision of the prisoner in the community will be agreed between the England and Wales COM and the local supervising officer.
- 5.8 Once the prisoner is released, the local supervising officer should keep the England and Wales COM informed of any relevant details of the case.
- 5.9 Any requests to vary the licence will need to be managed by PPCS on behalf of the England and Wales COM and considered by the Parole Board for England and Wales.

## **6 Parole Board Case Management**

- 6.1 There is no fundamental difference in the way panels and case managers progress the review of a restricted transfer prisoner.
- 6.2 When a panel directs the review of a restricted transfer prisoner to an oral hearing, it is helpful to set out the nature of the referral, and what will be involved. Professionals in the local jurisdiction involved in the case may not be familiar with the oral hearing process.
- 6.3 These cases may involve different named reports and types of witnesses to those required for England and Wales cases. Typically, there will be at least five witnesses as standard. However, there should always be a PAROM report for GPP cases and a Part B report (or Part C report) for recall cases produced by the England and Wales COM, with input from professionals in the other jurisdiction.
- 6.4 **PPCS retains responsibility for restricted transfer cases. Therefore, if panels wish to escalate an issue relating to witness attendance, or compliance with directions, the normal escalation process via PPCS should be followed.**
- 6.5 Panels can seek advice from the Board's Policy & Practice Advisor if they encounter issues with direction compliance or have queries about witnesses for oral hearings.

Information about each of the jurisdictions can be found on the following pages.

## **7 Scotland**

### Parole Board for Scotland

- 7.1 The Parole Board for Scotland is a Tribunal Non-Departmental Public Body (NDPB) which exists under the provisions of the Prisons (Scotland) Act 1989, the Prisoners and Criminal Proceedings (Scotland) Act 1993, the Convention Rights (Compliance) (Scotland) Act 2001 and the Criminal Justice (Scotland) Act 2003. The Parole Board (Scotland) Rules 2022 set out the matters which The Parole Board for Scotland must follow.
- 7.2 The Parole Board for Scotland is a judicial body which is independent of the Scottish Government and impartial in its duties. It operates much like the Parole Board for England and Wales, although it does have power to recommend recall of certain prisoners and operates as the appellate body in the case of alleged breaches of Home Detention Curfew conditions.
- 7.3 The Parole Board for Scotland will not be involved in release decisions for prisoners on a restricted transfer to Scotland.

### Reports

- 7.4 There should always be a report from the England and Wales COM for both GPP reviews and recalls. The England and Wales COM should liaise with the local allocated community supervising officer who will contribute to the report as needed.
- 7.5 Other reports for restricted transfer cases in Scotland are the Lifer Liaison Officer Report, the Prison Based Social Work Report, and the Home Background Report. The latter is written by the community-based social worker (who will be the community supervising officer if the prisoner is released), who is the equivalent of the COM. If these are not provided in the disclosed dossier, they can be directed, if the information required is not already provided elsewhere.
- 7.6 The Level of Service/Case Management Inventory (LS/CMI) is a comprehensive general offending risk/needs assessment and case management planning method. This approach is used in Scotland to aid decisions on the level and focus of intervention with people (aged 16+). The LS/CMI in Scotland also enables a further evaluation of the pattern, nature, seriousness, likelihood and imminence of offending and helps structure professional decision making in a manner that is consistent and comprehensible regardless of the nature or complexity of the case. The process for administering the LS/CMI follows a triage approach, which enables three levels of increasing assessment:
- A scan level or initial assessment: Applied at the pre-sentence stage to help inform the court of the suitability of community-based disposals.
  - An examination level: Applied in all cases where the disposal from court involves statutory social work intervention - via a community order; during a period of imprisonment (if the person will be subject to

a release licence) and for the duration of the supervision period of the licence after release from custody. This depth of assessment is used to inform decisions about the management plan for the person whilst subject to social work intervention.

- A scrutiny of risk is completed for those where there are indicators of a risk of serious harm. The method follows a structured professional judgement approach to analysing the risk of serious harm in depth. The assessment informs decisions on what type of plan is required to manage the risks the person presents including a Risk Management Plan.

7.7 The following table sets out all relevant reports, in addition to the mandatory documents that should already be in the dossier. These should be directed at the MCA stage if not already within the dossier and required information is not provided elsewhere.

<b><u>Report</u></b>	<b><u>Author</u></b>	<b><u>Description</u></b>
Lifer Liaison Officer (LLO) Overview Report (essential)	LLO	Current behaviour and conduct.
Home Background Report (essential)	Community Based Social Worker	Risk, licence requirements, background, home life.
Prison Social Work Report (essential)	Prison Based Social Worker	Custodial risk assessment information.
Risk Management Team <sup>2</sup> (RMT) Minutes	RMT Chair (Deputy Governor)	Assessment, intervention and management of the risk of reoffending, risk of serious harm.
Record of Outcome of Case Conference	Prison Based Social Worker	Similar to the minutes in a supervision plan.
LS/CMI	Prison Based Social Worker	Equivalent of OGP/OGRS/OVP - Tool to assess risk (see paragraph 7.5 above).

### Witnesses

7.8 Key witnesses are the Lifer Liaison Officer, the Prison Based Social Worker and the Community Based Social Worker (the author of the Home Background Report), as well as the England and Wales COM.

---

<sup>2</sup> Risk Management Team: The RMT is a multi-disciplinary team of professionals representing a range of agencies involved in the management of prisoners including community partners such as Community Based Social Work and where appropriate Police Scotland and MAPPA. Its primary purpose is to consider the assessment, intervention and management needs of those prisoners referred via the Integrated Case Management (ICM) process or where local management have a particular concern about a prisoner's behaviour or on-going management that requires immediate intervention. It is also the decision making body that considers prisoners for progression to less secure conditions and/or community access. In considering whether it is appropriate to grant temporary release to an eligible prisoner, the RMT must assess the risk that the prisoner may abscond, pose a danger or cause harm to the public. More information about the RMT can be read here: [SPS Risk Management, Progression and Temporary Release Guidance](#)

- Lifer Liaison Officer (LLO) – Each prison will generally have a pool of LLOs that they allocate to attend the hearings. They may not have direct contact with the prisoner and usually answer questions about sentence plans.
- Prison Based Social Worker – Most equivalent to the POM. They will inform the panel of the current risk of serious harm and custodial behaviour.
- Community Based Social Worker – Most equivalent to the COM. They will liaise with the England and Wales COM to discuss supervision and licence conditions.
- England and Wales COM – They may have had limited involvement with the prisoner but will often be from the Probation Service area the prisoner was sentenced in or their last known England or Wales address. They are responsible for liaising with the Community Based Social Worker to arrange licence conditions. They should provide a PAROM1 and any addenda reports. The involvement of an England and Wales COM is essential as they are still the lead for the case.

7.9 If a face-to-face hearing is deemed necessary, the expectation is that the England and Wales COM will attend by teleconference or video-link, unless there are exceptional circumstances to warrant in-person attendance.

#### Release and recall

- 7.10 Prisoners on restricted transfer to Scotland are expected to progress through a traditional route of lessening security, first being held in closed conditions, then National Top End (NTE – a form of closed conditions that enables day release) and then open conditions. However, this progression is not always needed and the test for release is related to risk and manageability.
- 7.11 This is similar to the approach taken in England and Wales and therefore panels could decide to release a restricted transfer prisoner from closed conditions without having progressed through the route set out above.
- 7.12 The England and Wales COM and the Scottish Community Based Social Worker should liaise to produce the licence conditions.
- 7.13 As set out in Section Five, licence conditions should be relevant and enforceable in Scotland e.g., Scotland does not have Approved Premises locations. Prisoners are asked to provide a release address which will be assessed by their Community Based Social Worker. However, if no address is provided the individual can be released as No Fixed Abode and will be provided with temporary accommodation on release by the relevant Local Authority.
- 7.14 Whilst the Community Based Social Worker is responsible for monitoring the licence conditions and identifying issues, the England and Wales COM is responsible for initiating any recall of the individual, as set out in Section Four.

## **8 Northern Ireland**

### Northern Ireland Commissioners

- 8.1 Northern Ireland has its own Parole Commissioners. These operate under specific legislative frameworks including The Life Sentence (Northern Ireland) Order 2001, The Criminal Justice (Northern Ireland) Order 2008 and The Parole Commissioners' Rules (Northern Ireland) 2009. These have all been amended by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 no.976.
- 8.2 Commissioners are appointed by the Department of Justice. Those appointed are required to have specific qualifications, such as holding judicial office in the UK, a member of the Bar of Northern Ireland or be a registered psychiatrist or psychologist. The Department of Justice must appoint a Chief Commissioner and may appoint a deputy Chief Commissioner from the body of Commissioners.
- 8.3 Northern Ireland Commissioners will not be involved in decisions about release for prisoners on a restricted transfer to Northern Ireland.

### Reports

- 8.4 Parole Board reviews for restricted transfer prisoners in Northern Ireland differ slightly to those of England and Wales. There are some key differences to witnesses and reports.

However, there should always be a report from the England and Wales COM for both GPP reviews and recalls. The England and Wales COM should liaise with the local allocated community supervising officer who will contribute to the report as needed.

- 8.5 The prison-based probation officer is the primary source of written and oral information on a prisoner's custodial behaviour, risk assessments, risk reduction efforts and resettlement/supervision plans.
- 8.6 The Probation Service in Northern Ireland does not use OASys, but rather the Assessment, Case Management and Evaluation (ACE) generic risk assessment tool, which OASys was partially based on. This produces High, Medium, and Low categories of risk of reconviction, based on numerical scores. Nevertheless, panels should expect to see OASys reports in dossiers, completed by the England and Wales probation contact.
- 8.7 Assessment of risk of serious harm is also expressed in different terms to those in use in HMPPS. The main differentiation is whether a prisoner is or is not assessed as presenting "significant" risk of serious harm. If they are assessed as presenting significant risk of serious harm, the nature of that risk, the potential victims, and the circumstances in which it might be more likely to be manifested are usually explained in reports.

8.8 The list of reports that could be requested, in addition to the mandatory documents that should already be in the dossier, are set out in the table below.

<b>Report</b>	<b>Author</b>	<b>Description</b>
Prison Development Plan Coordinator Report or Probation Officer Report (essential)	Prison Development Plan Coordinator (NI Probation Contact)	Can provide summary of custodial behaviour, progress through temporary releases and progress through interventions. May take account of any specialist reports. Will include the Assessment, Case Management and Evaluation (ACE) risk assessment <sup>3</sup> .
Psychiatric and Psychology Reports	Psychiatrists/ Psychologist	Provide an up-to-date assessment of future risk of offending.
Residential Report (essential)	Senior Officer on the wing or unit	Provides a summary of custodial behaviour including the prisoner's relationships with staff and other prisoners.
Custody Profile (essential)	Generated on the Prison Record Information System Management (PRISM)	Summary report which extracts from PRISM information which provides an overview of the prisoner's performance and behaviour in prison.
Adjudication Record (essential)	Generated on PRISM	Provides an up-to-date list of proven adjudications.
Drugs Report (essential)	Generated on PRISM	Provides an up-to-date list of all drug test outcomes.
Learning and Skills Report	Education	Provides details of engagement in education activities.
Security Report	Security Officer	Provides details of any security concerns.
Addiction Report	AD:EPT (Alcohol and Drugs: Empowering People Through Therapy) – prison based substance misuse service	Provide details of any engagement in individual or group based substance misuse treatment.
Healthcare Report	South-eastern Health and Social Care Trust	Provides details of healthcare engagement, relevant medical history and mental health conditions/treatment.

*NB: This is a non-exhaustive list of reports.*

<sup>3</sup> Assessment, Case Management and Evaluation (ACE) risk assessment  
This is not usually produced as a separate report and will be incorporated into either the PDP Coordinator's Report or Probation Officer's Report.

## Witnesses

8.9 Depending on the type of risk, panels may need to direct the attendance of one or more of the following witnesses:

- Prison based Probation Officer<sup>4</sup>: Primary source of written and oral information on custodial behaviour, risk assessments, risk reduction efforts and supervision plans. This is sometimes referred to as a Prison Development Plan (PDP) Co-ordinator.
- Community based Probation Officer<sup>5</sup>: Usually allocated in the later stages of an indeterminate sentence in a similar way to England and Wales COMs.
- The England and Wales COM.
- Psychology assessments may be undertaken by internal or external practitioners. They will not be used routinely by Parole Commissioners for other Northern Ireland cases; the direction should be addressed to the prison to arrange; Authors of assessments can be directed to attend for restricted transfer hearings.

8.10 The Parole Commissioner for Northern Ireland does not have authority to direct attendance of any witnesses, unlike in England and Wales. It can only grant (or decline) an application for witness attendance either by the Department of Justice or the prisoner. Therefore, directions to probation and prison staff in the jurisdiction from the Parole Board for England and Wales are likely to be met with confusion and possibly resistance. Validity of such directions may not be recognised in Northern Ireland. It may therefore be helpful to set out on the directions form the status of the Parole Board acting as a court and the judicial nature of directions.

8.11 The Commissioner is often faced with only the prison based probation witness. Attendance of prison or psychology staff is rare, except for particularly serious cases (indeterminates). Again, there may be some confusion and/or resistance with directions for psychology staff to attend.

8.12 **Any issues with compliance with directions should be escalated to PPCS in the usual way.**

## Release and recall

8.13 The conditions and category in which a restricted transfer prisoner is detained is a matter purely for the authorities of Northern Ireland. Security classifications are different. There is no open prison estate in Northern Ireland, just Low, Medium, and High security prisons.

8.14 For information, the Northern Ireland Pre-Release Scheme is the equivalent to open conditions. Burren House is the closest equivalent to an open prison and is a satellite step down facility of HMP Maghaberry.

---

<sup>4</sup> It should be noted that the term Prison Offender Manager is not consistently used in the Northern Ireland system. It may not be recognised by those in receipt of directions.

<sup>5</sup> It should be noted that the term Community Offender Manager is not consistently used in the Northern Ireland system. It may not be recognised by those in receipt of directions.

- 8.15 Burren House has three phases and is for testing life sentence prisoners on temporary release (phase one) and then full release in the community (phases two and three) both pre and post tariff:
1. Accompanied temporary releases, then, if successful, unaccompanied releases;
  2. Living in the Working Out (step down) Unit and going to voluntary employment, whilst gradually taking more frequent and longer overnight and weekend releases to a potential or actual release address; and
  3. Living full-time in the community. Regular drugs and alcohol tests are undertaken as well as work and curfew checks.
- 8.16 Phases 2 and 3 are often undertaken at Thompson House, a probation hostel (approved premises) in Belfast.
- 8.17 If a panel decides to direct release, the panel chair is advised to carefully check the precise wording of each potential licence condition in detail. This is to ensure that the wording used in England and Wales, which will appear in the licence condition and may differ slightly from that used in Northern Ireland licences, does not present difficulties for the supervising officer.
- 8.18 If release is directed, the England and Wales COM will nominally hold the case, with their Northern Ireland counterparts in effect acting as agent in the individual's supervision. The Probation Board for Northern Ireland will supervise according to its own standards and would ask the England and Wales COM to initiate recall proceedings if necessary.

#### Paramilitary Prisoners

- 8.19 Northern Ireland restricted transfer cases may include reviews relating to paramilitary prisoners.
- 8.20 Panels should be aware that prisoners convicted of offences with a paramilitary motivation will not be risk-assessed or, if released, supervised in the same way as other prisoners in Northern Ireland or indeed in England and Wales.
- 8.21 Northern Ireland Probation will not undertake a risk assessment on the basis there is no valid assessment mechanism available at present, although this is currently in development. They will not make an oral statement at a hearing which purports to assess risk and will not propose any licence conditions beyond the standard ones.
- 8.22 At HMP Maghaberry there is a separation unit for prisoners with paramilitary associations. Such prisoners have a more limited regime and may find it harder to demonstrate risk reduction as a result because they may not be eligible for or may not want to attend risk reduction programmes.

- 8.23 No prisoner, including a restricted transfer prisoner, will be placed in a separation unit immediately upon entering the system. They must apply to be moved there. Not all prisoners with a paramilitary association will be successful in their applications to move to the separation unit. Prison staff will assess the merit of the association and consider whether separation would be of benefit or indeed counterproductive. This includes the prisoner having an interview with the prison Governor. They will also ask paramilitary prisoners who are already in the separation unit whether they would be receptive to the prisoner in question and could guarantee their safety. Rival factions mean that not all paramilitary prisoners are welcome amongst those already in the separation unit.
- 8.24 If released, paramilitary prisoners will be expected to remain in touch with their supervising officer as required and will be able to access assistance for practicalities such as accommodation or employment.
- 8.25 Should release of a paramilitary prisoner be directed, then particular emphasis should be placed on checking the wording of licence conditions to ensure they are understood, enforceable, and do not include any inadvisable wording.

#### Restorative Justice

- 8.26 Northern Ireland has used Restorative Justice schemes as an alternative to policing of paramilitary offending in some areas. It is currently implemented in areas that have high crime and anti-social rates. It is currently and historically used in both Loyalist and Republican areas.
- 8.27 In terms of engaging prisoners in restorative justice, there are opportunities to be explored, dependent on the nature of the offence and the willingness of the parties affected by it to become involved in a restorative approach.
- 8.28 At the lowest level of engagement, the use of sessions exploring victim empathy and the impact of crime can be used to help prisoners consider the consequences of their actions. This work is important in and of itself as a tool for enabling understanding, changing mind-sets, and making better future choices. It can also be a building block towards further engagement in restorative justice, potentially involving those harmed by their offending behaviour.
- 8.29 Where a prisoner is open to further restorative engagement, they may be referred to a restorative justice programme (for example the Restorative Thinking Programme) by a specially commissioned psychologist or one from the prison. Engagement in restorative justice could also be identified and facilitated through the individual's Prisoner Development Plan (PDP), which is designed to help address the risk factors behind the offending behaviours, to build on their strengths and to assist their effective rehabilitation.

- 8.30 PDPs are agreed with the prisoner by their Co-ordinator (Prison Officer or Probation Officer) and could incorporate a restorative or reparative element to assist the individual to recognise the consequences of their offending, the hurt and harm caused and provide an opportunity to address this.
- 8.31 The extent to which direct or face-to-face restorative interventions can be incorporated as part of a PDP will rest to a large degree with the victims that have been affected by the crime.
- 8.32 Northern Ireland announced its most recent Restorative Justice Plans following a consultation in 2020. The full plan was published in March 2022 and can be read [Adult Restorative Justice Strategy for Northern Ireland 2022-2027](#).
- 8.33 Panels may need to consider if/how restorative justice has impacted on the level of risk and its role in reducing and managing future risk. Panels may wish to review the [Parole Board Restorative Justice Guidance](#).

## **9 Channel Islands**

- 9.1 Cases where the prisoner is held in either of the two prisons in the Channel Islands are very rare. Those serving indeterminate sentences or other sentences for serious offences tend to be placed in custody in an English prison.
- 9.2 Where a prisoner has been released on licence back to the Channel Islands and subsequently had their licence revoked, they will more usually be returned to a prison on the mainland (often HMP Winchester) where the review of their recall will take place.

## **Bailiwick of Guernsey**

### Guernsey Parole Review Committee

- 9.3 Guernsey has its own Parole Review Committee. This is an independent body, non-political and non-judicial.
- 9.4 The Guernsey Probation Service works to manage prisoners, both within Guernsey Prison and the community. This is achieved by providing the Courts and Parole Review Committee with reports and detailed assessments, facilitating supervision and treatment of prisoners, supporting the Criminal Justice Substance Service, and by working with other agencies to engage in Multi Agency Public Protection Arrangements (MAPPA).
- 9.5 The Chair is appointed by the State, and members are appointed by the Royal Court. Committee members with a variety of backgrounds are selected to ensure representation on the community.
- 9.6 The purpose of the Parole Review Committee is to undertake comprehensive risk assessments in a consistent, equitable and efficient manner, which will inform the Committee's decision on the release of prisoners on licence.
- 9.7 There is only one prison: Les Nicolles Prison. It is a mixed-use prison (male, female, young offenders, vulnerable offenders) and has a capacity of 134 residents.

### Parole Reviews

- 9.8 The PPCS will prepare a dossier in the usual way and the England and Wales COM will liaise with the local staff involved with the prisoner. There should be either a PAROM report for GPP reviews or Part B report (or Part C report) for recalls produced by the England and Wales COM on the dossier.
- 9.9 The local Probation Service complete Social Enquiry Reports which should be made available to the panel.

9.10 The prison operates a Release on Temporary Licence scheme, consisting of three stages:

1. The first stage requires work outside the prison fence;
2. The second stage involves voluntary placements; and
3. The third is paid employment.

9.11 The decision to commence the scheme is an executive decision made by the prison.

9.12 Witnesses directed to an oral hearing will usually include:

- The prison supervising officer
- The local probation staff
- The England and Wales COM

## **Bailiwick of Jersey**

### Parole in Jersey

9.13 Jersey does not have a Parole Board or equivalent.

9.14 There is only one prison: HMP La Moye. It is a mixed-use prison (male, female, young offenders, vulnerable offenders) with a capacity of 184.

### Parole Reviews

9.15 Upon arrival to prison, each prisoner is allocated a primary and secondary personal officer from the trained staff.

9.16 These officers can help with family worries, problems encountered whilst in prison and support planning for release into the community.

9.17 All prisoners are assigned to a community-based Probation Officer from the Jersey Probation and Aftercare Service. Prisoners may also simultaneously work with a prison-based Probation Officer. This role is responsible for chairing prison risk assessment meetings for prisoners applying for Conditional Early Release and pre-release. Liaison with victim Services is included in this role.

9.18 The Probation Officer may make one or more of the following assessments, to inform their Pre-Sentence Report:

- Level of Service-Case Management Inventory (LS-CMI) or Youth Level Service-Case Management Inventory (YLS-CMI) on all clients. This is a risk/needs assessment and case management tool combined. It examines any areas of criminogenic need and likelihood of reconviction;
- Stable and Acute 2007 actuarial risk assessment instrument to assist with community supervision of individuals who have committed sexual offences;

- Spousal Assault Risk Assessment (SARA) for individuals who have been convicted of or are suspected of domestic abuse against partners;
  - Assessments of literacy and numeracy are undertaken on all eligible clients;
  - Community Service assessments completed by all clients eligible to receive a custodial sentence.
- 9.19 The report will include an assessment of the prisoner's attitude to the offences, in particular their awareness of the consequences for the victim. If the prisoner expresses remorse, guilt, or desire to make amends this is included in the report. The officer will consider risk of reoffending and will take this into consideration when writing their report.
- 9.20 Interventions offered to the prisoner during their sentence are based on the criminogenic needs identified in the Social Enquiry Report (SER) and during sentence.
- 9.21 There should always be either a PAROM report for GPP reviews or Part B report (or Part C report) for recalls produced by the England and Wales COM on the dossier.
- 9.22 Panels may see fit to direct the attendance of both the community and prison based probation officers, depending on the case and whether the prison-based probation officer has had sufficient involvement. Panels will need to establish whether the England and Wales COM is required to attend the oral hearing, as they may have very little to contribute. Ascertaining the position should be set out in directions.
- 9.23 However, panels should be aware that Jersey-based staff are unlikely to be familiar with a request for a parole hearing as a witness, as there is no Parole Board or equivalent currently operational in Jersey. Panels should reflect this by explaining requirements and expectations of witnesses carefully in their directions.

## **10 Isle of Man**

### Isle of Man Parole Committee

- 10.1 The Isle of Man Parole Committee is a statutory committee operating within the Isle of Man criminal justice system.
- 10.2 The Parole Committee independently assesses long term prisoners who are eligible and apply for parole under a discretionary conditional release licence. It then makes its recommendations to the Minister for Home Affairs.
- 10.3 It monitors progress through licence periods and considers the recall of individuals who fail to comply with licence conditions. In making recommendations, the Parole Committee considers key criteria including whether a prisoner presents a risk to the public and are how likely they are to reoffend.
- 10.4 There is only one prison: the Isle of Man Prison. It is a mixed-use prison (male, female, young offenders, vulnerable offenders) which has a capacity of 184.
- 10.5 An external agency, David Gray House, whilst not a prison, provides alternative accommodation to the main prison. It is committed to assisting in the rehabilitation and care of individuals by providing accommodation to those who would benefit from enhanced supervision and/or a secure and supported environment. In partnership with the Isle of Man Prison and Probation Service the aim is to offer the courts and their users an efficient and structured referral process, supported by comprehensive assessment.

### Parole Reviews

- 10.6 The programmes and workshops available are designed to reduce the risk of re-offending. Programmes include, but are not limited to:
  - Victim Awareness
  - Drug Trafficking Awareness
  - Cannabis Awareness
  - Alcohol Awareness
  - Sexual Offending Programme
  - Work conducted using Targets for Effective Change Programme
  - PreCursors to Change – motivational work
- 10.7 Custody Plan – throughout the prisoner's sentence, this plan is geared towards improving the chances of living a crime-free life on release. Formal targets are put in place which are then worked towards through the duration of the sentence. This is reviewed prior to determining a Resettlement Plan.

- 10.8 Resettlement Plan – the Resettlement Plan is reviewed, and any targets missed are noted and analysed. It may be necessary to consider referrals to outside agencies to continue work that has been started or has not been possible to address in custody.
- 10.9 The pre-release plan consists of the following parts:
1. Accommodation
  2. Activity
  3. Relationships and dependants
  4. Drugs and alcohol
  5. Health
  6. Debt/finance/benefits
- 10.10 There should always be either a PAROM report for GPP reviews or Part B report (or Part C report) for recalls produced by the England and Wales COM on the dossier.

## **11 Restricted Transfers into England and Wales (open conditions)**

- 11.1 In the same way that a prisoner can be transferred on a restricted basis from England and Wales to other UK jurisdictions, it can happen in reverse. Cases from the other jurisdictions (Scotland, Isle of Man etc) can be transferred on a restricted basis into England and Wales. In these instances, the Parole Board for England and Wales assumes responsibility **only** for making recommendations about a move to open conditions for pre-tariff and on/post tariff indeterminate sentence prisoners, whilst the remaining processes, including release, are retained by the transferring jurisdiction.
- 11.2 The Secretary of State will only ever seek advice about open conditions. Release will not be an option for consideration as that decision is owned by the other UK jurisdiction. If the referral includes consideration for release, it is best practice to seek confirmation of the extent of the referral via a direction to the Secretary of State.
- 11.3 The panel will be considering a transfer to an open prison in either England or Wales and not a return to the original jurisdiction. Once the case has been referred to the Parole Board for England and Wales, it will broadly follow the same GPP as any other request for advice about a move to open conditions. **Panels will need to apply the Secretary of State's Directions on open conditions.**
- 11.4 For on/post tariff cases, the process will be led initially by the prison. Only cases where a move to open conditions is likely will be submitted to the Parole Board for England and Wales for advice. The number of these cases is very small<sup>6</sup>.
- 11.5 Panels may wish to seek information about the timing of the parole review of release in the other jurisdiction for an on/post tariff prisoner, as this may impact on the consideration of the move to an open prison. For example, if a parole review by the sentencing jurisdiction is currently underway, it may be advisable to await the sentencing jurisdictions decision on release, before commencing the process for consideration of a move to open conditions. An adjournment or deferral may be suitable but panels should be mindful of the advice and best practice within the [Parole Board Adjournments and Deferrals Guidance](#) when setting timeframes and avoid significant delays.
- 11.6 There are two forms that are used specifically for these cases:
- Pre-tariff report completed by the POM (the same as other pre-tariff cases)
  - On/post tariff report completed by the POM (bespoke form – see Annex B)

---

<sup>6</sup> Approximately eight in the reporting year 2021/22

- 11.7 In either case, a COM is unlikely to be allocated at the review stage but will be allocated if/when the prisoner is transferred to open.
- 11.8 There is, however one exception: cases from Northern Ireland remain the responsibility of the transferring territory in full. Pre-tariff reviews, along with all other parole reviews, are conducted by the Parole Commissioner of Northern Ireland.
- 11.9 Information about these restricted transfers is set out in the HMPPS Policy Framework [Generic Parole Process](#).
- 11.10 If you encounter one of these cases and require any further advice, please contact the Practice Advisor.