Ministry of Justice

HM Prison & Probation Service

Policy name: Recall, Review and Re-Release of Recalled Prisoners Policy Framework

Reference: N/A

Re-issue Date: 17 April 2026 **Implementation Date**: 1 April 2019

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

- PSI 30/2014, AI 22/2014, PI 27/2014 – Recall Review and Re-Release of Recalled Offenders on Licence
- PSI 28/2015, AI 18/2015 - PI 20/2015 - Unlawfully at Large after Recall Offence Protocols

Introduces amendments to the following documents: N/A

Action required by:

☒	HMPPS HQ	☒	Governors
☒	Public Sector Prisons	☐	Heads of Group
☒	Contracted Prisons	☒	Contract Managers in Probation Trusts
☒	Probation Service	☒	Under 18 Young Offender Institutions
☒	HMPPS Rehabilitation Contract Services Team	☐	HMPPS-run Immigration Removal Centres (IRCs)
☒	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. Whilst this document sets out the actions for which the Parole Board is responsible, this document does not bind the Parole Board in any way as it is an internal policy document of the Ministry of Justice.

For Information: 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). In this document the term Governor also applies to Directors of Contracted Prisons. All groups must ensure that when handling personal data, they must have comprehensive and proportionate arrangements for collecting, storing, and sharing information, as set out in the Information Requests Policy Framework. For any data protection enquiries please contact InformationmgmtSecurity@justice.gov.uk.

All references to “prisoner” within this Policy Framework also refer to those children/ young people subject to recall who are covered by the processes detailed within this Policy Framework and all references to the “Probation Practitioner” also refer to the YJS Case Manager.

The Youth Custody Service (YCS) operate under different arrangements to the adult prison service and uses different language. Public protection work is co-ordinated by the Resettlement Teams and the staff working with children throughout their sentence and planning for release are Resettlement practitioners. In Secure Training Centres (STCs), Secure Children Homes (SCHs) and Secure Schools they are Caseworkers. These sites also use different case recording systems

to NOMIS/DPS. The OMiC framework does not apply to the YCS. The safeguarding and child protection in the children and young people secure estate policy framework and PSI 08/2012: Care and Management of Young People set out additional requirements which apply specifically to children in prison.

Where this Policy Framework refers to the prisoner the YCS will refer to the child in their care. In YCS cases all references to: The POM also refers to the Resettlement Practitioner or Caseworker; The COM also refer to the Youth Justice Service (YJS) Case Manager; OMU Managers (HOMD or HOMS) refer to Head of Resettlement.

Audit/monitoring: HMPPS Prison Group Directors and Controllers, the Regional Probation Directors (RPDs) of the Probation Service and Youth Justice Service (YJS) in England and Director of HMPPS in Wales will monitor compliance with the mandatory requirements set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated requirements as required in the contract.

Resource impact: The requirements laid out are designed to have a minimal impact on resources. The majority do not place new obligations on prison, Probation Service and YJS staff. Rather, the framework confirms existing obligations to ensure a swift and efficient recall and review process.

It has been confirmed that the resource implications for the Probation Service and Prisons are resourced within the Offender Management In Custody (OMiC) model.

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Approved by OPS for publication: Ian Barrow and Sarah Coccia, Joint Chairs, Operational Policy Sub-board, August 2023

Revisions

Date	Changes
27/01/2020	A number of changes made to coincide with the publication of the Generic Parole Process (GPP) Policy Framework and ensure consistency across the parole and recall processes.
11/02/2020	Paragraphs 6.9.17 and 6.9.18.
31/03/2020	Addition of Annex B, minor amendment that do not affect prison/probation staff.
13/5/2021	A number of changes made to coincide with the amendments to the GP Policy Framework and ensure consistency across the parole and recall processes. The revised version of the Framework also includes the following amendments: • Changes to the representations process for the Day 28, Ongoing Review and Annual Review processes.

	• Minor changes to the guidance section covering executive release, clarifying the process where an oral hearing is due to take place within three weeks.
30/09/2021	A number of changes made to the chapters 4.2 and 4.3 of the Framework.
21/07/2022	Removal of all references to CRC following the Probation Service unification. All references to NPS amended to Probation Service. A number of changes made to the chapters 4.2, 4.3, 4.9, 4.10, 4.11, 4.17 and 6.9 of the Framework. A number of changes made to coincide with the introduction of the Police, Crime, Sentencing and Courts (PCSC) Act 2022
10/07/2023	The revised version of the Framework includes a number of changes to policy and process since the last publication. The main changes are: • Requirements and guidance on the change to the Parole Board Rules 2022 which introduced the overarching Secretary of State view. • Confirmation of the Probation Service's revised 15 working day deadline for Part B Risk Management Reports to be provided for prisoners' recall reviews. • Confirmation of the process for prison staff to notify PPCS where a prisoner receives a new custodial sentence following recall. • The Framework has been updated to confirm the terminology change in regard to Releases by the Secretary of State, now known as 'Release Following Risk Assessed Recall Review'. • Minor changes in relation to cancellation and rescinds of a recall. • Guidance for prison staff clarifying that when informing prisoners of a no release decision, they must ensure that the appropriate support for the prisoner is put in place. • Guidance for prison staff confirming that upon return to custody, the prisoner's main offence on NOMIS should accurately reflect the original offence for which they were on licence.
07/09/2023	The Framework has been updated to reflect current practice that EDS offenders are not automatically required to be recalled on an emergency basis. The same criteria for EDS offenders applies to all determinate sentenced offenders. Minor changes in relation to cancellation and rescind of a recall.
15/08/2024	The Framework has been updated to reflect legislative changes on fixed term recalls for those offenders sentenced to under 12 months. An additional requirement on prisons and probation confirming that contact must be made with the recalled prisoner prior to submission of the Part B report. This is in response to a change in policy from the Parole Board, whereby they will reject any Part B reports where there is no evidence of contact with the prisoner An amendment to the guidance around rescinding and cancelling indeterminate sentenced prisoners.
31/07/2025	The Framework has been updated to reflect the below measures introduced by the Victims and Prisoners Act 2024: • A new power to release IPP and DPP sentenced prisoners following a Risk Assessed Recall Review. • The Secretary of State's new power to treat IPP and DPP sentenced prisoners' licence as having remained in force for the purposes of the

	two-year automatic licence termination period if they are recalled during this time. The additional following changes have also been made: • New requirements confirming probation responsibilities in assisting the police post recall and considerations of informing of the offender of recall; • New requirements confirming the Presumptive and Non-Presumptive Risk Assessed Recall Review; • A new chapter setting out processes for recalled prisoners detained under the Mental Health Act 1983; • Amendment to the probation recall authorisation requirements; • The Policy Framework now refers to the Digital Prison System (DPS) which replaces NOMIS; • Formatting changes have been made to 'Part I – Recall' of the Framework.
16/12/2025	The framework has been updated to reflect the following: • The legislative change on fixed term recalls for those offenders' serving sentences of under 48 months. • The removal of the Presumptive Risk Assessed Recall Review (RARR) section as this is no longer operational practice. • A minor change to the Recall Threshold wording at 5.1.2 so as to provide greater clarity. • Clarification on Power to Detain and Fixed Term Recall.
31/03/2026	The framework has been updated to reflect the following legislative changes introduced by the Sentencing Act 2026 and specifically where that Act: • mandates the use of Fixed Term Recall and removes the option of Standard Recall for most offenders serving adult Standard Determinate Sentences (SDS); • replaces the Fixed Term Recall periods of 14 days and 28 days with a fixed period of 56 days for adult offenders serving Standard Determinate Sentences (SDS); • sets out the recall provisions for children, including relevant adult offenders who have received certain youth sentences; and • introduces an additional public protection measure to ensure, in exceptional circumstances, that individuals who present a significant risk of serious harm who do not meet the exclusion criteria for Fixed term Recall, can receive a Standard Recall.
17/04/2026	The Policy Framework has been updated to correct minor administrative errors. This includes a correction to the reference at section 6.9.8, minor grammatical amendments, and updates to the numbering at sections 6.9.8 and 8.3.6.

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1. Purpose

1.1 Determinate and indeterminate sentenced prisoners who are released into the community subject to licensed supervision are liable to be recalled to custody by the Secretary of State, where (a) they have breached a specific condition of their licence or where (b) the behaviour being exhibited, is sufficiently concerning to indicate that the risk they pose is assessed as no longer safely manageable in the community. This framework sets out the mandatory requirements that the Probation Service, Youth Justice Service (YJS) and prison establishments must undertake for all recalled prisoners.

2. Evidence

2.1 Research has been undertaken to understand the risks and needs of recalled prisoners, as well as the experience of recall from the perspective of the recalled prisoner. The outcomes of this research have guided elements of this Framework, with the introduction of the recall information leaflets, a legal phone call for all recalled prisoners and the publication of the Best Practice Guide (Annex A of this Framework).

2.2 Guidance is also available for staff within the "Better Outcomes of Recalled Prisoners" document. This document provides guidance to support staff across the Probation Service and prisons working with prisoners who have been recalled to prison custody.

3. Equalities Consideration

3.1 The Public Sector Equality Duty and Equality Act 2010 provides protection from unlawful discrimination in relation to the following characteristics: age, disability, gender reassignment, pregnancy & maternity (which includes breastfeeding), race, religion or belief, sex, marriage and civil partnership, and sexual orientation. Further information can be found in the HMPPS Equality Analysis Policy Framework.

3.2 HMPPS is committed to eliminating all forms of discrimination, to promoting equality and diversity, and to ensuring equal access to services. No child or group of children should be disadvantaged in being able to access services which meet their needs. HMPPS recognises that all children have a right to equal protection from harm and abuse. This includes protecting children irrespective of cultural sensitivities: different practices are no excuse for child abuse and neglect.

3.3 There is a potential for bias in decision making; therefore, it is recommended that HMPPS staff who are involved with working with offenders undertake Diversity and Inclusion Training. This training can be found on the Diversity and Inclusion learning and development hub.

3.4 For IPP women, staff should consider consultation with the Women's Estate Psychology Services (WEPS) as part of the IPP Community Pathway to support any decision-making process (with regards to suspension, reduction of frequency and termination). Where there is active consultation with WEPS under the IPP Community Pathway, the consultation process can be utilised for support during the decision-making process (with regards to suspension, reduction of frequency and termination). Further information on the core principles for working with women can be found in the Women's Policy Framework.

3.5 Guidance on the Language Services available to the Probation Service is available on EQuiP. This includes translation, transcription, braille services and interpreting services (including British Sign Language).

4. Safety Considerations for Recalled Offenders

4.1 Recalled prisoners may present an increased risk of self-harm, suicide or violent behaviour when they return to custody or when receiving decisions about their recall or re-release.

4.2 Staff must ensure that returning prisoners are reassessed in terms of safety and must not presume that previous circumstances or risks remain unchanged.

Decision to Recall

4.3 When the Probation Service decides to recall an offender, Probation Practitioners must then consider the offender's vulnerabilities, their personal safety (risk of self-harm or suicide), and any risks they may pose to staff during arrest or return to custody.

4.4 Both current and historic risks, relating either to the offender or to staff, and Police must be clearly identified and evidenced in the Part A Recall Report. This ensures that safety information is effectively shared with the Police and prison staff, supporting safe, informed decision-making and risk management throughout the recall process.

Return to Custody

4.5 Recalled prisoners may be particularly vulnerable on return to and in the early weeks in custody. Recalled prisoners may not fully understand the reasons for their return, often experiencing anxiety, distress, frustration, or hopelessness. Staff must remain alert to heightened risk of self-harm, suicide or violence during this period.

4.6 Reception staff must assess each prisoner on arrival for risk of harm to themselves or others. They must also provide appropriate support, including opening an Assessment Care in Custody and Teamwork (ACCT) plan if required. Relevant information should be checked in the following documents and systems:

- Person Escort Record (PER) (digital or hard copy)
- Suicide and Self-Harm (SASH) Warning Forms
- Licence Recall Notification document
- Historical risk information on Digital Prison Services
- Alerts and case notes for previous ACCTs and history of self-harm
- History of assaults/violence in custody and alerts for any previous CSIPs

4.7 All new arrivals must receive a first night interview that considers all available information, including known risk factors for self-harm, suicide or violence. Staff should explore how the prisoner feels about the recall, clarify and answer any questions they may have about the recall process, and identify any events from their time in the community that may influence their level of risk. Prison staff must ensure that:

- any concerns are promptly recorded and shared.
- appropriate safeguards are put in place without delay,
- the individual has opportunities to talk, access support services, and maintain contact with protective factors such as family or mental-health staff.

Sharing Information throughout the Recall Process including Parole Board Decisions

4.8 Prisons must ensure that all relevant information, reports and Parole Board decisions are communicated to prisoners promptly and clearly, as effective information sharing is essential for safety, transparency and the fair management of the recall process.

4.9 Sharing information and reports relating to the recall process may increase feelings of distress, hopelessness, or fear of prolonged custody. Even positive messages, such as potential re-release, may raise a prisoner's risk due to anxiety about returning to the community, especially if support networks (family or social) are limited.

4.10 Decisions relating to recall, or re-release must be communicated sensitively and with consideration of the individual's circumstances and needs.

4.11 All decisions must be delivered in person, enabling an accurate assessment of any apparent immediate risk of harm to themselves or others and that relevant staff are informed when bad news is given so they can monitor any behavioural changes. This applies to all prisoners, not only those supported through ACCT case management. All disclosures must prioritise safety, wellbeing and effective risk management. Staff should open an ACCT if required as outlined in the Prison Safety Policy Framework Extra care must be taken if the prisoner is currently being supported under the ACCT plan process.

4.12 Staff should consider a CSIP referral if they believe there is a heightened risk of violence or if the prisoner engages in violence.

4.13 For further information on safety in prisons, please see the Prison Safety Policy Framework.

5. Outcomes

5.1 This framework aims to ensure that there is an effective process in place which:

- enables offenders subject to licensed supervision in the community to be swiftly recalled to custody where their behaviour (including where they are out of touch and cannot be contacted) indicates that they present an increased risk of serious harm (RoSH) to the public and / or an increased risk of re-offending, such that those risks are no longer capable of being effectively managed in the community;
- notifies the police that an offender's licence has been revoked, which provides the police with the authority needed to apprehend the offender and return the offender to prison custody;
- notifies providers of probation services, the Police National Computer Bureau (PNCB) and the relevant local police force that offenders who have not been apprehended within four weeks of their licence having been revoked have been issued with a notification of recall and are therefore liable to be prosecuted for knowingly remaining unlawfully at large;
- ensures that clear arrangements are in place for identifying which recalled determinate sentenced offenders are eligible for a fixed term recall;
- provides for the review of recalled prisoners' detention to be conducted speedily, efficiently and transparently so that all recalled prisoners are provided with clear timescales for the recall process;
- ensures that recalled prisoners are not detained any longer than is necessary to protect the public and prevent further re-offending;
- requires a recall dossier to be produced, containing a current assessment of the recalled prisoner's risk and their response to supervision, including events which triggered a request for recall, together with clear and comprehensive proposals for the future management of the recalled prisoner in the community. The Parole Board or the Secretary of State will consider whether or not to re-release the recalled prisoner based on the evidence in the recall dossier.

6. Requirements

PART I - RECALL

6.1 Recalling a Determinate or Indeterminate Offender

These processes apply to all offenders, including children/young people.

The Recall Test

6.1.1 Where the offender has breached licence conditions in such a way as to indicate increased risk or where there is other evidence that the offender's risk has increased (for example being out of touch), and the Probation Practitioner judges that, even with the imposition of additional licence conditions/alternative enforcement action the offender can no longer be safely managed in the community, the recall threshold has been met and the Probation Practitioner must initiate action to recall the offender.

6.1.2 **For Indeterminate Sentenced Offender and Extended Sentenced Offenders Recalls:**

In addition to the requirements at 6.1.1, Probation Practitioners must also demonstrate a "causal link" between the current behaviour and/or circumstance that was exhibited at the time of the index offence. At least one of the criteria below must be met:

i. Exhibits behaviour similar to behaviour surrounding the circumstances of the index offence;
ii. Exhibits behaviour likely to give rise (or does give rise) to a sexual or violent offence;
iii. Exhibits behaviour associated with the commission of a sexual or violent offence; or
iv. Is out of touch with the Probation Practitioner or their whereabouts are unknown and the assumption can be made that any of (i) to (iii) may arise.

6.1.3 As part of these considerations, Probation Practitioners must:

- take into account the extent that the offender's behaviour presents an increased risk of sexual or violent harm to others, regardless of the type of index offence for which s/he was originally convicted;
- where there are allegations of further offending the decision to recall must be based on the offender's reported behaviour. If in the Probation Practitioner's professional judgement, the reported behaviour suggests that the risk can no longer be safely managed in the community, this meets the recall threshold (taking into consideration the requirement at 6.1.1). There is no requirement to await the outcome of police investigations or for the offender to be charged, or for them to be remanded. Further guidance on allegations of further offences is available at chapter 8.1 of this framework.

Fixed Term and Standard Recalls

6.1.4 When requesting the recall of a determinate sentenced offender, there are only two types of recall, these are fixed term or standard recall. For adults serving standard determinate sentences, the type of recall must be determined using the criteria for mandated Fixed Term Recalls set out in section 8.1.11. For children, and for adults serving only applicable youth sentences, the Probation Practitioner must decide which type of recall to recommend, using the criteria set out in 8.1.19. This requirement applies equally to all recall requests, including repeat recalls.

6.1.5 For all sentence types (including offenders serving youth sentences), the Part A Recall Report must clearly set out the evidence that supports the decision to request a recall.

6.1.6 In exceptional circumstances, where the Probation Practitioner has concerns about an offender receiving a mandated Fixed Term Recall, they must consider whether the Significant Risk Test is met. This assessment can be made at the point of recall, and at any time before the prisoner is released at the end of the fixed term period if new risks arise or existing risks increase. See 6.8.9.

6.1.7 Where the Significant Risk Test is assessed as being met, the reasons must be clearly recorded in the Significant Risk Test form on nDelius. The form must be endorsed by the Head of Service and sent to PPCS as soon as possible.

Using the emergency recall process

6.1.8 This is an expedited process for offenders assessed as posing an imminent risk. At least one of the following criteria must be met when assessing whether to use the emergency recall process. The offender:

- Is assessed to present an imminent RoSH; or
- Is assessed to present an imminent risk of re-offending; or
- Is subject to an indeterminate sentence; or
- Is subject to MAPPA level 3 arrangements or is a Critical Public Protection Case (CPPC).

6.1.9 Where an emergency recall is being requested during office hours, Probation Practitioners must alert the PPCS recall team to the emergency request by telephone for approval in advance of submitting the recall paperwork.

6.1.10 The Probation Practitioner must remain contactable until PPCS has issued the revocation order. A direct dial telephone number or mobile number must be provided. In the event that the Probation Practitioner will not be available, the contact details of a senior manager or another member of staff must be provided.

Submitting the Recall Request

6.1.11 Prior to initiating recall the Probation Practitioner will liaise with the Senior Probation Officer (SPO) and discuss whether the recall threshold has been met. The decision to request recall must be based on an offender's behaviour, or change of circumstances, whilst on licence. This will not necessarily be directly linked to a breach of a specific licence condition. The decision on whether to initiate recall must be made swiftly, to ensure the protection of the public.

6.1.12 In ISP cases and in Extended Determinate Sentence Cases (which meet the emergency recall criteria) the Probation Practitioner must ensure that the emergency recall process is used, which is set out at paragraph 6.1.8 to 6.1.10.

6.1.13 In Extended Determinate Sentences cases that do not meet the criteria for an emergency recall, the Probation Practitioner must contact PPCS by telephone to seek approval by a PPCS senior manager prior to submitting the required paperwork.

6.1.14 The Part A report (available on NDelius) along with the mandatory supporting documents must be submitted to PPCS within 24 hours of the SPO deciding to initiate the recall process.

6.1.15 The Probation Practitioner will draft the Part A recall report and must ensure that all available information, which may assist the police in locating and safely apprehending the offender, is detailed in the Part A report. This should also include any concerns about the vulnerabilities of the prisoner or risk to staff.

6.1.16 The Head of Service (or by delegation to at least a Band 6 Registered Probation Officer) will make the final decision on whether to proceed with recall and will endorse the Part A report.

Authorising Recall

6.1.17 PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise a recall by ensuring that the Part A recall report and accompanying documents provide sufficient evidence and justification to support the request to recall the offender. This decision must take place within two hours of receipt of the mandatory supporting paperwork for all ISP and emergency recalls, and 24-hours for all other recalls. See paragraph 8.1.21 to 8.1.24 for further guidance.

6.1.18 PPCS will confirm the recall type in line with the legislative requirements. See section 6.1.4.

6.1.19 Where recall is authorised, PPCS must issue the revocation order to New Scotland Yard, the Police Single Point of Contact and probation services. Once the revocation order has been issued, the offender is considered to be unlawfully at large.

Informing Victims of Recall

6.1.20 Where there is a victim(s) involved in the Victim Contact Scheme, Probation Practitioners must ensure that the VLO is informed of the progress of the recall request including confirming the recall type once approved.

Assisting the Police and Considerations for Informing the Offender about Recall

6.1.21 Once PPCS has authorised the recall, the Probation Practitioner must provide the police team dealing with the recall with any further information they receive which may assist the police to locate and safely apprehend the offender.

6.1.22 Practitioners must also consider whether the offender should be informed about the recall in liaison with the SPO. Practitioners should take into account the offender's risk assessment including their risk of absconding and length of time since the recall. Where there is active involvement from other agencies, such as the police, practitioners should also consider their views before deciding whether to share this information with the offender at an agreed time / circumstances to ensure the safeguarding of all parties.

6.1.23 Further guidance on these considerations is available via this link.

Further guidance on recalling determinate and indeterminate sentenced offenders is available in chapter 8.1 of this Policy Framework.

6.2 Recalling an Offender subject to Home Detention Curfew (HDC)

Breach of Curfew Conditions		**Action By**
6.2.1	Electronic Monitoring Companies must notify PPCS immediately where a level 1 violation occurs.	Electronic Monitoring Companies
6.2.2	Electronic Monitoring Companies must issue a warning letter to the offender where a level 2 violation occurs	Electronic Monitoring Companies
6.2.3	Electronic Monitoring Companies must notify PPCS immediately where two level 2 violations occur.	Electronic Monitoring Companies
Inability to Monitor		**Action By**
6.2.4	Electronic Monitoring Companies must notify PPCS immediately where they are unable to monitor the offender.	Electronic Monitoring Companies

Authorising Home Detention Curfew Recall		**Action By**
6.2.5	PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise recall, issue a warning letter or take no further action. The decision must take place within 24 hours of receipt of the breach action request.	PPCS
Breach of Standard Conditions		**Action By**
6.2.6	When requesting the recall of an HDC offender for breach of standard licence conditions, Probation Practitioners must follow the requirements set out in "Recalling a Determinate or Indeterminate Offender", chapter 6.1 of this Policy Framework.	Probation Service YJS

Further guidance is available in chapter 8.2 of this Policy Framework.

6.3 Out of Hours (OoH) Recall Requests

Using the Out of Hours Service

6.3.1 The OoH service must only be used to seek recall for cases where the request for recall meets the following criteria:

- The criteria for an emergency recall (see paragraph 6.1.8) are met; and
- The case has come to light after 5pm or before 9am on a weekday or during a weekend including Bank Holidays.

6.3.2 In line with normal recall practice, the Head of Service (or by delegation to at least a Band 6 Registered Probation Officer) will make the final decision on whether to proceed with an out of hours recall. This decision must be taken before any contact is made with the out of hours switchboard.

6.3.3 The Probation Practitioner must contact the out-of-hours switchboard to request recall and must remain available for a call back from the OoH service for the case details to be taken and for authorisation of the recall to be confirmed.

6.3.4 PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether to authorise out-of-hours recall requests. This decision must take place within two hours of the Probation Practitioner contacting the out-of-hours switchboard.

6.3.5 The Probation Practitioner must ensure that the Part A report is completed and sent to PPCS the next working day with all mandatory supporting paperwork. Probation Practitioners must also follow the requirements in "Submitting the Recall Request", see paragraphs 6.1.11 to 6.1.16.

Further guidance is available in chapter 8.3 of this Policy Framework.

6.4 Cancellation / Rescind of Recall

6.4.1 Requests to cancel a recall must be submitted to PPCS on the 'Probation Service Request to Cancel Recall form' (available on NDelius). Where possible it must be submitted before the offender has been returned to custody.

6.4.2 Requests to cancel or rescind a recall must be endorsed by a senior manager who is equivalent to the former Head of Service[1] grade or YJS manager.

6.4.3 A request to cancel or rescind a recall cannot be authorised by the OoH Service therefore all applications must be submitted during office hours.

6.4.4 PPCS, acting on behalf of the Secretary of State, is responsible for deciding whether a recall should be cancelled or rescinded. Where the recall is cancelled or rescinded, PPCS must inform New Scotland Yard, the Police Single Point of Contact, the prison, probation services and the Parole Board (if the case has already been referred).

6.4.5 The Probation Practitioner is responsible for updating the VLO on the progress and decision of any application to rescind or cancel a recall.

Further guidance is available in chapter 8.4 of this Policy Framework.

6.5 Unlawfully at Large (UAL) Offence Following Recall

This section of the Framework applies to all types of recalls.

Recalled Offenders with Known Addresses		**Action By**
6.5.1	Where a decision is made to pursue an unlawfully at large offence where an offender has remained UAL for more than 28 calendar days (starting from the date of the revocation order), PPCS must issue a letter to the offender notifying them of their recall to custody. The letter will be sent to the offender's last recorded address, as detailed in the Part A report, and copied to the Probation Practitioner.	PPCS
6.5.2	Where the offender has failed to return to custody within 14 calendar days of the date of the letter, PPCS must notify the police by submitting an evidence bundle, copied to the Probation Practitioner, informing them that the offender is liable for prosecution.	PPCS
Recalled Offenders without Known Addresses		**Action By**
6.5.3	If there is no last recorded address at the point of recall or the offender is of no fixed abode whilst on licence, PPCS must issue the letter to the offender "care of" the Probation Practitioner. The Probation Practitioner must inform PPCS via email once the offender has been notified. The email must include the date the letter was given to the offender or the date this was verbally communicated to the offender. Where the offender is notified by telephone, the Probation Practitioner must be satisfied that it is the offender they have spoken to and advise PPCS of this. E-mails and text messages for this purpose are **not** permitted.	Probation Service YJS PPCS
6.5.4	Where the offender has failed to return to custody within 14 calendar days of receipt of the letter from the Probation Practitioner, PPCS must notify the police by submitting an evidence bundle, copied to the Probation Practitioner, informing them that the offender is liable for prosecution.	PPCS

[1] Formerly known as Assistant Chief Officer (ACO)

Recalled Offenders who are Out of Contact		Action By
6.5.5	In cases where the offender is UAL for six months or more, the Probation Practitioner must notify PPCS.	Probation Service YJS
6.5.6	PPCS is responsible for producing a Section 9 Witness Statement when the offender becomes 'deemed notified' and for providing it to the Probation Practitioner to complete and sign. Further information on this process can be found in the guidance section of this Policy Framework, paragraph 8.5.1.	PPCS
6.5.7	Probation Practitioners have 28 calendar days from receipt of the statement to make all necessary checks and return the completed and signed statement to PPCS.	Probation Service YJS
6.5.8	On receipt of the Section 9 Witness Statement, PPCS must notify the police by submitting an evidence bundle, copied to the Probation Practitioner, informing them that the offender is liable for prosecution.	PPCS
Charging, Sentencing and Calculation		**Action By**
6.5.9	Probation Practitioners must ensure that any further information requested by the police/CPS is provided by the deadline set.	Probation Service YJS
6.5.10	Where a recalled offender receives a further custodial sentence for an offence of remaining UAL, the prison must re-calculate the offender's release date. The guidance for the calculation of release dates is in the "Sentence Calculation Policy Framework: determinate sentenced prisoners".	Prisons

Further guidance is available in chapter 8.5 of this Policy Framework.

PART II – RETURN TO CUSTODY, REVIEW AND RE-RELEASE

These processes apply to all prisoners, including children/young people.

6.6 Return to Custody of all Recalled Prisoners

Apprehending and returning a recalled prisoner to custody		Action By
6.6.1	Prisons must confirm immediately on request from the police or escort contractors whether they have space to take the prisoner.	Prisons
6.6.2	Prisons must check the status of any prisoner received into custody on Digital Prison Services (DPS), to establish whether or not the prisoner is subject to a licence and may have a revocation order outstanding.	Prisons
6.6.3	Where subject to a recall, the receiving prison must contact the original discharging prison and obtain the record that contains the sentencing warrant, associated sentencing documents and calculation sheets. The revocation order cancels the licence and brings the original sentencing warrant back into force; it is the sentencing warrant that enables the continuing imprisonment of the prisoner.	Prisons

6.6.4	Where the prisoner is subject to recall, a new entry must be made on the original prison record. The recall status code must be used to record the reason for return to custody.	Prisons
Notification of Return to Custody to PPCS		**Action By**
6.6.5	PPCS will run management information reports on a daily basis that will indicate when a recalled prisoner has returned to custody. If a recalled prisoner has remained in custody for over five days and the prison have not received a copy of the recall dossier, the prison must make contact with PPCS.	PPCS Prisons
6.6.6	Where the prison or community offender manager (POM / Probation Practitioner) identify concerns about a prisoner's mental capacity and vulnerabilities to participate in their recall review, PPCS must be notified as soon as possible and, ideally, at the beginning of the recall process. Where there are concerns about the prisoner's mental capacity, the process and requirements set out in the Generic Parole Process Policy Framework, chapter 3.13 must be followed.	Prison Probation Service YJS
6.6.7	Where the prison identifies that the prisoner will require documents to be translated, (including the BSL language translators) for example due to a disability or language barrier, the prison must ensure that PPCS is notified as soon as possible. Whether the prison, prisoner or anyone else informs PPCS, PPCS will notify the Parole Board at the point of referral so that where required reasonable adjustments, where possible, can be made. Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link. It is the responsibility of the prison to arrange for the translation for HMPPS documents.	Prisons
Disclosure of the Recall Dossier		**Action By**
6.6.8	PPCS is responsible for providing a copy of the recall dossier to the prison, and for notifying the Probation Practitioner of the recalled prisoner's return to custody, within one working day of receipt of notification of return to custody. Where there is a victim(s) involved in the Victim Contact Scheme, Probation Practitioners must ensure that the VLO is informed of the recalled prisoner's return to custody. If the victim wishes to submit a Victim Personal Statement (VPS), the VLO must provide this direct to PPCS for inclusion in the dossier.	PPCS Probation YJS
6.6.9	All recalled prisoners must be provided with a copy of their recall dossier and a copy of the recall information leaflet by the POM within one working day of receipt from PPCS.	Prisons
6.6.10	All documents within the recall dossier must be disclosed to the recalled prisoner by the POM. The recall dossier must be disclosed in full to the prisoner. Any information subject to a non-disclosure application must only be disclosed in accordance with the outcome of the application. For further information please refer to the Handling Sensitive Information Policy Framework.	Prisons

6.6.11	The POM must explain the documents within the recall dossier to the recalled prisoner.	Prisons
6.6.12	PPCS will issue a notification with the recall dossier to the prison/recalled prisoner, informing the prisoner that they have the right to submit representations, and the deadline for which the representations must be submitted to PPCS.	PPCS
6.6.13	Where a recalled prisoner makes personal representations, and does not have a legal representative, POMs must ensure that these are returned to the relevant PPCS team.	Prisons
Legal Telephone Call		**Action By**
6.6.14	Prisons must ensure that all recalled prisoners are provided with the official list of legal aid lawyers and the opportunity to make a legal telephone call within two working days of receiving their recall dossier. This is in addition to the reception telephone call. See paragraph 8.6.8 of this framework for a link to legal advisor contact details.	Prisons
Recalled Prisoners in custody in Prisons in Scotland, Northern Ireland, the Channel Islands and the Isle of Man		**Action By**
6.6.15	Where a recalled prisoner is returned to prison custody in Scotland, Northern Ireland, the Channel Islands or the Isle of Man, it is the responsibility of the releasing English prison to ensure that any time spent in Scotland, Northern Ireland, the Channel Islands or the Isle of Man custody is counted towards the recall.	Prisons
6.6.16	Where a recalled prisoner is being released from Scotland, Northern Ireland, the Channel Islands or the Isle of Man, the releasing English prison must provide a copy of the release licence to the Scotland, Northern Ireland, the Channel Islands or the Isle of Man prison where the recalled prisoner is being held.	Prisons

Further guidance is available in chapter 8.6 of this Policy Framework.

6.7 Standard recall- Statutory Day 28 Review

This section of the Policy Framework applies to determinate sentenced prisoners (including extended sentence prisoners) and indeterminate sentenced prisoners subject to standard recall provisions.

Part B Report		**Action By**
6.7.1	The Part B report must be completed by the Probation Practitioner who will be responsible for the management of the case when the prisoner is re-released.	Probation Service YJS
6.7.2	The Probation Practitioner must contact the prisoner to discuss the recall and Part B report within 15 working days following return to prison custody. This can be face-to-face, via videolink or telephone. The prison must facilitate this contact. The Parole Board will reject any Part B report provided, where there has been no contact with the prisoner.	Probation Service YJS
6.7.3	The POM must provide the Probation Practitioner with information on the recalled prisoner's behaviour in custody for inclusion in the Part B report.	Prisons

6.7.4	In cases where the recalled prisoner receives a new custodial sentence, prisons must ensure that PPCS are informed as soon as possible. Prisons must provide full details of the new sentence (via the Recalled Prisoner – Notification of New Sentence Form available on EQuiP to download) to allow PPCS to decide whether the prisoner remains eligible for the Statutory Day 28 review. Where the prisoner is no longer eligible or the date the dossier is due to be referred to the Parole Board has changed (in line with the CRD of the new sentence), PPCS will notify the prison. PPCS will also notify the Parole Board if the case has already been referred. The prison is responsible for informing the prisoner if they are eligible for a Statutory Day 28 review within one working day of notification from PPCS. Further guidance is available at 8.7.2.	Prisons PPCS
6.7.5	Where there are outstanding criminal matters, the Probation Practitioner must ensure that an update is included within the Part B report.	Probation Service YJS
6.7.6	The Part B report must contain clear timescales for release plans, including availability of approved accommodation.	Probation Service YJS
6.7.7	The Part B report must contain a full up-to-date risk management plan, informed by a review of the Effective Proposal Framework (EPF) 2 plan.	Probation Service YJS
6.7.8	In accordance with Part A1 of the Schedule to the Parole Board Rules 2019, from 3 April 2023 when report writers create a report for the parole dossier, they are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or moved to open prison conditions, provided that they feel able to give a such an opinion. Any professional opinion which the report writer gives the Board should be made by reference to the report writer's area of competence, as well as to their interactions with the prisoner. HMPPS reports must still present all relevant information and a factual assessment pertaining to risk based on the report writer's professional judgment.	Prisons Probation Service YJS
6.7.9	Where considered appropriate, the Secretary of State will present the Parole Board with an overarching Secretary of State view on the prisoner's suitability for release which takes account of all reports and available evidence, where the case meets the criteria outlined in paragraph 8.7.14. HMPPS Report Writers will be informed at the earliest opportunity where the Secretary of State chooses to provide an overarching Secretary of State view.	PPCS
6.7.10	Probation Practitioners must follow the endorsement procedures set out in the Part B report.	Probation Service YJS
6.7.11	The Probation Practitioner must submit the Part B report to PPCS and the recalled prisoner no later than 15 working days after the	Probation Service

	recalled prisoner's return to custody (with Probation Service endorsement where appropriate). **To note:** This does not include cases managed by the PPCS National Security Casework Team (PPCS NSC). All reports must be sent directly to NSC via nationalsecuritycasework@justice.gov.uk who will review and disclose all reports to the prisoner.	YJS
6.7.12	On receipt of the Part B report, PPCS is responsible for assessing whether the recalled prisoner is suitable for release, following a risk assessed recall review. For further information on release following a risk assessed recall review see chapter 6.10 of this Policy Framework	PPCS
Disclosure of the Part B Report to the Prisoner		**Action By**
6.7.13	Probation Practitioners must ensure that the Part B report is provided to the prison no later than 15 working days after the recalled prisoner's return to custody. With exception of cases managed by PPCS NSC. See requirement 6.7.11.	Probation Service YJS
6.7.14	The recalled prisoner must be provided with a copy of the Part B report by the POM within one working day of receipt.	Prisons
Statutory Day 28 Parole Board Review		**Action By**
6.7.15	PPCS is responsible for the collation and referral of the recall dossier to the Parole Board by the 28th calendar day of the recalled prisoner's return to custody. The prison is responsible for disclosing any additional documents to the prisoner provided after the referral to the prisoner within one working day.	PPCS Prison
6.7.16	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons & Probation).	PPCS
6.7.17	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third-party directions See paragraphs 8.7.18 to 8.9.19 of this Policy Framework for further information. **To note:** PPCS will retain responsibility for all directions compliance in terrorist[2] and high-profile cases, managed by the PPCS National Security Casework Team	Parole Board PPCS
6.7.18	From the point of referral by PPCS, the Parole Board is responsible for any representations from the prisoner or legal representative. All representations submitted after referral must be emailed directly to the Parole Board	Parole Board
6.7.19	Where an eligible prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration window, this must be copied to PPCSreconsiderationteam@justice.gov.uk. The Parole Board will	Prison Legal Representative

[2] National Security or State Threat

	provide the PPCS Reconsideration Team with an opportunity to submit representations on behalf of the Secretary of State. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	
6.7.20	**<u>Recalled indeterminate sentenced prisoners only:</u>** On receipt of the automatic notification from the Public Protection Unit Database (PPUD), the prison must download a copy of the recall dossier and provide a copy to the recalled prisoner within one working day.	Prisons
For recalls converted to a Standard Recall during Fixed Term Period		**Action By**
6.7.21	Where PPCS agree that a recall will be converted to Standard Recall, Probation Practitioners must complete the Part B in line with the normal timescales and submit it to PPCS, copying in the prison. The exception to this requirement is cases managed by PPCS NSC. See requirement 6.7.11. Where a recall is converted to a Standard Recall, the target date for submitting the Part B, and for referring the case to the Parole Board, is calculated from the date on which the recall was converted.	Probation Service YJS PPCS
6.7.22	Upon receipt of the Part B, PPCS will refer the case to the Parole Board within the statutory deadline. Where the statutory deadline has passed, the referral must be made immediately.	PPCS

Parole Board Decisions - Indeterminate Sentenced Prisoners		**Action By**
6.7.23	The Parole Board is responsible for issuing the Parole Board decision to all parties, including the Probation Practitioner and prison Offender Management Unit (OMU). Where there is a victim involved in the victim contact scheme, the Probation Practitioner must ensure that the VLO is informed.	Parole Board Probation Service YJS
6.7.24	The POM must ensure that a copy of the decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
6.7.25	Where the Parole Board makes a decision regarding release, the decision will remain provisional for 21 calendar days after it is sent to parties to allow prisoners or PPCS on behalf of the Secretary of State to submit an application to the Parole Board to have the decision reconsidered where the criteria is met. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	Probation Service YJS Prisons PPCS
6.7.26	Where the Parole Board directs the release of a recalled IPP or DPP prisoner on licence whose recall took place after the applicable qualifying period (two years for DPP cases or three years for IPP cases), PPCS on behalf of the Secretary of State may give consideration to whether to use the power to disapply the effect of the recall from the two-year automatic licence termination period. Where the power is used, the licence will be treated as having	PPCS

	remained in force during the period that the offender spent in custody on recall, rather than being reset on re-release.	
6.7.27	If the Probation Practitioner assesses that there are grounds for the Secretary of State to use the power to disapply, they must contact PPCS and provide their view on why the power to disapply should be used. Guidance for Practitioners on disapplying a recall is available on EQuiP. Where PPCS decides to use the power to disapply it is responsible for notifying the outcome to the prison, Probation Practitioner, VLO and legal representatives (where applicable). Where the prisoner is in custody, the prison should inform the prisoner within one working day. Where the offender has been released, the Probation Practitioner should inform them as soon as possible. More information on disapplying a recall is available at paragraph 8.10.7 of this Framework.	Probation Service YJS Prisons PPCS
6.7.28	The Parole Board has the power to set aside a release decision in a case if that decision meets certain criteria. This applies to **all** recalled prisoners. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 'Setting aside Parole Board Decision', which sets out the process of how to apply to the Parole Board.	Parole Board
Release of recalled Indeterminate Sentenced Prisoners		**Action By**
6.7.29	Where the Parole Board directs release, PPCS is responsible for organising the release arrangements with all parties for as soon as reasonably practicable. Where there is a victim involved in the victim contact scheme, the Probation Practitioner must ensure that the VLO is informed.	PPCS Probation Service YJS
6.7.30	In these cases, Probation Practitioners must provide all release information to PPCS within the deadline set.	Probation Service YJS
6.7.31	PPCS is responsible for notifying all parties of the release date and issuing the release licence to the prison, New Scotland Yard and the Probation Practitioners.	PPCS
6.7.32	The Prison must ensure that the recalled prisoner is provided with a copy of the release licence prior to release.	Prisons
6.7.33	Prisons must ensure that the recalled prisoner is released on the date specified by PPCS**.**	Prisons
Other Parole Board Decisions		**Action By**
6.7.34	Where the Parole Board makes no direction for release on the papers, the prison must ensure that the recalled prisoner is aware of their right to apply for an oral hearing within 28 calendar days of the decision being sent to all parties. For further guidance see paragraph 5.6.39 of the Generic Parole Process Policy Framework.	Prisons
6.7.35	Where the Parole Board decides that an oral hearing is required, the prison must ensure that the recalled prisoner understands the	Prisons

	directions set. Further information is set out in the Parole Board Oral Hearings chapter 5.17.	

Parole Board Decisions - Determinate Sentenced Prisoners		**Action By**
6.7.36	The Parole Board is responsible for issuing the Parole Board decision to all parties, including the / Probation Practitioner, and prison OMU.	Parole Board
6.7.37	The POM must ensure that a copy of the decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
6.7.38	**Recalled discretionary conditional release (DCR), Extended Determinate Sentence (EDS), Extended Sentence for Public Protection (EPP) prisoners, Special custodial sentence for Offenders of Particular Concern (SOPC), Special Sentence of Detention for Terrorist Offenders of Particular Concern (SDOPC) and terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003) only:** Where the Parole Board make a decision regarding release, the decision will remain provisional for 21 calendar days to allow prisoners or PPCS on behalf of the Secretary of State to submit an application to the Parole Board to have the decision reconsidered where the criteria is met. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	Probation Service YJS Prisons
6.7.39	The Parole Board has the power to set aside a release decision in a case if that decision meets certain criteria. This applies to **all** recalled prisoners. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 'Setting aside Parole Board Decision'.	Parole Board
Release of recalled prisoners		**Action By**
6.7.40	Where the Parole Board directs the release of a determinate sentenced prisoner, the prison is responsible for organising the release arrangements with all parties to complete the release as soon as the risk management plan is in place.	Prison
6.7.41	In these cases, Probation Practitioners must provide all release information to the prison within the deadline set.	Probation Service YJS
6.7.42	Where there are barriers to release, prisons are responsible for ensuring that all efforts are made to overcome these. Where that is not possible, prisons must escalate within the Probation Service in the first instance.	Prisons
6.7.43	Where all options have been exhausted and release within the proposed timescales (as set out in the Part B/C/PB Decision) looks unlikely, the prison must escalate the case to PPCS immediately.	Prisons
6.7.44	PPCS will escalate these concerns with the relevant senior manager within the Probation Service.	PPCS
Other Parole Board Decisions		**Action By**
6.7.45	Where the Parole Board makes a no direction for release on the papers, the prison must ensure that the recalled prisoner is aware of	Prisons

	their right to apply for an oral hearing within 28 calendar days of the decision being sent to all parties. For further guidance see paragraph 5.6.39 of the Generic Parole Process Policy Framework.	
6.7.46	Where the Parole Board makes no direction for release, it is the responsibility of the Probation Practitioner to ensure that the recalled prisoner's ongoing detention is reviewed appropriately in light of any progress or developments that may be material to whether they can be safely re-released. Further information is set out in the further review chapter 6.11.	Probation Service YJS
6.7.47	Where the Parole Board decides that an oral hearing is required, the prison must ensure that the recalled prisoner understands the directions set. Further information is set out in the Parole Board Oral Hearings chapter 5.13.	Prisons

Parole Board Decision Summaries		**Action By**
6.7.48	Where a victim, who is involved in the Victim Contact Scheme, wishes to request a Parole Board decision summary (PBDS), the VLO must email the request directly to the Parole Board (summaries@paroleboard.gov.uk), copying in the Probation Practitioner. This request can be made within six months of the date of the decision.	Probation Service
6.7.49	The Parole Board is responsible for providing the PBDS to PPCS, the prison, the VLO and the Probation Practitioner.	Parole Board
6.7.50	Upon receipt of the PBDS, the VLO must ensure that a copy is disclosed to the victim as soon as possible.	Probation Service
6.7.51	Where the recalled prisoner is in custody, upon receipt of the PBDS, the POM must ensure a copy of it is disclosed to the recalled prisoner within one working day.	Prisons
6.7.52	Where the prisoner has been released, the Probation Practitioner must ensure that a copy of the PBDS is disclosed to the recalled prisoner as soon as possible.	Probation Service YJS

6.8 Fixed Term Recall – Review and Re-Release

Re-release prior to the end of the Fixed Term Recall

6.8.1 Where a Probation Practitioner assesses that a recalled prisoner is safe to be released and wishes to request release before the end of the fixed term period, a Part B report must be completed and submitted to PPCS.

6.8.2 Where a Part B report is submitted, all parties must comply with the requirements set out in 'Standard Recall – Statutory Day 28 review' (paragraphs 6.7.1 to 6.7.12), including the completion and disclosure of Part B reports. Where a Part B report is submitted, all parties must comply with the requirements set out in 'Standard Recall – Statutory Day 28 review' (paragraphs 6.7.1 to 6.7.12) for children and adults serving applicable youth sentences. For adults, the process outlined 6.8.3 should be followed.

6.8.3 Upon receipt of a Part B report, PPCS is responsible for determining whether the recalled prisoner is suitable for release following a risk assessed recall review (RARR). For further information on release following RARR. See chapter 6.10 of this Policy Framework.

New information prompting consideration of conversion to standard recall

6.8.4 The Probation Practitioner must contact PPCS immediately where a prisoner has received a fixed term recall and new information emerges that means they should be considered for conversion to standard recall. Any assessment of new information may only take place within the fixed term period, and the new evidence must meet the following criteria:

- It was not available at the time the original decision to issue a fixed term recall was taken; and
- It means they will now fall within one of the exclusions from fixed term recall, or it demonstrates new or emerging risks, or an escalation of existing risks.

6.8.5 For children (or adults serving applicable youth sentences), a Fixed Term Recall may only be converted to a Standard Recall where new information shows that, after recall, the offender has been charged with a serious offence (e.g., murder or a Schedule 18 offence) or would be managed at MAPPA level 2 or 3 on release.

Mandated Fixed Term Recalls

6.8.6 Where a prisoner has received a mandated fixed-term recall (as defined by the criteria set out in section 8.1), conversion to a Standard Recall may only be considered if the Probation Practitioner submits a request to PPCS. Such a request may be made where, following the

original recall decision, the prisoner now meets the criteria set out at 8.1.11 of this framework.

6.8.7 Where changes in the prisoner's circumstances or risk fall outside the mandated eligibility criteria, conversion to a Standard Recall is not possible unless the Significant Risk Test is met.

6.8.8 PPCS will make the final determination as to whether the information provided meets the mandated eligibility criteria and advise accordingly.

Using the Significant Risk Test

6.8.9 The Significant Risk Test (SRT) is available only for adult standard determinate sentenced offenders; it cannot be applied to children or adults serving eligible youth sentences.

6.8.10 SRT may be considered by the Probation Practitioner at the point of recall, and any time prior to the prisoner's release at the end of the fixed term recall period, where new or emerging risks arise or existing risks escalate.

6.8.11 The SRT is:

The Secretary of State believes on reasonable grounds that the prisoner would, if released [at the end of the automatic release period], pose a significant risk to members of the public of serious harm occasioned by the commission of any of the following offences —

(a) murder;
(b) specified offences, within the meaning of section 306 of the Sentencing Code

6.8.12 In order to assess whether the SRT is met, the Dangerousness Test and the Public Interest Test must also be considered. The Dangerousness Test is:

The risk presented by the prisoner would:

a. cause serious harm to members of the public (through terrorism, death or serious injury/sexual assault or present a national security threat, Schedule 18) if the risk were to materialise;
b. be likely to materialise at or soon after the release point (e.g., a degree of probability about the risk arising following release and that it may be imminent);
c. be credible (the prisoner has the capability and means to commit a serious offence); and
d. not be safely manageable using the normal means of applying even very stringent licence conditions, supervision and restrictions.

6.8.13 As part of this test, prisoners must be assessed as presenting a **very high risk of serious harm on OASys** (or Asset+) in at least one risk category (e.g., the public, known adult, children etc.). This indicates an imminent and more likely than not risk of serious harm, with serious potential impact.

6.8.14 The Public Interest Test is:

Where the Dangerousness Test is met, the Public Interest Test must determine whether it is in the public interest to detain the prisoner, potentially up to their sentence end date, rather than release them at the end of the Fixed Term Recall period (56 days). This must be supported by **deliverable** sentence planning activities that demonstrate how any additional time in prison will be used to reduce risk of harm.

6.8.15 Where the Probation Practitioner assesses that the prisoner will pose a significant risk of serious harm if released after 56 days and the above criteria are met, they must complete a SRT referral. The referral must be endorsed by the Head of PDU and then submitted to RecallSignificantRiskTest@justice.gov.uk.

6.8.16 This referral must include supporting information and evidence of the concerning behaviour or risk-related intelligence. The information:

- must be disclosable to the prisoner, as a rationale for conversion must be provided; and
- where intelligence cannot be disclosed in its original form, reasonable efforts must be made to provide the information in a suitably disclosable format. See the Handling Sensitive Information Policy Framework for further detail.

6.8.17 PPCS is responsible for reviewing SRT referrals to ensure the evidence is sufficient, robust, and supports the dangerousness assessment.

6.8.18 PPCS must notify the prison of the change of status to a standard recall and provide an updated recall dossier.

6.8.19 Prisons must update the prisoner's status on DPS to 'Standard Recall'. The POM must notify the prisoner immediately and provide the updated recall dossier. **The prison must ensure that the recalled prisoner is not automatically released at the end of the fixed term period**.

Prisoners Representations in respect of Recall

Prisoner representations in respect of recall for children and adults serving applicable youth sentences		**Action By**
6.8.20	In cases where the recalled prisoner makes representations on their suitability for re-release, prisons must ensure that the representations are provided to PPCS.	Prisons
6.8.21	Upon receipt of the recalled prisoner's representations, PPCS are responsible for requesting a full Part B Report from the Probation Practitioner. This request must be copied to the SPO (and functional mailbox where detailed in the Part A Report).	PPCS
6.8.22	The Probation Practitioner will be required to submit a full Part B report. Due to the time constraints in fixed term recall cases, this must be provided within one working day of the request being issued.	Probation Service YJS
6.8.23	Where a Part B report is submitted, all parties must follow the requirements set out in 'Standard Recall – Statutory Day 28 review' in relation to the completion and disclosure of Part B reports, paragraphs 6.7.1 to 6.7.12.	Probation Service YJS Prisons
6.8.24	On receipt of personal or legal representations in respect of recall for Children or adults serving an applicable youth sentence, PPCS must refer the case to the Parole Board in accordance with standard procedures. In these cases, the prison must ensure that the recalled prisoner is re-released no later than the end of the fixed term period even if the Parole Board has not yet had the opportunity to consider the	PPCS Prisons

	representations or has considered them and has declined to direct release on licence.	
6.8.25	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons and Probation).	PPCS
6.8.26	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third-party directions in line with the Third-Party Directions Protocol. PPCS will retain responsibility for all directions compliance in terrorist and high-profile cases, managed by the PPCS National Security Casework Team. See paragraphs 6.13.1 to 6.13.2 of this Policy Framework for further information.	Parole Board
6.8.27	Upon receipt of the Parole Board decision, all parties must follow the requirements set out in paragraphs 6.7.22 to 6.7.33 of this Policy Framework.	Probation Service YJS Prisons
Prisoner representations in respect of recall for adult offenders serving a mandated fixed term recall		**Action By**
6.8.28	Where a recalled prisoner makes representations regarding their suitability for re-release, prisons must ensure that these representations are forwarded to the prisoner's Probation Practitioner.	Prison
6.8.29	Representations should be considered as a priority on receipt. Where the Probation Practitioner determines that the prisoner's representations do not meet the threshold for requesting a recall cancellation or a RARR review, they must notify the prisoner in writing, clearly setting out the rationale for the decision.	Probation Service
6.8.30	Where the Probation Practitioner considers that the case may meet the threshold for recall cancellation or earlier release via RARR, they **must** contact PPCS without delay. Applications for recall cancellation **must** be progressed in accordance with section 6.4 of this framework. Cases requiring RARR consideration **must** be submitted with a fully completed Part B and an up to date OASys.	Probation Service
6.8.31	PPCS will consider the request by the Probation Practitioner and will notify all relevant parties of the outcome.	PPCS
Automatic release of Fixed Term Recall prisoners		**Action By**
6.8.32	Prisons must ensure that fixed term recall prisoners are re-released automatically on licence at the end of the fixed term period, or when they reach their sentence expiry date, whichever is earlier.	Prisons
6.8.33	Where a prisoner released on HDC is subsequently subject to a fixed term recall, prisons must ensure that the prisoner is released at the later of the fixed term recall end date or the CRD. Re-release before the CRD may only occur where this is directed by the Secretary of State or the Parole Board (children and adults serving applicable	Prisons

	youth sentences only). In such cases, the prisoner must not be re-released unless satisfactory curfew arrangements are in place.	

Further guidance is available in chapter 8.8 of this Policy Framework.

6.9 HDC Curfew Breach – Appeal Process

Prisoner Representations		**Action By**
6.9.1	Where a recalled prisoner makes representations against the recall breach decision, the prison must ensure that the representations are provided to PPCS.	Prisons
6.9.2	On receipt of the representations (personal or legal) PPCS is responsible for forwarding these to the HDC Recall Appeals Team.	PPCS
HDC Appeal Decision		**Action By**
6.9.3	The HDC Recall Appeals Team must issue the decision directly to the prison OMU functional mailbox and the Probation Practitioner. The prison must ensure that the recalled prisoner is provided with a copy within one working day of receipt.	HDC Appeal Team Prisons
6.9.4	If the appeal is allowed, PPCS must cancel the revocation of the HDC licence and the prison must generally re-release the recalled prisoner subject to HDC as soon as is practicable.	PPCS Prisons
6.9.5	If the appeal is dismissed, prisons must follow the requirements in paragraph 6.9.6.	Prisons
Release from HDC Curfew Breach		**Action By**
6.9.6	Where a prisoner on HDC has been recalled under s255(1)(a) CJA 2003, prisons must ensure that they remain in custody until the automatic conditional release date (CRD), unless they successfully appeal against recall (and there is a suitable address). Where the recall is for inability to monitor under 255(1)(b) CJA 2003, prisons may re-release if there is a suitable address (see the guidance section, paragraph 8.9.2).	Prisons
Standard and Fixed Term Recall during the HDC Period		**Action By**
6.9.7	Where a prisoner has been released early subject to HDC and subsequently receives a standard recall under s.254 CJA 2003, prisons must ensure that they are treated like any other recalled prisoner given a standard recall, as set out in chapter 4.10 of this framework. Where, exceptionally, re-release before CRD is directed by the Secretary of State, the prisoner may not be re-released unless satisfactory curfew arrangements are in place.	Prisons
6.9.8	Where a prisoner has been released early subject to HDC and subsequently receives a fixed term recall, see requirement at 6.8.33	Prisons

Further guidance is available in chapter 8.9 of this Policy Framework.

6.10 Risk Assessed Recall Review (RARR)

6.10.1 The Secretary of State has the power to re-release recalled standard determinate, IPP/DPP and extended sentence offenders into the community following a Risk Assessed Recall Review (RARR) at any point following the offender's return to custody. Those serving a life

sentence are not eligible for RARR. PPCS undertake this role on behalf of the Secretary of State. To approve a RARR release, in line with the Statutory Release Test PPCS must be satisfied that it is not necessary for the protection of the public that the prisoner should remain in prison. In the case of an offender serving an IPP sentence, only the Public Protection Group Director or someone more senior may approve RARR re-release.

6.10.2 Probation Practitioners can initiate RARR at any point during the prisoner's recall by submitting an updated report to PPCS. There is no requirement to wait until a scheduled review of the case (including a directed oral hearing) to request re-release:

- For **determinate sentences** (including extended determinates and SOPC) an up-to-date Part B or Part C report is required;
- For **IPP/DPP sentences** an up-to-date Part B or Part C report is required for cases being managed under the recall review process or an updated PAROM/PAROM addendum is required for subsequent reviews where the prisoner's case is being managed under the Generic Parole Process.

6.10.3 Probation Practitioners are responsible for providing the relevant report to PPCS which must provide a clear professional opinion on whether release is supported or not. PPCS will review the suitability following the submission of the report by the Probation Practitioner.

In all cases the Probation Practitioner must:

- Interview the prisoner;
- Where there is a victim involved in the victim contact scheme, liaise with the Victim Liaison Officer (VLO) to ensure that victims are provided the opportunity to:
  - submit a VPS;
  - make representations regarding licence conditions.
- Liaise with the prison to ensure that all relevant information has been provided to inform the report;
- Set out in the report if:
  - The prisoner can be safely managed in the community;
  - The Risk Management Plan (RMP) can be effectively implemented in a reasonable timeframe;
  - The prisoner meets the statutory re-release test (See 6.10.1);
- Provide any further information requested by PPCS within the requested timeframe.

- **For IPP / DPP cases:** In addition to the above, the Probation Practitioner must:
  - Convene a Progression Panel to review and confirm the Part B report, following the prisoner's return to custody;
  - Give a view on whether the Secretary of State should exercise his power to disapply the recall for the purposes of the qualifying period for licence termination

6.10.4 The VLO must provide, by the deadline, any VPS or related licence condition representations directly to PPCS for review as part of the RARR consideration and inform the Probation Practitioner so these representations can be taken into account in the RMP.

6.10.5 Upon receipt of the report, PPCS will assess suitability for RARR. If RARR is considered appropriate PPCS will work with the Probation Practitioner and where appropriate, the Prison Offender Manager, to develop an RMP to address any identified risks, including whether additional licence conditions could be used to support compliance and protect the public. PPCS will also liaise with the Probation Practitioner in regard to the preferred timescale for re-release, taking account of availability of accommodation and other relevant factors.

6.10.6 A case will be referred to the Parole Board for a separate Parole Board recall review where:

- Release has not been endorsed by Day 28 of the return to custody;
- PPCS has determined the prisoner is not currently suitable for RARR.

6.10.7 The Parole Board is not involved in RARR decisions. Should a release following RARR take place during a Parole Board review window, the referral will be withdrawn at the point the release has been endorsed.

6.10.8 Where RARR of any type is agreed by PPCS, they will issue the RARR release decision to both the Prison and the Probation Practitioner. The prison must issue the RARR decision to the prisoner within one working day of receipt. If a current Parole Board review is underway, PPCS will issue the release decision to the legal representative and Parole Board, withdrawing the referral where required.

6.10.9 Where an offender is released by the Secretary of State following RARR, PPCS is the Decision Maker for the licence conditions as set out in the Licence Conditions Policy Framework.

6.10.10 Where the Secretary of State using RARR re-releases an offender serving an DPP or IPP sentence and the offender is eligible for the initial consideration of termination of his/her licence[3] , PPCS will refer the case to the Parole Board to consider termination separately. This will follow the processes set out in Supervision of Indeterminate Sentences Policy Framework.

6.10.11 Where a recalled prisoner is released by the Secretary of State following RARR and has already had the initial termination review at the 2/3-year period (depending on whether they are subject to a DPP or IPP Licence, there will be no further consideration of termination, and the case will not be referred the Parole Board. In these cases, the prisoner's licence will automatically terminate after two further continuous years (without recall) in the community or if the Secretary of State has exercised the power to treat the licence as if it had not been revoked (known as disapplying a recall), then the licence will automatically terminate two-years after the last release.

6.10.12 Where release is agreed via RARR and PPCS decides to use the power to disapply (treat the licence as if it had remained in force during the recall for the purpose of the two-year automatic licence termination period), this will follow the RARR decision. PPCS is responsible for notifying the outcome to the prison, Probation Practitioner, VLO and legal representatives (where applicable).

6.10.13 Where the prisoner is in custody the prison should inform the prisoner within one working day. Where the offender has been released, the Probation Practitioner should inform them as soon as possible. More information on disapplying a recall is available at paragraph 8.10.3 of this Framework.

RARR decision summaries

6.10.14 Where a victim, who is engaged in the Victim Contact Scheme, wishes to request a decision summary, the VLO must email the request directly to PPCS via

[3] DPP Offenders are eligible for initial consideration for termination of DPP licence where two years have elapsed since first release. IPP Offenders are eligible for initial consideration for termination of IPP licence where three years have elapsed since first release.

RARRSummaries@justice.gov.uk copying in the Probation Practitioner. This request can be made within six months of the date of the decision.

6.10.15 PPCS is responsible for providing the decision summary to the prison, the VLO and the Probation Practitioner. Upon receipt of the decision summary, the VLO must ensure that a copy is disclosed to the victim as soon as possible.

6.10.16 Where the recalled prisoner is in custody, upon receipt of the decision summary, the prison must disclose it to the recalled prisoner within one working day.

6.10.17 Where the recalled prisoner has been released, the Probation Practitioner must ensure that the decision summary is disclosed to the prisoner as soon as possible.

6.11 Further Review

This section of the Policy Framework only applies to determinate sentenced prisoners (including extended sentence prisoners) subject to standard recall provisions where the Parole Board has made no direction to release.

Review of suitability for re-release		**Action By**
6.11.1	The Probation Practitioner must ensure that a recalled determinate sentenced prisoner's ongoing detention is reviewed regularly. How regularly it will be reviewed will depend on the prisoner's case and any possible need for a review following a change of circumstances.	Probation Service YJS
6.11.2	Where there are outstanding criminal matters, it is the responsibility of the Probation Practitioner to monitor progress of these and to notify PPCS immediately when an outcome is known.	Probation Service YJS
6.11.3	Where criminal offences are committed whilst in custody, prisons must notify the Probation Practitioner immediately.	Prisons
Part C Report		**Action By**
6.11.4	Where the Probation Practitioner assesses that the recalled prisoner's risk can be safely managed in the community, they must complete the Part C Report and submit it to PPCS. Where there is a victim involved in the victim contact scheme, the Probation Practitioner must ensure that the VLO is informed.	Probation Service YJS
6.11.5	The Part C report must be completed by the Probation Practitioner who will be responsible for the management of the case when the prisoner is re-released.	Probation Service YJS
6.11.6	The Part C report must contain clear timescales for release plans, including availability of approved accommodation.	Probation Service YJS
6.11.7	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan.	Probation Service YJS
6.11.8	In line with requirement 6.7.7 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community or move to open prison conditions provided they feel able to give such an opinion.	Probation Service YJS
6.11.9	Where considered appropriate, the Secretary of State will present the Parole Board with an overarching Secretary of State view on the prisoner's suitability for release which takes account of all reports and	PPCS

	available evidence, where the case meets the criteria outlined in paragraph 8.7.14. HMPPS Report Writers will be informed at the earliest opportunity where the Secretary of State chooses to provide an overarching Secretary of State view.	
6.11.10	POMs must provide the Probation Practitioner with information about the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
6.11.11	Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YJS
6.11.12	Where the Probation Practitioner would like PPCS to consider the case for release following a risk assessed recall review, this should be requested as part of the covering email to PPCS.	Probation Service YJS
6.11.13	On receipt of the Part C report where the Probation Practitioner supports release, PPCS is responsible for assessing whether the recalled prisoner is suitable for release following a risk assessed recall review. For further information on release following a risk assessed recall review, see chapter 6.10 of this Policy Framework.	PPCS
Disclosure of the Part C report to the Prisoner		**Action By**
6.11.14	Probation Practitioners must ensure that all Part C reports are provided to the prison. **To note:** This does not include cases managed by the PPCS National Security Casework Team (NSC). All reports must be sent directly to NSC via nationalsecuritycasework@justice.gov.uk who will review and disclose all reports to the prisoner.	Probation Service YJS
6.11.15	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
6.11.16	POMs must ensure that the prisoner is informed that they have the right to make representations and that these must be submitted to PPCS within 28 calendar days of receipt of the Part C.	Prisons

Further guidance is available in chapter 8.11 of this Policy Framework.

6.12 Annual Review

This section of the Policy Framework only applies to determinate sentenced prisoners (including extended sentence prisoners) subject to standard recall provisions.

Updated Reports for the Annual Review		**Action By**
6.12.1	POMs must ensure that recalled prisoners are aware that they have a statutory right to have their ongoing detention reviewed by the Parole Board every 12 months and that they cannot opt out of this review. PPCS will issue an initial notification to the prison/recalled prisoner, informing the prisoner that they have the right to submit representations, and the deadline for which the representations must be submitted to PPCS.	PPCS Prisons

6.12.2	Prisons must provide details of the recalled prisoner's behaviour and progress in custody to the Probation Practitioner within four weeks of receipt of the notification from PPCS for inclusion in the Part C Report.	Prisons
6.12.3	The Probation Practitioner must provide a completed Part C report to PPCS within four weeks of the request from PPCS. Where there is a victim involved in the victim contact scheme, the Probation Practitioner must ensure that the VLO is informed. **To note:** This does not include cases managed by the PPCS National Security Casework Team (PPCS NSC). All reports must be sent directly to NSC via nationalsecuritycasework@justice.gov.uk who will review and disclose all reports to the prisoner.	Probation Service YJS
6.12.4	The Part C report must be completed by the Probation Practitioner who will be responsible for the management of the case when the prisoner is re-released.	Probation Service YJS
6.12.5	The Part C report must contain clear timescales for release plans, including availability of approved accommodation.	Probation Service YJS
6.12.6	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan.	Probation Service YJS
6.12.7	In line with requirement 6.7.7 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community or move to open prison conditions provided they feel able to give such an opinion.	Probation Service YJS
6.12.8	Where considered appropriate, the Secretary of State will present the Parole Board with an overarching Secretary of State view on the prisoner's suitability for release which takes account of all reports and available evidence, where the case meets the criteria outlined in paragraph 8.7.14. HMPPS Report Writers will be informed at the earliest opportunity where the Secretary of State chooses to provide an overarching Secretary of State view.	PPCS
6.12.9	In extended sentence cases, the Probation Practitioner must also provide a full copy of the updated OASys.	Probation Service YJS
6.12.10	Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YJS
6.12.11	Where the Probation Practitioner would like PPCS to consider the case for release following a risk assessed recall review, this should be requested as part of the covering email to PPCS.	Probation Service YJS
6.12.12	On receipt of the Part C report, PPCS is responsible for assessing the recalled prisoner's case to decide whether it is suitable for a release following a risk assessed recall review. For further information on release following a risk assessed recall review see chapter 6.10 of this Policy Framework.	PPCS
Disclosure of the Part C report and full dossier to the Prisoner		**Action By**

6.12.13	Probation Practitioners must ensure that the Part C report is provided to the prison. With exception of cases managed by PPCS NSC. See requirement 6.7.11	Probation Service YJS
6.12.14	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
6.12.15	PPCS is responsible for providing a copy of the dossier to the prison.	PPCS
6.12.16	The recalled prisoner must be provided with a copy of the annual review dossier within one working day of receipt from PPCS. The prison must explain the documents within the annual review dossier.	Prisons
Disclosure and Referral to Parole Board		**Action By**
6.12.17	PPCS is responsible for the collation and referral of the dossier to the Parole Board by the anniversary date of the latest Parole Board decision.	PPCS
6.12.18	From the point of referral, PPCS is responsible for re-compiling and disclosing the dossier to all parties for all HMPPS directions (Secretary of State, Prisons & Probation).	PPCS
6.12.19	From the point of referral by PPCS, the Parole Board is responsible for re-compiling and disclosing the dossier to all parties for any third-party directions. See paragraphs 8.13.1 to 8.13.2 of this Policy Framework for further information. **To note:** PPCS will retain responsibility for all directions compliance in terrorist and high-profile cases, managed by the PPCS National Security Casework Team.	Parole Board PPCS
6.12.20	From the point of referral by PPCS, the Parole Board is responsible for any representations from the prisoner or legal representative. All representations submitted after referral must be emailed directly to the Parole Board	Parole Board
6.12.21	Where an eligible prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration window, this must be copied to PPCSreconsiderationteam@justice.gov.uk. The Parole Board will provide to the PPCS Reconsideration Team, with an opportunity to submit representations on behalf of the Secretary of State. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	Prison Legal Representative
Parole Board Decisions		**Action By**
6.12.22	The Parole Board is responsible for issuing the Parole Board decision to all parties.	Parole Board
6.12.23	The POM must ensure that a copy of the Parole Board decision is disclosed to the recalled prisoner within one working day of receipt.	Prisons
6.12.24	All parties must follow the requirements set out in Parole Board Decisions – Determinate Sentenced Prisoners paragraphs 6.7.35 to 6.7.38.	Probation Service YJS Prisons

6.12.25	All parties must follow the requirements set out in paragraphs 6.7.47 to 6.7.51 of this framework in relation to Parole Board Decision Summaries.	Probation Service YJS Prisons
6.12.26	Where the prisoner is eligible for reconsideration, all parties must follow the requirements set out in the Generic Parole Process Policy Framework Chapter 3.7.	Probation Service YJS Prisons
6.12.27	The Parole Board has the power to set aside a release decision in a case if that decision meets certain criteria. This applies to **all** recalled prisoners. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 Setting aside Parole Board Decision.	Parole Board
Annual Reviews and New Sentences		**Action By**
6.12.28	Where a recalled prisoner receives a new sentence, the prison must ensure that PPCS are provided with the details of the new sentence. This must include the details of the length of the new sentence, the offence the sentence was imposed for, the new sentence CRD/SED, and as well as confirmation of the SED from the recall sentence.	Prisons
6.12.29	PPCS is responsible for checking whether the prisoner is eligible for an annual review, in light of the new sentence. Where the prisoner is no longer eligible or the date of the annual review has changed (in line with the CRD of the new sentence), PPCS will notify the prison (and the Parole Board if the case has been referred.) The prison is responsible for informing the prisoner.	PPCS Prisons
6.12.30	Where the prisoner has outstanding police/court matters, and they are eligible for an annual review (in line with the guidance at paragraph 6.12.1), the annual review will continue as normal, until such time as the outstanding matters are concluded. In these cases, further reports will be required for the annual review in line with the requirements outlined at the beginning of this chapter and must be followed by all parties. Where the prisoner then receives a new sentence, prisons must follow the requirements above at paragraph 6.12.29 to 6.12.31.	Probation Service Prisons

Further guidance is available in chapter 8.12 of this Policy Framework.

6.13 Parole Board Oral Hearings

This section of the Policy Framework applies to standard recalled prisoners, where the Parole Board has directed that an oral hearing take place, unless otherwise stated.

Directions (determinate recalls only)		**Action By**
6.13.1	The Parole Board is responsible for issuing Parole Board oral hearing directions and timetables to all parties.	Parole Board
6.13.2	The POM must ensure that Parole Board oral hearing directions and timetables are disclosed to the recalled prisoner within one working day of receipt.	Prisons Probation Service

	Where there is a victim involved in the victim contact scheme, the Probation Practitioner must ensure that the VLO is informed.	YJS
6.13.3	In cases where the recalled prisoner receives a new custodial sentence, prisons must ensure that PPCS are informed as soon as possible. More information on this process and how to provide this information to PPCS is provided at paragraph 6.7.4 of this Framework.	Prisons PPCS
6.13.4	All HMPPS (Secretary of State, Prison & Probation) reports directed for a Parole Board oral hearing must be emailed to PPCS by the deadline set by the Parole Board panel.	Probation Service YJS Prisons
6.13.5	In line with requirement 6.7.8 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion about the prisoner's suitability for release or move to open prison conditions provided they feel able to give such an opinion.	Probation Service YJS Prisons
6.13.6	The Parole Board is responsible for securing all third-party information for the panel (including directed information) as set out in the Third-Party Directions Protocol. Information and reports that are intrinsic to the Risk Management Plan will also remain the responsibility of PPCS. **To note:** PPCS will retain responsibility for all directions compliance in terrorist and high-profile cases managed by the PPCS National Security Casework Team.	Parole Board PPCS
6.13.7	The Parole Board is responsible for uploading all third-party directions to PPUD and ensuring that the dossier is recompiled on PPUD to ensure that all parties are notified as set out in the Third-Party Directions Protocol.	Parole Board[17]
6.13.8	The Parole Board is responsible for requesting representations from the prisoner or legal representative. All representations must be emailed directly to the Parole Board.	Parole Board
5.13.9	Where the Parole Board direct that a Part C report is completed, Probation Practitioners must also follow the requirements set out in paragraph 6.13.42.	Probation Service YJS
6.13.10	The Part C report must be completed by the Probation Practitioner who will be responsible for the management of the case when the prisoner is re-released.	Probation Service YJS
6.13.11	The Part C report must contain clear timescales for release plans, including availability of approved accommodation.	Probation Service YJS
6.13.12	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan.	Probation Service YJS
6.13.13	In line with requirement 6.7.8 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community or	Probation Service YJS

	move to open prison conditions provided they feel able to give such an opinion.	
6.13.14	Where considered appropriate, the Secretary of State will present the Parole Board with an overarching Secretary of State view on the prisoner's suitability for release which takes account of all reports and available evidence, where the case meets the criteria outlined in paragraph 8.7.14. HMPPS Report Writers will be informed at the earliest opportunity where the Secretary of State chooses to provide an overarching Secretary of State view.	PPCS
6.13.15	Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YJS
6.13.16	POMs must provide the Probation Practitioner with information on the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
6.13.17	Where the Probation Practitioner would like PPCS to consider the case for release following a risk assessed recall review, this should be requested as part of the covering email to PPCS.	Probation Service YJS
6.13.18	On receipt of the Part C report, PPCS is responsible for assessing the Part C report to determine whether the recalled prisoner is suitable for release following a risk assessed recall review. For further information on release following a risk assessed recall review, see chapter 6.10 of this Policy Framework.	PPCS
6.13.19	Where a direction cannot be complied with within the required timescale or where the information is either not available or would incur disproportionate cost, the directed party must ensure that PPCS is alerted immediately so that they can consider whether to seek a variation or revocation of the direction(s) under the Parole Board Rules.	Probation Service YJS Prisons
6.13.20	Where additional information comes to light during the oral hearing process, which is relevant to the assessment of risk, this must be provided in an addendum report.	Probation Service YJS Prisons
Directions (indeterminate recalls only)		**Action By**
6.13.21	The Parole Board is responsible for issuing Parole Board oral hearing directions and timetables to all parties.	Parole Board
6.13.22	POMs must ensure that Parole Board oral hearing directions and timetables are disclosed to the recalled prisoner within one working day of receipt. Where there is a victim involved in the victim contact scheme, the Probation Practitioner must ensure that the VLO is informed.	Prisons Probation Service YJS

6.13.23	Where the Parole Board directs that a report must be provided by the prison, prisons must ensure that the report is uploaded to the end of the dossier by the deadline set by the Parole Board panel and disclosed to the recalled prisoner. With exception of cases managed by PPCS NSC. See requirement 6.7.11	Prisons
6.13.24	Prisons must ensure that the dossier is recompiled on PPUD to ensure that all parties are notified that the report has been uploaded. Further guidance is available in paragraph 8.13.3. With exception of cases managed by PPCS NSC. See requirement 6.7.11	Prisons
6.13.25	All directed reports must be emailed to PPCS by the deadline set by the Parole Board panel. See requirement 6.13.4.	Probation Service YJS
6.13.26	PPCS is responsible for uploading Probation Service and YJS reports to PPUD and recompiling the dossier to ensure that all parties are notified. Further guidance is available in paragraph 8.13.3.	PPCS
6.13.27	The Parole Board is responsible for securing all third-party information for the panel (including directed information), as set out in the Third-Party Directions Protocol. Information and reports that and are intrinsic to the Risk Management Plan will remain the responsibility of PPCS. Further guidance is available in the Generic Parole Process Policy Framework. **To note:** PPCS will retain responsibility for all directions compliance in terrorist and high-profile cases, managed by the PPCS National Security Casework Team.	Parole Board PPCS
6.13.28	The Parole Board is responsible for uploading all third-party directions to PPUD and ensuring that the dossier is recompiled on PPUD to ensure that all parties are notified, as set out in the Third-Party Directions Protocol.	Parole Board
6.13.29	The Parole Board is responsible for requesting representations from the prisoner or legal representative. All representations must be emailed directly to the Parole Board.	Parole Board
6.13.30	Where the prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration window, this must be copied to PPCSreconsiderationteam@justice.gov.uk. The Parole Board will provide to the PPCS Reconsideration Team, with an opportunity to submit representations on behalf of the Secretary of State. All parties must follow the requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.7 Reconsideration of Parole Board decisions.	Prison Legal Representative

6.13.31	On receipt of the automatic email from PPUD, the prison must download a copy of the report and the POM must provide a copy to the recalled prisoner within one working day.	Prisons
6.13.32	PPCS is responsible for disclosing all directed reports to the legal representative.	PPCS
6.13.33	Where the Parole Board direct that a Part C report is completed, / Probation Practitioners must also follow the requirements set out in paragraph 6.13.42.	Probation Service YJS
6.13.34	The Part C report must be completed by the Probation Practitioner who will be responsible for the management of the case when the prisoner is re-released.	Probation Service YJS
6.13.35	The Part C report must contain a full up-to-date risk management plan, informed by a review of the EPF 2 plan.	Probation Service YJS
6.13.36	Probation Practitioners must follow the endorsement procedures set out in the Part C report.	Probation Service YJS
6.13.37	POMs must provide the Probation Practitioners with information on the recalled prisoner's behaviour in custody, where requested, for inclusion in the Part C report.	Prisons
6.13.38	Where a direction cannot be complied with within the required timescale or where the information is either not available or would incur disproportionate cost, the directed party must ensure that PPCS is alerted immediately so that it can consider whether to seek a variation or revocation of the direction(s) under the Parole Board Rules. All HMPPS staff, including Psychology, **must** send all requests to vary or revoke HMPPS directions to PPCS. PPCS are responsible for making an application to the Parole Board before the set deadline for the direction is reached.	Probation Service YJS Prisons
6.13.39	Where additional information comes to light during the oral hearing process, which is relevant to the assessment of risk, this must be provided in an addendum report by the Probation Practitioner.	Probation Service YJS Prisons
Disclosure of the Part C report and other directed reports to the Prisoner (determinate recalls only)		**Action By**
6.13.40	Probation Practitioners must ensure that the Part C report is provided to the prison by the deadline set by the Parole Board. With exception of cases managed by PPCS NSC. See requirement 6.7.11.	Probation Service YJS
6.13.41	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
6.13.42	PPCS is responsible for disclosing all HMPPS directed reports to the prison, Probation Practitioner and legal representative and recompiling the dossier on PPUD	PPCS

6.13.43	POMs must ensure that the Parole Board directed reports are disclosed to the recalled prisoner within one working day of receipt	Prisons
Disclosure of the Part C report and other directed reports to the Prisoner (indeterminate recalls only)		**Action By**
6.13.44	Probation Practitioner must ensure that the Part C report is provided to the prison by the deadline set by the Parole Board. With exception of cases managed by PPCS NSC. See requirement 6.7.11.	Probation Service YJS
6.13.45	The recalled prisoner must be provided with a copy of the Part C report by the POM within one working day of receipt.	Prisons
6.13.46	POMs must disclose all reports directed by the Parole Board to the recalled prisoner within one working day of receipt	Prisons
6.13.47	Prisons must follow the requirements set out in paragraphs 6.13.23 to 6.13.24 and 6.13.33 of this framework in relation to disclosing Parole Board Directions to indeterminate recalled prisoners.	Prisons
Parole Board Oral Hearing Witnesses		**Action By**
6.13.48	Before listing the hearing, the Parole Board will provide all potential witnesses with the opportunity to declare any dates on which they are unavailable. All witnesses must respond directly to the Parole Board within two weeks of the request.	Probation Service YJS Prisons
6.13.49	The Parole Board is responsible for setting the hearing date, type of hearing, time and location. See chapter 8.13 of this Policy Framework for further guidance.	Parole Board
6.13.50	Once the date of the hearing is confirmed, all witnesses **must** ensure that they attend the hearing.	Probation Service YJS Prisons
6.13.51	Where in exceptional circumstances a witness is no longer able to attend a hearing, they must notify PPCS immediately. PPCS will then seek agreement from the Parole Board on how to proceed. To Note, PPCS is responsible for informing the Parole Board. Where appropriate, PPCS will seek agreement from the Panel Chair for an alternative witness to attend.	Probation Service YJS Prisons
6.13.52	If a witness refuses to attend, the Parole Board has the power to request a witness summons from the Civil Courts.	Probation Service YJS Prisons
6.13.53	HMPPS witnesses wishing to give their evidence remotely must notify the PPCS. PPCS is responsible for seeking agreement from the Panel Chair no later than 12 weeks before the date of the oral hearing (unless that oral hearing has been convened as a remote hearing).	Probation Service YJS Prisons
6.13.54	The Parole Board is responsible for deciding whether to approve a request for a witness to give evidence remotely.	Parole Board

Psychology and Psychiatric Reports		Action By
6.13.55	Where directed by the Parole Board, the prison must request reports from psychologists at the earliest opportunity or other specialist report writers where it is outside their remit.	Prisons
6.13.56	Where directed by the Parole Board, the prison must commission reports from psychiatrists at the earliest opportunity. For further information on the commissioning of specialist reports please refer to Generic Parole Process Policy Framework section 6.6.25 to 6.6.33. In line with requirement 6.7.8 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion about the prisoner's suitability for release or move to open prison conditions provided they feel able to give such an opinion.	Prison
6.13.57	Where the Parole Board has directed that a particular assessment or a report is completed prior to the hearing, this must be included in the dossier	Prisons
6.13.58	If the direction is unclear or, in the expert view of the regional psychologist or nominated SPoC the assessment/report is unlikely to add value, the prison must contact the PPCS case manager at the earliest opportunity.	Prisons
6.13.59	PPCS is responsible for deciding whether to or seek a variation or revocation of the direction(s) under the Parole Board Rules.	PPCS
Oral Hearing Dossier		**Action By**
6.13.60	PPCS is responsible for compiling and disclosing all HMPPS (Secretary of State, Prisons & Probation) directions to all parties.	PPCS
6.13.61	The Parole Board is responsible for compiling and disclosing all third-party directions to all parties, as set out in the Third-Party Directions Protocol. PPCS will retain responsibility for all directions compliance in terrorist and high-profile cases managed by the PPCS National Security Casework Team.	Parole Board
6.13.62	The POM must ensure that the full recall dossier is disclosed to the recalled prisoner within one working day of receipt from PPCS.	Prisons

Transfer during an Oral Hearing		Action By
6.13.63	Where it has been agreed that a prisoner will transfer to another establishment during their recall review to access a progression opportunity in line with their sentence plan, or where transfer must take place for security reasons, the establishment must notify PPCS as soon as possible of the transfer and reasons (see guidance paragraphs 8.13.8 to 8.13.13).	Prisons
6.13.64	It is essential that prisoners are not transferred after their oral hearing date has been listed unless this is due to exceptional circumstances, and it is unavoidable. In such cases, the prison must notify PPCS and the Parole Board immediately. The receiving establishment must also ensure arrangements are made for the prisoner to attend the hearing.	Prisons

6.13.65	Where a transfer is necessary during a review, the sending prison must take responsibility for completing any outstanding directions as it will normally have greater knowledge of the recalled prisoner.	Prisons
6.13.66	As set out in the guidance, there may be circumstances where the receiving prison is better placed to complete the outstanding directions. Where an agreement cannot be reached, it is the responsibility of the sending prison to complete the reports. See paragraph .13.10 of this Policy Framework.	Prisons
6.13.67	Receiving prisons must ensure that they have procedures in place for checking on the progress of the recalled prisoner's oral hearing before the decision is taken to accept a recalled prisoner during the review period.	Prisons
Parole Board Decisions		**Action By**
6.13.68	The Parole Board is responsible for issuing the Parole Board decision to all parties.	Parole Board
6.13.69	A copy of the Parole Board decision must be disclosed to the recalled prisoner by the POM within one working day of receipt.	Prisons
6.13.70	All parties must follow the requirements set out for determinate sentenced prisoners in Parole Board Decisions – Determinate Sentenced Prisoners at paragraphs 5.7.35 to 5.7.38.	Probation Service YJS Prisons
6.13.71	All parties must follow the requirements set out for indeterminate sentenced prisoners in Parole Board Decisions – Indeterminate Sentenced Prisoners at paragraphs 5.7.28 to 5.7.32.	Probation Service YJS Prisons
6.13.72	All parties must follow the requirements set out in paragraphs 6.7.47 to 6.7.51 of this framework in relation to Parole Board Decision Summaries.	Probation Service YJS Prisons
6.13.73	Where the decision is eligible for reconsideration, all parties must follow the requirements set out in the Generic Parole Process Policy Framework Chapter 3.7 Reconsideration of Parole Board Decisions.	Probation Service YJS Prisons
6.13.74	Where the Parole Board makes a release decision, they have the power to set aside their decision if the case meets certain criteria. All parties must follow the criteria, requirements and guidance set out in the Generic Parole Process Policy Framework, chapter 3.6 Setting aside Parole Board Decision.	Parole Board

Further guidance is available in chapter 8.13 of this Policy Framework.

6.14 Prisoners detained under the Mental Health Act 1983[4]

This section of the Policy Framework applies to recalled prisoners who have been transferred to hospital under the Mental Health Act. It also applies to those offenders who cease to be detained under Mental Health Act powers but who are eligible for a review by the Parole Board.

6.14.1 Where a recalled prisoner is transferred to hospital under the Mental Health Act, the Mental Health Casework Section (MHCS) will notify PPCS. PPCS will suspend any active recall reviews and inform the Probation Practitioner, Prison, the Parole Board and legal representative.

6.14.2 The recall review will remain suspended until the recalled prisoner either receives a notional conditional discharge decision from the Mental Health Tribunal or is remitted back to prison custody. Upon notification from MHCS of a notional conditional discharge or remission back to prison custody, PPCS will re-activate the existing recall review.

6.14.3 Where the case had not been referred to the Parole Board, PPCS will request an updated Part B report from the Probation Practitioner. The Probation Practitioner is responsible for providing this within 15 working days. Upon receipt of the Part B report, PPCS is responsible for referring the case to the Parole Board. The case will then follow the process laid out in chapter 6.7 of this Framework.

6.14.4 Where the case had been referred to the Parole Board, PPCS will notify the Parole Board. The Parole Board is responsible for reviewing the case and issuing further directions. The case will then follow the processes laid out in chapter 5.7 or 5.13 of this Framework.

Further guidance is available in chapter 8.14 of this Policy Framework.

7 Constraints

Out of Hours Cancellation/Rescind Requests		**Action By**
7.1	Cancellation or rescind decisions cannot be taken out of hours. A request to cancel or rescind an out-of-hours recall must be submitted to PPCS the next working day, in accordance with requirements in chapter 6.7 of this Policy Framework.	Probation Service YJS

Reconsideration of Parole Board Decisions - Release Decisions		**Action By**
7.2	**This section only applies to standard recalled prisoners who are subject to the following sentences:** • **All Indeterminate Sentenced Prisoners;** • **Discretionary Conditional Release (DCR);** • **Extended Sentence for Public Protection (EPP);** • **Extended Determinate Sentences (EDS);** • **Special Sentences for Offenders of Particular Concern SOPC).** • **Special Sentence of Detention for Terrorist Offenders of Particular Concern (SDOPC);**	Prisons

[4] Mental Health Act 1983 is has been reformed via the Mental Health Act 2025

	• **Terrorist prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003)**; • **Any other determinate sentence subject to initial release by the Parole Board** Prisons must not release prisoners where the release decision is eligible for reconsideration, until PPCS confirm that the reconsideration process has been completed and the decision has become final (see guidance paragraph 8.7).	
Parole Board Oral Hearings		**Action By**
7.3	HMPPS report writers must not contact the Parole Board directly unless it is in regard to witness availability.	Prisons Probation Service YJS
Secretary of State Representation		**Action By**
7.4	Prisons must not provide a Secretary of State's Representative for an oral hearing. Any representation of the Secretary of State will be carried out by a PPCS Secretary of State Representative or Counsel and only where PPCS senior managers have agreed that representation is required.	Prisons

8 Guidance

8.1 Recalling a Determinate or Indeterminate offender

8.1.1 Determinate sentenced offenders who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period (under section 254 Criminal Justice Act 2003).

8.1.2 Extended sentence offenders who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period.

8.1.3 Children/young people serving determinate sentences of more than one day who have been released on licence are liable to be recalled by the Secretary of State at any point during the licence period. Where an offender is subject to a three-month notice of supervision, or a Detention and Training Order, recall is not available and breach of supervision requests must be processed through the courts. The recall provisions for children/young people released on licence are set out in 8.1.13.

8.1.4 Life sentenced offenders (including children/young people) who have been released on licence can have their licence revoked and be recalled to custody at any time[5], since their licence will remain in force for the whole of their life - even where supervision has been suspended. IPP sentenced prisoners can have their licence permanently terminated by the Secretary of State (on the direction of the Parole Board) at the end of the applicable qualifying period (two years for DPP prisoners and three years for IPP prisoners)[6].

[5] Under section 31 Crime (Sentences) Act 1997
[6] Under section 31A Crime (Sentences) Act 1997

8.1.5 All indeterminate sentenced, EPP and EDS offenders may be recalled where in addition to the assessment that their risk may no longer be safely managed in the community, their behaviour indicates an increased RoSH/re-offending that can be linked to the behaviour or circumstance at the time the index offence (causal link). This may include circumstances where the increased RoSH/re-offending is clearly demonstrated, or where it cannot be reliably assessed – for example, where the offender fails to report as required or is completely out of contact. Further information on the criteria to recall is set out at paragraph 6.1.2 of this framework.

Further offending considerations for Probation Practitioners

8.1.6 Probation Practitioners should consider whether it is appropriate to request a recall where there have been allegations of further offending, regardless of whether the offender has been charged or remanded. Factors that should be considered include:

- Is there a reason to believe that the offender is actively thinking about re-offending? Further information is available on EQuiP which can be accessed via the following link: Disclosing thoughts of re-offending;
- Are they remanded in custody? Can the risk presented by the offender be managed if any further charges were to be dropped and the offender is automatically released?
- Have any additional risks been identified as a result of the alleged behaviour which would warrant an assessment of suitability for re-release by the Parole Board or Secretary of State?
- Should the offender no longer be remanded, can they be released immediately with no increase in RoSH to the public, or risk of reoffending?

8.1.7 These are case-by-case basis considerations. The test for recall is based on the Probation Practitioner's professional judgement regarding the risk the offender poses. Whether the reported behaviour has taken place does not require the criminal standard of evidence.

8.1.8 In lifer and EDS cases, where current exhibited behaviour is identified as concerning but does not meet the threshold to recall, Practitioners should consider what additional licence conditions or alternative enforcement action can be introduced to manage the individual's risk in the community.

Fixed Term Recalls

8.1.9 Offenders who meet the criteria for a fixed term recall (as set out at paragraph 8.1.10) or assessed as eligible will be automatically released at the end of the fixed term period[7]. The fixed term recall period begins on the first day of the offender's return to prison custody.

Mandated Fixed Term Recalls:

8.1.10 Prisoners subject to a mandated fixed term recall will serve a fixed term recall period of **56 calendar days**. This requirement also applies to offenders who have been recalled before the commencement of the changes to recall contained in the Sentencing Act 2026 but are not returned to custody until after the provisions commence.

8.1.11 An offender will receive a mandated fixed term recall **unless** they meet any of the following criteria:

[7] Under section 255B Criminal Justice Act 2003

- Is a life, IPP or DPP sentenced offenders.
- Is under 18 years at the point of recall.
- Is managed at MAPPA Level 2 or 3 at the point of recall.
- Was recalled on account of being charged with an offence.
- Is an extended sentence prisoner.
- Is serving a sentence for offenders of particular concern (sentence imposed under section 236A of the Criminal Justice Act 2003 or under section 265 or 278 of the Sentencing Code).
- Has been referred to the Parole Board under s244ZB of the Criminal Justice Act 2003 (power to detain).
- Is serving only youth sentences (sentenced under section 250 of the Sentencing Code or serving historic sentences under section 91 of the Power of Criminal Courts (Sentencing) Act 2000).
- Is serving a determinate sentence for murder (this applies to individuals who were sentenced in another jurisdiction and repatriated to serve their sentence in England and Wales).
- Is serving a sentence to which the release provisions of the Criminal Justice Act 1991 or 1967 apply (Part 2 or 3 of Schedule 20B of the Criminal Justice Act 2003).
- Identified as MAPPA Category 4 at the point of recall (relevant terrorist offenders under paragraph (aa) or persons who may be at risk of involvement of terrorism activity under paragraph (c) of section 325(2) of the Criminal Justice Act 2003).
- Identified as at risk of involvement in foreign power threat activity at the point of recall (defined within Part 1, section 33 of the National Security Act 2023).
- Is a terrorist prisoner (is serving a sentence imposed for an offence within section 247A (2) of the Criminal Justice Act 2003).
- Is serving a sentence for an offence involving or connected with terrorism or a threat to national security (offences listed in Schedule 19ZB).
- Is serving a sentence for an offence involving or connected with a threat to national security (offences in Part 3 of Schedule 13 to the Sentencing Code),

8.1.12 It should be noted that where an offender's case has been referred to the Parole Board under s244ZB of the 2003 Act (power to detain) prior to their automatic release date, the offender will, following any release direction from the Parole Board, be ineligible for a Fixed Term Recall for the remainder of the sentence. This applies irrespective of the outcome of the Parole Board's decision. If the Secretary of State subsequently rescinds the referral to the Parole Board, such that the offender is released automatically, the offender will be eligible for a Fixed Term Recall, subject to meeting all other relevant criteria at paragraph 8.1.11

Youth Sentences and Fixed Term Recall

8.1.13 For offenders serving youth sentences (see section 8.1.14), the length of the fixed term recall will depend on the total custodial sentence length. Where the sentence is under 12 months, the fixed term recall period will be **14 calendar days**. Where the sentence is 12 months or more, the fixed term recall period will be **28 calendar days**.

8.1.14 These provisions apply to:

- Offenders who are under the age of 18 years old at the time of recall, and
- Offenders who are 18 years old or over at the point of recall but are serving **only** a youth sentence under section 250 of the Sentencing Code or historic sentences under section 91 of the Power of Criminal Courts (Sentencing) Act 2000).

8.1.15 Offenders recalled on a Fixed Term Recall who are serving only a youth sentence under section 250 of the Sentencing Code or serving historic sentences under section 91 of the Power of Criminal Courts (Sentencing) Act 2000 are referred to the Parole Board only in cases where the recalled prisoner submits representations before the end of the fixed term period. The Probation Practitioner must provide a Part B report where they support release, or where the recalled prisoner chooses to submit representations to the Parole Board.

8.1.16 Prisoners may submit representations in relation to their recall. Following the changes introduced by the Sentencing Act 2026, the authority to refer fixed term recall cases to the Parole Board has been removed for adult offenders serving a mandated 56 day Fixed Term Recall. In these cases, the Secretary of State will consider any representations submitted by the prisoner, as set out in sections 6.1.29 to 6.1.32. Children and adults serving applicable youth sentences may still have their representations against recall referred to the Parole Board as set out in paragraph 6.1.21 to 6.1.28.

Under 18s and Fixed Term Recall:

8.1.17 Children who are under the age of 18 years old at the point of recall will continue to have their suitability for fixed term recall assessed on the basis of their RoSH. For the purposes of this consideration, serious harm means death or serious personal injury, whether physical or psychological. YJS case managers must continue to assess suitability on a case by case basis in line with the statutory test below:

- A prisoner is suitable for automatic release only if the Secretary of State is satisfied that they will not present a RoSH to members of the public if released at the end of the automatic release period.

8.1.18 The assessment relates to the offender's RoSH at the end of the fixed term period.

8.1.19 When assessing an offender's suitability for fixed term recall, the YOT must:

- Gather all relevant information, including the circumstances leading up to recall, and consider the impact on the current risk assessment. In cases where the offender is assessed as very high, high or medium risk of harm, the YOT must also consider the Asset + 9 (or OASys, where applicable) accompanying the recall report; and
- Identify the likely impact of a fixed term period in custody on the level of RoSH and determine whether that RoSH can be safely managed if the offender is released at the end of the fixed term period.

8.1.20 An offender will only receive a fixed term recall where PPCS assess them as both eligible and suitable.

Over 18s Serving a Youth Sentence:

8.1.21 <u>Offenders serving a sentence of under 12 months:</u>
Will automatically receive a fixed term recall unless one or more of the following criteria apply:

- Managed at MAPPA Level 2 or 3 at the point of recall; or
- Recalled on account of being charged with a serious offence, specifically: murder, or an offence under Schedule 18 of the Sentencing Act 2020 which includes manslaughter, kidnapping, false imprisonment and rape.

8.1.22 Where one or more of the criteria are met, the Probation Practitioner must assess the offender's suitability for a fixed term recall in terms of their RoSH and follow the guidance at 8.1.15 to 8.1.18 of this Framework. In these cases, the offender will only receive a fixed term recall if PPCS assess them as both eligible and suitable.

8.1.23 For offenders serving a sentence of 12 months or more,
Probation Practitioners must assess their suitability for a fixed term recall in terms of their RoSH and follow the guidance set out at 8.1.13 to 8.1.20 of this Framework.

Standard Recall

8.1.24 Offenders who are not mandated or suitable for a fixed term recall will receive a standard recall. The standard recall term period begins on the first day of the offender's return to prison custody. Standard Recall could result in the offender remaining in prison until their sentence expiry date (SED).

8.1.25 Offenders may be re-released at any point prior to their SED where the Parole Board, or the Secretary of State (exercising the executive power to release via RARR) is satisfied that the risks posed by the offender can be safely managed in the community. For further details on the statutory Day 28 review see paragraph 8.7.1.

Authorising Recall

8.1.26 On receipt of the Part A recall report and all the mandatory supporting paperwork, PPCS will ensure that the information provides sufficient evidence and justification to authorise recall of the offender and, where appropriate, assess eligibility or suitability for a fixed term or standard recall.

8.1.27 Where PPCS considers that the Part A recall report and supporting documents do not provide sufficient evidence and justification to support recall of the offender or there are missing documents, they will discuss this with the Probation Service in order for a final decision to be taken.

8.1.28 Where PPCS, on behalf of the Secretary of State, does not agree with the recommendation (for a standard or fixed term recall) made in the Part A report, PPCS will discuss the assessment with the Probation Practitioner or SPO the before taking a final decision. This decision will be taken within 24 hours of receipt of the Part A report and mandatory supporting paperwork.

8.1.29 For all requests to recall indeterminate sentenced and extended sentenced offenders, additional authorisation will be sought from a PPCS duty senior manager.

Police Power to Arrest Terrorist Offenders

8.1.30 Section 43B of the Terrorism Act 2000, which provides the police with the power to undertake an urgent arrest of a terrorist offender. An arrest may be made only where there are reasonable grounds for suspecting that the offender has breached a condition of their licence and it is reasonably considered that it is necessary, for purposes connected with protecting members of the public from a risk of terrorism, to detain the offender until a recall decision is made. A "terrorist offender" is a life prisoner serving a sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003 .

8.1.31 Where the Police apprehend an offender under this power, they will make immediate contact with the Probation Service to allow them to consider recall proceedings. The police

can only hold the terrorist offender for a limited period of time (6 hours in England and Wales and 12 hours in Scotland and N. Ireland). Therefore, it is imperative that the arrest is communicated swiftly to the Probation Service in order for recall proceedings to be considered within the custody time frame.

8.1.32 Although the police make the decision to arrest an offender, the decision to request the recall of an offender on licence remains with the Probation Service and the usual process of recalling an offender should be followed. Probation Practitioners should refer to the appropriate chapters within this Framework when considering whether to recall the offender. See Chapter 6.1.

8.2 Recalling an offender subject to Home Detention Curfew (HDC)

8.2.1 Offenders who are released subject to HDC can have their licence revoked and be recalled to custody at any time during the HDC period. Whilst the offender is within the HDC period, they are subject to additional HDC licence conditions which can be revoked by PPCS following a notification from Electronic Monitoring Contractors. Electronic monitoring companies' curfew violations and tampering notifications are sent directly to PPCS, copied to the Probation Service/YJS. Location monitoring violations and battery issue notifications are sent directly to the Probation Service/YJS.

8.2.2 Offenders released early on HDC are liable to be recalled under Section 255 of the Criminal Justice Act 2003 where it appears to the Secretary of State that:

- There is a failure to comply with the curfew condition; or
- The offender's compliance with the curfew condition can no longer be electronically monitored at the place for the time being specified in the curfew conditions.

8.2.3 Offenders released subject to HDC are also subject to standard licence conditions. If these conditions are breached during the HDC period, the licence can be revoked by PPCS at the request of the Probation Practitioner. Probation Practitioners should follow the requirements set out in chapter 6.1.

Breach of Curfew Conditions

8.2.4 Electronic monitoring companies must notify PPCS where a level 1 violation occurs (see the requirements section paragraph 6.2.1). The following constitutes a level 1 violation:

- Serious infringements of the curfew or other licence conditions such as being absent for an entire curfew period; or
- Assaulting or threatening to assault a member of the contractor's staff; or
- Intentional destruction of the monitoring equipment.

8.2.5 Electronic monitoring companies are responsible for issuing a warning letter where a level 2 violation occurs and, where two level 2 violations occur, they must notify PPCS (see the requirements section paragraphs 6.2.2 to 6.2.3). The following constitutes a level 2 violation:

- Shorter absences in one curfew period;
- Intentional tampering with the equipment (but to a lesser degree than that covered by level 1); or
- A number of very short absences over the length of the monitoring and curfew period.

Inability to Monitor

8.2.6 Electronic monitoring companies must notify PPCS where they are unable to electronically monitor an offender subject to curfew (see the requirements section paragraph 6.2.4). Inability to monitor could arise in three ways:

- Installation failure – inability to install the monitoring equipment at the curfew address, either for technical or practical reasons;
- Monitoring failure – failure of the monitoring equipment resulting in an inability to electronically monitor an offender subject to curfew; or
- Change of circumstances – the offender subject to curfew is unable to reside at the original approved curfew address (e.g. the householder/landlord/hostel manager has withdrawn consent for the offender to remain at the address).

8.3 Out of Hours (OoH) Recall Requests

8.3.1 PPCS operates an out-of-hours (OoH) service for all indeterminate and emergency determinate recall requests only. The OoH service applies to the Probation Service and YJS and is available between 5pm and 9am (weekdays) and 24 hours during the weekend (including Bank Holidays. The out-of-hours switchboard telephone number is detailed on the Public Protection Group Staff Contact List, which can be accessed via the following link: Public Protection Group.

8.3.2 When contacting the out-of-hours switchboard, the Probation Service/YJS should state that an emergency recall is being requested; specifying the offender's name, Probation Service Probation Delivery Unit (PDU)/YJS area and the contact details of the requestor including a contact telephone number.

8.3.3 The switchboard will relay this information to PPCS, who will contact the requestor to discuss the request to recall and gather the offender's information in order to complete the revocation order.

8.3.4 PPCS will require the following information:

- Offender's full name including any aliases;
- Date of birth;
- Prison number and NOMIS number;
- MAPPA level;
- Releasing prison and release date;
- Index offence and length of sentence;
- CRO number and PNC number;
- Probation Service, PDU or YJS area;
- Police SPOC area;
- Probation Practitioner details;
- Authorising senior manager's details;
- Last known address;
- Sentence Expiry Date;
- Vulnerability issues and known arrest risks.

8.3.5 For requests to recall indeterminate and extended sentenced offenders, additional authorisation will be sought from a PPCS duty senior manager.

8.3.6 Probation Practitioners should refer to the consideration for recall requirement sections in this framework to ensure that the criteria is met prior to requesting an OoH Recall. See paragraphs 8.1.1 to 8.1.3.

8.4 Cancellation / Rescind of Recall

8.4.1 In determinate sentenced cases only, PPCS on behalf of the Secretary of State, has the statutory power to cancel a recall[8] where subsequent information does not render the original decision to recall unlawful or wrong on the information that was available at the time, but allows a different view to be taken of the perceived risk. PPCS can also decide to update the reasons for the recall to include the further information where the reason for the original recall can no longer be relied upon but that there are other reasons on which to base the recall.

8.4.2 There is no power to cancel the recall of indeterminate sentenced offenders. However, PPCS, on behalf of the Secretary of State, may retake a decision to recall where subsequent information does not render the original decision to recall unlawful or wrong on the information that was available at the time, but where further information has come to light which allows a different view to be taken of the perceived risk. This may result in a different decision being made.

8.4.3 In all cases, PPCS on behalf of the Secretary of State, has the power to rescind a recall decision where it is considered that the original revocation was unlawful or wrongly made.

8.4.4 Cancellation / rescind requests made after an offender's return to prison custody will only be considered where information is subsequently provided that was not available to the Secretary of State at the time the recall decision was taken.

8.5 Unlawfully at Large (UAL) Offence Following Recall

8.5.1 The offence of being UAL applies to those who are recalled, fail to respond to a notification of the recall and remain UAL[9] Offenders who remain UAL for a period of six months or more and fail to keep in touch with their Probation Practitioner are deemed notified under the 'failure to keep in touch' rule.

8.5.2 PPCS will identify offenders who have been recalled to custody and remain UAL. PPCS is also responsible for undertaking the notification procedures set out in this Policy Framework and for notifying the police and PNCB once the procedures have been complied with. See paragraph 6.5.1 and Annex B for more information.

8.5.3 Although PPCS will not as a rule instigate the notification process until at least 28 days after the revocation order has been issued, it can, exceptionally, instigate the process sooner if it believes that it is in the public interest to do so.

RETURN TO CUSTODY, REVIEW AND RE-RELEASE GUIDANCE

8.6 Return to Custody of all Recalled Prisoners

8.6.1 On return to custody, all recalled prisoners have a statutory right to be informed of the reasons for their recall and their right to make representations in regard to their suitability

[8] Under s254 (2A) or (2B) Criminal Justice Act 2003

[9] UAL (section 32ZA Crime (Sentences) Act 1997 for indeterminate sentenced offenders and section 255ZA Criminal Justice Act 2003 for determinate sentence offenders).

for re-release[10] This information is provided to the recalled prisoner in the form of the recall dossier. The requirements set out in this Policy Framework are in place to ensure this is completed in a timely, efficient, and transparent manner.

Apprehending and returning a recalled prisoner to custody

8.6.2 If the Secretary of State decides to recall the offender, they will be liable for immediate arrest, if not in custody. Following arrest by the police, recalled offenders will be returned by the escort contractors to the nearest prison or remand centre categorised as a local for prisoners of that type (adult males, females, or young people) that serves the area where the arrest took place. The police are required to notify the prison in advance.

8.6.3 Recalled children should not be taken to the closest remand centre. The YJS and YCS Placements Team (0345 363 6363) must be notified of the child's arrest. The YJS is expected to update the custody module of Asset Plus and recommend the most appropriate placement to the YCS based on the child's individual circumstances.

8.6.4 Recalled offenders should be returned to the nearest reception prison as defined by Population Management Unit (PMU). The Prison Escort and Court Services (PECS) contractors are responsible for the escorting arrangements and will collect the recalled prisoner from the police station on receipt of a valid Person Transportation Request (PTR) and deliver to the nearest reception prison in line with their contractual obligations. Local Function Prisons cannot refuse to accept such a recalled prisoner providing the delivery is within the agreed reception opening times - Schedule 26 of the PECS Contract. If the Local Function Prison cannot accept the recalled prisoner due to population pressures, PECS contractors must gain authority from PMU to re-direct to another prison. For details of the prison requirements see chapter 6.6 of this Policy Framework.

8.6.5 Upon return to custody, prisons should ensure that the prisoner's main offence on DPS accurately reflects the original offence for which they were on licence.

8.6.6 For information on categorisation for Standard and Fixed Term Recall prisoners, please see the Security Categorisation Policy Framework and HMPPS Operational Guidance Delivery Requirements for the New Model of Fixed Term Recall: Prison Guidance.

For information on the offender flow process for Standard and Fixed Term recall prisoners, please see Prisons and their resettlement providers - GOV.UK or alternatively please email offenderflowsandconfiguration@justice.gov.uk.

Disclosure of the Recall Dossier

8.6.7 All recall dossiers will be provided by PPCS to the prison, normally by email to the prison OMU functional mailbox. The Probation Practitioner will be copied into this email, which will also include the date that the Part B report should be submitted to PPCS.

Legal Phone Call

8.6.8 Details of active civil and criminal providers can be accessed via the following website link: https://www.gov.uk/find-a-legal-adviser

[10] Section 32(3) Crime (Sentences) Act 1997 for indeterminate sentenced offenders and section 254(2) Criminal Justice Act 2003 for determinate sentenced offenders.

Recall Information Leaflets

8.6.9 There are seven recall information leaflets. These are:

- Standard Recall leaflet;
- Standard Recall – FTR56 Exclusions leaflet;
- Standard recall – Significant Risk Test leaflet;
- Fixed Term – Adults leaflet;
- Fixed Term - Youth Sentences leaflet;
- Indeterminate Recall leaflet;
- HDC Curfew Recall leaflet.

8.6.10 PPCS will provide the appropriate leaflet to the prison with the recall dossier. Each leaflet contains information on the specific review process pertinent to the type of recall and has been written specifically for recalled prisoners. The recall leaflets are also available in Welsh.

Recalled Prisoners in custody in Prisons in Scotland and Northern Ireland

8.6.11 Where possible, recalled prisoners subject to a standard recall should be transferred to an English or Welsh prison to assist with facilitating the Parole Board hearing PPCS will issue the recall dossier to the establishment where the recalled prisoner is being held (copied to the releasing prison that issued the licence and the Probation Practitioner). The review process will continue as normal. See 'Standard Recall – Statutory Day 28 Review' chapter 5.7 for more information. When requested, Scottish/Northern Irish prisons will need to prepare reports for the Parole Board.

8.6.12 Where a fixed term recalled prisoner is held in a Scottish or Northern Irish prison, they can serve the recall in that establishment. Where the prisoner is serving a new sentence in Scotland or Northern Ireland, the fixed term recall will be served concurrently. PPCS will issue the recall dossier to the establishment where the recalled prisoner is being held (copied to the releasing prison that issued the licence and the Probation Practitioner).

8.7 Standard Recall - Statutory Day 28 Review

8.7.1 All standard recalled prisoners who remain in custody 28 days after their return to custody must have their case referred to the Parole Board. Statutory Day 28 Review process apply to all recalled indeterminate and extended sentenced prisoners, as well as all other determinate sentenced prisoners subject to a standard recall. For cases converted to a Standard recall, please see section 6.8.4.

Statutory Day 28 Review and New Sentences

8.7.2 Section 256AZA of the Criminal Justice Act 2003 effectively provides that where a recalled prisoner has received a new sentence, they will no longer be automatically eligible for a statutory Day 28 review for as long as they are serving that sentence. Though the Section 256AZA removes the legislative requirement to refer cases to the Parole Board where there is a new sentence, the duty will become live again once a prisoner has reached CRD on the new sentence so PPCS may still choose to refer cases for example where there is only a short period between the CRD of the new sentence and the date set for the Day 28 recall review.

8.7.3 Where a recalled prisoner receives a new sentence, the prison is required to provide the details of the sentence to PPCS. The prison will need to inform PPCS, via email, in all

cases, where the prisoner has an active recall review on PPUD. This will include all types of recall reviews (including a statutory day 28 review, an oral hearing, a further review or an annual review).

8.7.4 The prison must provide PPCS with the following details:

- the length of the new sentence;
- the offence the sentence was imposed for
- new sentence dates (CRD/SED); and
- confirmation of the SED from the recall sentence (including any unlawfully at large time).

8.7.5 The Recalled Prisoner – Notification of New Sentence Form available on EQuiP to download for prisons to complete (detailing the new sentence) and provide to PPCS via email.

8.7.6 Upon receipt of the notification, PPCS will determine whether the prisoner is eligible for a Day 28 review. Where the CRD from the new sentence is longer than the scheduled Day 28 review, PPCS will reschedule the review in line with the CRD date. When the CRD from the new sentence is longer than the SED from the recalled sentence, the review will be cancelled and the prisoner will not receive a review of the recall.

8.7.7 In cases where the CRD from the new sentence is shorter than the scheduled day 28 review, the review will take place as usual. Where the review is cancelled due to the new sentence or rescheduled, PPCS will notify the prison, who must inform the prisoner within one working day of the notification.

8.7.8 In cases where a review is currently underway (this may include adjourned, deferred or cases awaiting an oral hearing), it will be for PPCS to decide whether the review should be cancelled or should proceed. This will be decided on a case-by-case basis. The Parole Board may also decide to conclude the case on the papers.

Part B report

8.7.9 All reports provided should be of good quality to ensure that they provide the Parole Board with all information pertaining to the prisoner's risk, plans for progression (in line with their sentence plan) and suitability for release into the community. The information must be up to date, accurate and reliable. HMPPS staff should take a collaborative approach (including close liaison with the VLO), sharing information with other report writers and departments where appropriate, to enable well informed, good quality and timely submission of reports for the Parole Board. Their contents should be supported by evidence, with sources of information noted. Further information is available on the following link.

8.7.10 In line with requirement 6.7.7 when report writers create a report for the recall dossier, they are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or moved to open prison conditions, provided that they feel able to give a such an opinion. Any professional opinion which the report writer gives the Board should be made by reference to the report writer's area of competence, as well as to their interactions with the prisoner.

8.7.11 HMPPS report writers (including those externally commissioned and written on behalf of HMPPS) must continue to provide a rigorous and comprehensive assessment of the prisoner's risks and needs, using evidence-based tools and applying their professional judgment. Fundamental to the risk/needs assessment will be an account of the activities,

interventions, and other work which the prisoner has completed with a view to reducing their risk, as well as a statement of outstanding risk factors. In addition, a full risk management plan should be provided which sets out how specific areas of risk will be managed on release.

8.7.12 The Parole Board Rules do not affect the Parole Board's powers to specifically direct that a report writer provides a report which contains an opinion on a prisoner's suitability for release or open conditions. In those circumstances, report writers must comply with the Parole Board's direction to the extent that they feel able to give an opinion. Further guidance is available via this link on EQuiP.

8.7.13 Following the Bailey Judgement[11], since 3rd April 2023, HMPPS witnesses attending an oral hearing (including psychologists externally commissioned by HMPPS) should be mindful that the Parole Board may direct that they provide a professional opinion. Any professional opinion which the witness gives to the Parole Board should be made by reference to their area of competence, in addition to their interactions with the prisoner. HMPPS witnesses must co-operate with the Parole Board and must truthfully answer any questions posed by the Parole Board during the hearing, to the extent that the witness feels capable of providing the Board with an answer. Where the witness feels unable to provide a professional opinion, they should explain why. Witnesses who provide the Parole Board with their opinion should ensure that the opinion presented is their own, and not on behalf of the Secretary of State. The Secretary of State is a party to Parole Board proceedings and may wish to present their own overarching Secretary of State view as to whether or not the Statutory Release Test[12] is met, or on whether a prisoner should be moved to open conditions, see paragraphs 8.13.14 for further information.

8.7.14 The Parole Board Rules provide that, where considered appropriate, the Secretary of State may choose to provide the Parole Board with an overarching Secretary of State view on the prisoner's suitability for release against the Statutory Release Test. This takes account of all reports and available evidence, including any professional opinions offered by report writers pertaining to the prisoner's suitability for release. The Public Protection Group will agree with the Secretary of State which cases meet the criteria for an overarching Secretary of State view. HMPPS Report Writers will be informed at the earliest opportunity where the Secretary of State chooses to provide an overarching Secretary of State view. Where an overarching Secretary of State view is provided, the Secretary of State will be represented at an oral hearing by either a Secretary of State representative or by legal Counsel.

8.7.15 HMPPS Reports (including Part B and C reports) must provide any factual evidence which may be pertinent to the criteria for an overarching Secretary of State view, which are:

- The nature and characteristics of the offending are particularly severe and risks damaging public confidence if the prisoner were to be released (e.g., where the victim(s) was a child or vulnerable; or cases with a sadistic or predatory motivation);
- Cases involving multiple victims or where there is a history of serious offending, indicating a pattern or escalation of such offences;

[11] R. v Bailey [2023] EWHC 821 (Admin)

[12] From 3rd February 2025 the Victims and Prisoners Act 2024 codified the statutory release test and sets out in legislation some of the factors the Parole Board must consider when making a decision on release.

- Where the gravity of the offending behaviour indicates that, if further such offences were to be committed, the level of harm to the public would be particularly grave; and
- Where a case raises issues in relation to victims' confidence more broadly in the parole system.

8.7.16 In the case of Johnson[13], the High Court confirmed that the Parole Board need to consider the risk that a prisoner may pose to the public if they were released from custody, up to and beyond their conditional release date and sentence expiry date (SED). The decision must be taken purely by reference to the need to protect the public. If their assessment is that the prisoner will pose a more than minimal risk of serious harm to the public, then the release test is not met. However, also note, the High Court in Dich and Murphy[14] clarified the test and held there must be a causal link between preventing/reducing risk and continued detention for the release test to be satisfied. This also applies to prisoners who have been recalled to custody. Further information on the Johnson Judgement is available via this link.

8.7.17 This guidance at paragraphs 8.7.9 to 8.7.15 applies to all Part B and C reports, and HMPPS Psychology Reports and other HMPPS commissioned reports.

Statutory Day 28 Parole Board Review

8.7.18 Following the referral of the dossier by PPCS, where the Parole Board have directed an oral hearing or an adjournment/deferral, the Parole Board will be responsible for acquiring all third-party directions, other than in the cases set out at 8.7.16.

8.7.19 Where the Parole Board have directed an oral hearing or an adjournment/deferral, all Parole Board directed HMPPS directions will remain the responsibility of PPCS, including the recompiling of the dossier and disclosing the dossier to all parties. PPCS will retain responsibility for all directions compliance for cases managed by the PPCS National Security Casework Team.

Parole Board Decisions

Release of recalled prisoners (Indeterminate Sentenced Prisoners only)

8.7.20 Where the Parole Board directs the release of a recalled indeterminate sentenced prisoner, PPCS will work with the Probation Practitioner and the releasing prison to ensure that the recalled prisoner is released as soon as possible. This includes contacting the Probation Practitioner to confirm the release arrangements and reporting instructions (the time that the recalled prisoner should report and to whom). This is to ensure the integrity of the release and risk management plan. The Parole Board decision will note the proposals of the prisoner's release which was laid out by the Probation Practitioner in the Part B/C report. This will help manage the release of the prisoner.

8.7.21 Where the Probation Practitioner would like to seek a variation to the licence conditions set by the Parole Board, the Probation Practitioner should provide full details of the amended

[13] R. (on the application of Secretary of State for Justice) v The Parole Board [2022] EWHC 1282 (Admin)
[14] R. (on the application of Dich v Parole Board for England and Wales [2023] EWHC 945 (Admin)

licence condition wording with reasons for the variation to PPCS. PPCS will then seek a variation.

Other Parole Board Decisions (Indeterminate Sentenced Prisoners only)

8.7.22 Where the Parole Board makes no direction for release on the papers e.g. that the recalled prisoner must stay in closed conditions, the recalled prisoner has 28 calendar days to make representations requesting an oral hearing. The decision will remain provisional until the 28 calendar days have elapsed, after which the decision will become final (unless the recalled prisoner has successfully requested an oral hearing.

8.7.23 In these cases, the recalled prisoner's case will then be managed under the Generic Parole Process (GPP), see Generic Parole Process Policy Framework (GPP) for more details.

Release of recalled prisoners (Determinate Sentenced Prisoners only)

8.7.24 The Police, Crime, Sentencing and Courts (PCSC) Act 2022 removed the Parole Board's power to direct immediate or forward release decisions for recalled determinate sentenced prisoners.

8.7.25 Where the Parole Board directs the release of a recalled determinate sentenced prisoner, the releasing prison will work with the Probation Practitioner to ensure that the recalled prisoner is released as soon as possible. This includes contacting the Probation Practitioner to confirm the release arrangements and reporting instructions (the time that the recalled prisoner should report and to whom). This is to ensure the integrity of the release and risk management plan. The Parole Board decision will note the proposals of the prisoner's release which was laid out by the Probation Practitioner in the Part B/C report. This will help manage the release of the prisoner.

8.7.26 Where the Probation Practitioner would like to seek a variation to the licence conditions set by the Parole Board, the Probation Practitioner should provide full details of the amended licence condition wording with reasons for the variation to PPCS. PPCS will then seek a variation.

Other Parole Board Decisions (Determinate Sentenced Prisoners only)

8.7.27 Where the Parole Board make no direction to release a determinate sentenced prisoner, the recalled prisoner may be entitled to further statutory reviews as set out in the guidance (see Further Review chapter 8.11 and Annual Reviews chapter 8.12).

8.7.28 Prison staff should be aware if the prisoner is under the care of Assessment, Care in Custody and Teamwork (ACCT), particular care should be taken when delivering the news staff should ensure that there is appropriate support in place.

8.8 HDC Curfew Breach – Appeal Process

Release from HDC Curfew Breach

8.8.1 Prisoners recalled under section 255(1)(a) of CJA 2003 become statutorily ineligible for future release on HDC where they were still serving a recall at any point during the two years immediately prior to the start of the current sentence. This does not prevent them making representations in respect of the recall decision. If successful and the revocation is

cancelled under section 255(3) of the CJA 2003, this exclusion on future release on HDC no longer applies. Further information is available in Home Detention Curfew Policy Framework.

8.8.2 Prisoners recalled under section 255 (1) (b) of CJA 2003 because compliance with their curfew could no longer be electronically monitored (usually because they have lost their address) can apply to be re-released on HDC if suitable arrangements can be made. Further information is available in Home Detention Curfew Policy Framework.

8.9 Release following Risk Assessed Recall Review

8.9.1 The Secretary of State has the power to release, following a risk assessed recall review, determinate sentence, IPP/DPP and extended sentence prisoners into the community subject to licensed supervision at any time during the recall period. PPCS or, in the case of an offender serving an IPP or DPP sentence, the Public Protection Group Director, will make the RARR re-release decision on behalf of the Secretary of State. In deciding to re-release the recalled offender, the Secretary of State must be satisfied that the statutory re-release test (that it is not necessary for the protection of the public for the offender to remain in prison) has been met so that the recalled prisoner's RoSH can be safely managed in the community.

8.9.2 The Victims and Prisoners Act 2024[15] which provides a power for the Secretary of State to release recalled IPP and DPP prisoners into the community following a risk assessed recall review subject to licensed supervision at any time during the recall period. The provision excludes those serving a life sentence, for further information please refer to the Probation Practitioners IPP/DPP risk assessed recall review guidance.

Disapplying an IPP/DPP Recall

8.9.3 The Victims and Prisoners Act 2024[16] introduced a power for the Secretary of State to disapply the effect of a recall of an IPP/DPP prisoner on the two-year qualifying period for automatic licence termination. This can be considered where an IPP/DPP prisoner has met the applicable qualifying period which triggers the duty to refer a case to the Parole Board for consideration of licence termination (3 years for IPP and 2 years for DPP following first release) prior to being re-released. The provision excludes those serving a life sentence. For further information, refer to the Probation Practitioners risk assessed review for release guidance.

8.9.4 Where PPCS, on behalf of the Secretary of State, decide to disapply the effect of the recall on the two-year automatic licence termination period, the licence will be treated as if it had remained in force while the prisoner was recalled. This means that the prisoner will only serve the rest of the qualifying two-year period, rather than this period restarting. Further information on automatic licence termination is available in the Supervision of Indeterminate Sentences Policy Framework.

8.9.5 A recall can only be disapplied for the two-year automatic licence termination period and not for the qualifying period to referral to the Parole Board for consideration on termination.

8.9.6 PPCS on behalf of the Secretary of State may only use this power where it is considered that it is in the interests of justice to do so.

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[15] Inserted section 32ZZA into the Crime (Sentences) Act 1997

[16] Amended section 31A of the Crime (Sentences) Act 1997

8.9.7 Prisoners (or their legal representatives) can apply to the PPCS for the recall to be disapplied. In these cases, PPCS will request a view from the Probation Practitioner before making a decision.

8.10 Further Review

8.10.1 If the recalled prisoner's sentence expiry date is 13 months or more from the date of the Parole Board decision not to release, the case will be set for a statutory annual review which will take place 12 months from the date of the decision.

8.10.2 If the recalled prisoner's sentence expiry date is less than 13 months from the date of the Parole Board decision not to release, the recalled prisoner will remain in custody until their Sentence Expiry Date unless re-released at an earlier date by the Parole Board or the Secretary of State.

8.10.3 The Probation Practitioner is responsible for ensuring that a recalled determinate sentenced prisoner's ongoing detention is reviewed regularly. The review of a recalled determinate sentenced prisoner's ongoing detention should be completed in line with the Best Practice Guidance: working with recalled prisoners attached at Annex A of this Framework. There is no requirement on the Probation Practitioner to wait for a request from PPCS.

8.10.4 If the recalled prisoner is the subject of police investigations into alleged further offending or has outstanding court matters when the Parole Board make a decision not to release, PPCS will await notification from the Probation Practitioner advising them of the outcome of those investigations or proceedings before determining whether a further review will take place. It should be noted though that, as laid out in paragraph 8.11.1, where the recalled prisoner's case is eligible for a statutory annual review, the case must proceed to the annual review and will not be delayed due to alleged further offending or outstanding court matters.

8.10.5 If any new or significant information comes to light that the Parole Board was not aware of when it made its decision, this must be provided to PPCS in an updated Part C report; in cases where release has not been directed PPCS will then take a decision as to whether a further review of the case is appropriate either by release following a risk assessed recall review, or a new early referral to the Parole Board. .

8.10.6 Where the prisoner considers that there is new or significant information in their case that the Parole Board was not aware of when it made its last decision, this should be provided to the Probation Practitioner in written or oral representations. The Probation Practitioner will review and decide whether the representations refer to any new and significant developments, unknown at the time of the previous review, which might have a material effect upon the Parole Board decision. Where representations are received directly by PPCS, these will be forwarded to the Probation Practitioner to allow them to consider whether they constitute new or significant information that impacts on the prisoner's current risks and manageability in the community.

8.10.7 When reviewing the representations from the prisoner, the Probation Practitioner should consider:

- Do the representations provide any new significant and relevant information that the Parole Board were not aware of when considering the case?
- Do the representations inform or update the Parole Board about the prisoner's current risks or circumstances leading to the recall?

- Do the recommendations directly address any of the concerns the Parole Board raised in its reasons for not directing that the prisoner be re-released?

8.10.8 Where the Probation Practitioner considers that the representations do include new or significant information, the Probation Practitioner will prepare a Part C report and OASys report and submit these to PPCS. PPCS will then take a decision as to whether a further review of the case is appropriate either by release following a risk assessed recall review, or a new early referral to the Parole Board.

8.10.9 Where the case is referred to the Parole Board, all parties should refer to paragraph 8.7.2 in the Standard Recall – Statutory Day 28 Review chapter.

8.11 Annual Review

Annual Reviews and New Sentences

8.11.1 Section 256AZA Criminal Justice Act 2003 provides that where a recalled prisoner has received a new sentence, they will no longer be automatically eligible for an annual review for as long as that sentence being served.

8.11.2 Where a recalled prisoner receives a new sentence, the prison is required to provide the details of the sentence to PPCS. The prison will need to inform PPCS, via email, in all cases, where the prisoner has an active recall review on PPUD. This will include all types of recall reviews (including a statutory day 28 review, an oral hearing, a further review, or an annual review).

8.11.3 The prison must provide PPCS with the following details:

- the length of the new sentence;
- the offence the sentence was imposed for;
- new sentence dates (CRD/SED); and
- confirmation of the SED from the recall sentence.

8.11.4 Upon receipt of the notification, PPCS will determine whether the prisoner is eligible for an annual review. Where the CRD from the new sentence is longer than the anniversary date of the annual review, PPCS will reschedule the annual review in line with the CRD date. When the CRD from the new sentence is longer than the SED from the recalled sentence, the prisoner will not receive an annual review.

8.11.5 In cases where the CRD from the new sentence is shorter than the anniversary date of the annual review, the annual review will take place as usual. Where the annual review is cancelled due to the new sentence or rescheduled, PPCS will notify the prison.

8.11.6 In cases where the annual review is currently underway, it will be for PPCS to decide whether the annual review should be cancelled or should proceed. This will be decided on a case-by-case basis.

8.12 Parole Board Oral Hearings

Directions

8.12.1 The Parole Board will be responsible for acquiring all third-party directions, as set out in the Third-Party Directions Protocol, other than in the cases set out at 8.13.2. Information and

reports that and are intrinsic to the Risk Management Plan will also remain the responsibility of PPCS.

8.12.2 All Parole Board directed HMPPS directions will remain the responsibility of PPCS, including the recompiling of the dossier and disclosing the dossier to all parties. PPCS will liaise with all relevant parties to ensure that the directed reports are submitted within the timescales set. However, HMPPS report writers retain responsibility for managing their own deadlines and providing reports on time. PPCS will retain responsibility for all directions compliance in terrorist and high-profile cases, managed by the PPCS National Security Casework Team.

8.12.3 As set out in 6.13.25 and 6.13.27, in indeterminate recalled cases only, the HMPPS directed reports will be uploaded to PPUD and an automatic email will be issued by PPUD notifying all parties that the new report is available. All parties should access the new document through PPUD. PPCS should be alerted immediately if there are any issues. For Probation Service/ YJS cases, the automatic email will be issued to the division's functional mailbox.

Parole Board Oral Hearing Witnesses

8.12.4 The attendance of witnesses at an oral hearing is a matter for the Parole Board. Each party (i.e. the prisoner and Secretary of State) must apply in writing to the Parole Board (copied into the other parties) for leave to call witnesses. A witness may only attend if directed to do so by the Parole Board.

8.12.5 The Parole Board will contact all witnesses who have been directed to attend the hearing to ascertain their availability, so that this can be taken into account when the hearing is listed. It is important that witnesses provide their availability direct to the Parole Board within the deadline set. The Parole Board is not bound by witness availabilities.

8.12.6 Witnesses not based at the prison where the hearing is being held are encouraged to apply to give their evidence by video-link or telephone conference wherever possible in order to reduce travel expenses and improve efficiency by reducing time spent out of the office.

8.12.7 Where a person wishes to attend an oral hearing as an observer, an application should be made via PPCS to the Parole Board in writing no later than 8 weeks before the oral hearing date. This request will be considered by the panel chair, who will agree or refuse any such request. The Parole Board will consult with the recalled prisoner prior to agreeing or refusing any such request.

Transfer during an Oral Hearing

8.12.8 Transferring a recalled prisoner during a review can cause considerable disruption and therefore this should only take place in exceptional circumstances. This may be appropriate, for example, where it is necessary to transfer the recalled prisoner to complete offending behaviour work, or for security or discipline reasons.

8.12.9 Where prisons are considering a transfer during a recall review to allow the prisoner to access a progression opportunity in line with their sentence plan, there must be a clear benefit which will support the delivery of their sentence plan objectives. It is important to bear in mind the impact that a transfer during a parole review may have on the prisoner's review.

8.12.10 As set out in the requirement section at paragraph 6.13.67 the sending prison must take responsibility for completing any outstanding directions as it will normally have greater

knowledge of the recalled prisoner. Exceptionally, there may be cases where the receiving prison is better placed to complete the reports.

8.12.11 Only in cases where both prisons are in agreement, will the receiving prison take over responsibility for completing the reports.

8.12.12 If such an agreement cannot be obtained then the sending prison must complete the reports.

8.12.13 Prisons should make every effort to ensure that recalled ISPs' outstanding sentence plan requirements are considered as soon after a Parole Board decision as possible. This is to enable any necessary transfers to undertake outstanding interventions/ROTLs to take place before the next parole review commences. In circumstances where a transfer to access outstanding interventions/ROTLs is necessary to support progression during a parole review (but not after an oral hearing date is set) the transfer should be facilitated.

Secretary of State Representation

8.12.14 PPCS will consider sending a Secretary of State Representative to attend an oral hearing but only where representation is required.

8.12.15 Where PPCS deem it appropriate for a Secretary of State Representative to attend, they will inform the prison and the Parole Board who the representative will be in advance of the hearing.

8.12.16 Further to the requirement at 6.7.8, which sets out the amendment to the Parole Board Rules 2019, where considered appropriate, the Secretary of State may choose to provide the Parole Board with an overarching Secretary of State view which takes account of all reports and available evidence, including any professional opinions offered by report writers. Where an overarching Secretary of State view is provided, the Secretary of State will be represented at any oral hearing by either a Secretary of State representative or by Counsel.

8.12.17 In addition, and entirely separate to the above, HMPPS (via the Secretary of State Victim Support Representative) also provides support to victims who choose to attend an oral hearing in order to read a Victim Personal Statement (VPS).

8.13 Recalled Prisoners detained under the Mental Health Act (1983)

8.13.1 Recalled prisoners transferred under the provisions of the Mental Health Act (1983) (MHA) will not be referred to the Parole Board for review for as long as they are deemed to have a mental disorder which requires in-patient hospital treatment and as such are detained in hospital under the MHA. While time spent in hospital counts towards the sentence, in the event that a prisoner is transferred to hospital during any part of the recall review process, that review will be suspended. While detained in hospital, the Secretary of State's functions under the MHA, including consideration of the prisoner's (now a patient) discharge from hospital, are exercised on behalf of the Secretary of State by the Mental Health Casework Section (MHCS) in the Public Protection Group of HMPPS.

8.13.2 Recalled prisoners may be transferred to hospital by order of the Secretary of State at any point prior to their re-release on licence (under s.47 Mental Health Act 1983). A s.47 transfer direction is often accompanied by a s.49 restriction direction, which places key aspects of the prisoner's time in hospital under the control of the Secretary of State.

8.13.3 The power to send a prisoner to hospital under s.47 may be exercised where the Secretary of State is satisfied (on the evidence from two registered medical practitioners) that:

- the prisoner is suffering from a mental disorder;
- detention in hospital for treatment is appropriate; and
- that appropriate treatment is available for them in hospital

8.13.4 A transferred prisoner's detention in hospital under MHA is subject to regular reviews by the 'First Tier Tribunal – Health, Education and Social Care Chamber' and the Mental Health Review Tribunal for Wales ('the Tribunal'). Transferred prisoners may apply to the Tribunal during the second six months of their time in hospital and once in any period of 12 months thereafter. MHCS will automatically refer a restricted patient to the Tribunal after any three-year period during which the patient has been continuously detained in hospital and has not had their case considered by the Tribunal.

8.13.5 Where a transfer direction (with a restriction direction) has been made, if the Secretary of State is notified by the responsible clinician or other approved clinician that the prisoner no longer requires treatment in hospital for mental disorder or that no effective treatment can be given, the Secretary of State may remit the prisoner back to prison under s.50 of the MHA.

8.13.6 The Tribunal cannot order the discharge of a s47/49 transferred prisoner, the power to do this sits with the Secretary of State. Once the prisoner no longer needs treatment, the Responsible Clinician or the Tribunal will notify the Secretary of State of this, and if the Secretary of State does not agree to discharge they will be remitted to prison or, if the Tribunal recommends a conditional discharge but considers that returning to prison might compromise the prisoner's mental health, the Tribunal can recommend the prisoner remains in hospital pending the outcome of the Parole Board review. This is known as a section 74(1)(b) recommendation. Where an indeterminate sentenced patient (or an extended sentence/sentence for offenders of particular concern offender detained in hospital during their parole eligibility or licence period) has received a 74(1)(b) recommendation and the Secretary of State accepts the recommendation to keep them in hospital, they must have a Parole Board hearing as soon as possible.

Unrestricted Patients

8.13.7 As mentioned at 8.14.2, a s.47 transfer direction is often accompanied by a s.49 restriction direction, so that the offender/patient's case is overseen by MHCS. Where a s49 restriction order is not imposed, the patient will be 'unrestricted' which means there is no oversight by MHCS, and the hospital is responsible for the management of the patient. There will be no further involvement from the prison once the patient has reached their CRD/SED. The only normal exception to this is where the prisoner is approaching their CRD. Recalled determinate sentenced prisoners will not have a CRD date by virtue of their recalled status and in these cases, the SED would be the date used to ascertain whether a s49 restriction order can be imposed. Where the SED is approaching, normally a s49 restriction order will not be imposed.

8.13.8 There may also be rare cases where a fixed term recalled prisoner is transferred to hospital, where this were to happen, the Secretary of State may decide not to impose a s49 restriction order given the short period until their release at the end of the automatic period.

Indeterminate sentenced recalled prisoners will always be transferred as a restricted patient.

8.13.9 In the majority of cases, where a recalled determinate sentenced prisoner is transferred on a section 47/49, they will remain a restricted patient until they reach their SED date (or the end of the automatic period for fixed term recall cases), at which point the Restriction Order falls away. They may still be detained at the hospital, but only as an unrestricted patient.

Reports for the Parole Board

8.13.10 Section 117 of the Mental Health Act 1983 requires Integrated Care Boards (ICB's) and local authorities, in co-operation with health and social care providers and voluntary agencies, to provide or arrange for the provision of aftercare to particular patients detained in hospital for treatment who then cease to be detained. Probation Practitioners should be aware of the prisoners right to aftercare provisions and incorporate any which have been put in place when preparing reports for the Parole Board. Any available information on aftercare provisions should be included to ensure that the Parole Board is in receipt of all necessary information to make a decision on release.

ANNEX A

Best Practice Guide: Working with Recalled Prisoners

See Link: Best Practice Guide: Working with Recalled Prisoners

ANNEX B

Information regarding section 32ZA Crime (Sentences) Act 1997 Unlawfully at Large Offence

See Link: Information regarding section 32ZA Crime (Sentences) Act 1997 Unlawfully at Large Offence