

## **Types of temporary release and early release from prison**

Certain categories of sentenced young offenders and adult prisoners may be granted release on temporary licence (ROTL), subject to a satisfactory risk assessment and the availability of suitable accommodation. Category A prisoners and those subject to extradition proceedings are not eligible. This is not a comprehensive description of the types of temporary release. For more information, see Prison Service Instruction (PSI 36/95 and PSI 46/98).

### **Compassionate Licence**

This is a form of temporary release designed to help prisoners deal with urgent personal matters, such as funerals, visits to close relatives who are near to death, domestic crises and urgent hospital appointments. This type of leave is usually restricted to those in category D establishments but may be available to others, subject to availability of an escort, if an escort is considered necessary. Young offenders may be given a compassionate licence to visit their parents if their parents are unable to visit the establishment due to illness or disability. Adult prisoners held in open or resettlement prisons may be allowed to attend a weekly religious service outside the establishment if practicable.

### **Facility Licence**

Available for all prisoners who have served at least a quarter of their sentence, eligible inmates may be granted short term release, including overnight stays, where necessary, to participate in employment or community work (both voluntary and paid), further education and job or housing interviews. Prisoners aged 18 to 24 may, in addition, be granted short term release to take part in Outward Bound and Duke of Edinburgh Training and Award schemes.

### **Resettlement Licence** (also known as 'home leave')

This is designed to assist prisoners to resettle and establish links in the community, pursue employment opportunities and strengthen family ties. Prisoners may become eligible to apply for a resettlement licence in the following circumstances:

- Prisoners serving up to four years become eligible when they have served a third of their sentence.
- Adult prisoners refused parole for the first time must wait either 6 months from the parole eligibility date or 6 months from the date of refusal letter (whichever is earlier).
- Adult prisoners in resettlement prisons may be eligible for an additional resettlement licence supplementary to the standard licence issued at 8 week intervals.
- Young offenders refused parole for the first time must wait either 3 months from the parole eligibility date or 3 months from the date of refusal letter (whichever is earlier).

- Young offenders held in open prisons may be eligible for an additional resettlement licence in addition to the standard licence issued at 8 week intervals. This is usually only granted to prisoners who have successfully worked outside prison for a minimum of two weeks and, if granted as part of a Working Out Scheme, will normally only involve one overnight stay.
- Your offenders held in PRES hostels and resettlement units may be eligible for a discretionary resettlement licence each weekend.
- Young offenders and adult prisoners serving over 12 months may also be granted a resettlement licence to attend employment related interviews..

In addition, there are two forms of permanent release that prisoners may be granted before the end of their sentences. These are:

### **Home detention curfew (HDC)**

Home Detention Curfew came into effect on 28 January 1999. Under this scheme, prisoners serving sentences of between three months and four years may be eligible to spend up to two months of their remaining sentence in the community, on licence and under a curfew which is enforced by electronic monitoring (tagging).

Eligibility for HDC is subject to satisfactory risk assessment and suitable accommodation approved by the Probation Service.

The following groups of prisoner are not eligible:

- violent and sex offenders currently serving an extended sentence
- serving a sentence for failing to return to custody after a period of temporary release
- subject to a hospital order, hospital direction or transfer direction under the Mental Health Act 1983
- serving a sentence imposed due to failure to comply with requirements of a curfew order
- recalled to prison during an HDC for breaching the terms of their curfew
- liable to removal from the UK under section 46 of the Criminal Justice Act 1991
- recalled to prison after being given compassionate release under section 39 of the Criminal Justice Act 1991
- returned to prison after committing an offence before the at risk period of a sentence has expired
- not yet 18 years old
- fine defaulters and those in custody for contempt of court (as they are not serving a sentence of imprisonment)
- liable for registration with the police under the Sex Offenders Act 1997, except in exceptional circumstances
- those serving Detention and Training Orders (DOTs) ie 10-17 year olds..

Eligible prisoners can choose to take their period of home detention curfew any time after a defined period of imprisonment, that is calculated in relation to their sentence length as follows:

*Sentence length*

3 months or more but less than 4 months

4 months or more but less than 8 months

8 months or more, but less than 4 years

*Required time to be served*

30 days

one quarter of sentence

half of sentence minus 60 days

**Parole (Discretionary Conditional Release)**

Prisoners serving determinate sentences of four years or over become eligible for release on parole halfway through their sentence plus any days added in adjudications. Six months before the prisoner becomes eligible for parole, the prison service, probation service and parole board compile reports on the prisoner's behaviour during the current sentence and any work done to address offending behaviour and assess whether parole will be granted. The decision is made primarily on the risk of re-offending, but consideration is also given to the possible benefits of reintegration into the community.