

Release on Temporary Licence

There are four types of Release on Temporary Licence (ROTL): resettlement day release, resettlement overnight release, childcare resettlement and special purpose.

Risk Assessment

On receipt of an application for ROTL for which a prisoner is eligible the prison must carry out a risk assessment. All prisons should have a guidance leaflet available to prisoners. It is advisable to obtain a copy to check the local policy on ROTL.

The following categories of prisoners are not eligible for ROTL.

- Category A prisoners
- Prisoners on the Escape list
- Prisoners who are subject to extradition proceedings
- Unsented prisoners
- Sentenced prisoners who are remanded for further charges or further sentencing
- Prisoners held on behalf of the International Criminal Tribunal for the Former Yugoslavia
- Prisoners with consecutive default terms for confiscation orders are ineligible for ROTL on the original sentence but are eligible to be considered purely on the default confiscation order term

Category B prisoners are not eligible for Resettlement Day Release or Resettlement Overnight Release.

Resettlement Day Release (RDR)

Eligibility

Prisoners will be eligible for RDR either 24 months before their parole eligibility date ('PED')/conditional release date ('CRD'), or once they have served half the custodial period minus half the relevant remand time, whichever gives the later date. For sentences under four years this will always be half-way through the time in custody eg. for a sentence of 2 years eligibility for ROTL will be after 6 months and subject to remand time (half the custodial time of 12 months)

because that is later than 24 months before release.

Reasons for grant of RDR

The reasons RDR may be granted are as follows:

- Reparative community work/unpaid employment
- Life and work skills training/education
- Maintaining family ties
- Housing
- Probation Interviews
- Job searches and interviews
- Paid employment (for prisoners in a designated resettlement prison only)
- Driving lessons (for prisoners in a designated resettlement prison only)
- Car maintenance (for prisoners in a designated resettlement prison only)
- Opening bank accounts
- Other sentence planning activities

The governor will decide the frequency and duration of the RDR. If a Category C or closed conditions prisoner receives regular RDR s/he should be moved to open conditions.

If a prisoner is assessed as suitable for release on Home Detention Curfew ('tag') s/he can receive one session of RDR before release.

Resettlement Overnight Release (ROR)

Eligibility

PSO 6300 states eligibility for ROR in identical terms to eligibility for RDR. However, the scheme actually distinguishes between prisoners with a PED (received a sentence of over four years for an offence committed before 4 April 2005) and prisoners who committed their offence after that date.

Prisoners with a PED, in Cat C or closed conditions

Can apply for one period of ROR in the three months before their PED. If completed

successfully they should be considered for recategorisation to open conditions.

If the prisoner is not granted parole a further risk assessment must be carried out. If it is favourable the prisoner can apply for three periods of ROR in the year following the parole knockback, at a minimum of eight weeks apart.

A prisoner with a PED, and suitable for open or semi-open conditions

Can apply for one period of ROR in the three months before their PED.

If the prisoner is not granted parole a further risk assessment must be carried out. If it is favourable the prisoner can apply for six periods of ROR in the year following the parole knockback, at a minimum of eight weeks apart. In the following year the prisoner may apply for ten periods of ROR.

Without a PED and serving over 12 months

Prisoners serving 12 months and over who do not have a PED may apply for ROR no more than once in every 4 weeks after their ROR eligibility date.

The ROR eligibility date is identical to that for RDR.

Childcare Resettlement Leave (CRL)

Eligibility

To be eligible for CRL a prisoner must show s/he has sole caring responsibility for a child under 16 and is:

- resident in open or semi-open conditions; or
- categorised as suitable for such conditions; or
- resident in a mother and baby unit and have other children being cared for outside the prison.

Proof of primary carer status can be obtained from Social Security or through court documents, if available. A birth certificate is not sufficient.

While prisoners ineligible for ROR and RDR can receive CRL the usual risk assessment applies.

If CRL is to be taken at the address of the person currently caring for the child that person's permission must be obtained. If the children are in Local Authority care the Authority must also agree.

CRL is a *maximum* three nights every two months.

Special Purpose Licence (SPL)

Eligibility

All prisoners, aside from those in the excluded groups (above), are eligible for temporary release on a special purpose licence.

An SPL is usually only granted in response to a specific set of circumstances. Some common grounds are:

- Compassionate, eg visits to dying relatives, funerals, emergency problems with children for whom the prisoner has parental responsibility or vulnerable persons for whom the prisoner is sole carer;
- Medical treatment, whether as an in-patient or out-patient;
- Marriage;
- Helping the police with their enquires.

Applications should be considered as a matter of urgency in cases where religious requirements mean a funeral will take place within 24 hours of death.

The maximum period of release under an SPL is four nights. The length and frequency of ROTL is at the Governor's discretion. In exceptional circumstances a Governor has the discretion to grant back to back licences.

Appeals

An appeal against a refusal for ROTL should be addressed initially to the Governing Governor on a COMP1 and then to the Prisons and Probation Ombudsman.

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