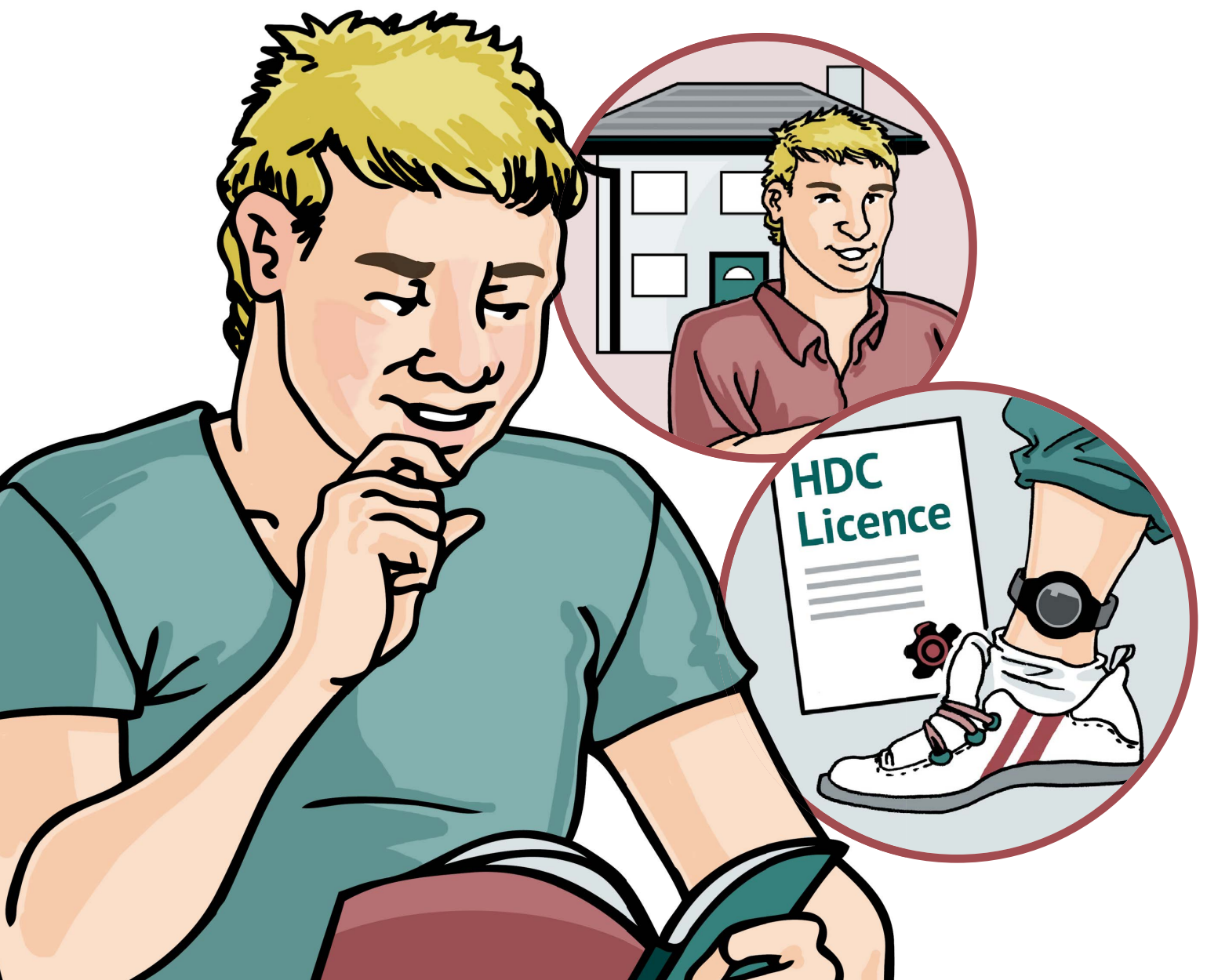


# Home Detention Curfew

Easy Read Self Help Toolkit



## About this document



This document was made by CHANGE, a charity led by people with learning disabilities.



This document uses easy words and pictures to tell you about Home Detention Curfew.

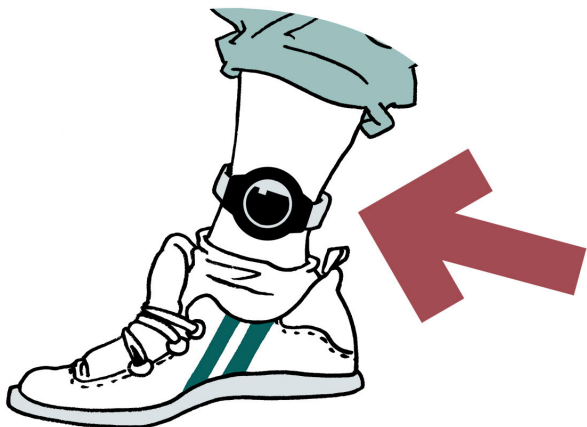


You might want to read through it with someone else to help you to understand it more.

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## What is Home Detention Curfew (HDC)?

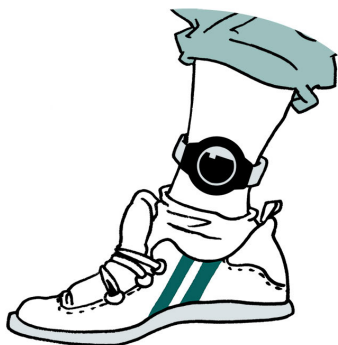


Home Detention Curfew is often called 'tagging'. It is when a prisoner is released 'early', and their location is checked by wearing an electronic tag normally around their ankle.



This sends out an electronic signal, which is checked by a private company hired by Her Majesty's Prison and Probation Service (HMPPS) to make sure you do not break the curfew.

## Will I be able to get HDC?



Not everyone can get HDC and it is not always an option. Whether you will get it or not will depend on a number of reasons like:

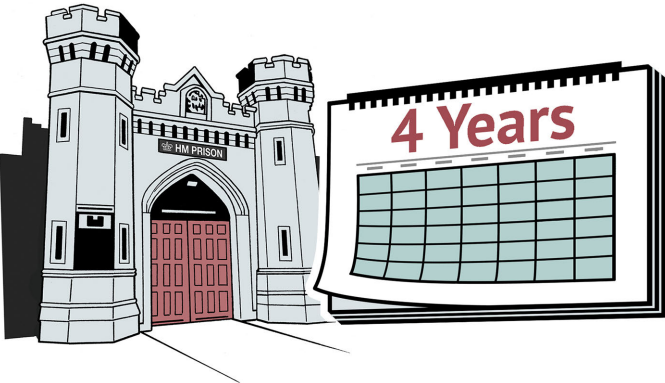
- How long your sentence is
- what offence(s) you are in prison for
- any offences that happened before
- or, your behaviour both on this sentence or any previous sentences.



## Who cannot get HDC?



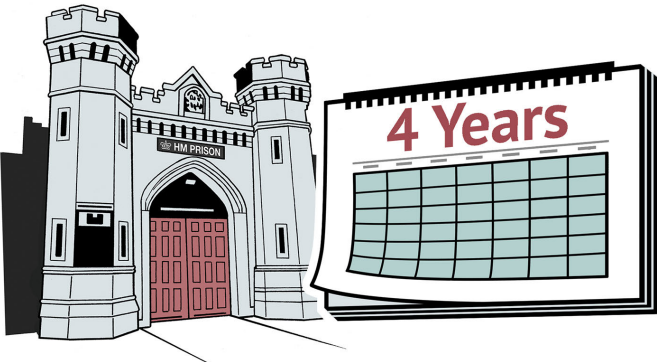
Some groups of prisoners automatically cannot get HDC and are not allowed to apply. Other prisoners will be 'presumed unsuitable' (see below).



You will not be able to apply for HDC if you are sentenced to four years or more. It does not matter what your personal situation is.

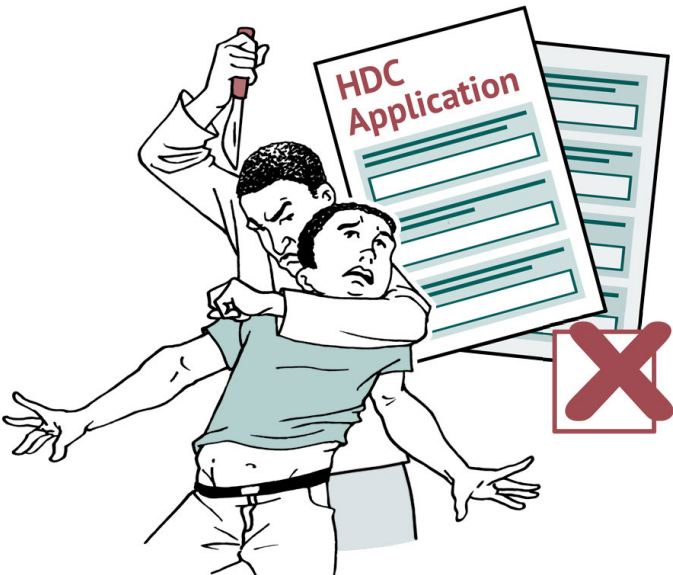


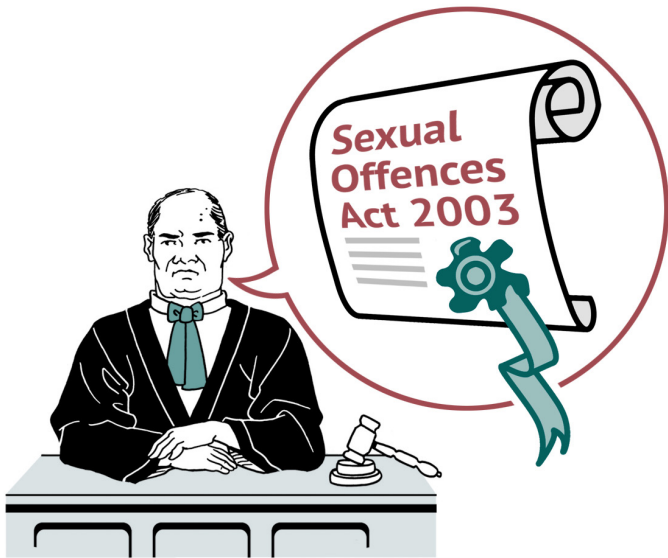
This four year or more sentence can be a single sentence or made up of a few shorter sentences.



You will also not be able to apply if:

- you have been convicted of a violent or sex offence and you are serving a long sentence;





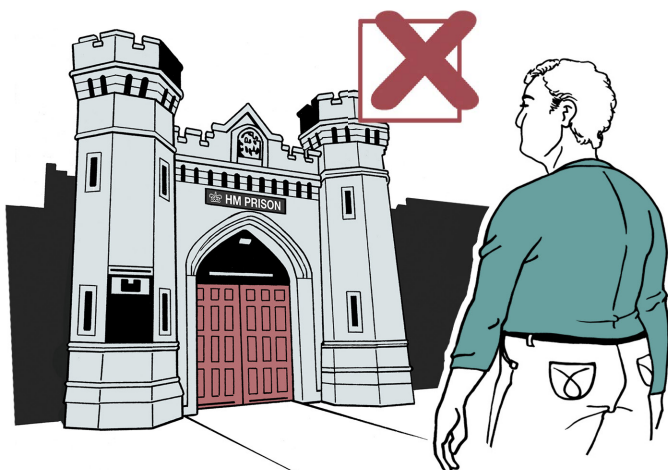
- you have to follow the rules of Part 2 of the Sexual Offences Act 2003;



- you are at this time likely to be removed from Britain;



- you are under a hospital order, hospital direction or transfer direction under the Mental Health Act 1983 s37, s45A or s47;



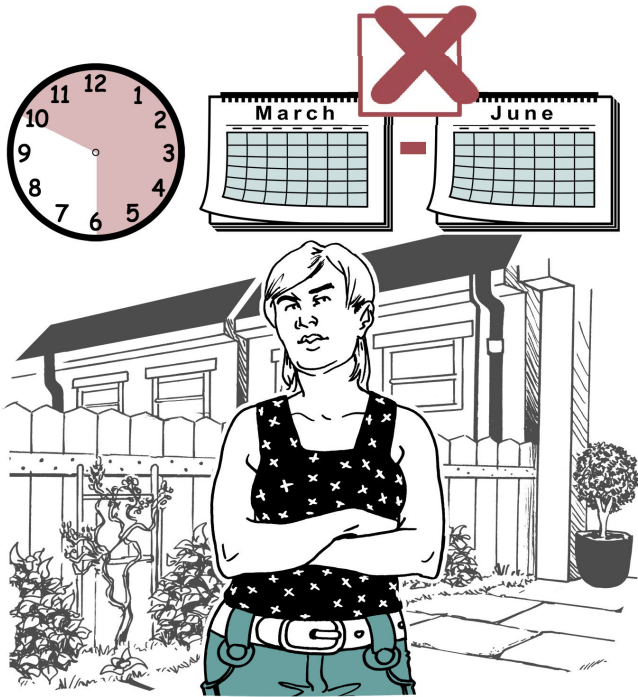
- you are in prison for not coming back after a short time out of prison;



- you are at this time in prison for breaking your curfew order rules.

Also, you can not get HDC if you have:

- ever been called back from HDC for breaking the curfew rules (except in the case of a successful appeal);



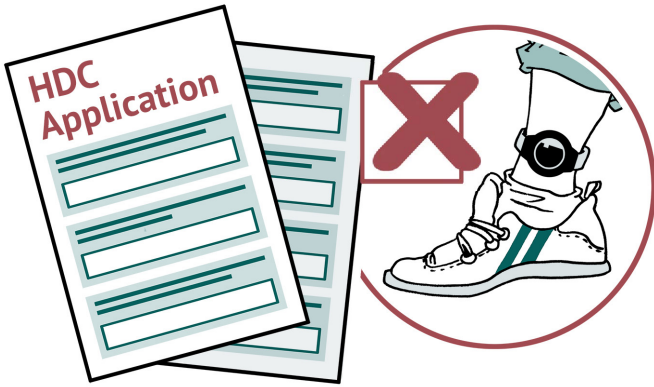
- ever been sent back to prison to serve a sentence under s40 of the Criminal Justice Act 1991 or s116 of the Powers of Criminal Courts (Sentencing) Act 2000.



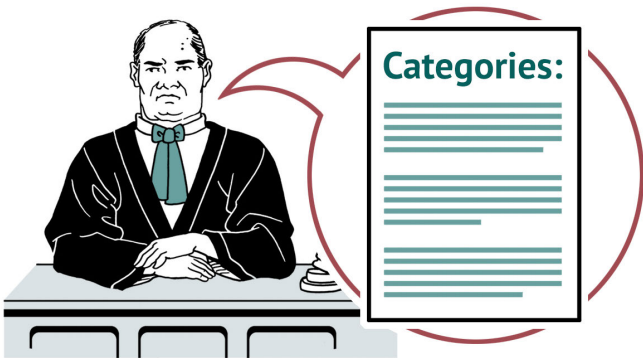
Finally, you won't be able to apply for HDC if, because of being on remand, the rest of your sentence is so short that even if you were put on HDC, the time you would spend on tag would be less than 10 days.



## If I apply, is my application going to be 'presumed unsuitable'?



If you are convicted of certain offences, you will be 'presumed unsuitable'. This means you will not be allowed to apply for HDC unless you have 'exceptional circumstances'.

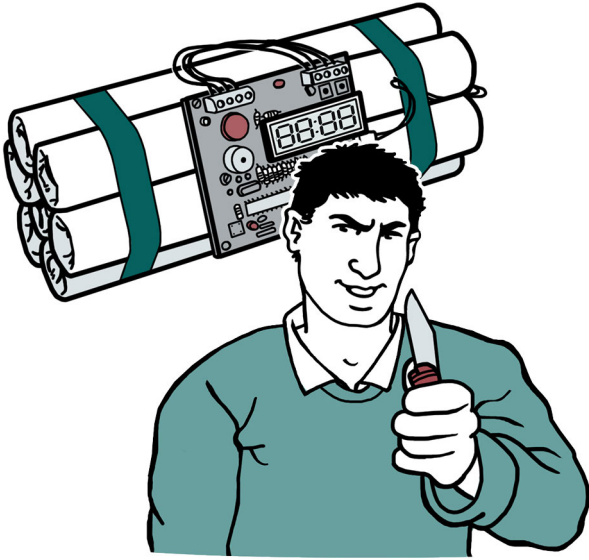


It is important to know that these certain offences are grouped under different categories, so there are many offences within each category. These offence categories are:

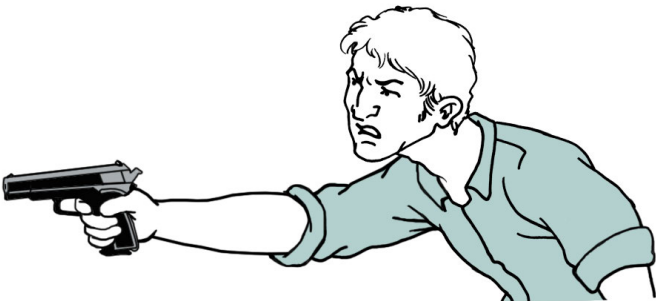


- homicide, this means not just murder but any offence where the victim has been killed (such as manslaughter, causing death by reckless, dangerous or careless driving, aggravated vehicle-taking resulting in death), and also making threats to kill;





- terrorism, charges related to explosives, or having knives and other offensive weapons;



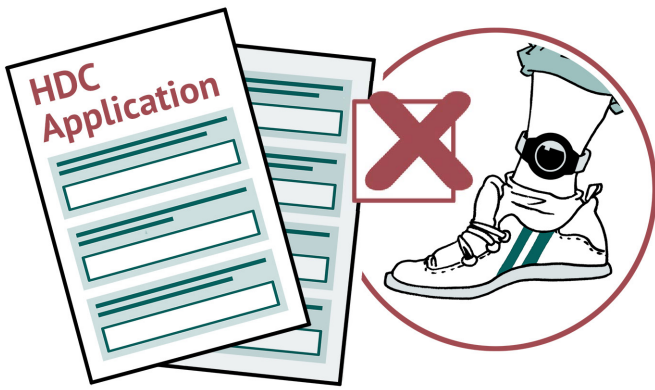
- having firearms (guns) with intent;



- cruelty to children;



- offences which are made worse because of race, religion or sexual orientation.



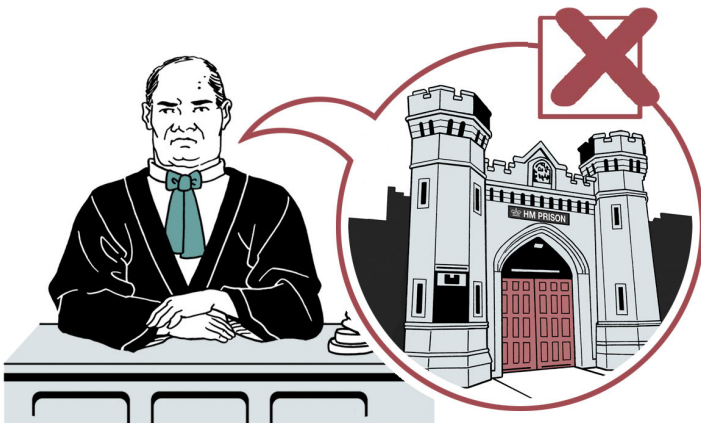
Once you are considered unsuitable for HDC, it is very difficult to change that. It is hard to show that 'exceptional circumstances' apply.



Very few prisoners will be able to claim that their case is exceptional. It will only be in some cases like:



- when it is believed that the chance of you re-offending while on HDC is very small and;

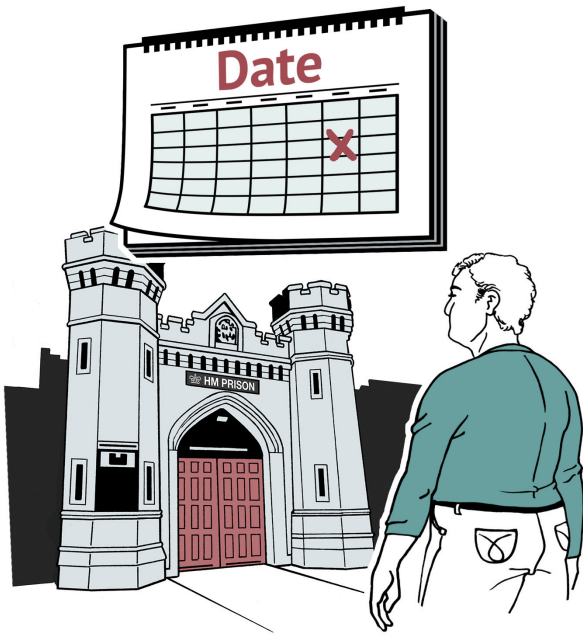


- you have no convictions from before and;

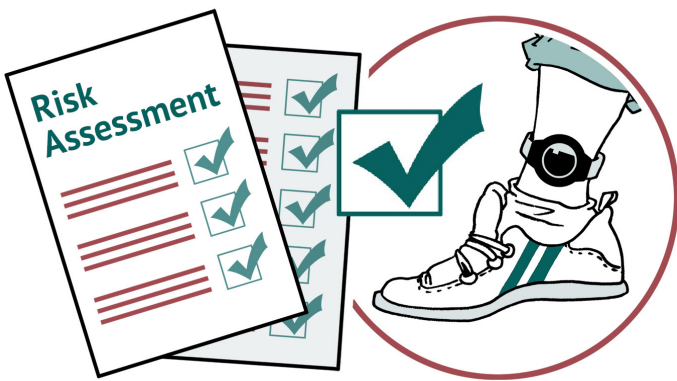


- you are considered unwell either because of disability or age.

## How do I apply for HDC?



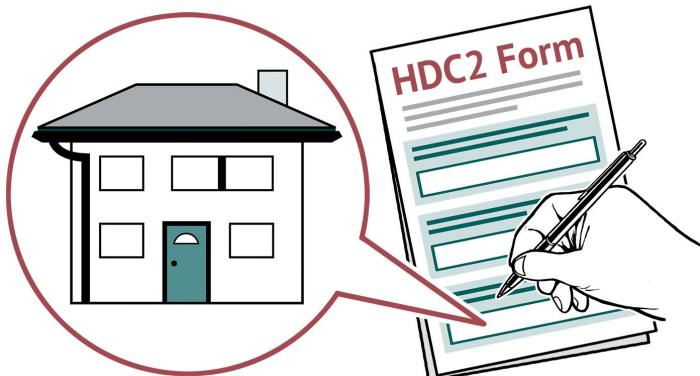
Strictly speaking, you do not need to 'apply' for HDC. When you go into prison, you should receive an eligibility date within 15 days of reception. We will call this date from now on HDCED. After you get this date, the process should start automatically. It will be part of your sentence planning, reviews and other processes within the prison.



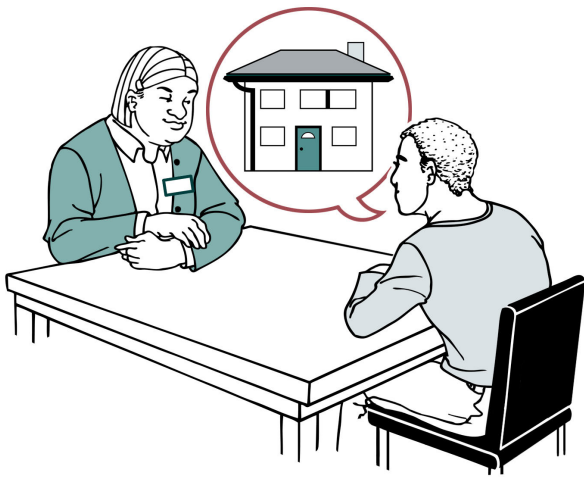
All prisoners who have a chance of passing the risk assessment should be helped by prison staff to work towards being released on HDC.



You must have a place to stay that is approved by the Probation Service, where you can live in while on curfew.



You will receive a form called HDC2, where you must fill in this address. The electronic tagging equipment will be installed here.



However, sometime this does not happen. If you have ten weeks to go until your HDCED and you were not asked for this address, then talk to your offender supervisor immediately.



If not, your application may not be sorted out before your HDCED and this will delay your release.

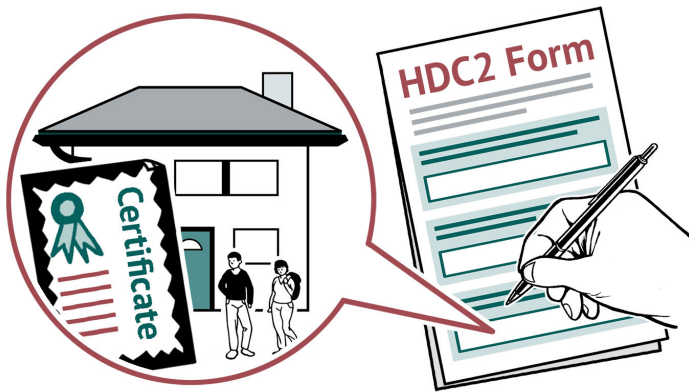
**Prison Service Order 6700 contains the following useful timetable:**

Timing	Action
After sentence	Prisoner encouraged to change offending behaviour, and to find suitable accommodation
10 weeks before HDCED	(i) you will fill in form HDC2, giving details of your proposed home address (ii) Member of prison staff's will enter their comments in part 2 of HDC1
9 weeks before HDCED	First read-through of papers
8 weeks before HDCED	HDC3 or PD1 is sent to Probation Service. It must be sent back within 10 working days
5 weeks before HDCED	HDC1 completed
3 weeks before HDCED	HDC 4 completed if needed
2 weeks before HDCED	You (and any other agencies if needed) will be told what the decision is on HDC

## How should I prepare so that I have the best chance of getting HDC?

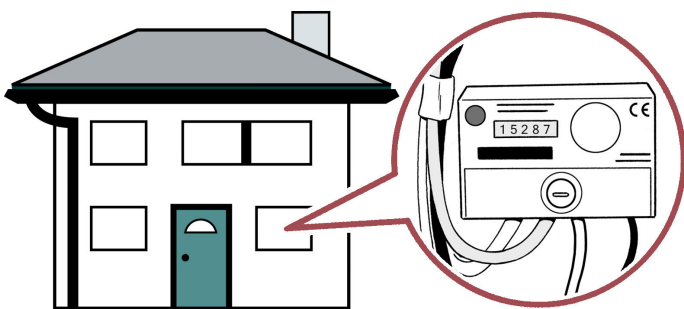


If you have worked out that you are suitable for HDC and you think that you will pass the risk assessment (see below), you should try to work out where you can stay or put in an application to see someone to talk about this.

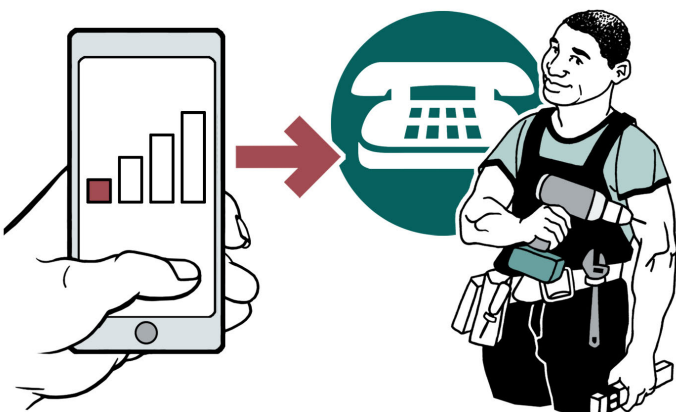


You will also need to note on form HDC2 who else might be living at the address and put together any information to support your application, like certificates.

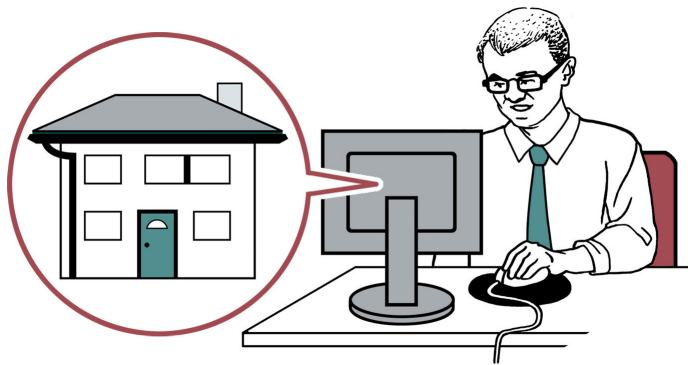
## How do I know if my release address is 'suitable'?



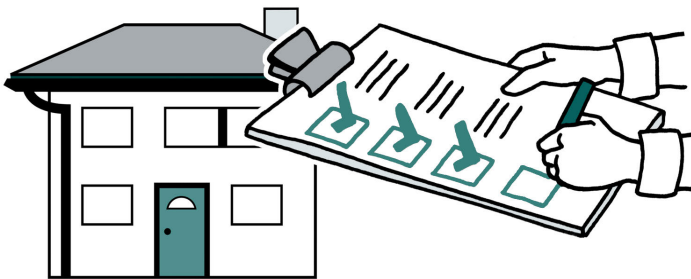
The basic condition for a release address is that it is technically suitable to install the electronic tagging equipment. It will need a fixed or metered electricity supply.



The monitoring equipment will usually work through the mobile cellular network. If mobile signal is poor at the address, a special telephone line will be fitted.



The next step will be for your offender manager (your outside probation officer) to check if the suggested address is suitable.



They will check things like if you being at that specific address will make it more likely for you to re-offend, break your curfew rules, or be a risk to the public (including people living at or near the address).



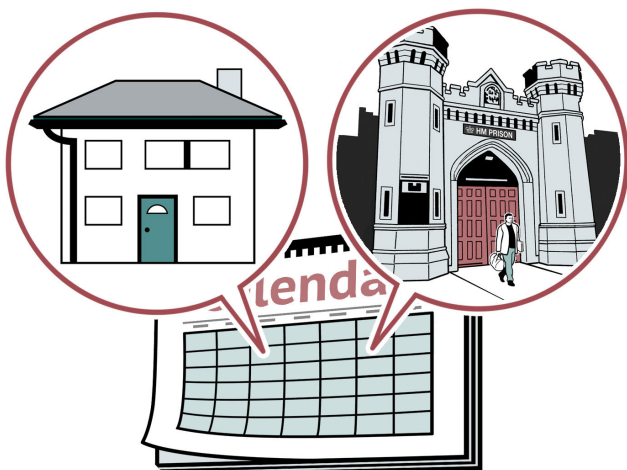
If during their assessment your offender manager thinks this might be the case, then you will be asked to give another address. It will then also be checked.



This may hold up the process, so you should try to think of any possible problems sooner and either suggest an address that is likely to be accepted straight away, or have an another one ready in case there is a problem.

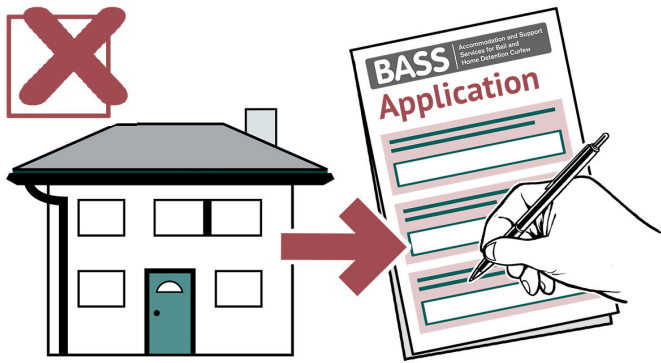
1

2



Your address must be seen as suitable by both probation and the prison at least two working days before your release to it. This is so there is time for the licence to be written and the contractors to put in the equipment.

## What happens if I am suitable for HDC but don't have an address?



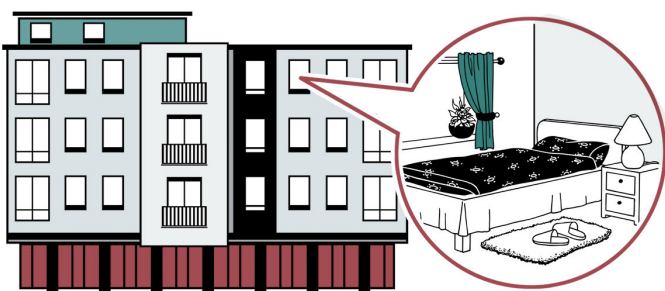
If you do not have an address which is suitable or it's not ok by the time you are released you can apply for somewhere to stay to be provided from the Bail Accommodation and Support Service (BASS).



HM Prison & Probation Service



This is an organisation run by a housing provider, Stonham, by arrangement with Her Majesty's Prison and Probation Service.

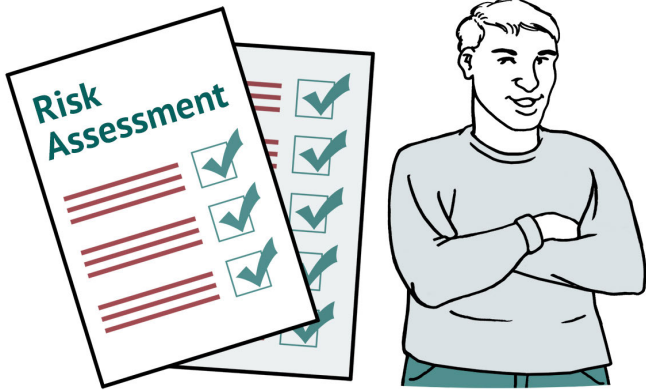


BASS accommodation is made up of shared flats or houses, in which you have your own bedroom.



Furniture and bedding are provided and when you arrive you will be given food for the first day, toiletries and a basic pay-as-you-go phone.

## How does the risk assessment process work?



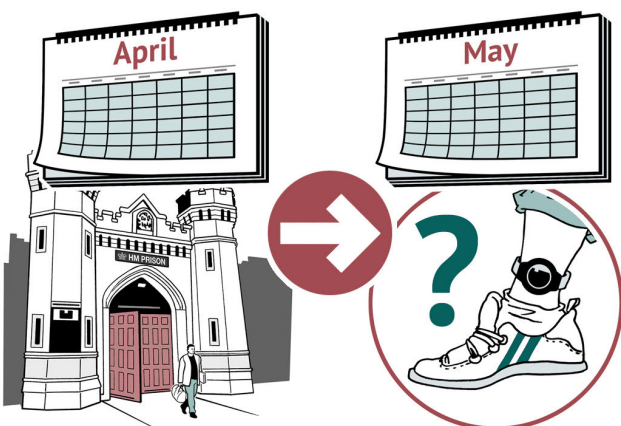
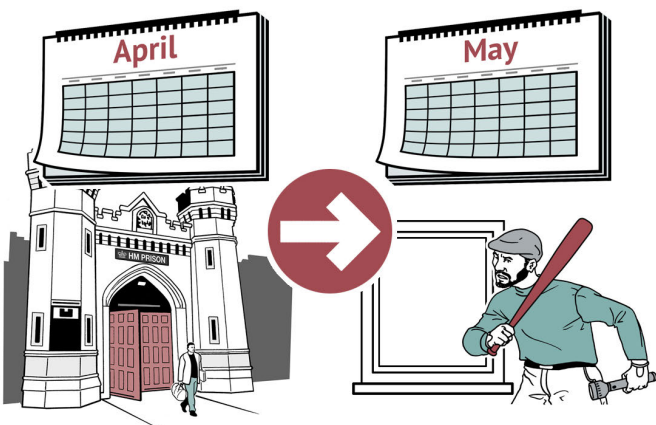
All prisoners who are seen as ok for HDC must be assessed. The risk assessment says that prisoners who are ok and who are not presumed unsuitable will usually be released on HDC unless there are big reasons for keeping them in custody.

The reasons must fall under one of these five categories:

- (i) if you are an unacceptable risk to the victim of your offence or to members of the public;



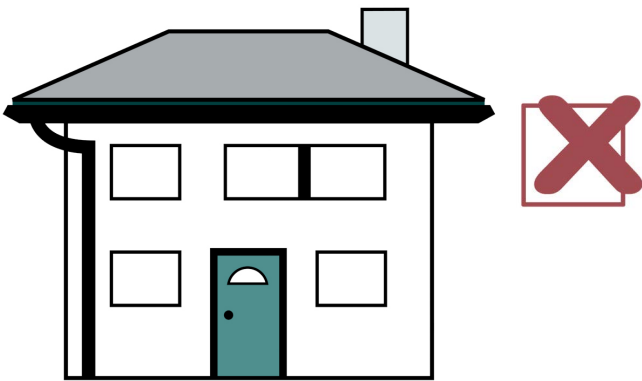
- (ii) if your pattern of offending shows a chance of re-offending during the HDC period;



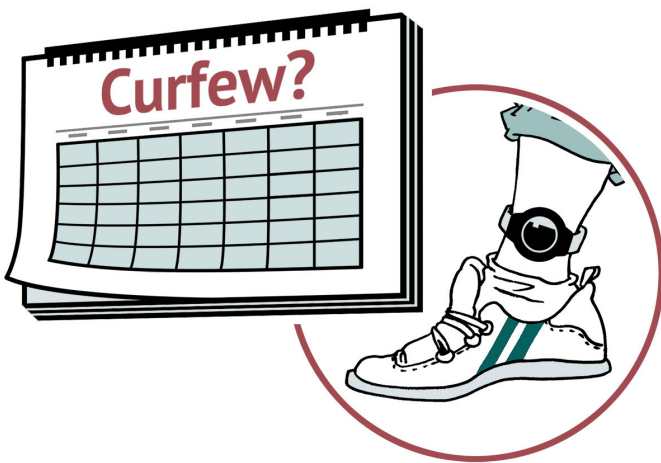




(iii) if there is a chance you will break the rules of the curfew;



(iv) if you don't have a suitable place to stay;



(v) if the possible curfew period is too short.



There are two types of HDC risk assessment: the standard suitability assessment (given to all eligible prisoners) and the enhanced assessment.

## The standard suitability assessment



This assessment is carried out to identify prisoners who are not going to be a risk to the public if released under HDC.



A member of staff who sees you every day, such as an officer from your wing, will complete the assessment using a form called HDC1.



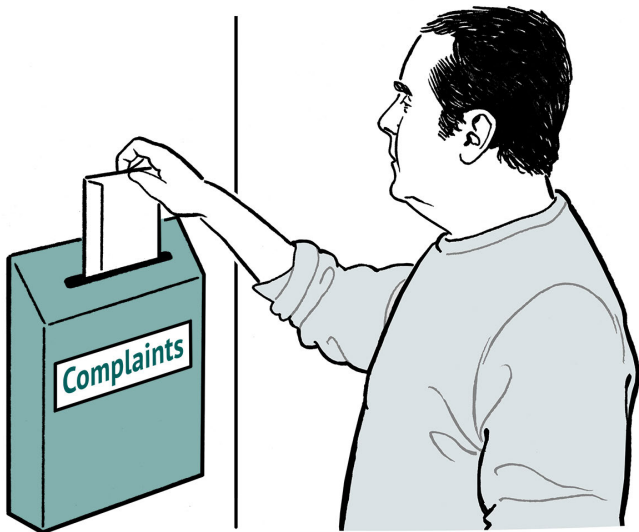
The Offender Management Unit (OMU) worker who is doing the assessment will then consider if there are any issues which need looked at by the prison or probation office.



If you have mental health needs, healthcare staff may also be asked to be involved at this stage.



If it is clear to the prison staff that you are not suitable for HDC, the assessment may be completed asking the home probation service at all. This might happen if you have not followed the rules of orders or bail.



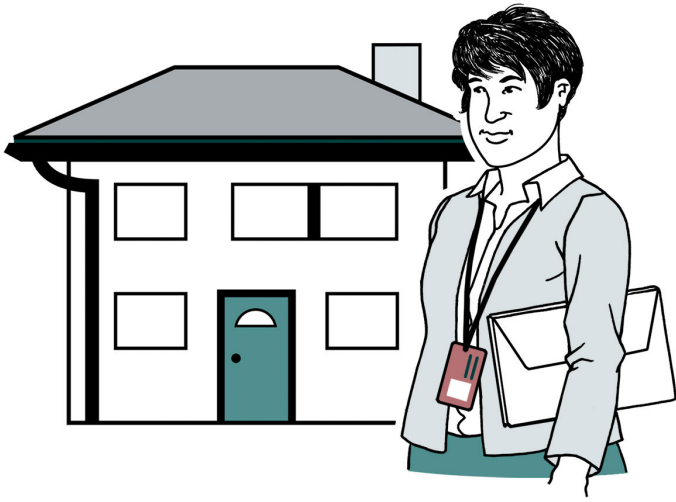
If you think that a decision to do this has been made unfairly, you can 'appeal' (see page 40).



Otherwise your application will be sent to your probation officer in the National Probation Service or Community Rehabilitation Company office to ask if they have any comments on your suitability for release on tag.



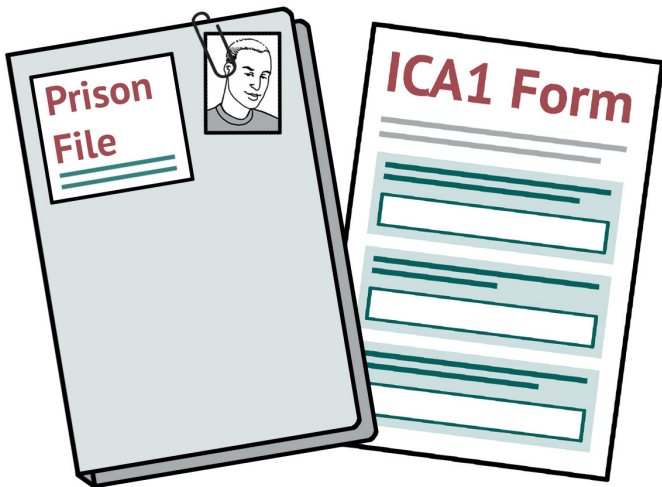
Check with these officers if they received the referral or not. If they have not, you check if the prison has sent it.



The next step is a 'home visit' to the address you have put forward by your probation officer (unless s/he considers it not to be necessary).



Once that is done, the Offender Management Unit worker in the prison will complete the HDC1 form and look at your suitability for HDC, based on:



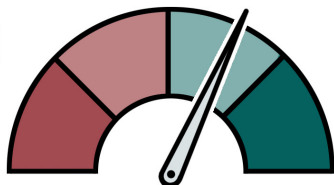
- a check of information from your prison file and initial sorting form (ICA1);



- the report from the member of prison staff who filled in the first part of the HDC1;



- comments from the probation service/CRC;



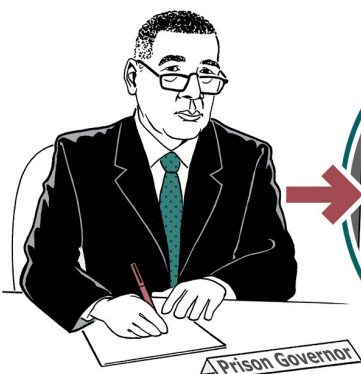
- a risk score based on your current and previous criminal offences.



**Risk Score**



They will then either suggest that you are suitable for release on HDC without any more questions or put you forward for enhanced assessment.



If they suggest you are ok for release at this stage, the application will be signed off by a governor or someone else qualified to do this.

## Enhanced assessment and review boards



These are the types of prisoners who have to go through an enhanced assessment:



- (i) prisoners who are more than one year and have not done very well during temporary release in their current sentence;



- (ii) prisoners who are considered as high risk for violent or sex offences or for risk of going back to prison;



- (iii) prisoners for whom the standard suitability assessment was not enough.



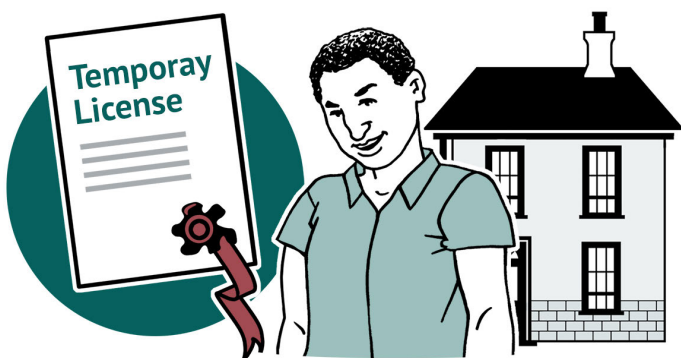
During enhanced assessment, your case will be reviewed by a special board. In some prisons these boards meet every week and in others just when they are needed. The board will look at all your documents and forms and think about:



- your previous criminal history and what might be the causes of your offending behaviour;



- if you joined in with offending behaviour work in prison and how you reacted to it;



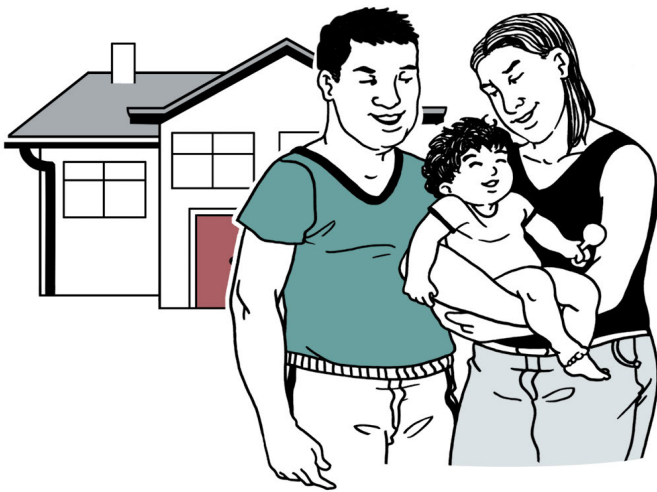
- if you were ever released on temporary licence, how you do during that period;



- your overall behaviour in prison, for example if you had any disciplinary offences;



- any known things outside prison which may affect the chance of you re-offending;

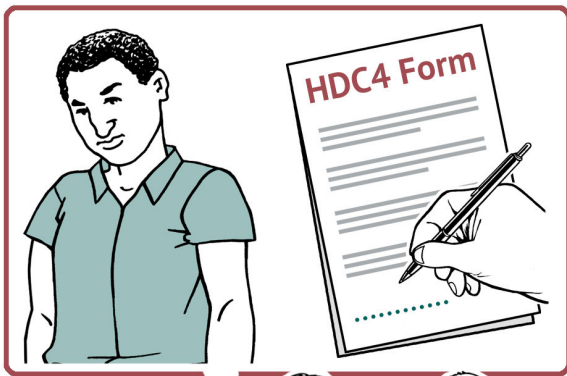


- what it's like at home and whether you have stable close relationships.



The board will make a decision without knowing for sure if you will re-offend during your HDC period. They will only decide if the risk of you reoffending is manageable.





Once the board makes the decision, the chair of the board will record it on form HDC4 together with the reasons for the board's decision.



An authorised governor on behalf of the Secretary of State must make the actual decision to release a prisoner on Home Detention Curfew or not.

## What happens if I move prison?



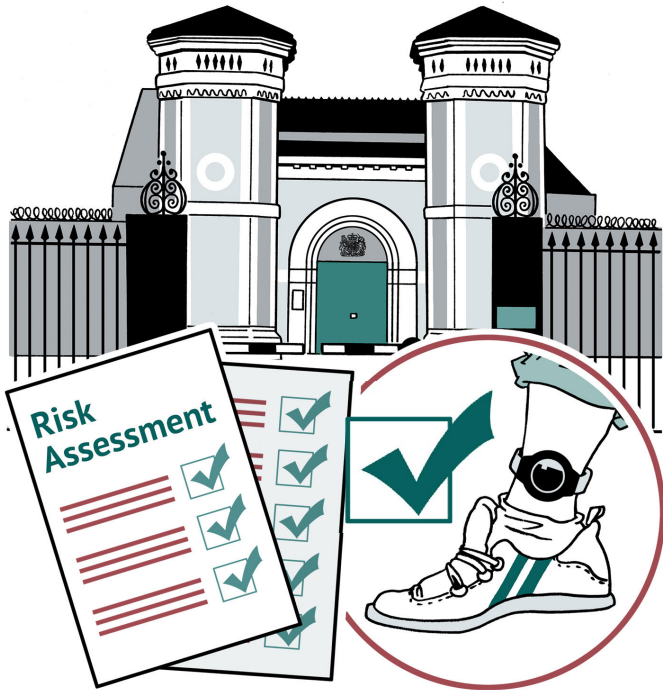
You should not be transferred whilst an HDC assessment is happening. However, in practice this does happen reasonably often.



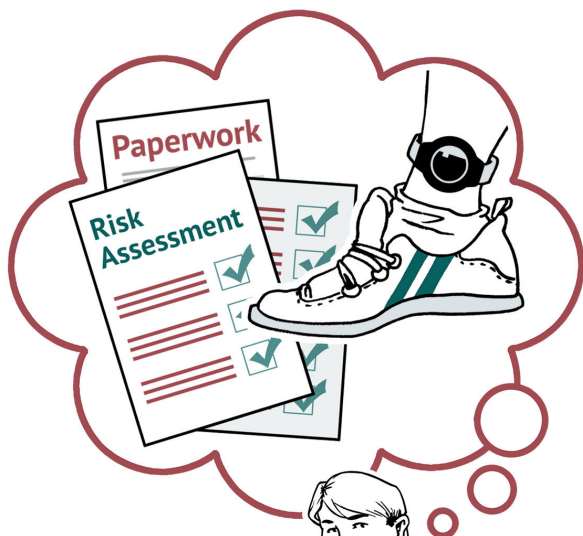
If you are transferred during the assessment process, the important papers must be transferred immediately and the new place must continue the assessment right away.



The new prison should not do the assessments and reports already completed again. And if an enhanced assessment is going to happen, this should go ahead with the existing papers.



If the assessment has already been completed, the new prison should not normally overturn this decision unless new information has come up or you were transferred on disciplinary grounds which will change your suitability.



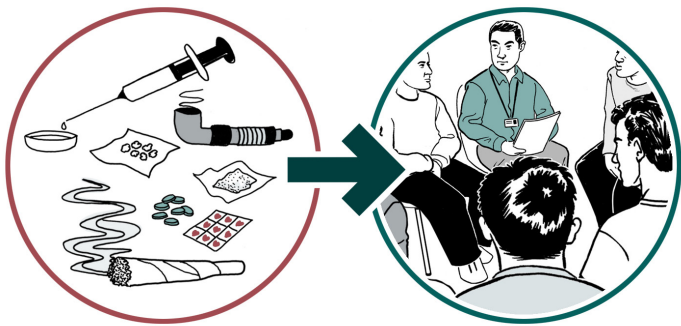
In such a case, the paperwork will have been done mainly in the prison you came from. Despite this, it is still the governor of the prison where you are now who has the responsibility for allowing your release.



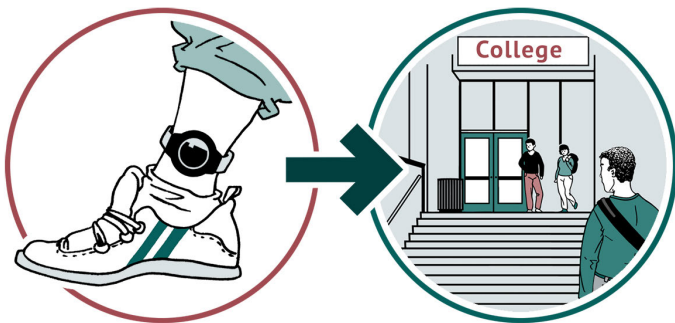
# Can I submit representations to the review board? What should I write?



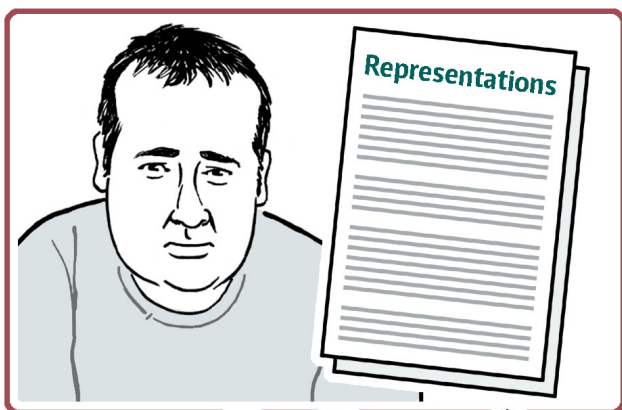
You have a right to submit representations in support of your application but you do not have to do so.



Where it is clear what the 'risk factors' in your case are (for example, drug use), you should list any courses you have done to address this, or provide any other evidence, such as proof of negative tests.



Then, you should list the benefits that will happen if you are released on HDC, such as you being able to work or attend college.



Although the board should have most of this information already, this is not 100% guaranteed. It has happened before that boards made wrong decisions because they had insufficient or wrong information in front of them.





If you have a good record of your time in prison, you should point this out, and give any important details.



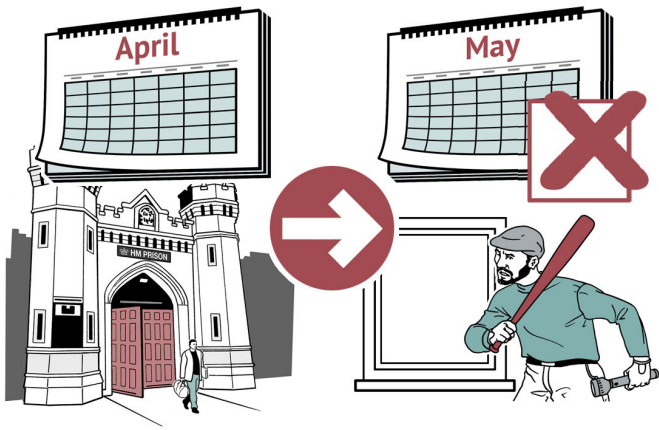
However, this does not guarantee your release, as the board will have to think about all the risks.



If you want to make your representations fit, here is a list of things the board will be considering. You can write subheadings and set out why you:



- do not pose an unacceptable risk to any previous victim or to members of the general public;



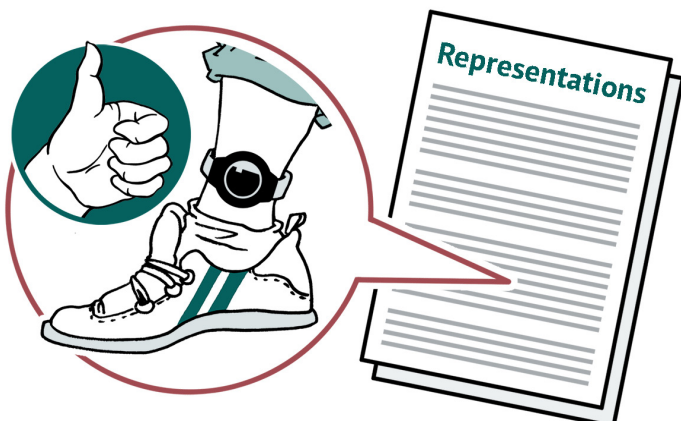
- do not have a pattern of offending which shows a chance of re-offending during the Home Detention Curfew period;



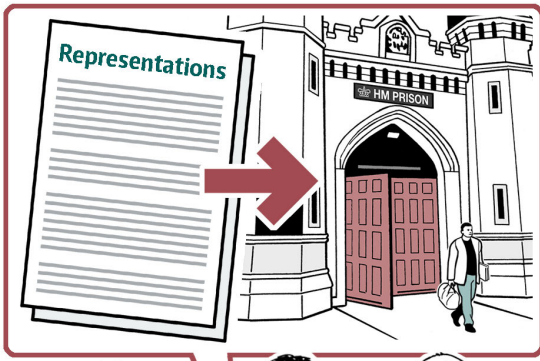
- are not going to break the rules of the curfew;



- have a good and suitable address for release.



If you have successfully done HDC before or been tagged pre-sentence or on bail, or had a curfew or a community order or any other arrangement involving reporting or monitoring, it is worth pointing this out.



This will help them see that you can be trusted and can be released without risk.



If you have broken such orders in the past it is good to point out that you have changed your behaviour now.



Obviously, the more times you have broken the orders or the more past offences you have, it is harder to make out your case.



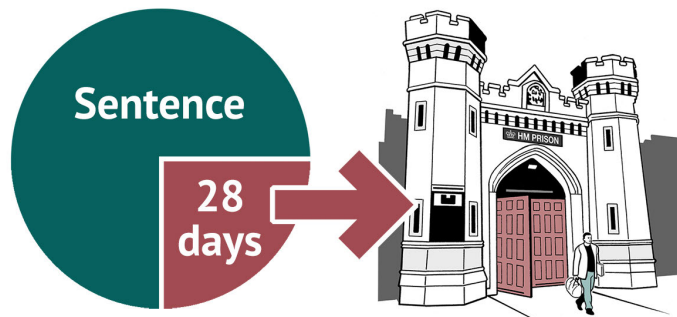
If it is likely that you will return to offending when are on Home Detention Curfew, then release will be refused.



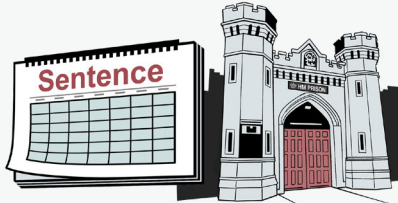

# How long can I get HDC for?



The maximum HDC time is 135 days (4½ months) at the moment.



You must serve at least a quarter of your sentence before being released on HDC and cannot be released until you have served at least 28 days.

<b>Sentence Length</b> 	<b>Time to be Served before HDC Eligibility Date</b> 
12 weeks or more, but less than 16 weeks	28 days
16 weeks or more, but less than 18 months	One quarter of the sentence
18 months or more, but less than 4 years	One quarter of the sentence, plus whatever is left until 135 days before the half-way point of the sentence.



Although you cannot be released on HDC before your HDC Eligibility Date (HDCED), it is very common for prisoners who are granted HDC to be released later than that date.



This could be by weeks or even months - due to remand or delays in the assessment process. This can be very frustrating.



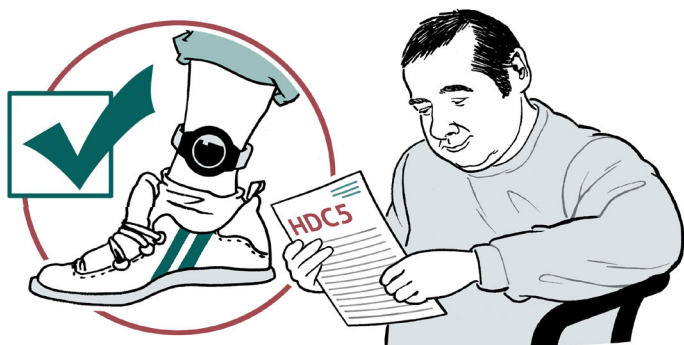
However, other than chasing up the HDC clerk and any other people who are involved, such as your probation officer, there is probably little you can do about this. The courts usually see the delays as reasonable.



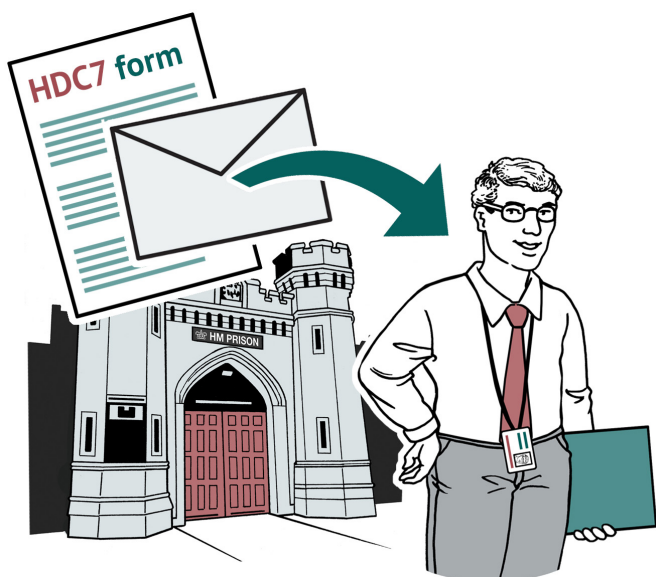
Sometimes in the past there have been long delays that were the fault of the prison and prisoners have been given compensation.



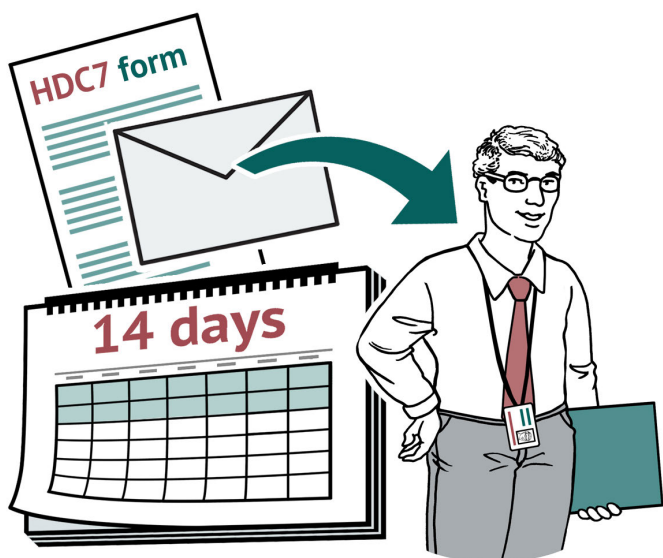
## What happens if I am given HDC?



You will be told that you have been given HDC on a form called HDC5.



The prison will then send a form called HDC7 to the contractor to let them know that they need to go to your address to put in the equipment and meet you there to fit your tag.



The HDC7 form is supposed to be sent to the contractor 14 days before your HDC Eligibility Date. However this is very often not possible. In any case, there needs to be a minimum of 24 hours' notice.



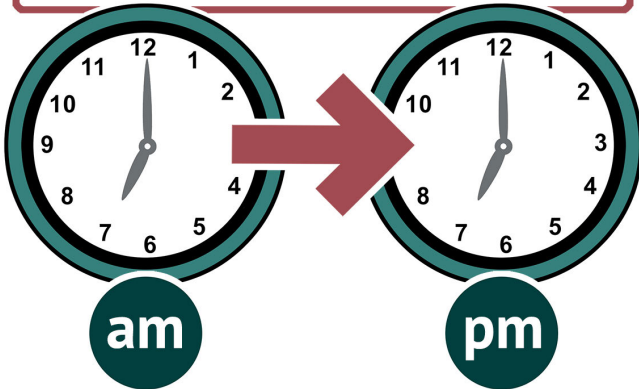
You will then be released on a standard HDC licence. This is a document with your HDC terms in it.



You will have to sign this document to say you accept the terms set out in it. A copy of a licence is included in this pack for you to look at.



You will be fitted with an electronic tag and have to keep to a curfew. This means you will need to remain in your home, usually for 12 hours a day, from 7pm to 7am.



In specific circumstances, such as work arrangements, the hours can be changed. However, the curfew time should not fall below 9 hours per day, except for on the first day of release.



Occasional changes can also be made for certain events. Some changes can be allowed by the contractor. Other changes either to the hours or the address need to be authorised by the governor of the prison you were released from.



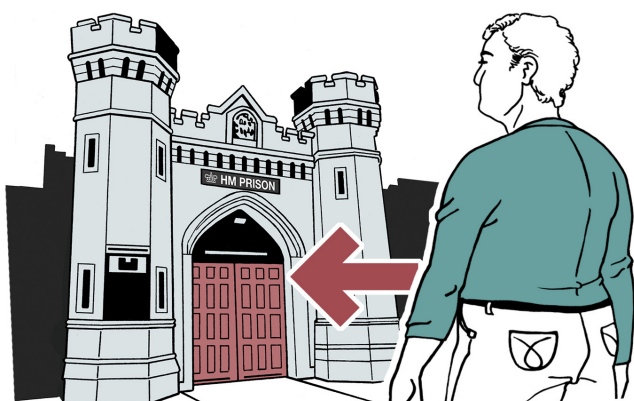
If an employer wants you to work hours that go beyond your curfew (and remember travelling time to and from work) ask them to put the request in writing. Tell them that you will need to rearrange things first and this may take some time.



Then ask your offender manager and the prison to think about the request as soon as possible.

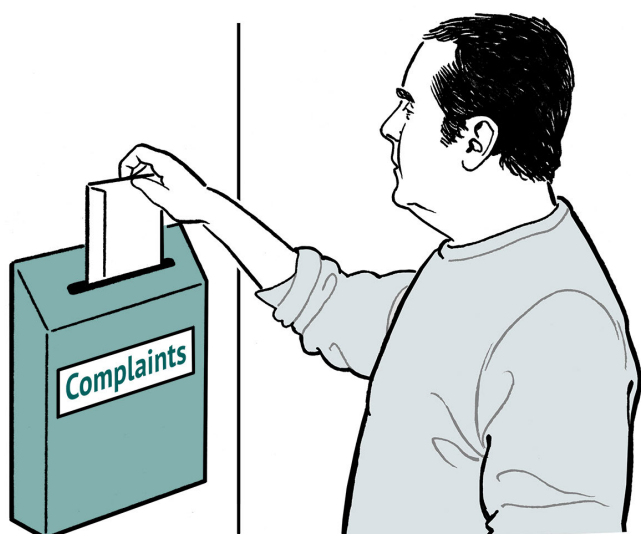


It is really important that you wait to get the curfew hours on your licence changed by the governor before working the new hours.



If you don't, you may end up called back to prison even if you were working.

## What happens if I am refused HDC? Can I appeal?



There is no special appeals procedure. However you can 'appeal' via the complaints system, up to the Prisons and Probation Ombudsman. At all stages of the process, the appeal must be treated as urgent.



For your appeal, you have the right to see the reasons for the refusal and copies of all important reports.

## What if I am a foreign national prisoner (FNP)?



Foreign national prisoners are not eligible if they:

- are going to be deported under section 3(5) of the Immigration Act 1971 and have been told of a decision to make a deportation order;



- have a court recommendation for deportation;



- have been told of a decision to not allow them to enter the UK;



- are an illegal entrant as described in section 33 of the Immigration Act 1971; or



- are going to be removed under section 10 of the Immigration and Asylum Act 1999.



However, if you have been told you are likely to be deported but there has not been a decision to deport you, the prison must still consider your HDC application.



On the other hand, the prison will automatically presume you are unsuitable unless there are special reasons for giving release.



An example of such a special reason would be if the Home Office has checked that deportation is not likely to happen at this time and they do not plan to keep you when you are released from prison.



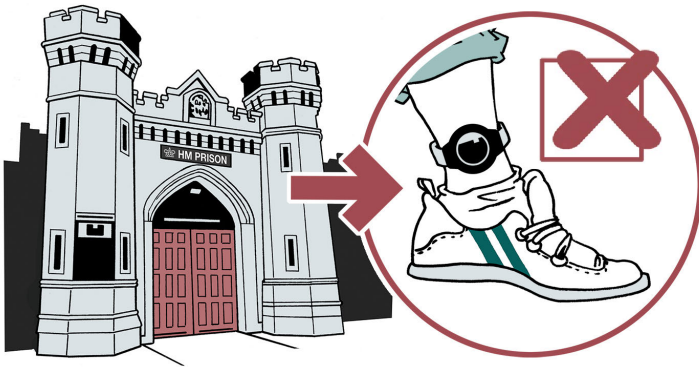


In reality, it is very difficult for anyone who is not a British citizen to get released on HDC.



This is because the checks which the immigration authorities do on prisoners are often not completed until just before the half-way release point, which is after your HDC Eligibility Date.

## What if I am subject to a confiscation order?

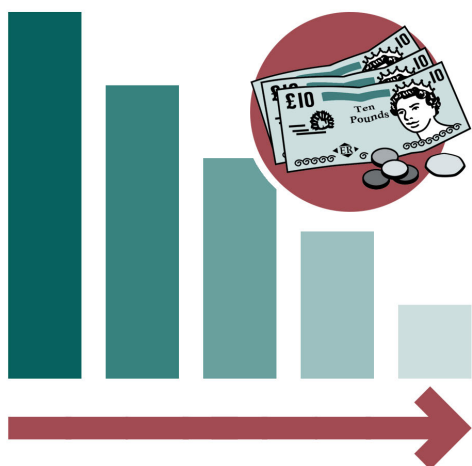


If you received a default sentence as a result of a confiscation order, you will not be able to apply for HDC once you are serving that default term.



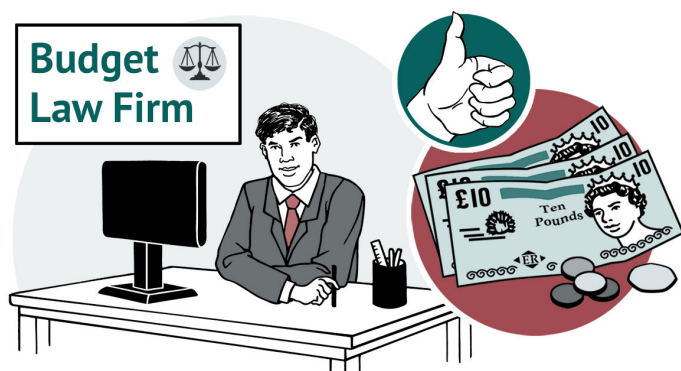
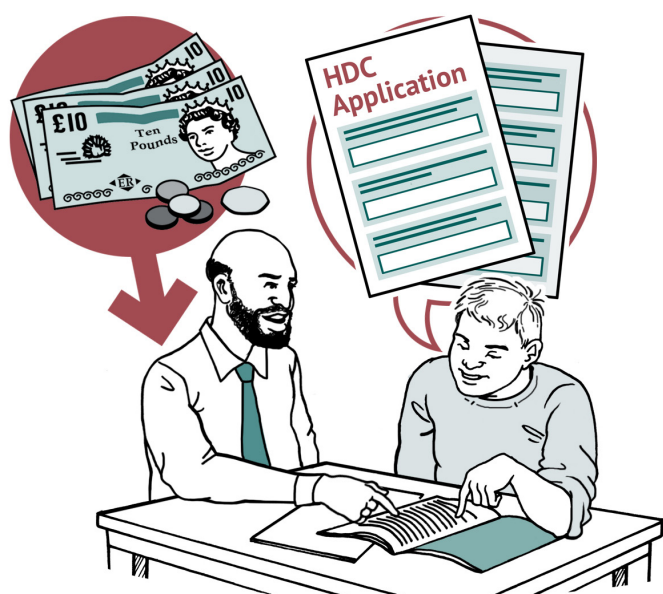
However, there are some situations when you can still get HDC on your main sentence. Please look at the PAS Information Sheet on Confiscation Orders.

## Can I get legal help or advice? Is legal aid available?



Unfortunately, since the cuts to legal aid in December 2013, there is no money to fund legal advice or help.

Unless you either pay a legal representative or find one who will help you for free, you will have to do any work in preparation for submitting your HDC application yourself.



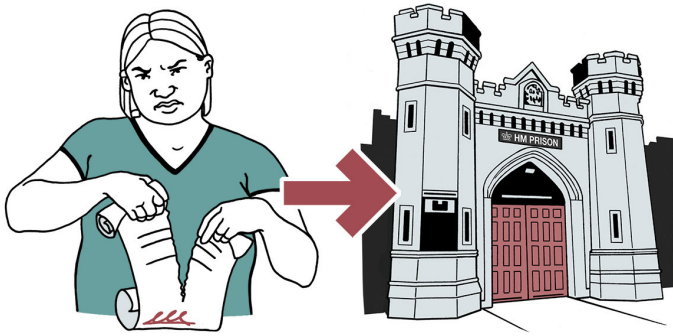
However, there are some law firms that will do such cases for quite low fees.



The same also applies in most cases to appeals against HDC refusal. In some special cases, legal aid might be available under the Legal Help scheme.



## What happens if I breach my curfew or licence?



Once you have been released on HDC, if you breach your licence it may be taken away. If this happens, you will be sent back to prison.



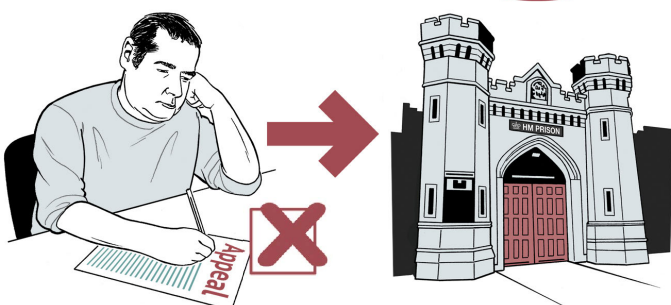
This can happen either because you broke the curfew rules or because of a more general licence breach.

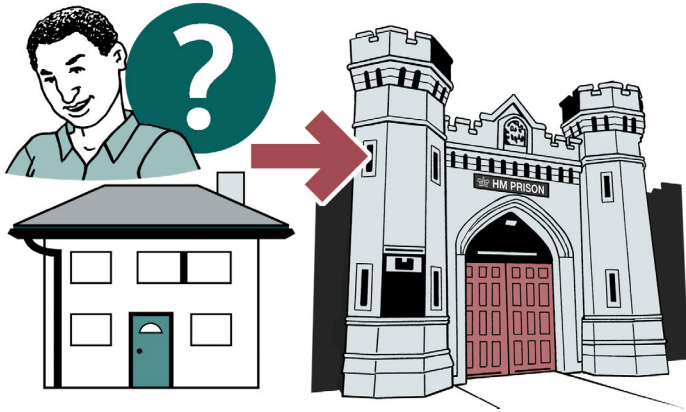


You can put in an appeal against curfew breach. The prison should give you an appeal pack shortly after you are sent back to prison.

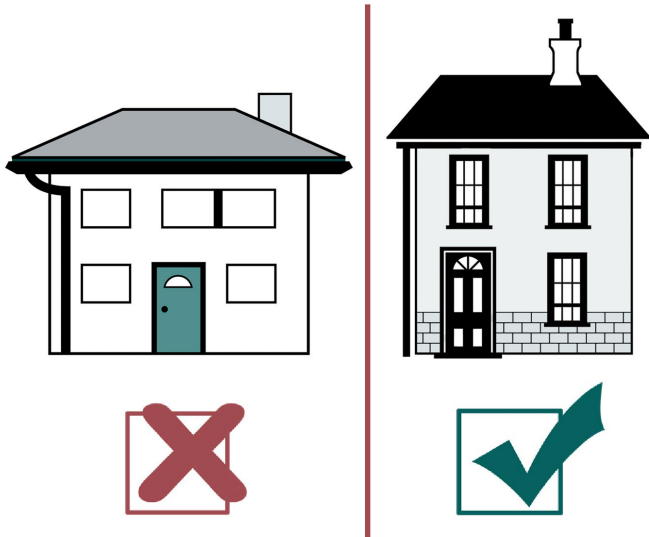


If your appeal is successful you will be released back on to your tag; if not, you will remain in custody until the half-way point of the sentence (i.e. the point you would have been released if you had not been granted HDC).

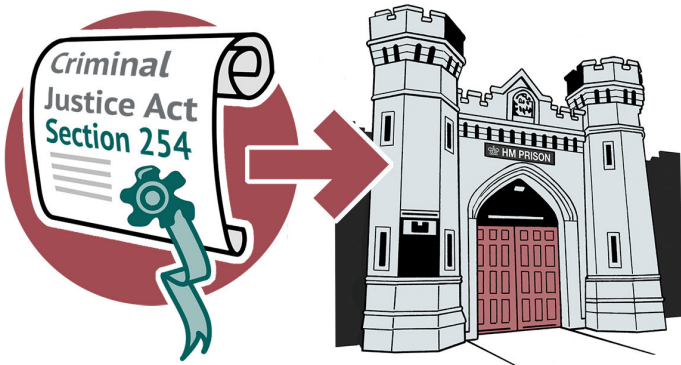




You might be sent back to prison if you could no longer be checked at your approved address through no fault of your own. In this case you can be re-released to a new address without appealing.



In this case, although you can appeal the decision, it will generally be much quicker to work to get a new address approved. Once it is, you can be re-released on HDC.



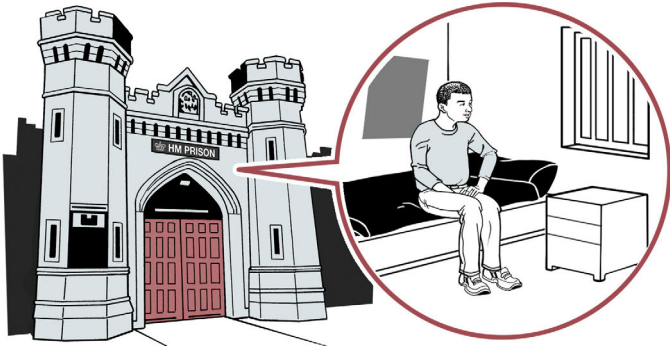
If you are sent back to prison under section 254 of the Criminal Justice Act, there are two types of recall:



### Fixed Term Recall

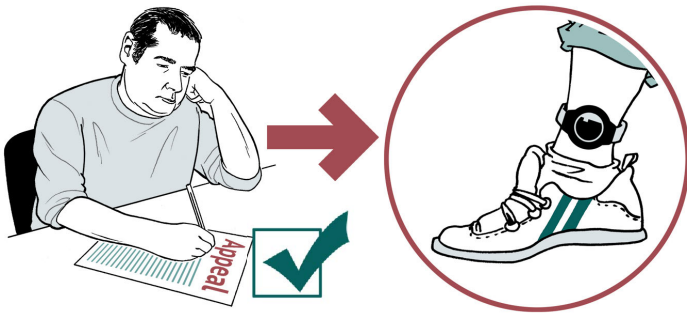
You will be released after 28 days (14 days for sentences under 12 months). You will go back onto HDC if there is enough time and you have a suitable address, or under the licence which covers the rest of your supervision time.





## Standard Recall

You will stay in custody until the end of your sentence (Sentence End Date).



Unless you successfully appeal against your recall, or the Parole Board or Secretary of State says that you should be released on licence before that date.

You can contact the PRISONERS' ADVICE SERVICE at:



**Write to:**  
PO BOX 46199  
London  
EC1M 4XA



**Telephone:**  
020 7253 3323 / 0845 430 8923  
(Mondays, Wednesdays, Fridays  
10 - 1 p.m. and 2 - 5 p.m.)

# Appendix PROTECT - PERSONAL

## LICENCE Criminal Justice Act 2003

Establishment Name:

Establishment Telephone Number:

Offenders name:

Offenders date of birth:

NOMS no:

Prison no:

CRO no:

PNCID No:

Offender  
photograph



1. Under the provisions of section 246 of the Criminal Justice Act 2003 you are being released on licence. You must follow the conditions of this licence:



2. You will be bound by a Home Detention Curfew. The aim of the Home Detention Curfew is to help you with your return into the community.

3. Your Home Detention Curfew starts on:

and ends on:

unless this licence has been taken away.

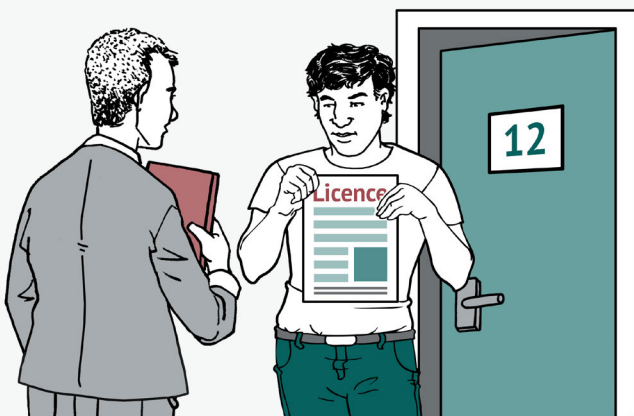
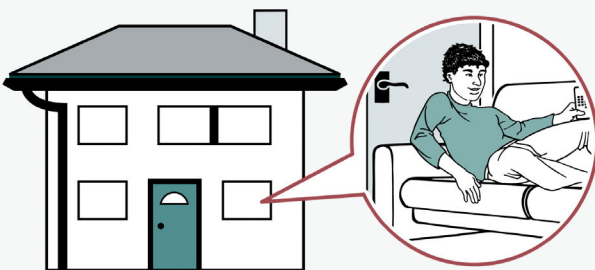
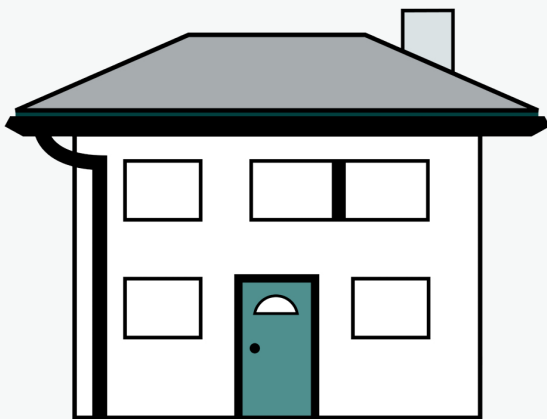
4. The address(es) to which you are bound by curfew is / are:

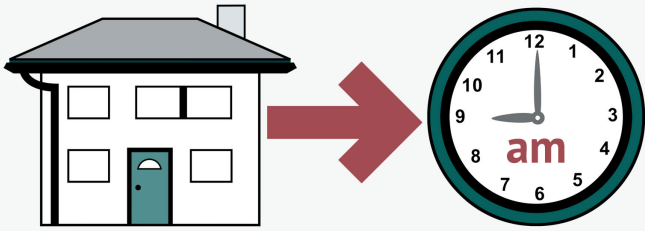
Details of curfew times are shown on the next page at paragraph 6.

5. On the day of your release, you will have to stay at your curfew address from:

[first day curfew start time] until midnight.

The contractor will visit you at this address during this time in order to fit you with the tag. You must show the contractor this copy of the licence to confirm your identity.

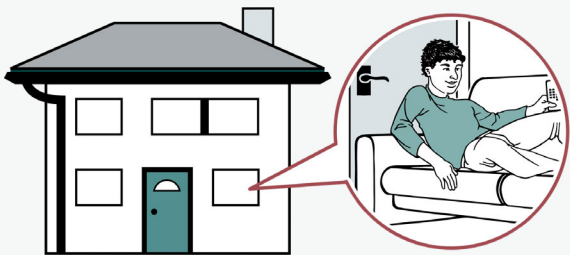




Your curfew will then run until the curfew finish time the following morning.



On your last day of curfew the contractor will visit you to remove the tag and monitoring equipment. This will take place in the last two hours of your last curfew period; i.e. between 10pm and midnight.



6. After your day of release, you need to stay at your place of curfew during the following hours:

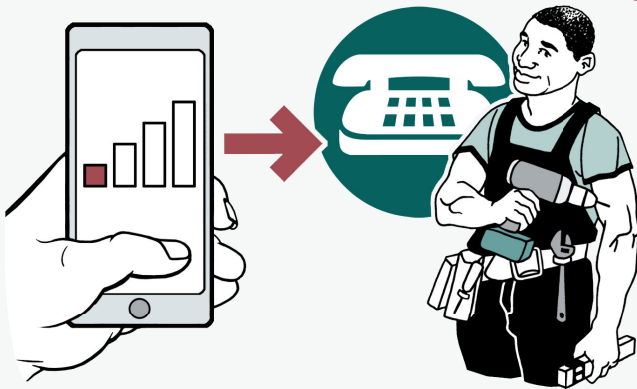
<b>Monday</b>	From     hours each evening	Until     hours the following morning
<b>Tuesday</b>	From     hours each evening	Until     hours the following morning
<b>Wednesday</b>	From     hours each evening	Until     hours the following morning
<b>Thursday</b>	From     hours each evening	Until     hours the following morning
<b>Friday</b>	From     hours each evening	Until     hours the following morning
<b>Saturday</b>	From     hours each evening	Until     hours the following morning
<b>Sunday</b>	From     hours each evening	Until     hours the following morning



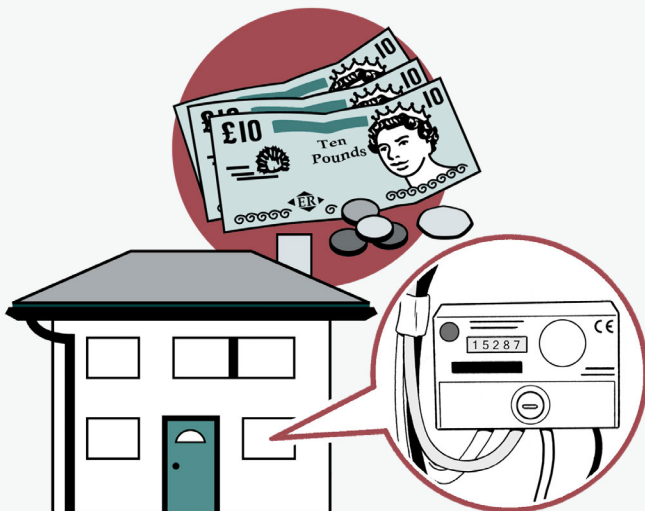
7. An electronic monitoring contractor will check if you follow the conditions of the Home Detention Curfew. You must let the contractor into to the curfew address to install and check the monitoring equipment and electronic tag.



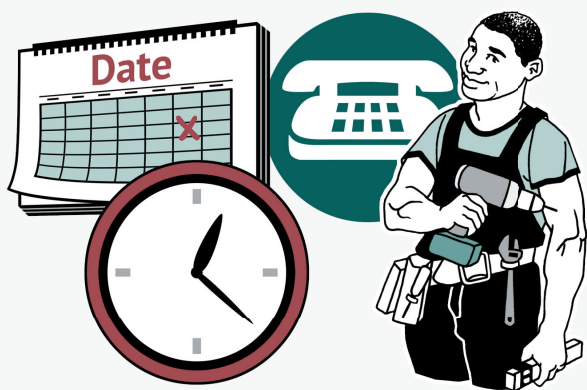
These visits will be made during your curfew hours but not between midnight and 6.00am. However, the contractor may visit the curfew address between midnight and 6:00am if they need to check a report that you have breached your curfew.



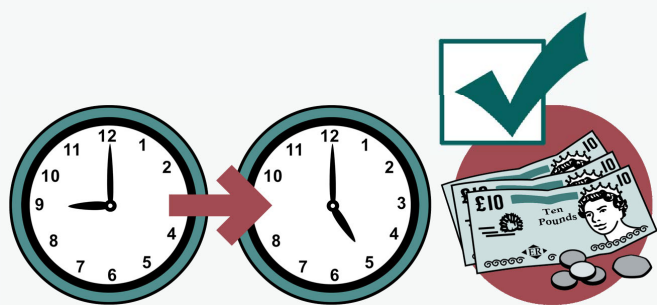
8. The monitoring equipment will usually operate through the mobile cellular network. If the mobile signal is poor at the curfew address, your supplier will need to fit a dedicated telephone line at the curfew address.



You will be responsible for meeting the cost of the small amount of electricity used by the monitoring equipment at your curfew address. It is your responsibility to ensure that there is an electricity supply available during your time on curfew.



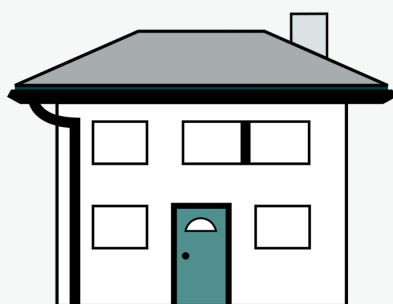
9. If a dedicated telephone line needs to be installed, you must agree to the installation at your curfew address for use by the supplier. The supplier will let you know a time and a date and you must be at the curfew address to let them in to install the line.



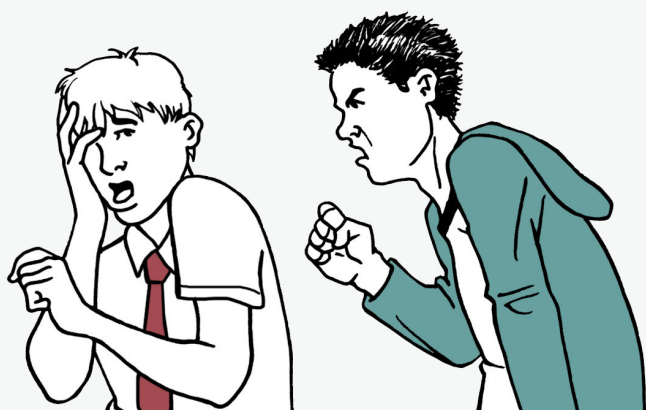
The installation will normally take place during standard working hours and is fully paid for by the supplier.



10. While on Home Detention Curfew you may be liable to be sent back to prison if you break the condition of this licence relating to the curfew. You will be in breach of this condition if:



(i) You are absent from your curfew address during the given curfew hours;



(ii) You commit violence against or threaten the contractor or any of his staff with violence;

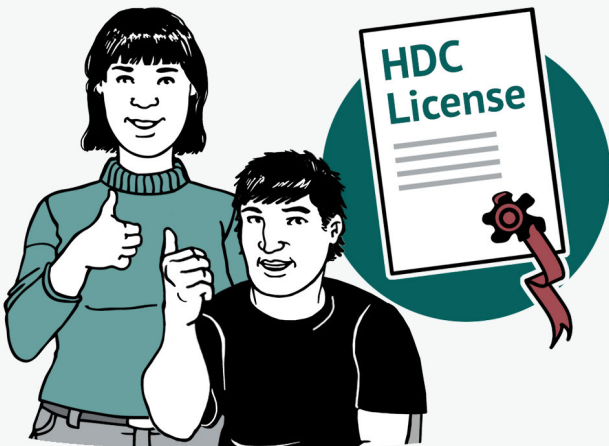




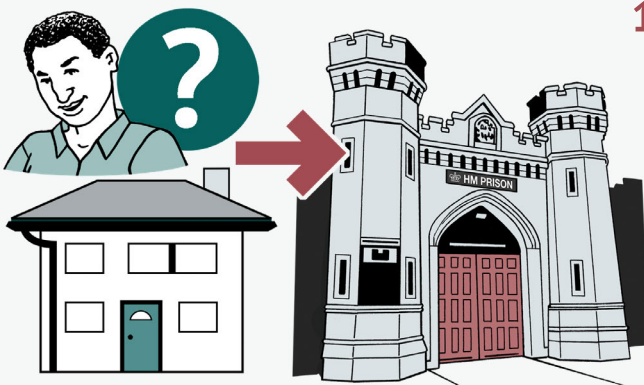
(iii) You damage or tamper with the monitoring equipment;



(iv) You withdraw your consent to the monitoring arrangements.



**11.** It is a condition of your release on licence that you are well behaved, do not commit any offence and do not do anything which could damage the chances of your early release from prison.



**12.** Also you may be sent back to prison if your whereabouts can no longer be electronically monitored at the specified address.



**13.** The contractor may allow your absence from your place of curfew in clearly outlined circumstances. The contractor will tell you about these in writing.



You must contact the contractor before any such absence to ask permission where this is possible.

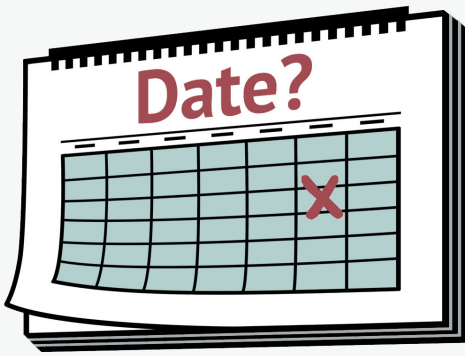
If it is not possible to contact the contractor in advance, you must contact them as soon as possible thereafter.



Absence for any other reason other than these clearly outlined circumstances is a breach of your curfew condition.



**14.** If you need to seek a permanent change to your curfew conditions (for instance because of the needs of a new job), you must contact the prison from which you were released. A contact number is attached at the bottom of this licence.



15. Your sentence expires on:

## Contact Points

Monitoring Supplier contact number:

Releasing establishment contact number:

Signed:

Status:

Date:

**For the Secretary of State for Justice. This licence has been given to me and its requirements have been explained.**

Offenders name:

Signed:

Date:



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[www.changepeople.org](http://www.changepeople.org)



# PRISONERS' ADVICE SERVICE

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS