

Prisoners Advice Service - Information Sheet
Release, Licence and Conditions (Determinate Sentences)

RELEASE

All prisoners will be released on licence except those who have previously been recalled and retained in prison until their sentence end date.

The release provisions for prisoners are very complicated and depend on their sentence. The Sentence Calculation policy framework Annex A has details about sentence calculation for prisoners on different sentences. Contact us if you would like more information or advice.

You should have a sentence calculation sheet with the relevant dates for your sentence. CRD is conditional release date – the date of automatic release on licence. PED: parole eligibility date. SED: sentence end date. TUSED: top up supervision expiry date. SLED end of licence and sentence for EDS prisoners.

If you think your sentence has been wrongly calculated make a complaint and ask for it to be checked. In some circumstances legal aid is available to challenge sentence calculations.

Some prisoners on sentences under 4 years may be released earlier on Home Detention Curfew. See our information sheet on HDC for more information.

The most common sentences:

NB some prisoners are still on older sentences with different release provisions.

Standard determinate sentence: Most SDS prisoners will have CRD ½ way point, on licence until SED. If the sentence is under 12 months there will also be post sentence supervision and TUSED will end 12 months after CRD.

But there are now exceptions:

SDS+: offenders sentenced on/after 28/6/22 to 7 years or more for sexual offence on schedule 15 CJA 2003 and some other serious offences will have CRD at 2/3 point.

High Risk offenders Instead of release at the ½ or 2/3 point as above, high risk SDS prisoners can be referred to Parole Board by the Secretary of State under s 244ZB CJA 2003 (as inserted by the Police, Crime and Sentencing and Courts Act 2022). The Power to Detain Dangerous Prisoners on SDS Policy Framework sets out the legal and policy eligibility requirements which include: i) the prisoner is now considered to pose a risk of murder or other serious offences in s306- see Annex B of the policy framework; **and** ii) this is based on information not available at sentence **and** iii) dangerousness test (credible

unmanageable risk of imminent serious harm) **and** iv) public interest test ensuring extra time in custody will reduce risk, requiring plans for use of extra time in custody.

Before making a referral to the Parole Board the prisoner must be notified, given details of why this is considered necessary and informed of their right to make representations to the Secretary of State. If there is an unreasonable delay in referral to the Parole Board the prisoner can apply to the High Court for the order to be revoked on the ground that their release has been delayed by longer than is reasonably necessary.

Special Sentence for Offenders of Particular Concern: PED at the 2/3 point of the custodial term, CRD at the end of the custodial term, SLED at the end of sentence and licence.

Unless: the SOPC was imposed on/after 13/04/2015 but before 28/6/2022 for schedule 13 sex offences- in which case PED is at the ½ way point of the custodial term.

Special sentence of detention for terrorist offenders of particular concern: PED at the 2/3 point of the custodial term, CRD at the end of the custodial term.

Extended determinate sentence:

i) If imposed on/after 13/4/2015 for an offence in schedule 18 SA 2020: PED is at 2/3 custodial term, CRD is at the end of the custodial term,

ii) If imposed on/after 29/6/2021 for serious terrorism offences: CRD is at the end of custodial term.

Term for breach of post sentence supervision: this sentence is served in full

Indeterminate sentences: prisoners on indeterminate sentences can only be released by the Parole Board after tariff expiry and will then be on licence.

LICENCE CONDITIONS

The Licence Conditions Policy Framework sets out the policy on licence conditions. We can send a copy on request. Breach of licence conditions can lead to recall.

Standard licence conditions apply to all prisoners released on licence:

- To be well behaved and not to commit any offence or do anything that undermines the purpose of supervision;

- To keep in contact with the supervising officer and in accordance with any instructions given;
- If required, to receive visits from the supervising officer at place of residence;
- Permanently reside at address approved by supervising officer and get prior approval for any change or proposed stay (even one night);
- Undertake only such work (including voluntary) as approved by supervising officer;
- Not travel outside the UK without permission (only given in exceptional circumstances).

Compulsory licence conditions

The Secretary of State can order compulsory electronic monitoring. Under the Compulsory Electronic Monitoring Licence Condition Order 2021 this is compulsory for those to whom all these apply: i) on a determinate sentence of 12 months or more, ii) convicted of an offence in schedule 2 iii) on licence for 30 days or more and iv) required to live in Avon and Somerset, Cheshire, Gloucestershire, Humberside, or the West Midlands.

Additional licence conditions

Additional licence conditions, set out in Annex B of the policy framework, can be imposed if they are both necessary and proportionate to manage individual risk. They include:

- Curfew
- Exclusion areas;
- Drug or alcohol testing;
- Offending behaviour programmes;
- Engagement with Psychiatry/Psychology/healthcare, substance misuse;
- Not to contact victims, family members, children, offenders, other named persons;
- Electronic monitoring;
- Requirement to disclose new relationships;
- Restrictions on possession or use of mobile phones, cameras and IT equipment;
- Restrictions on activities and/or employment involving contact with children unless approved by COM;
- Ban on being near schools, play areas, swimming pools etc;
- Polygraph testing;
- Ban on activities such as attending meetings, organising demos, attending places of worship unless approved by COM;
- Ban on possession of encoded material or material promoting hatred or violence or

containing information about weapons, military techniques or tactics etc

Bespoke conditions

Where necessary and proportionate due to the unique nature of a specific offence a condition not included in Annex A may be included.

Who determines licence conditions?

Probation recommend licence conditions. The Governor makes the final decision for those released automatically except as set out below. The Governor cannot include any condition not recommended by Probation.

The Parole Board decides licence conditions for those i) whose initial release is directed by the Parole Board, or ii) on SOPC sentences, or iii) sentenced to an EDS sentence of 10 years or more for a serious offence as specified in Annex B of the policy framework.

When will I be told my licence conditions?

Prison staff will explain the licence conditions to you before release and should ensure you understand them. On release you will be given a copy. You must report to your COM within a working day of release and they will also explain your licence conditions to you.

What if I refuse to sign the licence?

You will be asked to sign two copies of the licence before you leave prison. The licence is lawful whether or not you sign it. If a prisoner refuses to sign it, two staff must sign it to confirm the conditions have been explained. A copy is given to you on release; further copies are kept on your records and sent to the police.

What can I do if I think my licence conditions are unreasonable? You should speak to your probation officer and/or make a complaint. In exceptional circumstances it might be possible to challenge unreasonable conditions by judicial review. However, unless the conditions are changed you must comply.

Can licence conditions be changed?

If your probation officer thinks your risk has changed or has new information and consider it is necessary to add or remove a licence condition the conditions might be varied.

If you require further information or advice please contact us.

<p>PRISONERS' ADVICE SERVICE PO BOX 46199 LONDON EC1M 4XA Advice Line TEL: 020 7253 3323 Mon, Wed Fri 10-12.30 & 2-4.30</p>
