

Release on Temporary Licence

Access and eligibility to Release on Temporary Licence (ROTL) for adult prisoners are now governed by a Prisons and Probation Policy Framework issued in May 2019. This replaces PSI 13/2015. New criteria and processes are designed to increase eligibility and earlier access to ROTL. However, the two-tier approach that separates a more stringent 'Restricted' regime from 'Standard' ROTL remains in place.

'Restricted' ROTL

The Restricted ROTL regime applies to:

- i) all Indeterminate Sentence Prisoners (ISPs);
- ii) all prisoners serving Extended Determinate Sentences or other legacy extended sentences;
- iii) all prisoners serving sentences for 'Offenders of Particular Concern'
- iv) all prisoners assessed by OASys as posing a high or very high risk of serious harm.

Men subject to the Restricted regime can only access ROTL in open conditions. Women subject to the Restricted regime must be in open or assessed as suitable for open conditions.

Eligibility

There is no automatic right to ROTL. The following are not eligible for ROTL:

- Category A or Restricted Status prisoners;
- Prisoners on the escape list;
- Prisoners subject to extradition proceedings;
- Remand and convicted but unsentenced prisoners;
- Sentenced prisoners who are remanded for further charges or further sentencing.
- Prisoners held on behalf of the International Residual Mechanism for Criminal Tribunals.

Category B prisoners or those with a history of recent or repeated abscond, escape, or serious ROTL failure are not eligible for RDR or ROR.

Prisoners in closed conditions are ineligible for either open conditions or ROTL if during the two years prior to

- The date of their next recategorisation review, or
- The target date for the next parole hearing, or
- The first date of the proposed ROTL, or
- More than once during their current sentence:

they have:

- i) Absconded from open conditions; and/or
- ii) Failed to return from ROTL; and/or

- iii) Been convicted of a criminal offence committed on ROTL; and/or
- iv) Escaped or attempted to escape

Prisoners with consecutive default terms for confiscation orders are eligible for ROTL. Their ROTL eligibility date will be recalculated on the basis of the overall custodial period to be served.

Foreign national prisoners are not excluded from ROTL but the Home Office must provide confirmation that a decision has not been taken to deport. Prisoners with a deportation order, who have exhausted all appeal rights, are statutorily prohibited from ROTL unless in open conditions.

Types of ROTL

There are four types of ROTL: resettlement day release (RDR); resettlement overnight release (ROR); childcare resettlement licence (CRL) and special purpose licence (SPL). All applications for ROTL must be clearly linked to a sentence plan or resettlement goals and are subject to a risk assessment

Resettlement Day Release (RDR)

RDR must be linked to objectives in sentence plans. It must be for one or more of the following: paid or unpaid work placement; training or education; maintenance of family ties; prisoner apprenticeships pathway, accommodation related or other activities related to sentence plans.

Men in closed prisons and women not suitable for open conditions are eligible for Standard RDR either 24 months before their conditional release date (CRD), or once they have served half the custodial period minus half the relevant remand time, whichever is later. Eligibility from open prisons is now at the point of entry, or for women at the point of assessment as suitable for open conditions; the three month 'laydown period' has been removed as has the requirement to spend at least one 24 hour period per week in prison and, paid work can be taken once a prisoner is eligible for RDR.

Restricted RDR is available from open prisons that provide Restricted ROTL except where the Parole Board has directed release to supported accommodation (such as Approved Premises) or a prisoner is prevented from transfer on health grounds.

The governor will decide the frequency and duration of RDR. It is likely to be limited at first and gradually increased. RDR to maintain family ties is usually no more than twice per month.

Prisoners working in the community earning at least the minimum wage are expected to pay the costs of travel and meals unless it would cause undue hardship.

Resettlement Overnight Release (ROR)

ROR is to allow prisoners to spend time at their release address re-establishing links with family and the local community and/or to facilitate interviews for work, training or accommodation.

ROR should only take place after a period of successful RDRs. Men in closed prison and women not suitable for open conditions are eligible for Standard RDR either 6 months before their CRD or once they have served half the custodial period less half the relevant remand time, whichever gives the later date. Eligibility from open prisons is at the point of entry or for women at the point of assessment as suitable for open conditions.

Restricted ROR is available from open prisons or if assessed as suitable for open and in prisons that provide Restricted ROTL - except where the Parole Board has directed release to supported accommodation (such as Approved Premises) or a prisoner is prevented from transfer on health grounds

The governor will decide the appropriate duration of ROR; it will not usually exceed 4 nights and should be limited to one ROR session in each 28 day period.

Childcare Resettlement Licence (CRL)

Prisoners are eligible for CRL if they have primary caring responsibilities for a child under 18. Proof of this must be provided by prisoners. There is no minimum eligibility period. Restricted CRL is available if prisoners are assessed as suitable for open conditions and in a prison that can provide Restricted ROTL

When considering CRL, governors must balance the interests of the child with the duty to maintain public confidence. Where it is decided CRL will be in a child's best interest that will be a primary but not sole consideration particularly where the sentence is long and the offence involved death or serious injury.

CRL may be taken no more than once per week including one period of overnight release in every 28 day period which must not exceed four nights.

Special Purpose Licence (SPL)

There is no minimum eligibility period for SPL. It is usually only granted in response to specific circumstances and for a short period of time. Common grounds are:

- Compassionate, e.g. visits to dying relatives, funerals, and emergency problems with children under 18 or elderly, disabled relatives for whom prisoners will have sole responsibility on release.
- Medical treatment;
- Marriage or civil partnership (RDR or ROR may also be used for this purpose);
- Inter-prison transfers
- Court, tribunal, inquiry proceedings
- Conferences with legal advisers.

Restricted SPL is available if prisoners are assessed as suitable for open condition and in a prison that provides Restricted ROTL unless a prisoner is in closed conditions and needs urgent medical attention.

Where urgency means it's not possible to complete the risk assessment, for men in closed prisons and women not yet assessed as suitable for open, SPL will not be possible and temporary release will require a secure escort.

Application

To apply for ROTLs, prisoners should complete a ROTL-APP form. It is advisable to check the prison's local policy on ROTL before applying. Prisons should make special arrangements for prisoners, who might find it difficult to understand the forms or the process.

Risk Assessment

On receipt of an eligible ROTL application, the prison must carry out a risk assessment. Prisoners subject to the Restricted regime will have an enhanced risk assessment. Other categories such as civil prisoners, appellants, foreign nationals, those in default of a confiscation order, or on an ACCT will require special consideration.

Breach

Governors are required to have a system of monitoring compliance with licence conditions. Prisoners can be recalled from ROTL for breaching licence conditions. There are four types of breach:

- Failure to return
- Late return
- Alleged offending on ROTL
- Breach of any other licence condition

Appeals

An appeal against a refusal of ROTL is made via the complaint procedure.