
Release on Licence

A person who is sentenced to 12 months or more in prison, upon release from prison, will be supervised on licence for the remainder of their sentence. So, for example, a person sentenced to 12 months imprisonment on a determinate sentence would usually serve 6 months in prison, and then spend six months in the community on supervision. This is known as being 'on licence'. The government intends to introduce supervision on licence for all prisoners released from prison, including those serving under 12 months, though there is no date set for its implementation at time of writing.

A person who is on licence must abide by certain conditions requested by their Offender Manager and placed on the licence by the Secretary of State. If they breach any of the conditions they may be returned to prison to serve the remainder of their sentence.

At minimum, conditions will usually include:

- That a person does not commit any further offences and does not engage in other behaviour which might impact negatively on resettlement in the community
- Reporting regularly to, and allowing visits by, the supervising probation officer (known as an Offender Manager, or OM) and complying with any instructions
- Only living at an address agreed by the OM and requesting any changes from them prior to moving
- Only doing work agreed by the OM, whether paid or unpaid
- Not travelling outside of the UK, but see below for exceptions.

There may also be additional licence requirements set, for example keeping away from certain places or certain people, or participating in a drug treatment or other programme.

Contact with your Offender Manager

In June 2014 probation services were restructured with Probation Trusts abolished and their work divided for two new organisations: the National Probation Service (NPS), which remains a government agency, and Community Rehabilitation Companies (CRCs) operated by private companies under contracts managed by NOMS. This change will mean that prisoners are allocated an Offender Manager from either the NPS or an CRC after they are sentenced.

Will I get allocated an Offender Manager from the NPS or a CRC?

Generally, the decision whether a prisoner is allocated an offender manager from the NPS or a CRC while serving their sentence and then supervised on licence, is based on an assessment of risk and sentence length. Broadly, a prisoner who is deemed high risk will be supervised by the NPS while low or medium risk prisoners will be allocated to a CRC.

The allocation of an Offender Manager for FNPs is different in that all FNPs serving sentences of 12 months or more including those deemed to be low or medium risk, will be allocated to an NPS Offender Manager. The exceptions will be when the prisoner holds 'dual nationality' when one of them is British as they cannot be deported. The second is when the prisoner is a national of the Irish Republic.

An Offender Manager will be allocated from a prisoners home area. If a prisoner has no settled address in the UK, they may be allocated to an OM from the first Court they attended. In some cases a foreign national prisoner may be allocated a OM from a specialist team, such as the Foreign Nationals Unit in NPS London.

OMs has various functions at different points of a sentence. In the case of foreign national prisoners these include keeping in contact with the Home Office Immigration Enforcement (HOIE) team who are considering whether to deport a foreign national prisoner. OMs need to know if the HOIE decide not to proceed with deporting a FNP or whether the prisoner may be released at some stage pending deportation proceedings.

If a prisoner is released into the UK on licence, they will be supervised by their OM in the community. An OM can direct an offender to specialist housing advisers, or employment advisers, who can assist them with any problems that they may be experiencing. For a foreign national prisoner released from immigration detention, an accommodation option may be provided on application to the Home Office for what is often called 'Section 4' accommodation & assistance. Offender Managers, Offender Supervisors and voluntary group visiting prisons and legal representatives, may have information on applying for 'Section 4' assistance from the Home Office Release on licence and immigration bail issues.

A FNP may continue to be held in immigration detention past the end of their sentence and then released into the UK on immigration bail by a decision of an Immigration Tribunal or the Home Office. This may create the following issues:

- FNPs may be released on immigration bail after a licence period has expired. They will therefore not be 'on licence' at all to an Offender Manager. While some FNPs may see this as a 'good thing', it may have negative consequences, for example depriving them of the possible help that an Offender Manager may be able to give, as outlined above.

- If an FNP is released on immigration bail while still within the licence period, it is possible that he or she may be released with bail conditions which conflict with the licence conditions. For example, the immigration bail conditions may state that the FNP must live at a particular address, while the licence conditions may state that he or she should live somewhere else. Ideally, the judge at the immigration bail hearing should be made aware of licence conditions and not propose any bail conditions which are incompatible with their licence conditions. However, if, for any reason, an FNP does end up with incompatible licence and bail conditions they should make their Offender Manager aware of the problem as soon as possible.
- If an FNP is released on immigration bail at short notice the Offender Manager may not be immediately aware of this. It is the responsibility of HOIE CC to inform the OM of release from immigration detention.

All FNPs who are kept in immigration detention after the end of their sentence should be given a copy of their licence and a short letter explaining that if they are released from immigration detention while the term of the licence is still valid then they must abide by the conditions in the licence. It also states that they must report to the officer named in the licence either before 5pm on the day of release or, if that is not possible, before 2pm on the next working day. If an FNP no longer has a copy of the licence at the point they are released they should be provided with a copy by the prison or Immigration Removal Centre (IRC) before release. See PSI 29 2014 / PI 26 2014.

Suspension of licence

It is possible for the reporting conditions of a licence to be suspended if an offender wishes to leave the UK to permanently resettle abroad. The decision to suspend the reporting requirements of a licence will depend on the assessment of the OM and agreement of Senior Managers with regard an assessment of the risks involved, see PSI 20 2014 / PI 14 2014. Any FNP who wishes to do this should talk to their OM about the possibility.