

insideinformation – fact sheet

Recall

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Recall to Prison

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What happens after release?

If you are released on a licence or on Parole, you will be supervised by your Offender Manager. On release, you will be given a copy of your licence to read and you will need to check carefully to see what conditions are there. You have to do what they tell you to or you could be recalled and brought back to prison. You can be recalled if, for example:

- You commit another crime or are charged with another crime; or
- You are behaving in a way that leads your Offender Manager to think you might be about to commit another crime. For example, if you start drinking heavily and you often get violent when you are drunk; or
- You break the conditions of your licence.

Who decides on recall to prison?

All decisions to recall people from licence or Parole are taken by the Public Protection Casework Section (PPCS) of the National Offender Management Service on behalf of the Justice Secretary. If this happens to you, you will be arrested by the police and taken to the nearest local prison. After a few days, PPCS will write to you and explain why you have been recalled. A bundle of papers called the Recall Pack, including a report from the Probation Service, will be given to you to read. You then have to decide if you want to challenge this decision. If you decide to challenge the recall this is called "making representations against recall". Following the Criminal Justice and Immigration Act 2008, offenders assessed as not presenting a high risk of serious harm will be subject to a fixed term recall period of 28 days, after which time they will be automatically released.

How do I make any representations against recall?

If you wish to argue against your recall (make representations) you or your solicitor should contact the appropriate Recall Team of the Public Protection Casework Section. Your case will then go before the Parole Board, which will see all the papers in the recall pack, together with any representations you or your legal representative may have made. The Parole Board must decide one of four things. It will either:

- Order your immediate release back onto licence; or
- Refuse immediate release but order your release at a future date; or
- Make no recommendation at all; or
- Send your case to an Oral Hearing.

A quick guide to Parole

Can I appeal against the decision of the Parole Board?

Whatever the Parole Board decides, you will get the decision with full reasons for it. You can then decide to either: Accept it; or Ask for a hearing in person (with legal representation if you wish) at which you can give evidence and call witnesses. This is called an "Oral Hearing". You will be expected to say what you hope to argue at the hearing and why an Oral Hearing is necessary. An Oral Hearing will not be granted just because you want one. At the Oral Hearing, the Parole Board will make one of the four decisions above.

IMPORTANT NOTICE

Information is given on a strictly 'without-liability' basis, and should be considered for use as guidance only. If you propose taking further action based upon this information you are strongly advised to take further and more specific legal advice before doing so.

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