



BRIEFING PAPER

Number CBP6878, 11 July 2019

Prisoners' Release on Temporary Licence

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Summary

Release on Temporary Licence (ROTL) allows prisoners to be released temporarily into the community for specific purposes such as to engage in employment, to maintain family ties or to receive medical treatment.

According to the Ministry of Justice's Policy Framework, ROTL facilitates the rehabilitation of offenders by helping to prepare them for resettlement in the community once they are released.

Not every prisoner is eligible to be released on temporary licence. Some, such as those posing the highest security threat are barred altogether.

There was controversy concerning the policy on ROTL in 2013/14 when there were a number of serious incidents in which prisoners released on temporary licence committed offences. This led to a review undertaken by HM Inspectorate of Prisons. In response to these incidents, the then Justice Secretary, Chris Grayling, announced that the rules for ROTL would be tightened. A new scheme of "restricted ROTL" for those prisoners who had committed serious offences in the past, with more stringent risk assessment and more robust monitoring arrangements was introduced.

In May 2019 the Government revised the rules on ROTL to allow more prisoners to become eligible for ROTL, earlier in their sentence. The Ministry of Justice said that the changes would give prison governors greater autonomy and would allow prisoners more opportunities to work and train with employers while serving their sentence.

Changes made to the previous policy included:

- Changing the threshold for restricted ROTL to focus on the most serious offences;
- Removing the restriction on ROTL in the first three months after transfer to open conditions, subject to individual progress and risk assessment; and
- Allowing offenders with a prior abscond history (if it occurred more than two years ago and only once during the current sentence) to be risk assessed for open conditions and ROTL.

This briefing paper covers England and Wales. Information about the various temporary release schemes which operate in Scotland and Northern Ireland can be found on the websites of the Scottish Prison Service and the Northern Ireland Department of Justice:

- Scottish Prison Service, [People Affected by Crime: Frequently Asked Questions](#)
- Department of Justice, [Temporary Release Schemes](#) and [Home Leave Scheme](#)

1. Background

1.1 What is Release on Temporary Licence (ROTL) for?

HM Prison and Probation Service's [ROTL Policy Framework](#) explains the purpose of ROTL:

Release on Temporary Licence (ROTL) facilitates the rehabilitation of offenders, by helping to prepare them for resettlement in the community once they are released. This includes, among other examples, finding work and rebuilding family ties. It is intended that this will lead to reduced reoffending in the long-term.¹

The Policy Framework refers to evidence that increased use of ROTL is associated with small but statistically significant reductions in rates of proven reoffending and frequency of reoffences.² The Ministry of Justice published [a summary of evidence relating to the impact on reoffending of Release on Temporary Licence](#).

1.2 ROTL failures, controversy and reform 2013/14

ROTL policy became particularly controversial in 2013/14. In the summer of 2013, there were three serious incidents where prisoners released on temporary licence committed offences. One of these prisoners was later convicted of murder and another of attempted armed robbery.

This led to a review of ROTL policy by HM Inspectorate of Prisons, commissioned by the then Justice Secretary, Chris Grayling, in September 2013. The report was submitted to ministers in January 2014 but only published in redacted form in March 2015 because of legal proceedings.

The HM Inspectorate of Prisons report concluded that:

- There was a general presumption in favour of ROTL;
- The purpose of individual releases was not clear;
- There were insufficient safeguards to manage the risks presented by some higher risk prisoners;
- Risk assessment processes were inadequate.³

Following the review, the Government announced that the rules on ROTL would be tightened.⁴ In May 2014 there was a further serious incident in which a violent armed robber absconded whilst on temporary licence from an open prison.

¹ Ministry of Justice, [ROTL Policy Framework](#), 16 May 2019, p5

² Ministry of Justice, [ROTL Policy Framework](#), 16 May 2019, p6 and Ministry of Justice Analytical Service Team, [The reoffending impact of increased release of prisoners on temporary licence](#)

³ HM Inspectorate of Prisons, [A review by HM Inspectorate of Prisons \(redacted\) Release on Temporary Licence \(ROTL\) failures](#), January 2014, published March 2015

⁴ [HC Deb 10 March 2014 c4WS](#)

Interim guidance was issued in August 2014⁵ and a new Prison Service Instruction was published in March 2015.⁶ It introduced the distinction between standard ROTL and restricted ROTL with more stringent risk assessment and more robust monitoring for those who had committed serious crimes in the past.

1.3 Changes in 2019

David Gauke, on becoming Justice Secretary, indicated his intention to change the ROTL rules to allow prisoners to access work.⁷

The [Education and Employment Strategy](#) published in May 2018 noted that ROTL numbers had fallen by over a third between 2013 and 2017 and identified that this was preventing prisoners from gaining vital work experience with employers outside prison.⁸ The strategy said that the Government would consult governors and employers on proposals to increase the opportunities available to prisoners to gain experience in real workplaces through ROTL.

In May 2019 changes to the rules for ROTL were announced. The Ministry of Justice said that the changes would give prison governors greater autonomy and would allow prisoners more opportunities to work and train with employers while serving their sentence and increase their chances of securing an immediate job on release.⁹

The changes made in May 2019 included:

- Changing the threshold for Restricted ROTL (see section 2.4 below) to focus on the most serious offenders;
- Removing a restriction on ROTL in the first three months after transfer to open conditions, subject to individual progress and risk assessment;
- Making prisoners, including those serving indeterminate sentences, eligible to be considered for unaccompanied day release from the point of entry to the open estate (or reaching open status in the women's estate);
- Allowing offenders with a prior abscond history (if it occurred more than 2 years ago and only once during the current sentence) to be risk assessed for open conditions and ROTL.¹⁰

⁵ Ministry of Justice, [Release on Temporary Licence \(ROTL\) Consolidated Interim Instructions](#), August 2014

⁶ Ministry of Justice, [Release on Temporary Licence \(ROTL\), Prison Instruction 13/2015](#), March 2015

⁷ Gov.uk, [Prisons reform speech](#), March 2018

⁸ Ministry of Justice, [Education and Employment Strategy](#), May 2018, para 92

⁹ Ministry of Justice, [Offender rehabilitation drive boosted by new ROTL rules](#), press release, 28 May 2019

¹⁰ [ROTL Policy Framework](#), May 2019, para 1.4

2. The current rules

2.1 For what reasons can prisoners be released on temporary licence?

Prison Rule 9 allows for temporary release for prisoners for certain specific reasons.¹¹ These include:

- to engage in employment or voluntary work;
- to assist in maintaining family ties or in the transition from prison life to freedom;
- for the purpose of receiving medical treatment;
- on compassionate grounds;
- to receive instruction or training which cannot reasonably be provided in prison;
- to participate in court proceedings, assist the police or consult a legal adviser (where this cannot happen in prison).

2.2 What are the types of ROTL?

The [ROTL Policy Framework](#) explains the four different types of ROTL and their purpose.

Resettlement Day Release allows for prisoners to be released to undertake activities linked to resettlement. This includes activities such as engaging in employment or voluntary work, receiving instruction or training which cannot reasonably be provided in the prison, maintaining family ties or assisting with the transition from prison to the community.

Resettlement Overnight Release allows offenders to spend time at their release address re-establishing links with family and the local community. Offenders can use this type of temporary release to facilitate interviews for work, training or accommodation.

Childcare Resettlement Licence aims to encourage the maintenance of ties between primary carers and their children and to help prepare the offender for the resumption of their parenting duties on release.

Special Purpose Licence is usually of short duration and allows an offender to respond to exceptional personal circumstances. SPL may be granted for compassionate or medical reasons or in connection with court proceedings.

2.3 Who is excluded from ROTL?

Not every prisoner is eligible for ROTL. Prisoners who cannot be considered for any type of temporary release include:

- Category A prisoners (those categorised as the highest security risk);

¹¹ The Prison Rules 1999

- Offenders on the escape list;
- Offenders who are subject to extradition proceedings;
- Remand prisoners and those who have been convicted but not yet sentenced.

In addition, category B offenders (the second highest security categorisation) cannot be considered for day or overnight release for resettlement purposes.

There are other groups who would only be eligible in exceptional circumstances, such as those with a history of absconding.

More broadly, Prison Rule 9 makes it clear that there must not be an unacceptable risk of committing offences:

A prisoner shall not be released under this rule unless the Secretary of State is satisfied that there would not be an unacceptable risk of his committing offences whilst released or otherwise failing to comply with any condition upon which he is released.¹²

Rule 9 also states that a prisoner must not be released on temporary licence if this would be likely to undermine public confidence in view of how long the prisoner has served:

The Secretary of State shall not release under this rule a prisoner serving a sentence of imprisonment if, having regard to:

(a) the period or proportion of his sentence which the prisoner has served or, in a case where paragraph (10) does not apply to require all the sentences he is serving to be treated as a single term, the period or proportion of any such sentence he has served; and

(b) the frequency with which the prisoner has been granted temporary release under this rule,

the Secretary of State is of the opinion that the release of the prisoner would be likely to undermine public confidence in the administration of justice.¹³

2.4 Restricted ROTL and Standard ROTL

Until May 2014, all ROTL applications were processed in broadly the same way, regardless of the nature of the offence and the sentence.

From May 2014, a new two-tier approach was introduced, with "Restricted ROTL" and "Standard ROTL".

Restricted ROTL applies to the following types of prisoners:

- All indeterminate sentence prisoners
- Prisoners serving extended sentences and sentences imposed on offenders of particular concern (under section 236A of the Criminal Justice Act 2003)
- Any other offender who is currently assessed as high or very high risk of serious harm on OASys (the Offender Assessment System).

¹² Rule 9(4)

¹³ Rule 9(5)

Restricted ROTL includes additional elements to those required for Standard ROTL. These are designed to ensure that more dangerous offenders are subjected to greater scrutiny and safeguards before being released. The offender must be in an open prison (men) or assessed as suitable for open conditions (women). The decision must be made at a more senior level than in Standard ROTL cases. There will be a higher level of monitoring whilst on release.¹⁴

All other offenders who are eligible for ROTL will be considered under the Standard ROTL regime.

2.5 ROTL eligibility and procedure

There is no entitlement to ROTL. Details of eligibility for different types of ROTL are set out in Table 1 of the ROTL Policy Framework.

Table 2 of the Policy Framework sets out the procedure to be followed stage by stage. In summary:

- An application is made stating the type of ROTL and its purpose
- Information is sought from the police, prison staff and other agencies as required and a dossier is compiled
- An assessment of the risk presented by the proposed ROTL is made by the offender supervisor or prison offender manager
- A Board is convened to consider the application and make a recommendation
- A decision is taken by a separate person and the offender is notified of the outcome.

¹⁴ [ROTL Policy framework](#), para 4.9

3. Statistics

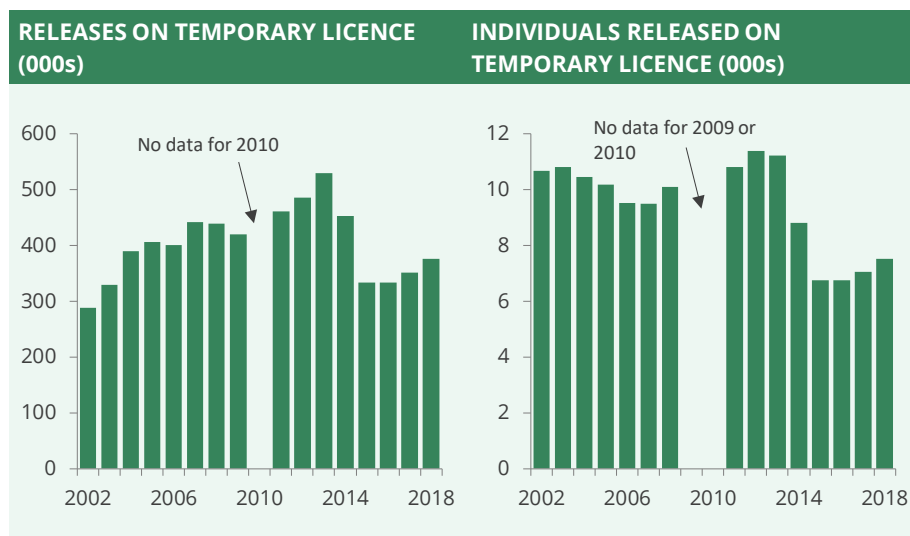
3.1 Trends

In 2018, there were 376,300 incidences of release on temporary licence from prisons in England and Wales. These involved 7,700 individuals, meaning that each individual who was released had an average of 50 release days in that year.¹⁵

The charts below show the annual number of releases on temporary licence and the number of individuals released, since 2002. There is no data on releases for 2010 and on individuals for 2009 and 2010. Please note that the scales of the two charts are different.

The number of releases rose between 2002 and 2013, reaching a peak of 529,400, before falling rapidly to 333,300 in 2015. The annual number rose again in both of the two most recent years.

The number of individuals released on temporary licence per year has followed a slightly different pattern. It remained more or less constant between 2002 and 2008, while the number of releases rose, meaning that the same number of individuals were being released more frequently. The number of individuals being released peaked at 11,400 in 2012, before falling to under two-thirds of that number in 2015 (6,800). As with releases, the number has risen slightly in recent years.



Source: MoJ, [Offender management statistics quarterly, May 2019](#): Table A3.7;
 Notes: a) These figures are for England and Wales.
 b) A new prison database was introduced in 2009 which created a break in the series.
 c) The source of prison admissions data changed in 2015, so comparisons before and after this point should be made with caution.

3.2 Characteristics of ROTL prisoners

In 2018, 9% of releases of prisoners on temporary licence were of female prisoners. Female prisoners made up 8% of all individuals released on temporary licence. Female prisoners made up 5% of the average annual prison population in that year.

¹⁵ MoJ, [Offender management statistics quarterly, May 2019](#): Prison releases, tables A3.7

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The most common type of ROTL was resettlement day release, with 92% of releases being of this kind. Resettlement overnight releases made up 5% of releases and special purpose releases made up 2% of the total.

Of the individuals released on temporary licence, the large majority (84%) were serving determinate sentences. Nine per cent of individuals released on temporary licence were serving life sentences.

RELEASE ON TEMPORARY LICENCE STATISTICS: 2018		
England and Wales		
	Number	%
Incidences of release on temporary licence	376,343	100%
Male	343,250	91%
Female	33,093	9%
Individuals released on temporary licence ^(1,2)	7,737	100%
Male	7,094	92%
Female	643	8%
Type of ROTL		
Resettlement Day Release	347,846	92%
Resettlement Overnight Release	19,447	5%
Special Purpose Licence	8,696	2%
Childcare Resettlement Licence	354	0.1%
Individuals released by sentence type ^(1,2)	7,737	100%
Determinate sentences	6,469	84%
Indeterminate sentences	1,163	15%
<i>Life sentence</i>	676	9%
<i>Indeterminate sentence for public protection (IPP)</i>	487	6%
Recall	72	1%
Other sentence type ⁽³⁾	33	0.4%
Recorded temporary release failures ⁽⁴⁾	464	.
Male	398	.
Female	66	.
Failures per 100,000 incidences of release	123	.
Male	116	.
Female	199	.
Annual average prison population (for context)	83,296	100%
Male	79,450	95%
Female	3,847	5%

Source: MoJ, [Offender management statistics quarterly, May 2019](#): Table A3.7

Notes: (1) Sentence type is based on the prisoner's custody type at the point of their first ROTL of the quarter.

(2) One individual may be released on temporary licence in more than quarter of the year. Users should therefore not sum four quarters worth of data for the annual number of prisoners released on temporary licence. Annual figures are provided in the annual releases tables, typically published in April of each year.

(3) The other sentence type category includes fine defaulters and non-criminal prisoners. It also includes 3 where sentence type was not specified.

(4) Not all temporary release failures are recorded on central administrative systems. Those that are not recorded centrally are more likely to be low-level failures including, for example, returning with unauthorised possessions and failing alcohol meter.

This briefing is accompanied by an Excel spreadsheet containing this data for each year since 2002.

3.3 Recorded temporary release failures

In 2018, there were 464 recorded ROTL failures, which amounted to 123 failures for every 100,000 incidences of release. The rate was higher for women, at 199 failures per 100,000 releases, compared with 116 for men.

There are no published statistics on the reason for ROTL failure. The Ministry of Justice also states that their figures underestimate the number of failures because 'low-level' failures such as failing an alcohol test upon return are not recorded centrally.

The Excel spreadsheet accompanying this briefing contains the number of ROTL failures, broken down by sex, since 2002.

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