

## Early release from prison - serving your sentence in the community

If you were sentenced to more than 12 months in prison, you may be released early on licence. You will also have a licence if you're out of prison on a home detention curfew (on a tag). Being on licence means that you are still serving a prison sentence but you can live in the community instead of being in prison. Whilst you are on licence, there are rules you must follow. How long these rules apply for depends on the length of your sentence. If you break the rules, you'll have to go back to prison (be recalled).

### Standard rules if you're on licence

Here are the standard rules that you mustn't break:

- you must be well-behaved and not commit any further offences or do anything that could put members of the public or your friends or family in danger
- you must keep in touch with your probation officer and do what they ask you to. You mustn't be late for appointments or turn up under the influence of drink or drugs. You mustn't make racist or sexist comments
- if your probation officer needs to visit you at home or somewhere else, you have to agree to this
- you've got to live at an address that your probation officer has approved. Tell your probation officer in advance if you plan to leave that address or stay at another address, even if it's for just one night. Also you have to tell your probation officer if you change your phone number
- you can take up work only if your probation officer approves it. This applies to voluntary work as well as paid work
- you mustn't travel outside the UK without the permission of your probation officer. Permission isn't usually given so ask before you make any arrangements or buy tickets
- if you're on home detention curfew, you have to keep to a curfew. This means at certain times of the day or evening, you have to stay in. Usually the curfew runs for from 7pm at night to 7am the next morning. The tagging company monitors you and tells the Home Office if you break the rules.

As well as these standard rules, your probation officer might have recommended extra conditions, like not making contact with certain people or not living at the same address as children. Your licence will say what the extra conditions are. If you have to miss an appointment with your probation officer, it's important to be able to show them proof of the reason. For example, if you are ill, get a doctor's note.

You can apply to your probation officer to change your conditions. For example, if a curfew would mean that you can't take up a suitable job, the hours of your curfew could be changed

## Accommodation

You won't be considered for early release until you have a suitable address. This could be with friends or family or at a hostel. You might get help from the council to pay for your accommodation. You aren't allowed to move without permission from your probation officer.

## Benefits

If you're serving a prison sentence in the community, you have the right to claim benefits. For example, you could claim Jobseeker's Allowance, Income Support or Pension Credit. Make your claim as soon as possible. You can get help to claim benefits.

## Work

You aren't allowed to take a job unless your probation officer approves of it. There are rules about declaring your criminal record when you apply for a job. For some jobs, such as working with children, disabled people or other vulnerable people, you'll always have to declare all your criminal convictions.

## Healthcare

The prison isn't responsible for your healthcare if you're serving your sentence in the community. Unless getting treatment is one of your conditions, it's up to you to get any healthcare you need. When you leave prison, it's a good idea to register with a GP.

## If you break the rules

You can be sent back to prison if you break the rules. First of all, your probation officer will look at your case. They might give you a warning or they might decide you should go back to prison. If they think you should go back to prison, they'll ask the Home Office to order you to return to prison. This decision can be taken very quickly – in emergency cases, the decision can be taken within two hours. You'll be arrested and taken straight to prison. This would usually be your local prison, not necessarily the one you were released from.

If you committed another criminal offence while you were out on licence, you'll go to court for that offence. If you're found guilty, the new sentence will be added on to your old sentence.

If you're sent back to prison for breaking your conditions, you should get legal advice as soon as possible. You might get Legal Aid.

## Problems if you're sent back to prison

You may have problems if you're sent back to prison, for example:

- there's a delay before the prison gets information about you
- you don't know how long you'll have to stay in prison. However, you should be given an information pack explaining how to appeal to the Parole Board
- if you're not sent back to the same prison, you may not know how the prison works. However any differences between the prison where you used to be and your current prison should be explained to you
- you may lose your right to Housing Benefit after 13 weeks of being back in prison.

If you aren't sure why you've been taken back to prison or if you have any other problems, get specialist advice.

## Complaints

If something goes wrong, you have the right to complain either to the Prison Service or to the Probation Service, depending on who you are complaining about. If you feel you've been treated unfairly, for example, because of your race, sex, disability or sexuality, make sure you raise this in the complaint. If this does not sort out the problem, you have the right to complain to the Prisons and Probation Ombudsman.

## Further help

### Citizens Advice Bureaux

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve any sort of problem.

Some Citizens Advice Bureaux run advice sessions in prison. If you're in prison, check if they run these sessions in your prison. If they don't run advice sessions, you could write to them explaining your problem. Ask a member of the prison staff for the address of your local CAB. If you're not in prison, and you want to find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## **Prisoners' Advice Service (PAS)**

PO Box 46199  
London  
EC1M 4XA

Tel: 020 7253 3323 / 0845 430 8923, (Monday, Wednesday and Friday  
9:30am - 1:00pm and 2:00pm - 5:30pm)

Fax: 020 7253 8067

E-mail: [advice@prisonersadvice.org.uk](mailto:advice@prisonersadvice.org.uk)

Website: [www.prisonersadvice.org.uk](http://www.prisonersadvice.org.uk)

The Prisoners' Advice Service (PAS) provides advice and information to prisoners on their rights as prisoners. PAS does not deal with miscarriages of justice or appeals against conviction or sentence.

## **Prison Reform Trust**

The Prison Reform Trust gives free advice and information to prisoners, including prisoners who are serving their sentence in the community. You can phone them on 020 7251 5070. Their website is

[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

## **Prison and Probation Ombudsman**

The Prison and Probation Ombudsman can deal with complaints made by prisoners who are being supervised by the National Probation Service. You can phone them on 020 7035 2876 or 0845 010 7938 (lo-call). Their website is [www.ppo.gov.uk](http://www.ppo.gov.uk).

## **Other information on Adviceguide which might help**

- Prisoners and housing
- Leaving prison
- Prisoners – making a complaint
- Prisoners - getting further help
- Patient' rights
- Prisoners and benefits

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**This fact sheet was last updated on 18 October 2010, and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - [www.adviceguide.org.uk](http://www.adviceguide.org.uk) - where you can download an up-to-date copy.**