

## 5. TEMPORARY RELEASE

### What is temporary release?

5.1 Temporary Release is the generic name for any period of **unescorted** release from prison during a prisoner's sentence. Unescorted leave means that the prisoner travels independently to and from the leave address or approved place within the specified time detailed on the temporary release licence.

5.2 Part 15 of the Prisons and Young Offenders Institutions (Scotland) 2011, (2011 Rules) and the Direction to rule 138 set out the criteria and conditions for temporary release for all prisoners.

5.3 In particular, temporary release includes:

- "Home Leave" - means the unescorted temporary release from prison of an eligible prisoner for the purpose of enabling the prisoner to visit his or her home or other approved place for period of not exceeding 7 nights excluding travelling time;
- "Unescorted day release" – means the unescorted temporary release from prison of an eligible prisoner for a period not exceeding one day, including travelling time, for the purposes of enabling the prisoner, in preparation for eventual release;
- "Unescorted day release for compassionate reasons" – means the unescorted temporary release from prison of an eligible prisoner for a period not exceeding one day, including travelling time, for the purposes of enabling the prisoner, to attend a funeral, visit an ill relative etc;
- "Temporary release for work etc" – means the unescorted temporary release from prison of an eligible prisoner for a period not exceeding one day, excluding travelling time, for the purposes of enabling the prisoner to undertake a work or educational placement outside the prison;
- "Unescorted day release for health reasons" – means the unescorted temporary release from prison of an eligible prisoner for the purposes of enabling the prisoner to attend a hospital for treatment or to attend counselling outwith the prison.

5.4 A prisoner may be eligible for temporary release if s/he is:

- a) Assigned low supervision level;
- b) Is not subject to proceedings under the Extradition Act 2003;
- c) In the opinion of a healthcare professional is fit enough to be granted temporary release;
- d) Is approved for temporary release by the RMT<sup>6</sup>; and
- e) If serving a sentence of life imprisonment has received the consent of Scottish Ministers to the first grant of temporary release (see section 6 below).

### Purpose of temporary release

5.5 The principal purposes of temporary leave may be grouped under 3 main headings:

- To assist in the prisoner's preparation for release;
- To maintain contact with family members; and

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<sup>6</sup>The Risk Management Team is not responsible for considering prisoners for unescorted day release for compassionate reasons" – see the Direction to rule 138 for further information

- To “test” or assess the prisoner’s ability to cope outside the prison environment.

### **To assist in the prisoner’s preparation for release**

5.6 Those prisoners who are subject to statutory supervision on release from custody are expected to discuss their plans with SPS staff and their CBSWs, as part of their ICM Review/Case Conference. Plans may include such things as: avoiding reoffending, finding employment, undertaking further education/training, re-establishing themselves within the family unit, improving their relationship with a loved one, finding accommodation, dealing with an addiction difficulty etc. Temporary leave provides an opportunity for these plans to be progressed.

5.7 Periods of temporary leave present opportunities for prisoners to prepare for release by, e.g.:

- *making contact with training providers or employment agencies.* Prospective training/further education providers or employers may be happy to make arrangements for contact with the prisoner during the leave period, in order to begin planning any future involvement.
- *engaging with community based agencies that might be able to provide support, advice and assistance to the prisoner upon release.* Temporary leave provides the prisoner with a good opportunity to meet with community based agencies that may have a role to play on the prisoner’s eventual release. For example, it may be appropriate and useful for the prisoner to make contact with housing providers to discuss any potential accommodation issues that may need to be addressed upon release. Similarly, where relevant, the prisoner may wish to establish contact with community based addiction services. Starting the contact before the prisoner has been released can facilitate the planning process and help prepare the prisoner for specific interventions upon release. It can also provide a positive motivational focus for the prisoner. With the advent of expanded mid week home leave (7 nights), there are better opportunities to engage with community based services during normal office hours.
- *re-acquainting themselves with life in the community and neighbourhood.* Temporary leave, (Home Leave in particular), can be beneficial in helping the prisoner re-familiarise themselves with community living. In effect, this is about the prisoner having the chance to spend short periods of time in a neighbourhood with which they have a connection, perhaps because of family or friends.

### **To maintain contact with family members**

5.8 Maintaining good contact between the prisoner and their family during the custodial sentence is crucial. It can help prisoners see that they have an ongoing and real link back to their communities. Of course, many prisoners do receive visits from family members during sentence. However, a number of practical factors can either facilitate or hinder the regularity with which these visits take place. Chief amongst these are: proximity of the prison - within which the prisoner is being held - to the family home; availability of transport to the prison; the cost associated with such travel arrangements; the family’s ability to meet these costs, etc. These are very real considerations for families. Home Leave helps because it reduces pressure on families to visit the prisoner and places a degree of manageable responsibility on the prisoner to do the travelling.

5.9 As stated, it is important for the prisoner to re-establish links with the family within the home environment – where appropriate and especially where it is the intention to live with the family on release. Often, such contact between the prisoner and their family requires both parties to modify

their expectations. For example, in the case of long term prisoners, it is possible that family life may have *moved on* since the period of custody was imposed. Partners and families may have become more independent, having learned how to cope in the absence of the prisoner. The impact of long term incarceration on the prisoner – which may include, for example, potentially unrealistic expectations on the prisoner's part – may not be anticipated or fully understood by family members. Prisoners are also required to balance the expectations of supervision with that of their families and this means adjustments that often prove difficult to manage for all parties. Good working relationships between the CBSW and the family will help to address these concerns and support reintegration.

5.10 A supportive and stable family environment is considered important and in some cases critical, to successful re-integration of the prisoner back into the community and reduction of further anti-social and offending behaviour. Home Leave (HL) provides an opportunity for learning: helping both parties to address potential strains for short periods of time prior to the longer term re-establishment of familial relationships when the prisoner is released. However, it has to be recognised that the return of the prisoner may not be altogether welcomed by some family members. They may be concerned about the prisoner's past problematic behaviour and the potential for this to resurface. In such circumstances, the prisoner and their family may wish to consider possible alternative housing options and discuss these with Social Work who may consult housing staff. Progression to HLs will have been considered prior to a move to OE therefore identifying a suitable address clearly aids the process. For those not having a suitable address identified, specific enquiries will be made which should provide a detailed support plan of how that prisoner could be supported to participate in the HL scheme. The report writer should consider the available accommodation options and make appropriate recommendations. After these considerations, prisoners who have no fixed abode may still be eligible for progression to a NTE/OE with a suitable Home Circumstances Report.

#### **To Test or Assess the Prisoner's Ability to Cope Outside the Prison**

5.11 Temporary leave provides a basis for testing the prisoner's response to being at liberty in the community for a short period of time. Information gathered from these periods of leave will assist SPS (and other criminal justice agencies) about how successfully the prisoner is managing to comply with licence conditions and what their response has been to potentially destabilising factors, such as the availability of drugs and alcohol in the community. It is **good practice** for all statutory prisoners to be seen by their CBSW at least once when on HL, however, it is recognised that this might not always be possible due to resources and all arrangements should therefore be clear in the action plan and when any temporary release licence is made. Any information received should be shared between CBSWs and SPS to allow decisions to be made on suitability to continue or any adjustment to the support package that might be required. i.e. a change of licence conditions.

5.12 Linked to the above, a prisoner's response to testing on periods of leave contributes significantly to the risk assessment process. For example, information relating to the success (or otherwise) of the temporary leave for LTPs assists the Parole Board (PB) in coming to a more rounded assessment of the risks that the prisoner could present on release. The information also helps the PB set appropriate (future) licence conditions. Equally, the data provides CBSWs and the Police with valuable information about how these risks might best be managed in the community. ICM reviews held pre-release will consider how reintegration/HLs were supported and what will be required for the best possible outcome following release.

5.13 Further details of the ICM process and the HL process can be found in the ICM Practice Guidance Manual 2007, and the Integrated Practice Guidance for Staff Involved in the Home Leave Process.