

# On Probation



**What to expect if your son/daughter with a learning disability is on probation**

Serena Brady & Glynis Murphy

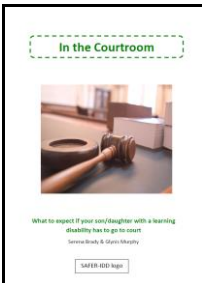
# SAFER-IDD INFO

## Other booklets in the series:



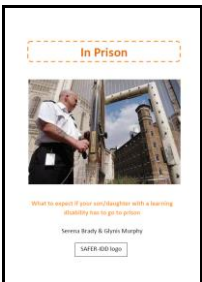
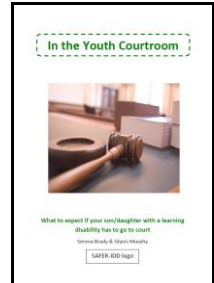
### ***“At the Police Station”***

Information on what happens during a police arrest and at the police station.



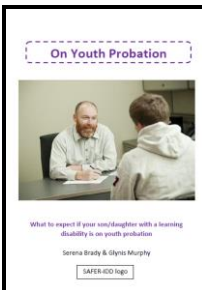
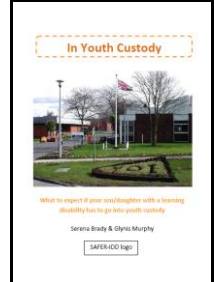
### ***“In the Courtroom” & “In the Youth Courtroom”***

Information on what happens during court / youth court and the possible outcomes.



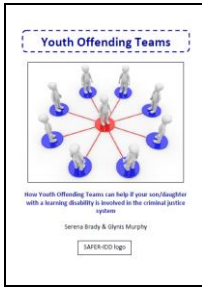
### ***“In prison” & “In Youth Custody”***

Information on what happens in prison / youth custody.



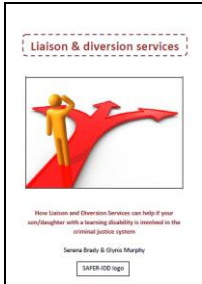
### ***“On Youth Probation”***

Information on what happens during youth probation.



## **“Youth Offending Teams”**

Information on what Youth Offending Teams are and what they do.



## **“Liaison & Diversion Services”**

Information on what Liaison & Diversion Services are and what they do

## **Acknowledgements**

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## How to use this booklet

This booklet is for anyone who has an **adult** son/daughter with a **learning / developmental disability** who has been conceited in court and **sentenced to probation**, or released from **prison** and is on **probation**. It will give you information about how long they will be supervised for after they are released from prison and what this supervision might involve. There is a separate booklet about **Youth Probation** if your son/daughter is under 18.

This booklet does not give you information on what happens during a police **arrest**, and does not give detailed information on the **court** process or **prison**. Other booklets in the series provide more information on these aspects of the **criminal justice system** (see page 1). There are also booklets on **Liaison & Diversion Services** and **Youth Offending Teams**.

## How to use this booklet

You can use the sections in this booklet when you need to, it might be helpful to read specific sections when they are most relevant. There is a list of useful terms and an index at the back which will help you to find information. Any words that are **red** are explained in the 'useful terms' and are also

in the index. There is also a list of useful websites.

## What is probation?

Probation is when an offender is **convicted in court of an offence and sentenced to probation**, or is **released from prison and is placed under supervision in the community** for a period of time. They will usually be on probation until the end of their **sentence**, but might also be supervised for some time after their sentence has ended (see below). Probation is to help make sure that the offender is able to settle back into the community and to help prevent them from committing another **crime**.

Probation usually involves rules that the person must follow and things that they must do (see pages 13 and 18). If they break the rules or don't do what they are told to they can be sent back to court or **recalled to prison**. It is **VERY** important that your son/daughter understands the rules they are given and what they have to do while they are on probation.

### What probation involves

If your son/daughter has been **sentenced to probation** this may involve a combination of the following things:

- Regular meetings with their offender manager (probation officer)
- Attendance at treatment / other activities (e.g. unpaid

work) as part of a community sentence

- Following rules given to them

If your son/daughter has been **released from prison** before the end of their sentence they may have a combination of different types of supervision in the community. This may involve:

- A period of being '**on licence**' (see page 13)
- A period of '**post sentence supervision**' (see page 18) if they were given a determinate prison sentence and committed the crime on or after the 1<sup>st</sup> of February 2015 (see flowchart on page 10)
- A period where they are not actively supervised in the community but can still be recalled to prison.



## Length & type of supervision

Some people, when convicted in court of a crime, are **sentenced to a period of probation instead of prison**. This is only possible for some crimes (e.g. those that could be given up to a 4 year prison sentence). If the person does not follow the probation rules they can be sent to prison instead. If your son/daughter is sentenced to probation, they will be supervised for the full length of the sentence that the court imposed.

If your son/daughter is on probation **after being released from prison**, whether they are actively supervised during their probation and how long they are supervised for depends on the type of sentence they were given and when they committed the crime. It can be quite complicated, so your son/daughter should ask their **offender supervisor** (in prison) or **offender manager** (in the community) for help to understand what supervision they will have and what they have to do during it.

### Who your son/daughter may be supervised by

During their probation, an offender manager will supervise your son/daughter and work with them on their **sentence plan** to help prevent them from committing more crimes and

to settle back into the community (see page 21). The offender manager will either work for the **National Probation Service** or a **Community Rehabilitation Company**. If your son/daughter committed a very serious crime, like a sexual offence, they will be supervised by someone from the National Probation Service. If they committed a less serious crime, they will be supervised by someone from a Community Rehabilitation Company. Community Rehabilitation Companies are privately owned, therefore there may be variations in the terminology they use (e.g. 'service user' rather than 'offender', or 'probation officer' rather than 'offender manager') and some of their working practices. Despite this, the information in this booklet should be consistent across the National Probation Service and Community Rehabilitation Companies, and if you need to find out more you can search for information on your son/daughter's Community Rehabilitation Company online.

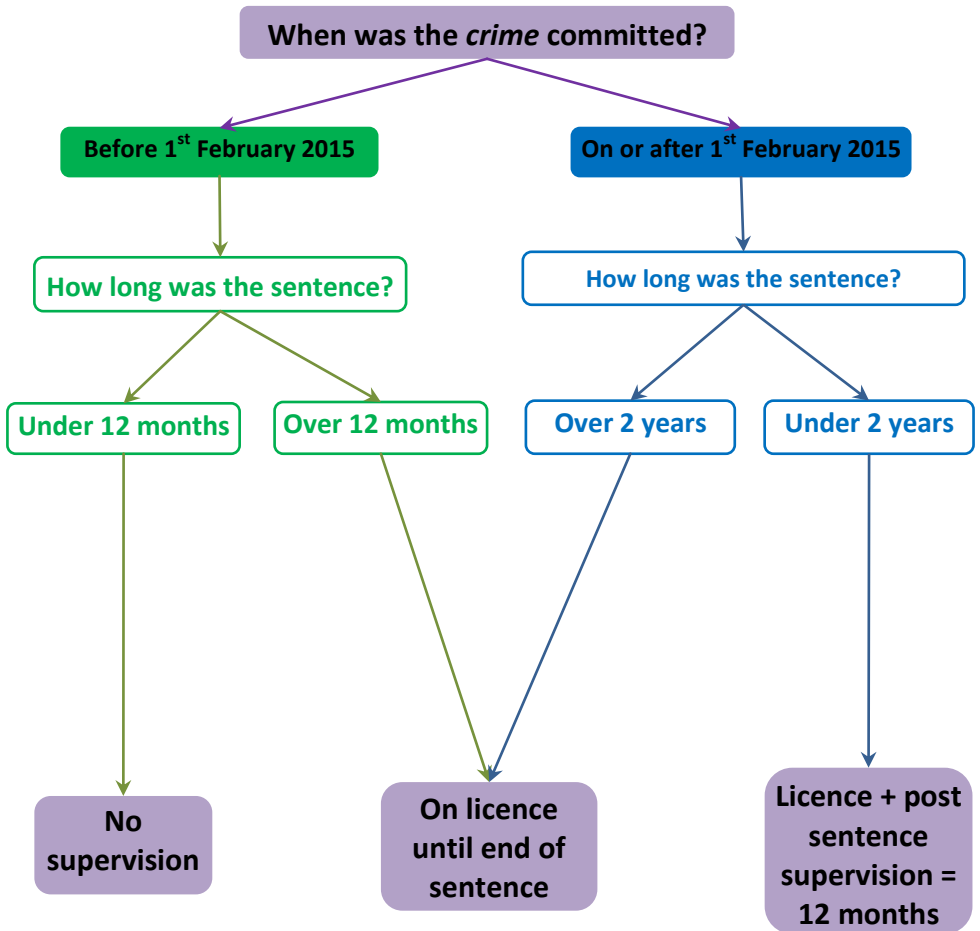
## Type of supervision

**Determinate sentences** mean that the court said how long your son/daughter's sentence would be, and they had to spend half of this in prison before they could be released. Determinate sentences usually involve a period of supervision after release from prison, but the type and length of this will vary depending on the length of the sentence and when the crime was committed. The flowchart opposite will help you to identify what type of supervision your son/daughter might have and how long this might be for if they were given a determinate sentence.

**Extended sentences** are made up of time in prison, and time on licence (see page 13), however the time on licence will be longer than it would be if the offender had been given a determinate sentence. If your son/daughter committed their crime **before 5<sup>th</sup> April 2005** and was given an extended sentence, they will spend half of the prison part of their sentence in prison, the other half of this time on licence, and then an additional licence period until the end of their sentence. If their sentence was for more than 4 years, a **Parole Board** will decide if they can be released from prison after they have been in prison for half of the prison part of their sentence.

If your son/daughter committed their crime **on or after 5<sup>th</sup> April 2005**, the Parole Board will decide whether they can be released after they have been in prison for half of the prison part of their sentence. They will then either be released, or spend the rest of the prison part of their sentence in prison, and after they are released they will be on licence until the end of their sentence.

## Type of supervision for determinate sentences



This diagram will not apply if the crime was committed before the 4<sup>th</sup> of April 2005. If you think your son/daughter's crime might fall into this category, you should talk to their offender manager who can clarify the type of supervision they will have.

An **indeterminate sentence** means that there is no fixed date when a prisoner can be released from prison. Instead, offenders must spend a minimum amount of time in prison (called a **tariff**) before a Parole Board will consider whether they should be released based on whether they are still a risk to the public. After they are released, they will be on licence for at least 10 years or for their whole life if they received a **life sentence**. If your son/daughter was given a **whole life sentence** they will not be released from prison.

## Multi-Agency Public Protection Arrangements (MAPPA)

Your son/daughter may also be placed under the supervision of **Multi-Agency Public Protection Arrangements (MAPPA)** once they are released from prison if they are deemed to be a high risk to the public. They may not have to do anything different whilst on probation if they are supervised by MAPPA, however it is important that your son/daughter knows whether they are under MAPPA supervision. There is more information about MAPPA on page 28.

## Being on licence

Most offenders will be placed on licence when they leave prison. This means that they will be closely supervised by an offender manager in the community, will have rules to follow, and may have to do certain things to support their reintegration into the community.

When released on licence, your son/daughter will be given information about their **licence conditions** which are the rules that they have to follow for the period of their licence. These conditions are to make sure that your son/daughter does not present a risk to the public, and to help them to settle back into the community. They will be asked to sign a notice to say that they will follow these rules.



It is **VERY** important that your son/daughter understands their licence conditions and is able to follow them so that they don't get sent back to court or recalled to prison. They should ask their offender manager / supervisor to help them if they don't understand any of their conditions.

## Standard conditions

There are six standard conditions that **all** offenders must follow when they are released on licence. These are:

1. **Live** and stay only **where it has been agreed** (by their offender manager) that they will live
2. **Work** only **where it has been agreed** that they will work
3. **Keep in touch** with their offender manager which usually means meeting regularly with them
4. Receive **visits from their offender manager** at home
5. **Stay in the UK** and do not travel abroad
6. **Behave well** (which means avoiding alcohol or drugs, not committing more crimes etc.)

## Additional conditions

There may also be other conditions added to the licence depending on the type of crime that your son/daughter committed. The most common of these conditions are detailed below, however it is important to note that unique conditions can also be added if an offender manager thinks that none of the most common conditions are enough to protect the public.

Your son/daughter should ask their offender manager to explain all of their conditions to them to make sure that they

are able to follow them while on licence.

- **Contact requirement:** the offender must see medical professionals to help with medical or mental health problems, and allow a mental health worker to visit them at home.
- **Prohibited activity requirement:** Things that the offender is not allowed to do. May include:
  - Working with children
  - Using the internet or letting anyone use the internet for them
  - Deleting the internet history on their computer (they might also have to allow their computer to be monitored)
  - Owning more than one mobile phone
  - Taking photographs or owning a device that is able to take photographs
- **Residency requirement:** The offender must live and stay (for **every** night) only at an agreed address (this is more strict than the standard condition).
- **Prohibited residency requirement:** The offender must not live or stay in the same house as a child.
- **Prohibited contact requirement:** People the offender must not have **any** contact with. May include:
  - Witnesses or victims of the crime



- Children
- **Programme requirement:** The offender must attend **offender management programmes** to tackle problems related to their offending, e.g. drug/alcohol, anger management, sex offender treatment etc. May also be required to join a specific project to help them stay out of trouble.
- **Curfew requirement:** The offender must abide by a **curfew** (this will involve wearing an electronic **tag**).
- **Exclusion requirement:** The offender must not go into certain areas (a map will be provided to make it clear where they are not allowed to go), specific buildings, or near specific places (e.g. play areas, schools, swimming pools).
- **Supervision requirement:** Additional ways the offender will be supervised. May include:
  - Living in **Approved Premises** (see page 24)
  - Reporting to staff every day
  - Providing details of any car that they use
  - Providing details about any new intimate relationships and telling their offender manager if they are close to someone who has children
  - Providing details of their passport
- **Non-association requirement:** People the offender cannot associate with. May include:

- **Convicted** criminals
- Sex offenders
- People in the criminal justice system
- People from certain groups (e.g. gangs)

Your son/daughter may also be required to comply with drugs testing or take part in **polygraphs** (lie detectors) depending on the type of crime they committed.

The licence conditions may be relaxed throughout the sentence if your son/daughter is doing well and is not a risk to the public. They may also be allowed exceptions to their licence conditions (e.g. if they need to go through an exclusion area to get to work or the doctors), however any exceptions **must** be approved by the offender manager and might be hard to get as they are usually only approved in very special circumstances.

## **What happens if the licence conditions are broken?**

It is **very** important that your son/daughter follows their licence conditions. If the conditions are broken, your son/daughter could be sent back to court or could be recalled to prison for the rest of their sentence.



## Post sentence supervision

Post sentence supervision is like being on licence and is to help your son/daughter to settle back into the community **after their sentence has ended**. Not everyone will have post sentence supervision – only people who were given certain determinate sentences will have it. The flowchart on page 10 will help you to work out if your son/daughter will have post sentence supervision and how long this might be for.

### Supervision conditions

Just like when your son/daughter was on licence, there are rules that they have to follow when on post sentence supervision. These are:



1. **Live** and stay only **where it has been agreed** that they will live
2. **Work** only **where it has been agreed** that they will work
3. **Keep in touch** with their offender manager which usually means meeting regularly with them
4. Receive **visits from their offender manager** at home
5. **Stay in the UK** and do not travel abroad
6. **Behave well**
7. Don't commit more **crimes**
8. Take part in **activities** (such as attending groups) that

their offender manager thinks are needed to help prevent them committing more crimes and to settle into their community

Depending on the type of crime they committed, your son/daughter might also have to attend appointments to help them stop using drugs, or have drugs testing. Unlike when they were on licence, there aren't any other rules that can be given to them, and they might not have all the rules listed above. It might also be easier to get exceptions to the rules (e.g. to be allowed to leave the UK temporarily), but any exceptions **must** be approved by the offender manager.

## **What happens if the supervision conditions are broken?**

Just like the licence requirements, it is **very** important that your son/daughter understands their supervision conditions and sticks to them. They should ask their offender manager to explain the conditions to them and ask them about anything they don't understand.

If the supervision requirements are broken your son/daughter will have to go back to **Magistrate's Court**. The court might decide to impose more consequences such as:

- A fine



- Unpaid work



- A curfew (and wearing a tag)



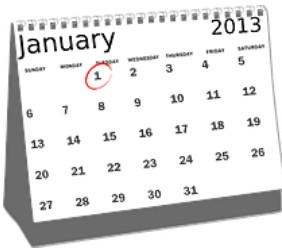
- Time in prison



## Meetings with the offender manager

During probation, your son/daughter will have to meet regularly with their offender manager. This might mean meeting with them:

- Weekly
- Every 2 weeks
- Monthly



It is **very** important that your son/daughter attends all of the appointments with their offender manager as this will be a condition of their probation or licence or post sentence supervision. If they think they might miss an appointment or be late they should contact their offender manager straight away. The appointments might be at the offender manager's office, or at your son/daughter's home.

### At the appointment

At the appointment the offender manager will work with your son/daughter on their sentence plan. This means checking how they are coping in the community, identifying whether they need to do anything else to support their

resettlement and prevent reoffending (e.g. attend a new programme), and identifying any things that might make settling back into the community more difficult or make reoffending more likely.

This might mean helping your son/daughter with issues such as housing, employment, social relationships, drug/alcohol problems etc. It is important to note, however, that offender managers cannot *provide* housing or employment, and that they can only offer advice or suggest where your son/daughter could go for help with these things.

### Important things to know about the meetings

Your son/daughter **must not** go to any meetings with their offender manager when they are drunk or under the influence of drugs, and they must not act in a threatening or aggressive way. These things will mean that they breach the condition of behaving well and they might be sent back to court or, in serious cases, back to prison.



They should also turn their mobile phone off during the meetings.





They can't have pets or children with them at the meetings, and family carers might not be able to attend the meetings. You will need to talk to your son/daughter and their offender manager about whether you can attend the meetings, as both your son/daughter and their offender manager will have to consent to this.





## Approved Premises

Approved Premises are run by the National Probation Service and are places where offenders might have to live when they first leave prison. This is because the prison, the offender manager, or MAPPA (see page 28) think they might be a high risk to the public at first and they need to be more closely supervised.



### What do Approved Premises do?

In order to protect the public from offenders who present a high risk, Approved Premises have staff on duty all the time and provide close supervision. This involves knowing where residents are at all times, and enforcing an overnight curfew (usually 11pm – 6am, although some residents may have an extended curfew as part of their licence conditions).

They also provide programmes of meaningful activity (e.g. offender management programmes, work, education, housework etc.) to support offenders to tackle their offending behaviour and reintegrate into the community. This might be provided within the Approved Premises, or it may be provided by another company or another area of the National Probation Service. All residents **must** take part in

meaningful activity, particularly activities that help them achieve the goals of their sentence plan, and they will usually have to provide a weekly diary which tells staff what they plan to do throughout the week. Each resident will be assigned a key worker who will work with them to identify meaningful activity and take part in life in the Approved Premises.

## Life in Approved Premises



All Approved Premises are single sex, meaning that they are either for men only or women only. Residents will either be given their own room or will have to share with someone else,

and they are expected to keep their room (and the Approved Premises in general) clean and tidy. They may be allowed to smoke in their room, or may have to smoke in a designated area in the outside grounds of the Approved Premises.



Residents have to pay to live in Approved Premises and if they receive benefits then some or all of this money will be paid directly to the Approved Premises. Your son/daughter should make sure that they find out how much they need to pay, and make arrangements for this to be paid



as soon as possible after they arrive at the Approved Premises.

Your son/daughter **may** be allowed visitors, but some Approved Premises don't allow this. If they are allowed visitors, all visitors will have to remain in communal areas with the resident. Anyone under the age of 18 will not be allowed to visit.



## Rules

There are national rules (see box on right) for every Approved Premises, however each premise may also have additional rules. Your son/daughter should be given a copy of the rules when they arrive, and should have the rules explained to them.

### Approved Premises Rules

- Abide by a **curfew**
- Pay **rent/maintenance charges**
- Comply with **drug/alcohol testing**
- Give all **medication to staff** if necessary
- See a **medical professional** if necessary
- Participate in **activities**, e.g. residents meetings
- Allow staff to **search** room/car
- Keep room **clean and tidy**
- **Smoke only in smoking areas**
- **Do not have children visit**
- **Behave well**
- **Do not bring certain items** (e.g. drugs, alcohol, weapons) into the premises
- **Do not steal from/damage** the premises or others' property
- **Obtain permission for visitors** and remain in communal areas with them
- **Obtain approval to bring electrical items** into premises and obtain a TV licence if needed
- **Comply** with staff requests

It is **very** important that your son/daughter understands and abides by these rules, as their place at the Approved Premises may be taken away if they don't. This may be

particularly problematic if spending time in Approved Premises is part of your son/daughter's licence conditions because if they lose their place at the Approved Premises, they could be sent back to prison.

## Moving on from Approved Premises

Before your son/daughter moves into Approved Premises, a plan should be made for their resettlement into the community. There may not be a fixed date when your son/daughter will leave the premises at first, as they will only be able to leave once they are no longer thought to be a high risk to the public. However, a plan should be in place to help them move into the community when they are no longer a risk. This might involve supporting them to identify housing and employment opportunities, and identifying anything that might help your son/daughter to move and reintegrate into the community. Approved Premises are designed to be short term accommodation only, meaning that your son/daughter will only be there a short time (usually less than 3 months), and they **cannot** be considered a permanent accommodation option.

## Multi-Agency Public Protection Arrangements

Multi-Agency Public Protection Arrangements (MAPPA) are a way to provide extra supervision and to manage offenders in the community who are thought to be a high risk to the public. MAPPA enables different agencies to work together to manage an offender.



Your son/daughter should be told whether they are subject to MAPPA supervision, and they should ask their offender manager if they are unsure.

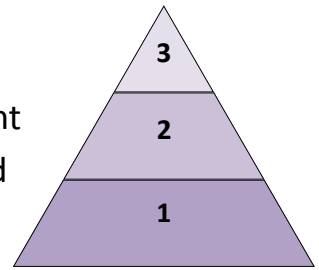
### MAPPA Categories

There are three categories of offenders who will be managed by MAPPA:

- 1 Registered sex offenders** who will be managed by MAPPA until they no longer have to be 'registered'
- 2 Violent and other sexual offenders** who will be managed by MAPPA until the end of their licence period
- 3 Other dangerous offenders** who will be managed by MAPPA until they no longer pose a risk to the public

## Levels of MAPPA involvement

There are three levels of MAPPA involvement with increasing time and resources allocated at each level:



- 1. Level 1: Normal agency involvement**, where offenders will be managed as normal by the police and probation, but agencies may share information about offenders to help manage the risk to the public
- 2. Level 2: Multi-agency involvement**, where more than one agency (e.g. police, probation, prison, social services etc.) meet at **Multi-Agency Public Protection (MAPP) meetings** to manage the risk posed by an offender. Offenders do not attend MAPP meetings, but will be told about them and the outcomes to enable them to work together with the agencies supporting them to reduce their risk to the public.
- 3. Level 3:** Similar to level two, however **senior staff from each agency will be involved in MAPP meetings** to ensure that additional resources can be allocated to managing the offender if necessary, for example, surveillance resources.

## **Will I be told if my son/daughter is managed by MAPPA?**

Your son/daughter will be told if they are managed by MAPPA, however family members are not automatically informed and it is usually up to the offender to decide whether they want to tell their family. In some cases family members may be informed if the police or probation think that they need to know to reduce any risk to them.

## **Will my son/daughter have to do anything differently if MAPPA are involved?**

Your son/daughter will not have to do anything differently (i.e. they should still comply with their licence/supervision requirements) whilst they are managed by MAPPA, however they should co-operate with all the agencies involved to reduce their risk to the public. If they are a category 3 MAPPA offender this is particularly important as they will be managed by MAPPA indefinitely until their risk to the public has reduced enough.

## Recall to prison

When your son/daughter is on probation they can be recalled to prison if they break their licence conditions or commit another crime.

They can be recalled at any time until the end of their sentence, but cannot be automatically recalled after their sentence ends (although a Magistrate's Court may impose an additional period in prison if your son/daughter breaks their post-sentence supervision conditions – see page 18).

### Types of recall

There are two types of recall to prison which relate to how long your son/daughter will be in prison for, if they are recalled. The type of recall they are subject to will depend on how long their original sentence was for and when they committed the crime.

**Fixed term recall:** If your son/daughter was given a **determinate sentence** they may be eligible for **fixed term recall**. This means that they can be recalled for 14 days (if their sentence was for less than 12 months and they committed the crime on or after the 1<sup>st</sup> of February 2015) or 28 days (if they committed the



crime after the 1<sup>st</sup> of February 2015 and their sentence was for more than 12 months, or they committed their crime before the 1<sup>st</sup> of February 2015). They will be re-released after the fixed term, or at the end of their sentence (whichever is earlier). They will only be eligible for fixed term recall if it is thought that they do not present a risk to the public.

**Standard recall:** If your son/daughter is **not eligible for fixed term recall** they can be subject to **standard recall**. This means that they can be recalled to prison until the end of their sentence. If your son/daughter was given an **indeterminate or life sentence** they will only be re-released when a Parole Board thinks that they no longer pose a threat to the public.

If your son/daughter was given a determinate sentence, they may be released from prison early (e.g. before the end of their sentence or recall period) after being recalled, however this will depend on the risk they pose to the public.

If your son/daughter is recalled to prison they may want to seek advice from their **legal advisor** who can clarify when they will be re-released, and whether or how to appeal.

## Help for people with learning disabilities

While your son/daughter is on probation there may be things that offender managers, Approved Premises staff, or others can do to help them understand and stick to their licence conditions and to follow their sentence plan.

The only statutory (i.e. required by law) obligation is that services make **reasonable adjustments** to support people with disabilities (see below), however there may also be other forms of support available or specific services to help.

### Reasonable adjustments

The law says that all services must make reasonable adjustments to support people with disabilities. This includes probation services and means that the National Probation Service, Community Rehabilitation Companies, and Approved Premises must do everything they can to help people with learning disabilities to access the service.

This might mean providing information in an accessible format (e.g. by making it easier to read, providing information on a CD etc.) and making any adaptations necessary to appointments (such as scheduling the appointment at the best time for the person, altering the

length of the appointment if necessary, allowing frequent breaks, meeting the person at their home if required etc.). It might also mean making adaptations to the physical environment of the service to make it easier for a person to access if they also have physical difficulties.

Any offender management or behaviour programmes that your son/daughter is required to attend should also make reasonable adjustments to support your son/daughter, and ideally should be adapted specifically for people with learning disabilities. It is important to note that there are not many programmes that have been adapted for people with learning disabilities at the moment, therefore your son/daughter might attend one that is not adapted and have reasonable adjustments to help them, or they might be offered one to one support from professionals instead.

If your son/daughter doesn't think that probation services are making reasonable adjustments for them they should seek advice from their legal advisor.

## **Other forms of support**

Individual offender managers may also offer other forms of support to help people with learning disabilities. This could include things like texting them to remind them of

appointments, providing them with a weekly planner to mark appointment times on etc.

This additional support will be dependent on each offender manager and what they are able to offer, however if your son/daughter thinks that there is something which would help them to stick to their licence conditions or supervision requirements they should talk to their offender manager who may be able to help.

### **Specific services**

There are also a number of services that are able to support offenders who have been released from prison. These often involve mentoring the offender and helping them with practical things in preparation for being released and after they are released. For example, mentors might help offenders to find housing, access education or get a job, or manage their finances.

If your son/daughter is interested in this kind of support they should talk to their offender supervisor in prison, or their offender manager once they are released who should be able to tell them what is available in their area.

## How you can help

Once your son/daughter has been released on probation it can be difficult to know what is required of them and how best to help them. There are, however, a number of things listed below that you can do to help.

- **Use this booklet** and the **‘useful resources’ websites** to find out about probation so that you’re well prepared and can help your son/daughter to prepare
- Make sure that your son/daughter knows how important it is to **tell their offender manager that they have a learning disability or autism**
- **Call your son/daughter’s social worker, community nurse, psychologist, or psychiatrist** if they have one. They will be able to talk to the probation service to make sure your son/daughter is getting the support they need
- If possible, help your son/daughter to **understand their licence conditions/supervision requirements** and help them to stick to these

## Legal advice for yourself

You could also get advice from a solicitor for yourself which might help you to understand what is happening and how

you can best help your son/daughter. You can obtain legal advice by contacting any solicitor (e.g. by searching for one in your area online, going into a solicitor's office, or finding one in the phone book). It is important to note that they will charge for their services, so it will not be free.

## Useful terms

**Approved Premises:** the place where an offender may have to live when they are first released from prison if the prison, Parole Board, offender manager, or MAPPA thinks that they might be a high risk to the public. See page 24.

**Arrest:** when the police think someone has committed a crime and take them to the police station to find out more.

**Community rehabilitation company:** the type of company that provides offender managers to supervise offenders who are a low risk to the public. See page 9.

**Convicted:** when someone pleads guilty or is found guilty of a crime.

**Court:** the place where people say what they know about the crime to help a judge or jury decide if the person committed the crime. If it is decided that the person did commit the crime, the court also decides what consequences the person should have for committing the crime.

**Crime:** any action that breaks the law. This may also be called an offence.

**Criminal justice system:** the system in England that deals with people who are suspected of or have committed a crime.

**Curfew:** when an offender has to be at home (or at an Approved Premises) between a certain time, e.g. between 11pm and 6am. May involve wearing an electronic tag.

**Determinate sentence:** a type of prison sentence with a fixed date for when the offender will be released from prison.

**Developmental disability:** a type of disability usually present from birth which may also co-occur with a learning disability. Examples include Autism, Fragile X Syndrome, Down syndrome etc. A developmental disability may be identified by psychological or medical tests.

**Extended sentence:** a type of prison sentence where there will be a fixed date for when the prisoner can be released, but the period spent 'on licence will be longer than for a determinate sentence.

**Fixed term recall:** a type of recall to prison where an eligible offender may be recalled for 14 or 28 days, depending on when they committed the crime and the length of their sentence. See page 31.

**Indeterminate sentence:** a type of prison sentence where the court will say the minimum amount of time an offender must stay in prison for (called their tariff) before they can be considered for release, and they will only be released if the



Parole Board is satisfied that they no longer present a high risk to the public.

**Learning disability:** a type of disability which is usually present from birth and results in the person having difficulty with certain things such as communication, independent living, or social skills. A learning disability includes the person having an IQ below 70 and this is usually identified using specific types of psychological tests.

**Legal advisor:** someone who can give advice about the law, for example, a solicitor.

**Liaison & diversion services:** services that support people in the criminal justice system who may have a learning or developmental disability, or mental health condition. See page 4 for more information.

**Licence conditions:** rules that an offender has to follow when they are on licence. See page 14.

**Life sentence:** a type of indeterminate prison sentence where the offender will have to stay in prison for at least 15 years and will be 'on licence' for the rest of their life once they are released.

**Magistrate's court:** a type of court that deals with minor crimes and has three Magistrates instead of a Judge and

Jury.

**Multi-agency public protection arrangements:** a type of additional supervision for offenders who are thought to be high risk to the public. See page 28.

**Multi-agency public protection meetings:** meetings held by MAPPA for offenders managed at level 2 or 3. See page 29.

**National probation service:** the service that provides offender managers to supervise offenders who are a high risk to the public. See page 9.

**Offender management programme:** a type of educational or therapeutic programme which aims to help offenders tackle factors that were related to them committing the crime (e.g. anger, drug/alcohol problems etc.).

**Offender manager:** someone who works in community-based probation and will work with prisoners while they are in prison (to develop their sentence plan) and when they are released (to supervise them). May also be called a probation officer.

**Offender supervisor:** someone who works with prisoners while they are in prison to develop their sentence plan and help them follow it.

**On licence:** when an offender has been released from prison and must be monitored by an offender manager and follow

certain rules for a period of time. See page 13.

**Parole board:** the group of people who decide whether a prisoner who is on an extended or indeterminate sentence is no longer a risk to the public and can be released from prison.

**Polygraph:** another name for a lie detector test where someone is connected to a computer that can tell if they are lying when they are asked questions.

**Post sentence supervision:** a period of supervision after the end of an offender's sentence if they were given a certain determinate sentence. See page 18.

**Prison:** a locked place where people who have committed a crime might be required to live for a period as a consequence for committing the crime.

**Probation:** when a person has been charged and found guilty of a crime but the court does not think the person should go to prison, or if the person has just been released from prison, they are said to be on "probation". If they have just been released from prison, this might also be called "on licence" or on "parole". Probation means the person is still serving their sentence for the crime, but is allowed to do this in the community.

**Reasonable adjustments:** things that all organisations

(including probation services) have to do to help people with disabilities to access the service.

**Recalled to prison:** when an offender has broken the conditions of their licence and has to go back to prison for a certain period of time. See page 31.

**Sentence:** the name given to the consequences given by a court when someone has been convicted of a crime.

**Sentence plan:** the plan developed by an offender manager in conjunction with the offender (and the offender supervisor or personal officer, if the offender is in prison) which has a list of things that the offender, prison, or probation service can do to help make sure the offender does not reoffend once they are released from prison.

**Standard recall:** a type of recall to prison where the offender will be in prison until the end of their sentence. See page 32.

**Tag:** the electronic monitor that an offender must wear on their ankle if they have been given a curfew as part of their licence conditions.

**Tariff:** the minimum length of time that an offender must be in prison for if they are given an indeterminate or life sentence.

**Whole life sentence:** a type of prison sentence where the offender will have to spend the rest of their life in prison.

**Youth offending team:** a team of professionals who support young people who are at risk of committing crimes or who have committed a crime. The youth offending team aims to prevent offending/reoffending by children and young people.

**Youth probation:** the type of probation for people who are under 18. See Youth Probation booklet for more information.

## Useful resources

This is a list of the places where information for this booklet was found and other resources that you might find useful.

### **Action for prisoners' and offenders' families**

<http://www.prisonersfamilies.org.uk/>

### **A joint inspectorate of the treatment of offenders with learning disabilities within the criminal justice system**

Phase one *from arrest to sentence*

<https://www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-of-the-treatment-of-offenders-with-learning-disabilities-within-the-criminal-justice-system-phase-1-from-arrest-to-sentence/#.Vqe8VflVikp>

Phase two *in custody and the community*

<https://www.justiceinspectorates.gov.uk/cjji/inspections/learningdisabilitiesphase2/#.Vge8cPlViko>

**The Bradley Report** about how people with mental health problems or learning disabilities are treated in the criminal justice system.

<https://www.rcpsych.ac.uk/pdf/Bradleyreport.pdf>

### **Citizens Advice information pages**

General information on legal system:

<https://www.citizensadvice.org.uk/law-and-rights/legal-system/>

### **Department of Health ‘Positive Practice Positive Outcomes’ Report**

<https://www.gov.uk/government/publications/positive-practice-positive-outcomes-a-handbook-for-professionals-in-the-criminal-justice-system-working-with-offenders-with-a-learning-disability>

### **Gov.uk information pages**

General information on legal system:

<https://www.gov.uk/browse/justice>

MAPPA guidance

<https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

Probation pages

<https://www.gov.uk/guide-to-probation>

**KeyRing criminal justice system resources:**

<https://www.keyring.org/cjs>

**MENCAP resources on the criminal justice system**

<https://www.mencap.org.uk/raising-your-game/resources>

**Multi-Agency Public Protection Arrangements Guidance**

<https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

**NACRO**

<https://www.nacro.org.uk/about-us/>

*Resettling prisoners with mental health needs or a learning disability* report

<https://www.nacro.org.uk/data/files/resettling-prisoners-mh-needs-10-948.pdf>

**Mental Health Act Code of Practice (see, in particular, chapter 22)**

<https://www.gov.uk/government/publications/code->



[of-practice-mental-health-act-1983](#)

**National Approved Premises Association**

<http://www.napa-uk.org/premises.html>

**National Autistic Society: Criminal Justice information pages**

<http://www.autism.org.uk/working-with/criminal-justice.aspx>

**Offenders' Families Helpline**

<http://www.offendersfamilieshelpline.org/>

**Open Justice**

<http://open.justice.gov.uk/>

**POPS – information for families**

<http://www.partnersofprisoners.co.uk/>

**Prisoners' families and friends service**

<http://pffs.org.uk/>

**Prison Reform Trust**

<http://www.prisonreformtrust.org.uk/>

*No One Knows* project:

<http://www.prisonreformtrust.org.uk/ProjectsResearch/Learningdisabilitiesanddifficulties>

*Fair Access to Justice Report*

<http://www.prisonreformtrust.org.uk/Publications/ItemId/156/vw/1>

*Prisoners information pages*

<http://www.prisonreformtrust.org.uk/Publications/PrisonersInformationBooks>

## **Prison Service Instructions**

<https://www.justice.gov.uk/offenders/psis>

## **Prison Service Orders**

<https://www.justice.gov.uk/offenders/psos>

## **Probation Instructions**

<https://www.justice.gov.uk/offenders/probation-instructions>

## **Rethink Mental Illness criminal justice system pages**

<http://www.rethink.org/living-with-mental-illness/police-courts-prison>

## **Sentencing Council (includes sentencing guidelines)**

<http://www.sentencingcouncil.org.uk/>

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