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## **HMPPS update – change in use of Risk Assessed Recall Review (RARR) policy:**

On 17<sup>th</sup> February, the Lord Chancellor introduced changes to the Risk Assessed Recall Review (RARR) policy as part of measures to 'reduce pressure on prison capacity and cut unnecessary waits for re-release'. To note – this is not a new power and will not change the statutory re-release test.

These changes were initially announced in Parliament, in [October](#).

### **RARR - overview:**

RARR is a 'discretionary statutory' power that enables the Lord Chancellor to re-release, on licence, people serving a determinate sentence after they have been recalled to prison. RARR is used in instances when the Lord Chancellor 'is satisfied it is not necessary for public protection for them to remain in prison'. Its use helps avoid the often-lengthy period in prison before the Parole Board completes a review with a direction that the person be re-released.

### **Use of RARR:**

Between 2017 and 2019, RARR was used to release recalled people in prison between 1,000 and 1,600 times each year. Since then, its use has fallen to fewer than 100 times in 2022. The objective is to return to the 2017 and 2019 levels of re-releases.

The exact number of people released will depend on practitioner judgement, and other risk assessment factors. This policy change will result in an initial staggered increase in the number of prisoners to be re-released. HMPPS has noted that it does not anticipate that this will place substantial additional demand on local services at any given time.

The measure is a first step towards a more 'proactive approach to Risk Assessed Recall Reviews', which will focus on developing risk management plans for release and actively managing people in prison while on recall, while working towards their release. The objective is to reduce reliance on Parole Board reviews, and HMPPS notes that 'it is the right thing to do for the people we are supervising', which will be backed by a 'robust risk management plan'.



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## **Presumptive RARR provision**

In order to encourage greater usage of the RARR power, the Lord Chancellor has introduced a policy that 'those recalled prisoners who meet the qualifying criteria will be presumed suitable for re-release unless it is judged that they do not meet the statutory re-release test'. It is anticipated that such cases would be exceptional. This will be known as Presumptive RARR.

Presumptive RARR will be applied prospectively to eligible people in prison recalled from this date, and it will also be applied from this date to eligible recalled people in prison already in custody.

## **Presumptive RARR cohort:**

This change only applies to people subject to a standard recall who are serving a standard determinate sentence (SDS) and who meet the criteria below. It does not apply to those serving extended determinate or indeterminate sentences.

The change will mean that people who are recalled and who have a 'low' risk of serious recidivism score should be presumed suitable for re-release by probation practitioners except where:

- They have been charged with or investigated for a serious further offence (SFO) as defined by the Probation SFO Review Procedures (e.g. murder, manslaughter, rape); and/or
- They are assessed as posing a high or very high risk of serious harm (ROSH).

As with everyone released under RARR, people falling within the Presumptive RARR cohort must meet the statutory re-release test in order to be released under the policy. People who are ineligible for Presumptive RARR may still be considered for re-release through normal RARR processes against the statutory re-release test, but without a presumption for release.

## **RARR and Fixed Term Recalls (FTRs):**

Unlike Fixed Term Recalls (FTRs), the re-release of those eligible for Presumptive RARR is not automatic nor fixed in time. Their re-release is subject to 'suitable risk management plans being in place and to meeting the statutory re-release test'.

It is expected that for those who meet the Presumptive RARR criteria, re-release within 2-3 months of recall will be achieved in the vast majority of cases.



HMPPS notes that 'the presumption of re-release may be rebutted or more time taken to enable the re-release, but only by exception in appropriate cases'.

Presumptive RARR reflects a policy decision that 'there is a cohort of prisoners who are unsuitable for FTR but for whom re-release should be appropriate in many cases and much earlier than the 10 months it currently takes on average for the Parole Board to conclude their consideration of such cases'.

Where people are not re-released via the RARR power, their cases will continue to be reviewed by the Parole Board as now.

HMPPS notes that 'those whose risk is too high to be effectively managed in the community (i.e., they do not satisfy the statutory release test) may well need to stay in prison until the end of their sentence to ensure public protection'.

### **Risk review:**

Probation practitioners will undertake a risk review to assess suitability, with operational guidance, issued on 17<sup>th</sup> February, specifying the evidence needed to support the presumption for re-release.

HMPPS notes that 'all risk reviews will include a rigorous analysis of the risk of harm the individual presents in respect of physical, emotional, psychological or sexual harm, recognising that certain types of offending behaviour, including domestically abusive behaviour and sexual harm, encompass an array of different types of harm'.

Probation practitioners will conduct safeguarding and domestic abuse checks on all cases and, where applicable, complete a MAPPA Level 1 review in line with the MAPPA Level 1 Policy Framework (this includes all Registered Sex Offenders).

### **Informing victims:**

Probation practitioners will keep victim liaison officers (VLOs) informed of any proposed release dates and subsequent updates where the case meets the criteria for the Victim Contact Scheme (VCS) or the Victim Notification Scheme (VNS), which is for victims of stalking and harassment.



VLOs will inform eligible victims of the proposed release and provide them with the opportunity to make representations about victim-related licence conditions or supervision requirements, or any representations in the form of a Victim Personal Statement, for consideration. Further information can be found in the [Victim Contact Scheme Policy Framework](#).