HM Prison &
Probation Service

Probation Operational 56-day Fixed Term Recall Guidance

Version Control		
Version	**Date**	**Reason for Issue**
V0.1	31/03/2026	Final version
V0.2	02/06/2026	Updated version to reflect 'charge and conviction' distinction and more detailed guidance for the exclusion criteria: charges, youth sentences and DCRs

Introduction

The Sentencing Act mandates the use of Fixed Term Recall (FTR) for the majority of **adult Standard Determinate Sentence (SDS)** cases who do not meet the exclusion criteria.

It replaces the previous fixed terms of 14 and 28 days with **a 56-day period.** It standardises this for all SDS regardless of sentence length.

Other than this change, and the areas outlined in this guidance, all other recall practice remain unchanged.

Exclusion Criteria

SDS recalled cases will receive a 56-day FTR **unless** they meet any of the following exclusion criteria:

- **Managed at MAPPA level 2 or 3 at the point of recall**
- Recalled on account of being **charged with an offence**
- **Repatriated to the UK following a sentence for murder**
- Are **MAPPA category 4**
- **At risk of involvement in foreign power threat activity i.e. poses a national security risk**
- Are serving a sentence for a **terrorist or national security offence**
- Are serving **Indeterminate, Life or Extended sentences**.
- Are serving **Sentences of Particular Concern (SOPC)**
- Are serving only **youth sentences**.

- Are serving a sentence to which the release provisions of the Criminal Justice Act 1991 or 1967 apply

Cases that meet the exclusion criteria at the point of recall are *automatically* converted to a standard recall.

For more detailed explanations of the exclusion criteria please see **Annex A**.

1. Identification of Recall Type

1.1 Point of Recall

The type of recall Fixed or Standard for new recalls, will be determined at the point of recall using the **Consider A Recall (CAR)** tool. The exclusion criteria are listed within CAR to guide practitioners as to whether the individual will be subject to a fixed or a standard recall.

**The CAR tool is not yet adapted to support Out of Hours (OoH) recalls. For these recalls the Part A will be used to determine whether the person being recalled will be subject to a fixed term or a standard recall.*

This replaces the use of Annex Bs, Annex Bs are only for use for cases being re-released in the tranche releases and will no longer be in use when the tranche releases end.

1.2 New Information 'Recall Upgrade Request'

If new information is received post recall that the prisoner has been charged with a further offence, is now MAPPA Level 2 or 3 or Category 4 or poses a national security risk a '**Recall Upgrade Request'** must be submitted to PPCS to inform them. PPCS will then determine the recall type.

A new nDelius contact entry has been created '**Recall Upgrade Request**' in which the request form has been embedded. Once completed please email to PPCS:
[redacted]

PPCS will reply to the practitioner with their decision within 5 working days from receipt of the email. The practitioner can then record the outcome on nDelius selecting either 'Converted to Standard' or 'Remains Fixed Term'. If after 5 days no response has been received please contact PPCS.

PPCS is not required to automatically convert to standard recall, they have discretion to decide whether the person is suitable for automatic release therefore it is important to provide a clear rationale as to why the conversion is being requested.

This replaces the use of 'new information' in the Annex Bs, Annex Bs are only for use for cases being re-released in the tranche release and will no longer be in use when the tranche releases end.

1.3 ‘Significant Risk’ Test

The ‘Significant Risk Test’ can be used in exceptional circumstances to request conversion to standard recall for cases that do not meet the exclusion criteria but for whom there are significant concerns about the risk of serious harm if the prisoner is released at the automatic 56-day point.
The practitioner must evidence that the case meets the Significant Risk Test criteria and provide a rationale for why the recall should be converted to a Standard Recall, enabling the Parole Board to determine if they are safe to be released.

A new nDelius contact entry has been created ‘Significant Risk Test’ in which the application form has been embedded. Please email the application to [redacted] ensuring your Head of Public Protection is aware.

PPCS will aim to reply to the practitioner with their decision within 5 working days from receipt of the email. The practitioner can then record the outcome on nDelius selecting either ‘Converted to Standard’ or ‘Remains Fixed Term’.

Guidance on the application and criteria can be found in Significant Risk Test guidance

Significant Risk Test
Guidance. (V.pdf

2. Other Considerations

Charges

If there are charges at the point of recall or during the recall that lead to the case being deemed a standard recall and the charge/s are later dropped or the case is found not guilty the case will remain on standard recall and the options for re-release would either be via the RARR process or via the Parole Board.

The timing of the offence is not relevant; the timing of the charge is. If the offence happened earlier in the licence period but the charge happens at the point of recall or during the recall it can still lead to standard recall.

If a decision is made to recall someone due to concerning behaviours that led to their arrest, but they are not charged, and the individual is subsequently re-released, they cannot be recalled again if later charged for the same behaviour. Even if additional information about that behaviour emerges, recall is not permitted because the behaviour occurred under a previous licence.

If the practitioner knows that a charge is likely at the point of recall they should ensure the police are aware of the timescales within which they need to be charge the FTR prisoner to enable PPCS to consider them for standard recall.

Charge and Conviction

If you recall someone due to them being charged **and convicted** for a new offence/s they will not be automatically excluded from FTR. It is only a charge that leads to automatic exclusion not a conviction. For the case to be excluded you would need to have submitted the recall at the point of charge prior to the conviction. Anyone charged and convicted will be determined to be an FTR unless they meet any of the other exclusion criteria.

If during the recall a case is charged **and convicted** and a Recall Upgrade form is submitted, PPCS **cannot** consider conversion to standard you would need to have requested the conversion at the point that they were charged prior to the conviction.

If a case is determined to be a standard recall based on a charge and they are later convicted they will remain on a standard recall and will not be converted to an FTR.

MAPPA Level 2 and 3 Cases who are Recalled

It is advised that recalled prisoners are retained at MAPPA Level 2 or 3 during the custodial period, where there is an intent to manage them at this level in the community. This applies to both individuals who are managed at Level 2 or 3 at the point of recall and those accepted for Level 2 or 3 following recall.

In line with the MAPPA guidance, there is *no obligation* to hold 16 or 8 weekly MAPPA meetings for Level 2 or Level 3 nominals in custody - it is a decision for the MAPPA SMBs as to how frequently to review recall cases. At a minimum, a review meeting must be held prior to any potential re-release, and this should take place with sufficient time to implement a robust risk management plan.

MAPPA Level can be raised to 2 or 3 on a temporary basis and a single meeting held to ensure that there is senior oversight to support and if possible strengthen the risk management plan and ensure that everything that can be done has been done to manage risk ahead of potential release.

Cases who are Unlawfully At Large

If practitioners are unsure about recall type after return to custody, following an individual being UAL, they should contact PPCS to discuss.

Use of Risk Assessed Recall Review (RARR)

RARR will remain and can be used at any point where there is information that indicates the recall is no longer necessary for public protection.

Part Bs

Where PPCS determine that a recall can be converted from fixed to Standard Recall, Probation Practitioners must complete the Part B in line with the normal timescales and submit it to PPCS, copying in the prison. The exception to this is cases managed by PPCS NSC.

Upon receipt of the Part B, PPCS will refer the case to the Parole Board in line with the statutory deadline

3. Responsibilities by Role

PDU Heads, Deputy Head and SPOs

- Check that the eligibility for a fixed term recall section is accurately completed on the Consider a Recall tool before signing off.

Probation Practitioners

- Ensure that all SDS cases are assessed accurately at the point of recall for a fixed term recall using the Consider a Recall Tool.
- Where appropriate, update PPCS post recall if there is new information and a prisoner may require conversion to a standard recall.
- Refer to the Significant Risk Test guidance where there are significant concerns about automatic release following a fixed term period.
- Record actions using the new nDelius contact entries.
- Carry out BAU pre-release activities including ensuring the right licence conditions are in place to manage the risk and that address checks have been done.

Case Administrators

- Assist practitioners in ensuring recall paperwork is completed, recorded and returned as required.

4. Flowcharts

FTR56 Flowcharts.pdf

Annex A

Exclusion Criteria – further information

Please see additional information to support understanding of the exclusion criteria where appropriate:

- **Is serving only youth sentence/s**

  The changes do not apply to those *only* serving youth sentences. To be eligible they would need to *also have an active adult sentence running alongside the youth sentence* (and be over 18).

  Section 250/ 91 are the only youth standard determinate sentence that qualify for this exclusion. These sentences should appear on NDelius as 'Detained S53(2) or S250 (s.91)'. In Section 250/91 cases (who only have these sentences) 14- and 28-day Fixed Term Recalls are still available (depending on the length of the sentence) and standard recalls can also be considered.

  To be sentenced to a Section 250/91 the case must have been under 18 at the point of conviction.

  YOI/ Detention in a YOI is not a youth sentence - there is a sentence of DYOI but it is only available for 18-20 yr olds.

  Other youth non determinate custodial sentences- EDS, SoPCs and indeterminate sentences are also excluded from FTR56.

  DTOs are not explicitly excluded because they are not affected by the legislation. DTOs are not subject to recall they are dealt with by breach arrangements via the courts.

  Some cases are incorrectly recorded on nDelius as YOIs when they are in fact Section 250/91s so to be sure staff should check the age at the point of conviction and the sentencing documents.

  There are different exclusion criteria from fixed term recall for Section 250/91 cases – please see 8.1.13 of the Recall Policy Framework for more information.

- **Is serving a Sentence for Offenders of Particular Concern (SOPC):**

  Sentence imposed under section 236A of the Criminal Justice Act 2003 or under section 265 or 278 of the Sentencing Code). These sentences are usually recorded on NDelius as '**Special Cust Sentence (S236aCJA)**'

- **Is a terrorist or national security offender:**

- **Is serving a sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003** (terrorist prisoners)

  These cases will be managed by the National Security Division.

- **Is serving a sentence for an offence listed in Schedule 19ZB of the Criminal Justice Act 2003** (offences involving or connected with terrorism or a threat to national security)

- **Is serving a sentence for an offence listed in Part 3 of Schedule 13 to the Sentencing Code** (offences involving or connected with a threat to national security)

  National security offences are those primarily in the National Security Act 2023 and Official Secrets Acts. They are typically in relation to hostile activity linked to foreign powers which undermines our national security. This is also sometimes referred to as *state threat activity*.

- **Identified as MAPPA Category 4 at the point of recall** (relevant terrorist offenders under paragraph (aa) or persons who may be at risk of involvement of terrorism activity under paragraph (c) of section 325(2) of the Criminal Justice Act 2003)

  MAPPA Category 4 cases will be supervised by the National Security Division.

  A person falls within MAPPA Category 4 if:
  - they are required to comply with the notification requirements set out in Part 4 of the Counter-Terrorism Act 2008
  - they have been convicted of a relevant terrorist offence and received a qualifying sentence or disposal for that offence
  - they have committed an offence and may be at risk of involvement in terrorism-related activity (discretionary Category 4 identified by Counter Terrorism Police & NSD)

- **Identified as at risk of involvement in foreign power threat activity at the point of recall** (defined within Part 1, section 33 of the National Security Act 2023)

  Foreign power threat activity relates to cases who are not convicted of a national security offence (offences under the National Security Act 2023 or Official Secrets Acts found in Schedule 13 Part 3 and/or Schedule 19ZB) but for whom it has been assessed that they may present a risk of involvement in foreign power threat activity. PPs managing these cases would have been informed of this by the specialist team.

- **Managed at MAPPA Level 2 or 3 at the point of recall**

The definition of being managed at MAPPA L2/3 requires a formal decision in line with local referral processes, that an individual requires Level 2/3 management. MAPPA guidance states Level 2/3 management can be determined when the MAPPA Co-ordination Unit, on behalf of the RA, (Responsible Authority, meaning HMPPS and the Police) will determine whether the offender meets the criteria'. Whilst referral processes will vary between MAPPA areas, there should be a process in place to make a formal decision about management levels.

If an FTR prisoner will need to be managed at Level 2 or 3 on release, then please ensure that the MAPPA Level is reviewed during the 56-day period. If the level is raised to 2 or 3 a Recall Upgrade request must be sent to PPCS to determine whether they should be converted to standard recall. A decision on MAPPA level needs to be made in enough time to ensure that PPCS are able to process the Recall Upgrade request ahead of automatic re-release (a minimum of 5 working days).

- **Recalled on account of being charged with an offence**
If selecting this exclusion at the point of recall you will need to have **confirmation of the charge/s**. If the charges are still pending and they happen after the point that the recall is submitted to PPCS then you will need to complete a Recall Upgrade Request form.

Do not confuse a further offence, an arrest or an allegation as being evidence of a charge.

Wherever possible please provide a charge sheet with the recall paperwork or Recall Upgrade Request.
Is serving a sentence to which the release provisions of the Criminal Justice Act 1991 or 1967 apply (Part 2 or 3 of Schedule 20B of the Criminal Justice Act 2003)
These are Discretionary Conditional Release (DCR) sentences and should appear on NDelius as '**Disc Release(parole) Adult/Youth'**.

Some cases have been recorded incorrectly an SDS not DCR on NDelius.

- **Is serving a determinate sentence for murder**

This applies to individuals who were sentenced for murder in another jurisdiction/ country which does not mandate a life sentence for this offence and repatriated to serve their sentence in England and Wales.