

**Temporary Travel Abroad by Offenders on a
Community / Suspended Sentence Order or Licence**

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**London
Probation Trust**



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**Temporary Travel Abroad by Offenders on a Community /
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References

Title: **Temporary Travel Abroad by Offenders on a Community / Suspended Sentence Order or Licence**

Synopsis: London Probation Trust policy in relation to temporary travel abroad by offenders on a community / suspended sentence order or licence..

Status: **Issued**

Equality Impact Assessment: Not applicable

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Introduction

This policy statement applies to all offenders under supervision to London Probation Trust (LPT) either by way of a prison licence or an order in the community imposed at court. Recent cases where permission was inappropriately granted for offenders to travel abroad have resulted in Serious Further Offences and offenders failing to return to the United Kingdom. This guidance clarifies expectations for all offender managers and their managers.

Temporary Travel Outside the United Kingdom

To ensure that offenders subject to probation supervision while on a community order or licence are effectively managed throughout their order, temporary travel outside of the United Kingdom should not be granted other than in very limited and exceptional circumstances. Each request must be considered on a case by case basis and managed in accordance with the procedures set out by this document.

Post Release Licences

It is a standard condition of a post release licence that an offender shall *“not travel outside the United Kingdom without obtaining the prior permission of (the) supervising officer which shall be given in exceptional circumstances only”*.

Exceptional Circumstances

Exceptional circumstances will apply to very few cases and only where there are compelling reasons for granting the request made. Examples of compelling reasons include exceptional compassionate circumstances like the need to visit a dying relative or to attend a family funeral. Any other reasons for travel are unlikely to be for compelling reasons. Requests for travel for business, recreational or holiday purposes will not of themselves be considered “exceptional circumstances” but each request must be properly assessed on its own merits.

Community Orders (COs) and Suspended Sentence Orders (SSOs)

It is recognised that “permission to travel” is not a condition of a Community Order or a SSO as it is with a licence. The first step when considering any

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request for temporary travel abroad is the impact the proposed travel would have on the supervision plan and national standards.

Where an offender's travel plans have no direct impact on their supervision plan or current reporting arrangements under national standards, "permission" to travel is not required. Importantly, LPT does not in such circumstances have the authority to prevent offenders from travelling. The effective management of risk does however require that information about the offenders travel plans is shared, with the police for example where this is relevant and reasonable to do so.

Where the offender's travel plans require us to amend or suspend reporting requirements or impact directly on the supervision plan key considerations include compliance with the order, adherence to national standards and effective risk management.

Any request for travel abroad which requires us to vary or suspend reporting under national standards or which impacts directly on the supervision plan and is likely to impact on public protection and the overall effective management of the order would not normally be granted except in exceptional compassionate circumstances.

Issues to be Considered for Both Licences and Community Orders and Suspended Sentence Orders

A comprehensive risk assessment should be carried out in relation to any request that is subject to active consideration. The management of risk must be the overriding consideration. The information considered will include:

- The offender's response to supervision and if there is a history of compliance.
- The index offence and previous offending history.
- Any connections to serious organised crime.
- Any connections to the importation of drugs or fraud involving companies set up outside the United Kingdom.
- Any history of violent or sexual offending.
- Any history of domestic violence.
- The likelihood of the offender returning to the United Kingdom.
- The views of the police or any other agency involved with the offender.
- Consideration of how the public may perceive the request.

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Information to be Verified

Before referring a request to travel abroad to their manager, offender managers should take steps to verify that the request is genuinely made and that the information provided by the offender is true and accurate. Such steps may include:

- Confirmation of the circumstances surrounding the request for travel. Such information may come from the offender or the police or other agencies.
- Confirmation of the address where the offender would stay while abroad.
- Confirmation of dates on which the offender would depart from and return to the United Kingdom, for instance by obtaining a copy of airline or other travel tickets.

Authorisation to Travel

Authorisation can only be granted by an Assistant Chief Officer (ACO) or Director. In order to fully consider requests that fall under the exceptional grounds, the ACO or Director should be provided with the following documents:

- A comprehensive risk assessment.
- Confirmation that information has been verified as outlined above.
- An assessment by the Police or any other agencies involved with the case.

Whether a request to travel is authorised or not, the decision should be communicated to the offender in writing by the ACO. This letter does not need to list the reasons why the particular decision has been reached but it may be appropriate to set out the context in which the request is made together with the reason(s) given by the offender for wanting to travel abroad. A template letter of a refusal to grant permission is set out at Annex A which can be used and amended as appropriate to the individual case at hand.

Extended and Life Licences

Offenders subject to extended or life licences will remain subject to supervision for extended periods. In these cases any request for temporary travel abroad should be dealt with as outlined above for the first four years of the licence period.

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Following this period of active supervision, if the offender is assessed as low risk of harm and reoffending and is complying with the requirements of the licence, any request for temporary travel abroad may be considered on a case by case basis. The exceptional circumstances "test" does not apply in these circumstances although a full risk assessment, verification of information and senior management agreement are still required.

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ANNEX A

Dear [X],

Re: Your Request to Travel Abroad

I understand that you wish to travel to [LOCATION] between [DATES]. I also understand that this request is made for the following reasons:

[LIST REASONS]

In accordance with London Probation Trust Directive 93, permission to travel abroad will only be granted in exceptional circumstances.

Having considered your stipulated reasons for requesting to travel abroad, I do not consider that exceptional circumstances have been established so as to justify consent for travelling. On that basis, I have decided not to grant permission to travel abroad.

Yours sincerely,

[Y]

Assistant Chief Officer [Local Delivery Unit

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