



# Ministry of JUSTICE

National Offender Management Service

<b>National Security Framework</b>		<b>Ref: NSF 1.2</b>
<b>Categorisation And Recategorisation Of Women Prisoners</b>		
<b>This instruction applies to :</b>		<b>Reference :</b>
Prisons		<b>PSI 39/2011</b>
<b>Issue date</b>	<b>Effective Date</b>	<b>Expiry Date</b>
<b>Updated 29 October 2021</b>	1 September 2011	To be replaced in due course by a Policy Framework
<b>Issued on the authority of</b>	NOMS Agency Board	
<b>For action by</b>	All staff responsible for categorisation and recategorisation procedures, including those in contracted prisons. Governors/Directors of Contracted Prisons. In this document, the term Governor also applies to Directors of Contracted Prisons.	
<b>For information</b>	All HQ and prison staff involved with Categorisation and Recategorisation processes.	
<b>Contact</b>	categorisation@justice.gov.uk	
<b>Associated documents</b>		

### Update – 29 October 2021

This update includes changes to categorisation policy for female offenders that take immediate effect (from 29 October). It increases the general time period before earliest release date when a female offender serving a determinate prison sentence can generally be considered for assignment to security category “Open”, from two years to three years. This update is an interim measure pending a planned update to the Security Categorisation Policy Framework to incorporate the requirements and guidance for female offenders into the Framework, and which will result in this PSI being cancelled. Until that time, this PSI will continue to apply with this, and any earlier, updates.

Policy requirements in respect of the consideration of indeterminate sentence individuals for Security Category “Open”, the allocation and transfer of female offenders, and arrangements for Release on Temporary Licence for female offenders, are unaffected by this update.

### Update – 13 May 2021

This update reflects changes to categorisation policy that require to be given immediate effect (from 13 May 2021) in respect of terrorist and terrorist connected offenders. A review of the policy relating to the security categorisation of women offenders is expected to be completed in 2021, replacing and cancelling this PSI. The sections within this PSI detailing procedures for categorisation and recategorisation of women prisoners have not been amended but should be taken to incorporate the following requirements.

**This Instruction is amended to include the following requirements.**

**Terrorist and terrorist connected offences**

There is a presumption that an individual serving any custodial sentence, whether determinate or indeterminate, for an offence described in section 247A(2) of the Criminal Justice Act 2003 will not be suitable for Category D/Open unless there are exceptional circumstances and the categorisation decision is approved by the Governing Governor of the establishment in which the individual is held. If approved, the date the approval was given and the reasons and justification for the decision must be recorded on the DCS.

This presumption of unsuitability for Category D/Open will apply from the date on which the section 247A(2) offence sentence is imposed until the date on which it would be served in full (the sentence and licence expiry date). For offenders serving consecutive or concurrent sentences where one of the offences falls within section 247A(2), an offender is presumed unsuitable for open conditions if any sentence forming part of the overall sentence envelope falls within 247A(2). These offenders are ineligible for the duration of the sentence envelope (including whilst released or recalled during that envelope). If an offender is released on licence, sentences imposed subsequently to this won't form part of this envelope. After the original envelope passes, the presumed unsuitability will no longer apply to the offender unless the new sentence is for an offence under section 247A(2).

Audit/monitoring :

Deputy Directors for Custody will monitor compliance in their region with the mandatory actions set out in this Prison Service Instruction.

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This PSI applies to all staff involved with the categorisation and recategorisation processes.

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## Executive summary

### Background

This Instruction provides comprehensive policy and guidance on the initial categorisation, recategorisation and related allocation of women prisoners. Where allocation is referred to in this Instruction it refers only to the allocation of prisoners as a result of decisions on categorisation. This Instruction does not govern any process of allocation that may arise in any other context for example as part of a sentence planning process.

This Instruction:

- introduces revised forms ICA3 and RC3
- provides updated comprehensive policy and guidance
- consolidates existing policy and guidance
- takes account of the removal of the category of semi-open

It replaces:

- Policy and guidance contained within Function 1 of the National Security Framework (NSF)
- PSO 0900 Categorisation & Allocation
- PSI 35/2002 Allocation of Deportees to Open Conditions
- PSI 26/2007 Maximising Occupancy of the Open Estate
- PSI 16/2008 Making Best Use of the Open Estate
- PSI 3/2009 Recategorisation to Category D and Other Matters

### Key changes and clarifications

The policy, guidance and associated forms have been revised to consolidate a number of PSIs on categorisation and incorporate legislative changes. A list of key changes is attached at Annex H.

### Desired outcomes

This Instruction aims to ensure that:

- all prisoners have assigned to them, the lowest security category consistent with managing their needs in terms of security and control at all stages of their sentence
- categorisation and recategorisation decisions are in line with current policy; and
- these decisions are reached without bias in respect of race, age, religion, nationality, disability, sexual orientation or any other factor irrelevant to the categorisation process.

### Application

Applies to all staff involved in the categorisation or recategorisation of women prisoners other than Category A/Restricted Status prisoners.

### Mandatory actions

*Governors, Directors of Contracted Prisons and Deputy Directors for Custody(DDC) must ensure that the guidance and procedures introduced by this PSI are given immediate effect by staff responsible for categorisation and recategorisation, and are incorporated into the prison's Local Security Strategy as soon as possible.*

### Resource Impact

The impact on resources is likely to be limited as this PSI consolidates existing policy and offers more comprehensive guidance on the categorisation and recategorisation process.

### Contacts

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## CATEGORISATION AND ALLOCATION OF WOMEN PRISONERS

### Purpose and output

1. This PSI updates policy and guidance in Function 1 of the NSF on the initial categorisation, recategorisation and related allocations of women prisoners. It:
  - introduces revised forms ICA3 and RC3
  - provides updated comprehensive policy and guidance
  - consolidates existing policy and guidance
  - removes the category of semi-open

### Key changes and clarifications

2. The policy, guidance and associated forms have been revised to consolidate a number of PSIs on categorisation and incorporate legislative changes. A list of key changes is attached at Annex H.

### Mandatory Action

3. *Governors, Directors of Contracted Prisons and Deputy Directors for Custody (DDC) must ensure that the guidance and procedures introduced by this Instruction are given immediate effect and are incorporated into the prison's Local Security Strategy as soon as possible.*

### Scope of this Instruction

4. This Instruction applies to all women prisoners who are categorised and recategorised by prison establishments.
5. It applies to life sentenced prisoners who are not Category A or Restricted Status (although it should be read in conjunction with PSI 36/2010 and PSO 4700 Serving the Indeterminate Sentence and to prisoners serving indeterminate sentences for public protection (IPP). References to indeterminate sentence prisoners (ISP) refer to both life sentenced prisoners, and to IPP prisoners.
6. It does not apply to Category A or Restricted Status prisoners who are categorised and reviewed by NOMS Headquarters.

## SECTION 1: PURPOSE OF CATEGORISATION

1.1 The purpose of categorisation is to assess the risks posed by a prisoner in terms of:

- likelihood of escape or abscond
- the risk of harm to the public in the event of an escape or abscond
- any control issues that impact on the security and good order of the prison and the safety of those within it

and then to assign to the prisoner the lowest security category consistent with managing those risks. Three years is considered to be the maximum time a prisoner should spend in open conditions. However, assessment of a prisoner's individual risks and needs may support earlier categorisation to open conditions. *Such cases must have the reasons for their categorisation fully documented and confirmed in writing by the Governing Governor.* Indeterminate sentence prisoners (ISPs) will be considered for categorisation to open conditions in line with the provisions of PSO 4700 (PSI 36/2010)

## SECTION 2: DEFINITION OF SECURITY CATEGORIES

2.1 Women prisoners may be held in one of four security categories

- **Category A**

*Prisoners whose escape would be highly dangerous to the public or the police or the security of the state and for whom the aim must be to make escape impossible.*

- **Restricted Status**

Any female, young person or young adult prisoner convicted or on remand whose escape would present a serious risk to the public and who are required to be held in designated secure accommodation

- **Closed Conditions**

Prisoners for whom the very highest conditions of security are not necessary but who present too high a risk for open conditions or for whom open conditions are not appropriate.

- **Open conditions**

Prisoners who present a low risk; can reasonably be trusted in open conditions and for whom open conditions are appropriate.

## SECTION 3: PRINCIPLES OF CATEGORISATION

3.1 *All prisoners must have assigned to them the lowest security category consistent with managing their needs in terms of security and control and must meet all the criteria of the category for which they are being assessed. (i.e for open conditions this will mean that they are low risk of harm or a robust risk management plan is in place to manage any potential risk of harm to others), can be reasonably trusted not to abscond and for whom open conditions are appropriate i.e. will usually be within the time to serve limit).*

3.1.1 *A prisoner's security category must never be adjusted to achieve a better match with available spaces within the estate.* However, it should be noted that where population pressures exist or where it is in the prisoner's own best interests (for example, to access or



complete an offender behaviour programme), she may be allocated to or retained in a prison of a higher security category than that assigned to her.

3.1.2 Women indeterminate sentence prisoners (ISPs) will be considered for categorisation to open conditions in line with the provisions of PSO 4700 (PSI 36/2010).

3.2 *Categorisation decisions must be fair, consistent and objective.*

- *Categorisation decisions are individual risk assessments which must be in line with current policy and reached without bias in respect of race, age, religion, nationality, disability, sexual orientation or any other factor irrelevant to the categorisation process.*

3.3 *The correct forms must be used*

- *Categorisation assessments must be made using the appropriate categorisation forms: the ICA3 form for initial categorisation and the RC3 form for recategorisation.*
- *These are national forms that support current policy; ensure a consistency of approach throughout the estate and provide an auditable account of the prisoner's categorisation assessment.*
- *The forms must not be adapted to suit local requirements. If local forms are used to provide additional information, these may be attached to the national form. A copy of the completed form must be retained in the prisoner's record.*
- *The forms must be completed in full, with all the relevant issues addressed and explanations given for the decisions made.*

3.4 Disclosure

- *The categorisation process is an open one and the prisoner must be able to understand why she has been placed in a particular category. A copy of the categorisation form must be disclosed to the prisoner if she requests it. If the prisoner has difficulty understanding the form, the reasons for the decision must be explained to her verbally.*

3.5 Withholding Information

- Information relevant to the categorisation decision may be withheld from the prisoner in certain circumstances:
  - (i) in the interests of national security;
  - (ii) for the prevention of crime or disorder, including information relevant to prison security;
  - (iii) for the protection of a third party who may be put at risk if the information is disclosed;
  - (iv) if, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and or physical health of the prisoner could be impaired;
  - (v) where the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim, or would generally prejudice the future supply of such information.

- *In such cases, the information to be withheld must be recorded separate from the main form. Consideration must be given to disclosing a summary of the information or an edited form that protects the anonymity of the informant. Where information that impacts on the categorisation decision is withheld from the prisoner, the form must nonetheless record a brief description of the information being withheld (i.e. SIR) as far as is compatible with maintaining security / protecting other persons.*
- Under the Data Protection Act 1998, prisoners are entitled to request a copy of all of their personal data. The Prison Service has a statutory duty to disclose such data subject to a number of exemptions. PSO 9020 Data Protection gives further information.

### 3.6 Representations

- If a prisoner is dissatisfied with a categorisation / recategorisation decision she should be encouraged in the first instance to raise her concerns with her personal officer as it may be that she is unclear about the process or how the decision has been reached. If the prisoner then wishes to pursue the matter, a complaint can be raised through the request complaints procedure. *In such cases, the categorisation decision must be reviewed by a manager senior to the countersigning officer as a de novo review of all the facts.*
- *Prisons must keep a record of the number of request/complaints relating to categorisation decisions and the outcome of the de novo consideration.* If the prisoner remains unhappy with the result of this review it is open to her to pursue the matter with the Governor, Director, DDC and ultimately the Prisons and Probation Ombudsman.

### 3.7 Responsibilities of Staff

*Governors must assign staff who are competent in the roles of: making a recommendation of category and subsequent allocation; reviewing and countersigning that recommendation; oversight and management of the categorisation and allocation process generally.*

- It is the responsibility of all persons completing the ICA3 and RC3 forms to ensure that only information relevant to an assessment of the risks of:
  - (i) escape/abscond or
  - (ii) risk of harm to the public in the event of an escape or abscond
  - (iii) the safety of others within the prison
  - (iv) the good order of the prison

contributes to the categorisation and allocation decisions.

### 3.8 Roles of staff

- *The person carrying out the assessment and making the recommendation of category and allocation must ensure that the recommendations are fully documented and supported by clear evidence. The recommendation must be made without bias in respect of race, age, religion, nationality, disability, sexual orientation or any other factor irrelevant to the categorisation and subsequent allocation processes.*
- *The person given delegated responsibility for confirming or amending the recommendation of security category and allocation must ensure that the decision in each case is made without bias in respect of any factor irrelevant to the categorisation*

*and subsequent allocation processes. If the recommendations are not accepted, then an alternative category and allocation must be recorded together with reasons.*

- *The manager with overall responsibility for the categorisation process must put in place monitoring systems to ensure the fairness and consistency of categorisation decisions and to provide an assurance of quality control. It is recommended that random sampling of completed categorisation forms is carried out to ensure that consistency and fairness is maintained.*

## **SECTION 4: INITIAL CATEGORISATION & ALLOCATION**

### 4.1. Identification of potential Category A/Restricted Status prisoners following sentencing

- The majority of Category A/Restricted Status prisoners will have been reported in as potential Category As following reception on remand and will have been held as provisional Category A leading up to their sentence. Staff should however be alert to the need to report in those prisoners who, after sentencing, present as potential Category A prisoners. Instructions on reporting in of potential Category A / Restricted Status prisoners are contained within PSI 3/2010 Category A Security Review and PSI 38/2005 Reporting in and Management of Category A prisoners. Staff should be aware that there is a difference between potential and provisional Category As, and should refer to PSI 3/2010 for further guidance

### 4.2 Streamlined risk assessment

- *Prisoners sentenced to a determinate sentence of less than 12 months must be considered for categorisation to open conditions and allocation to open conditions as soon as possible after sentencing, subject to a requirement that they spend a minimum of seven days in closed conditions. The streamlined risk assessment form attached at Annex F must be used. It must not be used for prisoners sentenced to 12 months and over.*
- Prisoners sentenced to less than 12 months but convicted under terrorism legislation are not eligible for consideration under the streamlined risk assessment process.
- *Prisoners assessed as suitable for open conditions using the streamlined risk assessment process must also have an ICA3 form completed to ensure that the prisoner is allocated appropriately. The streamlined risk assessment should be attached to the ICA3 form.*

### 4.3 Timing and essential documents

*All convicted and sentenced prisoners, including Indeterminate Sentence Prisoners (ISPs) (other than those reported in to headquarters as potential Category A/Restricted Status) must be categorised within 4 working days of all essential documents being received.*

- *Arrangements must be in place to obtain these documents as quickly as possible. Documents essential to the categorisation process are:*
  - Previous convictions (if any);
  - Details of current offence(s);
  - Current custodial record;
  - Previous record (if available);
  - Prisoner's security file (F2058);
  - Public Protection Information (MAPPA) if available;

- (vii) PER form;
- (viii) OASys (if opened prior to sentence);
- (ix) Request for Information form from UK Border Agency (UKBA).

- *Any documents other than those listed above which are referred to as part of the assessment must be listed in the appropriate box in the form. This is to ensure that the prisoner is aware of the information which has been considered and to ensure that if the decision is challenged at a later date, a record exists of the documents referred to.*

#### 4.4 The ICA3 Form (attached at Annex A)

- The completed ICA 3 forms part of the prisoner's record and will be referred to whenever the prisoner's category is reviewed. It is vital that the form is completed in full to provide an accurate and full record of the decision process.

#### 4.5 Completion of the form

- *The ICA3 form must be used for the initial categorisation and allocation of all women prisoners other than:*
  - (i) *those reported in to Directorate of High Security (DHS) Category A Team in Headquarters as potential Category A or Restricted Status. Instructions for the reporting in of these prisoners is contained in PSI 3/2010 Category A Security Review and PSI 38/2005 Reporting in and Management of Category A prisoners.*
  - (ii) *prisoners recalled for breach of licence or HDC conditions. These prisoners must be categorised for onward allocation using the RC3.*
- *The ICA3 form must be used for the categorisation of all indeterminate sentence prisoners, (ISP). Initial categorisation must be undertaken no later than the Initial Sentence Plan.*
- *The form must also be used for repatriated prisoners.*

Guidance on completion of the ICA3 is attached at Annex B.

## SECTION 5: RECATEGORISATION AND ALLOCATION

- 5.1 The purpose of the recategorisation process is to determine whether, and to what extent, there has been a clear change in the risks a prisoner presented at her last review, and to ensure that she continues to be held in the most appropriate conditions of security. Allocation often follows immediately after categorisation but is a separate process whose purpose is to assign the prisoner to a suitably secure establishment which best meets her needs insofar as pressures on the estate allow.
- 5.2 *Risk levels may increase or decrease depending on individual circumstances and the prisoner's security category must reflect this.* Due account should be taken of any intelligence, held either within the prison or received from a Law Enforcement Agency (LEA), that indicates the prisoner is involved in ongoing serious criminal activity.

- 5.3 *Recategorisation to a lower security category is not an automatic progression or right but must be based on clear evidence of a reduction in previously identified risk levels to a level that is manageable in an establishment of the category for which the prisoner is being considered. Recategorisation to open conditions must be based on the prisoner's proven trustworthiness and manageable risks.*
- 5.4 In reviewing a prisoner's security category it is essential to look at the reasons why, at her last review, the prisoner was placed in the current security category. Only then is it possible to determine whether, and to what extent, circumstances may have changed to warrant a change in her category. It is also important to consider the particular characteristics of the estate for which the prisoner is being assessed taking account of physical security, supervision levels and regime availability. This is particularly important when considering whether to recategorise a prisoner for open prison, Because of the particular characteristics of the open estate, recategorisation to open conditions must be based on the prisoner's proven trustworthiness and manageable risks
- 5.5 Three years is considered to be the maximum time a prisoner should spend in open conditions. However, assessment of a prisoner's individual risks and needs may support earlier recategorisation to open conditions. *Such cases must have the reasons for their categorisation fully documented and confirmed in writing by the Governing Governor.* Indeterminate sentence prisoners (ISPs) will be considered for categorisation to open conditions in line with the provisions of PSO 4700 (PSI 36/2010)
- 5.6 Timing of recategorisation reviews

*All prisoners other than those already categorised as suitable for open conditions, those sentenced to less than 12 months and ISPs (to whom PSI 36/2010 PSO 4700 New Chapter 4 Serving the Indeterminate Sentence applies) must have their security category reviewed at regular prescribed intervals.*

*Prisoners serving indeterminate sentences will be subject to Sentence Planning and Review meetings, which must be held at least every 12 months, and inline with the OMIII manual. The prisoner's security category should be considered at each meeting. (See PSO 4700 Chapter 4)*

The following have a six monthly review:

- Prisoners serving a determinate sentence of 12 months or more but less than 6 years
- Extended Sentence for Public Protection (EPP) prisoners with a custodial term of less than six years
- Prisoners in the last 36 months of their sentence

The following have an annual review:

- Determinate sentence prisoners with a sentence of 6 years or more
- EPP prisoners with a custodial term of six years or more

- 5.7 Recalled prisoners will be reviewed within 4 working days of the Parole Board or Justice Secretary making a decision on their case.
- 5.8 Prisoners in the open estate, and open prisoners held in the closed estate will be reviewed only if there is a change in their circumstances; their behaviour gives cause for concern or

when new information or intelligence suggests an increase in risk levels. For ISPs, see PSI 36/2010 PSO 4700 New Chapter 4 Serving the Indeterminate Sentence.

5.9 A prisoner's recategorisation review *must not* be withheld or delayed to await the outcome of a parole hearing. To do so could be construed as unfairly jeopardising the prisoner's chances of parole success. The review should take place at the normal time although it will normally be inappropriate to transfer the prisoner until the parole dossier is completed unless there is an urgent need to transfer the prisoner to conditions of higher security.

5.10 In addition to the prescribed timetable of reviews, prisoners may have their security category reviewed whenever there has been a significant change in their circumstances or behaviour which impacts on the level of security required. Changes might include those listed below, although other circumstances might also arise:

- there is a change in circumstances or behaviour which indicates an urgent threat to prison security or the good order of the establishment
- intelligence indicating involvement in ongoing serious criminality
- further charges of a serious nature indicate that the prisoner requires a higher level of security
- a notice of deportation is served
- a Confiscation Order is enforced
- a Serious Crime Prevention Order (SCPO) is imposed
- new or additional information comes to light. For example, during completion or updating of the OASys assessment which highlights additional risk factors
- there is cause for concern that the current categorisation decision is unsound. *There must be corroborative evidence to support that concern*
- the prisoner has completed a successful ROTL
- serious ROTL failure
- a sentence/tariff is reduced on appeal
- a key piece of offending behaviour work is completed, or there has been a successful detoxification or opiate substitute maintenance regime
- a prisoner is recalled to custody
- a prisoner is returned to prison custody from a Special Hospital.

5.11. Recalled Prisoners

- It is preferable for recalled prisoners to remain in the prison of their reception until the completion of their first recall review. *If operational needs mean they have to be reallocated, then the RC3 form (at Annex C) must first be completed. Recalled prisoners, except those prisoners recalled from HDC for breaching the curfew*

*condition, must not however, be allocated to the open estate in advance of the Parole Board or the Justice Secretary reaching a decision in their case.*

- Once the Parole Board or the Justice Secretary has made a decision, recalled prisoners may be categorised and allocated in the usual way. *In such cases, the RC3 must be completed with reference to the prisoner's previous categorisation/recategorisation assessments. In addition to the normal procedures and risk assessments carried out at the review stage, the assessment must take account of :*
  - (i) the prisoner's security category at original release;
  - (ii) the circumstances resulting in the recall ;
  - (iii) the length of time the prisoner was on licence prior to recall;
  - (iv) the number of times the prisoner has been recalled;
  - (v) comments (specifically relating to risk) made by the Parole Board.
  - (vi) time to serve
- Allocation of recalls to open conditions following the decision of the Parole Board or the Justice Secretary, or for Fixed Term Recall prisoners, is not precluded. *However, given the prisoner has breached her licence conditions, trustworthiness in open conditions must be carefully considered if public confidence is not to be undermined.*

#### 5.12. Returns from High and Medium Secure Hospital

Patients returning to custody from a high or medium secure hospital will return to the local prison which serves the area. The expectation is that the local prison will have been involved in a meeting under section 117 of the Mental Health Act 1983 prior to the patient being returned to prison custody, unless there are exceptional circumstances (e.g. where the patient has become unmanageable and it would be dangerous for them to remain in hospital). *Their security category must be reviewed within 4 days of the receipt of all the available information, which will include the Prison Service security and related files returned by the hospital and the hospital's own security and intelligence files relating to her time in their care.* The prisoner's core record will need to be obtained from the discharging prison. *Any Category A/Restricted Status prisoner returning to prison custody from Special Hospital must be reported into the DHS Category A Team at Headquarters.*

#### 5.13 The RC3 Form (attached at Annex C)

The completed RC3 forms part of the prisoner's record and, along with the ICA3 form, will be referred to whenever the prisoner's category is reviewed. It is important that the form provides an accurate and full record of the decision process.

#### 5.14 Completion of the form

*Detailed guidance on the completion of the RC3 form is shown at Annex D. The form must be used for the recategorisation and allocation of all female prisoners other than ISPs. Indeterminate sentence prisoners (ISPs) will be considered for categorisation to open conditions in line with the provisions of PSO 4700 (PSI 36/2010)*

**ICA3: INITIAL CATEGORISATION AND ALLOCATION OF WOMEN PRISONERS**  
**Part 1**

CATEGORISING AND ALLOCATING ESTABLISHMENT HMP

SURNAME		FORENAME	
PRISON NUMBER		NOMS NUMBER	
DATE OF BIRTH		AGE	
NATIONALITY		ETHNIC GROUP	

ADDRESS

CURRENT OFFENCE(S)

DATE SENTENCED                      SENTENCE LENGTH

HDCED	ECL	ARD	CRD	PED	NPD	ISP Tariff end date	LED	SED

*Initial categorisation must not proceed without reference to the following essential documents:*

	Date requested	Date Received
Previous Convictions (if any)		
Details of current offence		
Current custodial record		
Previous record (if available)		
Prisoner's security file (F2058)		
Public Protection information (MAPPA) (if available)		
PER form		
OASys (if opened prior to sentence)		
Request for information form from UK Border Agency (UKBA)		

Please confirm that all essential documents have been referred to and list any other documents referred to as part of this assessment procedure



**PART 2****SECURITY CATEGORY**

The following risk assessment is for those prisoners who have not been categorised to either Category A or Restricted Status

*All prisoners serving a life sentence or public protection sentence must be allocated to closed prison*

*All other prisoners to whom this form applies must be regarded as suitable for open conditions unless any of the following criteria applies:*

- *Current sentence of 3 years or more*
- *Prisoner has been treated as a provisional category A whilst on remand*
- *Current or previous terrorist (or terrorist related) offences*
- *Previous escape from closed prison, police custody (except arrest or post-arrest) or escort*
- *Significant history of serious offending*
- *Serious criminal association*
- *Further charges outstanding (other than those of a minor nature)*
- *Previous sentence of 7 years or more (from which the prisoner was released within the last 5 years)*
- *The prisoner is diagnosed, or is suspected as suffering from, serious mental health problems*
- *There is reasonable concern regarding risk of abscond*
- *Previous breaches/failures to surrender*
- *There are victim issues or issues of public confidence that would indicate that open conditions are inappropriate*
- *The prisoner is currently subject to MAPPAs level 2 or 3 management. Serious consideration must be given to the individual circumstances, to determine whether these can be managed in open conditions.*
- *An OASys risk of harm level which cannot be reasonably managed in open conditions*
- *The prisoner has been identified as a priority or a prolific offender (PPO)*
- *A Serious Crime Prevention Order is imposed*
- *Confiscation order, consider whether amount and default sentence imposed might increase risk of abscond.*
- *More than three years left to serve (See also guidance at paragraph 15, page 21)*

*If any of the above criteria applies the prisoner must have an initial allocation to a closed prison unless the specific individual circumstances of her offending suggest that open conditions may still be appropriate. If this is the case then a full explanation of the circumstances must be given*

provisional security category	<div style="display: flex; justify-content: space-around;"> <span>closed</span> <span>open</span> </div>
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**PART 3 ALLOCATION**

Please assess the following issues and comment on whether these impact on the category indicated or on the prisoner's suitability for any particular allocation

**PUBLIC PROTECTION ISSUES****Public Protection Manual**

Identified as subject to MAPPA	Yes/No
Does Chapter 2 Section 2 Child Contact apply?	Yes/No
Does Chapter 2 Section 4 Persons posing a risk to children apply	Yes/No
Identified as potential risk to children	Yes/No
Identified as continued risk to children	Yes/No
Does,Chapter 6 Harassment Procedures apply	Yes/No

**PSO 4400**

Does Chapter 4, Prisoner's use of telephone apply	Yes/No
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If any of the above public protection issues apply give details

**OTHER ISSUES**

Is there any information about the following issues which might impact on the prisoner's allocation or provide useful information about the required future management of the prisoner:

Drug/alcohol or other dependency		Needs relating to disability	
Control issues, including GOOD		Identified educational/training needs	
Danger to staff/ other prisoners/other persons		Identified resettlement needs	
Suitability for allocation to non cellular accommodation		Language problems	
At risk of self-harm, suicide		Priority intervention identified by OASys	
Vulnerable prisoner		Identified as Persistent and Prolific Offender (PPO)	
Identified offending behaviour needs		Domestic/family issues	
Indeterminate sentence prisoner		Primary carer	
Victim issues		MAPPA (consider if this should apply)	

If yes to any of the above, please give details

Is the prisoner known to be pregnant?                      Yes                      No

If yes, what is her expected date of delivery?

## HEALTHCARE

Level of healthcare required:

Any specific healthcare issues to record

Home Address

Details of dependants

Is the prisoner the sole carer of dependant children?                      Yes                      No

Dates of birth?

Who is currently caring for children?

Name	Address
------	---------

Is there contact with the family

Visits	Letters	Telephone	None
--------	---------	-----------	------

Who is likely to be the main visitor(s)?

Where do they live?

Name and address of supervising offender manager

**PART 4 : RECOMMENDATION AND DECISION**

In some cases, although neither the risk assessment nor the suitability assessment indicates that closed conditions are required, it may nonetheless be in the prisoner's own interest to be allocated to a closed prison. If this is the case, please specify why this is so and whether the situation should be reviewed sooner than the next routine review.

In some cases, the need for closed conditions will be temporary. For example the prisoner may need to stay in the local prison to arrange childcare, or to complete detoxification, but would otherwise be suitable for open conditions. In such circumstances, the prisoner's recommended security category should be to open conditions, but allocation delayed until the issue is resolved. If this is the case please give details of the circumstances that preclude immediate allocation to open and indicate when these are likely to be resolved.

Please consult the Women's Prisons Allocation Strategy document before recommending allocation

**RECOMMENDATION**

Recommended Category

Closed      Open

**Recommended Allocation**      HMP      \_\_\_\_\_

Name

Signature

Grade

Date

**CONFIRMATION OF CATEGORY & ALLOCATION**

I agree/disagree with the above recommendation for the following reasons

Name

Signature

Grade

Date

**DATE PRISONER ALLOCATED**

Name

Signature

Grade

Date

## Annex B

**Guidance On Completion of the Initial Categorisation and Allocation Form ICA3**

1. The purpose of the initial categorisation process is to assess the risks posed by an individual prisoner in terms of:
  - likelihood of escape or abscond
  - the risk of harm to the public in the event of an escape or abscond
  - any control issues that impact on the security and good order of the prison and the safety of those within it

and then to assign to the prisoner the appropriate security category.

Three years is considered to be the maximum time a prisoner should spend in open conditions. However, assessment of a prisoner's individual risks and needs may support earlier categorisation to open conditions. *Such cases must have the reasons for their categorisation fully documented and confirmed in writing by the Governing Governor.* Indeterminate sentence prisoners (ISPs) will be considered for categorisation to open conditions in line with the provisions of PSO 4700 (PSI 36/2010)

The purpose of the subsequent allocation process is to allocate the prisoner to an establishment appropriate to meeting her identified risks and needs.

2. *A prisoner must be categorised to the correct security category even if it is clear that it will not be possible to allocate her straight away to a prison of that category. On no account must a prisoner's security category be adjusted to enable a better match with available spaces throughout the estate.*
3. All prisoners who are on remand awaiting trial, convicted and awaiting sentence other than those provisionally placed in Category A/Restricted Status are not subject to the categorisation process but are placed in Category U (unclassified). They are normally held in closed conditions in local prisons but there is no reason why, in individual cases and with the Governor's agreement, they cannot be transferred to an alternative closed prison.

**Part 1**

4. Part 1 of the ICA3 records the prisoner's personal details together with information about her offence, sentence length, key sentence management dates and a record of the receipt of those documents that are essential to the categorisation process.
5. *All convicted prisoners (other than those reported into Headquarters as potential Category A and recalled prisoners) must be categorised within 4 working days of all essential documents being received. The OCA department must have arrangements in place to obtain these documents as quickly as possible.* Documents essential to the categorisation process are listed in section 4.3 of the PSI.
6. *Foreign nationals, including those subject to enforcement proceedings under the Immigration Act, must be risk assessed in the same way as all other prisoners. UKBA must be asked to contribute any information which might indicate an increased risk of abscond. A response must be received from UKBA if the prisoner is being considered for open conditions.*

**Part 2: Assessment**

7. The first part of the categorisation process involves consideration of a list of offence related and security/risk issues that will indicate the security conditions to be assigned to the prisoner.
8. Once the provisional category has been identified, other relevant circumstances are assessed to determine whether the provisional security category is the correct one, or whether it should be amended.
9. A higher level of supervision than that indicated by the risk assessment may be required either for control purposes i.e. for a prisoner who has been involved while on remand in the bullying or taxing of other prisoners or whose behaviour might be difficult to manage in conditions of lower security or because there is security intelligence to suggest the prisoner may try to escape. On the other hand, the prisoner may have successfully completed previous sentences in open conditions or her previous offending may have been confined to minor offences committed some years previously.
10. Prisoners repatriated from abroad may have received sentences that are disproportionately long by UK standards. When categorising such prisoners it is possible that the sentence length will indicate a higher security category than necessary. While consideration of sentence length is indicative of seriousness of offence, it should not be regarded as the determinative factor when categorising such prisoners. Consideration of the nature and circumstances of the index offence and any previous convictions should, in such cases, be given more weight.
11. In the case of a prisoner convicted of participation in serious organised crime the Security Department and the Police Intelligence Officer (PIO) *must* be consulted as part of the initial categorisation process. Consideration should be given to whether such prisoners may seek to continue to participate in criminal activities during their imprisonment. *The categorisation of a prisoner to a particular security category must take account of whether the security and supervision levels are appropriate to the risks presented.*
12. Where it is assessed that the security category indicated by the algorithm should be amended, the reasons and the recommended category should be recorded on part 4 of the form.

**Part 3: Allocation**

13. In this section consideration is given to issues which may impact on the allocation of the prisoner. *Where any of the allocation issues listed are present, information must be provided in the relevant box.* Reference should also be made to PSI 32/2011 Ensuring Equality.
14. *The prisoner may not, at initial allocation stage, have been assessed by the MAPPA team but consideration must be given to whether this is a requirement before any allocation decision is made.*

**Categorisation and Allocation to the open estate**

15. Three years is considered to be the maximum time a prisoner should spend in open conditions. However, assessment of a prisoner's individual risks and needs may support earlier categorisation to D. Such cases must have the reasons for the categorisation decision fully documented and confirmed in writing by the Governing Governor.

Indeterminate sentence prisoners (ISPs) will be considered for categorisation to open conditions in line with the provisions of PSO 4700 (PSI 36/2010). Fuller guidance on eligibility dates can be found in Annex E. See Part 2 of the ICA3.

16. *When considering a prisoner for categorisation to open conditions, governors must bear in mind whether the low physical security and low staff: prisoner supervision levels are sufficient to reasonably manage any risks presented by the prisoner.* The low security in this part of the estate may give those who wish to abuse that security, the opportunity to carry on with their criminal activities. The environment and regime opportunities available in open prison may not be suitable for a prisoner who is many years away from possible release. *Governors must also be aware of the potential damage to public confidence in the Prison Service's ability to safeguard the public by keeping prisoners in custody,*
17. *Victim issues must be taken into account when assessing a prisoner for allocation to open conditions, particularly where the victim of an offence had been specifically targeted by the prisoner. In all such cases the offender manager must be consulted where it is proposed to transfer the prisoner to an open prison in the vicinity of a victim's home.*
18. *Establishments must report into Headquarters by email, using the form attached at Annex G, any prisoner convicted of offences under terrorism legislation or otherwise linked to terrorist activities, who is being moved to open conditions.*
19. Deportees are considered for categorisation to open conditions in the same way as other prisoners. *If a deportee is being considered for open conditions however, the Request for Information form sent to Criminal Casework Directorate in UKBA must have been returned before a prisoner is moved from the closed estate.* It is not UKBA's decision whether or not a deportee should proceed to open conditions. That decision lies with the prison. UKBA are consulted to contribute any information which might impact on the risk assessment process – specifically on risk of abscond.

#### **Part 4: Recommendation and Decision**

20. *Having assessed and fully recorded the information required in the previous 3 parts, the person responsible for carrying out the assessment must recommend a security category and allocation. This must be signed and dated.*
21. *The recommendations in relation to categorisation and allocation must be confirmed or amended with written reasons by a member of staff designated to countersign recommendations.*
22. *The date the prisoner is allocated must be noted.*

**RC3 RECATEGORISATION OF WOMEN PRISONERS****Part 1 Personal information and categorisation history**

ESTABLISHMENT HMP:
--------------------

Surname		Forename	
NOMS number		Prison Number	
Date of Birth		Age	
Nationality		Ethnic Group	

Current Offence(s)
--------------------

Date Sentenced Is the prisoner's offence one listed in the CJA 2003 schedule 15 or SOA 2003 Schedule 3	Sentence Length  Earliest release date
---	--

**CATEGORISATION HISTORY**

- Has the prisoner been treated as a potential/provisional Category A/ Restricted Status prisoner whilst on remand for the current offences
- Has the prisoner previously been held as a Category A/Restricted Status prisoner during this sentence or a previous sentence
- Has the prisoner previously been held as a Restricted Status prisoner during this sentence or a previous sentence

If yes, to any of the above, please give the date of the prisoner's removal from category A or Restricted Status and , if there are any other issues of public protection, please give details
--

Categorisation History and Dates
----------------------------------



**Part 2****RISK ASSESSMENT FOR MOVE TO OPEN CONDITIONS**

The review of a prisoner's security category is based on an assessment of risk. In particular, whether there has been a reduction in risk sufficient to make recategorisation to an open prison appropriate. The assessment of risk should be regarded as both risk of abscond and risk of harm to the public in the event of an abscond, and any control issues that impact on the security and good order of the prison and the safety of those within it.

In making the provisional assessment, consider any issues which, at initial categorisation or during any previous reviews, indicated that the prisoner was unsuitable for open conditions and whether new information about the prisoner suggests that the risk has reduced.

State if / how risk has changed since last review
---

Consider whether there are any significant control issues which indicate that the prisoner is unsuitable for open conditions i.e: consistent MDT failures, bullying, involvement in serious organised crime, drug supply, violence

State significant issues:
---------------------------

**RECOMMENDATION :**

**Move to open conditions /Retain in closed conditions**

Name	Signature	Grade	Date

**Part 3****RISK ASSESSMENT FOR MOVE TO CLOSED CONDITIONS**

Recategorisation from open to closed conditions will normally be non-routine and in response to a significant change in risk or behaviour.

STATE HOW RISK HAS INCREASED:
-------------------------------

**RECOMMENDATION :**

**Move to closed conditions/Retain in open conditions**

Name	Signature	Grade	Date

**Part4****RE-ALLOCATION ASSESSMENT**

Is there any information relevant to the following issues which may impact on the prisoner's allocation or impact on her future management. Issues identified here may be temporary and a subsequent review of allocation may be appropriate after a short time:

Drug/alcohol or other dependency		Needs relating to disability	
Control issues, including GOOD		Identified educational/training needs	
Danger to staff/ other prisoners/other persons		Identified resettlement needs	
Suitability for allocation to non cellular accommodation		Language problems	
At risk of self-harm, suicide		Priority intervention identified by OASys	
Vulnerable prisoner		Identified as Persistent and Prolific Offender (PPO)	
Identified/Ongoing offending behaviour programme		Domestic/family issues	
Indeterminate sentence prisoner		Primary carer	

MAPPA		Suitable for non cellular accommodation	
Level of healthcare required		Parole Review underway	
Ongoing urgent hospital appointments		Victim issues	
Details of relevant information:			

**Recommended Allocation** HMP \_\_\_\_\_

*You must refer to the Allocation Strategy document before making a recommendation*

Name	Signature	Grade	Date

**CONFIRMATION OF CATEGORY & ALLOCATION**

I agree/disagree with the above recommendation for the following reasons

Name	Signature	Grade	Date

*If the prisoner being moved to open conditions has been convicted of offences under terrorism legislation or otherwise linked to terrorist activities, establishments must report the move to Headquarters (for information purposes only).*

Annex D**Guidance on completion of the Recategorisation Form RC3**

1. The completed RC3 forms part of the prisoner's record and, along with the ICA3 form, will be referred to whenever the prisoner's category is reviewed. It is vital that the form provides an accurate and full record of the decision process.
2. *In making the categorisation assessment, the process set out in the recategorisation forms must be followed, obtaining input from those prison staff and other professionals who know the prisoner best and are best placed to provide insight into the extent of any change or who have relevant specialist information.* Information relevant to the assessment will include:
  - Date of last categorisation and categorisation history
  - Whether the prisoner was previously potential/provisional/confirmed Category A and if so, when that category was removed
  - Security information – any SIRs; relevant historical information about previous escape or trust failures; information from the Police Intelligence Officer
  - MAPPA. Any prisoner who is subject to MAPPA should be reviewed 6 months prior to release by their offender manager regarding the level of management that will be required when released into the community. *Where this has taken place and a prisoner will be managed at level 2 or 3 serious consideration relating to the presenting risks must be given before open conditions are approved. Any prisoner subject to MAPPA and risk assessed as OASYS High or Very High may be unsuitable for open conditions.*
  - Reports from the Personal Officer and Offender Supervisor which give an insight into the prisoner's attitude to her offending and sentence; any involvement in drugs or taxing or bullying of other prisoners which might indicate unsuitability for conditions of lower security and supervision; similarly any evidence of the prisoner's vulnerability which might make her the target of other prisoners' bullying and intimidation, particularly if this results in a prisoner in an open prison being forced to import drugs or other contraband; notoriety which might attract unwelcome media attention and disruption to the prison.
  - Whether the prisoner has been a participant in serious organised crime. The particular security risks presented in recategorising someone who may seek to continue to participate in criminal activities during their imprisonment, affecting the good order of the establishment, need to be considered. Lower security may provide opportunities for these prisoners to pursue their criminal activities. The Security department should be consulted, and further information may be sought from the Police Intelligence Officer (PIO).
  - Information about any domestic factors which could impact on the prisoner's stability and likelihood of trying to escape or abscond.
  - Reports from healthcare or psychologist indicating concerns about the prisoner's healthcare needs or ability to cope in conditions of lesser supervision.
  - The outcome of any offending behaviour programmes undertaken by the prisoner and her willingness to address her offending behaviour. A prisoner, through no fault of her own, may not have been able to access a relevant programme and therefore there

may be little or no evidence of risk reduction. Risk assessment however, is conducted in the round, and those making decisions about risk reduction and risk management will look not only at whether offending behaviour work has been successfully undertaken, but consider all other evidence available.

- Positions of trust held.
- Successful ROTL applications or outcome of ROTL
- The prisoner's behaviour is relevant to the assessment in so far as it may indicate the need for a greater degree of security or supervision. Poor institutional behaviour may pose a threat to the security of the prison or to the safety and well being of staff and other prisoners. In such a case the prisoner may need to be recategorised to a higher security category and reallocated to a more suitable prison. Good, compliant behaviour does not, in itself, indicate that the prisoner poses less risk either of escape or abscond or risk of harm to the public and is not sufficient justification to downgrade a prisoner. *There must be additional sound evidence that the prisoner's good behaviour is representative of a change in attitude and an associated reduction in the risks that were evidenced at the last categorisation review.*
- Prisoners who deny their guilt may have refused to undertake any relevant offence-related work. *While the establishment must proceed on the basis that the prisoner is guilty of the offence for which she has been convicted, the recategorisation review should consider whether there is other evidence available which might indicate that the risk has been reduced sufficiently to justify recategorisation to a lower security establishment.* This consideration should be fully recorded on the RC3 form.
- *New or outstanding charges, (including enforced Confiscation Orders) must be assessed for the likely impact on the prisoner's escape/abscond risk or because they might indicate that the prisoner presents an increased risk to the public.* Establishments should seek more information from the enforcement authorities as to the level of risk. PSI 16/2010 provides more information on Confiscation Orders.

### **Part 1: Personal Information and categorisation history**

3. This part of the form records the prisoner's personal information and previous categorisation history.

### **Part 2: Risk assessment for recategorisation to open conditions**

4. It is essential that prisoners are assessed as trustworthy and sufficiently low risk before being recategorised and subsequently allocated to open conditions. *A prisoner must not be categorised as suitable for open conditions unless the assessed risk of abscond and the risk of harm to the public can be managed appropriately in open conditions.* Recategorisation to a higher security category (and subsequent re-allocation) may be necessary if there is a change in the risk.
5. *When considering a prisoner for recategorisation to open conditions, governors must bear in mind the lower levels of physical security and low staff: prisoner supervision levels in open conditions. Prisoners must be low risk of escape or abscond, and a low risk of harm to the public in the event of an escape or abscond.* This low security may give those who wish to abuse that security, the opportunity to carry on with their criminal activities.
6. The environment and regime opportunities available in open prison may not be suitable for a prisoner who is many years away from possible release. *Governors must also be aware of the damage to public confidence in the Prison Service if a prisoner serving a lengthy sentence*

were to abscond, particularly if the prisoner has spent only a very short time in a closed prison and/or still has many years to serve. A prisoner must not be categorised as suitable for open conditions unless she is also eligible to be allocated to the open estate.

7. When assessing whether to re-categorise a long sentenced prisoner to open conditions, it is vital to balance the risks involved if the prisoner were to abscond against the likely benefits to the prisoner of going to open conditions. Governors will need to consider whether the prisoner has made sufficient positive and successful efforts to reduce risk levels and that the benefits she would gain from allocation to open prison are worthwhile at this particular stage in sentence. Consultation with the Police Intelligence Officer should be an integral part of the assessment of any long-term or public protection prisoner.
8. *In addition, every case must be considered on its individual merits but when assessing long sentence prisoners it may help in decision-making to take as a guide that:*
  - *Such prisoners should normally be categorised to open prison only after having served a sufficient proportion of their sentence in a closed prison to enable them to settle into their sentence and to successfully complete any offending behaviour programmes identified as essential to the risk reduction process, and,*

***In the majority of cases it will be inappropriate to re-categorise a prisoner to open conditions more than 6 years before her earliest release date. (Annex E gives fuller guidance on release dates).***
  - *Three years is considered to be the maximum time a prisoner should spend in open conditions. However, assessment of a prisoner's individual risks and needs may support earlier recategorisation to open conditions. Such cases must have the reasons for the categorisation decision fully documented and confirmed in writing by the Governing Governor.*
9. *Victim issues must also be taken into account when assessing a prisoner for open conditions, particularly where the victim of an offence had been specifically targeted by the prisoner. In all such cases the offender manager must be consulted if it is proposed to transfer the prisoner to an open prison in the vicinity of a victim's home.*
10. *The amount of any outstanding Confiscation Order must be taken into account. Existence of a Confiscation Order does not in itself preclude a prisoner from categorisation to open conditions and subsequent allocation to the open estate. However, the impact on abscond risk of the amount of the Order; the prisoner's willingness/ability to pay it; the additional time to be served in lieu of non-payment must be considered. Establishments should seek more information from the enforcement authorities as to the level of risk. However it is clear that prisoners at high risk of absconding for any reason should not be categorised suitable for the open estate.*
11. *Prisoners liable to enforcement proceedings under the Immigration Act are considered for open conditions in the same way as other prisoners, and must have their security category reviewed. If a deportee is being considered for open conditions however, the Request for Information form sent to Criminal Casework Directorate in UKBA must have been returned before a prisoner is moved from the closed estate. It is not UKBA's decision whether or not a deportee should proceed to open conditions. That decision lies with the prison. UKBA are consulted in case they have any additional information which might impact on the risk assessment process – for instance that the prisoner may try to evade an eventual deportation by absconding (and not merely that the subject is likely to be deported). The final decision will be for the Governor of the closed prison carrying out the recategorisation review.*

12. *Establishments must report to headquarters by email, using the form attached at Annex G, any prisoner convicted of offences under terrorism legislation or otherwise linked to terrorist activities, who is being moved to open conditions.*

### **Part 3 Risk assessment for move from open to closed conditions**

13. Risk assessment from open to closed conditions will normally be non-routine and in response to a significant change in risk or behaviour. *Where possible, the prisoner must be formally recategorised before transfer.* However, there will be occasions where operational requirements mean that the prisoner is moved before recategorisation takes place. *In such cases, this part of the form must be completed as soon as possible following transfer and forwarded to the receiving prison.* The final decision on category will be for the Governor of the closed prison.
14. Issues which may necessitate recategorisation to closed conditions are:
- Security intelligence suggesting the prisoner is still involved in criminal activities
  - change in home circumstances which might increase risk of abscond
  - involvement with drugs
  - further charges of a serious nature
  - Confiscation Order enforced
  - sentence increased
  - Deportation Order served
  - MAPPa information
  - behaviour which cannot be managed
  - ROTL failure
  - Serious Crime Prevention Order imposed
  - Provisions set out in PSOs below unable to be met in conditions of lower security:

PSO 4400 Chapter 2 The Protection from Harassment Act 1997

PSO 4400 Chapter 4 Prisoner Communications Prisoners Use of Telephones

PSO 4410 Prisoners Communications Visits

PSO 4411 Prisoners Communications Correspondence

## **GUIDANCE ON RELEASE DATES FOR PRISONERS CONSIDERED FOR OPEN CONDITIONS**

### **Prisoners who come under the release arrangements of the Criminal Justice Act 1991 as amended by the Criminal Justice and Immigration Act 2008**

- Prisoners serving a sentence of 6 years or more who will be released automatically at the half-way point of sentence (CRD) pursuant to section 33(1A) of the above Act *must* generally be within 3 years of CRD
- Prisoners serving a sentence of 6 years or more who won't fall to be released automatically at the half-way point of sentence *must* generally be within 3 years of Parole Eligibility Date (PED) and 5 years of their non- Parole Date (NPD)

### **Prisoners who come under the release arrangements of the Criminal Justice Act 2003**

- *Prisoners serving a standard determinate sentence are automatically released at the half way point in their sentence (CRD) and must generally be within 3 years of CRD*
- *Prisoners sentenced to an Extended Sentence for Public Protection (EPP) prior to 14 July 2008 may be released on the recommendation of the Parole Board at the halfway point of the custodial part of their sentence (PED), or at the end of the custodial part of their sentence (CRD) and must generally be within 3 years of PED.*
- *Prisoners sentenced to an EPP on or after 14 July 2008 (and whose offence was committed on or after 4 April 2005) will be automatically released on licence halfway through the custodial part of their sentence (CRD), rather than halfway release being at the Parole Board's discretion and must generally be within 3 years of CRD.*

Where a prisoner is serving a mixture of 1991 Act and 2003 Act sentences totalling 6 years or more the timings above will apply to whichever is the later – CRD, PED or NPD where these are applicable.

### **Prisoners serving terms in default of payment of fines or confiscation orders**

Those whose warrant of commitment is dated before 4 April 2005 come under the release arrangements of the 1991 Act. These are:

- If the term is for less than 12 months release is at the halfway point
- If the term is for 12 months or more release is at the two thirds point.

Those whose warrant of commitment is dated on or after 4 April 2005 release come under the release arrangements of the 2003 Act which is:

Release at the halfway point – whatever the length of the term.

### **Generally for prisoners serving terms in default the timing for open conditions is that they must be within 3 years of their release date.**

Three years is considered to be the maximum time a prisoner should spend in open conditions. However, assessment of a prisoner's individual risks and needs may support earlier recategorisation to open conditions. *Such cases must have the reasons for the categorisation decision fully documented and confirmed in writing by the Governing Governor.*



### STREAMLINED RISK ASSESSMENT FOR THE ALLOCATION OF PRISONERS SENTENCED TO LESS THAN TWELVE MONTHS TO OPEN CONDITIONS

**Note: These arrangements DO NOT apply to prisoners under 18 years of age. They apply ONLY to prisoners sentenced to less than twelve months**

Prisoner name: \_\_\_\_\_

Prison no: \_\_\_\_\_

	Please Tick	
	Yes	No
1. Has the prisoner ever been convicted of a sexual offence?		
2. Is the prisoner currently serving a sentence for an offence of violence?		
3. Is the prisoner currently serving a sentence for an offence under terrorism legislation?		
4. Is the prisoner currently undergoing detoxification, on methadone or subutex regimes, otherwise requiring 24-hour healthcare cover, or has forthcoming medical appointments either from a visiting medical professional or at an outside hospital and which would have to be cancelled if they were transferred ?		
5. Has the prisoner been identified as medium or high on a cell sharing risk assessment?		
6. Is the prisoner currently identified as MAPPA level 2 or 3?		
7. Has the prison been notified that further charges are currently pending?		
8. Are there any other factors indicating that the prisoner is likely to present a high risk of harm to the public if placed in open conditions?		
9. A Serious Crime Prevention Order has been imposed		

**If all the “no” boxes are ticked they should be reported to Population Management Section for transfer to open conditions.**

Completed by: \_\_\_\_\_

Establishment: \_\_\_\_\_

Date: \_\_\_\_\_

Email To [securitygroup.extremism@hmps.gsi.gov.uk](mailto:securitygroup.extremism@hmps.gsi.gov.uk)

**PRISONERS SENTENCED UNDER TERRORISM LEGISLATION  
CATEGORISATION TO OPEN CONDITIONS**

From: \_\_\_\_\_ (name of establishment)

Contact for enquiries: \_\_\_\_\_

Authorised by: \_\_\_\_\_

Date: \_\_\_\_\_

The prisoners listed below who have been convicted under terrorism legislation or otherwise linked to terrorist activities, have been categorised D following a **full risk assessment**, and have been identified as suitable for transfer to open conditions

Name of Prisoner	Prison/PNOMIS Number	Offence(s)	Date of Categorisation	Date of transfer	Transferred to which prison	Other Comments

## LIST OF KEY CHANGES.

Original policy provision (where applicable)	Amended policy	Explanation for the amendment
ICA3 Form	<p>Revised ICA3 Form</p> <p>Revised risk assessment to reflect removal of semi-open category. Other minor amendments: inclusion of NOMS number, reference to Serious Crime Prevention Orders, updated public protection references, need to identify suitability of non-cellular accommodation as part of allocation process.</p>	Updating form to reflect current procedures.
RC3 Form	<p>Revised RC3 Form</p> <p>Now records whether prisoner was previously held as Category A/Restricted Status and lists categorisation history.</p>	
Contained references to semi-open as a security category for women	Removes references to the semi open category	Semi-open is no longer a security category for women prisoners.
<i>All convicted prisoners, (other than those reported in to headquarters as potential Category A/Restricted Status; and recalled prisoners) must be categorised within <u>2 working days</u> of all essential documents being received.</i>	<i>All convicted prisoners, including Indeterminate Sentence Prisoners [ISPs] (other than those reported in to headquarters as potential Category A/Restricted Status; and recalled prisoners) must be categorised within <u>4 working days</u> of all essential documents being received.</i>	The original guidance made no reference to ISPs. The change to the timescale which provides establishments more time to carry out the categorisation process, was agreed as part of the recent revision of standards and is included in the current categorisation standard.
Definition of Restricted Status. Section 2: page 6	<p>The definition has been added to this PSI, and is the same definition as that used in PSI 3/2010: Category A and Restricted Status prisoners: reviews of security category</p> <p><b>Definition of Restricted Status</b></p> <p>Any female, young person or young adult prisoner convicted or on remand whose escape would present a serious risk to the public and who are required to be held in designated secure accommodation</p>	

<p>All prisoners will be routinely categorised at either six monthly or annual reviews.</p>	<p>Section 5: Recategorisation and Allocation</p> <p>5.5 Timing of recategorisation reviews</p> <p><i>All prisoners other than those already categorised as open, those sentenced to less than 12 months and ISPs (to whom PSI 26/2006 applies) must have their security reviewed at regular prescribed intervals.</i></p> <p><b><i>Prisoners serving indeterminate sentences will be subject to Sentence Planning and Review meetings, which must be held at least every 12 months and in line with the OM III manual. The ISP's security category should be considered at each meeting.</i></b></p> <p>The following have a six monthly review</p> <ul style="list-style-type: none"> <li>• Prisoners serving a determinate sentence of 12 months or more but less than 4 years</li> <li>• EPP (Extended Sentence for Public Protection) prisoners with a custodial term of less than four years</li> </ul> <p>The following have an annual review</p> <ul style="list-style-type: none"> <li>• Determinate sentence prisoners with a sentence of 4 years or more</li> <li>• EPP prisoners with a custodial term of four years or more</li> </ul> <p><i>(a reference to the Offender Management III manual will be added in due course</i></p>	<p>This rewording, on reviews for indeterminate sentence prisoners, brings the guidance into line with the revised Chapter 4 of PSO 4700.</p> <p>The wording is now more comprehensive and specific on ISP reviews. It also addresses the concern that to review long sentence prisoners early in their sentence would raise unrealistic expectations of a move to a lower security establishment, and staff would need to undertake unnecessary reviews. The guidance in paragraph 5.5 however, already says that ISPs won't be subject to regular reviews but will be reviewed according to PSI 26/2006. The process will continue to include consideration of a prisoner's security category.</p>
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<p>Section 5: Recategorisation and Allocation, paragraph 5.5 Timing of recategorisation reviews 5.5 Timing of recategorisation reviews. Page 11</p> <p><i>All prisoners other than those already categorised as open, those sentenced to less than 12 months and ISPs (to whom PSI 26/2006 applies) must have their security reviewed at regular prescribed intervals.</i></p> <p>The following have a six monthly review</p> <ul style="list-style-type: none"> <li>Prisoners serving a determinate sentence of 12 months or more but less than 4 years</li> <li>EPP (Extended Sentence for Public Protection) prisoners with a custodial term of less than four years</li> </ul>	<p>In addition:</p> <ul style="list-style-type: none"> <li><b>Prisoners in the last 24 months of their sentence.</b></li> </ul>	<p>The provision in PSI 16/2008 “Maximising Occupancy of the Open Estate”, that prisoners in the last 30 months of their sentence should be reviewed every 6 months has been removed. The expectation is that prisoners will not be allocated to the open estate with more than 24 months to earliest release date unless exceptional circumstances apply therefore, in the majority of cases the review at 30 months cannot be actioned and is therefore unnecessary.</p>
	<p>New mandatory action:</p> <p>representations against categorisation decisions</p> <p><i>Prisons must keep a record of the number of requests/complaints relating to decisions and the outcome of any subsequent review of categorisation.</i></p>	<p>Race Equality recommendation to ensure that establishments can better identify and address any equality issues.</p>
	<p>New mandatory action:</p> <p><i>Governor appoints designated manager with overall responsibility for the categorisation system.</i></p> <p><i>There must be a manager with overall responsibility for the categorisation process, who must put in place monitoring systems to ensure the fairness and consistency of categorisation decisions and to</i></p>	<p><i>Monitoring systems are important to ensure that the categorisation process is fair and consistent.</i></p>

	<i>provide an assurance of quality control. It is recommended that random sampling of completed categorisation forms is carried out to ensure consistency and fairness is maintained.</i>	
<p>Streamlined Risk Assessment for moves to open conditions</p> <p>PSI 16/2008 Making Best Use of the Open Estate introduced a number of measures to ensure the open estate was properly utilised. That PSI would be withdrawn under these proposals, and the measures incorporated into this new PSI. However, a small number of these measures have either been amended or withdrawn.</p> <p>The requirement to notify Population Management by fax of prisoners identified as suitable for a move to open conditions is no longer needed.</p>	This provision has been deleted with the agreement of PMS.	
<p>PSI 16/2008 asked Governors to:</p> <p>“put in place arrangements to conduct categorisation reviews at six monthly intervals for all prisoners in the last 30 months of their sentence. These prisoners should then be moved when they are closer to the last 24 months of their sentence.”</p>	The requirement to undertake security reviews of all prisoners in the last 30 months of their sentence has been removed.	<p>This provision was one of the measures intended to ensure maximum occupancy of the open estate by identifying at an early stage those prisoners who could move to open conditions when they were closer to 24 months left to serve.</p> <p>It has resulted in prisoners being categorised suitable for open conditions but being held in closed conditions until they are closer to 24 months to release. In such cases this necessitates a further review to ensure that there has been no significant change to risk.</p>
Current policy is that prisoners should not generally be moved to open	The policy on moves to open conditions has been amended to make clear that two years is	This ensures that prisoners being categorised to open conditions generally have no

<p>conditions within 2 years to their earliest released date. The governing governor is required to countersign the categorisation and allocation of any prisoner moving to open conditions with more than 2 years to earliest release <i>and</i> more than 5 years to NPD.</p>	<p>considered to be the maximum time a prisoner should spend in open conditions. However, assessment of a prisoner's individual risks and needs may support earlier recategorisation to open conditions. <i>Such cases must have the reasons for their categorisation fully documented and confirmed in writing by the Governing Governor.</i> The intent is also to make clear that the "2 year rule" is a categorisation criterion and not an allocation issue.</p>	<p>more than 2 years left to serve (unless individual needs warrant an earlier move).</p> <p>In order to maintain public confidence in HMPS.</p>
	<p>References to those engaged in serious and organised crime</p> <p>The PSI requires establishments to take account of information about serious and organised criminals, and to ensure that they are categorised to conditions of security commensurate with any ongoing risks they present.</p>	<p>These measures ensure establishments liaise with the Police Intelligence Officer (PIO) as part of the categorisation process in order to take account of information about prisoners who may attempt to continue their criminal activities whilst in custody.</p>
<p>Section 5: Recategorisation and Allocation.</p> <p>Returns from Special Hospital</p>	<p>5.11 Returns from High and Medium Secure Hospitals</p> <p>Patients returning to custody from a high or medium secure hospital will return to the local prison which serves the area. The expectation is that the local prison will have been involved in a meeting under section 117 of the Mental Health Act 1983 prior to the patient being returned to prison custody, unless there are exceptional circumstances (e.g. where the patient has become unmanageable and it would be dangerous for them to remain in hospital). <i>Their security category must be reviewed within 4 days of the receipt of all the available information, which will include the Prison Service security and related files returned by the hospital and the hospital's own security and</i></p>	<p>The amended wording reflects the view that all patients returned to custody from special hospitals should go to a local prison for assessment and onward allocation</p> <p>The PSIs now also reflect the guidance contained in "The Secure Mutual Exchange of Intelligence between NOMS and the High Security Hospitals", a protocol developed by NOMS and the NHS. This refers to both high and medium security hospitals, and also specifically to those under treatment as "patients". A term we have also used here.</p> <p>The opportunity has also been taken to remind establishments to ensure that the core records are obtained from the discharging prison, in order that all information is available to make a decision.</p> <p><i>The same amendments will be made to the Men's and</i></p>

	<p><i>intelligence files relating to her time in their care. The prisoner's core record will need to be obtained from the discharging prison. Any Category A/Restricted Status prisoner returning to prison custody from Special Hospital must be reported into the DHS Category A Team at Headquarters.</i></p>	<p><i>Young Adult PSIs to ensure that such prisoners are returned to appropriately secure accommodation.</i></p>
<p>The NSF gives little guidance on how to deal with recalled prisoners</p>	<p>The PSI provides more comprehensive guidance on the recategorisation of recalled prisoners:</p> <p>Should preferably remain in the prison of their reception until the completion of their first recall review.</p> <p><i>Must not, with the exception of those prisoners recalled from HDC for breaching the curfew condition, be allocated to the open estate in advance of the Parole Board or the Justice Secretary reaching a decision in their case.</i></p> <p><i>Once the Parole Board or the Justice Secretary has made a decision, recalled prisoners may be categorised and allocated in the usual way. In these cases, the RC3 must be completed.</i></p> <p>Allocation of recalls to open conditions following the decision of the Parole Board or the Justice Secretary, or for Fixed Term Recall prisoners is not precluded. <i>However, given the prisoner has breached her licence conditions, trustworthiness in open conditions must carefully be considered if public confidence is not to be undermined.</i></p>	<p>To provide guidance on the timescales and risk factors to take into account when recategorising a recalled prisoner</p>
<p>References to MAPPA and public protection</p>	<p>Guidance on public protection issues has been revised to take account of recent changes in the public protection manual. The forms have also been revised to reflect these changes.</p>	<p>To reflect current public protection policy.</p>



	<p>Guidance on Serious Crime Prevention Orders</p> <p>A serious crime prevention order is a new kind of civil injunction, breach of which is a crime, punishable on summary conviction in the Magistrates' Court by up to 6 month's imprisonment and a fine of up to level 5 on the standard scale. If convicted on indictment in the Crown Court, a person can be imprisoned for up to 5 years and given an unlimited fine (s.25).</p> <p>These orders are referred to in the PSI, and would:</p> <ul style="list-style-type: none"> <li>• Be considered specifically when initial categorisation is undertaken</li> <li>• Prompt a recategorisation review</li> <li>• Prompt a full review even if the prisoner would otherwise be subject to a streamlined risk assessment</li> <li>• Raise establishments' awareness of the existence of such orders, and consider whether these make open conditions appropriate</li> </ul>	<p>Provide guidance to establishments on this new type of injunction.</p>
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