Policy name: Security Categorisation Policy Framework

Issue Date: 20 February 2020. Implementation Date: 20 February 2020

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled*:

PSI 40/2011 Categorisation and Recategorisation of Adult Male Prisoners*
PSI 41/2011 Categorisation and Recategorisation of Young Adult Male Prisoners*

*These are only cancelled and not in operation once the (Digital Categorisation Service (DCS) is in use in an establishment. The revised process and all mandatory actions described in this framework will apply to all initial categorisation assessments and to all recategorisation assessments (routine or event-driven) which are started on or after the date of implementation.

The roles described in this document use the Offender Management in Custody titles. Where this is not yet fully rolled out, equivalent roles apply.

Introduces amendments to the following documents: None

Action required by:

<table>
<thead>
<tr>
<th></th>
<th>HMPPS HQ</th>
<th>Governors</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Public Sector Prisons</td>
<td>Heads of Group</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contracted Prisons</td>
<td>Contract Managers in Probation Trusts</td>
</tr>
<tr>
<td></td>
<td>National Probation Service</td>
<td>Community Rehabilitation Companies (CRCs)</td>
</tr>
<tr>
<td></td>
<td>HMPPS Rehabilitation Contract Services Team</td>
<td>HMPPS-run Immigration Removal Centres (IRCs)</td>
</tr>
<tr>
<td></td>
<td>Other providers of Probation and Community Services</td>
<td>Under 18 Young Offender Institutions</td>
</tr>
</tbody>
</table>

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

---

¹ In this document the term Governor also applies to Directors of Contracted Prisons.
Section 6 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 5 of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

**Scope**

This framework applies to the categorisation and recategorisation of:

- Male determinate and Indeterminate Sentence Prisoners (ISPs) who are not Category A or Restricted Status. The Category A/ Restricted Status process is set out in PSI 9/2015, (‘The Identification, Initial Categorisation and Management of Potential and Provisional Category A/Restricted Status Prisoners’) and in PSI 8/2013, (‘The Review of Security Category – Category A/Restricted Status Prisoners’).
- Civil Prisoners, who are treated in the same way as convicted prisoners for the purposes of categorisation (see PSO 4600 ‘Unconvicted, Unsentenced and Civil Prisoners’).
- It must be read in conjunction with policies and guidance relating to ISPs and Category A.

It does not apply to:

- The assessment of ISPs’ suitability for open conditions which normally require a recommendation from the Parole Board. All such decisions sit with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State.
- Individuals released on licence and then remanded into custody on new charges but who have not formally been recalled. These individuals should be treated as unconvicted prisoners.
- Individuals held solely under Immigration powers (IS91s) to whom PSI 52/2011 ‘Immigration, Repatriation and Removal Services’ applies.

**How will this Policy Framework be audited or monitored:** Mandatory elements of this Policy Framework must be subject to local management checks. There is an existing process of regular HMPPS audits of compliance with categorisation policy, which will continue to apply under this framework.

**Resource Impact:**

Compared to the previous policy, the frequency of reviews is increased in the last three years of time left to serve, but those with a short remaining time left to serve at initial categorisation do not need to be categorised. Trials of the process suggest staff overall find it saves them time due to the pre-population of sections via the Digital Service, and tailoring the assessment questions to only ask information relevant to the individual case.

**Please contact:** categorisation@justice.gov.uk and soct.procedures@justice.gov.uk for all queries.

**Deputy/Group Director sign-off:** Claudia Sturt, Executive Director for Security, Order and Counter-Terrorism

**Approved by OPS for publication:** Michelle Jarman-Howe, Sonia Crozier, Joint Chairs, Operational Policy Sub-board, 28 January 2020
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Purpose</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Procedural Justice</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Security Category Definitions</td>
<td>5-6</td>
</tr>
<tr>
<td>4</td>
<td>Constraints</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>Requirements</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Roles and Responsibilities</td>
<td>7</td>
</tr>
<tr>
<td>6</td>
<td>Initial Categorisation</td>
<td>7-9</td>
</tr>
<tr>
<td></td>
<td>Assessment for Category D/Open Conditions</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>Recategorisation</td>
<td>9-13</td>
</tr>
<tr>
<td></td>
<td>Timing of Reviews</td>
<td>9-10</td>
</tr>
<tr>
<td></td>
<td>Recategorisation to Lower Security Conditions</td>
<td>10-11</td>
</tr>
<tr>
<td></td>
<td>Recategorisation to Category D/Open Conditions</td>
<td>11-12</td>
</tr>
<tr>
<td></td>
<td>Recategorisation to a Higher Security Category</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Remaining in a Current Category</td>
<td>13</td>
</tr>
<tr>
<td>8</td>
<td>General Principles of Categorisation Assessments</td>
<td>13-15</td>
</tr>
<tr>
<td></td>
<td>Digital Categorisation Service (DCS)</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Gathering and Sharing Information</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Disclosure</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Withholding Information</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Representations</td>
<td>14-15</td>
</tr>
<tr>
<td>9</td>
<td>Identifying and Reporting in Potential Category A</td>
<td>15</td>
</tr>
<tr>
<td>10</td>
<td>Foreign National Offenders</td>
<td>15-16</td>
</tr>
<tr>
<td>11</td>
<td>Indeterminate Sentence Prisoners (ISPs)</td>
<td>16</td>
</tr>
<tr>
<td>12</td>
<td>Recalls</td>
<td>16</td>
</tr>
<tr>
<td>13</td>
<td>Young Adults</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Recategorisation to the Adult Estate on Turning 21</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Recategorisation to the Adult Estate (‘Starring Up’)</td>
<td>17</td>
</tr>
<tr>
<td>14</td>
<td>Transgender Prisoners</td>
<td>17</td>
</tr>
<tr>
<td>15</td>
<td>Returns from High and Medium Secure Hospital</td>
<td>18</td>
</tr>
</tbody>
</table>
1. **PURPOSE**

1.1 Under Rule 7 Prison Rules 1999, subject to certain exceptions, “prisoners shall be classified, in accordance with any directions of the Secretary of State, having regard to their age, temperament and record and with a view to maintaining good order and facilitating training and, in the case of convicted prisoners, of furthering the purpose of their training and treatment”.

1.2 Security Categorisation is a risk management process, the purpose of which is to ensure that those sentenced to custody are assigned the lowest security category appropriate to managing their risk of:

- escape or abscond;
- harm to the public;
- ongoing criminality in custody;
- violent or other behaviour that impacts the safety of those within the prison; and
- control issues that disrupt the security and good order of the prison.

1.3 Effective security categorisation is fundamental to risk management and ensuring good order is maintained. It supports HMPPS’s duty to implement the sentences of the courts; protect the public; and provide a safe, secure and ordered environment that enables the provision of rehabilitative services, training, treatment and progression through the prison system.

1.4 The security categorisation process provides for a holistic assessment of risk, taking account of a broad range of information from criminal justice and law enforcement agencies where available. It supports the categorisation of individuals to security conditions best suited to managing their risks.

1.5 Security categorisation decisions take account of all available information and risk factors; they are neither simply a reward for good, compliant behaviour nor used as a punishment. Any categorisation decision must be taken on risk factors alone.

1.6 Allocation is a separate process from categorisation, the purpose of which is to assign an individual to a suitably secure establishment which effectively meets their needs insofar as pressures on the estate allow. Categorisation is an independent process, so someone may be assessed as a particular category even if it will not be possible to allocate them immediately to a prison of that category.

1.7 Prisons which are operating the new offender flows through Reconfiguration should refer to the National Allocation Protocol which sets out how individuals should be allocated in the reconfigured estate. (https://intranet.noms.gsi.gov.uk/corporate/prison-estate-transformation/the-national-allocation-protocol).

1.8 Allocation decisions should take into account the individual’s offending behaviour and resettlement needs (such as access to suitable training and interventions and closeness to home at the end of their sentence), their individual circumstances (e.g. medical requirements), and control issues (e.g. danger to particular staff or other prisoners). This may result in an individual being held in a prison of a higher category than their own category.
2. PROCEDURAL JUSTICE

2.1 When people believe the process of applying rules (how a decision is made rather than what decision is made, and how they are treated during the process) is fair, it influences their views and behaviour. There is robust evidence, from all around the world, showing that people are much more likely to respect and comply with rules and authority willingly when they believe the way the rules are applied is fair and just. This is true even if the outcomes of decisions are not in their favour or are inconvenient for them.

2.2 Research from HMPPS, and from prison services around the world, shows that when individuals perceive authority to be used in a more procedurally just way, this is associated with significantly less misconduct and violence, better psychological health, lower rates of self-harm and attempted suicide, and lower rates of reoffending after release.

2.3 This framework sets out the processes to assess an individual’s security categorisation in a fair and just manner and to evidence defensible decision making.

3. SECURITY CATEGORY DEFINITIONS

3.1 Individuals are categorised according to the risk they present to security, safety and public protection, and must be held in a prison providing levels of security appropriate to managing identified risks.

3.2 Closed prisons have a secure perimeter and a range of internal security measures. For adult men, they are sub-divided into: Category C prisons, providing a level of physical and procedural security capable of safely and securely managing the majority of men; and Category B prisons, providing additional physical and procedural security suitable for managing those identified as presenting a greater level of risk.

3.3 For young adults, closed prisons are not sub-divided but individual prisons may be designated as suitable for holding individuals presenting higher risks.

3.4 Open prisons have minimal perimeter and physical security features and are for those who are specifically assessed as suitable for conditions of low security.

3.5 In categorising an individual to a particular security category, the risk factors to be assessed are:

- escape or abscond;
- harm to the public;
- ongoing criminality in custody;
- violent or other behaviour that impacts the safety of those within the prison; and
- control issues which disrupt the security and good order of the prison.

3.6 They are then assigned to the lowest security category appropriate to managing their risks:

- CATEGORY D (Adult Men), and Open (Young Adults): Offenders who are either assessed as presenting a low risk or whose previously identified risk factors are now assessed as manageable in low security conditions.
- CATEGORY C (Adult Men): Offenders who are assessed as requiring standard closed conditions, and do not need additional security.
- CATEGORY B (Adult Men): Offenders whose assessed risks require that they are held in the closed estate and who need security measures additional to those in a standard closed prison.
• **Closed (Young Adults):** Offenders assessed as requiring standard closed conditions, and are not appropriate for open conditions.

3.7 The definition of Category A and Restricted Status is outside the scope of this Policy Framework; see PSI 9/2015.

4. **CONSTRAINTS**

4.1 An individual’s security category must not be adjusted to achieve a better match with available spaces within the estate.

4.2 An individual must not be allocated to a prison of a lower security category than their existing security category.

4.3 Security categorisation decisions must not be influenced by any matters irrelevant to the process. The categorisation process must not discriminate against people with the personal protected characteristics protected under the 2010 Equality Act: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.4 Those with 28 days or less left to serve at the point of initial categorisation or those individuals subject to Fixed Term Recall (FTR) do not need to be categorised but will generally remain in the Reception prison for the duration of their time in custody. In circumstances where it is in their interest to be allocated to an alternative establishment or where operational needs mean they must be moved, they must first be categorised using the process described in this framework.

4.5 Individuals with any of the following during the current sentence must not be categorised to Category D/Open conditions:

- Currently on the Escape List (E-List);
- Foreign National Offenders (FNOs) where there is both a deportation order against the individual and their appeal rights from the UK have been exhausted. These individuals are referred to as “Appeal Rights Exhausted” (ARE).

4.6 There are also restrictions, set out in the “Release on Temporary Licence (ROTL) Policy Framework” around categorisation to D/Open. In summary, these apply when an individual has: absconded from open conditions; failed to return from a period of ROTL; been convicted of a criminal offence that took place while on ROTL or escaped or attempted to escape from custody and where that event:

- took place within two years before the date of the recategorisation underway, the target date for the next parole hearing or the first date of the proposed ROTL; or

- any of these events have occurred more than once during the current sentence.

4.7 The “Release on Temporary Licence (ROTL) Policy Framework” must be consulted in such cases.
5. **REQUIREMENTS**

**Roles and Responsibilities**

5.1 The Governor must nominate a manager whose responsibility it is to ensure that the categorisation/recategorisation process is functioning effectively; that decisions are fair, consistent and taken without bias; to provide quality assurance of decision making; to collect and analyse data in terms of protected characteristics (see paragraph 4.3) alongside other equalities data to ensure that there is a complete picture of any disproportionate impact, and to implement change where necessary.

5.2 The security categorisation assessment must be undertaken by the individual’s Prison Offender Manager (POM) or another member of staff delegated the role by the Governor. Input to the assessment may be sought from relevant sources both from within the prison and criminal justice and law enforcement agencies. The final recommendation on category is the responsibility of the staff member designated to the role, having regard to available information, assessment of intelligence, and the individual circumstances of the case.

5.3 The categorisation decision must be countersigned and either endorsed or another category identified as more appropriate. This role will usually be assigned to the Head of Offender Management Services/Head of Offender Management Delivery.

5.4 Staff completing assessments using the DCS must be competent in its use.

5.5 Where an individual with three or more years left to serve before their earliest release is recommended for Category D/Open, the Governing Governor must confirm the categorisation decision, with the justification recorded on the Digital Categorisation Service.

5.6 Where an individual who has been held as a confirmed Category A prisoner in the past five years is recommended for Category C, input must be sought from the Category A Team in Headquarters. The Governing Governor must confirm the categorisation decision taken, with the justification recorded on the Digital Categorisation Service.

5.7 Although the individual’s Key Worker is not involved in taking the categorisation decision, they have an important role in supporting an individual’s engagement in rehabilitation; notifying any issues of concern to the individual’s POM, and providing support and guidance where an adverse categorisation outcome is received. (Disclosure section provides further information). The Key Worker may also be the first point of contact if an individual is concerned, or has questions about, their categorisation decision. The Key Worker therefore needs a general understanding of the categorisation process described in this framework, and should collaborate with the individual’s POM where necessary.

6. **INITIAL CATEGORISATION**

6.1 All newly sentenced individuals, other than those who are Provisional Category A/Restricted Status or where the time left to serve to earliest release at the point of categorisation is 28 days or less, will have an initial categorisation in line with the process set out in this framework.

6.2 Individuals repatriated from abroad will also have an initial categorisation. In completing the assessment, any relevant information provided by the sending country should be taken into account.

6.3 The initial security category assessment must be completed as soon as possible to enable transfer to an appropriate prison within 10 working days of sentencing. There must be
processes in place to ensure that those who need to contribute to the risk assessment do so in a timely manner.

6.4. The initial security categorisation process determines the security category which will be assigned at the outset of an individual’s sentence. Because it is completed very shortly after conviction and sentencing, there will be varying levels of information available about individuals depending on whether they have been in custody on remand or during a previous sentence; from pre-sentence reports or previous OASys or from partner law enforcement agencies.

6.5. The initial security categorisation must take account of the individual’s current identified risks, available information, including information about their capability to cause harm or to continue with criminality from custody.

6.6. Category C will be the most appropriate security category for adults in the majority of cases. Where an individual presents a level of risk that cannot be safely managed in Category C, then Category B will be appropriate (unless Category A is deemed necessary having followed PSI 9/2015). Where risk is assessed as low and the other factors identified in the following paragraphs apply, an individual may be assigned to Category D. In all cases it is vital to weigh up all of the available information and to arrive at a security categorisation outcome that reflects the individual circumstances of the case.

Assessment for Category D/Open Conditions

6.7. An individual is eligible for consideration for Category D/Open conditions at initial categorisation if they have less than 3 years left to serve to earliest release, and are not a Foreign National Offender where there is both a deportation order against the individual and their appeal rights from the UK have been exhausted.

6.8. In addition, the individual must be assessed as:
   - low risk of abscond
   - low risk of harm to the public
   - unlikely to continue criminality while in custody
   - unlikely to otherwise abuse the low security or disrupt the good order of the open estate.

6.9. At initial categorisation there may be no recent custodial history and little information available to assess an individual as meeting these criteria. Every effort must be made to obtain information necessary to make a decision. Where there is insufficient information to determine that risks are manageable in open conditions, closed conditions are more likely to be appropriate.

6.10. Unless the risk of serious harm to the public is assessed as low, Category D/Open is not appropriate at initial categorisation given the low physical security and community-facing nature of the open estate. The degree of risk of serious harm to the public and the nature of that risk will normally be identified through an OASys assessment, but where this is not available then the risk must be assessed through other means, e.g. via other documents prepared for court such as the Risk of Serious Harm assessment (RoSH) or Offender Group Reconviction Score (OGRS). In circumstances where insufficient information is available at the point of initial categorisation, a period of assessment in closed conditions may be necessary.

6.11. Any individual on the E-List must not be categorised to Category D/Open.

6.12. Where an individual has previously been identified as posing a risk of escape, the assessment must consider when this was recorded and the nature of the information.

6.13. The particular conditions and regime of the open estate means that only those with less than three years left to serve to earliest release should normally be considered for open conditions.
Where individual circumstances indicate that Category D/Open would be appropriate with three years or more left to serve, then this must be approved in writing by the Governing Governor of the prison in which the individual is currently held. The date the approval was given and the reasons in support of categorisation to Category D/Open outside the normal timeframe must be recorded in the Digital Categorisation Service.

6.14. When considering transferring someone to an open prison in the vicinity of their victim’s home and where the victim is registered with the Victim Contact Service, the POM or the Community Offender Manager as appropriate must first inform the Victim Liaison Officer.

7. **RECATEGORISATION**

**Timing of Review**

7.1 Categorisation reviews ensure that individuals continue to be assigned to the security category most appropriate to managing their risk throughout their time in custody. The aim is that they will, at all stages of their sentence, be held in the lowest security conditions necessary to manage the identified risk.

7.2. An event-driven review of an individual’s security categorisation must take place whenever there is a material change in circumstances that impacts security risk. This may be either an increase or a reduction in risk. Such reviews can take place at any time.

7.3. The maximum time between categorisation reviews is based on the individual’s current category and time left to serve to their earliest release date. The earliest release date for determinate sentence individuals will generally be the Conditional Release Date but may be the Parole Eligibility Date for some Extended Determinate Sentence Prisoners.

7.4. The earliest release date for standard recalls may not be known until the Parole Board 28-day review is finalised. Where necessary, the timing of the next review should be amended once the outcome of the review is known.

7.5. Adult individuals serving a determinate sentence and held in closed conditions (Categories B and C) must be reviewed every 12 months until they have less than three years left to serve to earliest release. At this point routine reviews must be 6 monthly. Where the time left to serve at the point of initial categorisation is less than three years, 6 monthly reviews will commence immediately.

7.6. For ISPs, categorisation reviews should take place in line with scheduled sentence planning reviews unless the individual needs to be able access a progression opportunity (e.g. training or treatment) at a prison of a lower category, in which case there will be a categorisation review at that point, outside of the planned sentence planning timetable.

7.7. Individuals assigned Category D/Open but held in the closed estate will have a routine recategorisation review in line with the timescales described above, to assess whether this category remains appropriate.

7.8. Individuals held in Category D/Open conditions will not have routine reviews of their security category but may be recategorised to higher security at any time if risk increases to a level not manageable in open conditions.

7.8. There is no mandated routine review of categorisation for Young Adults until they are turning 21 (see [Young Adults](#) section). Their categorisation can, however, be reviewed at any time if a change in circumstances indicates they would be suitable for open conditions or need heightened security measures.
7.9. Individuals subject to a standard recall, including those with further charges, will have their categorisation reviewed within 10 days of their return to custody. On reception back into custody, prisoners subject to a standard recall retain the security category assigned to them on release until this categorisation review is completed, and must not be marked as unclassified/unconvicted.

7.10. An individual’s routine recategorisation review must not be withheld or delayed to await the outcome of a parole hearing. The review should take place at the normal time but, unless there is an urgent need to transfer the individual for security, compassionate or discipline reasons, or because the individual needs to complete necessary offending behaviour work, they should not be transferred until the parole dossier is complete (more information is available in the ‘Generic Parole Process Policy’ framework https://www.gov.uk/government/publications/generic-parole-process-policy-framework ). If the individual is moved before the dossier is completed then it is the responsibility of the sending prison to complete the dossier. Moves of ISPs to open conditions will normally require a recommendation from the Parole Board and all such decisions sit with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State.

7.11. The categorisation review must assess the individual's current risks, information about their behaviour in custody and positive efforts made towards rehabilitation, and whether the identified risks can be managed in a different (lower) level of security. At the review stage there will be a greater degree of information available including from OASys, other risk assessments as well as evidence about behaviour and rehabilitation.

7.12. There must be processes in place to ensure that information relevant to the assessment is provided by various departments (for example, Key Worker, Security, Prison Intelligence Unit, Probation, Interventions, Education and Psychology) in a timely manner.

7.13. Prisons should, wherever possible, support individuals to make representations in advance of their scheduled categorisation review. Where representations are received, these must be taken into account as part of the assessment process.

Recategorisation to Lower Security Conditions

7.14. Recategorisation to a lower security category is not an automatic progression or right but must be based on an assessment that the individual can safely and securely be managed in lower security conditions. For example, someone in Category B whose risk of harm to the public continues to be assessed as high but whose risk to others in custody, risk of escape or of presenting serious control issues are all assessed as low, may be suitable for Category C on the basis that that is a closed, secure prison which limits any potential to cause harm to the public.

7.15. All available information and positive aspects of behaviour must be taken into account as part of the risk assessment, including the extent to which the individual engages successfully with the prison regime, work and training opportunities. Good behaviour on its own is not, however, sufficient reason to recategorise to a lower security category. An individual displaying outwardly good behaviour may be involved in serious organised criminal activity within the prison or serious intimidation or bullying of others, either of which would make them unsuitable for recategorisation to lower security conditions. It is essential that outwardly positive behaviour is corroborated by an absence of information that the individual has behaviours that would be difficult to manage in lower security conditions.

7.16. In some cases, risk reduction and suitability for lower security conditions can be evidenced by successful completion of offending behaviour work, but where this hasn’t been available or appropriate, staff must look to other sources of information regarding suitability for the lower security category. In assessing recategorisation from B to C consideration should be given to
whether outstanding offender behaviour work can be completed in a lower category prison where there is other evidence of appropriate risk reduction.

7.17. In cases where it is proposed to recategorise an individual from Category B to C where they have been held as confirmed Category A in the preceding five years, the prison must consult with the HMPPS Category A Team before a decision is taken. The Category A Team will review the relevant Category A file, the Executive Director’s views at the time of the downgrade to Category B and consider the rationale for the recommendation for Category C. The Category A Team will then make a recommendation to the Governing Governor to inform the categorisation decision. The Governing Governor must approve the final decision taken with the justification recorded on the digital categorisation service. If the assessment indicates that identified risks can safely be managed in lower security conditions then staff must clearly record how this conclusion has been reached.

Recategorisation to Category D/Open Conditions

7.18. To be eligible for categorisation to Category D/Open conditions, an individual must generally have less than 3 years left to serve to earliest release and, if they are a foreign national offender who is subject to a deportation order, must not have exhausted all appeal rights from within the UK against deportation (See Foreign National Offenders section). In addition, the individual must be assessed as:

- low risk of abscond;
- low risk of harm to the public or has a suitable plan in place to manage identified risk;
- unlikely to continue criminality while in custody;
- unlikely to otherwise abuse the low security or disrupt the good order of the open estate.

7.19. For individuals serving an Extended Determinate Sentence (EDS), their earliest release date will generally be their Parole Eligibility Date. To be eligible for Category D/Open conditions they must also be within 5 years of their Conditional Release Date, or beyond their Parole Eligibility Date. Outside of these dates the same exceptional circumstances may apply as with other prisoners (see below).

7.20. At recategorisation, knowledge of custodial history will support a fuller assessment of these factors than is available at initial categorisation. Factors to be taken into account in assessing suitability for low security conditions will include the nature of the offence; any outstanding charges or proceedings such as a Serious Crime Prevention Order or an ongoing confiscation order which the individual may seek to avoid by absconding or which could put the individual outside the eligibility timeframe for open conditions if there is a potential default sentence; custodial history including previous breaches of trust; information about ongoing criminal activity in custody; and risks highlighted by MAPPA.

7.21. In cases where the individual is considered to present a high or very high Risk of Serious Harm to the public or to others, there must be an appropriate risk management plan in place. This must detail how the individual can safely be managed given the low physical security conditions and community-facing nature of the open estate.

7.22. An individual on the E-List must not be categorised to Category D/Open.

7.23. Where an individual has previously been identified as posing a risk of escape, the assessment must consider when this was recorded and the nature of the information.

7.24. There are also restrictions set out in the “Release on Temporary Licence (ROTL) Policy Framework around categorisation to D/Open. In summary, these apply when an individual has: absconded from open conditions; failed to return from a period of ROTL; been convicted of a criminal offence that took place while on ROTL or escaped or attempted to escape from custody and where that event:
• took place within two years before the date of the recategorisation underway, the target
date for the next parole hearing or the first date of the proposed ROTL; or
• any of these events have occurred more than once during the current sentence.

The “Release on Temporary Licence (ROTL) Policy Framework” must be consulted in such
cases.

7.25. Determinate sentence individuals on a standard recall, except those recalled from Home
Detention Curfew (HDC) for breaching the curfew condition, must not be categorised by the
prison to the open estate until the Parole Board 28-day review is finalised.

7.26. Recalled ISPs must have their suitability for open conditions considered by the PPCS on behalf
of the Secretary of State. This will normally require a recommendation from the Parole Board.
The final decision sits with officials in Public Protection Casework Section (PPCS) on behalf of
the Secretary of State.

7.27. The particular conditions and regime of the open estate means that only those with less than
three years left to serve to earliest release should normally be considered for open conditions.
At recategorisation, where individual circumstances indicate that Category D/Open would be
appropriate with three years or more left to serve to earliest release, then this must be approved
in writing by the Governing Governor of the prison in which the individual is currently held. The
date the approval was given and the reasons in support of categorisation to Category D/Open
outside the normal timeframe must be recorded in the digital categorisation service.

7.28. When considering transferring someone to an open prison in the vicinity of their victim’s home
and where the victim has registered with the Victim Contact Service, the POM or the Community
Offender Manager as appropriate, must first inform the Victim Liaison Officer.

Recategorisation to a Higher Security Category

7.29. An increase in an individual’s security category must be based on an assessment that the risks
or behaviour presented can only be managed in conditions of higher security.

7.30. Recategorisation to a higher security category will generally be an immediate response to an
incident or change of circumstances that means the risks can no longer be managed in the
current security conditions. For Category D/Open, this will usually mean the individual must be
quickly transferred to closed security conditions. Where possible, the aim should be to complete
the recategorisation assessment before transfer. Where operational needs mean the individual
must be transferred before this can be completed or approved, then the sending prison must
complete the assessment subsequently, or forward all necessary information to the receiving
prison within 48 hours of transfer, in order that the recategorisation can be completed at the
new prison.

7.31. For ISPs transferred back to closed conditions, the prison must only formally recategorise the
individual once the PPCS on behalf of the Secretary of State has confirmed that the individual
must be held in closed conditions.

7.32. For those in Category C, the recategorisation process must, wherever possible, be completed
prior to transfer to a prison of higher security. This must include an assessment of why the risks
or behaviour can only be managed in conditions of higher security. It is not enough simply to
record that Category C is no longer suitable. The decision and reasons must be recorded on
the DCS. If there are security concerns that prevent full disclosure of the reasons for
recategorisation, particularly in cases where the recategorisation may be based on the Security
Department’s assessment of intelligence, then it must be recorded separately (see
Withholding Information section).
7.33. If it is considered that the individual needs to remain in their current security category then the reasons why these security conditions are considered appropriate must clearly be recorded, together with any recommendations for actions required to evidence a reduction in risk and progression at a subsequent review.

8. GENERAL PRINCIPLES OF CATEGORISATION ASSESSMENTS

8.1. Security categorisation decisions must be made in accordance with Prison Rules, other relevant legislation, and the principles set out in this framework.

8.2. Security categorisation decisions must be based on individual security risk assessments taking account of all available information. For example:

- Previous Convictions (if any);
- Details of current offence(s);
- Current custodial record;
- Previous record;
- Security Department assessment of relevant evidence and intelligence;
- Public Protection information (MAPPA) (if available);
- Prisoner Escort Record (PER) form;
- OASys (if opened prior to sentence) or Pre-Sentence Report (PSR) or other assessments prepared for the court;
- Any relevant and available information from the police or other law enforcement agency.

8.3. All categorisation decisions must be fair, objective and consistent with current policy.

8.4. It is important to consider the particular characteristics of the estate for which the individual is being assessed, taking account of physical and procedural security, and supervision levels. This is particularly important when considering whether to categorise to open conditions. Because of the particular characteristics of the open estate, categorisation to Category D/Open must be based on the individual’s manageable risks.

Digital Categorisation Services (DCS)

8.5. The DCS is an online form and the mechanism for making, recording and justifying categorisation decisions. It supports staff in identifying relevant risk factors and reaching a decision on an individual’s security needs, but does not make categorisation decisions itself. It:

- Provides a consistent framework for staff to record information about the various risk factors;
- Automatically highlights risk information to staff where available, to reduce the amount of manual checks required during the assessment process;
- Records previous categorisation assessments to support case management;
- At initial categorisation, provides a suggested categorisation as a starting point, which must then be reviewed by staff and changed where appropriate.

Gathering and Sharing Information

8.6. There must be effective and lawful procedures in place for the person taking the categorisation decision to obtain relevant information including from within HMPPS and law enforcement agencies and that the use and handling of any sensitive material is in line with current guidance, including the ‘Intelligence Collection, Analysis and Dissemination’ Policy Framework.
Disclosure

8.7. The categorisation decision taken is significant to the individual in question and it is important that it is relayed to them in a timely and appropriate manner. The Governor must ensure that there are processes in place to ensure that individuals understand the process for making categorisation decisions, as well as why a particular decision was made in their case. Where decisions are relayed via the individual's Key Worker, the Key Worker needs a general understanding of the categorisation process described in this framework, and should collaborate with the individual's POM where necessary.

8.8. Individuals may request a printed copy of their categorisation assessment. If they do so they must be provided with a copy within 3 days, with the exception of any restricted information (see 'Withholding Information' section).

8.9. If the individual has difficulty understanding the assessment, an explanation must be given verbally or in a manner and format which the individual understands.

8.10. An individual who knows their categorisation is being reviewed may be hoping for a favourable result. Staff involved in notifying the individual of his categorisation decision must be aware of the possibility that an adverse or disappointing outcome could lead to self-harm and suicide. It is important to be alert for any signs that the individual's risk of harm to themselves has increased. An individual who has been disappointed may also become violent to staff or other prisoners. More details of how to manage these situations are in PSI 64/2011 ('Management of prisoners at risk of harm to self, to others and from others').

Withholding Information

8.11. All intelligence and security department assessments must be handled in line with the 'Intelligence Collection, Analysis and Dissemination' Policy Framework. Information may be withheld from the individual where necessary in the following limited circumstances:

- In the interests of national security;
- For the prevention, detection, investigation or prosecution of crime or disorder, including information relevant to prison security and good order and discipline;
- For the protection of a third party who may be put at risk if the information is disclosed;
- If on health grounds it is felt necessary to withhold information where the mental and or physical health of the individual or a third party could be impaired;
- 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.

8.12. Information withheld under these circumstances must be recorded separately. If it is information critical to the categorisation decision then the individual must be informed, in general terms, what the information is that has been relied on in sufficient detail to enable them to bring meaningful representations. In such cases, they must be provided with summary of the information that does not disclose the source material. The 'Intelligence Collection, Analysis and Dissemination' Policy Framework provides guidance on drafting for this purpose.

Representations

8.13. Anyone with concerns about their security categorisation decision should be encouraged in the first instance to raise these with their Key Worker. Their Key Worker must, where the nature of the concern requires, pass these concerns onto the POM to provide a fuller explanation of the process and reasons for the decision.
8.14. If the individual wishes to challenge either the decision or the reasons given for the decision, then representations must be made to the POM using the process set out in PSI 2/2012 ('Prisoner Complaints'), for the decision to be reviewed. The review will involve retaking the decision afresh looking at all the information that informed the original decision as well as considering any further information not available when the original decision was made. This will usually be carried out by a person senior to the person who approved the original decision.

8.15. An individual who has challenged their categorisation decision will be hoping for a favourable result. Paragraph 8.10 above deals with managing adverse categorisation outcomes. The same applies when notifying an individual of the results of any representation about their category.

8.16. Prisons must keep a record of the number of complaints relating to security categorisation decisions and the outcome of the fresh consideration. This will form part of the data for analysis of fair and sound decision making.

9. IDENTIFYING & REPORTING IN POTENTIAL CATEGORY A

9.1. The majority of Category A individuals will have been reported in as potential Category A 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 to the Category A Team in HQ, those individuals who, after sentencing, present as potential Category A. Instructions on reporting in as potential Category A are contained within PSI 09/2015.

10. FOREIGN NATIONAL OFFENDERS

10.1. Foreign National Offenders (FNOs), including those subject to enforcement proceedings under the Immigration Act 1971, must be categorised/recategorised for closed conditions in the same way as all others.

10.2. Those FNOs with no liability for deportation must be categorised for Category D/open conditions in the same way as all others. These are individuals who:

- do not match the initial criteria for deportation, or
- have been considered for deportation by the Home Office and it has been decided that they may remain in the UK, or
- are not subject to any removal procedures.

10.3. An FNO in closed conditions must not be categorised to Category D/open conditions where there is a deportation order against the prisoner under section 5(1) of the Immigration Act 1971 and no appeal is on-going, could be brought or is pending as provided in Rule 7(1A) Prison Rules 1999. Under Rule 7(1C) Prison Rules 1999, any FNO in open conditions who subsequently has a relevant deportation status must have their categorisation reconsidered as soon as practicable. These individuals are referred to as Appeal Rights Exhausted (ARE).

10.4. FNOs with a "liability for deportation" must be considered for categorisation to Category D/open conditions but that categorisation must be informed by a CCD3 completed by the Home Office and procedures must be in place to obtain this where relevant. The CCD3 will provide immigration status information relevant to the security categorisation assessment. In particular, the Home Office will advise of any individual circumstances that might increase or decrease, the incentive to abscond from open conditions in order to evade enforcement proceedings. The definition of those with a "liability for deportation" is those individuals who are:

- confirmed by the Home Office as meeting the initial criteria for deportation - whether the individual has been informed of this or not, or
have received a formal notice of liability for deportation, or
have received a deportation order with appeal rights in the UK remaining, or
fall below the threshold for deportation but are being considered for or made subject to removal from the UK.

10.5. If an individual has been categorised to Category D/open prison before their deportation status has been notified, or if their deportation status changes (including a deportation order being revoked), their categorisation must be reconsidered as soon as practicable after the prison is notified.

10.6. Where that change is that the individual has now exhausted appeal rights from the UK (ARE) any individual categorised Category D/Open but still held in the closed estate, must be recategorised to closed conditions. Any individual held in the open estate must have their categorisation reviewed but can remain in the open estate if all risks continue to be assessed as low.

11. INDETERMINATE SENTENCE PRISONERS (ISPs)

11.1. ISPs being assessed for closed conditions must be risk assessed in the same way as all others: there is no requirement that they must initially be categorised to Category B if Category C is considered appropriate. The prison is not responsible for assessing ISPs for open conditions. Moves of ISPs to open conditions will normally require a recommendation from the Parole Board and all such decisions sit with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State. Once the Secretary of State has decided an ISP is suitable for open conditions, prisons must categorise them as Category D/Open.

12. RECALLS

12.1. Individuals subject to a Fixed Term Recall (FTR) will not normally be categorised. Where there is a need to reallocate a FTR from the Reception prison, a review of their category must first be undertaken.

12.2. Individuals subject to a standard recall must be recategorised within 10 working days of their return to custody including where there are also further charges against the individual. In such cases, the security categorisation review must be completed with reference to the individual’s previous categorisation and recategorisation assessments. In addition, the assessment must consider:

- security category at release;
- circumstances resulting in the recall;
- the nature of any further charges;
- length of time the individual was on licence prior to recall;
- number of times the individual has been recalled.

12.3. Determinate sentence individuals on a standard recall, except those recalled from Home Detention Curfew (HDC) for breaching the curfew condition, must not be categorised by the prison to the open estate until the Parole Board 28-day review is finalised. It is open to the prison to schedule a further review of category following the Parole Board review where appropriate.

12.4. Recalled ISPs must have their suitability for open conditions considered by the PPCS on behalf of the Secretary of State.
13. YOUNG ADULTS

13.1. Young Adults (Men aged 18 to 20) will be held in Young Offender Institutions (YOIs) or dual-designated YOIs and prisons. There is no mandated routine review of categorisation for Young Adults until they are turning 21. This is because there is no sub-division of the closed estate between category C and B, and, for those unsuitable for open conditions at initial categorisation, the need to spend sufficient time in closed conditions where their behaviour can be observed. Their categorisation can, however, be reviewed at any time if a change in circumstances indicates they would be suitable for open conditions or need heightened security measures. In categorising Young Adults, particular consideration should be given to the maturity of the individual in deciding on the appropriate category.

Recategorisation to the adult estate on turning 21

13.2. A young adult male individual held either in a YOI or a dual-designated YOI/prison must be categorised to the adult estate in the months preceding their 21st birthday so that the transition can proceed seamlessly. It should not be necessary for a young adult to be transferred from a young offender institution or dual designated YOI/prison to a local prison for categorisation and allocation, but instead they should be allocated directly to an appropriately secure prison in the adult estate.

13.3. It should be the aim to transfer the individual to the adult estate on, or soon after, their 21st birthday other than where there are exceptional or compassionate reasons (i.e. completion of offending behaviour work; closeness to family; completion of educational work; unavailability of suitable places in the adult estate). The recategorisation assessment should be completed before the individual turns 21.

Recategorisation to the adult estate (‘starring up’)

13.4. A young adult must only be reclassified to the adult estate in exceptional circumstances. The security and supervision afforded by the adult estate must be evidenced as necessary to meet any of the categorisation criteria set out at paragraph 1.2 of this framework. This process applies also to young adults held in a dual-designated YOI/prison.

13.5. The assessment to transfer an individual to the adult estate must involve confirmation that their sentence type does not prohibit this, consultation with the establishment’s Independent Monitoring Board (IMB), the completion of a maturity assessment, an assessment of the risk of self-harm, a plan to support the individual’s well-being and completion of a recategorisation assessment on the DCS. The decision to move a young adult to the adult estate must be approved in writing by the Prison Group Director (PGD) of the holding prison. The date the approval was given and the reasons in support of the decision must be recorded.

14. TRANSGENDER PRISONERS

14.1. Any transgender individuals must be categorised in accordance with the security conditions applying to the estate in which they are held.

14.2. Where it is proposed to transfer a transgender individual between the male and female estates, their categorisation should be assessed in line with the policy applying to the estate they are moving to (see ‘The care and management of individuals who are transgender’ Policy Framework).
15. **RETURNS FROM HIGH AND MEDIUM SECURE HOSPITAL**

15.1. Patients returning to custody from a high or medium secure hospital will normally return to the Reception prison which serves the area. The expectation is that the Reception 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 10 working days of remittance and include an assessment of prison security and related files returned by the hospital and the hospital’s own security and intelligence files relating to the individual’s time in their care. The individual’s core record will need to be obtained from the discharging prison. Any Category A prisoner returning to prison custody from Special Hospital must be reported into the Category A Team at Headquarters.

15.2. Any prison participating in a pilot of alternative arrangements for the remittance of patients should refer to the relevant protocol. This will take precedence over the process described in this framework.