



National Offender
Management Service

National Security Framework CATEGORY A FUNCTION The Review of Security Category – Category A / Restricted Status Prisoners		
National Security Framework		Ref: NSF 12.2
CATEGORY A FUNCTION		
The Review of Security Category – Category A / Restricted Status Prisoners		
This instruction applies to :-		Reference :
Prison Establishments High Security Prisons Group		PSI 08/2013
Issue Date	Effective Date	Expiry Date
10 June 2016 (Revised)	27 March 2013	26 March 2017
Issued on the authority of	NOMS Agency Management Board	
For action by	All staff responsible for the development and publication of policy and instructions <input checked="" type="checkbox"/> Public Sector Prisons <input checked="" type="checkbox"/> Contracted Prisons* <input checked="" type="checkbox"/> Governors <input checked="" type="checkbox"/> Deputy Director of Custody <input checked="" type="checkbox"/> All staff responsible for the review of Category A / Restricted Status prisoners categories <i>*If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i>	
Instruction type	Service Specification Support	
For information	All relevant staff in NOMS HQ and prison establishments.	
Provide a summary of the policy aim and the reason for its development / revision	Provides establishments with instructions and guidelines regarding the procedures for reviews of Category A / Restricted Status prisoners' security category, and for deciding and reviewing the appropriate escape risk classification of Category A prisoners. Update 10 June 2016 – This instruction is revised again at paragraph 4.21 to clarify policy change on report disclosure. 29 January 2016 - This instruction has been revised at paragraphs 4.20 and 4.21 to reflect changes in policy on report disclosure. 23 July 2014 – This instruction has been revised at paragraphs 4.6 and 4.7 to reflect changes in policy on oral hearings for security category reviews, following a recent Supreme Court judgment relating to Parole Board oral hearings. 09 October 2013 - This instruction has been revised at Paragraph 3.11 - 3.28 modify the process of escape risk classification reviews.	

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Associated documents	PSI 05/2013 – The Identification, Initial Categorisation and Management of Potential and Provisional category A / Restricted Status Manage the Custodial Sentence – Categorisation & Allocation for Custody Specification Manage the Custodial Sentence – Categorisation & Allocation for Custody Direct Service Costs and Assumptions paper Manage the Custodial Sentence – Categorisation & Allocation for Custody Cost Spreadsheets See :http://www.justice.gov.uk/about/noms/noms-directory-of-services-and-specifications
Replaces the following documents which are hereby cancelled: - PSI 03/2010	
Audit/monitoring: - Compliance with this document will be monitored by Audit and Corporate Assurance and through internal self-audit.	
Introduces amendments to the following documents: - This PSI replaces existing policy contained within the National Security Framework Category A annex.	
Notes: <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>	

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1. Executive Summary

Background

- 1.1 This instruction is one of a number of Prison Service Instructions (PSIs) which form the Category A Function of the National Security Framework. It is one of the two new PSIs which replace PSI 03/2010 and sets out guidelines for the procedures for reviews of Category A / Restricted Status prisoners' security category, and for deciding and reviewing the appropriate escape risk classification of Category A prisoners. All Category A instructions can be accessed via the National Security Framework.

Desired outcomes

- 1.2 Escapes of highly dangerous prisoners are prevented, ensuring public protection.
- 1.3 Category A (including Provisional) / Restricted Status prisoners' categories are reviewed appropriately and on time and appropriate security measures are applied lawfully, safely, fairly, proportionately and decently.

Application

- 1.4 The National Security Framework (NSF) incorporates the mandatory requirements derived from the relevant security specifications. This PSI incorporates the mandatory requirements derived from the Manage the Custodial Sentence specifications, which are highlighted in the shaded boxes.
- 1.5 All staff requiring the definition of a prisoner's suitability for Category A and Restricted Status and the escape risk classification of Category A prisoners should refer to NSF 12.1 Category A Function – The Identification, Initial Categorisation and Management of Potential Category A / Restricted Status Prisoners.
- 1.6 This PSI should be used by all staff involved in the review of categorisation and escape risk classification for all Category A / Restricted Status prisoners.
- 1.7 Annexes A and B comprise blank copies of the reports to be used by staff when completing prisoners' first formal and annual security category reviews.

Mandatory Actions

- 1.8 *Governors and Directors of contracted prisons must ensure they have local security strategies in place and adhered to which are in accordance with the instructions set out in this PSI.*
- 1.9 PSI 03/2010 is cancelled.

Resource Impact

- 1.10 There will be limited, transitional resource implications for establishments in updating local security strategies to ensure they are in line with the requirements set out in the new Category A function of the NSF. The functions required of establishments set out in this instruction do not require greater resources than those in the previous instruction.

(Approved for publication)

Phil Copple
Chief Operating Officer, NOMS

2. OPERATIONAL INSTRUCTIONS

Text within shaded boxes indicates requirements from the “*Manage the Custodial Sentence – Categorisation and Allocation for Custody*” specification document.

Definition of Category A

- 2.1 A Category A prisoner is a prisoner 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.
- 2.2 In deciding whether Category A is necessary, consideration may also need to be given to whether the stated aim of making escape impossible can be achieved for a particular prisoner in lower conditions of security, and that prisoner categorised accordingly. This will arise in a limited number of cases since escape potential will not normally affect the consideration of the appropriateness of Category A, because the definition is concerned with the prisoner’s dangerousness if he did escape, not how likely he is to escape, and in any event it is not possible to foresee all the circumstances in which an escape may occur.
- 2.3 The Deputy Director of Custody (DDC) High Security is responsible for the categorisation and allocation of Category A prisoners. The DDC High Security may delegate decision-making as deemed appropriate, in accordance with the provisions of this instruction.
- 2.4 Category A prisoners, regardless of escape risk classification, are sub-divided into three groups:
- **Potential Category A:** these are prisoners that have been reported by establishments to the Category A Team in High Security Prisons Group; an interim decision has been made for the prisoner to be managed as a Category A and the prison has been informed but a final decision is yet to be made. A Potential Category A prisoner held outside the high security estate normally remains in their current location. (Instructions for Potential Category A prisoners are provided in [PSI 05/2013 – The Identification, Initial Categorisation and Management of Potential and Provisional category A / Restricted Status](#)).
 - **Provisional Category A:** these are prisoners for whom the Category A Team has made the decision that Category A status is warranted and notification has been sent to the prison. If held outside the high security estate, a Provisional Category A prisoner is moved to a high security prison.
 - **Confirmed Category A:** these are prisoners held in a high security prison that have been deemed to be Category A at first formal review (usually following conviction and sentencing).

Escape Risk Classification

- 2.5 All Category A prisoners are placed in one of three escape risk classifications.
- 2.6 These classifications are:

- **Standard Escape Risk:** A prisoner who would be highly dangerous if at large. No specific information or intelligence to suggest that there is a threat of escape.
- **High Escape Risk:** As Standard Escape Risk, however, one or more of a number of factors are present which suggest that the prisoner may pose a raised escape risk. The factors include:
 - access to finances, resources and/or associates that could assist an escape attempt
 - Position in an organised crime group
 - Nature of current/previous offending
 - Links to terrorist network
 - Previous escape(s) from custody
 - At least one of the above factors plus predictable escorts to be undertaken (e.g. court production, hospital treatment).
 - Length of time to serve (where any of the other factors above are also present)
- **Exceptional Escape Risk:** As High Escape Risk, however, credible information or intelligence received either internally or from external agencies would suggest that an escape attempt is being planned and the threat is such that the individual requires conditions of heightened security in order to mitigate this risk.

2.7 The DDC High Security is responsible for deciding a Category A prisoner's escape risk classification, but may delegate decision making to a colleague of at least Senior Civil Service 1 grade.

2.8 *Prior to approving a Category A prisoner's downgrading from high or exceptional escape risk classification the DDC High Security (or delegated authority) must be satisfied that information suggesting an enhanced escape potential is no longer valid.*

Definition of Restricted Status

2.9 A Restricted Status prisoner is any female, young person or young adult prisoner, convicted or on remand, whose escape would present a serious risk to the public and who is required to be held in designated secure accommodation. Separate procedural security arrangements apply to Restricted Status prisoners.

Note: *Restricted Status prisoners must be treated as Category A prisoners every time they leave their allocated establishment – all moves must be carried out in a Category A vehicle (or an ambulance in a medical emergency) in line with NSF procedures.*

2.10 Unlike Category A prisoners, Restricted Status prisoners do not have escape risk classifications (see paragraphs 2.5-2.8 above). The designated secure accommodation and security procedures are deemed sufficient to achieve the aim of making escape impossible for these prisoners.

- 2.11 The DDC High Security is responsible for the categorisation of Restricted Status prisoners (but may delegate decision-making as with Category A prisoners); Women and Equalities Group will allocate adult female prisoners and Young People's Group will allocate all young people male and female.

3. Reviews of Provisional Category A and Restricted Status Prisoners

General

- 3.1 The Category A Team will ensure that the following reviews of Provisional Category A and Restricted Status prisoners take place:
- During remand periods - review of security category every 12 months, or sooner if there is new information to indicate that Category A or Restricted Status may no longer be warranted; and reviews of escape risk classifications every 6 months for high risk and every 3 months for exceptional risk.
 - Immediately following conviction and sentence - review of security category; if the prisoner remains Category A, this will be followed by:
 - First Formal Review - this normally takes place approximately 3 months after conviction and sentence. If the decision is that the prisoner should continue to be Category A/Restricted Status, then the prisoner is a confirmed Category A/Restricted Status.
- 3.2 The DDC High Security is responsible for all final decisions to downgrade provisional Category A / Restricted Status prisoners during remand reviews, on conviction or at their first formal review, but may delegate decision making to a colleague of at least Senior Civil Service 1 grade.
- 3.3 The DDC High Security (or delegated authority) is also responsible for all final decisions to downgrade a provisional Category A prisoner's escape risk classification from high or exceptional risk.
- 3.4 *Before approving a Provisional Category A / Restricted Status prisoner's downgrading the DDC High Security (or delegated authority) must be satisfied that the prisoner does not meet the criteria for Category A / Restricted Status. The DDC High Security (or delegated authority) will make the decision based on the nature and circumstances of the prisoner's offending, or on any significant change in the prisoner's circumstances, such as an important change in the charges against the prisoner or substantially impaired health or mobility.*
- 3.5 *Before approving a Provisional Category A prisoner's downgrading from high or exceptional escape risk classification the DDC High Security (or delegated authority) must be satisfied that information suggesting an enhanced escape potential is no longer valid.*

Reviews of Category Leading Up to Conviction and Sentence

The categorisation of long sentenced prisoners or those involved in serious crimes takes account of input from Police Intelligence Officers.

- 3.6 The Category A Team will co-ordinate reviews of the security category of each remanded Provisional Category A / Restricted Status prisoner every 12 months up to the beginning of their trial (or sooner if new information comes to light that warrants a review), and/or immediately upon conviction and sentence.

- 3.7 The Category A Team will complete these reviews taking into account any new information from police advisers or trial proceedings, and will send the prisoner a notification of the decision within four weeks of the review. Recommendations for a prisoner's downgrading from Provisional Category A / Restricted Status or for continuation of Category A / Restricted Status will be forwarded to the DDC High Security (or delegated authority) for the final decision.

Prisoners Held under Detainee or Extradition Legislation

- 3.8 These prisoners will be subject to the same review arrangements as other Category A and Restricted Status prisoners. The DDC High Security (or delegated authority) will conduct a first formal review (see paragraphs 3.14 – 3.18) of each Provisional Category A or Restricted Status prisoner held under such legislation as soon as possible after receipt into custody using available information. If confirmed as Category A or Restricted Status at the first formal review the prisoner will then be subject to annual reviews (see chapter 4) in common with other Category A or Restricted Status prisoners.

Former Category A / Restricted Status Prisoners Returning to Prison Custody

- 3.9 The Category A Team will review the case of each former Category A / Restricted Status prisoner who has been returned to prison custody having breached licence conditions or a control order and forward to the DDC High Security (or delegated authority) at the next DDC High Security's monthly panel for the final decision.
- 3.10 *All Category A / Restricted Status prisoners who have returned to prison custody following release to a psychiatric hospital or a prison outside England and Wales must be returned as a Category A / Restricted Status prisoner. Where a prisoner has been outside of the high security estate for a period of less than 6 months the normal review process will be applied. For prisoners returning after a period greater than 6 months the review will be put forward for consideration at the next DDC High Security's panel.*

Escape Risk Classification

- 3.11 The Category A Team will co-ordinate reviews of the escape risk classification of each exceptional risk prisoner every 6 months and each high escape risk prisoner every 12 months as a minimum.
- 3.12 Where new information comes to light that suggests a prisoner's escape risk classification is either too low or too high a review will be completed regardless of the review cycle noted above.

Escape Risk Review Preparation

- 3.13 When preparing to complete a high or exceptional risk review the caseworker will gather and ensure that all relevant information is summarised in the submission to be put to the DDC (or delegated authority).
- 3.14 In some reviews the caseworker will consider that information from police sources is required. In such instances a request for information will be made using the form at [annex C](#).

- 3.15 The caseworker will then prepare a submission to be put to the DDC for consideration and decision. When reports are received the caseworker will assess the content as to what information is relevant to the prisoner's escape risk. Any information that is not relevant will not be included in the submission.
- 3.16 *A copy of the submission intended to be put before the DDC (or delegated authority) must be disclosed to the prisoner at least six weeks prior to the review to allow representations to be submitted.*
- 3.17 *Any and all representations must be received by the Category A Team within four weeks of disclosure of the submission*

Escape Risk Classification Review

- 3.18 Following these preparations and two weeks prior to the review the caseworker will pass the submission and all representations to the CART.
- 3.19 Based on the submission and representations the CART will assess the case and make a recommendation on whether a prisoner's current escape risk classification should be retained or downgraded. The submission, representations and the CART's recommendation will then be forwarded to the Head of High Security Prisons Group.
- 3.20 The Head of High Security Prisons Group will review the documents noted above and the recommendation of the CART and make a decision as to whether a prisoner's escape risk is to remain at the current level or to refer the case to the DDC High Security (or delegated authority)
- 3.21 There is no requirement for the Head of High Security Prisons Group to refer the case to the DDC High Security unless:
- A recommendation for downgrade has been made by the CART
 - The Head of High Security Prisons Group would recommend downgrading
 - It is the third consecutive review where no downgrade recommendation has been made
- 3.22 Where an escape risk classification review has been referred to him/her, the DDC High Security (or delegated authority) will conduct the review with an advisory panel including police advisers, a psychologist and staff from the Category A Team; meetings will normally take place once a month.
- 3.23 The DDC High Security and the advisory panel will consider the submission provided to the prisoner, any and all representations made by or on behalf of the prisoner and the recommendations of the CART and Head of High Security Prisons Group.
- 3.24 Where escape related information is reported in the period between the disclosure of the submission and the date the decision is made and this informs or helps to inform the decision the DDC (or delegated authority) will provide a summary of this in the decision letter to the prisoner

- 3.25 The Category A Team will inform the prison of the final decision immediately after the decision is taken. It will also immediately put into effect any decision to downgrade a prisoner to a lower escape risk classification.
- 3.26 The Category A Team will send the prisoner a notification of the decision detailing the reasons four weeks after the DDC's panel.
- 3.27 The same procedures apply to confirmed Category A prisoners who remain in high or exceptional escape risk classification.
- 3.28 The Category A Team will consider and respond to representations against a decision to keep a prisoner high or exceptional escape risk. The DDC High Security (or delegated authority) may retake the decision where s/he considers the representations highlight information not previously considered that could materially affect the decision.

Review following conviction and sentencing

- 3.29 The Category A Team will coordinate a rapid review of the categorisation of a Provisional Category A/Restricted Status prisoner immediately following conviction and sentencing. This will allow a prisoner to be removed from Category A/Restricted Status where any significant development indicates this is appropriate e.g. serious charges not resulting in conviction; convicted of a lesser role in serious offences than had previously been suggested. Otherwise, the prisoner will remain Provisional Category A / Restricted Status until the first formal review.

First Formal Review Preparation

All assessments are completed using prescribed forms.

Prisoners understand the process and the reasons for the decision made in their case.

- 3.30 Provisional Category A / Restricted Status prisoners will normally have their first formal review shortly after their conviction and sentence. *Within one week of the prisoner being sentenced the prison must send the Category A Team copies of the following documents: the Crown Court warrant or order for imprisonment (5035 form), the trial record sheet (5089 form), and the prisoner's previous convictions.*
- 3.31 The Category A Team will prepare a review dossier based upon this information. Other information may also be used, including the judge's sentencing remarks, the indictments and relevant information from the police.
- 3.32 A copy of the completed dossier and an explanatory letter will be sent to the prisoner to allow him / her to submit representations. Copies of the forms to be used in the dossier are enclosed at [Annex A](#). *The prisoner must be allowed four weeks to submit representations.*
- 3.33 The first formal reviews for Provisional Category A or Restricted Status prisoners received back into custody after revocation of their licence conditions will be completed using the dossier at [Annex A](#). This will be based on the nature and circumstances of the prisoner's

offending (and, where applicable, the reasons for the revocation of licence conditions and return to custody).

- 3.34 The first formal reviews for Provisional Category A / Restricted Status prisoners received back into custody from a psychiatric hospital or a prison outside England and Wales will be completed using the annual review report forms at [Annex B](#). Available psychiatric hospital assessments may also be used.

First Formal Review

- 3.35 Following these preparations, the DDC High Security (or delegated authority) will conduct the first formal review with an advisory panel including police advisers, a psychologist and staff from the Category A Team; meetings will normally take place once a month. The prisoner will be able to submit representations to this review through the disclosure of a dossier summarising the information to be used.
- 3.36 The decision is made for the prisoner to be either Confirmed Category A / Restricted Status or Not Category A / Restricted Status.
- 3.37 In applicable cases, where the prisoner is made a confirmed Category A, a review of the prisoner's escape risk classification may also take place at the same time.
- 3.38 In cases where a Provisional Category A prisoner is made Not Category A consideration may be given at this point to identifying whether the (Category B) prisoner would require allocation to a dispersal prison within the high security estate. Circumstances under which this recommendation may be made will be based on an assessment of each individual case and will include (but not be limited to):
- Escape risk
 - Length of sentence
 - Offence type
 - Gang affiliations
 - Organised Crime Group associations
- 3.39 In these cases the notification of the decision will include the recommendation that the prisoner should remain in high security conditions until approved by the prison's Governor for a progressive move following a suitable period of assessment to evidence a reduction in risk.

Post-Decision Process

- 3.40 The Category A Team will consider and respond to representations against a decision to keep a prisoner Category A / Restricted Status. The DDC High Security (or delegated authority) may retake the decision where s/he considers the representations highlight information not previously considered that could materially affect the decision.

Completion of the First Formal Review

Prisoners understand the process and the reasons for the decision made in their case.

- 3.41 The DDC High Security (or delegated authority) will review the prisoner's case at the next available panel following the disclosure of the dossier to the prisoner.
- 3.42 The Category A Team will inform the prison of the final decision immediately after the review takes place. It will also immediately put into effect any decision to downgrade a prisoner from Provisional Category A / Restricted Status, or any decision to amend a Category A prisoner's escape risk classification.
- 3.43 The Category A Team will send the prisoner a notification of the decision detailing the reasons four weeks after the DDC's panel.

4. Reviews of Confirmed Category A / Restricted Status Prisoners

General

- 4.1 Each prisoner confirmed as Category A / Restricted Status at a first formal review will normally have their security category reviewed two years later, and thereafter annually on the basis of progress reports from the prison. These annual reviews entail consideration by a local advisory panel (LAP) within the establishment, which submits a recommendation about security category to the Category A Team. If the LAP recommends continuation of Category A, and this is agreed by the Category A Team, then the annual review may be completed by the Category A Team without referral to the DDC High Security (unless the DDC has not reviewed the case for 5 years, in which case it will be automatically referred). The DDC High Security (or delegated authority) will remain solely responsible for approving the downgrading of a confirmed Category A / Restricted Status prisoner, following consideration at the Deputy Director's panel.
- 4.2 *Before approving a confirmed Category A / Restricted Status prisoner's downgrading the DDC High Security (or delegated authority) must have convincing evidence that the prisoner's risk of re-offending if unlawfully at large has significantly reduced, such as evidence that shows the prisoner has significantly changed their attitudes towards their offending or has developed skills to help prevent similar offending.*
- 4.3 The DDC High Security (or delegated authority) may grant a special review out of the normal sequence of annual reviews where there are exceptional circumstances that suggest the highest level of security may no longer be needed, for example the prisoner's sentence has been substantially reduced or the prisoner's health or mobility has seriously deteriorated.
- 4.4 The DDC High Security (or delegated authority) also may grant a special review if the prisoner has been recommended for parole. Parole assessments are however based on different criteria from security category reviews. A favourable parole assessment does not necessarily indicate that the prisoner would not be highly dangerous if unlawfully at large.
- 4.5 Annual reviews will also be completed for Category A / Restricted Status prisoners who have served their sentence and remain in secure prison conditions whilst awaiting extradition, and for detainees who have had their Category A / Restricted Status confirmed by the DDC High Security (or delegated authority) at a first formal review.

Oral Hearings

- 4.6 The DDC High Security (or delegated authority) may grant an oral hearing of a Category A / Restricted Status prisoner's annual review. This will allow the prisoner or the prisoner's representatives to submit their representations verbally. In the light of the clarification by the Supreme Court in *Osborn, Booth, Reilly* of the principles applicable to determining whether an oral hearing should be held in the Parole Board context. The Courts have consistently recognised that the CART context is significantly different to the Parole Board context. In practical terms, those differences have led to the position in which oral hearings in the CART context have only very rarely been held. The differences remain; and continue to be important. However, this policy recognises that the *Osborn* principles are likely to be relevant in many cases in the CART context. The result will be that there will be more decisions to hold oral hearings than has been the position in the past. In these circumstances, this policy is intended to give guidance to those who have to take oral hearing decisions in the CART context. Inevitably, the guidance involves identifying factors

of importance, and in particular factors that would tend towards deciding to have an oral hearing. The process is of course not a mathematical one; but the more of such factors that are present in any case, the more likely it is that an oral hearing will be needed. Three overarching points are to be made at the outset:

- **First**, each case must be considered on its own particular facts – all of which should be weighed in making the oral hearing decision.
- **Secondly**, it is important that the oral hearing decision is approached in a balanced and appropriate way. *The Supreme Court emphasised in Osborn that decision makers must approach, and be seen to approach, the decision with an open mind; must be alive to the potential, real advantage of a hearing both in aiding decision making and in recognition of the importance of the issues to the prisoner; should be aware that costs are not a conclusive argument against the holding of oral hearings; and should not make the grant of an oral hearing dependent on the prospects of success of a downgrade in categorisation.*
- **Thirdly**, the oral hearing decision is not necessarily an all or nothing decision. In particular, there is scope for a flexible approach as to the issues on which an oral hearing might be appropriate.

4.7 With those three introductory points, the following are factors that would tend in favour of an oral hearing being appropriate:

- a. Where important facts are in dispute. Facts are likely to be important if they go directly to the issue of risk. Even if important, it will be necessary to consider whether the dispute would be more appropriately resolved at a hearing. For example, where a significant explanation or mitigation is advanced which depends upon the credibility of the prisoner, it may assist to have a hearing at which the prisoner (and/or others) can give his (or their) version of events.
- b. Where there is a significant dispute on the expert materials. These will need to be considered with care in order to ascertain whether there is a real and live dispute on particular points of real importance to the decision. If so, a hearing might well be of assistance to deal with them. Examples of situations in which this factor will be squarely in play are where the LAP, in combination with an independent psychologist, takes the view that downgrade is justified; or where a psychological assessment produced by the Ministry of Justice is disputed on tenable grounds. More broadly, where the Parole Board, particularly following an oral hearing of its own, has expressed strongly-worded and positive views about a prisoner's risk levels, it may be appropriate to explore at a hearing what impact that should or might have on categorisation.

It is emphasised again that oral hearings are not all or nothing – it may be appropriate to have a short hearing targeted at the really significant points in issue.

- c. Where the lengths of time involved in a case are significant and/or the prisoner is post- tariff. It does not follow that just because a prisoner has been Category A for a significant time or is post tariff that an oral hearing would be appropriate. However, the longer the period as Category A, the more carefully the case will need to be looked at to see if the categorisation continues to remain justified. It may also be that much more difficult to make a judgement about the extent to which they have developed over the period since their conviction based on an examination of the papers alone.

The same applies where the prisoner is post-tariff, with the result that continued detention is justified on grounds of risk; and all the more so if he has spent a long time in prison post-tariff. There may be real advantage in such cases in seeing the prisoner face-to-face.

Where there is an impasse which has existed for some time, for whatever reason, it may be helpful to have a hearing in order to explore the case and seek to understand the reasons for, and the potential solutions to, the impasse.

- d. Where the prisoner has never had an oral hearing before; or has not had one for a prolonged period.

Timing of Annual Reviews

Categorisation is reviewed within set timescales.

- 4.8 The first annual review will normally take place two years after the prisoner's first formal review; this is to enable prison staff to fully assess any progress made by the prisoner. *Establishments must ensure that prisoners are informed of this as soon as possible after confirmation of categorisation.* The exceptions to this will be where:
- the DDC High Security (or delegated authority) ordered at the first formal review that the prisoner's first annual review should take place earlier;
 - the Governor of the holding prison decides the prisoner's first annual review should take place earlier on the basis of exceptional risk reduction.
- 4.9 Each subsequent annual review will normally be completed 12 months after the last review.
- 4.10 The completion of the first annual review should coincide as closely as possible with the same month of the year as the previous review. *The preparation for each annual review must therefore take into account time needed for completion of reports, disclosure to the prisoner, the dates of the prison's LAPs and the Category A Team's consideration.*
- 4.11 *Each prison must still complete and panel the reports for a prisoner's review if the prisoner transfers to another prison after the review has started.* Staff should therefore keep copies of necessary documents and reports after the prisoner has transferred to enable the review to be completed.

A review of categorisation is completed outside the normal review timetable when there is a significant change in circumstances or behaviour which impacts on the level of security required.

- 4.12 Deferrals of annual reviews are valid in exceptional circumstances. These may include the need to obtain further information, for example offending behaviour programme reports, or for prison staff to link the review with the timing of other forms of assessment, such as parole reviews.

- 4.13 Prison staff or the Category A Team may also at their discretion grant a prisoner's request for a deferral of an annual review. *A deferred annual review must not affect the timing of future reviews, which should return to the previous schedule.*

Annual Review Procedures

- 4.14 *Prison staff must prepare the reports for the prisoner's annual review at the relevant time. A copy of the annual review report forms is enclosed at [Annex B](#).*
- 4.15 *The completed reports must be disclosed to the prisoner at least four weeks prior to the prison's LAP to allow representations to be submitted. Taking both the reports and any representations into account, the LAP must in turn make a recommendation to the Category A Team on the prisoner's continued suitability for Category A / Restricted Status.*
- 4.16 At Headquarters, either the Category A Team or the DDC High Security (or delegated authority) will complete the review (see paragraph 3.25 – 3.27) taking into account the reports, any representations and the LAP's recommendation.

Preparing the Reports

- 4.17 *Staff must prepare the reports using the guidance provided in the reports. The reports should produce a comprehensive summary of the prisoner's behaviour and progress to date, that will enable an assessment of any reduction in the prisoner's level of risk. Where applicable the reports should record and assess any exceptional circumstances that suggest the prisoner may not require the highest level of security.*
- 4.18 Individual report-writers are not required to make a recommendation on the prisoner's suitability for Category A / Restricted Status.
- 4.19 Any further relevant documents may be included or referred to in the reports. These may include offending behaviour programme reports, Sentence Planning Review Board assessments, OASys assessments (e-asset for young people), psychological and psychiatric assessments or parole reports.

Disclosure

- 4.20 *The review of a prisoner's category A status is an open one and the prisoner must be able to understand why he / she has been placed in a particular category. The reports must be disclosed to allow the prisoner to submit informed representations to the prison's LAP. The prisoner must be allowed four weeks to submit representations, although an extension may be granted at the prison's discretion if requested. Records must be kept when the prisoner is given his / her reports and when he /she is informed of the date of the LAP.*
- 4.21 All reports are normally disclosed to the prisoner. Any security information staff believe is relevant to the review can be included in section 5 of the reports. Sensitive or confidential information may be withheld from the prisoner in certain circumstances:
- a. in the interests of national security;
 - b. for the prevention of crime or disorder, including information relevant to prison security;
 - c. for the protection of a third party who may be put at risk if the information is disclosed;
 - d. if, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental or physical health of the prisoner could be impaired;

- e. 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.

If sensitive information is being withheld, consideration must be given to disclosing a summary of the information, or an edited form that protects the anonymity of the informant, which can be summarised in section 5. *Any information that is relevant to the review that it is too sensitive for disclosure must be included in section 7 of the reports. This will be disclosed only to the LAP, and the Category A Team or DDC High Security (or delegated authority) completing the review, but the prisoner must be informed of its inclusion at the time of report disclosure with a brief description of the type of information (i.e. IR) as far as is compatible with maintaining security/protecting other persons.*

The principles set out above concerning disclosure apply to Security Information Reports (SIRs) in the same way as other reports, and nothing in this PSI departs from that. Security Information Reports will often contain sensitive or confidential information which may be withheld on the grounds described above and disclosure of information from such reports will be made taking this into account.

Under the Data Protection Act 1998, prisoners are entitled to request a copy of all 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.

Local Advisory Panel (LAP) Consideration

- 4.22 *The LAP must consider the prisoner's reports and any representations after the period of disclosure. The LAP must include attendance by the prison's Governor or Deputy Governor and a range of appropriate report-writing staff, including wing, specialist and security staff.*
- 4.23 It is unnecessary for individual report-writers to attend. It is also unnecessary for prisoners or their representatives to attend, as they have the appropriate opportunity to submit written representations to the LAP.
- 4.24 *The LAP must recommend whether the prisoner should remain Category A / Restricted Status and record this recommendation on section 6 of the reports using the guidance provided. The recommendation should also record and comment on any representations, or any factual inaccuracies in the reports that have been taken into account or resolved.*
- 4.25 *The reports, representations and the LAP's recommendation must then be sent to the Category A Team as soon as possible for the final decision to be made. At this point the prison will forward the LAP report to the prisoner. The Category A Team review will be completed within 4 weeks of receipt of the LAP report.*

Initial Category A Team Consideration

- 4.26 On receipt from the prison, the Category A Team will consider the prisoner's reports, any representations submitted by the prisoner to the LAP, and the LAP's recommendation, and either complete the review or forward the case to the DDC High Security (or delegated authority) for the final decision (see below). It will also take into account or forward to the DDC High Security (or delegated authority) any representations received following the prison LAP's consideration.

Annual Review Decisions by the Category A Team

- 4.27 In cases where the Category A Team supports a recommendation from the LAP that the prisoner should remain Category A / Restricted Status it will normally complete the review without reference to the DDC High Security (but see exceptions below) and within four weeks of receipt of the reports send the prisoner a notification of the decision confirming that the prisoner should remain Category A / Restricted Status.
- 4.28 The notification of the decision will provide detailed reasons for the decision, taking into account any progress the prisoner has made in the reduction of risk, and addressing any relevant points made in the prisoner's representations.

Referral of Annual Reviews to the DDC High Security

- 4.29 The Category A Team may alternatively refer a case to the DDC High Security (or delegated authority) and the next available monthly Category A panel if:
- the LAP or Category A Team recommends the prisoner should be downgraded;
 - the DDC High Security (or delegated authority) has made a special request at the previous review that the case should be referred to the DDC High Security (or delegated authority) and the DDC's panel;
 - the prisoner has recently moved from Restricted Status within a YOI to Category A status within a high security prison;
 - the DDC High Security (or delegated authority) has not reviewed the prisoner's case for five years. This will ensure that the DDC High Security (or delegated authority) considers all Category A / Restricted Status prisoners for downgrading at least every five years.

Communication of Decisions from the DDC High Security

- 4.30 The DDC High Security (or delegated authority) will review a prisoner's security category assisted by a similar advisory panel present at first formal reviews; meetings normally occur once a month. A review of a Category A prisoner's escape risk classification may be conducted at the same time.
- 4.31 The Category A Team will inform prison staff of the results of the review immediately after it has taken place. It will also immediately put into effect any decision to downgrade a prisoner from Category A / Restricted Status or to amend a Category A prisoner's escape risk classification.
- 4.32 The Category A Team will send the prisoner a notification of the decision four weeks after the date of the panel. The notification of the decision will include a summary of the information taken into account and detailed reasons for the decision.

Downgrade from Category A / Restricted Status

- 4.33 As soon as the DDC High Security (or delegated authority) has made the decision to downgrade a prisoner from Category A / Restricted Status the responsibility for deciding the prisoner's further allocation and categorisation passes to the Governor and staff at the holding prison.

- 4.34 The DDC High Security (or delegated authority) may however recommend that a prisoner who is downgraded from Category A to Category B should remain in high security conditions. In these cases the notification of the decision will include the recommendation that the prisoner should remain in high security conditions for a set period of time, unless approved by the prison's Governor for a progressive move before this period is completed.
- 4.35 Decisions regarding the review of Category A prisoners will be copied to the Governor i/c the establishment where the prisoner is located.

Post-Decision Process

- 4.36 The Category A Team will consider and respond to representations against a decision to keep a prisoner Category A / Restricted Status. The DDC High Security (or delegated authority) may retake the decision where s/he considers the representations highlight information not previously considered that could materially affect the decision.



Ministry of JUSTICE

HIGH SECURITY PRISONS GROUP CATEGORY A TEAM

Reports for First Formal Category A / Restricted Status Review

Date Reports Issued.....

Contributors should be aware these reports will be disclosed to the prisoner.

Name	
Former Name/Aliases	
Nomis/Prison Number	
Date of Birth	
Ethnic Group	
Escape Risk Classification	
Current Prison Location	
Date of Sentence	
Total Length of Sentence	

A Category A prisoner is a prisoner 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.

In deciding whether Category A is necessary, consideration may also need to be given to whether the stated aim of making escape impossible can be achieved for a particular prisoner in lower conditions of security, and that prisoner categorised accordingly. This will arise in a limited number of cases since escape potential will not normally affect the consideration of the appropriateness of Category A, because the definition is concerned with the prisoner’s dangerousness if he did escape, not how likely he is to escape, and in any event it is not possible to foresee all the circumstances in which an escape may occur.

Restricted Status prisoners are any female, young person or young adult prisoners 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. This accommodation and applicable security procedures are deemed sufficient to achieve the aim of making escape impossible for these prisoners.

The DDC High Security is responsible for the categorisation of Restricted Status prisoners (but may delegate decision-making as deemed appropriate, in accordance with the provisions of this instruction); Women and Young People’s Group is responsible for their allocation.

Note: Restricted Status prisoners must be treated as Category A prisoners every time they leave their allocated establishment – all moves must be carried out in a Category A vehicle (or an ambulance in a medical emergency) in line with NSF procedures.

Section 1 – Offending History (To be completed by the Category A Review Team, High Security Prisons Group)				
INDEX OFFENCE(S) / CURRENT OFFENCE(S) Please give details below				
Date of offence	Date of sentence	Offence	Sentence (if life, type and tariff)	Date of NPD or CRD, or end of tariff

<p>DESCRIPTION OF INDEX OFFENCE(S): Please describe the index offence(s) and attach any pre-sentence or post-sentence reports if available</p>	<p>Source of Information and date</p>
<p>List attachments and number</p>	

<p>Previous Convictions: Please list relevant previous convictions.</p>	<p>Source of Information and date</p>
<p>Breaches and enhanced escape risk: Has the prisoner ever escaped or breached licence, bail, probation or other sentence or court order? Did the prisoner reoffend while at large? Are there indicators of an enhanced escape risk? Please give details.</p>	<p>Source of Information and date</p>



Ministry of JUSTICE

HIGH SECURITY PRISONS GROUP CATEGORY A TEAM

Reports for Annual Category A / Restricted Status Review

Date Reports Issued.....

Date Reports Due for Completion.....

Contributors should be aware these reports will be disclosed to the prisoner.

Name	
Former Name/Aliases	
Nomis/Prison Number	
Date of Birth	
Ethnic Group	
Escape Risk Classification	
Current Prison Location	
Date of last Review (date decision letter was issued)	
Date of Local Advisory Panel	

A Category A prisoner is a prisoner 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.

In deciding whether Category A is necessary, consideration may also need to be given to whether the stated aim of making escape impossible can be achieved for a particular prisoner in lower conditions of security, and that prisoner categorised accordingly. This will arise in a limited number of cases since escape potential will not normally affect the consideration of the appropriateness of Category A, because the definition is concerned with the prisoner’s dangerousness if he did escape, not how likely he is to escape, and in any event it is not possible to foresee all the circumstances in which an escape may occur.

Restricted Status prisoners are any female, young person or young adult prisoners 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. This accommodation and applicable security procedures are deemed sufficient to achieve the aim of making escape impossible for these prisoners.

The DDC High Security is responsible for the categorisation of Restricted Status prisoners (but may delegate decision-making as deemed appropriate, in accordance with the provisions of this instruction); Women and Young People’s Group is responsible for their allocation.

Note: Restricted Status prisoners must be treated as Category A prisoners every time they leave their allocated establishment – all moves must be carried out in a Category A vehicle (or an ambulance in a medical emergency) in line with NSF procedures.

Section 1 – Offending History				
INDEX OFFENCE(S) / CURRENT OFFENCE(S)				
Please give details below				
Date of offence	Date of sentence	Offence	Sentence (if life, type and tariff)	Date of NPD or CRD, or end of tariff

<p>DESCRIPTION OF INDEX OFFENCE(S): Please describe the index offence(s) and attach any pre-sentence or post-sentence reports if available</p>	<p>Source of information and date</p>
<p>List attachments and number</p>	

<p>Previous Convictions: Please attach an up-to-date list of previous convictions.</p>	<p>Source of Information and date</p>
<p>List attachments and number:</p>	
<p>Breaches and enhanced escape risk: Has the prisoner ever escaped or breached licence, bail, probation or other sentence or court order? Did the prisoner reoffend while at large? Are there indicators of an enhanced escape risk? Please give details.</p>	<p>Source of Information and date</p>

Prisoner's Name:
Prisoner's Number:
Location:

Section 2 - Prison History
Date reports due for completion
Information should be obtained from: LIDS, sentence-planning documents and/or core records.

INCENTIVE LEVEL

RESPONSE TO AUTHORITY: Please describe the prisoner's relationship with those in authority. Has this changed over the reporting period? Where applicable include examples of compliance and cooperation, or any evidence of non-compliance, manipulation, or aggression.	Source of Information and Date
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<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	
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RELATIONSHIP WITH OTHER PRISONERS: Please comment on the prisoner's relationship with other prisoners. Has this changed over the reporting period? Where applicable include behaviour which could be assessed as threatening, bullying, manipulative or conspiratorial.	Source of Information and Date
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<p>COMPLETED BY</p> <p>GRADE/TITLE</p>	
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Prisoner's Name:
Prisoner's Number:
Location:

Section 3 – Offence-Related Work	
Date reports due for completion To be completed by Psychology or Probation staff	
ACCREDITED PROGRAMMES AND OTHER OFFENCE-RELATED WORK IN PRISON: Please list any programmes that the prisoner has been nominated for, refused access to, attended or completed during sentence. Please also include refusals by the prisoner.	Source of Information and Date
COMPLETED BY GRADE/TITLE DATE	
Please attach a copy of any post-programme reports. List attached reports below.	Source of Information and Date

<p>Are there any other throughcare, resettlement/vocational or educational matters which should be taken into account when reviewing the prisoner's progress? Please give details below.</p>	<p>Source of Information and Date</p>
<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	

Prisoner's Name:
Prisoner's Number:
Wing:

Section 3 Date reports due for completion SENTENCE PLAN: Please attach a copy of the most recent sentence plan and comment on the prisoner's level of compliance with that plan. Also include comments on any other activities which evidence self-improvement and sustained examples of changes in lifestyle.	Source of Information and Date
<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	
List and number attachments:	

Prisoner's Name:	
Prisoner's Number:	
Wing:	

<p>Section 3 Date reports due for completion</p> <p>SUBSTANCE MISUSE IN CUSTODY: Is there any record of drug misuse at time of the offence(s)? Where there is evidence of previous use, is there now evidence that the prisoner has sustained a drug-free life? Please give details, including reference to results of mandatory or voluntary drug testing, including negatives.</p>	<p>Source of Information and Date</p>
<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	
<p>ALCOHOL MISUSE IN CUSTODY: Is there any record of alcohol misuse at time of the offence(s)? Where there is evidence of previous use, is there now evidence that the prisoner has sustained an alcohol-free life?</p>	<p>Source of Information and Date</p>
<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	

Prisoner's Name:
Prisoner's Number:
Wing:

Section 4 - Health	
Date reports due for completion	
By the Healthcare Department	
PSYCHIATRIC HISTORY	Source of Information and Date
If the prisoner has any psychiatric history this section should be completed by the relevant mental health practitioner.	
<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	

PHYSICAL MEDICAL HISTORY (to be completed by Healthcare)	
Has the prisoner any exceptional medical issues that would ensure his escape could be made impossible in conditions of lower security, e.g. physical incapacity or chronic ill health?	
<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	

Prisoner's Name:
Prisoner's Number:
Wing:

Section 4 – Psychology Date reports due for completion Has the prisoner demonstrated any evidence that the risk of serious reoffending has reduced, including through offending behaviour programmes? Please give specific details. Please also include implications for future treatment and progress.	Source of Information and Date
<p>Date</p> <p>Author</p> <p>Signed</p> <p>Date</p> <p>Supervisor(if applicable)</p> <p>Signed</p>	

Prisoner's Name:
Prisoner's Number:
Location:

Section 5 - Security Information Date reports due for completion From the Security Department	
SECURITY INFORMATION REPORTS Please provide information relating to SIRs which evidence a continued high level of dangerousness and would be relevant to the review.	Source of Information and date (please indicate whether information is based on evidence or intelligence)
COMPLETED BY GRADE/TITLE DATE	
Prison Behaviour: Please list and describe any evidence of behaviour consistent with the prisoner's offending history, e.g. violence, bullying, drug dealing, stalking, etc.	Source of Information and date (please indicate whether information is based on evidence or intelligence)

COMPLETED BY	
GRADE/TITLE	
DATE	

<p>INCIDENTS: List any serious incidents which the prisoner has been involved in during this sentence, e.g. concerted indiscipline, serious violence, hostage taking etc. Give details of the level of involvement.</p>	<p>Source of Information and date (please indicate whether information is based on evidence or intelligence)</p>
<p>COMPLETED BY</p> <p>GRADE/TITLE</p> <p>DATE</p>	

Prisoner's Name:
Prisoner's Number:
Location:

Section 5 – Security Information Date reports due for completion From Police Intelligence Officer	
ASSOCIATES OUTSIDE PRISON Does the prisoner maintain contact with associates or co-defendants who may be linked with the index offence(s), e.g. other sex offenders, organised criminal groups or drug-dealing organisations? Please give details below	Source of Information and date (please indicate whether information is based on evidence or intelligence)
COMPLETED BY GRADE/TITLE DATE	

Prisoner's Name:
Prisoner's Number:
Location:

<p>Section 6 – Governor's Recommendation (To be completed by the Governor/Deputy Governor and based on information detailed in sections 1-5))</p>
<p>A Category A prisoner is a prisoner 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.</p> <p>In deciding whether Category A is necessary, consideration may also need to be given to whether the stated aim of making escape impossible can be achieved for a particular prisoner in lower conditions of security, and that prisoner categorised accordingly. This will arise in a limited number of cases since escape potential will not normally affect the consideration of the appropriateness of Category A, because the definition is concerned with the prisoner's dangerousness if he did escape, not how likely he is to escape, and in any event it is not possible to foresee all the circumstances in which an escape may occur.</p> <p>Restricted Status prisoners are any female, young person or young adult prisoners 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. This accommodation and applicable security procedures are deemed sufficient to achieve the aim of making escape impossible for these prisoners.</p> <p>The DDC High Security is responsible for the categorisation of Restricted Status prisoners (but may delegate decision-making as deemed appropriate, in accordance with the provisions of this instruction); Women and Young People's Group is responsible for their allocation.</p> <p><i>Note: Restricted Status prisoners must be treated as Category A prisoners every time they leave their allocated establishment – all moves must be carried out in a Category A vehicle (or an ambulance in a medical emergency) in line with NSF procedures.</i></p>

<p>Has the prisoner demonstrated evidence of a significant reduction in his risk of reoffending in a similar way if unlawfully at large?</p> <p>Taking all the evidence into account, including progress on offending behaviour work and current behaviour, do you consider the prisoner still poses a serious risk of reoffending in a similar way if unlawfully at large, i.e. with no supervision or support?</p>

<p>If your recommendation is that the prisoner should remain Category A/Restricted Status: Please give reasons for the recommendation.</p>
<p>If you do not recommend a downgrading of the prisoner's security category, in which areas does the prisoner still need to demonstrate a reduction in risk? Highlight any coursework or areas of improvement that can assist in demonstrating a reduction in risk. Does this further progress need to be made before downgrading can be considered, and can it be carried out in the current location?</p>
<p>If your recommendation is that the prisoner should be downgraded: Please give reasons for recommendation.</p>
<p>Signed:</p>
<p>Print Name:</p>
<p>Date:</p>
<p>Date of Panel:</p>
<p>Attendees of Panel:</p>

Prisoner's name:
Prisoner's number:
Location:

-RESTRICTED-**Section 7 – Non-Disclosable Information**

To be completed by **any** staff who have information relevant to the security categorisation of a prisoner which **cannot** be included in sections 1-5 of this report. *Information included in this section **must be** of a restricted or sensitive nature and as such **would not** be disclosed under the Data Protection Act 1998.*

The information will **only** be disclosed to the Governor/Deputy Governor and the Category A Team. Please give details and reasons why it is not appropriate for the information to be disclosed to the prisoner.

Signed:

Print name:

Position held:

Date:



Ministry of JUSTICE

National Offender
Management Service

Category A Team
High Security Prisons Group
7th Floor, Clive House, Petty France,
London, SW1H 9EX

To: OPT

Intelligence Request - High Risk review

Full Name: Number: D.O.B: Prison:

<p>1) Has there been any additional information that could impact on this review since the previous review of [mm/yyyy]</p>	
<p>2) If this prisoner was made H/R due to information supplied by Police, is this information still relevant? Does the prisoner pose an enhanced escape risk?</p>	
<p>3) Do you consider H/R classification is justified/appropriate. If so, why?</p>	

Completed by-

Print Name:

Date: