Independent Review of Separation Centres

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EXECUTIVE SUMMARY

- Separation Centres are small units needed to deal with the risk posed by certain prisoners. Dispersing prison radicalisers throughout the general estate is not an option.

- Hashem Abedi's attack on prison officers in the Separation Centre at HMP Frankland has exposed a need for urgent changes in how Separation Centres are run.

- The risk of violent attacks on prison staff within Separation Centres is underappreciated, whilst collective dissent has impeded prisoners from leading useful lives and progressing back to mainstream location.

- A remote management system, complex policy, and fear of litigation, have eroded the ability of prison officers to manage risk in Separation Centres when they see it.

- I recommend greater simplicity and flexibility:
    - A Separation Centre System on one site, with multiple levels, allowing prisoners to be moved between them according to risk.
    - A simpler management structure, where a single beefed-up team is responsible for operation, policy, and selection.
    - Reversal of certain judicial decisions on common law procedure, and the application of Article 8 of the European Convention on Human Rights.

- There needs to be more focused collection and use of intelligence.

- Separation Centre staff, no matter how well-trained and vigilant, need external support to identify and manage risk.

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1. INTRODUCTION

Prison Attacks by Convicted Terrorists

1.1. When a convicted terrorist seriously attacks staff, whether for the purposes of terrorism or not, there is a degree of **elevated harm** compared to other prisoner violence.

1.2. There is firstly a loss of public confidence in the authorities, a sense that society cannot neutralize or contain the threat posed by terrorists even after imprisonment, and the appearance that terrorists have been allowed to carry on a campaign of violence against the state, or the public, by targeting prison officers as the State's or the public's representatives.

1.3. Secondly, there is frustration of the expectations of victims and survivors of terrorist attacks, and their families, that convicted terrorists should never be able to use violence again, amounting to a subversion of the criminal justice outcome.

1.4. Thirdly, there is the real prospect of a radicalising effect within the wider prison estate. An attack by a notorious prisoner can be seen as a symbolic victory against the establishment, be seen to advance a terrorist cause through the propaganda of the deed or simply inspire copycat attacks by violence-minded prisoners.

1.5. Fourthly, there are the additional burdens arising out of such an attack: the fear of existing and future staff that they will be future victims; on unconnected prisoners, who may lose cooking facilities or spend additional time in cell because of reactive measures; on the public purse, through internal reviews, police investigations, and reforms.

1.6. Terrorism and terrorists have such prominence that there is potential for policy solutions driven by notoriety and outrage. I am conscious of this risk.

1.7. Nonetheless my conclusion is that the attack by Hashem Abedi has exposed weaknesses within the set up and management of Separation Centres. These can be remedied by accepting the principle of separation and creating a tiered Separation Centre system on a single site, dedicated to managing terrorist influence whilst keeping staff safe.

Violence in Separation Centres

1.8. Hashem Abedi's attack on three prison officers on 12 April 2025, currently under investigation by the police, took place at the Separation Centre at HM Prison Frankland, a High Security prison near Durham in the North of England.

1.9. Abedi's was the third example of an attack on staff by convicted terrorists within Separation Centres since these units became operational in 2017.

- In October 2019, Jewel Uddin launched an attack in the same Separation Centre. Serving a long prison sentence for planning to bomb an English Defence League rally in Dewsbury in June 2012, Uddin punched an officer on being unlocked, inflicting eye fracture, teeth damage, and considerable suffering on the officer, who was unable to return to work[1]. He was sentenced to a further 3 ½ years' imprisonment.
- In May 2020, Mohibur Rahman, convicted of plotting a mass casualty attack against a police or military target in the UK, punched an officer in the face and was awarded 14 days cellular confinement as a matter of prison discipline.

1.10. 26 different prisoners have been placed in Separation Centres since 2017, with some prisoners having multiple placements.

1.11. Abedi's attack came against a backdrop of rampant and increasing violence within the prison system:

- In the calendar year 2024 there were 10,605 assaults on staff (compared to 2,192 in 2000) of which 974 were classified as serious[2].

[1] Sentencing Remarks, 14.12.21. Jewel Uddin had been previously sentenced to a further 3 years for attacking a fellow prisoner, alongside two other convicted terrorists, in October 2015: Yorkshire Evening Post, 'Terrorists attacked murderer at gym in Wakefield jail' (22.10.15); according to the 2021 sentencing remarks, the 2015 victim was a former soldier.

[2] Ministry of Justice, official statistics, Safety in Custody: quarterly update to December 2024 (24.4.25). An assault is classified as serious if it: is a sexual assault; results in detention in outside hospital as an in-patient; requires medical treatment for concussion or internal injuries; incurs any of the following injuries: a fracture, scald or burn, stabbing, crushing, extensive or multiple bruising, black eye, broken nose, lost or broken tooth, cuts requiring suturing, bites, temporary or permanent blindness. : Ministry of Justice, Guide to Safety in Custody Statistics.

- Even in small units providing the greatest restrictions on physically dangerous prisoners[3], there have been recent attacks on prison officers at HMP Woodhill in 2021[4] and HMP Wakefield in 2025[5].

1.12. Given the small numbers involved I hesitate to draw any comparison between the rate of assaults in Separation Centres, with the rate of assaults on staff per prisoner in the mainstream estate; but they are by no means negligible; and as attacks by terrorist prisoners, they carry some or all the features of additional harm identified above.

This Review

1.13. I was appointed by the Secretary of State for Justice, the Rt Hon Shabana Mahmood, to lead an independent review on 15 May 2025. My terms of reference, published on 22 May 2025, were as follows:

- Consider whether the facts of the incident, as established by HMPPS' internal review reveal the need for any changes to how convicted terrorists are placed onto Separation Centres.
- Consider whether the policies, operating procedures, legal framework, and relationships with other agencies that underpin Separation Centres are fit for purpose, including whether an appropriate balance is being struck between security and long-term offender management.
- Provide findings and recommendations on the basis of the above that can be implemented to reduce the likelihood of any such incident occurring in the future.

1.14. In effect, I was instructed to use the findings of an unpublished internal review into the attack as the springboard for considering the need for reform.

1.15. Out of scope was the risk of serious harm from non-terrorist risk offenders; terrorist risk behaviour in the rest of the prison estate, the subject of my earlier report Terrorism in Prisons (2022); and protective security, such as

[3] Close Supervision Centres, discussed below.
[4] Mirror, ''Saw Killer' has jail term extended to at least 2062 after stabbing prison guard in neck' (27.8.23).
[5] Daily Mail, 'Prison officer is left with horrific scars across his face after being attacked with a disposable razor inside Britain's notorious 'Monster Mansion' jail' (27.1.25).

stab vests, lethal and less-lethal weapons, and counter-drone technology. I have only considered male prisoners.

1.16. My review mainly consisted of meetings and discussions with a very wide range of consultees in person and remotely: prison officers and their representatives, prison governors, staff in the headquarters of HM Prison and Probation Service (HMPPS), officials at the Ministry of Justice and the Joint Extremism Unit, victims of terrorist attacks, current and former prisoners (Muslim and non-Muslim, terrorist and non-terrorist), lawyers, academics specializing in prisons and risk, psychologists, prison campaigners, HM Inspector of Prisons, counter-terrorism police, and the Joint Counter Terrorism Prison and Probations Hub. At the outset I published an issues paper on my website and via X/Twitter (see Annex 1). A summary of documents and materials considered is at Annex 2.

1.17. Meetings with officials were arranged by a team of Ministry of Justice officials who also provided me with relevant factual and policy materials and provided summaries of information that I requested. I arranged other meetings using my own contacts and research. Analysis of international standards and caselaw was carried out at my request by Lyndon Harris, junior counsel. I am grateful to everyone who supported this review or was willing to contribute. The drafting of this report, the findings and the recommendations are entirely my own.

1.18. This is a fully public document. There is no closed or confidential report.

Visits to HMP Full Sutton and United States Penitentiary Florence

1.19. I undertook two visits as part of my review.

1.20. The first involved a full day at HMP Full Sutton, near York in the North of England, where I visited the Separation Centre, attended routine meetings, and discussed matters with staff and governor grades. Although there were clear differences from how HMP Frankland Separation Centre was being operated at the time of the Abedi attack, this visit further demonstrated to me that there were structural problems with Separation Centres. My observations, and my extremely useful conversations with staff and governors, have informed the entirety of this review.

1.21. The second was a full day at United States Penitentiary (USP) Florence, Colorado in the United States. USP Florence, set on a range of low hills in sight of the Rocky Mountains, is a Federal prison complex housing the

Administrative Maximum (ADX) unit commonly known as 'Supermax'. Because it will be of general interest, and because this visit significantly influenced some of the recommendations that follow (although I do not go on to recommend the creation of a Supermax in England and Wales), I set out here details of my trip together with some additional reflections and points of comparison with the Separation Centre regime in England and Wales.

1.22. Together with an official from the Ministry of Justice, I spent from 0930 to 1530 on 25 June 2025 with a team of officials including the Warden of the entire complex (she was also the ADX governor and had her office there), the Warden of the adjacent High Security prison (which contains the ADX transition unit), and various officers and heads of security. I want to express my gratitude to the Wardens and their staff for setting aside in effect an entire day for our benefit.

1.23. The visit was organized by an onsite Federal Bureau of Prisons senior attorney advisor, who heads a team of 6 attorneys and 4 support staff dealing with civil claims brought by prisoners. As correctional officers, as well as attorneys, they are responsible for articulating the rationale for prison decisions and the prevailing security dynamics of managing high risk prisoners; we were informed that US courts had been generally supportive of the running of the ADX since a major legal challenge in 2012[6].

1.24. We entered the High Security Prison, including the ADX transition unit and the psychologically informed unit, but did not get the necessary permission from Washington DC in time to enter the ADX itself. However, we had a full briefing on the ADX from the Wardens and correction officers, and had all our questions answered.

1.25. The ADX system itself arose from public pressure following the murder of two prison staff in 1983, but the current system of high security federal prisons is powered by the rigid necessity of classifying members of violent gangs. Without a way of keeping rival gang members apart, and in the case of high-status gang leaders, severely limiting their ability to communicate with gang members in the community, US prisons would be scenes of permanent killings within, and nodes for directing violence outside.

1.26. The most apt UK parallel is in the Northern Ireland, where Republicans and Loyalists were (and still are) housed separately[7].

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[6] This is no doubt affected by the general principle under US law that conviction is sufficient warrant to confine a prisoner in any available prison, even if one prison is much harsher than another: Meachum v. Fano, 427 U.S. 215, 224-25, 96 S.Ct. 2532, 2538, 49 L.Ed.2d 451 (1976).
[7] In Maghaberry Prison, Lisburn.

1.27. The basics of the ADX system - staff-intensive and costly, although currently operating below maximum capacity - are well described in a public witness statement filed in 2025[8].

1.28. The features of relevance to this review are, firstly, that the highest security parts of the federal prison system amount to a series of small units, working from the deepest general form of solitary confinement on first entering the ADX unit[9], through an intermediate stage allowing a degree of highly constrained association, up to transitional units (having two phases and including a requirement to share cells), preparing prisoners for potential release, subject to security classification, into the general high security population.

1.29. The closest UK parallel to the ADX is detention in a Close Supervision Centre, which enables separation from other prisoners, sometimes for many years; the US system however is less coy about the benefits and necessities of keeping the most dangerous prisoners isolated from one another and from the wider world. The average stay is five years, although some have been held for over twenty[10].

1.30. The undoubted harshness and impact of the regime was somewhat modified after the 2012 class action settled in 2016 which ensured a greater degree of care for inmates suffering from poor mental health[11]

1.31. As I set out later in this report, it is not the unique harshness of the regime that should be emulated, but the flexibility offered by multiple stages within a special regime. Having flexibility and different tiers allows the prison service to balance the need to treat prisoners individually according to their risks, with the need to maintain consistency within units.

1.32. Movement through the ADX system operates as a system of strictly enforced incentives and punishments. Misbehaviour within a unit will result in an award of points, with the possibility of demotion to a more restrictive part of the system; good behaviour offers the prospect of movement to a less

[8] Declaration of Anna Armijo filed (2.5.25) in the case of Rejon Taylor v Trump, Case No. I :25-cv-01161-TJK.
[9] Note the word ‘general’: there are special control units for the most disruptive prisoners which are even deeper.
[10] USP Florence Administrative Maximum Security (ADX) Inspection Report by the District of Columbia Corrections Information Council (31.10.18). A further short report was published on 13 September 2023.
[11] Cunningham v Federal Bureau of Prisons, US District Court for the District of Colorado (filed 2012, settled 2016).

restrictive unit, or other forms of reward (such as additional canteen)[12]. Prisoners 'earn' their conditions, up or down.

1.33. Next, in terms of risk management, I was struck by the straightforwardness of communication between the prisoners and staff. It was taken as read that, at the point of referral and assessment, prisoners should understand the basic reasons for their selection and be able to make representations about it[13]. The same was also true about discussing with selected prisoners whether and how they might progress through the regime, including on the types of incentives that might work.

- This was not therapeutic communication intending to address the topic of rehabilitation – possibly too thorny in the case of confirmed jihadis – but practical discussion about how a prisoner may decide it is in their best interests to make use of their time in prison, and attain the most conducive conditions in which to serve it.

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1.34. I was impressed by the role of Special Investigations Service (SIS) technicians operating with the federal prison system. These officials investigate crime and high-risk individuals and make tactical decisions about building intelligence and disciplinary cases.

1.35. This capability underlined my observation (also made in my 2022 report[14]) about the need to act locally on intelligence as well as collect it. Individual SIS technicians specialised in the culture, codes and membership of discrete gangs. Getting membership right is particularly important in the Federal system because the effect of being placed on a disruptive gang list can disqualify a prisoner of ever leaving the high security estate.

- It is likely that in England and Wales the unfamiliarity of prison staff (including intelligence and counter-terrorism officials) with the norms and customs of Islam means that, by default, prison imams are asked to assist in distinguishing between benign manifestations of religious practice, on the one hand, and Islamist power grabbing, on the other[15].

[12] It appeared that some notorious prisoners, including certain terrorists, would never be permitted to progress upwards from the entry level ('General Population') of the ADX. Other possible incentives included money, VR goggles, and access to phone calls.
[13] A prisoner being considered for placement can plead his case against ADX selection before the referring officer, subject to the possibility of an internal administrative appeal within the Board of Prisons.
[14] Terrorism in Prisons, at 5.15 - 5.20.
[15] Terrorism in Prisons at 2.17, 3.21, 3.30.

1.36. Finally, I detected a strong degree of local confidence in the process by which inmates were selected for the ADX, in the Warden's power to determine moves between ADX levels, in the relationship between the prison and the wider management of the Board of Prisons, and in their contact with external agencies such as the FBI.

1.37. As I have already noted, the Warden of the USP Florence complex was also Warden of, and had her office in, the ADX unit. She was aware of operational matters concerning the prisoners in the ADX, unsurprisingly given the overall importance of the unit to the US federal penitentiary system, and the status of the prisoners held there.

- This marks a significant point of distinction with the system in England and Wales, where there are three Separation Centres each housed within different prisons (Frankland, Full Sutton, Woodhill); where management of the Separation Centre system is carried out remotely by a team within the Long Term and High Security Estate working out of HMP Wakefield; and where the local HMPPS official in charge of each Separation Centre is a governor grade official several grades below the principal governor of the host prison (known as a Governing Governor).

1.38. The principal basis for placement in the ADX was extreme violence, usually within the prison system itself. ADX was not specifically designed for radicalisers.

- Here we were referred to small number of Communications Managements Units within the Federal system (there are currently two, in Indiana and Illinois)[16].
- The focus of these units is preventing communications by prisoners with the outside community which might cause harm: for example, 'kill orders', carrying on blackmail, leaking of classified information, or terrorist plotting.
- We did not visit these units, but it is clear from publicly available information that the US penitentiary system faces similar conundrums about handling disruptive or potentially disruptive Islamist prisoners. Familiar issues include prison radicalisation, the circulation of terrorist materials, the permissibility of terrorist prisoners leading prayers, harshness and

[16] US Federal in Department of Justice, Office of Inspector General, Audit of the Federal Bureau of Prisons' Monitoring of Inmate Communications to Prevent Radicalization (March 2020), Appendix 2, contains a list of further small units having restrictions on social communications.

overreaction, and the risk of misinterpreting mainstream Muslim behaviour as extremism[17].

1.39. There are also additional communications limits that can be placed on prisoners which may affect their placement in, or progress through, the ADX system. These are, firstly, Special Administrative Measures imposed on prisoners by the US Attorney General, who is empowered to direct the Board of Prisons to severely restrict communication by prisoners to protect persons against the risk of death or serious bodily injury[18], or to prevent the disclosure of classified information[19]; and secondly, post-conviction court orders to limit prisoner communications which are principally used in organised crime/racketeering cases[20].

[17] US Department of Justice, Federal Board of Prisons, Program Statement (1.4.15); Department of Justice, Office of Inspector General, Audit of the Federal Bureau of Prisons' Monitoring of Inmate Communications to Prevent Radicalization (March 2020); Center for Constitutional Rights, ' CMUs: The Federal Prison System's Experiment in Group Segregation' (13.10.21); The Appeal, 'Little Guantanamo gets bigger' (19.8.24).
[18] 28 CFR § 501.3.
[19] 28 C.F.R. § 501.2. We were informed that out of 55 federal inmates subject to SAMS, 43 are at USP Florence.
[20] 18 U.S.C. § 3582(d). The order in USA v Sabatino, Case No. 16-20519-CR-LENARD reveals that pre-conviction the defendant was subject to Special Administrative Measures.

2. USE OF SMALL UNITS

2.1. Prisoners bring their personal histories of crime to the prison dynamic of large groups of men, unhappy at their loss of freedom, living in close proximity. Visiting a high security prisoner as an outsider can be a shock: there are murderers and terrorists walking in and out of cells, up and down corridors, standing close to staff, but that is the nature of mainstream prison life.

2.2. There are episodes of violence, to staff and other prisoners. There is boredom and frustration when facilities or time out of cell is curtailed, for example because of an incident, or lack of staff through sickness or injury. Convicted murderers are not kept in cages. There is interaction and a degree of risk that prison staff understand, tolerate and must work with.

2.3. Walking among prisoners means that prison officers must constantly assess risk. The matrix of any decision is stratified with variables such as: who needs to go to court that day; is there a full complement of staff; has canteen been given out; is someone due a visit; is there a prisoner who needs extra watching because of poor mental health or the possibility of committing suicide; is there intelligence that something may happen or a need to conduct a cell search; is contraband present? At the same time the prison system wishes to encourage reform on the part of those who will be released, and at least some meaningful life for those with decades to serve.

2.4. In such a complex environment there can be no hard and fast rules about how much time a prisoner can spend out of his cell associating with other prisoners. Rule 7 of the Prison Rules 1999 provides that classification (for example, as a Category A prisoner) does not allow a prisoner to be deprived *unduly* of the society of other persons. But as the Supreme Court explained in 2015[21]:

> "The amount of time which he is permitted to spend outside his cell, and the degree of association which he is in consequence permitted to have with other prisoners, will depend on an assessment by the prison authorities of a variety of factors, such as the number and characteristics of the prisoners held in the prison, the number of staff on duty, security concerns, disturbances in the prison, and other contingencies such as industrial action by prison officers. The extent of association may therefore vary from one prison to another and from one day to the next.

[21] R (Bourgass) v Secretary of State for Justice [2015] UKSC 24 at para 122.

It is thus dependent upon the exercise of judgment by those responsible for the administration of the prison."

2.5. The ordinary response to risk in the mainstream estate to risk is classification of prisoners (higher risk Cat A, escape category, lower risk etc) and dispersal within the prison estate. A prisoner has no right to choose his associates[22].

2.6. Prisoners who fight can be moved to different wings or prisons. The same with prisoners who try and run gangs or radicalise. Groups can be broken up. All this is something of a jigsaw puzzle. The size of mainstream wings varies from 40 to 180. Sometimes it is possible to put prisoners on separate landings, but they would have to mix at mealtimes. Much depends on the size and architecture of the prison.

2.7. The question of whether dispersal, or concentration, is the best solution to high-risk prisoners is a perennial one. In 1968, a wide-ranging review by a distinguished and expert committee led by Lord Younger[23] noted that much of the history of penal administration is taken up with the constant dialectic between these two methods. Ultimately the committee recommended what they described as a "liberal regime" rather than concentration in the fortress-like prison on the Isle of Wight previously proposed by Lord Mountbatten.

- But the arguments were finely balanced, noting that without separation "the influence of a few evil men exercised partly by intimidation and the threats of violence against other prisoners and partly by the manipulation of situations and grievances, would permeate the whole prison, and militate against all the efforts of the staff"[24].
- For these prisoners, the committee recommended "…a separate segregation unit which is within a larger prison, so that there can be some continuity of treatment, some possibility of ready transfer between the unit and the main part of the prison, and above all, so that the prisoner, however difficult he may be, is not treated as having been abandoned by the prison system as a whole."[25]
- This was a matter of risk management not discipline, including for those who had a "capacity to dominate and manipulate others in opposition to the regime". They would be "…allocated to the segregation unit as a means of preventing and forestalling trouble in the rest of the prison and

[22] R (Daly) v Secretary of State for the Home Department [2001] 2 AC 532 at para 5, per Lord Bingham.
[23] Home Office, Report of the Advisory Council on the Penal System, 'The Regime for Long-Term Prisons in Conditions of Maximum Security' (1968). The main work was done by a sub-committee chaired by Professor Radzinowicz.
[24] At para 39.
[25] At para 42.

[…] it would not first be necessary to have found them guilty of a specific offence"[26].

- They recognised the risk that a segregation unit within a prison could "…increase rather than diminish the anti-social attitude of those against whom they are applied"[27].
- "The prison authorities should never be, or he allowed to become, apologetic about the intelligent use of a segregation unit. All our enquiries have convinced us of the essential need for it as a corollary to the type of regime we want to see established in the larger prison."[28]

Small Units within the Long Term and High Security Estate

2.8. Given the variety of risks and needs presented by prisoners serving long sentences and/or classified as high risk, it is unsurprising that some prisoners are managed in smaller units within prisons.

- According to a report published by HMPPS in 2022[29] there were the following units in the Long Term and High Security Estate (LTHSE): Close Supervision Centres (6 locations with between 6 and 10 places in each), a STEP Unit (16 places), a Bridge Unit (13 places), a High Secure Unit at HMP Belmarsh (12 cells on 4 spurs making 48 places)[30], the Mulberry (autism) Unit (12 places), 2 Personality Disorder Treatment Units (65 places and 70 places), 5 PIPE Units (21, 14, 30, 60, 60 places respectively), 3 Separation Centres (with 8, 8 and 12 places), a Young Adults Unit (45 places), an Outreach Service (40 places in 3 tiers), a Treatment Service (unspecified number of places), a Vulnerable Persons wing (126 places), 2 Therapeutic Community units (25, 12 places), a Building Hope Unit (32 places), a Beacon Unit (48 places), a Residential Support Unit (85 places). All high security prisons have segregation units (ranging from 11-30 cells).

2.9. As sentences for the most serious offences get longer, more prisoners will need to be managed for more extended periods, and for increasing numbers there will be no or little prospect of release before death. It is inevitable that the types and number of small units will fluctuate in response to this need, or other needs as they arise.

[26] At para 166.
[27] At para 167.
[28] Ibid.
[29] 'Overview of the discrete units within the HMPPS Directorate of Security' (January 2022, version 5).
[30] See further, Report on an unannounced inspection of HMP Belmarsh, HM Chief Inspector of Prisons (2018).

2.10. For example, after the arrival in 2008 of the notorious radicaliser Abu Qatada (subsequently extradited to Jordan), the governor placed all terrorist detainees in a Detainee Unit and did not allow any of them contact with the rest of the prison population. Upholding the governor's decision, the High Court observed that the Governor of a high security prison must have a wide discretion in the operational decisions he makes in the internal organisation of his prison and the arrangements made for Category A prisoners, even if unconvicted[31]. That unit has now closed.

2.11. There also used to be a Special Security Units used for the purpose (unsuccessfully in the case of the prison escape from the unit at HMP Whitemoor in 1994) of holding IRA prisoners.

2.12. Most of the units listed above are only open to prisoners who consent and are prepared to accept help with their underlying problems. That is not true of Close Supervision Centres, Segregation Units, the High Security Unit at Belmarsh and Separation Centres. It was not true of the Detainee Unit referred to above or the Special Security Units.

- Close Supervision Centres, which I also refer to below, are designed to deal with violent prisoners rather than radicalisers. In the words of the Chief Inspector of Prisons they are the deepest form of custody in the country[32].
- Whether a prisoner is allowed to associate with another prisoner on any given day is a matter of dynamic risk assessment, most obviously whether there is another prisoner with whom it is safe to allow association. To gauge the level of danger, the day after the Abedi attack, a prisoner killed another prisoner, with whom he had been allowed to associate, in the Close Supervision Centre at HMP Whitemoor.
- There are currently about 20-30 prisoners within the estate who are not allowed to associate with anyone.
- Close Supervision Centres have a high staff to prisoner ratio and a dynamic element of support and planning aimed at moving individual prisoners back to mainstream custody.
- In 2024 they were judged by the Chief Inspector to be 'good' with impressive support and planning, and effective leadership[33].

[31] R (Bary) v Secretary of State for Justice [2010] EWHC 587 at para 77.
[32] HM Chief Inspector of Prisons, Report on an inspection of Close Supervision Centres (18.3-17.4.24).
[33] Ibid.

2.13. Small units are often repurposed (for example, the Special Security Unit at HMP Full Sutton is now a Close Supervision Centre). The conditions will vary greatly depending on location between and within prisons: for example, the Close Supervision Centre at Full Sutton has a very austere cell area for extremely dangerous prisoners (many of whom have already killed other prisoners or seriously attacked staff with weapons) but a large, enclosed recreation area including an area with many hanging baskets and planters. By contrast, the living area at the Separation Centre at Full Sutton is larger (though still very confined) but the recreation area is smaller and bleaker.

Separating Terrorists

2.14. There is no standalone prison for terrorists in England and Wales, and because of the notoriety, invective and grievance that such a prison would attract, this would not be something to be recommended. Some Islamist radicalisers might welcome a special prison populated entirely by Muslim prisoners who seek to proselytise in prison: the mask would be off, the UK's purported racist and anti-Islam nature exposed, and a useful rallying point (Britain's Guantanamo) would be erected. It might also reinforce or invite behaviour from inmates that befitted a person housed in a such a prison [34].

2.15. But the principle of using small units to separate certain prisoners from the main population, whilst keeping them part of the Long Term High Security Estate, is a sound one.

2.16. Other countries with terrorist prison populations experience the same radicalising and occasionally violent harms through terrorist risk behaviour as England and Wales, and have concluded that the risk is best managed through separation. For example, in addition to the United States of America,

- The Netherlands has 6 special wings for male terrorist prisoners (and those who adopt a radicalising persona after conviction for something else) spread across two prisons. One is preserved for assessment for new entrants; after 6 weeks a prisoner is placed on a chosen unit. The number of units provides for flexibility, especially where personalities clash or plot. Different units engage differently with the regime (for example, the prisoners in some units choose to work, some refuse). Units can hold a maximum of 10 but on average hold 4 or 5 prisoners. Very violent prisoners can be held in units with even fewer numbers.

[34] A risk identified by the New South Wales Inspector of Custodial Services, 'Inspection of Goulburn Correctional Centre and the High Risk Management Correctional Centre' (2021).

Prisoners who misbehave lose association. Some will spend the rest of their life within one or other of these units; the aim is to move prisoners at the end of their sentences to a pre-release unit with 40-50 detainees. There is little legal challenge[35]. The number of units allows for a process of differentiation depending on their potential battleground experience, any criminal record, their level of anger or frustration, group suitability, vulnerability, susceptibility to influence, and gender[36].

- Terrorist prisoners in France are automatically placed in assessment centres for roughly 4 months[37] and are then placed, according to that assessment, on mainstream location; in a radicalisation support unit (of which I understand there to be 6)[38]; or in isolation units[39] for highly proselytising or violent individuals.
- In New South Wales, Australia, prisoners may be placed on risk grounds into the High Risk Management Correctional Centre, a purpose-built maximum-security facility located in a larger correctional complex. The centre contains various levels, with improved levels of association and access to more facilities, to incentivise (if possible) progression through and out of the unit[40].

2.17. The point here is not to gloss over shortcomings that have been identified by inspectorates in the various countries. The point is to identify that separation, using small units for that purpose, is an obvious and frequently used tactic for dealing with problem prisoners of a radicalising bent.

2.18. In this context, the decision by HMPPS, following Ian Acheson's review in 2016, to adopt Separation Centres is not surprising.

2.19. It has been suggested to me during this review that the effect of Islamist prisoner influence is overstated. I refer here to the influence of a terrorist offender who loathes Western society and believes in the sanctity of resistance in order to advance its replacement by a theocratic society. In my Terrorism in Prisons report (2022) I observed that:

> "For the last decade and a half groups of prisoners in the Prison Estate have adopted an anti-State Islamist stance that condones or encourages violence towards non-Muslim prisoners, prison officers and the general public. In two studies of high-security prisons based on fieldwork in 2009-

[35] Conversation with Dutch official in July 2025.
[36] ICCT Policy Brief, Kearney, O., 'The Dutch approach to extremist offenders' (2020).
[37] Quartiers d'évaluation de la radicalisation (QER).
[38] Quartiers de prise en charge de la radicalisation (QPR).
[39] Quartiers d'isolement.
[40] New South Wales Inspector of Custodial Services, supra.

10 and 2014-15, Liebling et al. and Powis et al. identified how these groups, operating in an environment of high levels of fear amongst staff and prisoners, enabled “heavy players” and “extremist prisoners” to exercise significant power and influence within the prison. Acheson referred to “Muslim gang culture” and there is some evidence of some highly structured Islamist gangs operating within the prison estate.”

2.20. This issue has not gone away in the intervening three years. During my current review I saw tracts circulated justifying the killing prison Imams and read reports of direct threats to staff by prisoners describing themselves as ‘soldiers’.

2.21. It is also suggested that the possibility of mistaking normal Muslim piety and conduct for extremism or radicalising behaviour is so high that the process of separation, even if otherwise justified, should be abandoned on this ground. This is a more substantial point because the possibility of mistake can never be discounted.

- For example, an established Muslim prisoner might go to the cell of a newly arrived Muslim prisoner to offer them food. To write this down as grooming behaviour as extremist might discount the real possibility of a prisoner extending a kindness, motivated by the simple pleasure of doing good, honouring a custom, or satisfying a religious or social duty (and possibly all three).
- This means there can be difficult judgments to make, which will usually require contextual information: for example, is the welcoming prisoner a terrorist prisoner? Has this sort of conduct persisted and has the new arrival’s conduct changed for the worst? What else is going on?
- In practice incidents of ordinary cultural and religious practice rarely stand in isolation. Intelligence reports show that malign influence is often followed by outward manifestations of hostility to prison staff or non-Muslim prisoners by the influencer or prisoner being influenced.

2.22. During my 2022 Review, and during my current review, I received persuasive information about racism and racist aggression within the prison system which may well explain and justify prisoners offering support to one another. But that is different from the type of bully power grab that has become too prevalent in mainstream prisons, and even in Separation Centres. For example, I heard repeatedly about prisoners on a unit rounding on staff because of a grievance about how one of their number has been treated.

2.23. A desire to protest collectively against perceived injustices is a prerogative in the community, but not in a prison system where power must be

exercised by the staff subject to prison rules, policies, management and external scrutiny[41]. Collective prisoner solidarity, which at its extremes can involve the imposition of supposed Sharia punishments and forced conversions on other prisoners when it coalesces around a convicted terrorist in the position of leader, is anathema to prison life.

2.24. The principle of Separation Centres is therefore a good one, but the basic principles of identifying and managing risks within this type of small unit need to be refreshed.

[41] For example, I was informed that one Separation Centre prisoner with a history of violence was so hostile to Christianity that he covered up all '+' signs (e.g. on gym equipment). It is not for prisoners to make and enforce rules.

3. RISKS INSIDE SEPARATION CENTRES

3.1. In the previous chapter I referred to the disadvantages of concentrating difficult prisoners within unit that had been noted by the 1968 advisory committee[42].

3.2. As to Separation Centres specifically, a study in 2019 identified 4 types of disadvantage (1) elevated status (2) reinforcement of terrorist ideology (3) perception of general unfairness (4) lumping different types of terrorist risk prisoner together[43].

3.3. The purpose of this chapter is to consider the risk of harms occurring *within* Separation Centres. I refer to the risks of:

- Violence to staff.
- Subversion of the regime.
- Harm to prisoners.

Violence to Staff

3.4. During this review I heard repeatedly and credibly of Separation Centre prisoners acting as a collective.

3.5. A collective prisoner identity, bound together by an abiding grievance against the system, extended well beyond passive dissent[44]. There were incidents of Separation Centre prisoners crowding round staff, protesting in an aggressive and intimidatory manner; collective attempts to single out or secure the removal of individual staff members; group delegitimization of prison imams as 'apostates' and staff as 'kuffar'; references by the prisoners to themselves as an 'army'.

3.6. Tensions between individual prisoners and officers are inevitable. A desire to protest collectively against perceived injustices is a prerogative in the community, and the desire to stand up selflessly against oppression may well be, as suggested to me, a cherished aspect of Muslim identity; that is all very well in the community, but not in a prison system where power must be

[42] At para 2.7.
[43] Rushchenko J. Terrorist recruitment and prison radicalization: Assessing the UK experiment of 'separation centres.' European Journal of Criminology. 2019;16(3):295-314.
[44] For example, all prisoners returning their in-cell TVs when one of them lost TV privileges.

exercised by the staff. Collective solidarity against staff has become a major feature of Separation Centres.

3.7. Given the nature of their inhabitants, collective solidarity may supply or reinforce risk factors which are understood at a psychological level to lead individuals to engage in terrorist behaviour. The current risk assessment tool used by HMPPS since 2025 is known as 'ERG-R'[45]. It identifies risk factors under the headings Engagement, Intent, Capability and Protective/Risk mitigating. The following ERG-R risk factors could arise from or be reinforced by the Separation Centre group dynamic:

- "Friends/ family support or enable terrorism" (where friends are fellow Separation Centre prisoners).
- "A sense of injustice or grievance".
- "Group influence or control".
- "Identity fusion" (where one's personal goals align precisely with those of a group).
- "Them and us thinking" (very prominent, encapsulated by the routine use of the word 'kuffar' against staff).
- "Anti-social or violence-supportive attitudes".

3.8. Protective/Risk mitigating factors such as pro-social family, friends or community support, or diverse social contacts or interests, are eroded by the group dynamic.

3.9. The ERG-R is directed at all terrorist offending, not just terrorist violence. However, given the frustrations of prison life and the proximity of staff as representatives of the state, it is foreseeable that the above factors will increase the risk of terrorist violence. And if not *terrorist* violence, then a group dynamic may embolden personal violence, by increasing the overall sense of grievance and removing or reducing empathy towards staff who are, after all, 'kuffar' or (in the case of Muslim members of staff) apostates or traitors.

3.10. It must be a possibility, although I have seen no evidence of this myself, that terrorist prisoners in Separation Centres might exploit the group dynamic to coordinate or facilitate an attack. The most egregious example of small unit plotting was the IRA escape from HMP Whitemoor in 1994 where staff were intimidated from carrying out necessary searches and conditioned into

[45] See Kenyon J, Carter AJ, Watson S, Farr J., 'Adapting risk assessments to a changing terrorism landscape: Revising the extremism risk guidance', J Forensic Sci. 2025;00:1–11.

complacency[46]. In the close confines of a Separation Centre violence could be enabled by cooperation on concealment of weapons or splitting up of staff.

3.11. Certainly, after an attack like Abedi's the possibility of plotting will prey on the mind of staff in Separation Centres. The purpose of my recommendations is to give staff greater confidence to manage risk.

3.12. It was suggested to me that some Separation Centre prisoners might be so convinced by religious certainties, or belief in a glorious afterlife that they would have nothing to lose in continuing their terrorist career in prison or completing their mission, through violence against staff. That may arise, but I accept the firm steer of the many HMPPS psychologists I spoke to, that generalisations should be avoided.

3.13. Nonetheless, terrorist prisoners who have carried out or planned acts of violence in the community cannot be considered entirely safe. Latent risk is reduced by imprisonment but not entirely removed for prisoners who have a lot of time on their hands, and plenty of material to feed their grievances. The risk may be increased where an attack-planner, harbouring unvoiced fantasies of martyrdom, or struggling at the start of a lifetime in prison, is introduced into a group of hardcore radicalisers.

Recommendation 1: I recommend that when considering the risk of violence to Separation Centre staff, HMPPS should take account of (a) the group dynamic in Separation Centres and (b) the latent risk posed by prisoners who have previously used violence.

Regime Subversion

3.14. By 'regime subversion' I refer to conduct designed to impede immediate and longer-term goals within Separation Centres:

- in the immediate term, frustrating the expectation that prisoners will spend a certain amount of time out of their cells each day in connection with purposeful activities like work, education and rehabilitative sessions.
- in the longer term, frustrating the objective of Rule 3 of the Prison Rules 1999 that their training and treatment shall encourage and assist them to lead "a good and useful life"; and in the case of terrorist prisoners or

[46] Home Office, 'Report of the enquiry into the escape of six prisoners from the Special Security Unit at Whitemoor Prison, Cambridgeshire, on Friday 9th September 1994' by Sir John Woodcock, Cm.2741 (1994).

terrorist risk offenders, that they should reject the acceptability of religious or ideological violence.

3.15. Accepting that prisoners will often have natural feelings of antipathy to their gaolers, the history of Separation Centres is one of metaphorical but protracted trench warfare between staff who want to offer supportive interaction, training and work, and offence-based work towards rehabilitation and moving back to mainstream, and prisoners who dissent and refuse to, as they would see it, cooperate with a hated regime.

3.16. There have been two major reports on Separation Centres. A report in 2019 found incidents of challenging and anti-authority behaviour where prisoners requested activities but then refused to take part, apparently driven by views that separation was unlawful, and strongly affected by influential prisoners who would dissuade others from taking part in the regime[47].

3.17. The position appeared to have deteriorated by the time of the HM Chief Inspector of Prisons' 11-day inspection of Separation Centres at Frankland and Woodhill in 2022[48]. The report found (as a 'priority concern') that almost all prisoners refused to take part in purposeful activity (such as carrying out paid work or cleaning common parts), complete offending behaviour work or engage with others such as imams and psychologists[49]. As observed in the 2019 report, prisoners expressed the view that the regime was anti-Muslim.

3.18. This self-defeating but very real dissent remains the position in 2025. Subverting the regime may result in less time out of cell, a more impoverished experience, and ultimately less chance of returning to the mainstream. The position appears even starker for those who would like to participate but are dissuaded from doing so by more influential prisoners. I was told about prisoners who appeared willing to participate on first entering the Separation Centre, but who appeared to have been instructed otherwise by more powerful voices.

Harm to Prisoners

3.19. There is also no doubt that confinement against one's will in a physically smaller unit, with fewer choice of associates, can be depressing. Claims of a

[47] Powis, B., Wilkinson, K., Bloomfield, S. and Randhawa-Horne, K., 'Separating Extremist Prisoners: A process study of separation centres in England and Wales from a staff perspective' (2019, Ministry of Justice) at 4.12.
[48] Report on an inspection of Separation Centres 11-22 April 2022 (2022).
[49] Page 5.

likely severe impact on mental or physical health have been advanced, including that Separation Centre placement carries similar risks to solitary confinement[50]. It is also true, on the other side of the scales, that prisoners in Separation Centres are shielded from the inter-prisoner violence prevalent on main location.

3.20. Caution and a continuing evaluation of the evidence is required. Poor mental health was not a feature picked by HM Chief Inspector in his 2022 report. HMPPS told me that since the opening of the Separation Centres there have been no suicides, no transfers to healthcare or secure hospital, one instance of food refusal (but no other self-harm) and one instance of a prisoner being subject to Assessment, Care in Custody and Teamwork (ACCT) procedures[51] for a brief period because of low mood.

3.21. I cannot resolve this apparent distinction between prediction and outcome. All I can record is that Separation Centres do not appear to have precipitated the severest predictions of psychological or psychiatric harm, and having visited a Separation Centre, Close Supervision Centres, and segregation cells, I am unconvinced by any analogy between solitary confinement and Separation Centre placement. But vigilance is required, and I would not doubt the importance of maintaining a mental health team and weekly drop-in clinics as well as the benefit of decommissioning the Separation Centre at Frankland on grounds of its cramped dimensions[52].

[50] See for example, the predictions set out in R (De Silva) v Secretary of State for Justice [2025] EWHC 128 (Admin) at paras 52-58.
[51] This is a care planning process for prisoners identified as being at risk of suicide or self-harm. Because it is good practice for staff to proactively open an ACCT, it is not necessarily indicative of objective harm or risk of harm.
[52] HM Inspectorate, Separation Centres, supra, 6.12. I have seen no indication of the harm suggested by Lloyd, M., 'Inspecting solitary and small group confinement in England and Wales', Prison Service Journal, issue 181 (2019), of prison officers exploiting small units to attack or abuse prisoners, although it is of course a possibility.

4. ASSERTING CONTROL WITHIN SEPARATION CENTRES

4.1. The abiding impression from speaking to Separation Centre staff is that they feel disempowered in dealing with poor conduct by Separation Centre prisoners, even where they judge that this indicates an elevated risk of violence: for example, aggressively surrounding an officer, or calling for violence against “kuffars”, or the removal of certain staff members in order to avoid violence.

4.2. I found that staff have suffered from an overcomplex system and remote management; and that staff need to be better supported to manage the risk that is inherent in Separation Centres.

4.3. This is a depressing conclusion, because Separation Centres are unusually well resourced, with a high staff to prisoner ratio.

4.4. The aim should not be the unrealistic elimination of all risk, or a regime that squeezes out the possibility of friendly interaction, a decent amount of time out of cell, and necessary stimulation in the form of opportunities to work, study, exercise and associate. Horticulture, for example, is not incompatible with effective risk management.

4.5. But staff must be freed to do their jobs without a constant sense that they need permission from policy-makers or may be overruled by management. The regime must be fair and clear, and one that incentivizes good behaviour and rehabilitation.

A Separation System with Tiers

4.6. The current set-up, with three Separation Centres located in three different prisons, attempting to operate a consistent regime, overseen by a remote HMPPS management function in Wakefield, spells trouble.

4.7. The approach I recommend is a tiered Separation Centre *system*, with all Separation Centre units brought within a single prison under the control of a governor who is responsible for the day-to-day management of all Separation Centre prisoners[53].

[53] Decisions on placement in a Separation Centre, or in Close Supervision Centre, would remain decisions for the Secretary of State for Justice.

4.8. There should be sufficient units to allow for risk management and incentivisation:

- The most restrictive would be a dedicated Close Supervision Centre within the Separation Centre system. This would be available for prisoners who need to be kept separate from the mainstream, but whose risk to staff or other prisoners requires that they are removed from association in accordance with Rule 46 of the Prison Rules. Close Supervision Centres are deep custody but "psychologically informed" (meaning closely adapted to the emotional and psychological needs of their inmates) with a good level of individual support and planning[54]. Proper focus on the index offence of terrorist offenders, their current mindset, plus indications of willingness to use violence against staff or other prisoners may result in prisoners like Abedi being held at this level before they have a chance to commit a more serious attack.
- Above this would be a default level Separation Centre operating under Rule 46A, in which the regime might permit, for example, smaller cohorts of prisoners to be out of their cells at any one time, and access to some but not all facilities available in the higher tier.
- Above this would be one or more further units, in turn less restrictive, allowing greater access to time out of cells, association, and facilities[55]. These would include self-cook facilities that are highly valued by many of the prisoners and provide a strong incentive for moving to the highest tier. I do not think that removing self-cook facilities from *all* Separation Centres for evermore is justified merely by Abedi's attack. Removal may be self-defeating (by removing the incentive) and seems unfair because it treats prisoners as a category.

4.9. HM Inspector found, and I agree, that expectations about Separation Centre prisoners being willing to address their offending behaviour directly are often unrealistic, meaning that smaller and more concrete steps are needed to help prisoners and change their behaviour for the better[56]. Where their behaviour is relevant to risk to staff, staff should be able to issue credible words of advice: if you behave, you go up, if you misbehave, you go down.

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[54] HM Inspectorate, Close Supervision Centres, supra.

[55] This set of units would most closely achieve what the Council of Europe's Committee for the Prevention of Torture referred to as "…a relatively relaxed regime by way of compensation for their severe custodial situation. In particular, [prisoners] should be able to meet their fellow prisoners in the unit and be granted a good deal of choice about activities.": Extract from the 11th General Report of the CPT, published in 2001, para 32.

[56] HM Inspectorate, Separation Centres, supra, at para 1.5. As well as ideological rigidity, prisoners may harbour hopes of a successful appeal against conviction, or not be ready to address conduct which has landed them in prison, possibly for a very long time.

4.10. This avoids the appearance of fuzzy targets where progress (limited at present to being returned to mainstream) is dependent on perceptions of deradicalisation, caveated by worries about false compliance.

4.11. To be clear:

- Placement in the Separation Centre system would remain, as it is at present, about managing the risk of terrorist influence on the general population.
- Prisoners would be placed in different tiers of the Separation Centre system according to their risk of using or directing violence to staff as indicated by their conduct on a precautionary basis.
- The purpose of having different tiers would be (a) to ensure that staff were protected by reducing the opportunities for violence;(b) to deter conduct that might increase the risk to staff; and (c) to incentivise good conduct which may, depending on all the available information, demonstrate a decrease in that risk.

4.12. It follows that some deep-dyed radicalisers will be placed in or advance (after assessment) to the highest (least restrictive) tier; although whether they can leave the Separation Centre system will depend on their influence, which is a different matter. On the other hand, good behaviour, especially if coupled with a willingness to talk about their original offending, may indicate the possibility of return to mainstream.

4.13. In my Terrorism in Prisons report (2022), I identified three categories of prisoners who might need to be separated from the general population[57]:

• "Charismatic or high-profile individuals convicted of encouraging terrorism or inviting support for proscribed groups". Subject to individual risk profiles, such prisoners may be candidates for the least restrictive tier, perhaps for very long periods, if the assessment is that they remain liable to propagate their terrorist views across the wider estate.
• "Individuals convicted of a leading role in terrorist attacks or attack-planning". These prisoners carry latent risk of further violence, because they have already proven a willingness to use violence against the public in pursuit of a cause. They may be angry and at the start of a long sentence. Where, like Abedi, they have already used serious violence within the prison system (in the High Security Unit at Belmarsh in 2020, prior to his Separation Centre placement[58]), there may be good reason to house him in the Close Supervision Centre part of the Separation

[57] At 6.8.
[58] BBC News, 'Convicted bombers guilty of attacking prison officer' (22.2.22).

Centre system. But the option over time to demonstrate progress in terms of behaviour (and if he is able, in relation to his terrorist risk) is open to him.

• "Serving prisoners who have used or sought to use a crude hostile ideology to establish a dominant leadership role within a prison often accompanied by the use of violence". There should be no room for confusion here about the utility of Separation Centres. A heavy-hitting prisoner who assumes a terrorist mindset and ideology in prison, whether for sincere religious reasons or for operational convenience (e.g. drugs dealing on the wings), can influence other prisoners in a way that requires separation. Depending on the current assessment of risk, he may be a candidate for any part of the Separation Centre system; he may conclude fairly early on that he should work his way up and out of the system, and back to the mainstream.

4.14. Considering the options available to them, HMPPS may decide that the prisoner is better managed in the mainstream or in another small unit. The Separation Centre system should be understood as another set of small units within the wider estate, used, as other small units are, for managing risks that present themselves.

4.15. HMPPS will have to accept the possibility of collective dissent with all prisoners attempting to remain on the default level; but that will be a straightforward choice of fewer opportunities and facilities; in these circumstances, a sensible governor of the Separation Centre system will no doubt look to shuffle the pack of prisoners so that influencers are kept apart from those who may in reality wish to progress.

4.16. If resources allowed, new units would be built on the grounds of an existing or future prison. In the immediate future, it may be possible to retrofit existing units on a single site, but the cramped conditions of Frankland should not be replicated[59].

4.17. There should be a minimum of three units and a willingness to grow and adapt the system if the profile of prisoners requiring separation begins to change:

- Now the profile of relevant prisoner is Islamist. This may be the position in prisons for the foreseeable future, although there is an appreciable difference between the hardcore Al Qa'ida-type radicalisers and

[59] HM Inspectorate, supra, refers to Frankland Separation Centre as a 'small corridor' and reports that prisoners described it as claustrophobic. I agree. The report contains photos on page 30.

plotters, younger lone actor attackers inspired by Islamic State, and violent enforcers who adopt a persona in prison.

- New terrorist proscriptions (such as Wagner Group, Telegram Collective, and Palestine Action) and emerging obsessions (incel, or violence for its own sake) indicate the variety of causes that may one day be advanced within the general prison population.
- Consideration needs to be given to the management of State Threat offenders, convicted under the new National Security Act.
- I hope that no new brand of influential radicaliser emerges within the prison system, but I recognise the possibility that if one does (for example, one that preached violence against Muslim prisoners), additional units may be needed to keep groups apart.

4.18. Tiered units under one roof will allow the possibility of testing. One of the most difficult topics in terrorist risk management is establishing that a person can be trusted, without giving them the opportunity for offending. Moving an individual up a level, to a more liberal part of the Separation Centre regime, may allow staff to test whether a person is ready for transfer back to mainstream.

<u>One Site not Remote Control</u>

4.19. The current system is thoroughly imperfect through a structural flaw: there are three different Separation Centres, all trying to offer the same regime within different units within different prisons, managed remotely by national HMPPS staff based at Wakefield.

4.20. Those who have custody of the prisoners are not sufficiently in charge.

- Whilst at Full Sutton Separation Centre, I witnessed a debate about whether aluminium ring pulls (from drinks cans) could be stored by prisoners in their cells; staff believed these could be fashioned into weapons but felt that disallowing storage would be vetoed by managers at Wakefield, whose concern would be with the legal risk of challenge.
- After the Abedi attack staff would have liked to unlock the prisoners in smaller groups, but this would only be permitted if Wakefield management allowed it, which in turn would require the development of a policy.

4.21. This was a genuinely bureaucratic nightmare, where staff, feeling, for understandable reasons, at considerable risk; and facing a situation where ordinary principles of prison management ought to have sufficed (no, to ring

pulls; yes, to an initial use of cohorts in the aftermath of the attack) were suffocated by deferring to a management echelon based elsewhere who were not in direct contact with the prisoners or staff on the ground. I was surprised that the Separation Centre governor did not have authority to make these decisions, not even with the authority of the governing governor of the entire prison[60].

4.22. It is far more rational, and therefore defensible if challenged, for those in direct contact with the prisoners to make the difficult dynamic and evaluative decisions which are necessary to maintain good order and keep staff safe. This includes decisions about whether a person should be moved from one tier to the next[61]. This can only be effective if, as at USP Florence, the system is under the governance of a single governor and at a sufficiently senior grade. I make no recommendation that the governor of the entire prison should also be the governor of the Separation Centre system, or her deputy, but it should be someone of sufficiently senior rank as befits such an important and responsible function. A further advantage of a single site is the possibility of the exchange of good practice and information between specialist staff.

4.23. The reporting line from the governor of the Separation Centre system should be to a dedicated command. As I set out below in relation to Rule 46A and selection, there is an urgent need to bring the operational function (currently held at Wakefield) into a unit that is also responsible for policy. Small units like Separation Centres inevitably throw up new sets of problems; some require responses based on existing policy and practice, others call for the creation of or adjustment to written frameworks before anything can be done.

4.24. The Joint Extremism Unit (JEXU), a joint unit between the Home Office and HMPPS, currently drafts policies which are implemented by Separation Centres under management by managers in Wakefield. As illustrated above, this results in staff at a Separation Centre in Full Sutton asking Wakefield managers if they can deploy small cohorts, who in turn may consider whether JEXU needs to draft a new policy before they can do anything. This is a recipe for confusion and delay.

Recommendation 2: I recommend that the reporting (management) line should go from the onsite governor of the Separation Centre system to a unit which is responsible for both operational management and policy development.

[60] Whether or not authority would ultimately be granted for the removal of ring pulls, the point is that authority rested with the central team at Wakefield.
[61] Except for the lowest tier, because Rule 46 requires a decision by the Secretary of State.

4.25. This will require:

- If that unit is to be JEXU, honest assessment of whether JEXU's current capability, capacity and resources are sufficient to receive and operate this new function.
- A willingness to consider new structures rather than simply attempting to squeeze this new function into existing structures using existing personnel and roles. It should be possible to develop an enduring and effective model.
- As developed below, a particular burden has been the volume of legal complaint and challenge. It is vital that staff within the new command should be properly selected for their operational, policy and legal skills[62].

Flexibility not Categorisation

4.26. Although the desire for revenge is human and understandable, it is self-evident that punishment is for the courts and is not entrusted to prison staff. Not to put too fine a point on it, individuals convicted of notorious crimes are not handed over to prison officers to 'do your worst', however satisfying that might feel to some. This is not simply because of the possibility of miscarriages of justice. Such a prison regime would be grotesque and lawless and terrifying.

4.27. Would it be possible, to exclude such lawlessness, to incorporate a greater degree of revenge or retribution into the rules on prison conditions, so that a category of convict was identified who would be transferred, perhaps on the basis of a court order, to the deepest form of Supermax custody with little or no interactions with other human beings for the rest of their life?

4.28. Even leaving aside the humanitarian or moral objections – that such treatment is dehumanising, and that unduly harsh treatment of prisoners reflects badly on society as a whole – there are strong reasons why Supermax categorisation is not the right response to the Abedi attack.

- The huge expense of building and maintaining a Supermax[63].
- The impossibility of identifying a secure legal category of notoriously bad prisoners whose offences merit placement in a Supermax. For example, if it included terrorist attackers, it would exclude the Southport

[62] I do not mean as lawyers, but their ability to operate confidently within a legally difficult terrain.
[63] Not to mention the decades of responding to legal challenge.

attacker (not a terrorist attack). Mere notoriety, based on public reaction, would be driven by chance and could not exclude racial prejudice[64].

- The likelihood of dirty protest by prisoners with nothing to lose or little to live for.
- The risk, having regard to their likely members, of creating a "Muslim prison" or "Britain's Guantanamo". As the UN Handbook rightly observes, prisoner treatment may be interpreted, fairly or unfairly, as "yet another signal that the government seeks to humiliate members of their group"[65]. I fear that some prisoners might even welcome being portrayed as 'prisoners of war' against the West. It is for this reason that whilst my proposals for a Separation Centre system within one location have some similarities to Professor Ian Acheson's recent call for a bespoke High Control centre[66], I do not agree that they should form an entirely separate location, standing apart from the rest of the prison estate.

4.29. It is also right to observe that even in the deepest forms of custody, it is impossible to rule out a physical attack on staff (whether by throwing bodily fluids or using a homemade weapon[67]). Prisoners with no useful life often have little to do but dwell on their grievances, fester and plot.

4.30. There is therefore no reason to depart from the general rule that prisoners should be managed according to the risk they present.

Recommendation 3: I recommend a tiered Separation Centre *system*, with all Separation Centre units brought within a single prison under the control of a governor responsible for the day-to-day management of all Separation Centre prisoners.

Getting Rule 46A Right

Purpose

4.31. As I have identified in Chapter 2, there are prisoners whose influence on the general population is potentially so malign that separation is the only

[64] For reasons that I cannot otherwise explain, little attention has been given to the last two completed terrorist attacks in England and Wales: Callum Parslow (2.4.24) who stabbed a migrant in the neck to advance his neo-Nazi cause, and Alexander Dighton (31.1.25) who stabbed a police officer who he blamed (as a representative of the government) for excessive immigration.
[65] United Nations Office on Drugs and Crime, 'Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons' (2016), at page 111. Cf, two of the factors identified by Rushchenko, supra: 'elevated status' and 'perceptions of general unfairness'.
[66] Rapid Review (2025) at page 37.
[67] See para 1.11.

answer. Accepting that other prisoners may adopt a terrorist persona which endorses the use of violence in prison or on release, is not a viable option. The overarching point to make is that the Separation Centres are necessary, not suspect, and are yet another type of small unit that is used within HMPPS to manage risk.

4.32. The purpose of a reformed Separation Centre system would be to mitigate the risk of influence that certain prisoners would otherwise have over the general population, whilst adequately managing the risk of violence to staff that is liable to arise within any small unit, particularly one populated by prisoners with a political, ideological, religious or racial hatred for society in its current form.

4.33. Where a risk has been identified which requires placement in the Separation Centre system, progress within, and if appropriate out, will depend on the prisoner himself. Whether the risk has been sufficiently reduced to return to mainstream will be affected by his conduct within the Separation Centre and his mindset.

4.34. It would be unwise to formulate how risk reduction can be demonstrated, but HM Inspector found that Separation Staff were over-optimistic about the level of engagement they could expect on offending behaviour programmes[68].

- Such an attitude risks staff conditioning, disillusionment, boredom and loss of attention to other risks.
- It is not a failure of purpose if certain prisoners remain in Separation Centres for a very long time, where the risk to the wider prison population is contained. It is not a failure by staff if certain prisoners remain hardened ideologues[69].
- There is also purpose and dignity in the task of keeping prisoners separate from the mainstream[70]. Influential terrorist risk behaviour within mainstream location, if unchecked, risks creating a permissive environment for attacks on staff, and increases the possibility of prisoners being released with a mindset to kill. It also affects other prisoners, who may not want to convert, or practice someone else's version of Islam.

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[68] Supra, page 5.

[69] I would therefore express some reservations about the following passage in the UN Handbook, supra, at page 118: "Where a violent extremist has particularly strong views or is highly educated, staff may not always have the necessary skills to challenge the prisoner's views. In such circumstances, the assistance of more experienced, competent and knowledgeable personnel should be sought." This is liable to suggest that the onus is on the prison, not the prisoner, to change his views.

[70] Para 45 of HM Inspectorate's Expectation for Separation Centres (Version 1, 2022), under 'Staff-prisoner relationships', states "All staff are clear about the role of the centre and their responsibilities to support progression and reintegration". I do not understand this to mean that progression and reintegration is the sole role of Separation Centres – it is also the management of risk.

4.35. It has been suggested by the Ministry of Justice that the position of prisoners in Separation Centres who are post-tariff is affected by a decision of the European Court of Human Rights[71], in which it was held that a real opportunity for rehabilitation was a necessary part of a sentence justified solely by reference to public protection.

4.36. However, the Court was not considering individuals who were removed from the general population to small units because of risk, where the facilities are bound to be different. To take an extreme example, a Close Supervision Centre will offer different opportunities for rehabilitation than a Category D prison.

4.37. In any event, I can report that staff in Separation Centres are primed to identify the slightest hint of improvement and rehabilitation; and that the ratio of staff to prisoner, the availability of psychologists, and the opportunities to discuss offence behaviour or mindset, are all means by which prisoners can demonstrate their rehabilitation and suitability for post-tariff release alongside return to mainstream location.

4.38. Since 2017 there have been 3 Separation Centre cases of prisoners being positively selected (following assessment) and later deselected on the basis that they could be managed in the mainstream. They were prepared to engage in multi-disciplinary working. There are also individuals within Separation Centres who have made it expressly clear that they will continue to propagate their religious ideology wherever they are held.

4.39. In 2025 the High Court observed that the evidence before it "suggests that in reality it is hard to leave an SC"[72]. This is correct, if one excludes from consideration the refusal of many Separation Centre prisoners to discuss their offence, ideology and mindset with offender managers and psychologists. A refusal to engage is what has made it hard.

4.40. Given the purpose of Separation Centres, I was surprised to learn that Separation Centre prisoners may communicate by letter or phone call with prisoners in other Separation Centres or on mainstream location, subject to an individual assessment of risk. The risk of proselytising is obvious but I understand that nervousness about introducing a new policy coupled to a fear of litigation has supplanted common sense. Given some of the written material I have seen which originated in a Separation Centre, this reluctance should be addressed.

4.41. I heard repeatedly about staff suspicions that Separation Centre prisoners were exploiting their right to correspond confidentially with lawyers: in practice the suspicion was using legal letters (Rule 39) to send and receive

[71] James and others v UK, Applications Nos. 25119/09, 57715/09 and 57877/09 (11.2.13)
[72] De Silva, supra, at para 50.

non-legal material, and using phone calls with solicitors to communicate with family and associates (by passing on a mobile phone, or passing on messages).

4.42. I have no way of knowing whether there is any accuracy in these suspicions and therefore make no further comment on them. How to deal with exploitation of legal communications is dealt with in prison policy[73]. However, it seemed to me that phone communication for legal purposes was more open to abuse:

- At present, based on general prison policy[74], a Separation Centre prisoner is entitled to call any one of 15 lawyers' numbers, including mobile numbers, with a further 15 lawyers' numbers if engaged in litigation (as many Separation Centre prisoners are).
- All Separation Centres prisoners have in-cell phones which they may use for up to one hour a day, from 7am to 10pm at night.
- The first thing is to ensure that any number that is provided does genuinely trace to a lawyer.
- Even if all the phone numbers have been validly identified as belonging to lawyers, one can easily see pressure being placed by prisoners on a young "legal rep", not professionally qualified but acting as an agent or legal support staff, to pass on a message or pass over a phone.
- There is a real risk that young or temporary legal reps could be targeted and exploited in this way.

4.43. As I have noted in Chapter 1, special measures are available in the United States to severely restrict external communications by prisoners. In July 2025 France, which has seen a series of recent armed attacks on prisons, adopted measures for new serious organized crime units intended to restrict communications between a prisoner and his criminal network[75].

4.44. A UK parallel might be the imposition of Terrorism Prevention and Investigatory Measures (TPIMs) or Serious Crime Prevention Orders (SCPOs) on prisoners to limit or control their communications.

4.45. However, imposing risk management requirements from outside the prison system has never yet been attempted in the UK[76] and has certain drawbacks:

[73] PSI 49/2011 (reissued 4.11.24).
[74] Ibid.
[75] Decree No. 2025-620 of 8 July 2025.
[76] Although it is proposed that judges should power to award prison punishments for criminal defendants who refuse to attend their sentencing.

- The prison service is not familiar with implementing external counter-terrorism orders, monitoring compliance, investigating potential breaches and responding to requests for variation.
- A TPIM or SCPO which limited a prisoners' contacts to certain individuals would require amendment if the prisoner was moved to a new unit, returned to mainstream, or taken to court or to hospital.
- It is possible that the requirements of a TPIM or SCPO might result in an individual being placed in a stricter regime than otherwise required. This arose in discussion at USP Florence. For example, the demands of preventing communication might result in an individual having to remain in a Separation Centre after HMPPS thought he could be returned to main location.

4.46. I recognize a certain attraction that external court orders will have to HMPPS, who feel beleaguered by legal challenge to their own decision making. But in my view, the case for using TPIMs or SCPOs in this way is not made out. This is something I can keep under review in my annual reporting on terrorism legislation.

The Problem of Equivalence

4.47. A major flaw in the operation of Separation Centres is the expectation that they should be equivalent to mainstream location.

4.48. Although this expectation is not found in Rule 46A[77] itself, the accompanying Explanatory Memorandum referred to the Separation Centre regime being "comparable" to the mainstream prisoner population[78], with a commitment that this would be adopted into policy. I understand this position was adopted as part of a defensive strategy against legal challenge.

4.49. In the event, the regime is neither comparable, nor has it discouraged legal challenge.

4.50. Regime in this context means association, time out of cells, access to work and education, access to gym, canteen etc. But it is worth noting that the physical conditions of Separation Centres and their staffing ratio are dramatically different from mainstream location, which means that comparisons are artificial. Rather than a large and noisy location, Separation Centres are much smaller and quiet with a higher staff to prisoner ratio.

[77] Rule 46A is the legal basis for placement on a Separation Centre.
[78] At para 7.5. 7.6, 7.8, 8.3.

4.51. In practice, Separation Centres developed their own routines which differ from mainstream. For example, some Separation Centres allowed prisoners to move freely within the unit and associate with others at times set aside for purposeful activities (like education, or meetings with offender managers, or paid work) which had been declined by the prisoner. Some prisoners were paid even though they refused to do any work.

4.52. Nonetheless, regime equivalence became a touchtone of legal vulnerability. Staff began to fear that any distinction between Separation Centres and mainstreams would result in legal challenge. This is the basis for the fear about removing aluminium ring pulls to which I have already referred[79].

4.53. It is not a surprise that comparison-grievances occur because prisoners have circumscribed lives. The Woodcock report referred to prisoners in the 1960s to the 1980s exploiting differences between small security units and agitating for concessions[80]. The 2019 report on Separation Centres referred to complaints by Separation Centre prisoners that provision was not 'like for like' with the provision on main prison location. Staff perceived these as evidence of bad faith general resistance to placement, because when requested activities were offered, they were not taken up[81].

4.54. But this form of agitation, particularly when backed up by threat of legal challenge, is especially damaging because it can often prevent the proper management of risk.

4.55. In this context, the structural flaws I have identified become prominent. For example:

- a Separation Centre prisoner at Frankland (for example) complains through his lawyers that he lacks regime parity and that his treatment is therefore unlawful.
- this correspondence is handled by remote managers at Wakefield.
- the decision by Wakefield managers, involving a putative comparison between the Separation Centre and what is notionally available in mainstream[82], turns on policy that is owned by JEXU, based in London.

4.56. I am informed that regime equivalence has been a major aspect of the legal challenge to Separation Centres. I asked HMPPS to indicate the volume

[79] Para 4.20 above.
[80] Supra, at paras 8.81-8.82.
[81] Powis et al, supra, at para 4.12.
[82] Notionally, mainstream regimes are liable to frustration, like any other location, by events such as staff shortage or incidents of violence.

of legal correspondence on behalf of Separation Centre prisoners received by managers at Wakefield and was given the following data: 2017 (63 items of legal correspondence), 2018 (101), 2019 (61), 2020 (98), 2021 (27), 2022 (27), 2023 (63), 2024 (66), 2025 (39). The volume of legal correspondence and threats of legal action made by Separation Centre prisoners against HMPPS to date is illustrative of long-term entrenched hostility to their separation.

4.57. This is in addition to the volume of complaints submitted by Separation Centre prisoners. In 2019 researchers recorded that there had been 56 complaints over the 18-month period studied at Frankland and 210 at Full Sutton (over half from one individual), which tended to relate to the regime being offered[83].

4.58. The fear of litigation if regime equivalence is not respected has been a constant theme in my conversation with staff, managers and policy officials. I cannot overstate the extent to which fear of legal challenge appears to affect decisions on day-to-day management.

- For example, an explanation given to me for not reporting violent threats to staff under internal disciplinary procedures was that cellular confinement[84] would not be awarded by the adjudicating governor. This was because mainstream segregation cells were full up, and the threshold for bad behaviour resulting in cellular confinement on mainstream had therefore increased.
- In other words, comparisons with mainstream made it harder to enforce discipline in Separation Centres, despite there being unused segregation cells within Separation Centres.
- I was told by Separation Centre staff that “utopia” would less tolerance of violence and threats of violence.

4.59. In my view it is time to cut the knot. A more realistic policy is found in the High Security Unit Operating Procedures (the HSU is a small unit at Belmarsh). It provides that prisoners must have access to the same range of privileges, possessions and offending behaviour programmes “where appropriate, as other Category A prisoners”.

4.60. This is not to say that the Separation Centre must be impoverished. The higher ratio of staff may provide possibilities that do not exist on main location. Staff should be encouraged to think creatively, and involve prisoners directly, in discussing options and incentives. Subject to risk assessment and supervision, it may be possible to allow association from time to time with non-

[83] Powis et al, supra, at para 4.12.
[84] Under Rule 55.

Separation Centre prisoners, or trips to other parts of the prison, such as an area used for horticulture.

Recommendation 4: I recommend that Rule 46A should be amended so that it does not require equivalence to the regime on mainstream location.

Selection

4.61. Justified selection is of prime importance from the perspective of the prisoner who is removed from mainstream to a smaller unit, and from the perspective of the prison, in reducing the risk of malign influence on the wider population.

4.62. Justified selection has however been hobbled by two factors which need to be addressed urgently.

4.63. **Firstly**, the quality of referrals to Separation Centres is poor, especially when judged against the strong possibility of adversarial challenge by expert legal specialists instructed by prisoners unhappy at their selection[85]. Quite simply the drafting and analytical skills of Wakefield managers and their teams do not measure up to the task[86].

- The reasons for referral are crucial because they are likely to comprise a major part of any selection decision after the period of assessment[87]. But these are too often poorly thought through, and do not demonstrate a rational grounding in the supporting intelligence reports.
- The supporting intelligence reports are far too numerous. The impression in some referral forms is of attempting to throw the kitchen sink, with many pages of reports involving a tangle of detail[88].
- Complexity and prolixity are more likely to result in muddled decision-making, especially since any competently represented prisoner is likely

[85] So far 8 Separation Centre prisoners have issued legal claims against their placement.
[86] A referral may be developed by a prison Counter Terrorism Unit or regional Counter Terrorism team. The referral's security gist is sometimes written by the central team at Wakefield but is often written by regional intelligence analysts. However, the central team at Wakefield is responsible for the final form of the referral.
[87] De Silva, supra, at para 62: "The [decision] letter therefore indicates that the overarching reason for the Decision was the Claimant's 'behaviours of concern', which had been identified in the SC referral and seen in the assessment period".
[88] In De Silva there were 21 ½ pages of intelligence reports involving details that the Claimant's solicitors split into 151 numbered paragraphs: para 75. I have seen far longer forms.

to meet detail with detail, increasing the level of detail and the risk of error[89].

- The views of the prisoner himself are important, and a certain skill is needed to consider and take account of those views fairly, but without being diverted by detailed objections from the principal task of evaluating risk.

4.64. The quality of decision-making is poor. In 2025 a selection decision was found unlawful because the decision-maker *simply failed to consider the prisoner's representations*[90]. This case concerned a gang-related murderer who had been placed in segregation many times for assaulting prisoners and staff, using improvised weapons and mobile phones in prison, and who had been convicted of disseminating a terrorist publication whilst in prison[91].

4.65. The effect of this is to undermine an important process for dealing with prisoners presenting real risk of malign influence over the prison population. Better decisions will be simpler, clearer and less susceptible to legal challenge.

4.66. It is also unfair to place such a demanding and important task on officials who clearly lack the skills required. It is a task suited to civil servants who have the necessary drafting and analytical skills, rather than operational managers who have worked their way up through the prison service.

4.67. Early and informal consultation with the drafters should be encouraged. If a potential referral is identified, those involved in drafting can discuss the apparent credibility of the referral, indicate the types of information that will be needed to support the referral, and start to identify the principal themes (e.g. overt terrorist risk behaviour, or covert influence which may be demonstrated by showing changes of prisoner behaviour, rates of prisoner conversion, reports of bullying, challenges to staff before/after the prisoner's arrival on location).

4.68. With better guidance and support, and involvement from drafters, more coherent referrals can strike a better balance between concision and detail and which fairly and accurately reflect the supporting material[92].

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[89] De Silva's solicitors submitted representations comprising 69 pages in total in response [para 100].
[90] De Silva, at para 111.
[91] De Silva, paras 18-24.
[92] I would also expect more critical confident drafters to challenge existing processes: for example, if the contents of a monitored in-cell phone call (known as a 'PIN' call) are central, why should actual extracts not be relied upon, as opposed to a vaguer gist?

Recommendation 5: I recommend that the function of drafting Separation Centre referrals should be moved from the team at Wakefield to a team with dedicated drafting and analytical skills.

4.69. **Secondly**, in the 2025 decision already referred to (*De Silva*) the High Court held that common law procedural fairness required a new elevated process for determining selection. In summary, the High Court decided that it was necessary for the Separation Centre Management Committee to determine contested issues of fact concerning the prisoner's behaviour in order to determine whether his risk justified separation from the mainstream population under Rule 46A[93].

4.70. This decision marked a departure from the approach to the issue of risk which applies to other prisoners who cannot be held on mainstream. In 2015, the Supreme Court considered decisions to segregate (Rule 45) [94]. Despite the particular risks of solitary confinement[95]:

- decisions to segregate are "…not based on a determination of fact as to whether a particular event has occurred but involve a judgment as to the risk posed to the good order and discipline of the prison, and whether the particular situation could be equally or better addressed by other measures"[96].
- "the Secretary of State is not determining what may or may not have happened, but is taking an operational decision concerning the management of risk"[97].

4.71. The approach identified in *Bourgass* entirely fits with my conception of the Separation Centre system as a set of small units used, like other small units, to manage risks posed by certain prisoners to the general population.

4.72. It seems to me that the *De Silva* judgment, which has not been appealed by the Prison Service[98], will inhibit the selection of otherwise suitable candidates for Separation Centres, and tie HMPPS up in litigation as current Separation Centres prisoners argue that their selections or reviews were also invalid.

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[93] Paras 179-180.
[94] R (Bourgass) v Secretary of State for Justice [2015] UKSC 54.
[95] Between 2007 and 2014, 28 prisoners took their own lives in segregation units in England and Wales: Bourgass, at para 36.
[96] At para 92.
[97] At para 100.
[98] No doubt because the catastrophic failure to consider the prisoner's representations provided an unattractive factual backdrop for any appeal.

4.73. I have seen new Interim Guidance[99] intended to deal with the *De Silva* decision. Reflecting the complexity that has now arisen, it is both heavily lawyered and difficult to follow. It refers to Separation Centre decisions being "at heart about proper risk management of the prisoner", but leaves open the unconfined possibility that any decision will require the Separation Centre Management Committee to determine whether an allegation is true or not, what weight to accord to any unproven but not rejected allegation, to consider holding oral hearings with an assessment of prisoner credibility, all supported by carefully reasoned explanations for its approach and its findings.

4.74. But as the Supreme Court noted in *Bourgass*[100], there is a difference between determining disciplinary proceedings and determining risk.

4.75. For disciplinary proceedings, fairness will require the drafting of allegations of sufficient precision so that the prisoner understands what he is said to have done, followed by a fair determination on whether he did as alleged. The question is about past actions.

4.76. By contrast, Separation Centre decisions are not about punishment on the basis of past behaviour. They are about predicting a future risk of influence over others and then determining how best to deal with it. As well as specific incidents, this may involve:

- Considerations of the prisoner's index offence, and how this may indicate his future conduct in prison, or the status he may have over other prisoners.
- Observations of atmospherics by officers over a period of time. For example, comparisons of overall prisoner behaviour before or after a prisoner's arrival on a wing; indications that other prisoners are deferring to him on religious matters in opposition to the prison imam and in breach of prison rules or orders about terrorist leading prayers; boasting openly about battlefield experience on jihad.
- Sensitive reporting.
- Hearsay reporting. For example, a prison imam may inform staff that he has been threatened. If asked directly by the prisoner, the imam may deny it: some of them will be scared about being declared apostate and the possible consequences of this.

4.77. It seems to me that the logic of the new procedure is that Separation Centre decisions will resemble trials with demands for witnesses to give

[99] Dated 25.2.25.
[100] At para 92.

evidence and be cross-examined. It will be argued that staff who witnessed incidents (potentially many years ago) will need to be traced and that the Separation Centre Management Committee will need to make decisions on witness credibility, and the credibility of the prisoner. This goes way beyond the safeguards identified in *Bourgass* and is inconsistent with authoritative warnings that prison management functions should not be "judicialized"[101].

Recommendation 6: I recommend that the Ministry of Justice should bring forward legislation to reverse the effect of *De Silva*.

Reviews

4.78. It is of central importance that HMPPS should be alert to changing risk, and the possibility that a prisoner may no longer need to be separated.

4.79. However, the current regime of considering placement every 3 months is bureaucratic and unnecessary. As many as 20 different people attend a meeting which is largely pointless where the prisoner has not demonstrated any reduction in likely influence over the general population, resulting mainly in regurgitation of previous assessments with a few bullet points at the end.

4.80. This practice is detrimental because it incentivises the recording of unremarkable day-to-day interactions under cover of 'intelligence' to bulk out justification for a further 3 months' placement. As I note below, excessive intelligence collection is not conducive to staff-prisoner relationships and risks drowning out pertinent information on risk.

4.81. It is unrealistic because rigid timeframes for the submission of information result in the exclusion of highly relevant information before the decision is taken. For example, the paperwork for Abedi quarterly review was completed In May 2025, but it did not consider the significance of his attack on 12 April 2025 because it fell outside the submission timetable.

4.82. Flexibility is important. As HM Inspectorate recognised, there may be events or behaviour that 'trigger' the need to think again about separation[102].

4.83. This means revisiting the requirement for a full review every 3 months; with full reviews at a 6-monthly or annual basis, subject to an earlier full review if the circumstances warrant it, and more frequent light touch and less formal considerations of the prisoners' progress.

[101] R (Hassett) v Secretary of State for Justice [2017] 1 WLR 4750, per Sales LJ at paras 51 and 60.
[102] HM Inspectorate's Expectation for Separation Centres (Version 1, 2022) at para 8.

Recommendation 7: I recommend fewer formal review of Separation Centre placement but with flexibility to respond to prisoner developments.

Article 8 ECHR

4.84. Article 8 of the European Convention on Human Rights, given domestic force by the Human Rights Act 1998, guarantees the right, as against a public authority such as HMPPS, to respect for a person's private and family life, his home and his correspondence.

4.85. Imprisonment curtails rights[103]. A prisoner cannot maintain the same family relationships as he did in the community, choose his associates, follow his tastes or determine the course of his life.

4.86. As interpreted by the European Court of Human Rights, imprisonment is nonetheless not an absolute bar to the application of Article 8. The general principle is that restrictions and limitations 'ordinarily consequent' on detention during lawful imprisonment do not interfere with the right to private and family life under Article 8[104], but this leaves open the meaning of 'ordinarily consequent'.

4.87. If they do go beyond 'ordinarily consequent', then the conditions will be unlawful unless they comply with additional standards identified by the European Court of Human Rights. To justify a set of conditions that interferes with a prisoner's family and private life it is necessary for the authorities to show that:

(i) its objective is sufficiently important to justify the limitation of a fundamental right.
(ii) it is rationally connected to the objective.
(iii) a less intrusive measure could not have been used.
(iv) having regard to those matters and the severity of the consequences, a fair balance has been struck between the rights of the individual and the interests of the community.[105]

[103] R (Daly) v Secretary of State for the Home Department [2001] 2 AC 532 at 537 G-H.
[104] See, e.g., R (Syed) v Secretary of State for Justice [2017] EWHC 727 at paras 57-8, per Lewis J.
[105] Bank Mellat v HM Treasury (No 2) [2014] AC 700 at paras 20, 74, cited and applied in De Silva, supra, at para 291.

4.88. In addition, any imposition of such a set of conditions must meet an additional test of being 'in accordance with the law'. This means that the legal basis for doing so must be "…sufficiently accessible and foreseeable for the individual to regulate his conduct accordingly…there must be sufficient safeguards against the risk that it will be used in an arbitrary or discriminatory manner."[106]

4.89. The important thing to note is that complying with domestic law (such as the Prison Rules) is not enough where a measure is found to interfere with Article 8. If the additional human rights rules identified above are not complied with, then the set of measures will be unlawful under the Human Rights Act 1998.

4.90. The questions of whether a special measure to manage risk in prison is more than 'ordinarily consequent', so that Article 8 applies, and if so, whether all the relevant human rights standards have been complied with, are painfully difficult and how a court will answer them is painfully hard to predict. This is fertile ground for litigation and complexity, in which the risk to prison officers and the dynamic nature of the job may be lost in the forensic detail of the courtroom.

4.91. The application of Article 8 within the prison context has sprawled over the last few years with reference to the permitted degree of association between prisoners:

- In 2016, a period of 2 years' segregation (solitary confinement) was found to amount to an out-of-the-ordinary restriction, meaning that its justification depended on compliance with Article 8[107].
- In 2017, Article 8 was found to apply to placement of a terrorist prisoner in the Managing Challenging Behaviour Strategy Unit at HMP Woodhill for over 4 ½ months even though he was not in solitary confinement, was allowed out of his cell for several hours a day and was able to associate with two to three groups of other prisoners on the unit for several hours. The prisoner, whose index offence concerned buying a knife with the intention of beheading a member of the public, had threatened to behead prison officers[108].
- In *Awale* (2024), the High Court was dealing with a prisoner in a Close Supervision Centre. The prisoner, a murderer who had taken a prison

[106] R (Roberts) v Commissioner of Police of the Metropolis [2015] UKSC 79 at para 3.
[107] *R (Munjaz) v Mersey Care NHS* [2006] 2 AC 148, a mental health case, applied in the prison context in *R (Dennehy) v Secretary of State for Justice* [2016] EWHC 1219 (Admin).
[108] R (Syed) v Secretary of State for Justice [2017] EWHC 727 upheld by the Court of Appeal [2019] EWCA Civ 367, at paras 13, 60.

office hostage in prison, had adopted an Islamist extremist persona and was believed to present a high risk in prison. The High Court held that once it was decided that he could associate in principle with one or more individuals in the Close Supervision Centre, then Article 8 applied in circumstances where the prisoner was not allowed to associate with the prisoner of his choice. In this case the prisoner wanted to associate with a terrorist prisoner and he unreasonably refused to associate with the prisoner identified as a safe associate[109].

- In the *De Silva* case (2025) the High Court held that that Article 8 applied to placement in a Separation Centre with 6-7 other prisoners[110], and with up to 6-7 hours per day out of his cell[111].

4.92. This galloping application of Article 8 has therefore gone from providing additional protection for a prisoner in solitary confinement to prisoners in small units such as Close Supervision Centres and Separation Centres, who either can associate with as many as 7 other individuals, or who unreasonably refuse to associate. This appears somewhat at odds with the interpretation of Article 11 (right to associate), held not to confer a right to mix socially with other prisoners at any particular time or place[112]; and the common law position that a prisoner has no right to choose his associates[113].

4.93. The practical consequence of Article 8 applying to granular decisions on association within Close Supervision Centre (*Awale*) was that it opened the door to arguments about whether HMPPS's policy on this aspect was "in accordance with law". The High Court found that HMPPS's policy was not "in accordance with law" because it did not provide an opportunity for meaningful reasons and representations by the prisoner on whom he should be able to associate with; and that the written policy on this topic was not set out with sufficient clarity[114]. This applied even though the prisoner did not contest his placement in the Close Supervision Centre in the first place. In summary:

- Placing the prisoner in the Close Supervision Centre had to be justified under Article 8 or it would unlawful under the Human Rights Act 1998; and
- Even if that was justified, a decision on association within the Close Supervision Centre required a separate Article 8 exercise, failing which that decision would itself be unlawful.

[109] R (Awale) v Secretary of State for Justice [2024] EWHC 2322.
[110] De Silva, supra, para 33.
[111] De Silva, supra, para 48-9, 282 (the Court accepted the Claimant's evidence that the 6-7 hours' time out of cell was "regularly not achieved").
[112] Bollan v UK, App. No. 42117/98 (4.5.00).
[113] R (Daly) v SSHD [2001] 2 AC 532 at para 5 per Lord Bingham.
[114] At paras 123-125.

4.94. The consequences of putting one dangerous prisoner with another prisoner can be stark, and decision making must be dynamic[115]. It is a surprising result if day-to-day assessment of whether X prisoner can mix with Y prisoner in a Close Supervision Centre requires layers of procedural fairness based on the right to private and family life. If as I recommend the lowest tier of the Separation Centre system should be a Close Supervision Centre, then I foresee that terrorist prisoners will seek to exploit this ruling to argue that they should be allowed out with this one, and not with that one, and that any decision they disagree with is contrary to Article 8.

4.95. Article 8 had less impact in *De Silva* (2025) because the Court had already found the decision-making unlawful applying a heightened test of procedural fairness under common law (see above). However, the High Court also held that in future Separation Decisions would have to be taken by reference to the special Human Rights rules identified above[116].

4.96. Article 8 therefore adds a further layer of consideration involving weighing of benefits and potential harms, and alternative less intrusive management options, in the format required by human rights law. This no doubt explains the highly complicated Interim Guidance subsequently produced, with all the risk of litigation and challenge.

4.97. Prison staff must be freed to manage risk without having to second-guess whether and how Article 8 applies in the prison setting. In my view, the government should take steps to limit the application of Article 8. Specifically, Article 8 should not govern decisions on placement into Separation Centres (other than the parts governed by Rule 46) or inter-prisoner association within any part of the Separation Centre system (including within Close Supervision Centres)[117].

4.98. I do not believe that removing the application of Article 8 in this way will result in unacceptable damage to the fundamental rights of any prisoners in Separation Centres, who will remain protected by domestic legislation and common law.

4.99. It is for the government to determine how to reverse the implications, for Article 8, of the judgments in *De Silva* and *Awale*. Unless these judgments are disapproved in subsequent litigation, then excluding the application of Article 8

[115] See para 11.1 above; De Silva at para 121.
[116] Para 291, referring to the 4 tests in Bank Mellat, supra.
[117] Although my concern is with the Separation Centre system (and therefore the Close Supervision Centre part of it) my recommendation is logically applicable to all Close Supervision Centres.

in these circumstances will require legislation which makes the limits of Article 8 clear in the domestic prison context. It is not clear to me that this would put the United Kingdom in breach of its existing international obligations under the European Convention on Human Rights because these precise circumstances are not addressed in the Convention itself or in the caselaw of the European Court of Human Rights.

Recommendation 8: I recommend that the Ministry of Justice should take steps to limit the application of Article 8 of the European Convention on Human Rights so that it does not apply to placement within a Separation Centre or to risk management decisions within any part of the Separation Centre system (including within the Close Supervision Centre part).

Enforcing the Regime and Upholding Standards

4.100. A predictable regime is fair for prisoners and good for staff because they will know who is expected to be where at any given time. The current system has tolerated slippage: for example, allowing prisoners to earn money even when they have not undertaken scheduled purposeful activity, or to move around freely even when they have declined the session that is programmed (such as offender management work), or not upholding the incentives and earned privileges regime. The motivations for slippage could include the higher staff-to-prisoner ratio, meaning that prisoners can be supervised in whatever activity they choose from a menu of options without (apparently) creating any risk; a wish for better staff-prisoner relationships; and the hope that leniency will in time lead to better engagement.

4.101. In my view this is a failed experiment. Lack of clear regime provides opportunities for attackers like Abedi to conceal weapons and plan attacks and has not encouraged better relations or willingness by prisoners to discuss the risk they present. It is a classic error that terrorist prisoners will not be violent to softer staff – this is to misunderstand the nature of terrorist ideology.

4.102. Since there will be no requirement for regime equivalence (between units, or with main location), I would expect the governor of the Separation Centre system to devise a regime that is appropriate for the prisoners on the unit. I encourage the use of consultation meetings with prisoners. The voices of prisoners are important in small units and staff will not have a monopoly on good ideas. It is up to them whether they wish to participate and take

advantage, but meetings have proven effective in Close Supervision Centres[118].

4.103. What this means in practice is that if prisoners decline to participate in the sessions made available as part of Separation Centre regime, they will ordinarily stay in their cells. If prisoners refuse to clean common areas meaning that a prisoner has to be brought in as a unit cleaner from another part of the prison, and the process of that prisoner clearing security means officers have less time to unlock and supervise prisoners, then so be it. If prisoners use their in-cell phone calls to family members to stir up hatred or promote dangerous ideologies, then their calls should be discontinued. This is fair and predictable, not harsh. It is right that staff should offer opportunities for education, exercise, self-improvement, recreation and the like to prisoners in small units; whether opportunities are taken, as I hope they will be, is up to the prisoners.

4.104. Similarly, implied or express violent threats by Separation Centre prisoners towards staff, or intimidation, should no longer be brushed off. Separation Centre units will continue to hold segregation cells, and it will be open to adjudicating governors to order cellular confinement.

- Whether this (or any other punishment) is imposed should not depend on equivalence with mainstream locations, where available segregation cells may be scarcer; and whilst it is true that tensions are inevitable, adjudicating governors should not overlook the particular harm that arises from violence in Separation Centres[119].
- There should be sensitivity to the position of prison imams for whom a fatwa from an influential prisoner could be fatal.

Recommendation 9: I recommend that the regime for each unit within the Separation Centre system should be enforced clearly and fairly, and good standards of behaviour should be upheld.

Recognising and Disrupting Latent Risk of Violence to Staff

4.105. It will be apparent from Chapter 3 that to counteract the risks of violence to staff within Separation Centres there must be:

[118] HM Inspectorate, Close Supervision Centres, supra, at 6.31. Consultation meetings have been held in the Woodhill Separation Centre but not at Frankland: HM Inspectorate, Separation Centres, supra, at 6.33.
[119] See Chapter 1.

- Continual vigilance that staff do not let their guard down based on familiarity or high staff-to-prisoner ratios; confidence and curiosity in dealings with prisoners; alertness to conditioning; ensuring that no individual staff member becomes lumbered with the role of 'enforcer'. The psychology of staff may be as important as the psychology of the prisoners.
- Awareness of the group dynamic.
- Proper attention to scenarios in which imprisoned terrorists[120] may use violence against staff[121]. Ideally, any discussion of risk should begin with a consideration of the index offence, whether and how it might be transposed into a prison context[122], and a consideration of risk and stabilising factors. Consideration of day-to-day conduct should not be allowed to obscure the possibility that an individual is biding his time.

4.106. Enforcing the regime and upholding standards is one means of proactively disrupting latent risk for the simple reason that when out of their cells prisoners will be engaged in purposeful supervised activity rather than popping into one another's cells or congregating in common areas.

- Requiring purposeful activity to limit opportunities for plotting is a common feature of risk management in the community.
- For example, where a Terrorism Prevention and Investigation Measure or Temporary Exclusion Order is imposed it will usually require an individual to attend mentoring sessions: this is not simply about deradicalisation but about reducing the opportunity for malign activity.

4.107. An element of proactive disruptive risk management should also be considered. Sometimes this will be based on specific behaviour or intelligence, but the possibility of using these tactics should be considered at other times to deal with latent but hidden risk. Mechanisms could include:

- Cell searches.
- Moving a prisoner to another tier of the Separation Centre System in response to poor behaviour (using Rule 46, where justified, for the lowest tier).
- Unlocking smaller groups at a time, which might free up staff to allow prisoners to take a trip within the prison, for example to the Close Supervision Centre horticultural area.
- More confident use of prison discipline under the Rules.

[120] And those who have adopted a terrorist persona in prison.
[121] Plus, in principle, against other prisoners.
[122] For example, a person who has patiently assembled an Improvised Explosive Device in the community, may seek to fashion weapons in prison.

- More effective use of the Incentives and Earned Privileges scheme, including increases or reductions on ability to use in-cell PIN phone, or the ability to spend or transfer money.
- Segregation under Rule 45 where justified.
- Increasing the amount of exposure a prisoner is required to have to psychologists, offender managers, or religious instructors.
- Holding ad hoc discussions with the prisoners as a group, or individual prisoners, to explain the potential consequences of bad behaviour or non-compliance in a straightforward manner; and, since confinement to a small unit is inevitably stressful, asking the prisoners how they think tensions can be lowered.

4.108. Above all, staff should be freed to use their jailcraft, comprising confident interaction with prisoners, confidence in their use of rules and policies, and confident in support from governor grades and HMPPS.

Recommendation 10: I recommend that prison officers should use proactive risk management tactics in response to specific intelligence and latent risk.

Support to Separation Centre Staff

4.109. As part of this review, I have discussed the question of external support in some detail with officials. In my view, it is asking too much of Separation Centre staff to identify risk and come up with disruptive strategies without some external support given (a) the dulling effect of spending considerable time with the same prisoners in the same environment; (b) that prison staff necessarily have limited training and experience in spotting and disrupting terrorist risk.

4.110. In principle, specialist and knowledgeable advice is already available within the prison system in the person of CT Prison Intelligence Officer, Prison Prevent Leads, or the security governor, who should be able to advise staff on matters as they arose. However, I lack any confidence that these internal roles are adequate for the task. This is not simply because they are part of the prison system, and therefore cannot approach a situation with fresh objectivity. For reasons that are unclear to me (whether because of other demands of the role, the background of those recruited, training, or some other reason), I saw no evidence that these roles are proactive enough in day-to-day risk management.

4.111. A possible alternative is to use the expertise contained in the regional Pathfinder process or the Joint CT Prisons and Probation Hub. But this is a

theoretical rather than practical proposal. Separation Centre staff do not have direct contact with the regional Pathfinder process or the Hub.

4.112. What is required is far simpler: an external expert with a fresh perspective on a prison or group dynamic who can discuss matters raised by staff, draw out relevant information from staff, advise on terrorist risk and suggest[123]. On more than one occasion in the carrying out of this review, I gained the impression that staff had been able to discuss risk matters with me *in a way that they had not been able to discuss with anyone else*. This was an unwelcome surprise.

4.113. The ideal type of external adviser would be experienced CT police officer with a background in counter-terrorism disruptions. I am not suggesting that the officer would become responsible for managing the risk in prison, but would offer a sounding board and advice, possibly every other week, either in person or remotely.

Recommendation 11: I recommend that Separation Centre staff should have external support from an adviser on identifying and disrupting terrorist risk.

Intelligence

4.114. Attention needs to be given to the quality and quantity of intelligence collected in Separation Centres.

4.115. Firstly, consideration needs to be given to whether the right approach is being taken to recording information on prisoner behaviour:

- Such a large amount of information is generated including trivial matters (for example, that a prisoner smiled at staff when receiving his dinner) that it dilutes the pool of useful material and generates an enormous administrative burden for those responsible for analysing and disseminating it.
- Recording every interaction with prisoners is bound to poison prisoner-staff relations[124], creating a distrustful sense that everything is monitored, however trivial.

[123] To this extent I therefore agree with Prof Ian Acheson (2025) at page 40 on his recommendation that operationally independent counter-terrorism experts should be part of the assurance for Separation Centres.
[124] Including prison imams, psychologists and health workers.

- Some of this over-collection may be attributed to the excessively detailed 3-monthly review process referred to above.
- Greater discrimination is needed in deciding what to record. If there is the opportunity for conversation with an external adviser, as I have recommended, there should an opportunity to identify information which, on reflection, should have been recorded.

4.116. Secondly, I do not understand why staff observations (whether from Separation Centres or the rest of the prison estate) are sanitised and treated as sensitive intelligence product which is then imported into formal documents with oblique styling. For example, the following comes from a Separation Referral form:

- "Reporting strongly indicates that X shouted Islamic verses at staff and called them Islamophobic". If this is a report of observations made personally by staff (as seems to be the case), it should say so, in a timed and dated report with the name of the staff concerned. This would be secure evidence if there was ever cause for challenge.

- "Following a subsequent relocation onto the HSU, it is indicated that the dynamics following his departure may have been calmer with the houseblock having greater stability." The use of the word "may" is confusing here and is unnecessarily resonant of sensitive Forms of Words issued by the intelligence agencies. No doubt the observation of staff was that the dynamics *were* calmer, and greater detail could be provided. Even where individual reports are relatively uncertain, the position may be clearer when reports are viewed collectively and allow an assessment that something is likely. This could be important evidence in relation to a quiet influencer.

4.117. The same is true of information from PIN phones. It is known that calls to permitted contacts on PIN phones may be recorded (other than legal calls). Where relevant information is obtained which reveals, for example, that a Separation Centre prisoner is seeking to extol his brand of anti-Western ideology to family members (for example), this can be quoted.

4.118. There will be circumstances where additional means of gathering intelligence are required. For example, national security may provide justification for assurance monitoring where other grounds such as preventing and detecting crime might not be made out. This would require agreement (known as concurrence) from MI5[125]. In Terrorism in Prisons (2022) I recommended that there should be a systematic audit of covert powers, with a

[125] Terrorism in Prisons (2022) at 5.50.

realistic assessment of which investigatory powers were available[126]. Despite this, there remains clear gap between theoretical availability and real-life application.

4.119. In principle, additional means of intelligence gathering could be discussed and the processes initiated by personnel at Regional Pathfinder meetings. But experience suggests otherwise, and I am aware that the Pathfinder system itself is now undergoing reform.

4.120. Using intelligence gathering powers in Separation Centres on the ground of national security should not be in the too-difficult box. I recommend that HMPPS and MI5 develop a protocol or standard operating procedure so that practitioners know how to achieve concurrence where it is warranted.

Recommendation 12: I recommend that there should be more focused collection and use of intelligence in Separation Centres.

Recommendation 13: I recommend that a Protocol be drawn up for securing MI5 'concurrence' for intrusive investigative measures when necessary.

[126] At para 5.54.

5. LIST OF RECOMMENDATIONS

Recommendation 1: When considering the risk of violence to Separation Centre staff, HMPPS should take account of (a) the group dynamic in Separation Centres and (b) the latent risk posed by prisoners who have previously used violence.

Recommendation 2: The reporting (management) line should go from the onsite governor of the Separation Centre system to a unit which is responsible for both operational management and policy development.

Recommendation 3: A tiered Separation Centre system, with all Separation Centre units brought within a single prison under the control of a governor responsible for the day-to-day management of all Separation Centre prisoners, should be created.

Recommendation 4: Rule 46A should be amended so that it does not require equivalence to the regime on mainstream location.

Recommendation 5: The function of drafting Separation Centre referrals should be moved from the team at Wakefield to a team with dedicated drafting and analytical skills.

Recommendation 6: The Ministry of Justice should bring forward legislation to reverse the effect of the decision in *De Silva* (2025).

Recommendation 7: There should be fewer formal reviews of Separation Centre placement but with flexibility to respond to prisoner developments.

Recommendation 8: The Ministry of Justice should take steps to limit the application of Article 8 of the European Convention on Human Rights so that it does not apply to placement within a Separation Centre or to risk management decisions within any part of the Separation Centre system (including within the Close Supervision Centre part).

Recommendation 9: The regime for each unit within the Separation Centre system should be enforced clearly and fairly, and good standards of behaviour should be upheld.

Recommendation 10: Prison officers should use proactive risk management tactics in response to specific intelligence and latent risk.

Recommendation 11: Separation Centre staff should have external support from an adviser on identifying and disrupting terrorist risk.

Recommendation 12: There should be more focused collection and use of intelligence in Separation Centres.

Recommendation 13: A Protocol should be drawn up for securing MI5 'concurrence' for intrusive investigative measures when necessary.

ANNEX 1

INDEPENDENT REVIEW OF SEPARATION CENTRES

ISSUES PAPER

1. Are there additional risks of harm arising from the concentration of offenders in a single unit, such as:
    a. Physical attack,
    b. Mutual reinforcement of or increase in terrorist views,
    c. Damage to the regime of the SC system through collective non-cooperation?

2. Are there additional risks of harm associated with the type of prisoner likely to be held in an SC, e.g. one subject to a long or indeterminate sentence with nothing to lose; or one who may seek to continue a terrorism career within prison?

3. Are these risks being properly accounted for when considering whether to put an individual in an SC; and when considering the right mix of prisoners in an SC?

4. Is there any acceptable level of risk of the harm types at 1a-c above?

5. What are the human consequences of reducing the level of risk to near zero for individuals who are in, or who might otherwise be placed in, an SC through for example:
    a. Greater use of segregation cells within an SC, or elsewhere in the estate,
    b. Greater use of Close Supervision Centres,
    c. Creation of a bespoke regime such as found at ADX Florence, Colorado?

6. Is the nature and degree of harm caused by a physical attack in an SC greater than that caused by an attack in the general estate:
    a. Because an attack in an SC is more likely to be terrorism,
    b. Because an attack by a prisoner in an SC is liable to have a radicalising effect within the SC and, assuming news spreads, the wider estate,
    c. Because such an attack has a greater impact on staff than other attacks,
    d. Because such an attack frustrates legitimate expectations by victims and wider society that a terrorist should never be able to use violence again?

7. How can the risk be avoided of drawing false conclusions from a rare attack within an SC, e.g. by overemphasizing factors associated with this attack/ attacker, and potentially missing other factors?

8. Is change to the SC system needed, or merely improved operation (e.g. better risk assessment, resources, staff training, access to intelligence)?

ANNEX 2

Internal documents: policies and operating standards, intelligence reports, summaries of prisoner observations, risk assessments, documentation specific to Separation Centres (referrals, Quarterly Reviews, prisoner representations, risk assessments, regime documents, operating and referral manuals, operating procedures), reviews (including Professor Ian Acheson's full 2016 report which led to the creation of Separation Centres[127]), risk assessment tools, and documents created by prisoners.

Published materials include: the Separation Centre Policy Framework[128], a detailed study on Segregation Units and Close Supervision Centres by Dr Sharon Shalev and Kimmet Edgar[129], Dr Shalev's book 'Supermax: Controlling Risk through Solitary Confinement'[130], caselaw, international standards for the treatment of prisoners[131], Professor Ian Acheson's 2025 report following the Abedi attack[132], HM Inspectorate reports on the (now closed) Detainee Unit at Long Lartin[133], on Close Supervision Centres[134], on Separation Centres[135] together with HMPPS's action plan in response[136], Professor Beverly Powis' review of

[127] Only a summary of this report is publicly available: National Offender Management Service, 'Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice'.
[128] HMPPS, Guidance for HMPPS staff on the use of separation centres, 26 July 2022.
[129] Prison Reform Trust, October 2015.
[130] Routledge, 2009.
[131] The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (17 December 2015), the European Prison Rules, the Istanbul Statement on the Use and Effects of Solitary Confinement, and various reports by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on standards (11th report, 2001), solitary confinement (21st report, 2011), situations for life sentenced prisoners (25th report, 2016) and by the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment.
[132] Counter Extremism Project, 'Managing the threat of violent extremism in prisons: a rapid review with recommendations' (June 2025).
[133] An inspection of the category A detainee unit at HMP Long Lartin, July 2007 (2008); Report on an announced inspection of HMP Long Lartin, 14-18 July 2008 (2008); Report on an unannounced follow-up inspection of the detainee unit at HMP Long Lartin, 4-6 April 2011 (2011).
[134] Report on an inspection of Close Supervision Centres, 18 March -17 April 2024 (2024).
[135] Report on an inspection of Separation Centres by HM Chief Inspector of Prisons, 11-22 April 2022 (2022).
[136] Submitted 9 September 2022.

Separation Centres done for the Ministry of Justice[137], and a review of the risk assessment tool now in use by the Ministry of Justice (known as 'ERG-R')[138].

[137] Ministry of Justice Analytical Series, Powis, B., Wilkinson, K., Bloomfield, S., Randhawa-Horne, K., 'Separating Extremist Prisoners: A process study of separation centres in England and Wales from a staff perspective' (2019).
[138] Kenyon, J., Carter, A.J., Watson, S., Farr, J., 'Adapting risk assessments to a changing terrorism landscape: Revising the extremism risk guidance', J Forensic Sci. 2025;00:1–11.