

Operational Guidance – Temporary Presumptive Re-categorisation Scheme – 36 Months (TPRS36)

CHANGE LOG:

Version	Date	Updates
V1.0	09/06/2025	Initial release

1. Introduction

- 1.1 This document introduces a further revision to the Temporary Presumptive Re-categorisation Scheme (TPRS) that will allow for certain prisoners in the adult male estate to be presumptively re-categorised to category D up to 36 months ahead of their conditional release date (CRD). This will be known as TPRS36.
- 1.2 With effect from 09/06/2025 TPRS24 is discontinued and replaced with TPRS36. All TPRS re-categorisations after this date must be in accordance with this revised TPRS36 guidance. The only change introduced with TPRS36 is:
- **Prisoners can now be re-categorised under the scheme up to 36 months ahead of their Conditional Release Date (CRD)**
- 1.3 The scheme is designed to be temporary, pending more substantive changes to re-categorisation policy. A further instruction will be issued when the scheme is discontinued.
- 1.4 TPRS36 should be applied across the adult male estate to any eligible prisoner. To ensure we are maximising use of the scheme, Existing TPRS trackers will be updated and continue to be centrally populated for all closed adult male prisons with the exception of specialist FNO/PCOSO and LTHSE prisons (Belmarsh is included). All prisons that are provided with access to a tracker will be required to actively manage TPRS36 and keep it updated. OISG SPOCs will provide support to prisons to ensure we maximise TRPS36 and open estate occupancy.

2. Scheme Overview

- 2.1 TPRS36 is a temporary measure designed to facilitate the presumptive re-categorisation of prisoners from category C to category D to make the best use of the prison estate.
- 2.2 TPRS36 will operate in parallel with any other temporary population management measures that are in place.
- 2.3 TPRS36 applies to category C prisoners serving standard determinate sentences who meet certain risk and offence criteria (as defined in section 3

below). There will be a presumption in such cases that re-categorisation to category D is appropriate.

- 2.4 Governors/Directors will be the decision maker but will have only limited discretion, in exceptional circumstances, to reject TPRS re-categorisation (see paragraph 3.4).

3. TPRS36 Eligibility and Exclusions

3.1 Prisoners meeting all the following criteria will be eligible for re-categorisation under TPRS36, subject to the exclusions at 3.2:

- Serving a standard determinate sentence (SDS)*, with an automatic 40% (CRD). This includes those serving terms for contempt of court and in default of payment of monies (including confiscation orders, council tax, maintenance arrears etc)
- No history of abscond, escape or failure to return from ROTL on the current sentence
- Category C prisoner
- Enhanced or standard regime prisoner
- Between one and thirty-six months to serve until CRD (at point of re-categorisation)
- Has served a minimum of 14 days post sentence (time on remand is not counted for this purpose)
- Has an OASys RoSH rating (custody or community score) which is low or medium and which relates to their current sentence (see 3.3 below for required actions if there is no OASys)

* If the prisoner has consecutive sentences and ANY of them are not SDS, then this criterion is not met. If the prisoner has concurrent sentences and ANY of them are not SDS, then the custodial element of ALL non-SDS sentences must have been served for this criterion to be met.

3.2 Exclusions – Prisoners meeting ANY of the following criteria are NOT eligible for TPRS36

- Serving four years* or more for any violent offence as defined in schedule 15 of [Criminal Justice Act 2003](#)
- Serving a sentence for any terrorist or terrorist-connected offence** as defined in Part 1 and 2 Schedule 19ZA of [Criminal Justice Act 2003](#)
- Currently serving a sentence for any sexual offence or subject to the notification requirements of the Sexual Offences Act 2003 (sex offenders' register) on release. A sexual offence is an offence under Part 1 and Schedule 3 of the [Sexual Offences Act 2003](#) or Part 2 of Schedule 15 of the [Criminal Justice Act 2003](#)
- Currently serving a recall
- Currently remanded in custody on other matters
- Foreign national offenders (FNO) who are liable to removal. Only those FNO prisoners who are not subject to any restrictions as per PSI 37/2014 can be

considered for TPRS36. Those who would be subject to more rigorous risk assessment under the normal re-categorisation process are excluded.

- Referred to police following a violent offence in custody (unless police have confirmed no further action)
- Convicted of an offence of 'stalking.' Prisoners serving a sentence of any length for the following offences are excluded from TPRS36:
 - Stalking – section 2A of the Protection from Harassment Act 1997 (*max penalty 51 weeks*)
 - Stalking (with fear of violence) – section 4A of the Protection from Harassment Act 1997 (*max penalty 10 years*)
- Proven adjudications in the previous 3 months (prior to re-categorisation)
- Subject to basic regime in the previous 3 months (prior to re-categorisation)
- Those who, in the assessment of the Governor/Director, Deputy Governor/Director, or Head of Security, have substantive and credible adverse intelligence on their record in relation to order and control, conveyance, serious organised crime (SOC) or staff corruption. This test must be met, the presence of a "OCG flag" or similar on digital systems may merit further enquiry, but does not in itself meet this threshold.
- Those who, in the assessment of the Governor/Director, present a wholly unacceptable risk as defined at 3.4 below.

* 4 years means a single sentence for a violent offence. Where there are consecutive sentences, the whole aggregate sentence is ineligible if a sentence of more than 4 years for a violent offence forms part of it but is eligible otherwise. For example, 4 years violent offence and 2 years consecutive non-violent = six years all ineligible. 3 years violent offence and another 3 years violent offence consecutive = six years, but eligible.

** all such offenders should have a two-thirds point PED, so are automatically excluded in line with first eligibility criterion

3.3 In determining whether prisoners meet the eligibility criteria, prisons must use all the information that is available to the Governor/Director at the time of making the assessment. In terms of risk, the eligibility for the scheme is a 'current OASys assessment' of low or medium risk of serious harm (RoSH). A 'current OASys assessment' is one that has been completed within the two weeks prior to sentencing (pre-sentence report) or during the course of the sentence. The OASys assessment should cover all active sentences that the individual is serving (i.e. concurrent sentences). RSR Only, Indicative risk levels in Delius or the Basic Custody Screening Tool (BCST) **do not** constitute a current assessment for the purpose of the TPRS. Cases where an OASys assessment has not been carried out, but who are otherwise eligible for TPRS36, should be prioritised for an OASys assessment. Whilst the responsibility for OASys completions should ordinarily align with OMiC policy, for the purposes of TPRS36, in any such cases, the prison holds responsibility for carrying out the required assessment as per the below table:

OASys (Layer 3/Layer1/ROSHA) based on current offence/s	No action required
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No assessment available for index offence/s Last historic OASys (or incomplete) available on prior sentence: Layer 3	Light touch Start Custody Complete Section 1 - Offending Information: • Current sentence • Release dates Complete Section 1 – Predictors Read previous sections 2-13 and use information, including any current offence information for completing risk sections.
No assessment available for index offence/s Last historic OASys (or incomplete) available on prior sentence: Layer 1/ ROSHA	OASys ROSHA
No OASys assessment available, but indicative High/VHigh ROSH on nDelius.	Presumed unsuitable / Layer 3 OASys required if risk assessment if indicative high / very high ROSH is considered incorrect.
No OASys (Layer 3/Layer1/ROSHA) available on any sentence and indicative ROSH on nDelius suggests Low/Medium.	OASys ROSHA

In all cases where no OASys assessment is available it is the responsibility of the POM to complete this. This applies even when the COM is responsible for the supervision and management of the prisoner.

For further information on creating OASys assessments, please see embedded guidance: [TPRS - Creating OASys Assessments \(Master\)](#)

- 3.4 Where prisoners meet the criteria for TPRS36, re-categorisation from C to D should take place unless that re-categorisation would represent a **wholly unacceptable risk**. Governors/Directors have the discretion not to re-categorise a prisoner who is **a wholly unacceptable risk**. A non-exhaustive list of examples that would fit this criterion include:

- There is evidence or reasonable grounds to conclude, after discussions with the prisoner, that claims that they will abscond or otherwise cause problems in open conditions are not empty threats.
- The prisoner has a **significant history** of absconding or failing to comply with temporary release licence conditions on previous sentences.

- The prisoner displays institutional behaviour which is **so poor** that it would lead one to reasonably conclude that they could not be managed in open conditions.
- There are overriding risk management considerations that preclude a move to open conditions, for example prisoners managed at MAPPA level 2 or 3.
- There are overriding health, mental health, social care, or substance misuse reasons that preclude a transfer to open conditions.
- There are further charges pending of sufficient gravity that they may indicate a heightened risk of abscond or a high risk of serious harm.
- There are Proceeds of Crime Act matters of sufficient gravity to indicate a heightened risk of abscond.

Where the Governor/Director decides that the presumption to re-categorise should be overridden for exceptional reasons, the reason should be clearly recorded on NOMIS.

4. TPRS36 Process

- 4.1 Prisons will no longer be required to run a NOMIS report to identify potential cases. Instead, prisons will be supplied with pre-populated TPRS36 trackers listing the details of prisoners to screen who are potentially eligible. Use of the trackers is mandatory, and the data will feed into a Power BI Dashboard to show the status of cases being processed under TPRS36.
- 4.2 Once prisons have screened potential cases and identified those that meet the eligibility and exclusion criteria, they should initiate the re-categorisation process on the digital re-categorisation service (DCS) ticking the required box that this is a TPRS re-categorisation. Once the re-categorisation process has been initiated on DCS security department input is then required.
- 4.3 Security assessment is an integral part of the process of re-categorisation via the digital re-categorisation tool; however, Security departments do not have the authority to 'screen out' those eligible for TPRS, nor should they refer cases to the police for referral (OTP2) unless there are overriding reasons for concern. If there is adverse intelligence in relation to order and control, conveyance, serious organised crime (SOC) or staff corruption the case should be referred to the Governor/Director, Deputy Governor/Director or the Head of Security to consider whether the intelligence is "substantive and credible." Where they assess that it is, the prisoner should be excluded from TPRS36 and DPS noted. Where there are substantive security concerns that do not meet this definition, they must be referred to the Governor/Director who may consider excluding the prisoner if they consider that the criteria for exceptional exclusion at 3.4 apply.
- 4.4 Once the security section is completed on DCS, the Decision Maker (Governor/Director or person delegated by the Governing Governor/Director; not below Band 7/Head of Function) is responsible for authorising re-categorisation; they must ensure that the prisoner meets the eligibility criteria

for the scheme (see 3.1 - 3.2) before re-categorisation takes place. It is their responsibility to ensure that those carrying out the checks against the criteria have done so correctly. ***Signing the re-categorisation documentation (Annex A) evidences the fact that the Governor/Director is content that the individual meets the TPRS criteria and for this reason Governors/Directors must pay particular attention to the process to ensure they are content that TPRS is being administered appropriately. The decision should be recorded on DCS.***

- 4.5 Where a prisoner has been re-categorised under TPRS36, Population Management Unit (PMU) should be informed via email. Prisoners should also record the prisoner on their weekly Category D Return (see Annex C). Consideration should be given to the resettlement needs of the prisoner when allocating a Cat D establishment, but this will be dependent on spaces in the open estate. If no transport is imminently available, then a local transfer should be considered.
- 4.6 Re-categorisation and transfer under TPRS36 is not voluntary and there is an expectation that prisoners co-operate with the transfer to open conditions. Refusal to transfer should be managed under the incentives policy.
- 4.7 Once a prisoner is transferred to the Open Estate, they then have the same status as other Category D prisoners, meaning that they can then be assessed for ROTL and partake in the full regime. The normal BAU process for managing and re-categorising a prisoner who is no longer deemed suitable for open conditions also applies. This means that, if a prisoner ceases to meet the TPRS criteria (e.g., is found guilty on adjudication), they would be treated the same as any other Cat D prisoner and only returned to closed conditions if that would normally be deemed appropriate for any other Cat D prisoner.

5. Probation Service responsibilities

- 5.1 The Community Offender Manager (COM) must continue to work on licence preparation for CRD release.
- 5.2 Where the person being considered for re-categorisation is managed at MAPPA level 2 or 3 the Governor/Director must consult with the COM for their view on whether there are any risk management considerations that would preclude a move to open conditions.

6. Victim Liaison arrangements:

- 6.1 When considering anyone for Category D/Open, staff must establish whether the individual's victims have chosen to participate in the Victim Contact Scheme (VCS). The VCS is open to victims of specified violent or sexual crimes where the offender is sentenced to 12 months or more. Victims who participate in the Victim Contact Scheme must be notified when:
 - A person is being considered for re-categorisation,

- A decision is made in respect of re-categorisation,
- The move has taken place.

6.2 Following Prison Offender Manager (POM) notification of one of these stages, Probation Heads of Public Protection must ensure Victim Liaison Officers (VLO) prioritise notifying victims appropriately.

6.3 Notification to the victims for these purposes includes the POM liaising with the VLO and the VLO having sufficient time to return information to the POM from the victim. This could include information about proximity of the open prison to the victims or any contact they have received directly or indirectly which may need to be considered. VLOs must ensure that any adverse information is returned to the prison promptly, **within 14 days**.

7. Individuals presenting a risk of harm to self

7.1 Where there is an active risk of self-harm in prison, transferring a prisoner with an active ACCT to the Open Estate should only take place if the transfer is deemed suitable following an ACCT review and liaison with the receiving prison.