

Categorisation – Women Prisoners

What do the different security categories mean?

The security categories of women prisoners differ from those of male prisoners. For women, the official definitions of security categories are:

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

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

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

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

What determines my initial security categorisation?

Prison Service Instruction 39/2011 sets out the principles that determine the categorisation and re-categorisation of women prisoners, apart from the very few women prisoners who are Category A or Restricted Status. These are categorised and reviewed by HMPPS.

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

- Likelihood of escape or abscond;
- The risk of harm to the public in the event of an escape or abscond;
- Any control issues that impact on the security and good order of the prison and the safety of those within it
- The prisoner is assigned to the lowest security category consistent with managing those risks.

Allocation often follows immediately after categorisation but is a separate process whose

purpose is to assign the prisoner to a suitable establishment.

All prisoners, unless serving a life or an IPP sentence, when initially categorised, must be regarded as suitable for open conditions unless the following applies:

- The current sentence is 3 years or more
- The prisoner has been treated as provisional category A whilst on remand
- The current or previous sentence is for terrorist (or terrorist related) offences
- There has been a previous escape from closed prison, police custody (except arrest or post-arrest) or escort
- There is a significant history of serious offending
- There is a serious criminal association
- Further charges are outstanding (other than those of a minor nature)
- There has been a previous sentence of 7 years or more (from which the prisoner was released within the last 5 years)
- The prisoner is diagnosed with or is suspected of suffering from, serious mental health problems
- There is reasonable concern regarding risk of abscond
- There have been previous breaches/failures to surrender
- There are victim issues or issues of public confidence that mean open conditions are inappropriate
- The prisoner is subject to MAPPA level 2 or 3 management, prompting serious consideration of the individual circumstances
- An OASys risk of harm level which cannot be reasonably managed in open conditions
- The prisoner has been identified as a priority or a prolific offender (PPO)
- A Serious Crime Prevention Order has been imposed
- The prisoner is subject to a confiscation order - consideration must then be given as to whether amount and default sentence imposed, might increase risk of abscond
- A prisoner has more than 3 years left to serve

Three years is considered to be the maximum time a prisoner should spend in open conditions. However,

assessment of a prisoner's individual needs and risks may support earlier categorisation to open conditions. Such cases must have the reasons for their categorisation fully documented and confirmed in writing by the Governing Governor.

Prisoners with a sentence of less than 12 months must be considered for categorisation to open conditions and allocation to open conditions as soon as possible after sentencing under a streamlined risk assessment process, subject to a requirement that they spend a minimum of seven days in closed conditions.

When will I have a categorisation review?

Prisoners serving a determinate sentence of more than 12 months but less than 6 years, extended sentence prisoners serving a sentence of less than 6 years and prisoners in the last 36 months of their sentence, should have a review **every 6 months**.

Determinate sentence prisoners and those serving extended sentences with a sentence of 6 years or more should have a review **every 12 months** until they are in the last 3 years of their sentence, when they should then have **6 monthly reviews**.

Prisoners may also have their security category reviewed whenever there has been a significant change in their circumstances or behaviour that impacts on the level of security required, whether negative or positive, eg. a key piece of offending behaviour work or a detoxification or opiate substitute maintenance regime is completed.

Life and IPP sentence prisoners can only be transferred to open conditions following a recommendation by the Parole Board and/or a decision by the Secretary of State to grant them open status. This is generally three years before their tariff expires. NB not all prisoners are considered under this pre-tariff scheme.

How can I prepare for my review?

You can submit written representations to be considered at your review. It is important you leave plenty of time to do this, so check the date of your next review. You can also speak to your Offender Manager and Supervisor and ask their views before writing your submissions.

Who will decide on my recategorisation?

Recategorisation of all female prisoners is carried out by the OCA Unit. Decisions may be made by a board or by a single manager. Procedures must be completed by staff specially trained and able to competently fulfil the OCA role. Staff completing the review form are responsible to a senior manager as designated by the Governor. The review forms must be completed in full, with all the relevant issues addressed and explanations given for the decisions made

Accessing paperwork

Form RC3 must be completed at your categorisation reviews. You are entitled to see this form and should request a copy of the RC3 as soon as your categorisation has been reviewed if you do not receive one. You do not have to do a Subject Access Request to get this form, it should be disclosed to you as part of routine disclosure.

Can I appeal if I am not happy with the result after a review of my categorisation?

Yes. If, after a categorisation decision or review, you do not believe that you have been placed in the correct category, you can appeal via the internal complaints system (COMP1). A fresh review of all the facts must then be done by a manager senior to the officer, who countersigned the original decision.

The Prison Service has a duty to give reasons for decisions about categorisation, so in order to mount your appeal you should request a full explanation of the decision and relevant reports in writing.

In the case of Category A/Restricted prisoners, you can still use the complaints procedure but your complaint form will be sent to HMPPS for a response, rather than being answered in the prison.

If you feel your concerns have still not been addressed you can appeal to the Prisons and Probation Ombudsman (Third Floor, 10 South Colonnade, London E14 4PU). It is very occasionally possible to challenge categorisation decisions by way of judicial review, please see our judicial review information sheet for more details or call our advice line for further advice.

PRISONERS' ADVICE SERVICE

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LONDON EC1M 4XA

Advice Line: TEL: 020 7253 3323
Mon, Wed, Fri 10am-12.30pm & 2pm-
4.30pm

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