

Incentives Scheme

The Incentives Scheme is governed by Prison Rule 8 and YOI Rule 6 and by guidance in the Incentives Policy Framework.

According to the Framework, the purpose of a privilege scheme is *‘incentivising prisoners to abide by the rules and engage in the prison regime and rehabilitation, including education, work and substance misuse interventions – whilst allowing privileges to be taken away from those who behave poorly or refuse to engage.’*

What ‘privileges’ are available?

There are three incentive levels: *Basic*, *Standard* and *Enhanced*. The definitions of these levels are detailed in Annex A of the Framework. Broadly they are:

- Basic - prisoners, who have not abided by the behaviour principles;
- Standard - prisoners who adequately abide by the behaviour principles, demonstrating the types of behaviour required;
- Enhanced – prisoners, who exceed Standard level by abiding by the behaviour principles, demonstrating the required types of behaviour to a consistently high standard, including good attendance and attitude at activities and education/work and interventions.

The behaviour principles are outlined in Annex A of the Framework. They include, being respectful to staff and other prisoners, complying with prison rules and compacts, making progress on personal goals and sentence plan, and refraining from drug and alcohol use. Progression through incentive levels requires compliance with the behaviour principles.

In some prisons there are also extra locally available privileges including “Super Enhanced”. New and recalled prisoners must not join the prison system below Standard level.

All prisoners, irrespective of Incentive level, must have access to certain items on the facilities list (in Annex C of the Framework). These items include certain kinds of clothing, footwear, personal hygiene and grooming items, and writing and reading materials.

Additionally, prisons must also offer ***earnable incentives***:

- extra and improved visits;
- eligibility to earn higher rates of pay;

- access to in-cell television;
- opportunity to wear own clothes;
- access to private cash;
- additional time out of cell.

Will I have access to in-cell television?

Prisoners on Standard or Enhanced levels are eligible to have in-cell TV with nine free-to-view channels. You are not allowed to watch TV when they should be at work, education or engaged in activities to reduce their reoffending. You must sign a compact and agree to pay towards the rental cost of the TV (£1/week in single cell, 50p/week if shared).

Only Standard and Enhanced prisoners are allowed games consoles and games as an additional privilege. 18-rated games are not permitted.

Will I have access to the gym?

Access to the gym above the minimum requirement for physical exercise as set out in the Prison Rules (one hour per week for over-21s/ two hours for under-21s) is considered an earnable incentive. Access to the gym may only be allowed outside the core working day or during periods where you are legitimately unoccupied.

Can I receive items from friends and family?

The general presumption is that prisoners may not be handed or sent in items (other than books) by their friends or families unless there are ‘exceptional circumstances’. Governors have discretion to determine what constitutes exceptional circumstances; this could include items such as disability/health aids, religious artefacts or stamped-addressed envelopes. Otherwise you are restricted to items in the facilities subject to your privilege level (in Annex C of the Framework).

Governors have discretion to allow a one-off parcel of clothing to be handed or sent in following conviction. Unconvicted prisoners are not subject to the one-parcel restriction.

Can I receive books from family and friends?

Yes. Friends and families of prisoners are allowed to order books from nine approved retailers (Blackwell’s, Foyles, Waterstones, WH Smith, Mr B’s Emporium of Reading Delights and Wordery, Housmans, Incentive Plus, Prisons Org UK). These retailers will then send the

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books directly to you in prison. Friends and families are also permitted to send or hand in books to you. However, they cannot hand these to you directly. They must be left with prison staff. There is no set limit to the number of books prisoners can have in their possession, but they will be subject to three volumetric control limits on prisoners' property.

What are the private cash allowances?

Level	Unconvicted	Convicted
Basic	£27.50	£5.50
Standard	£60.50	£19.80
Enhanced	£66.00	£33.00

Who decides my incentive level and how often?

An incentive level review can be held at any time, but all prisoners must be given a review at least annually. For new prisoners, an initial review can take place at any time but must take place within 3 months from the time they arrive.

Automatic reviews of prisoners on Basic must take place initially within 7 days, and then at least every 28 days, and you must be told of the steps you need to take to progress to Standard.

Reviews should be conducted with feedback sought from across the establishment. This includes reports from education and workshop staff and from any treatment programmes completed as part of your sentence plan and from any other staff with whom you have had close dealings, including a keyworker if you have one.

Prisons have to have a system for dealing with good and bad behaviour. So, incidents of bad behaviour can be met with warnings and good behaviour met with commendations. Accumulation of either commendations or warnings could prompt an incentive level review, which could lead to moving up or down an incentive level. Serious, even single, incidents of bad behaviour, can lead to immediate incentive reviews usually resulting in a downgrade.

Can I make representations?

Yes. The Framework says: *'Prisoners must be given the opportunity to make their case in the review process.'*

Should I be given reasons if a decision is made to downgrade me to another level?

Yes. The outcome of your review must be discussed with you. You should be given the

reasons for any decision made, and the process for appeal should be explained to you.

How do I complain if I think I have been unfairly put on Basic or Standard regime?

You can appeal against a decision to down grade you through the internal complaint's procedure and, if the outcome of your complaint is unsatisfactory, you can take it to the Prisons & Probation Ombudsman, Third Floor, 10 South Colonnade, London E14 4PU.

Is the Incentive Scheme a disciplinary system?

The disciplinary system and Incentive scheme are separate. This means that a change in Incentive status cannot be given as a punishment at adjudication and the fact that you have been placed on report must not automatically result in a change to your Incentive level. However, since Incentive levels are based on behaviour, even unproven adjudications can trigger an Incentive review and lead to a downgrade.

Will I retain my Incentive level if I am transferred? Yes. The Framework says that *'Prisoners must retain their incentive level upon conviction and upon transfer, (including those transferring from other jurisdictions), if there is an equivalent level at the receiving establishment.'*

If I maintain my innocence can this be used to stop me getting Enhanced privilege status?

Officially recognised appellants (those whose conviction is subject to the review of a higher court) should be considered eligible for Enhanced. Otherwise, for prisoners maintaining their innocence post-conviction, the Framework says: *'Governors can consider eligibility for Enhanced status considering their response to personal progression, progress on their sentence plan and constructive engagement in prison life. Governors can also consider whether Enhanced status would be appropriate if the prisoner's denial results in them not being able to engage in rehabilitative activities, even if they are demonstrating suitable behaviours'.* This means that many prisoners, who maintain innocence do run into difficulties with incentive levels.

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