

Policy name: Security Categorisation Policy Framework

Re-issue Date: 17 August 2021

Implementation Date: 20 Feb 2020

Replaces the following documents (such as PSIs, PSOs, Custodial Service Specs) which are hereby cancelled*:

PSI 40/2011 Categorisation and Recategorisation of Adult Male Prisoners*

PSI 41/2011 Categorisation and Recategorisation of Young Adult Male Prisoners*

The roles described in this document use the Offender Management in Custody (OMiC) titles. Where this is not yet fully rolled out, equivalent roles apply.

Introduces amendments to the following documents: None

Action required by:

X	HMPPS HQ	X	Governors
X	Public Sector Prisons	X	Heads of Group
X	Contracted Prisons		Contract Managers in Probation Trusts
	National Probation Service		Community Rehabilitation Companies (CRCs)
	HMPPS Rehabilitation Contract Services Team		HMPPS-run Immigration Removal Centres (IRCs)
	Other providers of Probation and Community Services		Under 18 Young Offender Institutions

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: The aim of this Policy Framework is to detail the minimum mandatory requirements which are needed for prisons to undertake security categorisation.

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Governors must ensure that the procedures set out in this policy framework are incorporated into the prison's Local Security Strategy.

Sections 7-15 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 6 of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

Guidance on translating documents into the Welsh Language as part of the HMPPS Welsh Language Scheme can be found in “Welsh Language Scheme: Do you know what we need to do?” which is available on the HMPPS Intranet.

Scope

This framework applies to the categorisation and recategorisation of:

- Male determinate and Indeterminate Sentence Prisoners (ISPs) who are not Category A or Restricted Status (RS). The Category A/ Restricted Status process is set out in PSI 9/2015, ('The Identification, Initial Categorisation and Management of Potential and Provisional Category A/Restricted Status Prisoners') and in PSI 8/2013, ('The Review of Security Category – Category A/Restricted Status Prisoners').
- Civil Prisoners, who are treated in the same way as convicted prisoners for the purposes of categorisation (see PSO 4600 'Unconvicted, Unsented and Civil Prisoners').
- It must be read in conjunction with policies and guidance relating to ISPs and Category A/Restricted Status.

It does not apply to:

- The assessment of ISPs' suitability for open conditions which normally require a recommendation from the Parole Board. All such decisions sit with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State.
- The assessment of suitability for open conditions where an individual is serving a determinate sentence at the same time as an indeterminate sentence. All such decisions sit with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State.
- Individuals released on licence and then remanded into custody on new charges but who have not formally been recalled. These individuals should be treated as unconvicted.
- Individuals held solely under Immigration powers (IS91s) to whom PSI 52/2011 'Immigration, Repatriation and Removal Services' applies.

How will this Policy Framework be audited or monitored:

Mandatory elements of this Policy Framework must be subject to local management checks. Any existing processes of regular HMPPS audits of compliance with categorisation policy, continue to apply under this framework.

Resource Impact:

Compared to previous policy (prior to February 2020), the frequency of reviews is increased in the last three years of time left to serve to earliest release, but those with a short time left to serve at initial categorisation do not need to be categorised. In practice, staff have found that, overall, this saves them time due to the pre-population of sections via the Digital Categorisation Service (DCS) and tailoring the assessment questions to only ask information relevant to the individual case.

Please contact: categorisation@justice.gov.uk

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Approved by OPS for publication: Michelle Jarman-Howe, Sonia Crozier, Joint Chairs, Operational Policy Sub-board, 28 January 2020

Revisions

Date	Changes
13 May 2021	<p>Introduces a presumption that prisoners who have been convicted of specified terrorist offences will be unsuitable for Category D/Open unless there are exceptional circumstances.</p> <p>Introduces a requirement, when categorising terrorist offenders, to obtain and use input to the categorisation assessment from the Regional Counter-Terrorism Team.</p> <p>Clarifies existing policy on eligibility for consideration for Category D/Open for prisoners serving a determinate sentence with a Parole Eligibility Date, including Extended Determinate Sentences (EDS), sentences for offenders convicted under the Terrorist Offenders (Restriction of Early Release) Act 2020 (TORERA), and Sentence for Offenders of Particular Concern (SOPC) under s236A of the Criminal Justice Act 2003.</p> <p>Includes other minor and drafting changes to clarify existing policy.</p>
17 August 2021	Minor changes made to clarify above changes in respect of terrorist and terrorist connected offences.

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1. PURPOSE

- 1.1 Under Rule 7 Prison Rules 1999, subject to certain exceptions, “prisoners shall be classified, in accordance with any directions of the Secretary of State, having regard to their age, temperament and record and with a view to maintaining good order and facilitating training and, in the case of convicted prisoners, of furthering the purpose of their training and treatment”.
- 1.2 Security Categorisation is a risk management process, the purpose of which is to ensure that those sentenced to custody are assigned the lowest security category appropriate to managing their risk of:
- escape or abscond;
 - harm to the public;
 - ongoing criminality in custody;
 - violent or other behaviour that impacts the safety of those within the prison; and
 - control issues that disrupt the security and good order of the prison.
- 1.3 Effective security categorisation is fundamental to risk management and ensuring good order is maintained. It supports HMPPS’s duty to implement the sentences of the courts; protect the public; and provide a safe, secure and ordered environment that enables the provision of rehabilitative services, training, treatment and progression through the prison system.
- 1.4 The security categorisation process provides for a holistic assessment of risk, taking account of a broad range of information from criminal justice and law enforcement agencies where available. It supports the categorisation of individuals to security conditions best suited to managing their risks. Categorisation is neither a reward for good, compliant behaviour nor used as a punishment. Any categorisation decision must be taken on risk factors alone.
- 1.5 Allocation is a separate process from categorisation, the purpose of which is to assign an individual to a suitably secure establishment which meets their needs effectively insofar as pressures on the estate allow. Categorisation is an independent process, so someone may be assigned a particular category even if it is not possible to allocate them to a prison of that category immediately.
- 1.6 Allocation decisions should consider the individual’s offending behaviour and resettlement needs (such as access to suitable training and interventions and closeness to home at the end of their sentence), their individual circumstances (such as medical requirements), and control issues (such as danger to particular staff or other prisoners). This may result in an individual being held in a prison of a higher category than their own category.

2. PROCEDURAL JUSTICE

- 2.1 When people believe the process of applying rules (how a decision is made rather than what decision is made, and how they are treated during the process) is fair, it influences their views and behaviour. There is robust evidence, from around the world, showing that people are much more likely to respect and comply with rules and authority willingly when they believe the way the rules are applied is fair and just. This is true even if the outcomes of decisions are not in their favour or are inconvenient for them.
- 2.2 Research from HMPPS, and from prison services around the world, shows that when individuals perceive authority to be used in a more procedurally just way, this is associated with significantly less misconduct and violence, better psychological health, lower rates of self-harm and attempted suicide, and lower rates of reoffending after release.

2.3 This framework sets out the processes to assess an individual's security categorisation in a fair and just manner and to evidence defensible decision making.

3. SECURITY CATEGORY DEFINITIONS

3.1 Individuals are categorised according to the risk they present to security, safety and public protection, and must be held in a prison providing levels of security appropriate to managing identified risks.

3.2 **Closed prisons** have a secure perimeter and a range of internal security measures. For adult men, they are sub-divided into: Category C prisons, providing a level of physical and procedural security capable of safely and securely managing the majority of men; and Category B prisons, providing additional physical and procedural security suitable for managing those identified as presenting a greater level of risk.

3.3 For young adults (age 18-20), closed prisons are not sub-divided but individual prisons may be designated as suitable for holding individuals presenting higher risks.

3.4 **Open prisons** have minimal perimeter and physical security features and are for those who are specifically assessed as suitable for conditions of low security.

3.5 In categorising an individual to a particular security category, the risk factors to be assessed are:

- escape or abscond;
- harm to the public;
- ongoing criminality in custody;
- violent or other behaviour that impacts the safety of those within the prison; and
- control issues which disrupt the security and good order of the prison.

3.6 Individuals are then assigned to the lowest security category appropriate to managing their risks:

- **CATEGORY D (Adult Men), and Open (Young Adults):** Offenders who are either assessed as presenting a low risk or whose previously identified risk factors are now assessed as manageable in low security conditions.
- **CATEGORY C (Adult Men):** Offenders who are assessed as requiring standard closed conditions, and do not need additional security.
- **CATEGORY B (Adult Men):** Offenders whose assessed risks require that they are held in the closed estate and who need security measures additional to those in a standard closed prison.
- **Closed (Young Adults):** Offenders assessed as requiring standard closed conditions and are not appropriate for open conditions.

4. CATEGORY A AND RESTRICTED STATUS PRISONERS

4.1 Most Category A and Restricted Status individuals will have been reported in as potential Category A following reception on remand and will have been held as provisional Category A leading up to their sentence. Staff should, however, be alert to the need to identify those individuals who, after sentencing, present as potential Category A/RS.

4.2 A member of staff identifying a potential Category A or Restricted Status prisoner should notify the duty manager immediately.

4.3 For information purposes, the relevant descriptions are:

- **Category A:** those 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 male young person or young adult, convicted or on remand, whose escape would present a serious risk to the public and who is required to be held in designated secure accommodation.

4.4 Instructions on the identification and reporting in of potential Category A/RS are included in PSI 09/2015.

5. CONSTRAINTS

5.1 An individual's security category must not be adjusted to achieve a better match with available spaces within the estate.

5.2 An individual must not be allocated to a prison of a lower security category than the security category assigned to them.

5.3 Security categorisation decisions must not be influenced by any matters irrelevant to the process. The categorisation process must not discriminate against people with the personal protected characteristics protected under the 2010 Equality Act: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.4 Those with 28 days or less left to serve to earliest release at the point of initial categorisation, those individuals subject to Fixed Term Recall (FTR), and those recalled (Section 255 recall) from Home Detention Curfew (HDC) for breaching curfew conditions with less than 28 days left to serve, do not need to be categorised but will generally remain in the Reception prison for the duration of their time in custody. In circumstances where it is in their interest to be allocated to an alternative establishment or where operational needs mean they must be moved, they must first be categorised using the process described in this framework.

5.5 Individuals with any of the following during the current sentence must not be categorised to Category D/Open conditions:

- Currently on the Escape List (E-List);
- Foreign National Offenders (FNOs) where there is both a deportation order against the individual and their appeal rights from the UK have been exhausted. These individuals are referred to as "Appeal Rights Exhausted" (ARE).

5.6 Determinate sentence individuals with an "abscond history" must not be categorised to Category D/Open. An individual has an "abscond history" for the purposes of this policy when they have: absconded from open conditions; failed to return from a period of Release on Temporary Licence (ROTL); been convicted of a criminal offence that took place while on ROTL or escaped or attempted to escape from custody and where that event:

- took place within two years before the date of the recategorisation underway, the target date for the next parole hearing or the first date of the proposed ROTL; or
- any of these events have occurred more than once during the current sentence.

Terrorist and terrorist connected offences

- 5.7 There is a presumption that an individual serving a determinate custodial sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003 or an indeterminate sentence for a terrorist or terrorist connected offence is unsuitable for Category D/Open unless there are exceptional circumstances as set out within this framework (or the Generic Parole Process Framework where applicable).
- 5.8 This presumption of unsuitability for Category D/Open will apply from the date on which the sentence is imposed until the date on which it would be served in full (the sentence and licence expiry date).
- 5.9 Where the offender is serving consecutive or concurrent sentences, they are presumed unsuitable for open conditions if any sentence forming part of the overall sentence envelope is a specified terrorist or terrorist connected offence; and the presumption applies for the duration of the sentence envelope (including whilst released or recalled during that envelope). Where an indeterminate sentence forms part of the sentence envelope then, unless the indeterminate sentence is for a terrorist or terrorist connected offence, the presumption ends at the end of the sentence envelope for the determinate sentences. If an offender is released on licence, sentences imposed subsequently to this won't form part of this envelope and once the original envelope ends, the presumption will no longer apply (unless the new sentence is for a specified terrorist or terrorist connected offence).
- 5.10 The "sentence envelope" runs from the earliest start date of any of the concurrent or consecutive sentences to the latest sentence end date (the last day the prisoner is serving any of the concurrent/consecutive sentences).

6. REQUIREMENTS

Roles and Responsibilities

- 6.1 The Governor must nominate a manager whose responsibility it is to ensure that the categorisation/recategorisation process is functioning effectively; that decisions are fair, consistent and taken without bias; to provide quality assurance of decision making; to collect and analyse data in terms of protected characteristics (see paragraph 4.3) alongside other equalities data to ensure that there is a complete picture of any disproportionate impact, and to implement change where necessary.
- 6.2 The security categorisation assessment must be undertaken by the individual's Prison Offender Manager (POM) or another member of staff delegated the role by the Governor and who has a similar risk assessment role. Input to the assessment may be sought from relevant sources both from within the prison and criminal justice and law enforcement agencies. The final recommendation on category is the responsibility of the staff member designated to the role, having regard to available information, assessment of intelligence, and the individual circumstances of the case.
- 6.3 The categorisation recommendation must be referred to a manager assigned to the role by the Governor and must either be approved or referred back to the categoriser with reasons and justifications recorded on the DCS. The manager must be someone senior to the POM and who has a risk assessment role, for example the Head of Offender Management Delivery (HOMD).
- 6.4 Staff completing assessments using the DCS must be competent in its use.
- 6.5 Where an individual who has been held as a confirmed Category A/RS prisoner in the past five years is recommended for Category C, input must be sought from the Category A Team in Headquarters. The Governing Governor of the establishment in which the individual is held

must make the final decision and the reasons and justification for the decision must be recorded on the DCS (see paragraph 8.20 below, which outlines the procedure).

- 6.6 The Governing Governor of the establishment in which the individual is held must decide whether or not to approve any proposed categorisation to Category D/Open of:
- any individual recommended for the open estate outside the general eligibility period (see paragraphs 7.8 and 8.21); and
 - any individual serving any determinate custodial sentence, for an offence described in section 247A(2) of the Criminal Justice Act 2003.

If approved, the date the approval was given and the reasons and justification for the decision must be recorded on the DCS.

- 6.7 The prison security department must contribute to the categorisation assessment if either the security department or the POM identifies a need to do so.
- 6.8 Although the individual's Key Worker is not involved in taking the categorisation decision, they have an important role in supporting an individual's engagement in rehabilitation; notifying any issues of concern to the individual's POM and providing support and guidance where an adverse categorisation outcome is received. (**Disclosure** section provides further information). The Key Worker may also be the first point of contact if an individual is concerned, or has questions about, their categorisation decision. The Key Worker therefore needs a general understanding of the categorisation process described in this framework and should collaborate with the individual's POM where necessary.

7. INITIAL CATEGORISATION

- 7.1 All newly sentenced individuals, other than those who are Provisional Category A/Restricted Status or where the time left to serve to earliest release at the point of categorisation is 28 days or less, will have an initial categorisation in line with the process set out in this framework.
- 7.2 Individuals repatriated from abroad will also have an initial categorisation. In completing the assessment, any relevant information provided by the sending country should be taken into account.
- 7.3 The initial security category assessment must be completed as soon as possible to enable transfer to an appropriate prison within 10 working days of sentencing. There must be processes in place to ensure that those who need to contribute to the risk assessment do so in a timely manner.
- 7.4 The initial security categorisation process determines the security category which will be assigned at the outset of an individual's sentence. Because it is completed very shortly after conviction and sentencing, there will be varying levels of information available about individuals depending on whether they have been in custody on remand or during a previous sentence; from pre-sentence reports or previous OASys or from partner law enforcement agencies.
- 7.5 The initial security categorisation must take account of the individual's current identified risks, available information, including information about their capability to cause harm or to continue with criminality from custody.
- 7.6 Where an individual is serving a determinate custodial sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003 or an indeterminate sentence for a terrorist or terrorist connected offence, input to the categorisation assessment from the Regional Counter-Terrorism Team must be obtained and used to inform the categorisation risk assessment.

7.7 Category C will be the most appropriate security category for most adults. Where an individual presents a level of risk that cannot safely be managed in Category C, then Category B will be appropriate (unless Category A is deemed necessary having followed PSI 9/2015). Where risk is assessed as low and the other factors identified in the following paragraphs apply, an individual may be assigned to Category D. In all cases it is vital to weigh up all available information and to arrive at a security categorisation outcome that reflects the individual circumstances of the case.

Assessment for Category D/Open Conditions

7.8 A determinate sentence individual is generally eligible for consideration for Category D/Open at initial categorisation if:

- They are serving a standard determinate sentence (they do not have a Parole Eligibility Date – PED) and they have less than 3 years left to serve to automatic release (Conditional Release Date – CRD), or
- They are serving a determinate sentence with a PED and have less than three years left to serve to earliest release (PED) and less than five years to automatic release (CRD), and
- In either case (with or without a PED), they are not a Foreign National Offender where there is both a deportation order against the individual and their appeal rights from the UK have been exhausted (see Foreign National Offenders section).

7.9 In addition, the individual must be assessed as:

- low risk of abscond
- low risk of harm to the public
- unlikely to continue criminality while in custody
- unlikely to otherwise abuse the low security or disrupt the good order of the open estate.

7.10 Determinate sentences that have a PED include most Extended Determinate Sentences (EDS), sentences for offenders convicted under the Terrorist Offenders (Restriction of Early Release) Act 2020 (TORERA), and Sentence for Offenders of Particular Concern (SOPC) under s236A of the Criminal Justice Act 2003. It will also include those who are serving legacy determinate sentences which have a PED, including Extended Sentences for Public Protection (EPP).

7.11 Subject to constraints set out elsewhere in this framework, categorisation to D/Open in advance of PED will enable appropriate individuals to demonstrate to the Parole Board that they are suitable for release. However, these sentences are given when there are public protection issues and so any benefit to the individual must carefully be weighed against the risk to the public. There should be a clear management plan in place to allow for the risk to be managed safely. Relevant specialist units must have the opportunity to contribute to the categorisation assessment.

7.12 At initial categorisation there may be no recent custodial history and little information available to assess an individual as meeting these criteria. Every effort must be made to obtain information necessary to make an informed decision. Where there is insufficient information to determine that risks are manageable in open conditions, closed conditions are more likely to be appropriate.

7.13 Unless the risk of serious harm to the public is assessed as low, Category D/Open is not appropriate at initial categorisation given the low physical security and community-facing nature of the open estate. The degree of risk of serious harm to the public and the nature of that risk will normally be identified through an OASys assessment, but where this is not available then the risk must be assessed through other means, such as from other documents prepared for

court such as the Risk of Serious Harm assessment (RoSH) or Offender Group Reconviction Score (OGRS). In circumstances where insufficient information is available at the point of initial categorisation, a period of assessment in closed conditions may be necessary.

- 7.14 Any individual on the E-List must not be categorised to Category D/Open.
- 7.15 Where an individual has previously been identified as posing a risk of escape, the assessment must consider when this was recorded and the nature of the information.
- 7.16 Determinate sentence individuals with an “abscond history” must not be categorised to Category D/Open. An individual has an “abscond history” for the purposes of this policy when they have: absconded from open conditions; failed to return from a period of ROTL; been convicted of a criminal offence that took place while on ROTL or escaped or attempted to escape from custody and where that event:
- took place within two years before the date of the recategorisation underway, the target date for the next parole hearing or the first date of the proposed ROTL; or
 - any of these events have occurred more than once during the current sentence.
- 7.17 There is a presumption that an individual serving a determinate sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003 will be unsuitable for Category D/Open unless there are exceptional circumstances and the categorisation decision is approved by the Governing Governor of the establishment in which the individual is held. If approved, the date the approval was given and the reasons and justification for the decision must be recorded in the DCS. In any such cases, input to the categorisation assessment from the Regional Counter-Terrorism Team must be obtained and used to inform the categorisation risk assessment.
- 7.18 The particular conditions and regime of the open estate mean that only those with less than three years left to serve to earliest release should normally be considered for open conditions. Where individual circumstances indicate that Category D/Open would be appropriate with three years or more left to serve, a recommendation for Cat D/Open should be made to the Governing Governor of the establishment in which the individual is held, who must decide whether or not to approve the recommendation. If approved, the date the approval was given and the reasons and justification for the decision must be recorded on the DCS.
- 7.19 When considering anyone for Category D/Open, steps must be taken to 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 scheme have certain statutory rights, which include being notified (through the Victim Liaison Officer - VLO) of key stages in an individual’s sentence. Categorisation to Category D/Open is a key stage. Any victim who has elected to be updated about an individual’s key stages is required to be notified when an individual is being considered for Category D/Open; when the outcome of that assessment is known and again once the move has taken place. It is the responsibility of the POM to inform the VLO at each stage in the process.

8. **RECATAGORISATION**

Timing of Review

- 8.1 Categorisation reviews ensure that individuals continue to be assigned to the security category most appropriate to managing their risk throughout their time in custody. The aim is that they will, at all stages of their sentence, be held in the lowest security conditions necessary to manage the identified risk.

- 8.2 A non-routine review of an individual's security categorisation must take place whenever there is a material change in circumstances that impacts security risk, or information is identified (including existing information not considered before) that indicates that the individual cannot safely be managed in the current security conditions. This may be either an increase or a reduction in risk. Such reviews can take place at any time.
- 8.3 The maximum time between categorisation reviews is based on the individual's current category and time left to serve to their earliest release date. The earliest release date for standard determinate sentence individuals will generally be the CRD. For sentences with a PED it will be the PED.
- 8.4 The earliest release date for standard recalls may not be known until the Parole Board 28-day review is finalised. Where necessary, the timing of the next review should be amended once the outcome of the review is known.
- 8.5 Adult individuals serving a determinate sentence and held in closed conditions (Categories B and C) must be reviewed every 12 months until they have less than three years left to serve to earliest release. At this point routine reviews must be 6-monthly. Where the time left to serve to earliest release at the point of initial categorisation is less than three years, 6 monthly reviews will commence immediately.
- 8.6 For ISPs, including those serving a determinate sentence at the same time as an indeterminate sentence, categorisation reviews should take place in line with scheduled sentence planning reviews unless the individual needs to be able access a progression opportunity (such as training or treatment) at a prison of a lower category, in which case there will be a categorisation review at that point, outside of the planned sentence planning timetable.
- 8.7 Individuals assigned Category D/Open but held in the closed estate will have a routine recategorisation review in line with the timescales described above, to assess whether this category remains appropriate.
- 8.8 Individuals held in Category D/Open will not have routine reviews of their security category but may be recategorised to higher security at any time if risk increases, or if there is a material change in circumstances that impacts security risk, or information (including existing information not considered before) is identified that indicates that the individual cannot safely be managed in the current security conditions.
- 8.9 There is no mandated routine review of categorisation for Young Adults until they are turning 21 (see **Young Adults** section). Their categorisation can, however, be reviewed at any time if a change in circumstances indicates they would be suitable for open conditions or need heightened security measures.
- 8.10 Individuals subject to a standard recall, including those with further charges, will have their categorisation reviewed within 10 days of their return to custody. On reception back into custody, individuals subject to a standard recall retain the security category assigned to them on release until this categorisation review is completed and must not be marked as unclassified/unconvicted.
- 8.11 An individual's routine recategorisation review must not be withheld or delayed to await the outcome of a parole hearing. The review should take place at the normal time but, unless there is an urgent need to transfer the individual for security, compassionate or discipline reasons, or because the individual needs to complete necessary offending behaviour work, they should not be transferred until the parole dossier is complete (more information is available in the 'Generic Parole Process Policy' framework available from the 'gov.uk' web service. If the individual is moved before the dossier is completed, then it is the responsibility of the sending prison to complete the dossier. Moves of ISPs to open conditions will normally require a recommendation

from the Parole Board and all such decisions sit with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State.

- 8.12 The categorisation review must assess the individual's current risks, information about their behaviour in custody and positive efforts made towards rehabilitation, and whether the identified risks can be managed in a different (lower) level of security. At the review stage there will be a greater degree of information available including from OASys, other risk assessments as well as evidence about behaviour and rehabilitation.
- 8.13 There must be processes in place to ensure that information relevant to the assessment is provided by various departments (for example, Key Worker, Security, Prison Intelligence Unit, Probation, Interventions, Education and Psychology) in a timely manner.
- 8.14 Where an individual is serving a determinate custodial sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003 or an indeterminate sentence for a terrorist or terrorist connected offence, input to the categorisation assessment from the Regional Counter-Terrorism Team must be obtained and used to inform the categorisation risk assessment.
- 8.15 Prisons should, wherever possible, support individuals to make representations in advance of their scheduled categorisation review. Where representations are received, these must be considered as part of the assessment process.

Recategorisation to Lower Security Conditions

- 8.16 Recategorisation to a lower security category is not an automatic progression or right but must be based on an assessment that the individual can safely and securely be managed in lower security conditions. For example, someone in Category B whose risk of harm to the public continues to be assessed as high but whose risk to others in custody, risk of escape or of presenting serious control issues are all assessed as low, may be suitable for Category C on the basis that that is a closed, secure prison which limits any potential to cause harm to the public.
- 8.17 All available information and positive aspects of behaviour must be taken into account as part of the risk assessment, including the extent to which the individual engages successfully with the prison regime, work and training opportunities. Good behaviour on its own is not, however, sufficient reason to recategorise to a lower security category. An individual displaying outwardly good behaviour may be involved in serious organised criminal activity within the prison or intimidation and bullying of others which would make them unsuitable for recategorisation to lower security conditions. The Security Department must therefore make the POM aware of any information or intelligence relevant to the categorisation assessment.
- 8.18 At recategorisation, knowledge of the individual and custodial history will support a fuller risk assessment than might be possible at initial categorisation. Factors to be taken into account in assessing suitability for low security conditions will include the nature of the offence; any outstanding charges or proceedings such as a Serious Crime Prevention Order or an ongoing confiscation order which the individual may seek to avoid by absconding or which could put the individual outside the eligibility timeframe for open conditions if there is a potential default sentence; custodial history including previous breaches of trust; information about ongoing criminal activity in custody; and risks highlighted by MAPPA.
- 8.19 In some cases, risk reduction and suitability for lower security conditions can be evidenced by successful completion of offending behaviour work, but where this hasn't been available or appropriate, staff must look to other sources of information regarding suitability for the lower security category. In assessing recategorisation from B to C consideration should be given to whether outstanding offender behaviour work can be completed in a lower category prison where there is other evidence of appropriate risk reduction.

8.20 In cases where it is proposed to recategorise an individual from Category B to C where they have been held as confirmed Category A/RS in the preceding five years, the prison must consult the HMPPS Category A Team before a decision is taken. The Category A Team will then review the relevant Category A file, the Executive Director's views at the time of the downgrade to Category B, and consider the rationale for the recommendation for Category C. The Category A Team will then make a recommendation to the Governing Governor of the establishment in which the individual is held, for a decision. The Governing Governor's decision must be recorded on the DCS with date the decision was taken and the reasons and justification for the decision.

Recategorisation to Category D/Open Conditions

8.21 To be eligible for categorisation to Category D/Open conditions, a standard determinate sentence individual (with no PED) must generally have less than 3 years left to serve to the CRD. A determinate sentence individual with a PED must generally have less than three years left to serve to PED *and* less than five years to automatic release and in either case, if they are a foreign national offender who is subject to a deportation order, must not have exhausted all appeal rights from within the UK against deportation (see **Foreign National Offenders** section). In addition, the individual must be assessed as:

- low risk of abscond;
- low risk of harm to the public or has a suitable plan in place to manage identified risk;
- unlikely to continue criminality while in custody;
- unlikely to otherwise take advantage of the low security or disrupt the good order/regime of the open estate.

8.22 Determinate sentences that have a PED include most Extended Determinate Sentences (EDS), sentences for offenders convicted under the Terrorist Offenders (Restriction of Early Release) Act 2020 (TORERA), and Sentence for Offenders of Particular Concern (SOPC) under s236A of the Criminal Justice Act 2003. It will also include those who are serving legacy determinate sentences that have a PED, including Extended Sentences for Public Protection (EPP). Any individual serving a determinate sentence with a PED will have their release at PED considered by the Parole Board who will make a direction regarding release to PPCS, but the categorisation assessment to D/Open is for the prison.

8.23 Subject to constraints set out elsewhere in this framework, categorisation to D/Open in advance of PED will enable appropriate individuals to demonstrate to the Parole Board that they are suitable for release. However, these sentences are given when there are public protection issues and so any benefit to the individual must carefully be weighed against the risk to the public. There should be a clear management plan in place to allow for the risk to be managed safely. Relevant specialist units must have the opportunity to contribute to the categorisation assessment.

8.24 An individual's OASys assessment is expected to be reviewed at points of significant change in circumstances such as before categorising a person to Category D / open conditions. The review should be used to inform and evidence the categorisation decision.

8.25 In cases where the individual is considered to present a high or very high Risk of Serious Harm to the public or to others, there must be an appropriate risk management plan in place. This must detail how the individual can safely be managed given the low physical security conditions and community-facing nature of the open estate.

8.26 An individual on the E-List must not be categorised to Category D/Open.

- 8.27 Where an individual has previously been identified as posing a risk of escape, the assessment must consider when this was recorded and the nature of the information.
- 8.28 Determinate sentence individuals with an “abscond history” must not be categorised to Category D/Open. An individual has an “abscond history” for the purposes of this policy when they have: absconded from open conditions; failed to return from a period of ROTL; been convicted of a criminal offence that took place while on ROTL or escaped or attempted to escape from custody and where that event:
- took place within two years before the date of the recategorisation underway, the target date for the next parole hearing or the first date of the proposed ROTL; or
 - any of these events have occurred more than once during the current sentence.
- 8.29 There is a presumption that an individual serving a determinate custodial sentence for an offence described in section 247A(2) of the Criminal Justice Act 2003 is unsuitable for Category D/Open unless there are exceptional circumstances and the categorisation decision is approved by the Governing Governor of the establishment in which the individual is held. If approved, the date the approval was given and the reasons and justification for the decision must be recorded on the DCS. In any such cases input to the categorisation assessment from the Regional Counter-Terrorism Team must be obtained and used to inform the categorisation risk assessment.
- 8.30 Determinate sentence individuals on a standard (Section 254) recall must not be categorised by the prison to the open estate until the Parole Board 28-day review is finalised.
- 8.31 Recalled ISPs must have their suitability for open conditions considered by the PPCS on behalf of the Secretary of State. This will normally require a recommendation from the Parole Board. The final decision sits with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State.
- 8.32 The requirement that those serving a determinate sentence with a PED should generally be both within 3 years of PED and 5 years of CRD means that some, particularly those with a longer sentence, will not be in general scope for consideration for Category D until they are within one or two years of PED. Those with a very long sentence may have reached PED before they are within 5 years of CRD. Once an individual has reached PED they are eligible for consideration for Category D/Open irrespective of the time left to serve to CRD. Each case is considered on its individual merits and, where Category D/Open is recommended outside the general timescales referred to above, the categorisation decision must be taken by the Governing Governor of the establishment in which the individual is held. If approved, the reasons and justification for the decision must be recorded in the DCS.
- 8.33 When considering anyone for Category D/Open, steps must be taken to 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 scheme have certain statutory rights, which includes being notified (through the Victim Liaison Officer - VLO) of key stages in an individual’s sentence. Categorisation to Category D/Open is a key stage. Any victim who has elected to be updated about an individual’s key stages is required to be notified when an individual is being considered for Category D/Open; when the outcome of that assessment is known and again once the move has taken place. It is the responsibility of the POM to inform the VLO at each stage in the process.

Recategorisation to a Higher Security Category

- 8.34 An increase in an individual’s security category must be based on an assessment that the risks or behaviour presented can only be managed in conditions of higher security.

- 8.35 Recategorisation to a higher security category may be an immediate response to an incident or a material change in circumstances that impacts security risk, or information (including existing information not considered before) is identified that indicates that the individual cannot safely be managed in the current security conditions. For Category D/Open, this will usually mean the individual must quickly be transferred to closed security conditions. Where possible, the aim should be to complete the recategorisation assessment before transfer. Where operational needs mean the individual must be transferred before this can be completed or approved, then the sending prison must complete the assessment subsequently, or forward all necessary information to the receiving prison within two working days of transfer, in order that the recategorisation can be completed at the new prison.
- 8.36 For ISPs transferred back to closed conditions, the prison must only formally recategorise the individual once the PPCS on behalf of the Secretary of State has confirmed that the individual must be held in closed conditions.
- 8.37 For those in Category C, the recategorisation process must, wherever possible, be completed prior to transfer to a prison of higher security. This must include an assessment of why the risks or behaviour can only be managed in conditions of higher security. It is not enough simply to record that Category C is no longer suitable. The decision and reasons must be recorded on the DCS. If there are security concerns that prevent full disclosure of the reasons for recategorisation, particularly in cases where the recategorisation may be based on the Security Department's assessment of intelligence, then it must be recorded separately (see **Withholding Information** section).

Remaining in Current Category

- 8.38 If it is considered that the individual needs to remain in their current security category then the reasons why these security conditions are considered appropriate must clearly be recorded, together with any recommendations for actions required to evidence a reduction in risk and progression at a subsequent review.

9. GENERAL PRINCIPLES OF CATEGORISATION ASSESSMENTS

- 9.1 Security categorisation decisions must be made in accordance with Prison Rules, other relevant legislation, and the principles set out in this framework.
- 9.2 Security categorisation decisions must be based on individual security risk assessments taking account of all available information. The list is not exhaustive but may include any of the following:
- Previous Convictions (if any);
 - Details of current offence(s);
 - Current custodial record;
 - Previous record;
 - Security Department assessment of relevant evidence and intelligence;
 - Public Protection information (MAPPA) (if eligible);
 - Prisoner Escort Record (PER) form;
 - OASys (if opened prior to sentence) or Pre-Sentence Report (PSR) or other assessments prepared for the court;
 - Any relevant and available information from the police or other law enforcement agency.
- 9.3 All categorisation decisions must be fair, objective and consistent with current policy.

- 9.4 It is important to consider the characteristics of the estate for which the individual is being assessed, taking account of physical and procedural security, and supervision levels. This is particularly important when considering whether to categorise to open conditions. Because of the particular characteristics of the open estate, categorisation to Category D/Open must be based on the individual's manageable risks.

Digital Categorisation Service (DCS)

- 9.5 The DCS is an online form and the mechanism for making, recording and justifying categorisation decisions. It supports staff in identifying relevant risk factors and reaching a decision on an individual's security needs but does not make categorisation decisions itself. It:
- Provides a consistent framework for staff to record information about the various risk factors;
 - Automatically highlights risk information to staff where available, to reduce the amount of manual checks required during the assessment process;
 - Records previous categorisation assessments to support case management;
 - At initial categorisation, provides a suggested categorisation as a starting point, which must then be reviewed by staff and changed where appropriate.

Gathering and Sharing Information

- 9.6 There must be effective and lawful procedures in place for the person taking the categorisation decision to obtain relevant information including from within HMPPS and law enforcement agencies and that the use and handling of any sensitive material is in line with current guidance, including the 'Intelligence Collection, Analysis and Dissemination' Policy Framework.

Disclosure

- 9.7 The categorisation decision taken is significant to the individual in question and it is important that it is relayed to them in a timely and appropriate manner. The Governor must ensure that there are processes in place to ensure that individuals understand the process for making categorisation decisions, as well as why a particular decision was made in their case. It will generally be the POM who communicates the categorisation decision to the individual who is being categorised.
- 9.8 Individuals may request a printed copy of their categorisation assessment. If they do so they must be provided with a copy within 3 working days, except for any restricted information (see '**Withholding Information**' section).
- 9.9 If the individual has difficulty understanding the assessment, an explanation must be given verbally or in a manner and format which the individual understands.
- 9.10 An individual who knows their categorisation is being reviewed may be hoping for a favourable result. Staff involved in notifying the individual of his categorisation decision must be aware of the possibility that an adverse or disappointing outcome could lead to self-harm and suicide. It is important to be alert for any signs that the individual's risk of harm to themselves has increased. An individual who has been disappointed may also become violent to staff or other prisoners. More details of how to manage these situations are in PSI 64/2011 ('Management of prisoners at risk of harm to self, to others and from others').

Withholding Information

- 9.11 All intelligence and security department assessments must be handled in line with the 'Intelligence Collection, Analysis and Dissemination' Policy Framework. Information may be withheld from the individual where necessary in the following limited circumstances:
- In the interests of national security;
 - For the prevention, detection, investigation or prosecution of crime or disorder, including information relevant to prison security and good order and discipline;
 - For the protection of a third party who may be put at risk if the information is disclosed;

- If on health grounds it is felt necessary to withhold information where the mental and or physical health of the individual or a third party could be impaired;
- Where the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim or would generally prejudice the future supply of such information.

9.12 Information withheld under these circumstances must be recorded separately. If it is information critical to the categorisation decision then the individual must be informed, in general terms, what the information is that has been relied on in sufficient detail to enable them to bring meaningful representations. In such cases, they must be provided with summary of the information that does not disclose the source material. The 'Intelligence Collection, Analysis and Dissemination' Policy Framework provides guidance on drafting for this purpose.

Representations

9.13 Anyone with concerns about their security categorisation decision should be encouraged in the first instance to raise these with their Key Worker. Their Key Worker must, where the nature of the concern requires, pass these concerns onto the POM to provide a fuller explanation of the process and reasons for the decision.

9.14 If the individual wishes to challenge either the decision or the reasons given for the decision, then representations must be made to the POM using the process set out in the Prisoner Complaints Policy Framework. Representations should normally be submitted within 28 days of the individual being advised of the categorisation decision. Any complaint should be considered by a suitably qualified manager who may direct that the decision is reconsidered.

9.15 A reconsideration would be appropriate if:

- Policy has not been followed, or
- Relevant information available at the time was not considered, or
- Information relied upon is factually incorrect, or
- Any other reason is considered appropriate by the manager.

9.16 Any reconsideration will involve retaking the decision afresh looking at all the information that was available at the time of the original decision as well as considering any further information not available when the original decision was made. This will usually be carried out by a person senior to the person who approved the original decision.

9.17 An individual who has challenged their categorisation decision will be hoping for a favourable result. Paragraph 9.10 above deals with managing adverse categorisation outcomes. The same applies when notifying an individual of the results of any representation about their category.

9.18 Prisons must keep a record of the number of complaints relating to security categorisation decisions and the outcome of the fresh consideration. This will form part of the data for analysis of fair and sound decision making.

10. FOREIGN NATIONAL OFFENDERS

10.1 Foreign National Offenders (FNOs), including those subject to enforcement proceedings under the Immigration Act 1971, must be categorised/recategorised for closed conditions in the same way as all others.

10.2 Those FNOs with no liability for deportation must be categorised for Category D/open conditions in the same way as all others. These are individuals who:

- do not match the initial criteria for deportation, or

- have been considered for deportation by the Home Office and it has been decided that they may remain in the UK, or
- are not subject to any removal procedures.

10.3 An FNO in closed conditions must not be categorised to Category D/open conditions where there is a deportation order against the prisoner under section 5(1) of the Immigration Act 1971 and no appeal is on-going, could be brought or is pending as provided in Rule 7(1A) Prison Rules 1999. Under Rule 7(1C) Prison Rules 1999, any FNO in open conditions who subsequently has a relevant deportation status must have their categorisation reconsidered as soon as practicable. These individuals are referred to as Appeal Rights Exhausted (ARE).

10.4 FNOs with a “liability for deportation” must be considered for categorisation to Category D/open conditions but that categorisation must be informed by a CCD3 completed by the Home Office and procedures must be in place to obtain this where relevant. The CCD3 will provide deportation status information relevant to the security categorisation assessment. In particular, the Home Office will advise of any individual circumstances that might increase or decrease, the incentive to abscond from open conditions in order to evade enforcement proceedings. The definition of those with a “liability for deportation” is those individuals who are:

- confirmed by the Home Office as meeting the initial criteria for deportation - whether the individual has been informed of this or not, or
- have received a formal notice of liability for deportation, or
- have received a deportation order with appeal rights in the UK remaining, or
- fall below the threshold for deportation but are being considered for or made subject to removal from the UK.

10.5 If an individual has been categorised to Category D/Open before their deportation status has been notified, or if their deportation status changes (including a deportation order being revoked), their categorisation must be reconsidered as soon as practicable after the prison is notified.

10.6 Where that change is that the individual has now exhausted appeal rights from the UK (ARE) any individual categorised Category D/Open but still held in the closed estate, must be recategorised to closed conditions. Any individual held in the open estate must have their categorisation reviewed but can remain in the open estate if all risks continue to be assessed as low.

11. INDETERMINATE SENTENCE PRISONERS (ISPs)

11.1 ISPs being assessed for closed conditions must be risk assessed in the same way as all others: there is no requirement that they must initially be categorised to Category B if Category C is considered appropriate. The prison is not responsible for assessing ISPs for open conditions. Moves of ISPs to open conditions will normally require a recommendation from the Parole Board and all such decisions sit with officials in Public Protection Casework Section (PPCS) on behalf of the Secretary of State. Once the Secretary of State has decided an ISP is suitable for open conditions, prisons must categorise them as Category D/Open.

12. RECALLS

12.1 Individuals subject to a Fixed Term Recall (FTR) will not normally be categorised. Where there is a need to reallocate a FTR from the Reception prison, a review of their category must first be undertaken.

12.2 Individuals recalled from Home Detention Curfew (HDC) for breaching curfew conditions (Section 255 recall) do not need to be categorised if they are within 28 days of release.

12.3 Individuals subject to a standard (Section 254) recall must be recategorised within 10 working days of their return to custody including where there are also further charges against the individual. In such cases, the security categorisation review must be completed with reference to the individual's previous categorisation and recategorisation assessments. In addition, the assessment must consider:

- security category at release;
- circumstances resulting in the recall;
- the nature of any further charges;
- length of time the individual was on licence prior to recall;
- number of times the individual has been recalled.

12.4 Determinate sentence individuals on a standard (Section 254) recall must not be categorised by the prison to the open estate until the Parole Board 28-day review is finalised. It is open to the prison to schedule a further review of category following the Parole Board review where appropriate.

12.5 Recalled ISPs must have their suitability for open conditions considered by the PPCS on behalf of the Secretary of State.

13. YOUNG ADULTS

13.1 Young Adults (18-20) will be held in Young Offender Institutions (YOIs) or dual-designated YOIs and prisons. There is no mandated routine review of categorisation for Young Adults until they are turning 21. This is because there is no sub-division of the closed estate between category C and B, and, for those unsuitable for open conditions at initial categorisation, the need to spend sufficient time in closed conditions where their behaviour can be observed. Their categorisation can, however, be reviewed at any time if a change in circumstances indicates they would be suitable for open conditions or need heightened security measures. In categorising Young Adults, particular consideration should be given to the maturity of the individual in deciding on the appropriate category.

Recategorisation to the adult estate on turning 21

13.2 A young adult male individual held either in a YOI or a dual-designated YOI/prison must be categorised to the adult estate in the months preceding their 21st birthday so that the transition can proceed seamlessly. It should not be necessary for a young adult to be transferred from a young offender institution or dual designated YOI/prison to a local prison for categorisation and allocation, but instead they should be allocated directly to an appropriately secure prison in the adult estate.

13.3 It should be the aim to transfer the individual to the adult estate on, or soon after, their 21st birthday other than where there are exceptional or compassionate reasons (such as completion of offending behaviour work; closeness to family; completion of educational work; unavailability of suitable places in the adult estate). The recategorisation assessment should be completed before the individual turns 21.

Recategorisation to the adult estate ('starring up')

13.4 A young adult must only be reclassified to the adult estate in exceptional circumstances. The security and supervision afforded by the adult estate must be evidenced as necessary to meet any of the categorisation criteria set out at paragraph 1.2 of this framework. This process applies also to young adults held in a dual-designated YOI/prison.

13.5 The assessment to transfer an individual to the adult estate must involve confirmation that their sentence type does not prohibit this, consultation with the establishment's Independent Monitoring Board (IMB), the completion of a maturity assessment, an assessment of the risk of self-harm, a plan to support the individual's well-being and completion of a recategorisation assessment on the DCS. The decision to move a young adult to the adult estate must be approved in writing by the Prison Group Director (PGD) of the holding prison. The date the approval was given and the reasons in support of the decision must be recorded.

14. TRANSGENDER PRISONERS

14.1 Any transgender individuals must be categorised in accordance with the security conditions applying to the estate in which they are held.

14.2 Where it is proposed to transfer a transgender individual between the male and female estates, their categorisation should be assessed in line with the policy applying to the estate to which they are moving.

14.3 For further information relating to the support and management of transgender individuals, please see 'The Care and Management of Individuals who are Transgender' policy framework.

15. RETURNS FROM INPATIENT MENTAL HEALTH SERVICES

15.1 Patients returning to prison from inpatient mental health services will return to the reception prison nearest to the hospital in which they have been detained. There will be some specific cases where this does not occur; for example patients who were previously Category A prisoners must be returned to a Category A prison. Prisoners who meet Long Term High Security Estate (LTHSE) criteria will be remitted to the most suitable LTHSE prison. In all cases this will not necessarily be the same prison from which they were admitted. If for any reason, the nearest reception prison is unable to accept the patient, it is the responsibility of the Governing Governor of that prison or the relevant Prison Group Director to source an alternative prison willing to accept the patient.

15.2 The expectation is that the Reception prison will have been involved in a meeting under section 117 of the Mental Health Act 1983 prior to the patient being returned to prison custody.

15.3 The individual's security category must be reviewed within 10 working days of remittance and include an assessment of prison security and related files returned by the hospital and the hospital's own security and intelligence files relating to the individual's time in their care. The individual's core record will need to be obtained from the discharging prison.

15.4 Any Category A prisoner returning to prison custody from Special Hospital must be reported into the Category A Team at Headquarters.