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Making Progress?

What progression means for people serving the longest sentences.

Ben Jarman and Claudia Vince

Building Futures is the Prison Reform Trust's 5-year, National Lottery funded programme exploring the experiences of people serving long prison sentences. The programme aims to give a voice to people serving sentences of over 10 years in custody, providing them with the space to advocate for themselves, bringing about change from within the system and shedding light on the human cost of long-term imprisonment. Through consultation, advocacy and research, Building Futures will work alongside those with direct experience of long-term imprisonment to demonstrate the true impact of ever-increasing sentence lengths.

prisonreformtrust.org.uk/project/building-futures

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Executive Summary

This report presents the findings of a prisoner consultation carried out by Prison Reform Trust's Building Futures programme. Initial scoping work on the programme revealed that sentence progression was a major concern of people serving long sentences. For some time, worries about progression have formed a significant part of the caseload of our Advice and Information service.¹ We carried out the consultation remotely and via a series of roundtable events. Around 100 responses were received to the consultation, which asked prisoners to reflect on four questions relating to their progression.

Section 2 of the report describes the structure of the different kinds of long sentences being served by consultation respondents. It also unpacks two key terms in the consultation responses that follow.

The first is 'risk'. Prisons assess and manage a large variety of risks and the term is used in many ways. For clarity's sake, we therefore take some time in section 2.2 to unpack the term 'risk': what different forms it takes, what we mean by it in the report, and some of the reasons prisoners appear to become confused or disillusioned by the apparently simple proposition that they are required to reduce it.

The second key term is 'progression'. Prisoners who responded to the consultation tended to understand 'progression' to mean something more broad than 'risk reduction' and a gradual reclassification into lower-security conditions as they neared the date of their release. Sections 2.3 and 2.4 question whether 'risk reduction' alone can provide a coherent basis for thinking about 'progression', given that many sentences are now decades long, meaning that offence-related rehabilitative work may be completed many years before risk can be adequately tested in the community. We suggest that what ideas of 'progression' will engage prisoners will depend on factors beyond risk, including the age they are at conviction, and the length of their sentences. This, we suggest, points to the need for an individualised, personalised approach to 'progression', sensitive to the individual circumstances of the person whose sentence is being planned.

Section 3 sets out the findings of the consultation. Section 3.2 shows how many long-term prisoners felt confused and uncertain about how they were meant to progress or to make positive, productive use of their time. Many believed that compliance and the completion of offending behaviour programmes (OBPs) were the only expectations coming to them from the prison, and some pointed out that mere compliance offered very little to motivate or challenge them over the long term. Their evaluations of OBPs were mixed, but there was a consensus that only in rare cases was participation in them enough to secure a progressive move, leading to the perception that the sentence plan left many 'stagnant' years in the sentence. Respondents also described problems where information used in risk assessment could appear inaccurate, irrelevant or out-of-date. We suggest that for many, there is a mismatch between what prisons appear to expect from them (broadly, compliance), and what will secure their own development.

¹ <https://www.prisonreformtrust.org.uk/information-and-advice/>

This led to challenges that some respondents called ‘nothing time’: the years, often in the middle part of the sentence, where the sentence felt purposeless and stagnant. Section 3.3 presents responses from those who described how they had tried to give these years purpose and meaning, for example by pursuing their own plans and objectives. Educational opportunities were of major interest to many in this group, but all kinds of prison work and other activities were described as worthwhile. Many thought that achievements in these areas went under-recognised by prisons. Respondents also suggested it was difficult to access the right opportunities, and difficult to have their efforts taken seriously and recorded by the prison. Some said taking responsibility for their own personal development required initiative, persistence and determination, and often also strong reading and writing skills to put their case to the prison. These are not possessed by all prisoners.

Section 3.4 discusses respondents’ views on casework and on how their relationships with staff affected their progression. These views were mixed. There was positive feedback on recent changes in policy, especially relating to the introduction of the Offender Management in Custody (OMiC) policy framework. In particular, the introduction of the keyworker role was positively received by those in prisons where keywork was operational. However, respondents also expressed the view that the Prison Offender Managers (POMs) and Community Offender Managers (COMs) relationships were distant and remote, and that these did not always take account of information that the respondent saw as relevant to their personal development. In fact, respondents noted that officers on the wings, whom they saw and interacted with daily, should be more directly involved in recording information relevant to progression, as they are most likely to notice positive changes in behaviour.

Finally, in section 4, we set out the recommendations arising from this consultation which draw on contributions from prisoners to set out ways of improving the routes to progression for long-sentenced prisoners.

1. Introduction

1.1 The Building Futures programme

Building Futures is the PRT's five-year, National Lottery funded programme exploring the experiences of people serving long prison sentences. The programme aims to give a voice to people serving sentences of over ten years in custody, providing them with the space to advocate for themselves, bringing about change from within the system and shedding light on the human cost of long-term imprisonment. Through consultation, advocacy and research, Building Futures will work alongside those with direct experience of long-term imprisonment to demonstrate the true impact of ever-increasing sentence lengths.

A fundamental component of this work is the development of a network of prisoners and former prisoners with direct experience of long-term imprisonment, to allow for impactful collaboration with those the programme represents. The Building Futures Network (BFN) is made up of members of PRT's Prisoner Policy Network (PPN), which was launched in July 2018 and now has an active membership of roughly 900 prisoners, former prisoners, and family members of prisoners.

Using knowledge and expertise learnt from building the PPN, the BFN provides people with experience of long-term imprisonment a platform from which to contribute their thinking and expertise on the policies that affect their lives. Their priorities and concerns drive the programme's strategic direction, with this work on progression having been indicated by BFN members as something the programme should work on.

The BFN began work remotely in September 2020 and now has a membership of over 400 long-term prisoners and former prisoners. PRT is now working with a number of prisons to set up working groups composed of serving prisoners who have experience of long-term imprisonment. The aim for these groups is to capture the diversity of the population of people serving long prison sentences, including women, young adults and older prisoners.

1.2 Purpose of this consultation

Through our early scoping work, it became clear that many long-sentenced prisoners believed sentence progression should be a priority for the project. PRT's Advice and Information service team also stressed that a substantial proportion of their contact with long-term prisoners revolves around progression.

Our preliminary analysis of segments from Ben Jarman's PhD interviews² also captured concerns expressed by life-sentenced prisoners in men's prisons that opportunities for progression were few and expectations about how they should or could 'reduce risk' were both formulaic and lacking in individual detail. A common theme in these interviews was that progression policies do not consider individual circumstances, particularly in relation to personal development goals that matter to prisoners themselves.

² Ben's PhD is based on interviews with 48 men in two prisons who were all serving life sentences for murder. It investigates how they experienced and thought about the past, present, and future, and their ethical responses to being convicted and punished for such a serious offence.

This BFN consultation on progression builds on this existing work. It provides space for long-term prisoners to share their experiences and advocate for what they believe to be the most important improvements in this area.

In presenting their views about progression and their suggestions for how it should be changed, we seek to start a process by which they can influence policy and practice. At the end of this report, we present a series of recommendations which are directed at government, Her Majesty's Prison and Probation Service (HMPPS), the Ministry of Justice, the Parole Board and individual prison governors. These recommendations identify areas of improvement that are necessary to ensure the processes of progression for long-term prisoners are reachable, effective and clearly communicated to prisoners themselves.

1.3 Methods

This consultation was launched on 29 June 2021, when the BFN comprised of approximately 200 long-sentenced prisoners. Four initial open questions were sent via emailprisoner.com to 131 members of the BFN:

1. How long are you currently serving and what age were you when you received this sentence?
2. When you've progressed in your sentence, what and who made that possible?
3. What do officials making decisions about your progress take into consideration, and what don't they know about that they should?
4. When you develop as a person, do you also progress through your sentence plan and the prison system? Should you?

These generated a total of 61 separate written responses via emailprisoner.com and letter. We conducted a preliminary analysis of these responses to identify themes we wished to follow up with all respondents, as well as noting specific issues we wanted to follow up with individuals. We then sent general follow-up questions to all those who had responded to the original questions by a deadline, and specific follow-up questions to all those we had noted as wanting to investigate a specific issue further. In total, 41 people were sent follow-up questions and 40 responded with one or more further letters or emails.

After responses had been received and compiled, we identified key themes and areas of interest.

The report that follows explores these areas, structured alongside the main components that make up progression through a long sentence, all explained through the voices of long-term prisoners.

As a result of the Covid-19 restrictions in prisons (which were only beginning to be lifted as we began work on the consultation), most contact was unavoidably via emailprisoner.com and letters. This has enabled us to build and sustain the network despite restrictions on face-to-face contact.

Whilst valuable in securing us direct contact with prisoners in times of restricted access, these methods also have limitations relating to accessibility and reach. People who are not confident in their reading and writing abilities may have been disadvantaged by this means of communication, and may have either hesitated to respond, sent brief responses, or felt unable to participate. We sought to remove some access barriers by using pre-paid reply slips in emailprisoner.com and giving a Freepost address so that those who wished to could respond by letter at greater length. Some of those who responded by email appeared constrained by the one-page reply sheet limit on emailprisoner.com (for example because they wrote in tiny script and referred to the lack of space). Even so, we received more than one reply sheet from some respondents who wrote unprompted to add further information, possibly because of our having sent another reply sheet when we acknowledged receipt of the first.

It is worth noting that we only received three responses from women. This is likely in part to be because so many more men than women are serving long sentences.³ However, it may well also reflect access issues like those described above. More tailored, gender-specific engagement work is needed with women and with younger men. We will address this by facilitating working groups in several more prison sites as the Covid-19 restrictions on regimes make this possible. Our programme's future work will therefore involve direct collaboration with women and younger men serving long sentences, to ensure that their perspectives are included.⁴

The intention, for both the men's and the women's long-term prison population, is that as well as providing recommendations for improvements that should be made now, this report will also inform continuing engagement on this subject.

The constraints under which the work was carried out may mean responses from people in custody with higher levels of education and literacy are over-represented in it. We cannot claim that responses are representative of the long-term prisoner population more broadly, only that they are a faithful representation of the views of those we were able to consult during the pandemic. Whether they represent variations among long-sentenced prisoners on characteristics such as race, gender, age, or religion is not something we can assess. Those consulted are likely to be more inclined to respond to consultations of this kind and more confident describing their views in writing. This may skew the views represented here towards those in the long-sentenced population who are older and more educated.

So, the Building Futures team will 'road test' these findings with a more diverse sample of long-sentenced prisoners. When restrictions on prison access eased during the summer of 2021, we facilitated some in-person discussion groups with our Building Futures Working Groups in HMP Rye Hill and HMP Swaleside.⁵ This has provided opportunity for more unstructured, face-to-face discussion with the groups, giving space for individuals to contribute who may not have felt comfortable with expressing themselves in writing. Further such discussions, putting the findings from this written consultation to the test and seeking feedback and modifications to them, will

³ See https://prisonreformtrust.org.uk/wp-content/uploads/2021/10/Long-term-prisoners_the-facts_2021.pdf for a breakdown of the long-term prison population by gender

⁴ See http://www.prisonreformtrust.org.uk/wp-content/uploads/2022/02/invisible_women.pdf

⁵ Building Futures Working Groups are made up of long-sentenced prisoners who are recruited to help manage the programme from inside prison establishments. They work with the BF team and help to define programme priorities, facilitate discussion groups and advocate for the needs of this cohort.

take place as the programme of work continues and as new Building Futures Working Groups are established in new prisons.

1.4 Who contributed?

We received responses from people serving a range of sentences including life sentences, Imprisonment for Public Protection (IPP), determinate sentences, extended determinate sentences (EDS) and (in Scotland) Order of Lifelong Restriction sentences (OLR).⁶

Respondents' ages ranged widely, with the youngest respondent in the 25-29 bracket and the oldest 75-79. Their sentences varied widely also, though all had served or would serve a continuous period of at least 10 years in custody. Their sentences varied from long and extended determinate sentences, through IPP sentences with sub-10-year tariffs (but had been in prison for over 10 years), to life sentences with tariffs of 35 years and (in one case) a whole-life order. While the nature of the sentences, and the differences between determinate and indeterminate sentences, mean the lived reality of prisoners serving these sentences differs, all of those who contributed have direct experience of serving custodial sentences greater than 10 years. Responses came from male prisons in all security categories, and from three women's prisons. Table 1 breaks down the establishment types from which responses were received.

Table 1: Types of prison from which responses were received

Jurisdiction	Prison type	Category	Sites
England & Wales	Male	A	6
		B	8
		C	9
		D	1
	Female		3
Scotland	Male		2
Total			29

⁶ This report focuses on contributions from people in prison in England and Wales. The Building Futures programme is currently conducting scoping work in Scotland and Northern Ireland, and this will form a key component of the programme in the future.

1.5 Roundtable events discussing draft recommendations

After writing up these findings in a draft of this report, the Building Futures team convened roundtable events with a range of stakeholders, to discuss the issues it raised and the recommendations it suggested. An executive summary of the report was shared with all participants, with a full draft available on request. Two events were held, in March and April 2022: one in the PRT offices, and one at HMP Swaleside. These events, themed around the consultation findings, brought people with lived experience of long-term imprisonment into dialogue with people whose job it is to administer, inspect, and manage the long-term prison estate. We are grateful to all participants in those events for their valuable feedback, which helped shape the recommendations in Section 4.

1.6 A note to readers

In March 2022, the government announced the conclusions of a root and branch review of the parole system in England and Wales.⁷ The review stated the intention to introduce legislation that would enable the Secretary of State to review and refuse a release decision by the Parole Board in the cases of some ‘top tier’ prisoners. This legislation has not yet been introduced.

In June 2022, the government also announced ‘much stricter criteria to move from closed to open prison’ for indeterminate sentenced prisoners.⁸ The changes were announced through a press release on 5 June 2022. While the criteria have now been published, there is limited policy or operational guidance accompanying the announcement.⁹

In the same month, the government introduced a statutory instrument to amend Parole Board rules. One of the amendments is to introduce a ‘single view’ procedure whereby prison and probation officers, forensic psychologist and anyone else commissioned by HMPPS to give evidence at parole hearings on the release of parole-eligible prisoners are forbidden from giving a view on whether or not to release a prisoner. In some ‘top tier’ cases, the rules authorise the Secretary of State to give a single view on whether or not to release. In the majority of cases, however, no view will be given by the state representatives and only the ‘facts’ presented to the Parole Board. This statutory instrument came into force on 21 July 2022.

While the true extent of these changes is – as yet – unknown, and some have not yet been introduced because they require primary legislation, it is likely that they will have a damaging impact on the progression of many individuals serving long, indeterminate prison sentences. These changes were announced after the consultation work for this report was completed and prisoners’ reactions to them are therefore not reflected in its findings. But the changes highlight the importance of absolute clarity in the criteria under which decisions on progression and eventual release are taken.

⁷ Ministry of Justice (2022) ‘Root and Branch Review of the Parole System: The Future of the Parole System in England and Wales’ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1064480/root-branch-reviewparole-system.pdf

⁸ Ministry of Justice (2022) ‘Offenders to face toughest test yet for open prison moves’ <https://www.gov.uk/government/news/offenders-to-face-toughest-test-yet-for-open-prison-moves>

⁹ See PRT’s letter to the prisons minister seeking further clarity: <https://prisonreformtrust.org.uk/clarity-needed-on-changes-toeligibility-for-open-conditions/>

2. The structure of long sentences

2.1 Introduction

People who responded to this consultation were serving sentences of several distinct kinds. In this section, we briefly describe the types of sentences and how they are structured.

This section is not a full, detailed description of all the relevant legislation or policy relating to each sentence, but establishes only the basic structure of each for comparison. The detail is important because while many of the responses below refer to problems associated with indeterminacy and sentence length, not all long sentences pose these problems, nor pose them to the same degree.

Determinate sentences

Determinate sentences are the most common sentence type overall, but those serving long sentences are more likely to be serving the other sentence types described below. Since 1948 it has been the practice to release all determinate-sentenced prisoners before the full term of their sentence, although the proportion of the sentence to be served in custody, and the terms of release, have changed several times during that period.

Until recently, most determinate-sentenced prisoners were released automatically at the halfway point of the sentence. However, the scope for automatic release at halfway has been reduced: as of 2020, those sentenced to determinate sentences of seven years or more for certain categories of violent and sexual offences will be released at the two-thirds point, and the Police, Crime, Sentencing and Courts Act 2022 extended release at the two-thirds point to all prisoners sentenced to determinate sentences of four years or more for certain violent and sexual offences.

In October 2021, 894 adult prisoners were serving a determinate sentence of 20 years or longer, meaning they would expect to spend a period of 10 years or more in custody.¹⁰

Extended sentences

There are several kinds of extended sentence (see Figure 1), including Extended Determinate Sentences (EDS), Extended Sentences of Detention (ESD), Sentences for Offenders of Particular Concern (SOPC), Extended Sentences for Public Protection (EPP), and Section 85 Extended Sentences. Of these, the last two are no longer in use but some people serving them may remain in prison.

The rules governing each kind of sentence are complex and space does not permit a full explanation here. In broad terms, the date on which the person can be released from prison to start a period on licence requires the Parole Board to be 'satisfied that it is no longer necessary for the protection of the public that [the prisoner] be confined'.¹¹ Unlike an indeterminate sentence, however, the court sets a point at which release ultimately becomes automatic, regardless of perceived risk.

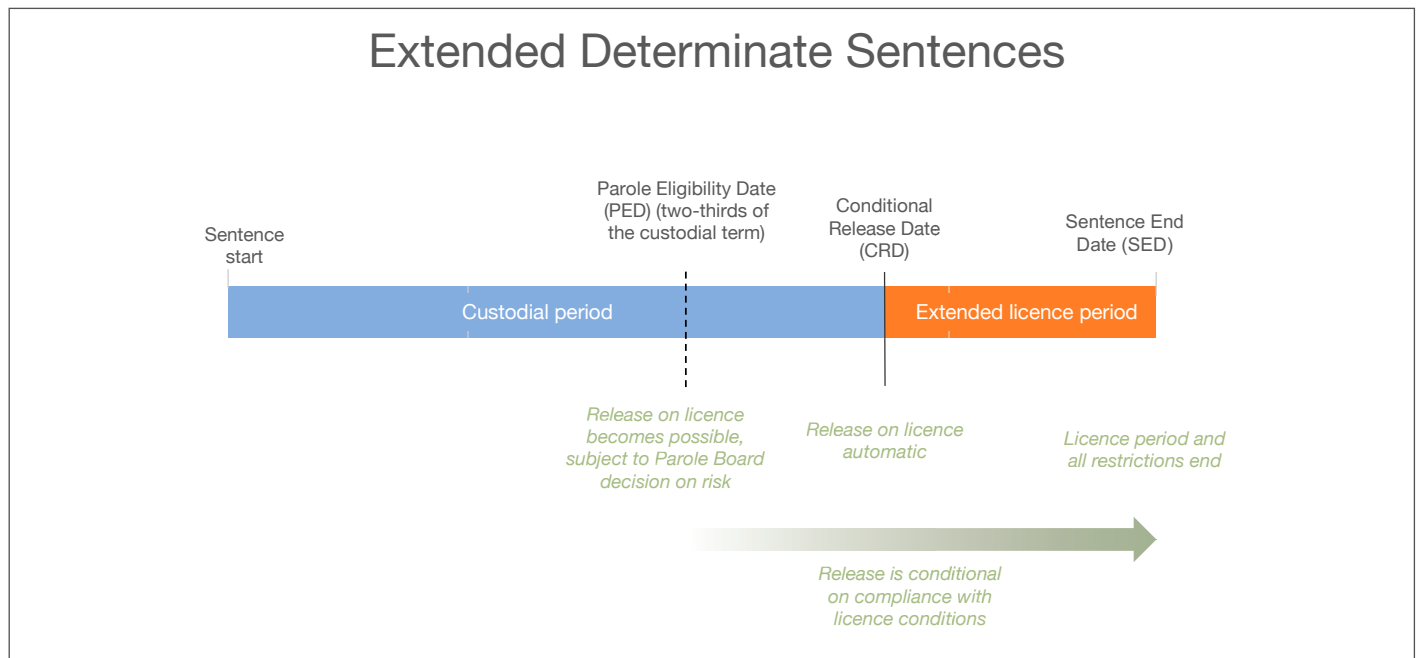
¹⁰ See Prison Reform Trust, 'Long-Term Prisoners: The Facts', Briefing, Building Futures (London: Prison Reform Trust, 4 October 2021), https://prisonreformtrust.org.uk/wp-content/uploads/2021/10/Long-term-prisoners_the-facts_2021.pdf

¹¹ The Parole Board, 'The Parole Board Decision-Making Framework: Public Document' (The Parole Board, 31 October 2019), 9, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843522/Decision_Making_Framework_Public_Document.pdf Note that due to changes to release arrangements in respect of both the EPP and the EDS, whether release is automatic or subject to parole at the half-way or two-thirds point depends on the date when an individual was sentenced.

The most common extended sentence now in use is the Extended Determinate Sentence (EDS). People serving an EDS must serve two-thirds of the custodial term in prison, and after that point release is subject to the parole process. If the person is not released by the Parole Board, once the full custodial term of the sentence has expired, people on EDS must be released automatically, but will then be subject to an extended period of release on licence, from which they can still be recalled to prison.

On 30 September 2020, 5,838 people were serving an EDS. Of these, 2,652 (45%) were serving a sentence of over 10 years.¹²

Figure 1: Structure of an Extended Determinate Sentence



Indeterminate sentences

Life sentences

Life sentences (Fig. 2) are mandatory for people convicted of murder, automatic for a small number of very serious repeat offences, and discretionary in all other cases.¹³ In all cases, the sentencing judge sets a tariff or minimum term, indicating the minimum number of years that must be served in custody as punishment for the offence. In exceptional cases, judges may direct that the convicted person must remain in custody for the rest of their life, known as a ‘whole-life order’ (Fig. 3).

Release can only be considered after this term has been served in full and can only be ordered on the basis of a risk assessment by the Parole Board, which must be ‘satisfied that it is no longer necessary for the protection of the public that [the prisoner] be confined’.¹⁴ Life-sentenced prisoners on licence are subject to probation supervision for the rest of their life, and they may be recalled to prison at any time for failing to comply with licence conditions, or if they commit further offences.

¹² House of Lords. (2020). Written Question UIN HL10575. <https://questions-statements.parliament.uk/written-questions/detail/2020-11-23/hl10575>. These figures are for all people serving an Extended Determinate Sentence and includes children.

¹³ ‘Automatic’ in this context means that sentencing judges are required to impose a life sentence unless there are *truly exceptional* reasons not to. This contrasts with the ‘mandatory’ life sentence for murder, where a life sentence is *the only* penalty that can be imposed—that is, judges can only alter the minimum term of imprisonment, not impose a lesser sentence than life imprisonment, regardless of the circumstances. ‘Discretionary’, in the context of life sentences, means that the sentence is *the most severe from a range* of sentences that judges may impose having considered the facts about the offence that are available to them.

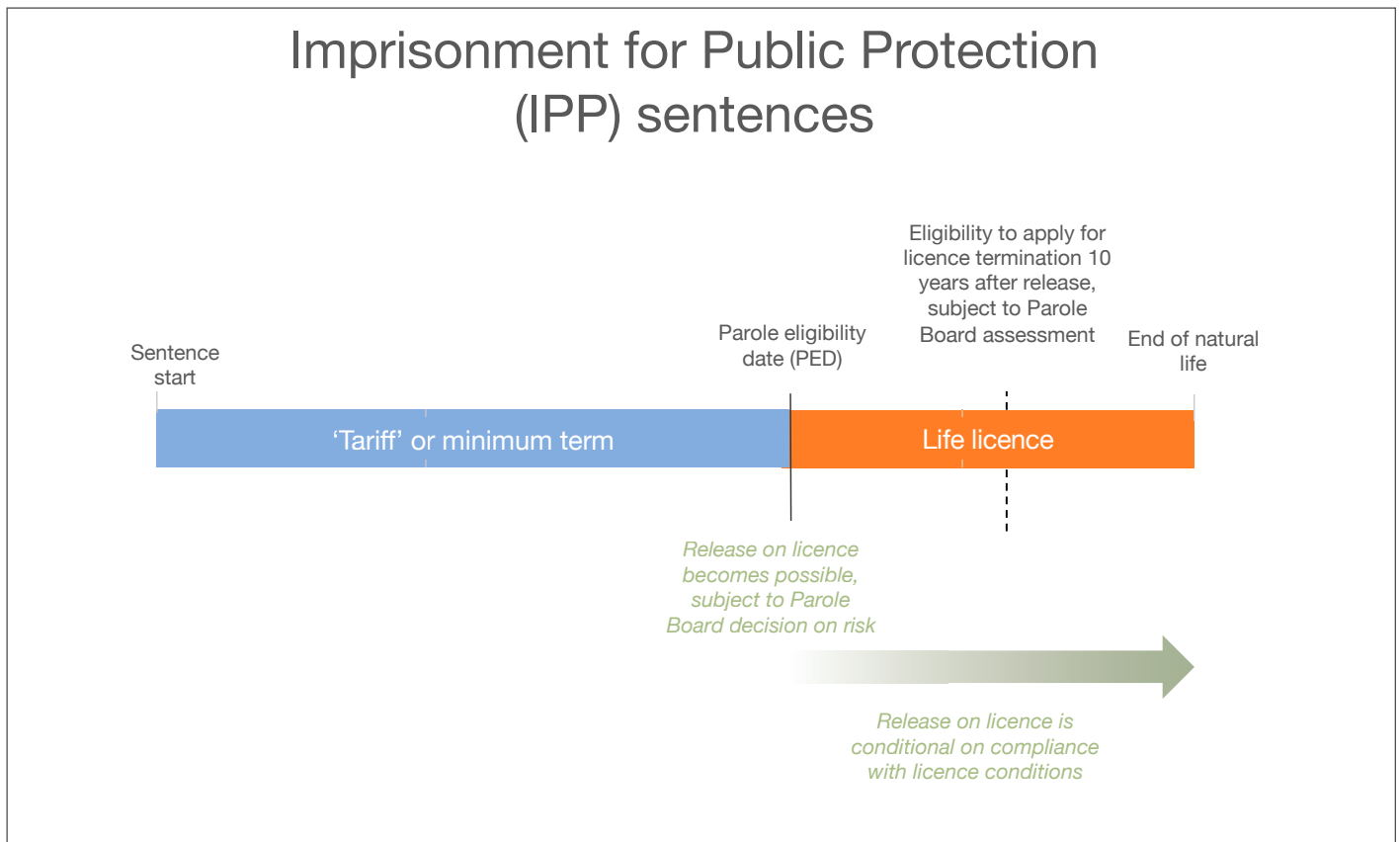
¹⁴ The Parole Board, ‘The Parole Board Decision-Making Framework’, 9.

IPP sentences

In addition to life sentences, a further kind of indeterminate sentence has since been abolished but remains in use for those who remain in custody. This is the Imprisonment for Public Protection (IPP) sentence (see Figure 4). Their structure is essentially like the life sentence, although usually with shorter minimum terms. The main difference between IPP sentences and life sentences is that 10 years after release, the Parole Board must consider whether the licence can be terminated. The decision is subject to a risk assessment by the Board, but if it goes in the person's favour it means that the sentence is at an end and there is no continuing liability to recall on any grounds.

On 31 March 2022, 1,554 people were serving an IPP sentence who had yet to be released from custody. A further 1,392 people on IPP sentences had been released but subsequently recalled.¹⁸

Figure 4: Structure of an IPP sentence



¹⁸ Ministry of Justice. (2022). Offender management statistics quarterly: October to December 2021. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2021/offender-management-statistics-quarterly-october-to-december-2021-and-annual-2021>.

2.2 What is ‘risk’?

The term ‘risk’ is crucial to the policies and practice frameworks governing long-sentenced prisoners’ progression. Talk of risk pervades prison life and affects many aspects of prisoners’ experiences. The word ‘risk’ is used in many different ways and requires careful definition and qualification: risk of what, from what, to whom, in what circumstances?

As section 4 will show, prisoners themselves are often confused about what ‘risk’ means and how they are meant to reduce it.

In this section, we unpack what this term can refer to and how it can be (mis)used in relation to the progression of long-term prisoners. We outline examples of misunderstandings which can occur if care is not taken with the term, or it is used vaguely. Imprecise ‘risk talk’ can feel unfair and have unfair consequences, even when the risks themselves warrant a response.

Unpacking the risks involved in reoffending

The two kinds of risk most relevant to a long-term prisoner’s progression are the likelihood of reoffending, and the risk of serious harm. Both are regularly assessed in relation to each individual long-term prisoner. They are important for people serving long sentences because they are the ultimate determinants of release for so many: the Parole Board’s release test assesses precisely whether the risk a prisoner might cause harm to others in future requires their continued imprisonment, or whether it can be acceptably managed in the community.¹⁹

Although these risks are often grouped together under single terms such as ‘the risk of reoffending’, risk is in fact assessed according to different definitions and using different methods. It is important to spell out what these are.

Likelihood of reconviction

The likelihood of reoffending is assessed using actuarial methods based on reconviction data, which generate a numerical risk score. The meaning of this number is clearly defined: it predicts the rate at which members of a statistically defined group will be convicted of a further offence within a given time. This matters because it narrows the definition to (re)offences that result in a conviction, rather than all possible (re)offences. Reconviction is a necessary proxy measure for reoffending: not all crime is detected or always leads to a conviction, meaning that the likelihood of any (re)offence will always be higher than the likelihood of reconviction.²⁰

Several actuarial risk scores were mentioned by consultation respondents, although they are not the only ones in use:

- the Offender Group Reconviction Scale (OGRS3), which estimates the likelihood of any reconviction
- the OASys General reoffending Predictor (OGP), which estimates the likelihood of reconviction for a non-violent offence
- the OASys Violence Predictor (OVP), which estimates the likelihood of reconviction for a violent offence

¹⁹ The Parole Board, ‘The Parole Board Decision-Making Framework’, 9.

²⁰ Nevertheless, serious (and especially violent) crimes are generally more likely to lead to a conviction than crimes not involving violence.

- the Risk Matrix 2000 (RM2000) and OASys Sexual reoffending Predictor (OSP), each of which estimates different likelihoods of various kinds of reconviction for men convicted of sexual offences.

All of these estimate a numeric risk score which is then placed within 'low', 'medium', 'high' and 'very high' bands. The underlying method used to generate these ratings in each case is similar: structured information about a person is collected and scored, and then compared with past data about people with similar scores who were (or were not) reconvicted.

It is vital to understand that actuarial scores are not predictions about a specific person but predictions about an aggregate statistical group. A risk score of 50% predicts not that there is a 50% chance that a specific person will be reconvicted, but that approximately half the members of a group with similar characteristics will be reconvicted. Although the scores generally have reasonable predictive validity for the group, there is no straightforward way to extrapolate the group score to individual group members, nor to use the score on its own to predict which individuals will fall into each half. Hence the score does not predict the future offending of a specific person – there is no basis to interpret it in this way.²¹

Some margin of uncertainty and error is therefore unavoidable when actuarial scores alone are used to assess individual risk. The scope for misunderstanding among both assessors and those assessed is clear. A person might have a high actuarial score but still be very unlikely (as an individual) to reoffend, because they are among those members of a statistical group who might go on to buck the overall trend. Whether they do or not depends on complex and difficult-to-predict factors, many of which only become clear later.

Staff who administer risk management systems need to be aware of what actuarial scores mean and do not mean, and must be able to communicate the meaning of actuarial risk and the basis on which arrangements to manage it are made. Self-evidently, that is a challenging undertaking.

Risk of serious harm

The second important risk assessment relevant to long-term prisoners is the Risk of Serious Harm (or RoSH) assessment. Risk assessment purely by professional judgement generally involves wider margins of predictive error than risk assessment by actuarial methods; while actuarial scores alone lack flexibility and individualisation.²² RoSH assessments therefore use a structured professional judgement (SPJ) approach. This begins wherever possible by using an actuarial score as a reference. Risk assessors should then use defined procedures to review it, using information from various sources – usually prison records but also sometimes interactions with the person being assessed²³ – before they review the immediacy of the risk.²⁴ Only based on these further steps should the assessor then classify the person being assessed as 'low', 'medium', 'high' or 'very high' RoSH. Separate RoSH levels are assessed, gauging the

²¹ This is similar to how all individuals in a high-risk group pay more for car insurance, regardless of how carefully they drive.

²² Stephen D. Hart, Kevin S. Douglas, and Laura S. Guy, 'The Structured Professional Judgement Approach to Violence Risk Assessment', in *The Wiley Handbook on the Theories, Assessment and Treatment of Sexual Offending* (John Wiley & Sons, Ltd, 2016), 643–66, <https://doi.org/10.1002/9781118574003.wattso030>.

²³ Factors believed to increase or reduce the likelihood that serious harm occurs.

²⁴ For example, opportunities to commit some kinds of offence might be very restricted in prison, but the immediacy of a risk of harm for that person might increase following their release from prison.

risk of serious harm to each of four different groups in the community (known adults, children, members of staff, and ‘the public’), and for five groups in custody (the aforementioned four plus risk to other prisoners).

Despite the structured nature of this process, RoSH assessments still involve a considerable margin for uncertainty. ‘Serious harm’ in this context is defined as ‘an event which is life threatening and/or traumatic and from which recovery, whether physical or psychological, can be expected to be “difficult or impossible”’.²⁵ There is scope for interpretation regarding how likely a given outcome might be, in future circumstances that always remain uncertain. There is also scope for interpretation in assessing who might be harmed, how likely that situation might be to arise, what kinds of outcome might give rise to harm of the seriousness covered by the definition, and what kinds of situation that outcome might occur in. Assessments which do not specify these details are unlikely to be useful. Assessments of the risk of harm ‘to the public’ are particularly hard to specify, because in effect the assessment is of whether any circumstances can be imagined in which the prisoner might harm any imaginable person in any imaginable situation in the future. This is then turned into a single label (‘low-risk’, ‘high-risk’, etc). It is difficult for such a label not to appear overly simplistic.

A second source of uncertainty lies in the data points used to make RoSH assessments. Risk assessors must gather data from many sources and judge their relevance to the possibility of future serious harm. Deciding which data points are relevant and irrelevant, especially when the reason for the assessment is an offence that might have happened decades ago, involves considerable skill and uncertainty. Professionals carrying out this task are not acting with total discretion, but nor can they exclude subjective interpretation, and therefore the assessments themselves are inherently vulnerable to uncertainty and bias. If data used to compile assessments are incomplete or inaccurate, the assessment’s usefulness and validity may be nullified. Misinterpreting the same information can also have the same effect. These shortcomings can be mitigated by open and honest relationships between risk assessors and the people they assess. Trust makes it more likely that relevant information will be disclosed, contextualised and interpreted properly. However, prison culture can disincentivise openness of this kind. Staff carrying out assessments often have substantial caseloads and work at some distance from those they are assessing. It should also be clear that RoSH assessments, while an important and necessary addition to actuarial scores, contain the potential for unclear, confused thinking about risk, and for the conflation of distinct kinds of risk.

Summary

While risk scores have a relatively high degree of predictive accuracy for groups, assessing an individual’s risk of reoffending will always be challenging. For the inherent and unavoidable uncertainties of the process to be fully mitigated, assessors need to base their decisions on accurate information, understood in its relevant context. Even then, some degree of predictive error is difficult to avoid. Given that risk assessors may be required to account for their decisions if things go wrong (such as in the case of a serious further offence), it would be surprising for their decision-making not to be risk-averse, by erring on the side of caution; but

²⁵ HM Prison & Probation Service Public Protection Group, ‘Risk of Serious Harm Guidance’ (HM Prison & Probation Service, April 2020), 4, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1060610/Risk_of_Serious_Harm_Guidance_March_2022.pdf

it must also be remembered that any over-cautious decision can prolong the imprisonment of the person being assessed. It is impossible to know whether the assessment of risk in each case is accurate or false, and important to understand the limitations of even a 'high-risk' assessment.

The risk of reoffending causing serious harm, as defined above, is therefore an especially important consideration in decisions about long-sentenced prisoners' progression and release. For example, when the Parole Board considers prisoner releases, it assesses both the person's risk, but also the plan which exists to manage risk in the community. A good risk management plan can allow even a high-risk individual to be released. But the capacity to manage risk depends heavily on protective factors such as family, employment and accommodation;²⁶ and may be undermined by factors over which the prisoner has limited control, such as their mental health. It is mistaken, and arguably unfair, to assume that individuals are the sole actors capable of lowering their risk of reoffending, for all that the final links in any chain of decisions leading to a (re)offence might result from their decisions.

Risks other than reoffending

The risk of reoffending is far from the only consideration in decisions touching on progression. A range of other risks may come into play, which assessors need to consider, but which may be unrelated to the risk of reoffending which prisoners are held accountable to reduce.

Prison governors and their staff must also take many risks into consideration to manage their establishments safely. These could include:

- a. Risk of escapes or absconds
- b. Risks of harm to other prisoners (or staff members) while in prison
- c. Risks of harm to the public
- d. Risks of involvement in further criminal behaviour while in prison (eg involvement in drug trafficking), or of involvement in organised crime
- e. Risks to staff control of a prison and to good order within it
- f. Risks of self-harm or suicide
- g. Risks to the delivery of the prison regime through non-compliant behaviour
- h. Risks to the reputation of the prison or the organisation (especially in the case of people convicted of notorious offences)
- i. Risks of negatively influencing others (eg through radicalisation)
- j. Risks to national security

Items a. to e. in the list above are all mentioned as factors which may influence a prisoner's security categorisation, and hence they are risks that the prisoner will be expected to reduce in order to progress. From the consultation responses, it is not at all evident that prisoners understand how assessments of these risks (not just the risks of reoffending and serious harm) influence their progression. Moreover, rates of violence, indiscipline, drug use and other negative outcomes are higher in prisons which use power illegitimately or neglectfully. Since prisoners cannot decide where they are held, and may be at elevated risks of harming others when they are held in unsafe conditions, reducing these risks is not their responsibility alone, but also that of staff and managers.

²⁶ This can disadvantage those who do not have these factors, for example because they lack a stable family with a spare room.

Some of these risks may, therefore, be interconnected. The list is not exhaustive, and many others could be identified. Two points need emphasis.

The first is that any of these risks could influence decisions about a person's sentence progression, independently of whether their risk of reoffending has declined. For example, a prisoner assessed as highly likely to escape (and thereby to damage the reputation of the prison service) is likely to have a higher security categorisation, and to be kept in conditions from which escape is difficult or nigh-on impossible. Intelligence or information suggesting a risk of escape therefore needs to be taken seriously. But there is no necessary link to the risk of reoffending.²⁷ Similarly, risks to staff control and to good order in a prison might be prompted by prisoner protests, involvement in which might be seen as a reason not to progress a prisoner. But how an incident of this kind is dealt with (and recorded in prison files) will depend on a range of contingent factors, including the local culture of the prison where it happened, or even the identity of the duty governor who responds to the incident. Some such incidents might legitimately be linked to a risk of reoffending (for example because they reveal a risk of non-compliance with staff on unjustifiable grounds); but others might be of no relevance at all. Judgements of this kind are again highly subjective, and sensitive to whether the information used in the assessment is accurate, and whether its context is clear. Whether inaccurate or incomplete information can be corrected later will depend on the thoroughness and confidence of the risk assessor, the quality of their relationship with the prisoner, and so on.

The second point to emphasise is that the language of 'risk' and of 'risk reduction' can become convoluted and imprecise, to the point of meaninglessness. Factors such as whether a prisoner is compliant might be conflated with the entirely distinct issue of whether and how they are at risk of being reconvicted, or at risk of causing serious harm. The link between compliance and these risks may be strong or tenuous, depending on context.

There is therefore immense scope for a deceptively simple term—'risk'—to be used without clarity as to its meaning. Different actors might use it with completely different considerations and kinds of risk in mind. Describing sentence progression as though it is solely a matter of 'risk' and risk assessment is therefore over-simplistic and liable to mislead. The term always needs qualification if it is to be useful.

Summary

This section underlines the difficulty and uncertainty affecting assessments of the risk of reoffending and serious harm. Although risk assessment is an important exercise, it is important not to overestimate its scientific precision, and there is no consensus as to its reliability. By way of example of the controversy which surrounds the subject, one recent peer-reviewed journal article reviewing the state of the art in violence risk prediction concluded that:

Predictions of dangerousness are more often wrong than right, use information they shouldn't, and disproportionately damage minority offenders [...] at best, [there are]

²⁷ This situation has arisen, for example, in the case of a long-sentenced prisoner who escaped after his applications to visit dying relatives were declined. See Eric Allison, 'Prisoner John Massey Denied a Licence to Say Goodbye', *The Guardian*, 24 January 2012, sec. Society, <https://www.theguardian.com/society/2012/jan/24/prisoner-john-massey-breached-licence>; Eric Allison, 'John Massey: In Prison for Being a "Loving Son and Brother"', *The Guardian*, 28 June 2012, sec. UK news, <https://www.theguardian.com/uk/2012/jun/28/john-massey-pentonville-prison-murderer>. The example demonstrates that the risk of escape is connected with, but not identical to, the risk of reoffending.

three false positives for every two true positives.²⁸ The best-informed specialists say that accuracy topped out a decade ago; further improvement is unlikely. All prediction instruments use ethically unjustifiable information.²⁹

It should be clear that there is significant scope for harm in the over-cautious application of risk prediction methods; but the risks they assess are real, meaning that there is also significant scope for serious harm if they are misapplied, used naïvely, not used at all, or used without due care.

It is therefore vital that staff carrying out risk assessment and working with long-term prisoners understand these complexities and can communicate some of these issues; that they do not conflate different kinds of risk or hold prisoners accountable for lowering risks that they cannot in fact lower and that they mitigate the uncertainties and vulnerabilities inherent in risk assessment by working with prisoners to ensure that information is accurate and properly contextualised. This is clearly skilled work, and likely to be compromised in quality without adequate time and strong, trusting relationships.

2.3 Sentence length, policy, and the idea of ‘progression’

Long-sentenced prisoners will generally serve periods in custody exceeding the lifespan of governments, parliaments, and policies. Many of the attitudes and opinions we present in this report will have been formed under earlier iterations of offender management policy. It is also clear that many of the suggestions for change we present in Section 4 (particularly on staff-prisoner relationships) are consistent with what the OMiC policy already envisages. Effective implementation of that policy might improve prisoners’ experiences of progression.

Sentence progression and release arrangements are organised in a broadly comparable way regardless of sentence length. Anyone serving a long prison sentence will be subject to iterative assessments of their risk of reconviction and their risk of serious harm.³⁰ Where suitable, they will be directed towards interventions aiming to lower these risks.³¹ The main differences in their sentences relate to the rules governing release from prison. For indeterminate sentences, release is only possible by satisfying the Parole Board that the risk of reoffending can be managed in the community.³² Freedom after that point remains conditional. For determinate sentences, there will be an automatic release point in most cases, but also time on licence in the community. For extended sentences, eventual release is automatic but earlier release via a Parole Board decision may be possible.

²⁸ That is, the best available methods of violence risk assessment incorrectly identify three people as ‘risky’ who do not go on to be violent, for every two persons they correctly identify as ‘risky’ who do go on to be violent.

²⁹ Michael Tonry, ‘Predictions of Dangerousness in Sentencing: Déjà Vu All Over Again’, *Crime and Justice* 48 (1 May 2019): 439–82, <https://doi.org/10/gf3bj5>.

³⁰ Other risks may also be assessed, such as those listed in section Risks other than reoffending.

³¹ Risk’ is an ambiguous and broad term; what risk is, how it is assessed, and how it can be reduced, are all complex questions in this context. It is therefore vital that staff carrying out risk assessment and working with long-term prisoners understand these complexities and can communicate some of these issues; that they do not conflate different kinds of risk or hold prisoners accountable for lowering risks that they cannot in fact lower and that they mitigate the uncertainties and vulnerabilities inherent in risk assessment by working with prisoners to ensure that information is accurate and properly contextualised. This is clearly skilled work, and likely to be compromised in quality without adequate time and strong, trusting relationships.

³² As mentioned in the introduction to this report, the Parole Root and Branch Review could see the Secretary of State utilising their power more by intervening and blocking prisoners’ progress to open conditions and release into the community.

Progression is therefore governed by many different policies, but the overarching policy framework, *Manage the Custodial Sentence*, outlines ‘the minimum mandatory requirements which are needed to deliver the custodial sentence and case manage those in custody from reception to end of supervision post release’.³³ This policy implemented the ‘Offender Management in Custody’ (OMiC) model, with the intention that:

*Every prisoner should have the opportunity to transform their lives by using their time in custody constructively to reduce their risk of harm and reoffending; to plan their resettlement; and to improve their prospects of becoming a safe, law-abiding and valuable member of society.*³⁴

In the words of the *Manage the Custodial Sentence policy framework*, OMiC ‘places prisoners and the development of rehabilitation cultures in prisons at the heart of offending management [sic] processes’ and the sentence aims to push the prisoner towards a better future as ‘a safe, law-abiding and valuable member of society’.³⁵

OMiC was introduced in 2018 in the male estate. Though recent, it builds on and, in many ways, resembles the Offender Management framework which preceded it, and which was in place from the mid-2000s. Fundamentally, it bases progression on iterative assessments of the risk of reconviction and the risk of serious harm. These are carried out by a range of HMPPS staff, but the methods used to do so are originally founded on research carried out by forensic psychologists. Risk assessments form the basis of a sentence plan, which should be reviewed regularly. Prisoners are then held accountable for ‘reducing risk’, although the interventions and opportunities available for this purpose will vary individually and in different prisons. It is important to note that the roll-out of OMiC was disrupted by the Covid-19 pandemic and has continued to be complicated by staff shortages in many prisons. Many respondents to the consultation spoke positively about the keyworker scheme (which forms one element of OMiC) in theory, but pointed out that it is hardly functioning at many sites.

Both OMiC and its predecessors rely on data recorded and retained by prison staff, to be used in different risk assessments.³⁶ The precise distribution of responsibilities in this process for different staff has changed over time, as have the interventions available and the emphasis on ‘rehabilitative cultures’ introduced in more recent iterations. However, the underlying fundamentals—risk assessment, intervention, and the conditional and supervised relaxation of control measures with further cycles of (re)assessment—remain unchanged.

³³ Ministry of Justice and HM Prison & Probation Service, ‘Manage the Custodial Sentence: Policy Framework’ (Ministry of Justice, 12 September 2018), 1, <https://www.gov.uk/government/publications/manage-the-custodial-sentence>.

³⁴ *Ibid.*, 5.

³⁵ *Ibid.*

³⁶ See section 3.1.3 for further information.

2.4 A generic description of ‘sentence progression’ under the OMiC model

Figure 5 summarises a generic progression ‘pathway’ set out by the OMiC model (which also holds, broadly, for earlier iterations of the Offender Management policy).³⁷

In the early stages of the sentence, a prisoner’s risk of reconviction and risk of serious harm will be assessed using the Offender Assessment System (OASys) and other tools.³⁸ A list of objectives will be drawn up, often associated with adjusting to prison life and addressing offending behaviour. Objectives on sentence plans might include being assessed for suitability for offending behaviour interventions and participating in them if found suitable.

If they complete these satisfactorily, they might be considered for security recategorisation. They might also be moved to a lower-security prison (although security categorisation depends on a wider range of factors than the completion of sentence plan objectives).³⁹ Whatever their security categorisation, the next ‘phase’ of the sentence ostensibly aims to help prisoners consolidate changes they have made, often by showing that they can continue to comply with prison regimes. Meanwhile, information continues to be recorded concerning their behaviour in custody.

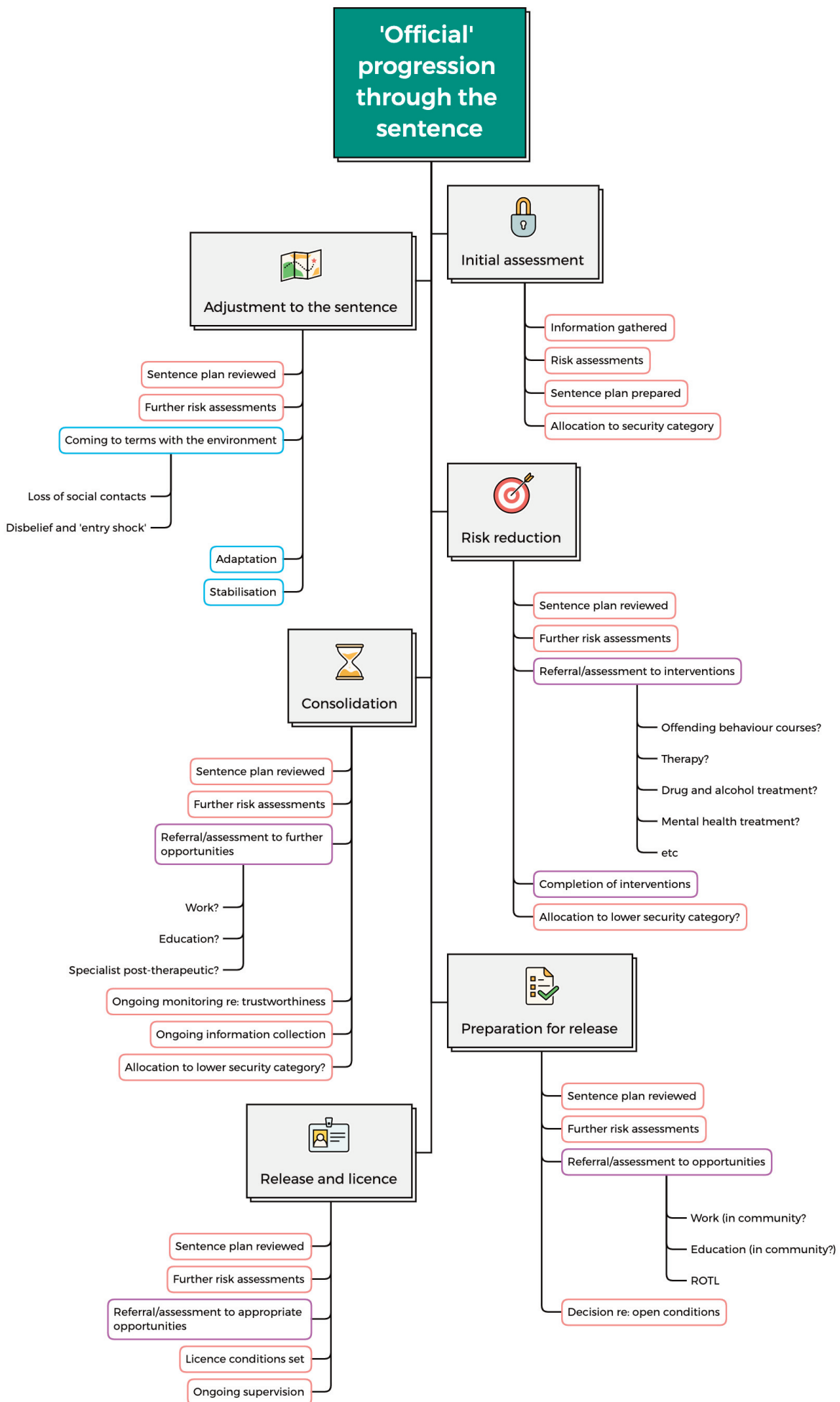
As the date of release (or parole eligibility) approaches, the focus in sentence planning may shift to preparations for release and for life after prison. OASys assessments and sentence plan objectives might begin to focus on whether the person can be trusted while housed in an open prison, or while on release on temporary licence (ROTL). During this period, further risk assessments will form the basis of licence conditions and a release plan, and these in turn will become what the prisoner must comply with after release from prison.

³⁷ In the remainder of this report, we refer to this generic model of progression as the ‘default’ model or the OMiC model.

³⁸ This is discussed in greater depth in section 3.1.3.

³⁹ Ministry of Justice and HM Prison & Probation Service, ‘Security Categorisation Policy Framework’ (Ministry of Justice, 17 August 2021), <https://www.gov.uk/government/publications/security-categorisation-policy-framework>. Security categorisation is, as a matter of course, subject to annual review.

Figure 5: Representation of a generic progression sequence



This model of progression makes limited allowance for the fact that, following sentence inflation in recent decades,⁴⁰ it is not unusual for people sentenced for serious crimes to be serving sentences measured in decades.⁴¹ In view of these spans of time, sentence plans based simply on objectives that prisoners should reduce (non-specified) risks offer inadequate guidance. It must be clear what risks the prisoner is asked to reduce, how they might go about doing this, and how this will influence their progression.⁴² For example, if a sentence plan requires that someone completes offending behaviour courses to lower the risk of reconviction or serious harm, but security intelligence about them is used to justify a higher security categorisation, they should not be led to believe that lowering the risks of reconviction or serious harm will secure their progression. Rather, it should be made clear to them what will achieve this outcome.

Extremely long sentences create distinctive problems for those serving them, associated both with the length of the sentence and the age of the person serving it. 'Progression' (which the OMiC policy framework conceptualises mostly in terms of reduced risks of reconviction or serious harm), might mean quite different things to different people who are serving an equivalent sentence but at different ages. People given a 20-year sentence when aged 20 might face one set of challenges in custody and have corresponding aspirations for life after release. They might first need to relinquish the imagined future they had previously envisaged for themselves; they might then move to wanting to make their time in prison feel as if it will be useful for their future lives.⁴³ After release, their difficulties might relate to finding employment and social connections given the multiple disadvantages (such as licence conditions and disclosure requirements) that a serious criminal record can impose. Framing sentence plans simplistically in terms of a reduced risk of reconviction or serious harm may fail to answer some of these needs, or secure engagement less effectively than a sentence plan emphasising an increased likelihood of a meaningful life and a positive contribution to others following release.

Conversely, people given an equivalent sentence aged 60 face different challenges in custody, such as the loss of existing familial connections and careers.⁴⁴ Often more self-controlled and compliant in prison, they may have more difficulty understanding the notion that they are seen as at risk of harming others. This is often because in comparison to other prisoners, they might appear much less risky, at least in terms of seriously harming others while in custody and usually also in terms of their risk of reconviction. On the same basis, they might also be less likely to be assessed as suitable for offending behaviour interventions. They might face different challenges in the future, relating to their age and their health; and they are likely to be motivated by different considerations, and engaged by different goals. If released, the difficulties they may encounter might relate not to finding employment but instead to securing care, sustainable living arrangements, and so on. Framing sentence plans solely in terms of 'risk reduction' might again be unsuitable, especially where it is unclear which risk is to be reduced and how, or where

⁴⁰ See Prison Reform Trust, 'Long-Term Prisoners: The Facts', Briefing, Building Futures (London: Prison Reform Trust, 4 October 2021), <https://prisonreformtrust.org.uk/publication/long-term-prisoners-the-facts/>

⁴¹ Ibid.

⁴² These problems are described further in section 3.1.3.

⁴³ Ben Crewe, Susie Hulley, and Serena Wright, *Life Imprisonment from Young Adulthood: Adaptation, Identity, Time* (London: Palgrave Macmillan, 2020).

⁴⁴ Age is the subject of our next Building Futures consultation and this piece of work will explore the experiences of people serving long prison sentences at different stages of their lives, including those sentenced when young, those sentenced when middle aged and those sentenced later in life.

actuarial risk scores are low to begin with. Again, sentence plans formulated in these terms might also fail to secure engagement, and the need for clear communication and for properly framed objectives is obvious.

It must also be acknowledged that not all long-sentenced prisoners wish to be released. The strength of this wish can fluctuate during the sentence. This is clear both from the responses to this consultation and from some of the interactions we have had with the Building Futures Network. Research has documented that some long-sentenced prisoners prefer not to think about the future, particularly during the early stages of the sentence when release is distant and abstract and thoughts of the sheer length of the sentence are disorientating and distressing. Thinking ahead may be incompatible with surviving the present, and people in this situation often prefer to live day-to-day, within a shorter time horizon.⁴⁵ For people given long sentences in later life, or who develop serious health problems when younger, mortality can make release improbable. For people shunned by family and friends, or who have lost touch with the outside world, or who are concerned about the stigma associated with a notorious offence, release from prison after many years can be terrifying. They may have concerns about the quality of life they will experience in the community—for instance, because of homelessness, poverty, loneliness, or unmet social care needs. In some cases (including some we have heard from), they may be concerned about their own future offending, and wish to remain in prison to avoid causing further harm. All of this broadens the notion of ‘progression’: while progression towards release should be possible for those who want to pursue it, it should also not be assumed that release is the goal for all. Arrangements for ‘progression’ need to enable those a long way from release (or who do not want it) to live meaningful lives and make positive contributions while in prison.

All of this underlines the importance of individual assessment and of person-centred approaches to progression. It also undermines the notion that a single ‘generic’ model of progression can be equally appropriate for all prisoners regardless of their sentence length.

⁴⁵ Ibid.

3. Progression in policy and lived reality

Sadly many lifers myself included, saw progression to be somewhat of a myth [...] When I now think of progression I think of autonomy.

(Life sentence, HMP The Mount)

I have given thought to the term progression and wonder what that means. Is it 'no longer sharing a cell', 'coming to terms with my time inside', 'completing personal social and development courses', 'getting red band job', 'reconnecting with my family', 'completing PEP forms', 'engaging with key worker'? All of these were of my own choice [sic].

(Determinate sentence, HMP Rye Hill)

A lot of low-risk prisoners I speak to worry about progression as they see it as a form of sabotage.

(Life sentence, HMP Wakefield)

3.1 Introduction

This section of the report analyses consultation responses, contrasting these with what is envisaged by the OMiC policy framework⁴⁶ and the model of progression it sets out. We analyse responses to the progression consultation under three themed headings.

First, we describe respondents' views on the topic of risk. This is presented first because, as we make clear in the section above, risk is so important in how progression is managed. The consultation responses suggest that many long-termers misunderstand or are confused about risk, especially when they have either completed, or been assessed as unsuitable for, offending behaviour courses.

Second, we suggest that the amount of time long-sentenced prisoners spend in prison affects how they think about their progression. We present responses where long-sentenced prisoners describe trying to fill their time by pursuing personal development goals that are often not specified in the sentence plan. We show that this appears to require considerable tenacity and determination, and that many respondents believe prisons do not support or are not interested in their wider development—as though this was irrelevant to their risk.

Third, we describe respondents' views on their relationships with prison staff, principally keyworkers, Prison Offender Managers, and Community Offender Managers, but also others who respondents identified as important to their progression.⁴⁷ Respondents told us that some of

⁴⁶ Ministry of Justice and HM Prison & Probation Service, 'Manage the Custodial Sentence'. As indicated above, all references to the 'OMiC framework' in the remainder of this report refer to this document.

⁴⁷ OMiC envisages that key workers act as the first point of contact for prisoners, with the responsibility "to engage, motivate and support them throughout the custodial period". Key Workers are expected to be available one-to-one with a prisoner for 45 minutes a week. Prison and Community Offender Managers have different responsibilities including carrying out OASys assessments in prison and after release; they also formulate risk management plans. Their contact with a prisoner will generally be less frequent and involve more formal tasks. This model, while similar in some respects to the offender management policies which preceded it, made a significant shift away from the earlier model in which one staff member would have overall responsibility for managing a person's sentence from start to finish. While this requirement was never likely to have been met in the cases of extremely long sentences, the new policy framework officially recognises that long-sentenced prisoners will be subject to serial changes in supervision relationship. Given the importance of interpersonal trust and relationships to risk assessment, such shifts carry greater uncertainties and arguably risks for prisoners.

these relationships are distant and unaccountable, while others are closer and more positive but lacking in influence over key decisions. Many respondents also pointed to a ‘one size fits all’ approach and a perceived lack of individual knowledge about them in decisions about their progression.

Where we quote people who responded to the consultation, we indicate what kind of sentence was being served by that person, and the prison where they were held.⁴⁸ In a few cases, we held incomplete information about a given respondent’s sentence; where this was the case, only the originating prison is named.

3.2 Risk and progression

Many responses referred to the assessment, formulation and reduction of risk. Respondents used the term generically. Few were aware of the difference between assessment methods; more complained that the term was abstract and unclear, and moreover that it lacked relevance when it came to what they thought would help them prepare for their release:

[A]ll they are interesting [sic] in is for me to lower my risk, when it comes to my risk levels like OGRS3 Low, OGP Low, and OVP Low.⁴⁹ So I have no idea what risk they want me to lower. I keep asking them every year but never get an answer from them.

(Life sentence, HMP Frankland)

The trust being [sic] that risk predictions are a mere myth and comes down to nothing other than obedience, “tell us what we want to hear, and we will release you.” [...] Compliance isn’t indicative of any sort of risk.

(Life sentence, HMP The Mount)

How does OMiC describe the relationship between risk and progression?

For the purposes of progression, OMiC states that prisoners’ needs should be assessed according to the likelihood that they will reoffend or harm others in future. Risk assessments using the Offender Assessment System (OASys) and other tools are key elements in preparing a sentence plan. The sentence plan recommends steps by which a person’s ‘criminogenic needs’ can be met and their risk of reconviction or serious harm thereby lowered. In respect of long-sentenced prisoners, sentence planning is a responsibility delegated to prisons and prison staff:

Governors must ensure that all prisoners in scope of OASys⁵⁰ have a plan based upon an assessment of their criminogenic needs and associated risks [...] The sentence plan must detail how the identified needs and risks are addressed.⁵¹

OMiC makes clear that prisoners should be informed about the risks that they are believed to pose, and about how they can progress. Clarity in the sentence plan is an explicit requirement. It

⁴⁸ A handful of respondents transferred to another prison between their first and subsequent messages to us. In these cases the prison reported with the quote was where they were at the time of the most recent message.

⁴⁹ These are all actuarial risk scores.

⁵⁰ All long-sentenced prisoners will be ‘in scope of OASys’.

⁵¹ Ministry of Justice and HM Prison & Probation Service, ‘Manage the Custodial Sentence’, 10, emphasis added.

must be prepared in a timely fashion at the start of the sentence, and regularly reviewed and assessed thereafter:

All prisoners in scope for OASys sentence planning have a plan which is monitored, implemented, reviewed at points of significant change in circumstance from reception to the end of licence and post sentence supervision.⁵²

Sentence plans must include specific objectives covering time in custody and (later) release preparation. The objectives must be SMART (Specific, Measurable, Achievable, Realistic, and Time-bounded):

The sentence plan must contain their objectives for custody and, dependent upon length of sentence, to prepare for eventual release into the community. Objectives within plans must be realistic and achievable. Where completion is dependent upon other factors this must be noted.⁵³

The result of the sentence planning process should be that prisoners are supported to understand their risk assessment(s), and to know what they can do to reduce risk. In other words, they are to be ‘helped to progress’:

Custodial sentences are co-ordinated, prisoners are helped to progress throughout the sentence.⁵⁴

Some relationship between risk reduction and progression is therefore implicit in the OMiC model: progression is strongly linked to the assessment and reduction of ‘criminogenic needs’ and their associated risks of harm and reconviction. But there is also a clear requirement that prisoners should be helped to understand and make sense of the risks they are thought to pose.

OASys assessments should lead to the identification of ‘risk factors’. These are features of a person’s history (‘static risk factors’) or current and future circumstances (‘dynamic risk factors’) associated with a higher risk of reoffending or serious harm. Static risk factors associated with a higher risk of reconviction or serious harm (such as a long history of previous convictions) are historical and unchanging. They are not typically targeted for intervention. Dynamic risk factors such as mental ill health, homelessness or addiction, on the other hand, are (in principle) capable of change. Efforts to reduce and manage the risk of reconviction and serious harm usually target dynamic risk factors. The assessment process can also lead to the identification of ‘protective factors’: features of a person’s current or future circumstances (for example, strong relationships with a supportive family) which, if present, might reduce the risk of reconviction or serious harm.

⁵² Ibid., 6.

⁵³ Ibid., 11.

⁵⁴ Ibid., 6.

How does OMiC envisage risk can be reduced?

The OMiC policy framework states reducing the risk of reconviction or serious harm, is a matter for HMPPS and other agencies and organisations to achieve by working together. For example, they might refer prisoners to activities and opportunities that might reduce the risk of reconviction or harm:

Prisoners are referred, as appropriate, to interventions and other services to reduce the risk of harm to other [sic] and the likelihood of reoffending.⁵⁵

For example, if risk assessment identifies addiction as a factor in past offending, then a prisoner may be referred to detoxification and rehabilitation services to reduce this risk.

In practice, many of the risk factors identified by assessments relate to individual attitudes, thinking and behaviour.⁵⁶ This means that many interventions offered by HMPPS and placed on long-sentenced prisoners' sentence plans are accredited Offending Behaviour Programmes (OBPs). These aim to work with prisoners and change their attitudes, thinking and behaviour. Many long-term prisoners will have specific courses placed on their sentence plans, but such an objective generally means not that they will do a course, but that they will be assessed to determine whether they are suitable for the course, and whether they stand to benefit from it. If not (for example because they score low on whichever risks the course aims to address), there may be few other objectives on the sentence plan.

Respondents' confusion over risk

In general, respondents expressed a great deal of confusion about risk. They believed they were held responsible for reducing risks which were remote, not under their control, or which they did not fully understand. Confusion was especially evident among those with low actuarial or RoSH assessments, who had been informed that their progression was dependent on risk reduction but not how this could be accomplished:

I've been told that as I'm [...] "not agreeing" to the programs that OMU have recommended for me—I'm unlikely to get a C-cat! Four programs [were recommended] for me in March this year—only for my OSP C being Low and OSP I also being Low! For the record also my RM2000 was Low!⁵⁷

(Extended determinate sentence, HMP Rye Hill)

I have been told that when it comes to progression officials consider if I show remorse, what offending behaviour programmes I have done and how long I have left to serve before parole. What they don't seem to know about, or perhaps recognise, is that [some of] us [have] low risk levels [that] make us ineligible to do OBPs.

(Life sentence, HMP Wakefield)

⁵⁵ Ibid.

⁵⁶ See <https://www.gov.uk/guidance/offending-behaviour-programmes-and-interventions#:~:text=Offender%20behaviour%20programmes%20and%20interventions,is%20available%20in%20some%20circumstances>

⁵⁷ OSP and RM2000 are both actuarial tools used to assess the risk of people convicted of sexual offences. It is possible this respondent was confusing actuarial scores with RoSH assessments (see section 3.2.1).

The perception that progress was being pinned to risks which the individual did not always understand and therefore could not always act on led many to describe a kind of mistrustful pessimism, whereby they engaged selectively or not at all with the infrastructure of risk assessment and management, sometimes guided by prisoner norms discouraging such engagement:

The pessimistic attitudes of prison life [are] partly fuelled by the negative subculture in prisons and the distrust in [the] system.

(Life sentence, HMP The Mount)

Distant, shallow, or mistrustful staff-prisoner relationships meant that some prisoners believed that progress they had made in prison was systematically overlooked. They suggested that information recorded officially for risk assessment purposes contained substantial blind spots. If correct, this would suggest that there was considerable space for the kind of confusion, foggy thinking and conflation described in the section above. Prisoners who believed they had been overlooked in this way sometimes said they had disengaged from OMiC staff, believing that there was no point:

The current system fails to identify genuine personal development, due to such a high staff turnover rate and poorly trained staff building good relationships built on truth trust and respect are very difficult, making progression extremely difficult. As I do not wish to engage in meaningless false/fake relations serving only to box tick I envisage no progression for myself.

(Life sentence, HMP Long Lartin)

Risk and offending behaviour courses

Most respondents perceived that completion of OBP objectives in the sentence plan was a necessary (but not sufficient) factor in their progression. No other forms of personal development, however positive, appeared likely to be recognised as reducing the risk of reconviction or serious harm:

As for what has allowed my progression through my sentence it has been my undertaking of offender behaviour programmes. This is when my progression I guess officially started on paper because it is not simply enough through good behaviour or maturity one can progress through their sentence and re-categorisations. No reasonable explanation has ever been offered other than being told “it is too early for progression”, “you are not priority”, and the most antagonising of them all “just keep your head down”. Bearing in mind I am housed besides the neighbours society did not want!

(Life sentence, HMP The Mount)

They suggested that sentence plans tended to be specific only about a small range of mandatory requirements (relating to OBPs and education), with broader personal development objectives unspecified:

The only progress [people making decisions about me] are interested in is completion of offender programs and basic (mandatory) levels of English and Maths (regardless of your actual educational levels). The more cynical person may deem this as the only things, progression wise, the prison can be paid for.

(Extended determinate sentence, HMP Rye Hill)

A number reported difficulties accessing OBPs. Delays according to sentence length were referred to often. Respondents said shorter-sentenced prisoners were offered priority access to available opportunities, whereas the prison appeared to expect longer-sentenced prisoners to wait:

The only people who seem to progress through the system are determinate sentenced prisoners who have a couple of years left. Most of these don't really want to move or need to.

(Imprisonment for Public Protection, HMP Garth)

I have tried to access offender behaviour programmes in the various prisons I have been to and have been told I still have too long left to serve. Your [sic] at the bottom of the list. I have also had the same problems with access to higher education. I have too long to serve or I can't get funding. Both programmes and education are on my sentence plan so this is a huge frustration for me.

(Life sentence, HMP Rye Hill)

There is always someone who is a higher priority than you that needs the space leaving the initial (huge) bulk of your sentence with nothing productive to do... I am years away from any sort of offender program but I have completed level 2 in both English and Maths after a long fight to be able to do this, being very proactive and demanding access, which is the only way anything gets done in prison.

(Extended determinate sentence, HMP Rye Hill)

Waiting to access OBPs could be a frustrating experience for respondents. They suggested it meant they progressed not at a rate commensurate with their sense of personal progress or achievement, nor at a rate dictated by their changing risks of reconviction or serious harm, but at a speed dictated to them by official provision:

I wonder how many prisoners [here] have heard the sentence "Prioritisation is given based on national guidelines", another way of saying "you'll go when we're finished with you."

(Imprisonment for Public Protection, HMP Frankland)

Some drew attention to the unevenness of provision of different OBPs, with many courses not offered in some prisons, so that they could not progress against sentence plan objectives without undertaking a disruptive move:

The problem as you will know is that it isn't provided in very many prisons at all. [This prison] stopped all OBPs about two years ago, so prisoners have to be willing to accept a transfer away from their home area just to be assessed for courses which they may never actually enrol on if they do not meet the criteria. Local assessments are not allowed. The whole process is extremely unsettling and likely counterproductive in terms of course outcomes.

(Life sentence, HMP Coldingley)

Prisons like [here] use the word risk reduction to block progression to Cat C but provide no form of risk reduction courses at all.⁵⁸

(Extended determinate sentence, HMP Swaleside)

Views about the content of OBPs were mixed, with respondents who had completed long-term therapeutic interventions generally positive, and many others also pointing to the gains they had made through participation:

[Moving to a therapeutic community gave me] the opportunity and support to develop your own self-governance and the desire to engage with more pro-social opportunities. For example I could not of [sic] been able to undertake in-depth therapy in maximum security settings.

(Life sentence, HMP The Mount)

I took full advantage of and learned from programmes even when I did not necessarily agree I should be on them.

(Imprisonment for Public Protection, HMP Frankland)

However, it was also clear many respondents had found being assessed as unsuitable for an OBP a confusing and frustrating experience, particularly if these decisions were later overturned or questioned by other members of staff:

I was assessed on 3 separate occasions for an intensive programme in the space of six weeks, and each time I came back as unsuitable. Even so, the psychology department did a clinical override to make me suitable, which begs the question what is the point in assessments?

(Imprisonment for Public Protection, HMP Frankland)

Having been assessed at three prisons as not suitable for the Kaizen course including the prison I was at, the OS in OMU decided regardless Kaizen needed to be completed, but as a prisoner I had been assessed [...] so what is going on?

(Determinate sentence, HMP High Down)

Being assessed as unsuitable for OBPs (or being unable to access them) meant that many respondents felt unclear over what they could do to demonstrate reductions in the unspecified risks which they believed were preventing their progression in the sentence. They often said that decisions about progression laid too much emphasis on OBPs (which mostly seek to reduce the

⁵⁸ A number of OBPs are in fact offered at Swaleside, though provision would have been disrupted by the pandemic. It is unclear whether this response referred to an absence of courses in general at Swaleside (which would be inaccurate), or to having been found unsuitable for participation in such courses that were offered (which is possible).

risks of reconviction and serious harm), and too little emphasis on other activities undertaken while waiting to participate in them, or after having completed them:

You could do multiple courses in different aspects of self-development, behaviour and attitudes but unless it's an 'official' program (the very ones that haven't even been proven to work) no matter how much they assist real rehabilitation, they won't be acknowledged.
(Extended determinate sentence, HMP Rye Hill)

The reference in the last quote to OBPs not being 'proven to work' reflected a widespread awareness among respondents: that conclusive evidence is not available in regards to which (if any) accredited interventions offered by HMPPS actually result in reduced risk of reconviction.⁵⁹ Respondents were aware that in recent years a major intervention had been withdrawn because the available evidence showed that people who completed the intervention had been reconvicted at a higher rate during the follow-up period than those who had not.⁶⁰ Many used this to refer to the idea that some or all interventions did not 'work', and some expressed deep frustration that the withdrawal of a course (or its replacement by another) could result in new objectives being added to their sentence plans:

Progression is not easy because of the way the system works, or not works depending on your way of mind. You can do the SOTP, core SOTP, second TSP, Anger Management courses and then it was decided all of those courses had made people more of a problem and made them a higher risk to people's safety in order for prisons to make millions of pounds.
(Imprisonment for Public Protection, HMP Whatton)

Some suggested that the courses themselves over-promised or lacked legitimacy:

Former head of the prison service also claims that courses do not work, he stated OBPs are a waste of time. Sir Martin Narey also had concluded there was no firm evidence to show that OBPs aimed at rehabilitating prisoners could make a difference. Sir Martin was in charge of prisons from 1998–2005 then head of NOMS. Sir Martin stated stop fretting about rehabilitation politely discourage those who will urge you to believe what they have and 6 weeks or 6 months course which can undo the damages of a lifetime.
(Extended determinate sentence, HMP Swaleside)

We recognise that evidencing the effectiveness of interventions is never simple, and that OBP course completion is unlikely ever to be the sole factor which 'works' in reducing either the risk of reconviction or the risk of serious harm. Reducing these risks is a valid aim, and OBPs will have a role to play if there are good grounds to believe the effect might be positive. Nevertheless, the last two quotations above underline the damage caused if people whose release is conditional on

⁵⁹ See Gabrielle Beaudry et al., 'Effectiveness of Psychological Interventions in Prison to Reduce Recidivism: A Systematic Review and Meta-Analysis of Randomised Controlled Trials', *The Lancet Psychiatry* 8, no. 9 (1 September 2021): 759–73, <https://doi.org/10/gmjv3x>. The lack of evidence for an effect on reoffending rates does not rule out the possibility that OBPs have other benefits.

⁶⁰ Dominic Casciani, 'Sex Offender Treatment in Prison Led to More Offending', BBC News, 30 June 2017, sec. UK, <https://www.bbc.com/news/uk-40460637>; Aidan Mews, Laura Di Bella, and Mark Purver, Impact Evaluation of the Prison-Based Core Sex Offender Treatment Programme, 2017, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/623876/sotp-report-web-.pdf.

engagement with the sentence plan lose faith that the sentence plan is meaningful, or the interventions it recommends will make a difference. Such a situation generates disengagement or half-hearted engagement, or even the belief that since progression through engagement with the sentence plan appears not to be possible, attempts must be made to secure transfers and moves by other means.

I will not blow smoke up the powers that be butts tick boxes to make their statistics look good and I don't live in this imaginary cotton wool wrap world [intervention facilitators] try to get you to believe exists because it does not.

(Life sentence, HMP Frankland)

They repeatedly go on about 'risk' but I realised many years ago that this has nothing to do with risk [...] it's all about accountability, they all want someone to blame should it go wrong. I am now at the point where I am refusing to cooperate with report writers because when I did cooperate, they wrote that I don't. Cooperation has become futile.

(Imprisonment for Public Protection, HMP Littlehey)

'Moving the goalposts'

Some respondents gave details of how they felt prisons had 'moved the goalposts' in relation to their sentence plans. In some cases, this related to the perception that new sentence plan objectives merely revisited the content of earlier interventions:

There is also an element of "setting impossible goals". Is it realistic to construct a sentence plan that requires me to "seek suitable employment" when it is known that the prison will not offer a worthwhile job to a prisoner who is almost 75?

(Life sentence, HMP Rye Hill)

In some cases this was because new assessments of the prisoner themselves had caused new sentence plan objectives to be identified well into the sentence. Both situations prolonged the sentence and involved new waiting lists and the feeling that time had been wasted:

In actual fact when I was diagnosed with autism/high function (Aspergers) I was given up as a lost cause and people walked away from me. This was fixed by [being] rediagnosed as having a personality disorder petercaly (narcissist) [sic]. This then gave them more scope to put me on courses and keep me in longer and longer.

(Imprisonment for Public Protection, HMP Buckley Hall)

The final sentence of this quote, where the respondent refers to the prison seeking ‘scope’ to keep him in ‘longer and longer’, echoed a view expressed by many others: namely that OBPs made them feel like ‘a commodity’, in that their presence meant prisons received intervention funding:

If you are complying with the sentence plan and doing programmes then you are seen as a commodity and your backside on a seat here is more valuable than a seat in a security category that best fits your risk.

(HMP Frankland)

The implication was that they saw the sentence plan as not tailored to them as an individual, overly prescriptive, and not aligned with their views about what might motivate them or reduce the risks of reconviction or serious harm:

Program don't change someone they change themselves. Intervention don't just mean programs which prison think. Intervention includes activities gaining educational and vocational qualifications and 7 pathway [...] and they say anything to get you to do OBPs.

(Extended determinate sentence, HMP Swaleside)

Risk reduction for those already low-risk

The responses suggested prisoners assessed as ‘low-risk’ (either by actuarial or structured professional judgement assessments) experienced problems in the current progression framework, because of a mismatch between the length of their sentences and the range and kind of intervention available to them.

In many cases this group had been convicted and given long sentences when comparatively old,⁶¹ but the common denominator was that they had been assessed as unsuitable for OBPs, and/or had completed OBP-related objectives on their sentence plan, only to be informed later (for example in annual security categorisation reviews) that they had not shown enough of a reduction in risk to justify a decision to progress them:

Progress for those whose risk is low? At present the whole idea of progression is based on risk reduction, regardless of that even being achievable.

(Extended determinate sentence, HMP Manchester)

Many respondents commented that they were not sure how they could (further) reduce their risk. They believed there was no guidance on how to further lower their risk. The following respondent was unusual in specifying that he was referring to a RoSH assessment, but the underlying point (that reducing risk from ‘low’ to ‘lower’ felt difficult) was common to many:

There is nothing I could do, as far as I am aware, to reduce the medium [Risk of Serious Harm] score to low, as a life sentence prisoner convicted of murder.

(Life sentence, HMP Coldingley)

⁶¹ In general, the risk of reoffending declines with age. People who are older may have extremely low actuarial risk scores, meaning that they are often assessed as unsuitable for OBPs.

Some also pointed out that risk assessments they believed were delaying or preventing their progression were not in fact relevant to their current situation:

In my experience the only risk that officials making decisions about a person's progression are concerned with is the risk they pose to the public in the community. That may seem reasonable however the majority of people progressing are from B-cat to C-cat. [I have recently been denied progression because] although I meet the criteria in 4 out of the areas, [my risk to the public in the community is High.] However as I am asking to be moved to another closed prison of a lower security categorisation [...] I should be assessed on my risk to the public in custody which is Low. Neither my POM or his manager will accept this.

(Imprisonment for Public Protection, HMP Frankland)

My risk levels are all low while I am in prison; now when an inmate is released all of your risk levels go to high so you can do everything you are told and [it] does not make any difference, my risk levels for in the community range between high/medium now these I cannot lower until I am in the community.

(Life sentence, HMP Frankland)

For those who expected to demonstrate 'reduced risk' but were unclear about what this entailed, the idea of 'progression' itself lacked credibility. Some implied that in the absence of OBP objectives, the sentence plan required only that they remained compliant and stayed out of trouble. Since they said this was what they would have been doing even without the plan, they implied that in effect the sentence plan required nothing at all from them by way of positive personal change. Instead, they implied, it required only that they be punished:

I am unclear what is meant by the term 'progressed'. I am unaware of making any progress, or of being asked or required to make progress. I started as a cat-B and remain cat-B. I started in the [LTHSE] and remain in the [LTHSE]. I started well-educated and have not been asked to become more so. I started well-behaved and remain so. I started drug and alcohol free and remain so. I started fit and remain so. I started sane but am beginning to wonder. My sentence 'plan' is to remain enhanced and seek suitable employment. I remain enhanced/gold but I have not been admitted to any employment.

(Life sentence, HMP Rye Hill)

I am unaware how an individual like me whom is a qualified degree-level engineer, and has worked supervising huge civil engineering projects [...] and [has] offspring in their late 40s, can develop any further? Perhaps because of my age, the prison treats me like an anachronism, and leaves well alone?

(Life sentence, HMP Frankland)

Regardless of the assessed risks of reoffending and serious harm, the sheer length of most respondents' sentences guaranteed lengthy slack periods, where 'risk reduction' did not appear to be their or the prison's direct priority. They instead did their best to live their lives in prison, with some pursuing personal plans and objectives (such as education), or endured these periods

of 'nothing time' passively by 'keeping their heads down' and hoping for the best. In either case, they believed that sentence length and stage were what really determined progression:

Due to basic lack of space to progress it is easier to move by being a control problem. HMPPS is in crisis rather than admit there is a problem. Prisoners are held back and used as justification for the system failures.

(Life sentence, HMP Wakefield)

Other respondents said that they had been advised (mostly by other prisoners but sometimes by staff) to deliberately cause trouble, so that when they later refrained from this behaviour they would thereby demonstrate 'change':⁶²

I recall my first offender supervisor suggesting I get a couple of nickings to do a course to demonstrate a change in behaviour, as my behaviour was already good I did not understand this suggestion at all.

(Life sentence, HMP Coldingley)

A small number of men who had been assessed as posing a low risk of reconviction or serious harm also said that progressive moves were highly undesirable, because the category C prisons were (in their view) less controlled. Moving prematurely to lower-security conditions meant relinquishing certain material comforts which were more readily available in the Long-Term High Security Estate (LTHSE), such as single-cell accommodation and self-cook facilities. They anticipated that a 'progressive' move would bring a reduced quality of life and an increased exposure to provocative or unsafe situations in the relatively less controlled category C environment, with a potential for resulting incidents to bring negative entries in their record, and potentially a reversal of their progress:

A lot of low-risk prisoners I speak to worry about progression as they see it as a form of sabotage. Consider a highly motivated, well behaved, calm and quiet individual in the long-term high security estate being recategorised to cat-C; he would be moved to a cat C prison, an environment that is especially seen as being ripe for drugs and violence, with a shorter-term, more volatile populace. Any step wrong for this prisoner (even so far as defending himself in an altercation) would see his perceived risk increased [...] [Staff will say] "cat-C is a test". [But] progression shouldn't be a test, it should be a reward.

(Life sentence, HMP Wakefield)

Respondents told that category C prisons are for testing their ability to stay out of trouble in disorderly conditions might justifiably ask if this expectation is ambitious enough for establishments where they might spend many years of their lives. At the very least, the belief among long-term prisoners that category C prisons are undesirable places to live has the potential to undermine many of the improved policies on categorisation (for example), if some then go on to 'game' the progression system to try and prolong their stay in higher-security conditions.

⁶² It should be repeated here that an increased risk of non-compliance in prison does not necessarily entail an increased risk of serious harm or reconviction after release.

Risk and in-prison behaviour

Many respondents believed that positive behaviour in custody did not influence decisions about progression:

It seems fair behaviour, being a mentor in different areas such as darts,⁶³ Listeners, Turning Pages seem to work against you in jail. But bad behaviour, being a constant nightmare, seems to be the order of the day [and those who engage in it are] rewarded with being removed of [sic] A-cat, moved to good jails and given anything you want.

(Determinate sentence, HMP Frankland)

When they are making decisions about my progress it seems they do not take anything into considerations I have got to have one of the best jobs in Prison working in [a highly trusted role], and yet they do not take that into consideration I also in the 16 years I have been in Prison I have had no nickings, adjudication, I have only lost my enhance once [...] I comply with the sentence plan and with the prison system [but] all they are interesting [sic] in is for me to "lower my risk".

(Life sentence, HMP Frankland)

Not all respondents described their own conduct during the sentence positively: some acknowledged that periods during their sentence had been marked by non-compliance, violence, and disruptiveness. But there was general agreement that positive behaviour alone tended not to influence progression. Moreover, taking actions and participating in activities that they understood to be prosocial (such as mentoring roles or work to support staff or other prisoners) also did not 'count' when it came to progression:

[Q]uite literally you could get refused support for your own downgrade for almost any reason no matter how small the transgression. In comparison to what you may have achieved in that year.

(Life sentence, HMP The Mount)

General behaviour/attitudes are not taken into consideration. Anybody can attend an offender behaviour programme to get a box tick and progress. This seems to be the only method relied upon by the OMU department. Progression needs to be based more around your behaviour, attitude, educational achievements, pro-social displays/attitudes, etc.

(Life sentence, HMP Long Lartin)

Your behaviour whilst in the prison system can be impeccable, but you can get left behind due to your good behaviour, as you don't flag as a problem.

(Life sentence, HMP Wymott)

What really determines progression?

A few respondents pointed out that much of the capacity for long-termers in the prison system was in the category A and B prisons of the Long-Term and High Security Estate (LTHSE).⁶⁴ This drew their attention to the structure of the prison estate and was visible in two ways when they spoke about sentence progression. First, they recognised they would usually be held in the

⁶³ 'Darts' in this quote probably refers to a drug and alcohol treatment intervention.

⁶⁴ The system is different for women serving long prison sentences as women's prisons are either 'open' or 'closed', as opposed to various security categories. This means women serving long sentences are likely to spend time living alongside women serving very short sentences. Our Invisible Women workstream will explore this further.

LTHSE for longer so that their progression and their risk of reconviction and of serious harm were effectively decoupled:

The problem all long-termers experience is that they are often artificially held back in higher security conditions than is actually required, simply because of the length of time remaining on their sentence. In these situations, no amount of progress or achievement can affect the prisoner's categorisation, so development not only goes unrecognised but is often stunted by the limitations of the security regime they are being needlessly subjected to. Effectively, prisoners 'peak too soon', having achieved all they can achieve in their present category and simply having to wait until more sentence time elapses—often many years of what is little more than 'dead time'.

(Life sentence, HMP Coldingley)

One respondent, pointing to this situation, questioned whether the sentence genuinely sought to bring about prisoners' rehabilitation. Instead, he said, what kept long-term prisoners in higher-security prisons was in fact the need to punish the seriousness of their offences:

[The situation of those who can't progress] does raise the question about the nature of the index offence(s) as this can be a direct barrier regardless of how low an individual's risk is. Including their behaviour etc. It is these individuals who are through no fault of their own stuck in a system where risk is so low that early release becomes a problem due to time left to serve. The policy and rules need to be changed to reflect this problem.

(Life sentence, HMP Full Sutton)⁶⁵

Second, it meant that many respondents perceived the relationship between their risks of reconviction and/or serious harm to be tenuous or fictional. If advancing through sentence plan objectives appeared to make little difference to their progression, then the entire apparatus of risk could appear to cover for other agendas:

[OMU staff] in the public sector prisons consider very petty comments on the NOMIS system to justify turning us down for C & D cats. I recall looking at several other prisoners C-cat review paperwork and I was shocked to see how detrimental a simple IEP warning could be to a lifer's C-cat, or a comment [...] I'm convinced progress is a numbers game where they just want to fill spaces and there's nothing fair about it.

(Imprisonment for Public Protection, HMP Garth)

Prison made it impossible for some prisoner who challenge system and who stand up for their selfs [sic] only yourself make it possible they tend to use these [so-called] voluntary programmes and negative warnings & IEP to knock you back on progression or risk reduction work that don't reduce risk.

(Extended determinate sentence, HMP Swaleside)

For some who believed that lowering their risks of reconviction and serious harm was not possible (or that it was not possible to make a realistic assessment of these risks based on their in-prison behaviour), the link between progression and risk more generally appeared false. They implied that

⁶⁵ The reference to 'early release' in this quote is interesting and may demonstrate a fundamental misunderstanding of the life sentence; parole hearings determine not 'early release' but how long after the minimum term has been served someone can be held in prison.

a standard approach to ‘progression’ was applied uniformly to all but was not achievable by or relevant to all those it affected.

Risk assessment and procedural justice

The OMiC policy framework states explicitly that prisoners whose release is determined by the Parole Board should have had the opportunity to address their offending behaviour and progress before their parole eligibility date:

The Governor must ensure there are processes in place for those individuals who will receive the core service to ensure that the relevant offender management processes (such as HDC and ROTL) are delivered in sufficient time to enable the process to be completed by the eligibility date where relevant.⁶⁶

The framework also explicitly acknowledges that the accomplishment of some sentence plan objectives lie beyond the control of individual prisoners, and that this ought not to count against them:

Individuals must not be disadvantaged for not achieving an objective outside of their control.⁶⁷

However, as the quotes above and below indicate, many respondents worried that they would not be able to complete sentence plan objectives before key assessments and dates (such as the tariff date, or the pre-tariff sift) had already passed. Some worries here related to the issues of OBP access discussed in the section above. However, many respondents described a broader quandary. On the one hand, aspects of prison life they could, in principle, control (eg their behaviour, their reactions, their engagement with others) did not appear to reliably influence official decisions about their progression. On the other hand, the factors which appeared to them to favourably influence such decisions (eg access to OBPs, the number of years they had served) generally lay beyond their control. This left many feeling deeply frustrated:

EXAMPLE you did all the sentence plan targets but prison psychology suggest you haven't learnt and make a referral for a refresher. Either the courses work or they don't. The individual has learnt but reports don't reflect this.

(Life sentence, HMP Full Sutton)

Frustrations of this kind led some to characterise progression decisions in extremely negative terms:

The system uses psychological oppression, coercive control and emotional blackmail to get its own way. If I was to behave the same way on release I would be arrested or recalled.

(Imprisonment for Public Protection, HMP Littlehey)

⁶⁶ Ministry of Justice and HM Prison & Probation Service, ‘Manage the Custodial Sentence’, 10.

⁶⁷ Ibid., 11.

Others, meanwhile, believed that the answer to this situation was to get ‘clued up’. They still highlighted perceived procedural unfairness, but read relevant policies and learned to present their own situation differently:

I was progressed to a category C from [high-security prison] 15 months before my tariff expiry. I feel this only happened because I got clued up. I read the PSIs and learned how to present the argument that needed to be presented. The main factor that hindered my progression the last time I was here was the fact that a report, which should have taken six months to complete, took five years.

(Imprisonment for Public Protection, HMP Frankland)

Several respondents pointed out that opportunities to have progression decisions scrutinised were few and far between, with the result that they often had no choice but to accept decisions they disagreed with:

Nowadays the behaviour's been good for years but I've been turned down 3 times in my yearly category reviews and I seldom see my probation or 'offender supervisor' and they change rapidly. In the past legal aid enabled us to challenge and appeal against unfair decisions made by the prison's Offender Management department at the category reviews whereas now we can't afford the £250-£300 that I was quoted for this recourse.

(Imprisonment for Public Protection, HMP Garth)

Since 2013 legal aid cuts to things like obtaining solicitor through legal aid to challenge knockbacks on recats, prisoners can't do so prison service now would block this on thing like risk reduction, when the PSI for recats stat [sic] it purely down to behaviour in custody not courses/OBPs. Tend to see since 2013 there been more scope for prison service to knock prisoner back knowing prisoner can't obtain legal aid.

(Extended determinate sentence, HMP Swaleside)

No consideration is given to my lengthy representations outlining this quoting HMPPS guidance. When legal aid was available people's rights weren't ignored like this.

(Imprisonment for Public Protection, HMP Frankland)

Some believed that progression was entirely beyond their control, but was instead the result of outside intervention, particularly by Parole Board panels and by offender management staff who consciously and deliberately intervened to push them forward:

The people that have made that progression possible at various intervals have been due to the deep concerns and recommendations of the parole board panel themselves or small groups of prison officers that are in the job for all the right reasons.

(Life sentence, HMP Berwyn)

Many believed that only independent scrutiny would produce a progressive move, and pointed to actuarial scores based largely on static risk factors,⁶⁸ which they could not act on and which they felt extended their punishment:

There is no progression, that [comes] once you involve solicitors and court action. I received Cat C status late 2017. The static risk RM2000 remains, never changes, and [is] used as an excuse not to progress a person. Why will the system not look at their behaviours, since justice places a person in prison as punishment—coming to prison is not for those in public office positions to measure out further punishment and use excuses that unless you do courses you will not be released.

(Determinate sentence, HMP High Down)

Summary: risk reduction vs personal development

The more respondents felt unclear about what they had to do to progress, the more they tended to believe that risk assessment was an outside imposition. They perceived the OMiC model not as a process aiming for their rehabilitation and supporting and helping them to achieve it, but as an unaccountable and confusing set of rules which kept them in the dark and ultimately served as a tool used to secure their compliance. They ‘toed the line’ without giving a sense of being actively engaged in reducing their risk:

I am not sure [what should change], all I know is what happens if I don't comply no info is given to me in regards to me being sentence compliant just if I am not then I will drop to bronze have no DVD player and lose my job. So I guess it's about towing [sic] the line.

(Determinate sentence, HMP Rye Hill)

I have no idea what decisions are made [about me] whatever they are there [sic] about controlling me and keeping me subservant [sic] with ISP levels.

(Determinate sentence, HMP Rye Hill)

The process was rather ad hoc, annual reviews were a paperwork exercise and merely a way to get you to do offender behaviour courses.

(Life sentence, HMP Coldingley)

Some also said that meaningful opportunities for personal development were of greater interest to them than lowering the risk of reconviction or serious harm. ‘Risk’ was not only difficult to fathom but also distant from what they saw as their real needs for the future. Because the sentence plan demanded so little from them, these respondents faced substantial periods of purposeless ‘nothing time’ (Life sentence, HMP Frankland). Some had formulated their own objectives and goals for the future and were trying to realise these in prison. These were not explicitly framed in terms of risk, but related to education, skills, self-esteem, personal happiness, and other personal traits:

During my [nearly 20] years in prison I have studied for a degree and have obtained over fifty qualifications in a variety of subjects and one governor wrote “[name] has done more than enough to make himself a better citizen” and despite this I still languish in prison, now without hope and struggling to get through each day.

(Imprisonment for Public Protection, HMP Littlehey)

As a child I was labelled lazy, stupid and a waste of space. I was someone who wouldn't make a career for herself but was never allowed to do anything other than work in the family business. This label stayed with me throughout my life, along with the feeling of

being alone, not loved or wanted. Sadly, it has taken me to come to prison to find out that I am none of them; I can do anything I want if I put my mind to it.

(Life sentence, HMP Styal)

For some, the priority in personal development had involved coming to terms with painful past experiences (including the index offence), or coming to terms with the familial and other difficulties incurred by the sentence:

I've had to embrace my faith again and again trying to find a purpose for life and a meaningful existence an outlet to try process my pain, guilt, shame and remorse [...] Therefore my faith, family and friends were and are paramount in supporting me through the next [more than 15] years till my first opportunity of first parole for open conditions.

(Life sentence, HMP The Mount)

I had a child that died [some years ago], it effected [sic] me really bad and when I was jailed emotions came out. One thing on my sentence plan was bereavement counselling, it was an important part of it and important to me [but] that was 2017, [in] 2021 [I'm] still asking.

(Determinate sentence, HMP Isle of Wight)

Others described changes in themselves, such as increased feelings of emotional maturity and self-sufficiency, which meant they found it difficult to recognise in themselves the person they had been at the time of committing their index offence:

People mature when they get older in life, understand the importants [sic] of it. That life is for living and making the best of it. The officials don't understand that. That you are not the same person [as] when you come into prison.

(Life sentence, HMP Long Lartin)

For one person, these changes included the development of a more socially withdrawn mindset, which he anticipated would shape his activities after release, when he expected to 'live the hermit's life':

Prison has taught me to enjoy my own company—the lockdown has helped actually—and that's what I need. As when I get out (if I live that long) I'm going to live the hermit's life—I'll have no financial restrictions you see! [...] All I can really say is the way prison has changed me as a person—and that's to trust nobody 100%—plus also [...] I maybe fight a bit more to make myself heard than I would have before!

(Extended determinate sentence, HMP Rye Hill)

However, respondents commonly said that personal development of these kinds (that is, self-perceived changes which they saw as positive) did not appear to 'count' when it came to the assessments affecting their progression:

Having completed an undergraduate and master's degree while in custody, I can definitively state I have developed as a person, yet this has not had any effect upon my progression. You get all the plaudits saying well done and the governors want to put on a

graduation ceremony celebrating and showing your success yet at the progression moment it means nothing.

(Life sentence, HMP Coldingley)

Developing as a person doesn't seem to help people progress through their sentence plan unless that development has come about in a prescribed manner via a prescribed intervention such as OBPs.

(Life sentence, HMP Wakefield)

As the two quotes above suggest, respondents often perceived a disjunction between how and when they developed as a person and how and when they progressed through the stages of the sentence:

I don't think as you develop as a person you progress through your sentence plan and the prison system. The person who I am today is a completely different person from the person who started this sentence but until I complete my offender behaviour work that needs to be done, I will not be progressing anywhere.

(Life sentence, HMP Rye Hill)

These things (my personal progression) don't seem to matter to the prison. But to myself it helps me.

(Determinate sentence, HMP Rye Hill)

Others pointed out that previous iterations of prison policy offered more guidance on how to use time in custody, during periods when they might otherwise be 'treading water' or experiencing 'nothing time':

I have been told that when it comes to progression officials consider if I show remorse, what offending behaviour programmes I have done and how long I have left to serve before parole. What they don't seem to know about, or perhaps recognise, is that for those of us whose low risk levels make us ineligible to do OBPs and for those who refuse to do them, there are alternatives such as the nine pathways.⁶⁹

(Life sentence, HMP Wakefield)

⁶⁹ The 'pathways' were specified by an earlier iteration of offender management policy, and related to the successful reintegration of prisoners following release. The handful of respondents who referred to them appeared to be pointing to a perception shared by many, that at least part of the purpose of the sentence for them involved not reducing risk, but using time to prepare themselves for eventual release.

3.3 ‘Nothing time’ and personal development

There is always someone who is a higher priority than you that needs the space [on an intervention] leaving the initial (huge) bulk of your sentence with nothing productive to do. (Extended determinate sentence, HMP Rye Hill)

Seeing my time squandered so needlessly like this is really disheartening, and it has been hard to find alternative ways to invest it that feel quite so purposeful and worthwhile. (Life sentence, HMP Coldingley)

Purposefulness and time in the OMiC model

The default model of progression, along with the security categorisation system, divide the temporal span of a long sentence into a series of ‘chunks’ or ‘phases’, each with a distinct purpose. The OMiC framework aims for time in prison to be used ‘constructively’, for three purposes: risk reduction; preparation for resettlement; and helping prisoners become ‘safe, law-abiding and valuable member[s] of society’. If these aims come into conflict, ‘[p]ublic protection is prioritised’.⁷⁰ It is also clear that the sentence is intended to be purposeful throughout: that is, for its full duration. Implicitly, if the person serving the sentence changes, and their needs change, then so too should the objectives they are given and the opportunities they have access to, in line with their needs:

[Sentence] plans must be reviewed when significant changes occur to recognise positive and negative changes and maintain an up to date risk assessment and sentence plan. The review can focus just on those elements of the plan that have changed.⁷¹

The Governor and Heads of Service must ensure that staff initiate, complete and maintain accurate records on all individuals on authority approved case management systems. This includes all key contacts and significant events, positive and negative.⁷²

The OMiC framework is also clear that offender management staff in prisons are required to coordinate a range of different services, collaborating to ensure that a range of activities and interventions are coordinated:

Governors must ensure there is effective co-ordination of the sentence with service providers such as mental health and substance misuse services.⁷³

All staff within prisons, NPS, CRCs and other service providers understand their responsibilities in delivering services using a collaborative approach between each other, prisoners and staff.⁷⁴

⁷⁰ Ministry of Justice and HM Prison & Probation Service, ‘Manage the Custodial Sentence’, 6. It is questionable whether these three aims, on their own, can adequately direct the human needs or the goals and activities of people spending as much as three or four decades in prison.

⁷¹ Ibid., 12.

⁷² Ibid., 8.

⁷³ Ibid., 10.

⁷⁴ Ibid., 6.

‘Nothing time’

In contrast to the idea that the sentence is required to be purposeful throughout, many respondents suggested that much of a long sentence is characterised by stifling and difficult-to-manage periods of ‘dead time’ or ‘nothing time’. In describing this, many said they had struggled to come to terms with how to think about the time involved in the sentence. It was extremely difficult to think of anything positive, to consider the future, to make plans, or to imagine ‘progressing’ personally, and it prompted a kind of helplessness:

[Progression for long-sentenced prisoners] should be high on the list for any penal reform group out there as every other prisoner (except lifers) will have a release date to look forward to and can choose not to come back. Whereas for us indeterminates we don't even have the right to know when our parole date will be.

(Imprisonment for Public Protection, HMP Garth)

When my life sentence began in [year] the words progression or any routes to rehabilitation were non-existent nor even a topic of discussion. A month after my conviction all I received under my cell door in segregation was a notification of first parole board review date which stated your minimum term of [more than thirty] years will expire in [year], and it does not mean that you are entitled to be released. I didn't know whether to laugh, cry or scream.

(Life sentence, HMP The Mount)⁷⁵

Respondents both early and late in their sentence agreed that the sheer length of long sentences meant that substantial periods of ‘nothing time’ were unavoidable, during which they often felt helpless and unable to envisage a better or more constructive future:

I'm in an establishment where people are serving huge tariffs, something now more common as sentences become longer. I really can't think of any solutions to this because whichever way you 'dice' it, protracted periods of custody will need to be served either before or after risk reduction work. I see people with 20 years of nothing time.

(Life sentence, HMP Frankland)

Metaphors such as ‘death row’ pointed to the unreal qualities of prison life as experienced by those early in the sentence. More than one respondent described periods of ‘nothing time’ using the metaphor that they were human goods stored in a warehouse:

Progress? Which part? Serving a life sentence longer than I have lived—is that normal? It felt as if the prison estate did not even know what to do with us. The reality is lifers at the beginning of our sentences were just warehoused like livestock [...] sadly many lifers, myself included, saw progression to be somewhat of a myth. Instead of progressing we fell ill to the negative aspects of the prison life (I will spare you the details) poisoned by the sense of despair whilst day by day growing an innate hatred and disgust for the prison estate and its system.

(Life sentence, HMP Coldingley)

⁷⁵ Certain details have been omitted to protect the identity of the respondent.

No one out there cares, look at the stats on OLRs progressing, they have made it almost impossible to get movement. We have no-one to be a voice for us, it's the IPP situation but no-one's making a fuss, it's a death row of sorts.

(Order of Lifelong Restriction, HMP Greenock)

Those respondents who felt they were currently in an indeterminate period of 'nothing time' frequently described feelings of powerlessness and exasperation:

On my recat paperwork it states I am a potential category C prisoner but because I haven't completed my offender behaviour work and the time I still have left to serve that I cannot progress. This isn't my fault as offending behaviour programmes are prioritised by earliest release date. Which means I have little to no prospect of progressing through my sentence plan or the prison system.

(Life sentence, HMP Rye Hill)

Only outside intervention seemed capable of breaking them out of this situation. A number spoke of the value of a 'fresh pair of eyes' on their situation, whether this was provided by a parole panel or a relationship with a member of Offender Management Unit (OMU) staff assigned to their case:

Only when the probation from the outside came in things changed for me and a lot of people that was in my position. She looked at my file and asked me the question, "Why [are] you still on the book (cat-A)?" I said, "I don't know", [and] she said, "you should have been downgraded a long time ago."

(Life sentence, HMP Long Lartin)

These descriptions by prisoners of struggling to conceptualise and plan huge expanses of time in prison is consistent with research evidence on the same topic.⁷⁶ This evidence suggests that learning to manage (and not be overwhelmed by) 'temporal vertigo'⁷⁷ is critical to managing experiences of 'nothing time'. It also suggests that finding activities which infuse 'nothing time' with meaning, and turn it into a form of personal development, is critical in overcoming 'nothing time'.

Some older respondents nevertheless questioned whether 'personal development' was even possible in the context of a long prison sentence. They pointed out that their age, or the loss of status that imprisonment represented for them, made it far harder to believe that the sentence was in any way benefiting them. Instead, they noted that the purpose of the sentence was to punish them. Claims that the sentence did them any good were treated sceptically:

While I've met a handful of people who respond well to the rehabilitative aspects of prison, for people convicted of sexual offenders [sic], white-collar offenders (all in one group, increasingly), the elderly, and the disabled the experience is simply punishment on behalf of an increasingly punitive society.

(Determinative sentence, HMP Leyhill)

⁷⁶ See Ben Crewe, Susie Hulley, and Serena Wright, *Life Imprisonment from Young Adulthood: Adaptation, Identity, Time* (London: Palgrave Macmillan, 2020).

⁷⁷ *Ibid.*

I think that in my mid-70s I am past the stage when I can expect to “develop as a person”.
(Life sentence, HMP Rye Hill)

Some also recognised that because of their age when sentenced, and the length of their sentences, they were unlikely to be released at all:

I have interpreted [‘progress’] as “addressing the offence and being rehabilitated to re-enter society”. Progress, thus defined, will make sense to many prisoners. Progress in this sense is what ‘society’ expects. Such progress is not congruent with the position that many long-term prisoners find themselves in. A minority (but still a substantial number) of long-term prisoners are aware that they are unlikely to live until the end of their sentence. ‘Being rehabilitated to re-enter society’ is for them (myself included) a false goal.
(Life sentence, HMP Rye Hill)

Others who were younger, but who were struggling with a sense that their sentence was achieving nothing, also saw the sentence as a punishment they had to endure (and not an opportunity for positive change and personal development):

You would of thought the prison service would be trying to help me gain skills, get me ready for release but no. Prisoners can jump through so many hoops, then become stagnant because the prison hasn’t facilitated the courses needed, but then for some people progression is quick.
(Life sentence, HMP Wakefield)

Personal development as the antidote to ‘nothing time’

Many respondents described various activities relating to personal development, which helped them feel their time in prison was being used constructively:

Even though I could not undertake courses due to my low-risk status, I did many positive things with my time, all providing clear examples of my ability to empathise and be aware of the feelings of others, a key component of risk reduction. But each year [during my category review] I was told that I had not done enough to reduce my risk [and] that I provided evidence of a lack of empathy because I don’t accept guilt for the crime I’m accused of.
(Determinate sentence, HMP Rye Hill)

As the quote above suggests, not all respondents found that their efforts were recognised in progression decisions, given that OBP participation appeared to them to be the only route for them to progress. Some respondents also pointed out that it was not always easy to develop positively in higher-security prison environments:

When I now think of progression I think of autonomy and your environment [...] of being tested in less oppressive conditions from A, B, C to category D environments [which] allows the opportunity and support to develop your own self-governance and the desire to

engage with more pro-social opportunities. For example I could not of [sic] been able to undertake in-depth therapy in maximum security settings.

(Life sentence, HMP The Mount)

Others pointed out that being kept in higher-security conditions longer than they believed necessary prevented them from using their time to gain skills and qualifications they anticipated they could use after release:

The longer category A prisoners are kept cat A effects their ability to gain skills, trades, opportunities to put themselves in a position (good/positive) upon release and not come back to prison.

(Life sentence, HMP Wakefield)

As this quote suggests, seeking ‘personal development’ often involved looking beyond their offence and ahead to their post-custody futures. There was a wish to use prison time constructively to experiment and gain qualifications which might lead to better work prospects after release:

O[ffending] B[ehaviour] P[rogramme]s can't get you employment on release from prison. [You] need to look into things like better training courses in prisons [alongside] business courses so prisoner can complete training obtain certificates then [...] go on to set up businesses on release [...] Courses and training change lives around away from crime, not cleaning wings and packing canteen or workshop to benefit MoJ policies.

(Extended determinate sentence, HMP Swaleside)

I want to do as many courses and get as many qualifications as possible [...] I want to be able to walk straight into a job or employment when or if I ever get out of this dump.

(Life sentence, HMP Swaleside)

As well as offering some respondents alternatives to the lifestyles which had led them into crime in the first place, many felt that activities of this kind helped them cope with the sentence, because they felt they were making some positive gains from their time in prison.

Education, work and personal development

A strong recurring theme in the consultation responses was the importance of education to progression. There was general agreement that prison education offered too few routes to progression and the difficulty of accessing higher education funding was a particular point of criticism. However, some respondents had made significant educational achievements while in prison, linking their ability to do so to a level of motivation and resourcefulness they believed to be atypical among their peers:

I have to be incredibly self-motivated to keep doing academic work and other activities knowing I can't progress I can just aim for release. But what about those who are not as focussed as me, how do they cope?

(Determinate sentence, HMP Bure)

Both jaded cons and experienced staff imply: 'shut up and get on with your time'. The personal development [I have undergone] is thus entirely onto a certain thick-skinned resilience mixed with not having been in so long as to inculcate total 'corrections fatigue'. (Determinate sentence, HMP Leyhill)

Those who had accessed higher education all said they had needed assistance from outside organisations or individuals, including personal friends and supporters:

If I had not received assistance from individuals in support of academic study, outside agencies working within the system, then as an individual I would not have developed. I count myself as lucky, because of my drive and desire I achieved and now will be held up by the system as a success. In my experience, progression on risk and future, is achievable for all, if they decide or have the capability to utilise the services available. [But] empirically I would say you are only talking about 5% of the population in prisons. (Determinate sentence, HMP Buckley Hall)

Many respondents, like the person quoted above, recognised that educational achievements might not directly affect progression but nonetheless fostered feelings of self-esteem, agency, and preparedness for life after prison.⁷⁸ Education was described both as a form of personal development and of personal challenge. Some made the point that getting educated significantly increased their chances of not being reconvicted. However, many felt prisons underemphasised such achievements or misunderstood their potential impact on the risks of reconviction or serious harm:

The decision to undertake higher education with the Open University is also what I used as a form of escapism and a means to progress as an individual within myself. It aided me to see past prison and see new academic aspirations which I could achieve not only in prison but in society. As well as self-worth and being able to try and express my concerns and grievances in a more pro-social manner instead of resorting to violence and aggression. However, this is not given official credence to assist progression through sentence as it is seen as a personal development and not accredited offender behavioural development. (Life sentence, HMP The Mount)

More should also be made of the positive impact of learning. For example, does an individual choosing to do a 6-year OU degree demonstrate stability and commitment that may previously have been missing? (Determinate sentence, HMP Bure)

However, it was more common for respondents to say that they had not been able to pursue educational goals, because funding was not available or because opportunities were difficult to access. Therefore, even for those who had the personal motivation and drive to pursue

⁷⁸ Feelings of self-esteem and agency are positively correlated with successfully desisting from offending. See, for example, Thomas P. LeBel et al., 'The "Chicken and Egg" of Subjective and Social Factors in Desistance from Crime', *European Journal of Criminology* 5, no. 2 (April 2008): 131–59, <https://doi.org/10/fbpj3m>; Also see Bianca E. Bersani and Elaine Eggleston Doherty, 'Desistance from Offending in the Twenty-First Century', *Annual Review of Criminology* 1, no. 1 (2018): 311–34, <https://doi.org/10/gfv855>.

educational qualifications, opportunities could be limited by resourcing. Many suggested that education was a major missed opportunity for many during this consolidation period of the sentence:

For me education is the powerhouse of progression and rehabilitation and yet there is no funding for higher education. Long-term prisoners cannot access student loans either. This needs to change! Long-term prisoners are being forgotten and left behind.

(Life sentence, HMP Long Lartin)

In addition to education, many respondents described different kinds of work and volunteering opportunities in prison as forms of personal development:

I have tried to keep my brain alive by study, and it has been a real benefit. I have taken [a higher education] course over 4.5 years and completed it [...] I have also taken the courses level one and level two food health awareness, I also took the wheelchair users course twice at both HMP X and HMP Y [and] I also did the sighted guides course at HMP X.

(Imprisonment for Public Protection, HMP Whatton)

However, as the quote above also suggests, respondents often described feelings of frustration when achievements they had made earlier in the sentence were not recognised following transfer to another establishment:

In the last 12 months I have completed 2 courses with Criminon (restoring self-respect and personal integrity) for personal development, finally taken control of my anxiety and no longer need medication, and wrote a series of programmes to help other prisoners with their mental and physical health; yet when it came to my re-cat it stated “as you are yet to complete an offender programme” (which is completely out of my control) “you have done nothing to demonstrate a reduction of your risk...!!!” No two people are the same, yet only one thing is taken into consideration as ‘proof’ of risk reduction and progression—and is, ironically, unproven.

(Extended Determinate Sentence, HMP Rye Hill)

Some respondents did report taking up similar opportunities to feed information about their accomplishments into sentence plan reviews and similar meetings. However, opportunities to do so appeared to be few and far between, and were often inconsequential:

Personal development can't be evidenced (easily) and although there are opportunities for self-reporting (PEP form) very limited numbers of prisoners are comfortable or willing to self-evaluate and praise themselves.

(Determinate Sentence, HMP Rye Hill)

Individual achievements within the system where [sic] left to myself. My time has been spent in support of others in relation to becoming a mentor and listener (Samaritans), in addition to my undergraduate studies. The Probation/Offender Management Units (OMU)

do not engage with anyone until sentence/revue [sic], annually or if sentenced below three years, 6 monthly, it is at this point you as an individual confirm your activity for the previous period.

(Determinate Sentence, HMP Buckley Hall)

Respondents also pointed to how interventions and opportunities they had taken up on their own initiative were not always well integrated with their sentence plans. In other words, they perceived that using their time purposefully received little credit when it came to decisions about their progression.

A lot of the time progression is stifled by officials as they are looking too much into the original alleged crime/charge and not what you have achieved while in custody—whether that be higher education, trusted positions and OBPs—too much weight is given to previous character. Personal progression [...] don't usually factor enough into assessing someone's progress.

(Extended Determinate Sentence, HMP Rye Hill)

I cannot expect to move to open conditions until [date] This not only delays my [further studies] by 2 years, but significantly impedes the momentum gained through 5 years of continuous study [...] so I'm pretty much in limbo right now. The irony is that my sentence plan goals include furthering my education and employment prospects, so the prison is now impeding that very progress.

(Life sentence, HMP Coldingley)

Several respondents pointed out that making personal development 'count' required assertiveness and persistence in relationships with staff, to prevent achievements going unnoticed.⁷⁹ Some acknowledged that some prisoners found balancing these qualities easier than others, and some found it extremely difficult:

I believe you must take responsibility/ownership of your sentence and manage accordingly. Prison staff, probation are not answerable to anybody and always moan about big caseloads, but always the [sic] fight and deal with the loudest first. I recall an offender manager agreeing with me that good behaviour does not get rewarded in prison. There is a current environment dealing with problem prisoners or prisoners with issues, throwing resources at those who shout and mess about over those that follow regimes, are polite and demonstrate good behaviour.

(Life sentence, HMP Coldingley)

Some respondents recognised that social and educational privilege made it easier for them to self-advocate in this way, ensuring they remained on the radar of staff. This was particularly the case because relationships with key OMU staff were conducted at a distance and seldom face-to-face, leaving those with greater skills in reading and writing at an advantage. Not all respondents had this level of social capital, and some struggled to maintain these relationships with staff:

⁷⁹ One respondent made specific suggestions in relation to this point, which we cover further below.

I always advise [prisoners meeting OMU staff] to stay calm and respectful throughout. Frustration often spill out into what staff perceive as aggressive or threatening behaviour – which is always a recipe for disaster. Whilst prisoners may resent these interactions, it is really important that they tolerate them and see them as opportunities to advance their cause in a positive fashion [...] [Doing otherwise] only confirms the prison's worst fears and prejudices.

(Life sentence, HMP Coldingley)

Inaccurate information

Respondents recognised that information held on file by the prison would exert a significant influence on their eventual progression, at whatever stage in the sentence this came. This left some concerned that information they felt was inaccurate or lacked contextualisation appeared in their files, which could result in knockbacks to their progression.

Some of these concerns related to the perception that positive information about them was not generally recorded or was not recorded proactively. It could be difficult to correct these without appearing to be a 'troublemaker':

NONE of [the qualifications I've gained] have ever been given as credit on my C-NOMIS and to even get the prisons to accept I did those things I had to put in [complaint] forms, they do not put many positive comments on our C-NOMIS.

(Imprisonment for Public Protection, HMP Whatton)

I comply with my sentence plan, however this process for lifers is useless. In my situation for first 8 years I had only two targets, first to improve English (as I didn't speak English at all while arriving to prison) and second was to improve my Maths. [But] I've worked as a MENTOR IN MATHS class for [several] years! And yet, this target was still in my sentence plan. This mean that nobody was bothered to check where I am employed and what my job description was.

(Life sentence, HMP Frankland)

In other cases respondents' concerns related more to the absence of relevant information, and the inadequacy of recording systems. One theme in these responses was that prisoners who complied with the regime and managed themselves carefully could find it difficult to demonstrate a reduced risk of harming others, because information about them would not make it into systems more likely to record non-compliance and problematic behaviour:

Your behaviour whilst in the prison system can be impeccable, but you can get left behind due to your good behaviour, as you don't flag as a problem.

(Life sentence, HMP Wymott)

Evaluating 'progress' is difficult. A prisoner who starts his sentence badly motivated and badly behaved may improve considerably and score highly in terms of making progress; whereas a prisoner who started his term already well motivated and well behaved may be perceived as having made no progress, despite being in overall terms better placed for reclassification or release than the other prisoner.

(Life sentence, HMP Rye Hill)

Elsewhere, respondents suggested that the positive impact of their own personal development was neither taken into account nor integrated with risk assessment processes nor the management of the sentence more generally. The implication was that information held by the prison and used to assess the risk of reconviction and serious harm systematically omitted to take account of data points the respondents saw as highly relevant. A common point in responses on this theme was the importance of the keyworker role within the OMiC scheme, with many respondents pointing out that this staff member often had more limited influence over progression decisions than other staff (and appeared to them to feed less information into them), even though they were better-placed to see the individual in question ‘up close’:

[Officials making decisions about your progress] take into consideration your OASys report. Their information is never up to date—in OASys is who I was, not who I am now. They should look at your PEP pack and speak to your keyworker and staff.

(Extended determinate sentence, HMP Rye Hill)

OMiC should work closer with keyworkers who are seeing your changes on a day-to-day basis. Their opinion should be a key voice in your progression.

(Life sentence, HMP Frankland)

Expectations of resettlement and release at the end of long sentences

Relatively few responses were received from people who were in resettlement prisons and preparing for release, and so the number of responses that discussed resettlement provision and release planning was comparatively small. Nevertheless, it was clear that those who were in open conditions evaluated these very positively:

The promise of D-cat remains the best bit of the prison ‘progression’ system.

(Determinate sentence, HMP Leyhill)

There was a widespread agreement that preparations for release ought to begin earlier in the sentence; several respondents described sudden flurries of purposefulness and assessment following lengthy earlier periods of ‘nothing time’:

Regular one-to-one sessions should be held with POMs to document progress and risk reduction, not just in the last eighteen months before release or parole.

(Determinate sentence, HMP Bure)

Some respondents suggested that more people serving long sentences should be able to move to open prisons (or to supervised release in the community) starting from an earlier point in the sentence:

Other than providing more category D type establishments and ensuring more of the right people are sent to them once they have done all they can/are asked to do to reduce risk, there’s very little the Prison Service can do. It’s a sentence revolution that’s needed so that these people can obtain release on licence once they’ve done all they can, rather than

having to wait until a set date. In effect, the punishment element of the sentence converts to a community sentence, with all the benefits to society, the person concerned, and the vastly reduced financial cost we know comes from that. This isn't a reduced sentence, it's simply a change to how the sentence currently operates, which the media and general public at present don't seem to understand.

(Extended determinate sentence, HMP Manchester)

These respondents acknowledged that other monitoring tools could be utilised to allow long-term prisoners to serve the end stages of their sentence in community settings, while still providing reassurance and a means to manage the risk of reconviction and serious harm:

GPS tagging, alcohol and drug testing are all options that could be open to people who genuinely show rehabilitation, work ethic and respect for themselves and the communities that would receive them.

(Extended determinate sentence, HMP Oakwood)

However, some foresaw difficulties in life after release. They contrasted their experiences of probation with the support that they believed they would require to reintegrate into society following release from a long sentence:

As it is now, the key factor here is the provision of the correct support for someone to reintegrate into society and not feel the need to turn back to criminality, which many currently do due to the lack of support on release. This can only come from a return of probation to being more of a social service for convicted people serving a sentence element in the community than the current virtually unaccountable police force/court system extension that it's become.

(Extended determinate sentence, HMP Manchester)

In the eyes of those supervising you outside you're still the same person you were when you were first arrested and any progress or development you have made means not a jot.

(Imprisonment for Public Protection, HMP Frankland)

3.4 Casework and staff-prisoner relationships

Officials I have spoke to [sic] here take into account what we as people, not prisoners, want to achieve out of release, what we need to get from our sentence, not what we have been accused of but where we are going.

(Determinate sentence, HMP Isle of Wight)

Lifers and long-termers need a lot of help and support by the right people who understand them. Sometimes this restricts you getting to your sentence plan completed.

(Life sentence, HMP Wymott)

The previous sections outlined respondents' views on two key topics: risk assessment, and time. It described how decisions about their progression often left them feeling confused and unclear about what was expected from them. As a result, substantial periods of the sentence for many people consisted of 'nothing time', where it was difficult to sustain motivation and access opportunities which might improve their prospects after release. We also described how some of those who experience 'nothing time' try to fill the gap by pursuing their own personal development, but often feel that they get insufficient credit for these efforts. We suggested that this was, in part, because information about personal development often does not reach recording systems which are later used in risk assessments.

In this final section we describe respondents' views about the staff-prisoner relationships underpinning risk assessment and progression decisions. As we noted in Section 3, and as the OMiC framework recognises, these relationships are important to the risk assessment enterprise, not least for their ability to motivate and engage prisoners, and because they add to the quality of risk assessment.

What role should staff-prisoner relationships play in sentence planning and progression decisions?

The OMiC framework makes clear that relationships between prisoners and staff should be collaborative and constructive, helping prisoners understand how the prison sees them, and what they must do to progress.

All offender management processes are communicated to prisoners and the reasons for decisions explained in order to support compliance, engagement and prisoners' understanding of what is required. Communication must be appropriate for the prisoner taking into account diversity issues.⁸⁰

Governors must ensure there are policies and procedures in place to support prisoner engagement and understanding.⁸¹

OMiC is also clear that as time passes during the sentence, targets and objectives need to be revised, responsive to changes in the prisoner's circumstances, characteristics, and engagement with the sentence plan to date. This makes regular, individualised, one-to-one contact between the prisoner and staff important, ensuring the prisoner understands what is required of them to reach certain milestones in progression.

All prisoners in the male closed estate must be allocated to a key worker whose responsibility is to engage, motivate and support them throughout the custodial period.⁸²

Governors in the male closed estate must ensure that time is made available for an average of 45 minutes per prisoner per week for delivery of the key worker role which includes individual time with each prisoner.⁸³

⁸⁰ Ministry of Justice and HM Prison & Probation Service, 'Manage the Custodial Sentence', 8.

⁸¹ Ibid.

⁸² Ibid., 6. Although this requirement was limited to male prisons at the time of publication in 2018, the OMiC framework was introduced in the women's prison estate in April 2021.

⁸³ Ibid.

The OMiC framework also envisages that long-sentenced prisoners should be ‘active participants’ in their own sentence planning process and in their rehabilitation.

The [sentence] plan needs to be commensurate with risk, need [sic] and must involve the individual as an active participant.⁸⁴

This makes relationships with offender management staff very important, since prisoners who do not participate actively may find it more difficult to progress, in part because they may not give the impression of trustworthiness, openness and honesty. Active participation is also intended to improve the quality of risk assessment, by ensuring that information held about a person is accurate and adequately understood.

Observations and assessments including changes in behaviour, identified needs in relation to an individual’s risk of harm, risk to self, likelihood of reoffending, and resettlement needs must be recorded in order to support defensible decision making and accountability in addition to ensuring information is captured.⁸⁵

Accurate data capture also aims to ensure that key transitions during the sentence are managed proactively, with ‘continuity’ of treatment and the maintenance of effective relationships a key factor:

[T]ransfers between prisons and between prisons and the community are managed effectively, information must be exchanged to ensure continuity of the sentence, maintenance of effective working relationships and effective management of risk.⁸⁶

Respondents’ views of case management relationships

Respondents painted a mixed picture of staff-prisoner relationships relating to offender management processes and progression. Some made very clear that a positive, constructive, consistent relationship with OMU staff could make a major difference:

[My progress] was only possible to begin with because I was at a private prison where I often saw my offender supervisor who said that I reminded him of his son and I’d had the same probation officer for 7 years at that point.

(Imprisonment for Public Protection, HMP Garth)

Some respondents specifically praised the changes introduced by the OMiC framework in 2018, as well as more recent changes to security categorisation policies. These, they said, had brought about dramatic improvements for progression in some parts of the custodial estate, including better and more regular contact with prison staff:

I owe my progression mainly to myself, however, I don’t think it would have been possible if not for the introduction of the new key-worker and inside probation schemes [i.e. OMiC]. This in my view has been a revolution for progression in prisons. I also owe it to the

⁸⁴ Ibid.

⁸⁵ Ibid., 8.

⁸⁶ Ibid., 9.

sensible policy introduced last year where you can no longer use the length of someone's sentence to determine their risk/category.⁸⁷ Since these new measures/policies were introduced I have witnessed dozens of prisoners in [this LTHSE prison] get their C-cats and be moved close to family/friends. Before this happened I saw none.
(Life sentence, HMP Long Lartin)

However, there was a striking contrast between how respondents described relationships with staff in different roles. Some noted that non-uniformed staff had played an important part in their progression, for example by supporting and encouraging their progress. A couple said these conversations were less likely to result in formal data entries about them, and therefore could be engaged in less guardedly. Education or workshops staff were described as sources of good advice and of feedback:

A brilliant officer called [name] dealt directly and humanly with many there [in a workshop] and the workshop manager [name], soon to retire after forty years, helped my rehabilitation-from-grief at work, as I was asked to take on a founding/content editor of the [prison magazine].
(Determinate sentence, HMP Leyhill)

As the first of the above quotes suggest, there was often an explicit or implicit contrast drawn between these more open, trusting relationships, and those with psychology and OMU staff, whose evaluations of individual prisoners were recognised as carrying far greater weight when in decisions about progression:

Psychology departments is making reports about you without seeing you at all. They don't know, you never spoke with them and yet they are able to write report about you, which is a dominating voice in the progression process.
(Life sentence, HMP Frankland)

Descriptions of Prison Offender Managers (POMs) and Community Offender Managers (COMs) often suggested relationships which respondents found distant and unresponsive:⁸⁸

I had my first OMU meeting in over 3 years and all we had to talk about was 2 negatives I have had written about me in over 7 years. He said there was no positives, however on further investigation it transpired that he hadn't even looked into my positives which [had just been updated] 3 days prior.
(Life sentence, HMP Frankland)

Certainly the biggest complaint I hear is that prisoners have never met their OM or probation officer and don't know who they are.⁸⁹ Most prisoners are not proactive enough to initiate such contact or send them regular updates as to their progress (as I would encourage everyone to do)—however, the onus should be on the OM and probation officer

⁸⁷ It would be more accurate to say that the new policy placed a lesser emphasis on sentence length in categorisation, and a correspondingly greater emphasis on individual behaviour in custody. See Ministry of Justice and HM Prison & Probation Service, 'Security Categorisation Policy Framework'.

⁸⁸ Both POM and COM refer to posts within the OMiC framework for England and Wales.

⁸⁹ How far this holds either at HMP Coldingley or elsewhere will depend on a wealth of local factors. However, we are not aware of published official statistics that enable the frequency or quality of contact between prisoners and offender management staff to be compared at different sites. This makes it difficult to evaluate claims such as this, one way or the other.

to do this themselves. Such infrequency of contact is the mother of all relationship problems. The reality is, this probably won't change. I recommend everyone writes to their OM and probation officer at least once or twice a year, inviting them to meet if they are free, but at least updating them on your personal situation, goals, and hopes for the future.
(Life sentence, HMP Coldingley)

Descriptions of relationships with keyworkers were generally positive, but also tended to emphasise that keyworkers (along with other staff they engaged with regularly) were often less able to influence key decisions, despite having access to more comprehensive knowledge of how respondents conducted themselves in daily prison life:

What we see at the moment is that most decisions are made with the input of Offender Managers/Supervisors who have very minimal contact with that prisoner yet conduct their reports on previous report writers and focus far too much attention on the negative [...] OMs and OSs hardly have any contact with you and base the bulk of their reports on previous reports and personal opinions and [...] attempt to keep you in prison rather than looking at the positives and reasons why you should be released. Those staff on the wing with you are constantly in contact with you [sic] and have the insight to see how you really are on a day-to-day basis and would be best placed to attend any hearing.
(Life sentence, HMP Berwyn)

OMIC should work closer with keyworkers who are seeing your changes on a day-to-day basis. Their opinion should be a key voice in your progression.
(Life sentence, HMP Frankland)

Respondents' views of active participation

Many respondents suggested they did not feel like active participants in their sentences, but instead felt they were working to an unclear plan they found it difficult to make sense of:

Sentence planning isn't an obvious process. I do not have documents that tell me what my sentence plan looks like. I progress based on what I think my progression should look like. I think there should be more goal setting with OMU and support to achieve them goals. We seem to coast through our sentences hoping the system supports us, but that's not always the case. If we're self-sufficient then we may get through this and survive into better lives.
(Extended determinate sentence, HMP Haverigg)

However, personal development often appeared to respondents to take second place to objectives relating to OBPs. Some respondents described positive results of active participation, particularly where this related to them making steps under their own initiative to achieve objectives set by their POM or COM:

Prior to Covid I progressed quite quickly becoming enhanced, holding trusted roles and completing a 1-to-1 life graph psych work with forensic psych dept. Shipped to a new establishment due to Covid, progression halted somewhat. I managed to source a by post DV course (recommended but not facilitated by OMU). I applied to live in a semi-open unit and was accepted. I applied towards Open Uni and completed first year towards a degree in my room. Education submitted my handwritten assignments.
(Determinate sentence, HMP Downview)

Some respondents had attempted to participate more actively in the process of planning and reviewing their sentences, for example by asking staff to contribute reports and references about their conduct, or by making representations about their own achievements during the review process. Frustrations were expressed when these efforts were fruitless:

I was able to request references from employers and staff in the past, and they weren't given any weight, in fact they only ever amounted to a footnote in any of the key documents being relied on for risk assessments [including] the PAROM 1 parole document, psychological reports and sentence plan documents.

(Determinate sentence, HMP Rye Hill)

Some respondents believed 'active participation' should mean that prison staff worked with prisoners (and sometimes their families) to help them identify personal goals and priorities which would motivate them and support positive change:

I do not think officers, POMs or mental health involve enough outside family members enough in our sentence plan.

(Determinate sentence, HMP Isle of Wight)

Find out what people are good at what's their passion their goal looking into that more and focus on working towards that. I am very creative so anything that's creative I'm interested in.

(Life sentence, HMP Long Lartin)

However, most responses did not appear to believe that active participation by prisoners was the norm. Progression was something that 'just happened', without any 'conversation':

I progressed from cat B remand to cat C naturally. Then I completed courses and was given cat D through OMU. This was just the process in [HMP X]. There was no conversation about it. I do not know what they take into consideration [when they make decisions about my progression]. I think it's mainly, any security issues, has he completed programmes. That's about it.

(Extended determinate sentence, HMP Haverigg)

One participant said prisoners were generally not aware that they even had any right to participate actively in planning and reviewing their sentences:

It amazes me the amount of people I meet who don't know, because they're not told, when their recat reviews are and that they can submit representations.

(Imprisonment for Public Protection, HMP Frankland)

Several respondents suggested that although they had participated actively in sentence planning and engaged with the objectives it identified, they had then found themselves not progressing. Some questioned the relative weight of positive and negative factors in how their attempts to progress were assessed and reviewed:

The courses are completed and these are looked at [...] It can look like [your behaviour] and [comments about you] are taken more seriously to hinder progression as a negative, but if all these are positive there has still been objections to progression. [...] Should it not be that a category A prisoner that has shown for many years a predominant positives [sic] that it holds weight equal to the opposite (e.g. this adds to your credit let's move you on, but as a negative would hinder any movement). I have experienced comments such as "it is good you do this and that, it is good but ultimately we need more."

(Life sentence, HMP Whitemoor)

4. Findings and recommendations

4.1 Summary of consultation findings

The Covid-19 pandemic has greatly sharpened questions over sentence progression, by effectively restricting prisoners' access to key staff members and to interventions:

Since Covid my contact with OMU and decision makers has been minimal to non-existent. I am unaware of what decisions are being made or how. Only two meetings with two new supervisor/and manager. Introductory meetings.

(Determinate sentence, HMP Downview)

COVID has further highlighted the problems within the system [...] Progression is now curtailed [...] The detrimental impact of mental health and wellbeing of all, will effect [sic] progression for a number of years within this system, if the definition of progression is movement through the system back to society.

(Determinate sentence, HMP Buckley Hall)

One respondent expressed concern that the reduced levels of prison violence during the pandemic would be used to justify more restrictive, less progression-friendly regimes:

In relation to the pandemic I feel progression and autonomy is being endangered because I feel there is a false narrative being portrayed about prisoners feeling safer and prefer the lockdown regime. This could not be further from the truth. Maybe for some but it is far from the majority. How many of the 84,000 prisoners have they asked? There has been less violence that's their standpoint because what? They have locked up the problem? What is their idea of rehabilitation—feeding it under the cell door?

(Life sentence, HMP The Mount)

PRT has published a separate report on the effects of the pandemic on sentence progression and this topic is not covered in great depth here.⁹⁰ However, it is clear that Covid-19 has exacerbated questions asked by long-term prisoners about the fairness and feasibility of their progression during a long sentence, and hence about the appropriateness of the current arrangements. Indeterminate sentenced prisoners face the prospect of spending more time in prison through no fault of their own, because of lost access to interventions and courses during the lockdown regime.

This is clear from the consultation responses presented in section 3 of this report. In section 3.2, we described how many long-term prisoners felt confused and uncertain about how they were meant to progress, and to make positive, productive use of their time. Many believed that there was no way for them to demonstrate a reduced risk of reconviction and serious harm, except by remaining compliant in prison and completing offending behaviour programmes. Some felt guidance from the prison was also lacking, beyond OBP assessment objectives. For those found unsuitable for OBPs, or who had completed these objectives already, or who simply did not perceive a link between their own actions and their progression, the sentence plan felt remote and irrelevant, and the sentence punitive. Some responded with a kind of learned helplessness, believing that they simply had to wait and pass time to progress.

⁹⁰ Prisoner Policy Network, 'How Prisons Are Responding to COVID-19: Briefing #2 - Regimes, Reactions to the Pandemic, and Progression', Briefing, CAPPTIVE: Covid-19 Action Prisons Project: Tracking Innovation, Valuing Experience (London: Prison Reform Trust, 11 September 2020).

The consultation also makes clear that finding ways to use time constructively is of great interest to those serving long sentences, and yet the sheer number of years to fill makes it challenging for them to do more than complete OBPs and wait. Section 3.3 presents responses from those who did describe how they had developed personally, highlighting their plans and objectives and how they pursued these. Educational opportunities were of major interest to many in this group, but all kinds of prison work and other activities were described as worthwhile and deserving of credit. Respondents' criticisms of progression policies often centred on how it was difficult to access the right opportunities to progress, and difficult to have their efforts taken seriously and recorded by the prison. Some suggested that personal development required initiative, persistence and determination, and often also strong reading and writing skills to make representations to the prison. These are not possessed by all prisoners.

In short, many respondents believed they were developing positively as people, but also believed they received little credit for this. Some pointed to inaccuracies in the information held about them by the prison, and to shortcomings in the relevance of information the prison did try to collate.

In section 3.4, we quoted respondents' views on casework and on their relationships with staff, regarding their progression. These were mixed. There was positive feedback on recent changes in policy, particularly relating to the introduction of the OMiC policy framework. In particular, the introduction of the keyworker role was mostly positively received. However, respondents also expressed the view that the POM and COM relationships were distant and remote, and that these did not always mobilise information that the respondent saw as relevant to their personal development. In fact, respondents noted that officers on the wings, who they saw and interacted with daily should be more directly involved in recording information relevant to progression, as they are most likely to see positive changes in behaviour. This seemed consistent with what respondents told us about personal development in section 3.3, where they indicated a distance between what they saw as 'personal development', and what the prison referred to when it considered their progression.

It seems probable from these responses that better implementation of the OMiC policy will at least partly improve the feasibility of progression for people serving long sentences. However, the implication of the sections of this report dealing with risk and 'nothing time' is that wider changes are also required.

4.2 Recommendations

This section presents the recommendations from this consultation. The main body of the text shows our recommendations; text boxes illustrate these with specific words chosen from recommendations made by consultation respondents.

1. HMPPS should consult on and then publish a policy framework for long-term prisoners, covering both the delivery of the sentence and the design of the estate.

The policy framework should clarify how the term 'risk' is applied to people serving long sentences. It should equip staff working with long-term prisoners not only to assess the risks long-term prisoners are assessed as posing, but also a) to clearly communicate with prisoners and other stakeholders about when these do and do not apply; and b) to give explicit guidance on what kinds of behaviour from the prisoner will be associated with lowered and elevated risk on these assessments in future.

Officials I have spoke to here take into account what we as people, not prisoners, want to achieve out of release, what we need to get from our sentence, not what we have been accused of but where we are going.
(Determinate sentence, HMP Isle of Wight)

2. HMPPS and the Parole Board should publish information for long-term prisoners on what 'good' engagement with the risk reduction process looks like.

This should:

- a. Distinguish between different kinds of risk
- b. Be designed and reviewed in consultation with long-term prisoners, particularly those with experience of progressing through long sentences
- c. Include guidance on what prisoners can do to demonstrate reduced risk including when they are assessed as 'not suitable' for offending behaviour programmes
- d. Be written in plain language and be accessible for prisoners and families in formats including in-cell and on-wing technology

More transparency and worded in proper English so everyone can understand the process that all the correct departments are doing. No jargon.
(Life sentence, HMP Wymott)

For those who can't do programmes, regular one-to-one sessions should be held with POMs to document progress and risk reduction, not just in the last 18 months before release or parole.
(Determinate sentence, HMP Bure)

3. In each security category, HMPPS should ensure that there are environments which support long sentenced prisoners both to develop and progress.

These should facilitate access to offending behaviour interventions and high-quality educational opportunities while also providing appropriate accommodation for long-termers. Spaces in medium- and low-security establishments should aim to incentivise progression from higher-security prisons, for example by ensuring that the lack of single-occupancy cells or self-cook provision for long-termers does not deter progressive moves where these would otherwise be appropriate.

[S]ome facility should be allocated to older and low risk long-term prisoners, this will free up space in prisons and less expenditure for govt to keep them separated as less risk/less staffing.

(Life sentence, HMP Frankland)

I thought it would be a good idea to introduce a wing within every long-term prison that prisoners who are over-tariff could go to where the regime differs from people who haven't yet served their sentences. The punishment part of our sentences is over but yet we are still being punished [and] there are virtually no concessions within the prison system to reflect this fact.

(Imprisonment for Public Protection, HMP Garth)

4. Alongside the formal risk reduction process, the Parole Board should explain the significance of self-development in its decisions in approving moves to open conditions and release from custody.

This should be communicated with prison staff working with long-term prisoners, to enable them to support holistic routes to progression.

I've always made a point of trying to maximise every moment I have to spend in here so that this whole sentence is less of a waste that it might otherwise have been. Seeing my time squandered so needlessly like this is really disheartening, and it has been hard to find alternative ways to invest it that feel quite so purposeful and worthwhile.

(Life sentence, HMP Coldingley)

5. HMPPS should provide better mechanisms for long-sentenced prisoners to focus on the renewal and development of community links as preparation for eventual release.

This should include:

- a. Opportunity for longer periods of the sentence to be served in open conditions
- b. The increased use of electronic monitoring
- c. Opportunities for prisoners to work remotely for employers outside the prison while in custody
- d. Expansion of the use of ROTL, including in medium-security closed establishments

GPS tagging, alcohol and drug testing are all options that could be open to people who genuinely show rehabilitation, work ethic and respect for themselves and the communities that would receive them.

(Extended determinate sentence, HMP Oakwood)

I personally would like to see more use of the community payback schemes being used with local housing, to refurbish rundown houses/estates with media coverage so the public can see that such prisoners are not being let off lightly.

(Life sentence, HMP Full Sutton)

6. As part of a dedicated effort to implement the OMiC model effectively, HMPPS should involve long-term prisoners and their families in sentence progression.

HMPPS should prioritise the effective implementation of OMiC and the keywork scheme, so that long-term prisoners all have sentence plans which include short, medium, and long-term objectives, aiming not only at risk reduction but also encouraging them to think about their own needs and objectives at different sentence stages, and how they can take responsibility for these. The priority should be implementing OMiC at all prison sites as soon as possible, as this will help to address the lengthy delays caused by the lockdown restrictions.

HMPPS should involve prisoners' families and other supporters outside prison in sentence planning wherever possible, routinely and throughout the sentence. They should be involved in relation to setting sentence plan objectives and planning for resettlement.

Sentence planning needs to be much more in depth, not just covering offending behaviour and other interventions but should also include honest and clear communication about the following: work history; will they be able to work in this sector on release [...]; if they can, what can they achieve in prison to assist; are there prison-based roles that help them maintain their skills; if they can't, what other sectors interest them/can they work in; what qualifications both academic and vocational, prison-based or distance learning will help; what is the best establishment to meet their needs; honest timeframes and feedback.

(Determinate sentence, HMP Bure)

7. HMPPS should make the progression of long-term prisoners a measure of its performance.

Her Majesty's Inspectorate of Prisons should monitor, record, and publish statistical data relating to prisoners on extended or indeterminate sentences who are held past their parole eligibility date. Every prison should know which prisoners are over-tariff or at risk of going over-tariff, and should be equipped to work collaboratively with prisoners on a plan which would motivate them to (re)engage with sentence plan objectives. HMIP and other monitoring bodies should inspect prisons with a view to reducing the number of over-tariff prisoners.

[P]risoner, prison, probation or any relevant departments [need to be] accountable for not meeting their targets [...] the outside public I feel have a right to know if someone has progressed or put enough hard work in to reform themselves with the correct support offered.

(Life sentence, HMP Wymott)

8. The Parole Board should review individual cases earlier in the sentence to prevent stagnation.

For prisoners serving extended or indeterminate sentences, the Parole Board should review individual cases six years before the tariff expiry/parole eligibility date. Where this review finds that release at the first opportunity looks unlikely, the board should produce a written account of risks that currently appear likely to block release, and prisons should specify what steps prisoners can take to address these. The six-year review should also enable the Parole Board to recommend earlier transfer to open conditions where appropriate.

9. HMPPS should give people with experience of serving long sentences a role in the design and delivery of training of those who work with them.

HMPPS should embed mechanisms to consult and involve individuals with lived experience of long-term imprisonment, so that those currently in custody or post-release can contribute to the training and development of POMs, COMs, keyworkers, and other staff who work with them. This should focus on how staff can support prisoners at each stage of the sentence, including by helping them plan for progression towards release and life afterwards.

[Prisoners] should be given opportunities to work more closely with staff in trusted roles. Building professional relationships which should be documented and evidenced. Roles should be more challenging, and individuals should have input and responsibility [...] The government, specifically the civil service, wants to recruit more prisoners. Why not start while they are in custody with specifically tailored admin work, like an internship?

(Determinate sentence, HMP Bure)

10. Prison governors in prisons holding a substantial population of long-termers should organise structured peer-support, learning and development schemes.

Prison governors should draw on the expertise, knowledge and experience of long-sentenced prisoners who have progressed through a long sentence. HMPPS should produce guidance for best practice.

I, personally, have maintained an up-to-date prison CV listing all my achievements over the years, and include a chronology of everything I have done (events attended, significant moments) [...] The reason I do this [...] is that the current processes and bureaucratic recording systems largely fail to give a complete account of a prisoner's journey through his or her sentence. What the Parole Board tend to see is a collection of impersonal, often clinical assessments of the applicant from individuals who have had little if any contact with him or her on a day-to-day basis. P-NOMIS [...] only ever gives a piecemeal snapshot of their life [and] never does the individual justice. Without supplementary evidence from us prisoners, the Parole Board will never get a complete or indeed fair picture of the person.
(Life sentence, HMP Coldingley)

11. The government should remove restrictions which prevent prisoners accessing funding for higher education based on their sentence stage.

Having the opportunity to study is seen as a positive and constructive way of spending time. Limiting funding to the latter years of the sentence is a source of frustration for those who are motivated to study at a higher education level.

Prison should support those with low risk factors by allowing increased access to education, especially for those with longer terms whose sentence is a barrier to funding. Make these educational courses fully accredited and at appropriate levels instead of just trying to make money by offering anything.
(Life sentence, HMP Wakefield)

12. Prison governors should organise family days specifically for prisoners serving long or indeterminate sentences.

Such events should occur six-monthly and should:

- a. Involve OMU, psychology, and other relevant departments
- b. Take account of prisoners' and their families' questions and ideas in planning
- c. Ensure that prisoners' families are involved in plans for their progression

They don't very often involve close family members into all the sentence plans and decisions, they need to know who you are supported by and how they support you and how they will when you are released.
(Determinate sentence, HMP Isle of Wight)

**PRISON
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This report presents the findings of a prisoner consultation carried out by PRT's Building Futures programme. Around 100 responses were received from people in prison to four questions relating to their progression.

The report looks at what is meant by risk reduction and assessment, and progression both in terms of offending behaviour courses and the personal progression of prisoners. It also examines the relationship between risk and progression, and the lack of clarity felt by prisoners.

The report identifies missed opportunities for the progression and development of long-term prisoners but makes recommendations to improve the system.

