



# A joint inspection of **Life sentence prisoners**

*A Joint Inspection by  
HMI Probation and HMI Prisons*



# Acknowledgements

We would like to thank all those who took part in this inspection; without their cooperation the inspection would not have been possible.

We would like in particular to thank the Chief Executive Officers, managers and staff of the six Probation Trusts, together with the Governors, managers and staff of the six prison establishments we visited during the course of this inspection. Their help with accessing sources of evidence, including in particular life sentence prisoners, and their willingness to engage in our discussions, were invaluable.

In addition, we would like to thank the Chief Executive Officer, managers and staff of Durham and Tees Valley Probation Trust, and the Governor, managers and staff of HM Prison Kirklevington Grange where we piloted the methodology for this inspection.

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<sup>i</sup> *Accelerate* is a criminal justice leadership programme which provides a developmental opportunity to staff from black and minority ethnic backgrounds and those with a disability.

# Foreword

Although life sentenced prisoners have committed the most serious crimes, most will be released at some point. The public, therefore, have a right to expect that this will not happen unless they can be safely managed within the community and that they will be effectively supervised and monitored.

Being sentenced to an indeterminate period of imprisonment brings a unique dimension to incarceration, since it removes the certainty of release on a given date in the future. One of the key transitional phases in the life sentence is the move from the confines of closed prison to the relative freedom of open conditions. It is the stepping stone that leads towards an eventual return to the community.

This inspection focused on that crucial period, given its huge importance for the prisoner, along with the equally significant release on life licence. We were interested in how well life sentence prisoners were supported in moving to open prison, preparing for release, reducing risk of harm and likelihood of reoffending, maintaining family and community links and resettling into society.

Perhaps because of the length of time already spent in prison, assumptions were often made that life sentence prisoners knew all about 'the system'. This led to an underestimation in the amount of help and advice they needed, for example to prepare for moves to open prison or for Parole Board hearings. They tended to be treated very much the same as other prisoners, with little attention being given to their particular circumstances or to the importance of retaining family ties in order to support their eventual rehabilitation. As a result, some life sentence prisoners were able to serve their sentence with relatively little challenge to their attitudes and behaviour.

Once in open conditions, preparation for release relied heavily upon release on temporary licence. The quality of offender assessments left room for improvement, particularly those completed in custody, and confusion abounded about who was responsible for completing these assessments at key times in the life sentence. Sentence planning was weak, in both prison and the community, and offender managers struggled to design meaningful objectives for those who appeared to have done all required work in custody.

Nonetheless, the vast majority of those on life licence formed positive relationships with their offender managers, did not reoffend and, despite the stigma of the life sentence, were able to lead useful and productive lives after release.

This inspection highlights the importance of both the work undertaken with the prisoner throughout their sentence to address their behaviour and the need for effective joint work between the prison and community to plan and prepare for safe release. This complementary balance is essential for rehabilitation and should inform the successful implementation of *Transforming Rehabilitation*.

This report contains a number of recommendations to achieve this end.

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September 2013

# Contents

<b>Acknowledgements</b>	<b>3</b>
<b>Foreword</b>	<b>4</b>
<b>Summary of Findings</b>	<b>6</b>
<b>Specific findings</b>	<b>7</b>
<b>Recommendations</b>	<b>9</b>
<b>1. Structure of the Inspection</b>	<b>11</b>
<b>2. The custodial phase of the life sentence</b>	<b>16</b>
<b>3. Preparing the life sentence prisoner for release</b>	<b>27</b>
<b>4. Familiarisation with the outside world</b>	<b>34</b>
<b>5. The community phase of the life sentence</b>	<b>45</b>
<b>6. The offender's progress on life licence</b>	<b>59</b>
<b>7. Strategic management of life sentences</b>	<b>63</b>
<b>Appendix 1 Glossary</b>	<b>69</b>
<b>Appendix 2 Role of the inspectorates and code of practice</b>	<b>71</b>
<b>Appendix 3 References</b>	<b>72</b>

# Summary of Findings

## Context

The number of prisoners sentenced to an indeterminate sentence of imprisonment has increased dramatically over recent years, as part of the significant expansion of the general prisoner population. Such prisoners now make up 16% of the prison population (as at 31 March 2013), compared with only 9% in 1995. While the introduction of the (now abolished) indeterminate sentence for public protection accounts for part of this increase, the numbers serving life sentences (for murder and other serious offences) have also increased. Life sentence prisoners are also now serving longer in prison, with judges imposing a longer 'tariff', or period of punishment to be served before the prisoner can be considered for release.

Once released, however, the vast majority of life sentence prisoners are successfully integrated back into the community, with only 2.2% of those sentenced to a mandatory life sentence and 4.8% of those serving other life sentences reoffending in any way, compared to 46.9% of the overall prison population<sup>1</sup>.

## The inspection

This inspection was agreed by Criminal Justice Chief Inspectors' Group and formed part of the *Joint Inspection Business Plan 2012-2014*<sup>2</sup>.

It focused on those sentenced to life imprisonment, specifically excluding those serving an indeterminate sentence for public protection, although the impact of the introduction of the indeterminate sentence for public protection could not be ignored. Rather than considering the whole of the life sentence, we concentrated on the later transitional phases in a life sentence, that is, on transfer into open prison and from there into the community. These phases were chosen so as to enable us to explore the quality of work by both custodial and community based staff during this critical time in the reintegration of life sentence prisoners. We were particularly interested in the support given to life sentence prisoners to prepare them for release, to reduce their risk of harm to others and their likelihood of reoffending, to maintain links with their home area and family as appropriate, and to resettle into the community upon release. In the light of the Government's new strategy of reform, *Transforming Rehabilitation*<sup>3</sup>, our focus on work to prepare such prisoners for release is timely, particularly since this work will remain the remit of the new National Probation Service.

Fieldwork for the inspection took place during September to November 2012 and incorporated visits to six prisons (two for women, four for men), six Probation Trusts, and seven approved premises (one for women, six for men). This enabled us to judge the quality of practice through meetings with prison and probation managers and staff, examining case records and conducting semi-structured interviews with life sentence prisoners, both in custody and in the community. Nearly three-quarters of the cases inspected involved mandatory life sentences for murder.

## Overall findings

Despite the time it took to reach the point of transfer to open prison, life sentence prisoners were not well prepared for this significant transition. Once in open conditions, preparation for release relied heavily on the use of release on temporary licence, rather than on other interventions such as courses designed to develop life skills. Although a crucial part of release preparation, release on temporary licence was not always well planned or underpinned by robust risk assessment. Furthermore, the quality of assessments and plans to manage both the sentence and the risk of harm the prisoner posed left considerable room for improvement and stifled progress during the custodial phase of the life sentence. Assessments completed after release were of a higher standard, although community sentence plans often lacked imagination.

Approved premises were overused as release accommodation for those whose levels of risk of harm to others did not warrant such restrictions. Released life sentence prisoners were normally compliant and usually made good progress in the community, aided by supportive offender managers.

# Specific findings

## The custodial phase of the life sentence

Life sentence prisoners had generally completed various offending behaviour courses prior to their arrival in category C prisons (and their female equivalent), although the demand for interventions often exceeded supply and there were some obvious gaps in provision, particularly for sexual offenders. As a result, some prisoners were able to drift through their sentence without being challenged. Those serving indeterminate sentences for public protection tended to be given priority for scarce places on programmes due to their (often short) tariffs having expired. Offending behaviour work done in closed prisons was not always consolidated on arrival in open conditions.

Transfer from closed to open conditions was a key transitional phase of the life sentence, but prisoners were often poorly prepared for this move; as a result, many suffered a 'culture shock' on their arrival in open prison. Recent attempts to reduce the numbers of those waiting to move to open prison had virtually cleared the backlog, but had exacerbated the problems associated with a lack of preparation for transfer.

The quality of assessments and plans completed in prison to manage risk of harm to others was insufficient, with many lacking thorough analysis of the motivation and triggers for the original offending. Sentence plans did not always fully reflect the work planned or done with the prisoner and were not appropriately reviewed, particularly when circumstances changed. This potentially stifled an individual's progress through the custodial phase of their life sentence. There was a lack of clarity about the purpose of offender assessments (OASys) in custody and confusion over whether the prison or probation service should complete the required assessments at key stages in the life sentence.

## Familiarisation with the outside world

Although town visits from closed prisons were undersubscribed, release on temporary licence from open prisons was well used and was the primary and essential means of preparing life sentence prisoners for their eventual return to society. Assessments for release on temporary licence lacked sufficient supporting input from offender managers in the community. Understandably, planning tended to focus on how any potential risk posed by the prisoner would be managed. However, as a result, the experience of being released on temporary licence was not always as meaningful for life sentence prisoners as it might otherwise have been. Insufficient attention was given to training in independent living skills, which life sentence prisoners often needed given the duration of their incarceration.

## The community phase of the life sentence

Community OASys assessments were of a higher quality than their custodial equivalents, although sentence planning was weak overall. Offender managers acknowledged that they often struggled to creatively plan and deliver interventions to those who appeared to have done all the work required of them over the lengthy custodial period.

Despite weak planning, the actual work delivered with offenders released on life licence was reasonably effective, with offender managers generally taking offenders' diverse needs into account and trying hard to reinforce learning from the custodial period. The standard of work with victims was mixed; victims' safety was prioritised in most cases but communication between offender managers and victim liaison officers, essential for keeping victims informed, left room for improvement.

Both in custody and in the community, the family, or partner in the prisoner's life, was not always fully utilised by those working with life sentence prisoners. Families were a good source of information about the offender's progress, as well as a potentially protective and positive influence on the offender. Their input into the management of the offender, such as through sentence planning, was underdeveloped.

Approved premises, normally reserved for those posing a high risk of harm to others, were often used as the default position at the point of release on life licence, despite the majority of life sentence prisoners posing only a medium risk of harm to others at this stage. This was an unnecessary use of an expensive resource and, often, an unwanted restriction for offenders. Where approved premises were used for releases on temporary licence, the information flow between prison and approved premises was often problematic. This was worrying since it impacted on both the level of support the prisoner could expect to receive from approved premises staff and on their ability to safely manage the prisoner's risk of harm to others.

### **The offender's progress on life licence**

The quality of the input by the offender manager was more important than ensuring the same person consistently supervised the offender. Those offender managers who actively built relationships prior to release and effectively planned for continued support and interventions after release, made a real difference to offenders' lives and the chances of their successful reintegration and desistance from future offending. Those on life licence appreciated the support of their offender managers and were compliant. Resettlement outcomes, including gaining employment, stable accommodation and community links, were good for the offenders in our sample, especially given the stigma associated with a life sentence. Recall to prison was used sparingly but where necessary and creative alternatives to recall, through imposing additional restrictions such as curfew or residence in approved premises, were often successful.

### **Strategic management of life sentences**

At a national level, work with life sentence prisoners lacked direction and local strategies for managing life sentence prisoners were underdeveloped both in custody and the community. Where needs analyses had been undertaken, these did not inform service provision sufficiently well. Probation staff training tended to focus on process, such as that relating to parole, rather than on creative ways to plan and deliver work with those serving life sentences. Nonetheless, prison and probation staff felt confident in dealing with this group of offenders.

### **Conclusion**

Despite the particular indeterminate nature of the life sentence, with its associated lengthy periods of incarceration and uncertainty over release dates, those subject to life sentences were treated largely the same as other types of offenders both in custody and in the community. As a consequence, there was little specific focus on their particular needs, as distinct from those of the general offender population. This was short-sighted, given that there is no doubt that the longer the period of incarceration, the greater the possibility of the individual becoming institutionalised and therefore less able to cope on their return to society.

The regime in open prison sought to reduce this institutionalisation through a gradual reintroduction into society via release on temporary licence. This was a valuable element of release preparation, but the opportunity such temporary release presented was not always maximised. Regimes in open prisons offered insufficient opportunities for prisoners to address their offending behaviour and other resettlement needs at this key stage in their journey through custody.

Nonetheless, released life sentence prisoners complied well with their life licences and were well supported towards reintegration by offender managers. The opportunity now emerges, via the new *Transforming Rehabilitation* strategy, for the management of this group of offenders to come into sharper focus within the new National Probation Service.



# Recommendations

## The National Offender Management Service should:

- use the opportunity offered by the *Transforming Rehabilitation* strategy to reassess how life sentence prisoners are managed in both custody and the community, with a view to providing a clearer strategic focus on this group of offenders and ensuring that they have access to a wide range of services designed to promote rehabilitation;
- issue guidance stating the purpose of OASys assessments and stressing the importance of analysing the underlying motivation and triggers for the original offence in order to improve the quality of assessment of risk of harm to others; such guidance should also clarify who is responsible for assessments at key stages of the prisoner's progress through the custodial part of the sentence;
- ensure that approved premises are used for those individuals who pose the greatest risk of harm to others.

## Prisons should:

- ensure release on temporary licence is structured, fully risk assessed and well planned so as to maximise the chances of it contributing to the prisoner's successful future rehabilitation;
- prepare prisoners for open conditions so as to minimise the impact of the significant change in environment and review the prisoner's OASys assessment after the move has taken place.

## Probation Trusts should<sup>i</sup>:

- ensure offender managers exert more influence over the release on temporary licence decision-making process within prisons, including sharing information about release on temporary licence with Multi-Agency Public Protection agencies where necessary, so as to ensure that release on temporary licence is used effectively to prepare life sentence prisoners for release;
- offer training to offender managers on how to plan and deliver work which enthuses and engages those on life licence, thereby maintaining the offender's engagement over the protracted licence period.

## Prisons and Probation Trusts should:

- improve the quality of sentence planning and plans to manage the risk of harm to others so as to effectively direct work with life sentence prisoners, thereby increasing the possibility of successful outcomes;
- involve the life sentence prisoner's family or partner, where appropriate to do so, in the planning, delivery and review of work designed to address the risk of harm to others and the likelihood of reoffending, with a view to maximising the family's positive influence on the life sentence prisoner.

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<sup>i</sup> Under the Government's *Transforming Rehabilitation* strategy, Probation Trusts are due to be replaced by the National Probation Service. Recommendations addressed to probation trusts should be followed up by whoever delivers probation services in the future, including both the National Probation Service and private providers.

# Structure of the inspection

# 1

# 1. Structure of the Inspection

## Summary

This chapter outlines how the inspection structure and methodology were developed. It also provides both a context for the inspection and an overview of the profile of the cases inspected.

## Key facts

- The majority of offenders in the case sample were male.
- Most had been sentenced for offences of murder.
- Over two-thirds of offenders had served more than ten years in prison.
- Most had been assessed as presenting a medium risk of harm to others.

## Context for the inspection

- 1.1. When capital punishment was abolished in 1965, the punishment for those convicted of murder became a mandatory sentence of life imprisonment. Those convicted of other serious offences, such as manslaughter, rape, attempted murder, armed robbery or arson could also be given a discretionary life sentence with no specific predetermined release date. Offenders convicted of a second or subsequent serious violent or sexual offence also faced an automatic life sentence following the implementation of the Crime (Sentences) Act 1997, until such time as the sentence of indeterminate detention for public protection (known as the IPP sentence) was introduced via the Criminal Justice Act 2003.
- 1.2. In its turn, the IPP sentence was abolished during 2012, via the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). Within the provisions of LASPO, an offender convicted of a second sexual or other serious offence could be given a mandatory life sentence or, alternately, an extended determinate (fixed term) sentence, whereby, following release after serving at least two-thirds of the sentence, an extended period on licence of up to five years (for violent offenders) or eight years (for sexual offenders) would be imposed.
- 1.3. Along with a growth in the general prison population, numbers of prisoners serving a life sentence have grown significantly over recent years. Latest figures<sup>i</sup> show that there were 13,385 indeterminate sentence prisoners in custody on 31 March 2013; this compares with less than 4,000 in 1998 and less than 3,000 in 1992. Just over half of the indeterminate sentence prisoners held were serving a life sentence, totalling 7,576, with the balance (5,809) serving an IPP sentence.
- 1.4. Furthermore, life sentence prisoners are now serving longer custodial periods than previously; the average time served on a mandatory life sentence increased from 13 years in 2001 to 16 years in 2011. Less than one-third of the life sentence prisoners in custody on 31 March 2013 were expected to serve less than ten years (in line with the time span, or tariff, imposed by the sentencing judge). The vast majority (4,080) had tariffs between 10 and 20 years and just over 1,100 had either a tariff of over 20 years or a *whole life tariff* (with no prospect of release).
- 1.5. Once released, however, the vast majority of life sentence prisoners are successfully integrated back into the community with only 2.2% of those sentenced to a mandatory life sentence and 4.8% of those serving other life sentences reoffending in any way, compared to 46.9% of the overall prison population<sup>4</sup>.

<sup>i</sup> Tables 1.1a and 1.4 Ministry of Justice (2013), Offender Management Statistics Quarterly Bulletin January-March 2013, Ministry of Justice, London

- 1.6. For this inspection, we focused exclusively on those prisoners serving a life sentence, whether given on a mandatory, discretionary or automatic basis. The IPP sentence was specifically excluded from the scope of the inspection, since it had been both the subject of joint thematic inspections in 2008 and 2010 and was on the point of abolition at the time of the inspection. However, we could not ignore the impact on those serving mandatory, discretionary or automatic life sentences of the existence of the IPP sentence, primarily since its introduction had caused both a surge in the overall numbers of indeterminate prisoners held in custody and, consequently, a struggle for access to scarce resources among the indeterminate group.
- 1.7. During the period in which this inspection was conducted, probation services across England and Wales were subject to formal review and consultation. In May 2013, the new government strategy of reform, *Transforming Rehabilitation: A Strategy for Reform*, was published. While this will introduce competition into probation services, enabling private providers and voluntary agencies to deliver services to those posing a low or medium risk of harm to others, the new National Probation Service will retain responsibility for managing those offenders posing a high risk of harm to others. Although not all life sentence prisoners pose a high risk of harm to others (indeed very few, if any, at the point of release) offences attracting a life sentence are generally so serious that they require management under Multi-Agency Public Protection Arrangements (MAPPA). This then will require these offenders to continue to be managed by the public sector probation service.

## Terms of Reference

- 1.8. This inspection on life sentence prisoners was agreed by the Criminal Justice Chief Inspectors' Group, following consultation with key stakeholders and formed part of the *Joint Inspection Business Plan 2012-2014*.
- 1.9. The inspection was led by HM Inspectorate of Probation with support from HM Inspectorate of Prisons. A previous joint thematic inspection on the topic of life sentence prisoners had been undertaken by both inspectorates in 1999 and had covered the entire period of an offender's life sentence, from pre-sentence through custody to the post-release phase. This inspection, in contrast, sought to focus more specifically on the later transitional phases in a life sentence, that is, on transfer into open prison and from there into the community. This particular focus was taken so as to enable us to explore the quality of the work done by both custodial and community based staff during this critical time in the reintegration of life sentence prisoners.
- 1.10. Its terms of reference were:
- To assess the extent to which life sentence prisoners are supported during the custodial and licence phases of their sentence in:
- making the transition from closed to open conditions;
  - reducing the risk of harm they pose to others and the likelihood of their reoffending;
  - preparing for release;
  - maintaining links with their home area and family as appropriate;
  - resettling into the community upon their release.

## Methodology

- 1.11. A detailed set of criteria were developed for the inspection, covering:
- offender management within custody;
  - the transition from closed to open conditions and from custody to community;

- offender management after release into the community;
  - the strategic management of life sentences.
- 1.12. Detailed questionnaires for assessments of both custodial and community cases were developed in line with the criteria, together with questions for offenders. These were tested during the pilot phase of the inspection.

## **Fieldwork**

- 1.13. Fieldwork for the inspection took place between September and November 2012. In deciding where to inspect, we were drawn towards those prisons where life sentence prisoners were held in greatest number, while also being mindful of the need to cover both urban and rural communities. In all but one area, we visited the Probation Trust where the selected prison was located, although within the custody sample we did not confine ourselves to examining cases solely from the local Probation Trust. During the prison visits, we assessed work that had taken place with 60 prisoners and conducted semi-structured, confidential, voluntary interviews with 48 of these, together with a further ten prisoners whose cases were not included in the case file sample. We also spoke informally to a number of other prisoners, including many serving life sentences, who were keen to share their views. Prisoners whose cases were scrutinised were the responsibility of 25 different Trusts, including five of the six visited.
- 1.14. We also visited six Trusts in order to assess the quality of the work with 60 offenders released on life licence within the preceding two years. Eleven released life sentence prisoners were interviewed, most of whose cases were examined as part of our community case sample. The Trusts visited were:
- Avon & Somerset;
  - Cheshire;
  - Kent;
  - Lancashire;
  - Nottinghamshire;
  - Surrey & Sussex.
- 1.15. The prisons visited provided a mixture of gender and security category. They comprised:
- East Sutton Park (female open prison in Kent);
  - Kirkham (male open prison in Lancashire);
  - North Sea Camp (male open prison in Lincolnshire);
  - Risleigh (male category C prison in Cheshire);
  - Send (female closed prison in Surrey);
  - Shepton Mallet (male category C prison in Somerset).
- 1.16. Shepton Mallet was the only prison we visited with the primary purpose of holding indeterminate sentence prisoners. The prison closed in 2013.
- 1.17. During the course of the fieldwork, we met with prison and probation senior and middle managers, offender managers in the community and offender supervisors, offender case administrators and other practitioners whose work in custody involved life sentence prisoners. We also spoke to selected staff in the National Offender Management Service (NOMS) and visited approved premises for men in each of the Trusts, together with one approved premises for women. These meetings provided us with the opportunity to discuss a range of themes, to make comparisons between the various sites visited and to explore issues arising from the cases examined.

## Profile of the case sample

- 1.18. During the inspection, we read the case files belonging to a total of 120 offenders, half of whom had been released within the last two years and half of whom remained in custody; the probation records were examined for the former cohort, the custodial records for the latter. Twenty-five of the cases were women offenders, of whom five had been released, including one offender going through the process of gender reassignment. Nearly three-quarters (87 cases representing 72% of the sample) had been given a mandatory life sentence for murder; the remainder had either received a discretionary life sentence for other serious offences (20 cases or 17%) or an automatic one for a repetition of serious violent or sexual offending (13 cases or 11%).
- 1.19. Other characteristics of the total sample included:
- 24% of the sample were from black and minority ethnic backgrounds;
  - 44 offenders, representing 37% of the sample, were aged 40 or younger at the time of the inspection; 57 (47%) were aged between 41 and 60; and 19 (16%) were aged 61 or older;
  - 24 offenders (20%) had disabilities (including physical, mental health or learning difficulties or disabilities);
  - only five offenders had served less than six years in custody, one of whom had been released;
  - 69% had served over ten years in custody; 45 of these had been released and 38 remained in prison, many serving well in excess of the tariff imposed at the time of sentencing;
  - of the released offenders, 38% (23 cases) had been on licence for less than a year at the time of the inspection; 62% (37 cases) had been on licence for more than a year;
  - of the custodial cases<sup>ii</sup>, just over half (32) presented a medium risk of harm to others; two were low risk of harm to others and 25 were high;
  - of the community cases examined, 48 were assessed as posing a medium risk of harm to others at the point of release; five were low risk of harm to others, and six were high.

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ii In both the custodial and community samples, the classification of risk of harm to others was recorded by inspectors in 59 out of 60 cases

# The custodial phase of the life sentence

# 2

## 2. The custodial phase of the life sentence

### Summary

This chapter outlines the way in which life sentence prisoners are supported during their time in custody to reduce the risk of harm they pose to others and the likelihood of their reoffending.

### Key findings

- The quality of analysis of risk of harm to others on custodial cases left much room for improvement; many repeated the prisoner's view of their offences and circumstances, rather than objectively considering the motivation and triggers for the original offence.
- Less than one-third of risk management plans in custodial cases were adequate; most focused too much on managing risk of harm to others post-release, ignoring the risks posed during the custodial period.
- There was a high level of confusion about responsibility for the completion of the Offender Assessment System (OASys) assessments for life sentence prisoners and a differing approach to OASys between prison and probation staff.
- Although life sentence prisoners had reasonable access to offending behaviour programmes during their time in closed prisons, demand for such programmes often exceeded supply. Sexual offenders were able to avoid being challenged about their offending and IPP prisoners were sometimes prioritised at the expense of life sentence prisoners.
- Sentence planning was often the weakest part of the OASys assessment, with sentence planning boards not always being meaningful and plans not always fully reflecting the work planned or done with the prisoner. Prisoners tended to regard sentence planning as something done to them rather than with them.
- The positive influence of supportive families was not maximised in relation to the management of life sentence prisoners, although this was better in women's prisons than in men's.

### Managing the life sentence

- 2.1. Following conviction and sentencing, life sentence prisoners begin their sentences at the local prisons that service the courts before moving through the various categories of training prison as their need for secure conditions reduces, often moving around the prison estate, completing offending behaviour work as required to address their offending. Before they can begin to demonstrate that the risks they pose to others are such that they can be safely managed within the community, they have to serve the punishment element of their sentence, that is, the tariff dictated by the sentencing judge. In order to persuade the Parole Board and ultimately the Secretary of State that their risk of harm to others has reduced, and that their likelihood of reoffending has decreased, even the most cooperative and engaged prisoner has much work to do to progress towards eventual release. The prisoner cannot do this alone; he or she needs support from prison staff in order to make this progress. This inspection sought to assess the extent to which this support was forthcoming, particularly as prisoners approached the transition from closed to open prisons and onwards into the community.



## Assessing life sentence prisoners

- 2.2. OASys, the Offender Assessment System, is the tool which supports effective case management of offenders. The completion and review of OASys assessments is absolutely essential to the work of any offender manager in the community. By stark contrast, we found in all of the prisons we visited that OASys was far less central to the process of offender management, either than it was in the community or than we would have expected and wanted it to be. The completion of OASys assessments within custody appeared more of a process of filling in a form rather than a carefully considered assessment of the prisoner's needs, likelihood of reoffending and risk of harm to others, in order to lead to effective planning to manage these needs and risks.
- 2.3. One of the most startling findings from this inspection concerned arrangements for the completion of OASys assessments on individual prisoners while in custody. We were surprised to find that so many different models had evolved and that staff had varying degrees of understanding about what was required, of whom, and when. Phase III of the offender management model, launched in January 2008, sought to clarify arrangements for the offender management of indeterminate sentence prisoners. Under this phase of the offender management model, the community based offender manager was clearly at the heart of the assessment, sentence planning, supervision and release arrangements for those given an IPP sentence. For life sentence prisoners, by contrast, the model dictated that prison service designated staff, known as offender supervisors, would complete prison based offender management tasks, with probation staff providing the community element, including supervision post-release. This distinction between the arrangements for managing life sentence prisoners and IPP prisoners seemed illogical to us and may have contributed to the confusion we found.
- 2.4. The high level of confusion within prisons as to who was responsible for the completion of OASys at various points of the life sentence was inevitably replicated within probation trusts. We had sympathy with staff on this issue as the guidance from the National Offender Management Service (NOMS) was vague. NOMS recognised the need to provide greater clarity. They advised us that the prison should take responsibility for OASys up to the point at which the prisoner entered the 'parole window', that is six months prior to the oral hearing in front of the Parole Board, when the Probation Trust should take ownership of OASys in order to update the assessment with a view to providing a report to the Parole Board. If release was subsequently approved, then the Probation Trust would maintain control of the OASys assessment on transition into the community. However, if the prisoner remained in custody, responsibility for the OASys assessment would return to the prison. Some staff interviewed believed that the level of risk of harm to others dictated who should conduct the OASys assessment, given that high risk determinate custodial cases were managed by a community offender manager under the offender management model. The most common model we found was where the offender supervisor would complete OASys up to the point of the parole hearing, but that, after the parole hearing had passed, the prison would resume responsibility for subsequent reviews. Coincidentally, this chimed with NOMS's interpretation of national guidance, although such guidance was vague. As a result of this confusion over OASys ownership and responsibility, different models operated. Some cases had two or more, sometimes conflicting assessments completed around the same time and, worse, others had no assessments with which to underpin the work of all the professionals involved. The potential for prisoners to receive diverse approaches, and therefore mixed messages, over the course of their sentences was considerable. It was of paramount importance, in our view, that all parties involved clearly understood the issues relating to the prisoner's needs, risk of harm to others and likelihood of reoffending. Without such clarity, a positive outcome for the individual prisoner was harder to achieve.
- 2.5. We also found a divergence of opinion between probation and prison staff as to the *purpose* of the OASys assessment. In one prison, the seconded probation officer fulfilling the role of offender supervisor had been actively discouraged by prison staff from adding her own opinions and analysis

to the assessment, having been told that the purpose of the assessment was simply to record the prisoner's expressed views. We found many examples, in this and other prisons, of assessments which were little more than a summary of the prisoner's account. Our main concern with this approach was that an over-reliance on the prisoner's account could lead to the assessor losing touch with the motivation and triggers for the original offence, or failing to focus on the impact on victims. These were factors that the offender might not want to revisit but which we considered were critical to effective ongoing offender management. While this was, of course, an issue for all prisoners subject to OASys assessments, not simply those serving a life sentence, we felt it was particularly important that those supervising life sentence prisoners should be alert to the underlying motivation and triggers for offending, given the nature of their offending histories.

### Practice Example

One prisoner was serving a mandatory life sentence for the vicious murder of an elderly person in their care, having manipulated their way into the position as care worker through fraudulently producing qualifications. While in custody, they were displaying similar signs of manipulation which was of particular concern given that they had previously been assessed as high risk of harm to others. The OASys assessment needed reviewing, but the offender supervisor in the prison and the community offender manager could not agree about who should take responsibility for the review. As a consequence, over a year had elapsed without the OASys assessment including, critically, the level of risk of harm to others, being reviewed. During this time the prisoner's manipulative behaviour remained largely unchallenged.

- 2.6. Some prisons had significant OASys backlogs, while others did not monitor the rate of OASys completion, which suggested a lack of importance being attributed to this task. Timeliness of OASys completion was no longer a key performance target against which prisons were measured. In order to clear backlogs or to keep up to date with assessments, some prisons had introduced a system where someone other than the nominated offender supervisor, such as a suitably trained wing based officer, would complete the OASys assessment. In our view, this was not a desirable model, since it led to duplication of effort, as two people needed to read the, often voluminous, historic documents and interview the offender for the purpose of carrying out the assessment. It also led to repetition for the prisoner and the potential for conflict or confusion arising from diverse opinions from different authors. One of the prisons where such a system operated had recognised the lack of continuity inherent in this model and was in the process of changing their arrangements so that the offender supervisor would in future complete the assessments.

### Managing the life sentence prisoner's risk of harm to others

- 2.7. As part of the OASys assessment, the author is required to ensure that those elements of a prisoner's past and current behaviour which suggest that they may pose a future risk of harm to others are appropriately identified, analysed and acted upon. A thorough and investigative approach is needed for assessors to remain focused on protecting the public from harm. Given that most of the 60 prisoners whose cases we sampled in the six prisons visited had been sentenced many years ago, we decided to examine the two most recent assessments within the case files. Our examinations began with a review of the way in which the prisoner's risk of harm to others had been identified, analysed and planned for.
- 2.8. Although the responsibility for completing the OASys assessment, at this point in the prisoner's sentence, fell to prison staff, not all of the assessments we examined had been completed by prison staff; some had been done by community offender managers. Similarly, not all of the assessments completed by prison staff were attributed to someone from the current prison. Overall, we made the following judgements:

- Risk of serious harm to others had been appropriately classified in most cases.
- All but one case included an analysis of the risk of harm posed by the prisoner.
- Less than half of the analyses of risk of harm to others were of sufficient quality with many suffering from insufficient analysis of the current or previous behaviour of the prisoner.
- Less than two-thirds (64%) adequately took into account the original motivation and triggers for the offending.

#### Practice example

An illegal debt collector had received a discretionary life sentence for shooting and injuring a woman in a bid to seek repayment of a loan from her. The analysis of risk of harm to others posed by this prisoner did not adequately detail the sadistic ritual abuse he had committed against another adult in the past. The current offence analysis did not detail the amount of planning that would have gone into acquiring a gun to take to the woman's house. Neither did it explore the full motivation for the offence, which was concerned with repayment of the debt.

#### Practice example

During an argument one prisoner killed their partner's mother but blamed the partner, described as an abusive alcoholic. The OASys assessment contained very little information about the actual offence; it lacked any real detail about the prisoner's behaviour during the offence or any analysis of the motivation for the offending. The assessment was over-reliant on what the prisoner had said about the incident.

- 2.9. Risk management plans for work to be done to mitigate the risk of harm to others were found in all the custodial cases examined. However, these were of sufficient quality in less than one-third of cases. Often, the plan did not reflect the motivation and triggers for the original offending, or included inadequate or unclear responses to the issues of concern identified. Many of the risk management plans were entirely focused on what would need to be done when the prisoner was released, often almost completely ignoring those risks which the prisoner posed while in custody. It was clear that some staff working in custody, including somewhat surprisingly those seconded from Probation Trusts, believed that incarceration behind a prison wall was in itself a sufficient risk management tool. One offender supervisor said: *"risks in prison are managed by the prison wall"*. The following example demonstrates the inadequacy of this approach.

#### Practice example

Joseph was serving a discretionary life sentence for two offences of wounding, both committed in a secure custodial setting. At aged 14, he had stabbed a teacher in the neck with a sharpened pencil, then, aged 15, he had thrown almost boiling water into the face of a nurse, causing scarring. It was therefore disappointing to find that the risk management plan was focused entirely on the post-release phase of Joseph's sentence and not at all on the risks he posed in custody, which, given the nature of his offences, were very real to both staff and prisoners.

- 2.10. The best examples of risk management plans seen in custodial cases were those which comprehensively covered the risks to others in custody and in the community, including on temporary release from custody.

## Good practice example

An offender in North Sea Camp was being managed via MAPPA. The offender supervisor in this case had a very firm grip on the issues relating to his risk, despite the fact that the underlying motivation and triggers for the offences were a little difficult to establish both from the case papers, the previous confusing OASys assessments and her knowledge of the rather reticent offender. Nonetheless, the risk management plan catered for the risks he posed in the prison, during his regular periods of temporary release and those he was likely to pose in the future when eventually released.

## Reducing the likelihood of reoffending by life sentence prisoners

- 2.11. As their sentence suggests, life sentence prisoners have committed the most serious of crimes. As such, they require interventions while in custody and, indeed, upon release, aimed at reducing their likelihood of reoffending. This applies equally to those who are first time offenders or repeat offenders. But in order to ensure that such interventions are appropriately targeted, it is critical that the factors making them most likely to reoffend are properly identified as part of the OASys assessment.
- 2.12. In the 60 custodial cases we inspected, all had an assessment completed of the likelihood of the prisoner reoffending; most of these assessments were done in a timely fashion, that is at least annually, but 25 of them (or 42%) were found to be deficient, lacking clear evidence or sufficient attention to diversity issues.
- 2.13. We found that life sentence prisoners appeared to have reasonable access to offending behaviour courses throughout their time in closed training prisons and that most had completed a surprisingly high number of constructive interventions prior to their transfer to open prisons. Of those prisoners who responded to the question, 32 (70%) reported that they had been able to access offending behaviour courses easily, although some complained that such courses were oversubscribed or that waiting lists were overlong. Responses from prisoners included the following:

*"The time it takes to progress through the system makes it difficult. The waiting lists are so long that by the time your tariff has expired you have only completed maybe one or two courses and then you are at risk of going over tariff especially if you need to be assessed for programmes then to be told actually you don't qualify, then told to take another course which in itself takes a few months."*

*"I personally didn't experience any gaps or delays in completing programmes or meeting my individual needs – I showed a willing attitude."*

- 2.14. Staff at Shepton Mallet prison had recognised that they held a number of prisoners, including many serving life sentences, who had previously experienced therapeutic regimes such as that in operation at Grendon prison. In order to help these prisoners, they ran a voluntary support group for these men so as to provide a means of maintaining and reinforcing their previous learning.
- 2.15. Other forums specifically for life sentence prisoners appeared to have waned; only three prisoners interviewed said that there was such a forum at their prison. Two had not attended meetings and the third commented:

*"I went once and did not find it beneficial at all."*

- 2.16. Nonetheless, we found that life sentence prisoners were often well represented on general prisoner councils, as in North Sea Camp. Such councils enabled prison staff to formally consult with prisoners on issues concerning the running of the prison and gave prisoners the opportunity to contribute their viewpoint within a structured forum.
- 2.17. In the male prisons visited, it was often harder for life sentence prisoners to access constructive interventions, particularly for sexual offenders, as many courses were run for mainstream prisoners only. Demand for programmes vastly exceeded supply in many prisons. The lack of a booster programme to follow on from the thinking skills programme, since the demise of the cognitive skills booster programme, had clearly left a gap. Precious spaces on courses were often taken by IPP prisoners who were treated as a higher priority especially if they had passed their tariff expiry date. These circumstances combined to enable sexual offenders, in particular, to 'keep their heads down' and avoid any constructive interventions, often for years on end. Many sexual offenders, particularly in the category C prisons visited, denied their offence which not only delayed or prevented constructive interventions taking place in their cases, but also prevented others from benefiting from their place in this category of prison. In one prison in particular, many of the life sentence prisoners seemed very 'comfortable', having acquired prison jobs where they could remain largely anonymous and could avoid having to face any real challenge about their offending behaviour. One sexual offender whose case we examined had been at his current prison for over ten years without any such intervention, and was effectively drifting through his sentence. Although not ready to progress to open conditions, he might have benefited from a move to another category C establishment in order to ensure he was sufficiently challenged during his time in custody.
- 2.18. During the course of the inspection we found a number of cases where prisoners had been moved to another prison to access a particular offending behaviour course. Of the prisoners interviewed, almost half said they had been moved specifically for this purpose. While this seemed appropriate in terms of addressing identified issues, the prisoner did not always see it as a positive step, particularly if the move involved a return to more secure conditions, as was sometimes the case. In contrast, we also found a small number of cases where prisoners were *not* being transferred due to either mobility issues or risks concerning their propensity to self-harm. In one case, the offender supervisor held the firm view that the prisoner's level of self-harm would not be well managed elsewhere. This prevented her from undertaking the programmes she needed, which in turn led to her serving eight years beyond her tariff through non-completion of offence-related work.
- 2.19. Good offender management relies not only on the delivery of offence-focused interventions but on constantly revisiting and reinforcing the learning. Many life sentence prisoners seemed to have been made to 'jump a hurdle' once and then move on to another at the same height, rather than to one at a greater height; this did little to challenge them. One-to-one work designed to challenge life sentence prisoners' offending behaviour was, at best, somewhat sporadic in the prisons we visited and depended largely on the enthusiasm, or otherwise, of the individual offender supervisor. Not all offender supervisors were either confident or sufficiently trained to deliver this type of intervention. At worst, such work was non-existent, despite often featuring in sentence plans as an objective to be delivered.
- 2.20. Another central principle of offender management is that, rather than having to deliver all the required work themselves, the offender manager should be the coordinator of work undertaken with the offender. We saw a number of examples, particularly in Risley prison, where the offender supervisor, on behalf of the offender manager, was performing such a coordination role. They liaised closely with other departments involved with the prisoner, such as psychology and mental health services, in order to ensure the prisoner's sentence plan catered for all his needs and reflected his progress.
- 2.21. We noted that the new arrangements for providing education within prison, under the Offender Learning and Skills Service (OLASS 4) contract which took effect on 01 August 2012, had vastly reduced the available options for life sentence prisoners, given that the emphasis now was on



providing vocational training within the last two years of any sentence. Only training in skills for life was available to life sentence prisoners prior to these last two years before release and, although distance learning was still an option, it was much less widely available than previously. We understood the logic for these changes (to discourage longer term prisoners from repeating qualifications many times over throughout their sentences and to ensure qualifications were up to date at the point of release) but we recognised that they would have a negative impact on life sentence prisoners. They also ignored the potential benefits which such qualifications could offer both the life sentence prisoner and the prison throughout their protracted time in custody. Gaining qualifications within custody undoubtedly served to raise a prisoner's self-esteem, particularly if they had previously achieved little in life; this potentially improved their ability to contribute effectively to the running of the prison, for example through employment in a skilled work area, such as the kitchen.

## Sentence planning in custody

- 2.22. Although sentence plans were evident in all but one custodial case examined, and three-quarters of these were informed by the relevant assessments, they were nonetheless the weakest part of the OASys assessment. The sentence plan's place as the final task within the OASys assessment was perhaps partly to blame for this; it appeared that on several occasions OASys authors had simply given up when they reached this part of the rather lengthy process, such was the relatively feeble quality of the documents. Our view was that, for sentence plan objectives to be useful, they needed to have a clear focus on the desired outcome. Less than half of those examined had such a focus. Many plans also failed to clearly identify the roles and responsibilities of the various parties involved in the case. Some offender supervisors endeavoured to give structure and shape to the sentence plan by clearly linking the objectives within the sentence plan to the recommendations given to the prisoner by the Parole Board. We saw some examples of this working well at North Sea Camp.
- 2.23. All the prisons visited held sentence planning boards in varying forms and some of these involved the offender manager in the process, often via telephone or video conference, as well as the offender supervisor and the life sentence prisoner. However, some prisoners complained to us that sentence planning boards were prone to cancellation or otherwise failed to meet their expectations.

One complained:

*"[My] last sentence planning meeting was 5/6 years ago – they are non-existent. I think they have them but you just can't attend them."*

Another said:

*"Sentence plan meetings have been cancelled twice; one took place without me so in the two years that I have been here I had my first one last month."*

- 2.24. The extent to which the contribution from the offender manager was taken into account also varied. Often it was difficult to find evidence of their views influencing the ensuing plan; it was relatively easy for the offender supervisor to ignore these if they chose to do so. In some prisons, attempts were made to include the wider prison community, but the relevance of some participants was sometimes questionable; we had a sense on occasion of some staff simply 'making up the numbers' rather than necessarily being key to the process. For example, drug workers were listed as participating in sentence planning boards for prisoners with no drugs issues.

- 2.25. Clearly the prisoner's attendance at the board is essential if he or she is to fully engage with the process and really *own* the plan. However, although the prisoner generally attended sentence planning boards, their contribution was not always as active or meaningful as we would have liked it to have been; we found evidence in only 38% of cases that the prisoner had made an effective contribution to the development of the plan. Of those who expressed an opinion on interview, nearly half (23) felt that sentence planning boards were effectively used to discuss their specific needs. One commented:

*"I find that they tell you what they want you to do and you just accept it. They dress it up as though it is best for you."*

Another said:

*"You can put forward suggestions of what you would like to do but it doesn't seem like this is ever honoured."*

- 2.26. In many of the prisons visited, arrangements for sentence planning, risk management and individual learning plans were disconnected from the process of OASys assessment, which consequently weakened the value or relevance of the OASys assessment. Often, we found that sentence planning was particularly poorly integrated with other local processes, such as risk and resettlement review boards which had developed as a means of focusing on work to be done with the prisoner. This meant that the sentence plan did not always capture all of the planned work, as it should have done, and failed to be the focal point for the prisoner. The practice of finalising 'the sentence plan within the OASys assessment before the sentence planning board was held appeared, at times, not only incongruous but somewhat ineffective. Best practice was to review the sentence plan prior to the sentence planning board, but not to finalise this until the board had taken place, so as to allow attendees to agree on the plan. As a result of the practice we found, the boards became a matter of compliance with a procedure rather than a meaningful vehicle for reviewing and setting targets. In some cases, we found that objectives had remained static often for many years with little or no reference to the work which had been done in the interim or the altered circumstances in which the prisoner found themselves. In one case, the sentence plan was written so long after the sentence planning board that several of the objectives agreed at the board were no longer applicable. It therefore seemed completely irrelevant to include them in the plan.
- 2.27. At Shepton Mallet prison, in addition to the sentence planning board, pre-tariff sift meetings were held, in an attempt to identify with the life sentence prisoner the work which he would need to do in advance of the parole hearing. These<sup>i</sup> helped inform the Parole Board in cases likely to receive a positive recommendation for open conditions at the pre-tariff stage. Disappointingly, the product of this meeting did not always feature in the sentence plan, which would have been best practice. Prisoners who we spoke to about the pre-tariff sift meetings were, nonetheless, very positive about the benefits of this approach.

## **Involvement of the family**

- 2.28. Although acknowledging that many life sentence prisoners had lost contact with their family, either through the extreme nature of their crime or the length of their incarceration, we were nonetheless

<sup>i</sup> Probation Instruction 18/2012 – Generic Parole Process, introduced on 03 December 2012 replacing PSI 33/09 which was introduced 01 January 2010

a little surprised that, where family support existed, its positive influence was not exploited to the full by staff working with prisoners. In our view, families could provide an extremely important point of view on a whole range of pertinent issues including those relating to the prisoner's needs, risk of harm to others and likelihood of reoffending. Furthermore, families were often in a position to challenge prisoners in a more direct way compared with more reticent or diplomatic professionals. However, we were disappointed not to find evidence in any of the custodial cases examined of families or partners contributing to sentence planning boards, given their unique perspective.

- 2.29. Most prisons we visited held periodic family days, but these tended not to be exclusively for life sentence prisoners, as they had been historically. Of the 58 prisoners interviewed, 34 (59%) reported having access to family days, although only 18 of these had taken up the opportunity on at least one occasion. Offender supervisors seemed to have neither the time nor the inclination to take the opportunities the family days presented to gain a greater understanding about the prisoner through greater knowledge of the family. The frequency of such events had also reduced in many places, due to tightening of resources.
- 2.30. During our interviews with prisoners, we asked them to describe the extent to which they had been supported in maintaining family ties; their responses were mixed. The majority felt that this was their own responsibility and, as such, they did not expect help from the prison, except where exceptional circumstances arose such as illness or death in the family. Nonetheless, many described a lack of support.

One commented:

*"I don't feel like I have been supported, in fact I feel like it has been the complete opposite. I have done everything off my own back. I want to help my family but I can't; if there was more support then I could, i.e. more PinPhone credit and stamps for letters to write to my father as he cannot travel."*

Another said:

*"I don't believe I have been supported otherwise why are we located miles away from our family? The majority of relationships break down in prison."*

- 2.31. We judged that sufficient attention had been given to promoting contact with the prisoner's family or partner in nearly three-quarters of all cases examined, and, interestingly, in all of the relevant women's custodial cases. However, supporting the prisoner to maintain contact with the family was only the first step towards really utilising them as an important agent for change in the prisoner's life. Beyond this, there was little activity to meaningfully engage the family; as such, this was a missed opportunity.

### **Women life sentence prisoners**

- 2.32. In planning this inspection, we deliberately chose to visit two women's prisons to allow us to compare the management of women life sentence prisoners, where appropriate, with their male counterparts. This led to a larger proportion of women's custodial cases being examined compared with the community sample, where numbers of women on life licence were inevitably low. Our findings in relation to women life sentence prisoners were at times at odds with those relating to their male counterparts, for example in relation to maintaining family contact, as the last paragraph exemplifies.
- 2.33. The more relaxed regime within women's prisons visited, with staff and prisoners being on first name terms and generally comfortable with one another, appeared to suit long-term residents,



including life sentence prisoners. Nonetheless, their options for progression were restricted for two reasons: first, by the lack of a detailed and structured categorisation process for women (other than in terms of their suitability for either closed or open prison) and, secondly, by the fact that there were only two open prisons for women, one in the North of England and one in the South. In Send prison, women life sentence prisoners were well integrated into the regime and were able to access facilities and opportunities with the same ease as their determinate counterparts, with the exception of the resettlement units, where life sentence prisoners had access to only 10 out of 80 available spaces, despite making up one-third of the prison's population.

- 2.34. Where formal accredited programmes were unavailable, staff in the female prisons visited tended to have developed home-grown alternatives, such as the anger awareness course and alcohol counselling provision at Send and the ten session *women and alcohol* group at East Sutton Park. Send prison operated a therapeutic community on one of its wings, with an emphasis on developing life skills and challenging offending behaviour. They were also in the process of developing a 'follow on' regime for those who had graduated from the therapeutic community but who needed further support; this also looked like a promising development.
- 2.35. We found scope for increasing the involvement of the family in all of the sites visited. However, perhaps understandably given the high proportion of women prisoners with childcare responsibilities, the emphasis on family involvement was more pronounced within the female prisons visited. Send prison, for example, had family support workers in place via their Send Family Link project, and the following example demonstrated how staff at East Sutton Park were sensitive to the need to ensure one woman was able to engage with her family.

### Good practice example

Julie had been transferred from Askham Grange prison in the North of England to East Sutton Park prison in Kent; this brought her much closer to her family. However, within two months of arriving at the new prison, Julie learned that her parents were soon to emigrate. Recognising that Julie would be quite isolated as a result of their emigration at a difficult time in her life, the prison Governor approved a series of town visits in quick succession so that they could spend time together before they moved.

## Conclusion

- 2.36. The overall quality of OASys assessments in the custodial cases of life sentence prisoners examined left much room for improvement, particularly in relation to plans to manage both the sentence and the risk of harm the prisoner posed to others. Plans were often not reflective of all the work planned, or done with the prisoner, and were not appropriately reviewed, particularly when circumstances changed. This had the potential to stifle an individual's progress through the custodial phase of their life sentence.
- 2.37. Differences in approach to the completion of OASys assessments between prison and probation staff were an inevitable consequence of a lack of clear central direction from NOMS regarding the management of life sentence prisoners. The ensuing confusion did not assist with effective offender management of this particular group of prisoners.
- 2.38. Many life sentence prisoners had accessed offending behaviour programmes during the early stages of their sentences in closed training prisons, although demand exceeded supply. Programmes for sexual offenders were hard to access and it was relatively easy for such offenders to drift through their sentence without being appropriately challenged about their offences. There was scope for more one-to-one work within prison, although not all offender supervisors were appropriately trained or resourced to do this.
- 2.39. Work with the families of life sentence prisoners was underdeveloped, particularly in the men's prisons we visited, which we considered was a missed opportunity, given the family's unique perspective in relation to the prisoner.

# Preparing the life sentence prisoner for release

# 3

## 3. Preparing the life sentence prisoner for release

### Summary

This chapter outlines how life sentence prisoners are prepared for the important transition from closed to open prison and the way in which prison and probation services liaise in order to support life sentence prisoners in preparing for their release into the community.

### Key findings

- Many prisoners had completed offending behaviour work before their arrival in open prisons but this work was not always developed or consolidated during their time in open prisons.
- OASys assessments were not generally reviewed when prisoners made the significant move into open prisons.
- Recently introduced arrangements for the transfer of prisoners into open conditions had largely cleared the backlog of those waiting for a move but did little to help prepare them for transfer. As a consequence, prisoners often experienced a huge 'culture shock' on arrival in open prisons.
- The quality of PAROM1 reports produced by offender managers for the Parole Board was generally good but prisoners were often ill prepared for Parole Board hearings.

### The transition from closed to open prison

- 3.1. One of the key stages in a life sentence prisoner's journey through the prison system is the move from closed to open conditions since it is the first step towards reintegration into the wider community. As with the ultimate release of the prisoner, such moves are normally recommended by the Parole Board, then endorsed, or otherwise, by the Secretary of State for Justice. The Parole Board make such a recommendation only when it is both safe and fair to do so. The Board must be satisfied that a prisoner's risk of harm to others is such that it can safely be managed in open conditions; in essence, this is often demonstrated through engagement with appropriate constructive interventions. In deciding on suitability for transfer to open conditions, the Parole Board must follow the mandatory directions of the Secretary of State which state:
- *'A move to open conditions should be based on a balanced assessment of risk and benefits. However, the Parole Board's emphasis should be on the risk reduction aspect and, in particular, on the need for the lifer to have made significant progress in changing his/her attitudes and tackling behavioural problems in closed conditions, without which a move to open conditions will not generally be considered.'*<sup>i</sup>
- 3.2. In our 2006 review of a serious further offence committed by Anthony Rice<sup>5</sup>, at the time a discretionary life sentence prisoner who murdered a woman following his release on licence, we noted that the decision to approve his move to open conditions was:
- *'in a sense the key decision that made the eventual release decision more likely, because the momentum towards release started from that point.'*
- 3.3. This viewpoint continues to be valid some seven years later and underlines the important role which open prisons have in preparing the prisoner for their eventual resettlement into the community and, thereby, in protecting the public. In the Rice review, we commented that:

<sup>i</sup> The Secretary of State's Directions on the test for open conditions is set out in Section 259(6) of the Criminal Justice Act 2003.

- *'The strength of a system of phasing a release decision is also its weakness. It makes sense to phase the release plan, testing the prisoner in open prison conditions and retaining the option of moving him back to closed conditions if the signs are not good. But it also means that an intelligent prisoner can form the expectation that all he has to do now is avoid mistakes and he can expect release.'*

- 3.4. We were impressed by the amount of work to address their offending behaviour that most life sentence prisoners had already completed in closed conditions during the early and middle stages of their life sentence. At times, we sensed that staff in category C and open prisons (and their female equivalent) felt that most of the hard work had already been done, particularly around reducing the prisoner's risk of harm to others, and this was often the case. From the cases examined, we were pleased to find that work started in closed prisons was able to continue on transfer to open conditions in over 70% of cases. However, we were somewhat disappointed that more was not being done, both in the latter stages of closed conditions and on arrival in open conditions, to reinforce the learning from the earlier stages of the sentence, via appropriate constructive interventions, whether through attendance on formal accredited programmes, including booster programmes, or engagement with quality one-to-one work. Regimes like the therapeutic one at Send demonstrated what could be done in this respect.
- 3.5. By contrast, the range and amount of constructive interventions on offer within the confines of the open prisons we visited were relatively low. Disappointingly, the opportunities to access programmes in the community on temporary release from open prison were extremely limited. In some areas, such as Lincolnshire, prisoners were occasionally able to access community based courses provided they were in the open prison within their home Trust, namely North Sea Camp, but elsewhere the process for accessing such opportunities was either tortuous or non-existent. This was generally attributed to limited resources in the community, although one prisoner suggested that the prison had prevented this opportunity:

*"Outside probation wanted me to do TSP [thinking skills programme] in the community but the prison declined."*

- 3.6. This suggested that prisoners may have been missing potential opportunities both to develop or reinforce new skills and to demonstrate the extent of their changed attitudes and behaviour to the Parole Board who would consider their eventual release.
- 3.7. Prison staff told us that prisoners arriving in open conditions often had falsely raised expectations, arising from misinformation given to them at the closed prison from which they had transferred. It was surprising that clearer information was not regularly supplied into their 'feeder' prisons by the open prisons, whose staff suffered when prisoner expectations were falsely elevated. Staff at North Sea Camp voiced a particular problem with incoming prisoners expecting to qualify almost immediately for temporary release into the community. They were planning to address this through communication to their sending prisons of a policy on release on temporary licence (ROTL) which clearly outlined when prisoners could expect to be considered for this privilege.
- 3.8. We regarded the move of a prisoner from closed to open conditions as a significant event in the life sentence. As such, our expectation was that their OASys assessment, in particular their sentence plan and risk management plan, should have been reviewed at the point of transfer or as soon thereafter as would have been practicable. We were disappointed in this respect. The assessment of risk of harm to others was reviewed in only 3 out of 42 relevant cases where a significant change had occurred (including transfer to open prison); similarly, only five assessments of likelihood of reoffending and six sentence plans were reviewed in such circumstances. The confusion over where the responsibility lay for such reviews, that is whether the offender supervisor or offender manager should review the assessment, appeared to be the root cause of this problem.

## Arrangements for transfer to open conditions

- 3.9. Over recent years a large backlog of prisoners approved for open conditions had built up within the closed prison estate. This was primarily as a consequence of the huge increase in both the prison population as a whole and the numbers of indeterminate prisoners in particular. While open prisons were encouraged to take more indeterminate prisoners, they were often not resourced or were otherwise reluctant to do so, particularly in the case of IPP prisoners, who were not regarded as an especially stable section of the population.
- 3.10. In an attempt to clear this backlog, NOMS had introduced new arrangements, which took effect in October 2011, whereby the move of such prisoners would be centrally coordinated by its population management section in headquarters. Under these new arrangements, prisoners were moved to any open prison with spare capacity, not necessarily to their preferred site, and often at very short notice. Some degree of choice remained for prisoners, but this was much less than prior to the introduction of the new arrangements. The lack of notice of when and to where they were moving reduced the opportunity for staff to prepare prisoners for the specific move, although we considered that more could have been done in general terms to prepare prisoners for the transition. One prisoner commented to us:

*"I was given my cat D status six weeks before coming here then I was told the day before I came here. There was no building up/preparation period."*

- 3.11. A positive outcome of the policy change by NOMS was virtually to clear the backlog, so that waiting times for such moves reduced significantly from many months. Of those cases we examined where approval for open conditions had been given, more than half had moved swiftly, but we considered that the move had been delayed, at least to some extent, in 15 cases. In a small number of cases examined, prisoners had had to wait up to six months, which we felt was too long; sexual offenders fared worst in this respect, given the fact that not all open prisons took this type of offender. In other cases, by contrast, moves were as swift as six weeks after approval for open conditions. Not entirely surprisingly, the situation appeared to be worse in the male estate, where pressure on capacity was greatest; women transferred more swiftly than men in most of the cases we examined.
- 3.12. During the inspection we interviewed 31 prisoners in open conditions plus a further two who had been returned to a category C prison, having previously experienced open prison. Around half of these prisoners reported having found the transition to open prison difficult, the other half having found it relatively easy. Some struggled with the lack of a prison wall, others with having to share dormitories when they had been used to having their own private room. Most said the transition was something of a 'culture shock' and that they had needed time to adjust to their new environment. One commented:

*"There are a lot of things that are alien to me on the outside that I have found overwhelming purely because of the changes in time. There should be courses available where they look at the time period from when you entered prison up to the year you are to be released... and familiarise that prisoner with the changes that have occurred within society during this time, the advances etc. This should be done prior to release, before open conditions and to prepare for open conditions – the contrast between open and closed can be too great and this culture shock can really leave prisoners stunned and unprepared."*

- 3.13. Of the 33 prisoners interviewed who were currently or had previously been in an open prison, 19 (58%) felt that they had been given greater responsibility than in closed conditions, one-third (11)

did not and three failed to comment on this. Some prisoners found the greater autonomy in open conditions difficult to handle. They described there being a greater expectation that they would do things for themselves. For many, continuing to maintain staff trust in them was their greatest responsibility.

*"[You have] a lot of responsibilities. If you have any appointments here, you have to remember, whereas in closed conditions you are told and collected for example."*

*"[You have] more freedom. They'll give you enough rope to hang yourself. It is down to the individual."*

- 3.14. Less than one-quarter of the prisoners interviewed who had spent time in open conditions said they had been well prepared for the transfer to open prison. Only three had visited an open prison prior to transferring to one, although this was not necessarily the prison to which they were due to transfer. Those who had not visited felt that such an opportunity or, failing that, some information about their intended open prison, would have been useful to help them prepare. Most recognised that they were given far more responsibility in open prison, the greatest one being the need to ensure that they could continue to be trusted. Over half of those interviewed in open prisons found their regime constructive (or as constructive as the individual made it) and over three-quarters reported that they were kept busy. The quality of paid work and pay rates were, not surprisingly, something of a gripe amongst several prisoners, as the following comments illustrate:

*"Jobs are not that good, not enough are well paid to earn money for release. There should be more jobs in line with skills and qualifications individuals possess. You are kept busy just not very purposeful, you get stuck in the job you are given when you come here for 10 weeks until you can move somewhere else."*

*"It is what you make it. There could be a wider range of vocational courses which could help people when released. I make myself busy - it is down to the individual, it depends on how much drive and ambition you've got."*

### **Preparing for the parole hearing**

- 3.15. During the course of the inspection, we came across a number of cases where prisoners needed particular support from staff, especially at the time of their parole hearings, which for prisoners could be a critical and stressful time. Due to the length of time already served, staff often appeared to make an assumption that the prisoner already knew all they needed to know about the parole process. This was, of course, not always the case. It was not always clear to us that the prisoner specifically understood either the complexity of the process or what was required of them. In four cases, we considered that not enough had been done to reasonably assist the prisoner with preparation for the parole hearing as the following example demonstrates.



### Practice example

Peter was an aging prisoner who had been given a discretionary life sentence in 1982 following a number of offences of arson. He had been assessed as having a range of different needs, including mild learning difficulties. At his oral hearing in front of the Parole Board, he was extremely anxious and was unable to answer the Board's questions. His behaviour was regarded as odd by the Board who adjourned the hearing for a further psychological assessment. Particularly given that Peter's needs were known about in advance of the hearing, it was a little disappointing that more had not been done to specifically prepare him for this experience. Not only would this have been more supportive to Peter, it might also have avoided the need for a deferment on his case.

- 3.16. Just over half of the prisoners interviewed in custody said that no one in their prison had explained the parole process to them. For those who had been advised, other prisoners seemed to be the primary source of information about the process, which was somewhat concerning. One commented:

*"I have learned the process through the TV series 'Lock them up or let them out'. I understand through what was televised, however it could have been explained. They assume that you should know."*

- 3.17. Some staff commented to us that the parole hearings which prisoners experienced in open conditions were often much more rigorous and, therefore, more challenging for the prisoner than they had been prior to that stage. Although the response from staff both inside and outside the prison varied enormously, we found some effective work aimed at helping prisoners prepare for this challenge.

### Good practice example

One offender manager from Nottinghamshire ensured that she alerted the Parole Board to the fact that the prisoner due to appear before them could often appear somewhat intimidating. The offender manager had explored this with the prisoner, establishing that he had learned to behave in this way from the start of his life sentence as a means of managing his fear. Prior to writing her report, she had visited him in prison to discuss how this kind of behaviour might be interpreted or misinterpreted by the Parole Board. This started the process of him amending this behaviour. It also demonstrated to the Board that he was willing to change while explaining to the Board that he sometimes presented in this way if he felt threatened. The Board acknowledged this in their summary and supported his release.

### Good practice example

Send prison sought to prepare their women for parole hearings in much the same way as a potential witness in a court case might be 'walked through' the process. In advance of the hearing, staff accompanied women into the room that would be used for the hearing, demonstrating who would be sitting in which chair and what the roles of the various parties would be. This undoubtedly helped to reassure the more nervous women prisoners.

### The parole process

- 3.18. This inspection did not focus on the efficacy or otherwise of the parole process, although inevitably matters concerning parole formed part of our discussions with prisoners. Our examination of

prisoner files also exposed us to a number of reports prepared for the Parole Board, both by prison based staff and offender managers in the community. In the majority of cases we found that the quality of the parole reports submitted to the Board by the offender managers, known as the PAROM1, was sufficient. These reports provided the Board with an overview of the prisoner's progress in custody, including the extent to which their level of risk of harm to others had reduced since their sentence. Five out of thirty-two reports seen were considered insufficient for a variety of reasons: some failed to analyse the motivation or triggers for the original offending or to make conclusions about the levels of risk of harm to others posed by the prisoner; others omitted a risk management plan or were not countersigned by the manager. The Parole Board, with whom we spoke prior to engaging on fieldwork for this inspection, stressed to us that including a risk management plan with the PAROM1 was vitally important to them, even in cases where the offender manager was not recommending release. Given our concern about the relevance and quality of risk management plans in general, we shared this view.

- 3.19. The general high quality of PAROM1 reports suggested to us that appropriate account had been taken by practitioners of the improvement initiatives led by the Parole Board over recent months and years, through which they had introduced an evaluation tool for this particular report. Surrey & Sussex Probation Trust had developed a system, with support and advice from the Parole Board, whereby half of all PAROM1 reports went through a formal quality assurance process on a quarterly basis. They had also delivered training to staff in oral hearing procedures.
- 3.20. The introduction of an electronic tracking system to monitor progress on cases had also assisted staff in both prisons and at the Parole Board in terms of the efficiency of the system, although we found in practice that it was still possible for prisoners to be overlooked; one quiet and uncomplaining prisoner had missed the opportunity for a number of parole hearings as a consequence of being disregarded in this way. In 70% of the cases we examined no delays were apparent with the parole process. Nonetheless, many prisoners interviewed expressed frustration with delays in the system, with more prisoners experiencing delays with reports or hearings than reporting no delays. Others were frustrated about the lack of communication when such delays occurred. However, quality assurance processes in relation to parole in prisons visited appeared sound.

## **Conclusion**

- 3.21. The move to an open prison was clearly a hugely significant step in the life sentence prisoner's progress since it started the momentum towards release. However, the extent to which prisoners were prepared for this move had been adversely affected by the introduction of the new arrangements designed to clear the backlog of those awaiting transfer to open conditions. This resulted in prisoners often struggling to settle down on arrival in open prison, experiencing a huge 'culture shock' at this key transitional point of their sentence.
- 3.22. The significance of the move to open conditions was not always apparently appreciated by those managing life sentence prisoners, in that it did not routinely prompt a review of the OASys assessment including, critically, the sentence and risk management plans. As such, prisoners were less well supported than they should have been at this critical time. Work done earlier in the sentence was not well reinforced on arrival in open prison, which potentially allowed some of the momentum towards positive change to stall.



# Familiarisation with the outside world

# 4

## 4. Familiarisation with the outside world

### Summary

This chapter outlines how temporary release from prison assists in preparing the life sentence prisoner for their eventual release from prison.

### Key findings

- Town visits in closed prisons were undersubscribed but ROTL was well used in open prisons and provided the primary means of preparing prisoners for release.
- Assessments for ROTL lacked sufficient supporting input from offender managers and there was often an absence of comprehensive planning for what the prisoner would do during the release and how their risks would be managed.
- Where approved premises were used for the purposes of ROTL, information exchange between the approved premises and the prison was limited, although some Trusts were making progress in this area.
- The timely input from offender managers into release preparation was critical for the successful reintegration of life sentence prisoners.
- More prisoners described positive working relationships with their offender supervisor than with their offender manager, although access to both was often problematic.

### Returning to the community

- 4.1. There were a number of means by which prisoners could begin to adjust to the prospect of life outside of the prison confines, both at the category C (or closed) prison stage and in open conditions. Before achieving approval for a move to open prisons, prisoners were able to apply for escorted absences from prison, known as town visits, where they could spend a number of hours (up to a maximum of six) in a town near the prison in the company of a prison officer. These visits served to familiarise the life sentence prisoner with the local community, for the purposes of preparing them for reintegration into society upon their eventual release from prison. Such visits were available at each of the three closed prisons we visited, but were not well used.
- 4.2. One of the prisons in particular seemed to us to have a very risk averse approach to the granting of town visits. Ostensibly to reduce security risks, such as the possibility that the prisoner might organise a meeting with associates while in the local town, or try and smuggle illegal substances into prison, this prison did not inform the prisoner that their application for a town visit had been successful until the morning of the visit. Furthermore, the prisoner had to choose one of several envelopes which contained the name of the destination, some of which were more desirable than others. In such circumstances, it was no real surprise to us that the rate of applying for such visits was particularly low; over an 18 month period, 22 prisoners at this prison had applied for such a visit, with 12 being granted. The shrouding of these visits in secrecy reduced the opportunity for the prisoner and the offender supervisor to plan for a more meaningful visit.
- 4.3. Elsewhere, a more pragmatic approach applied, and this led to greater incentive and interest on the part of prisoners to take advantage of this opportunity, particularly once prisoners arrived in open conditions where they could also progress to unescorted town visits via ROTL. At East Sutton Park, for example, such visits were more structured; women made use of them to open bank accounts or sort out other practical issues of this nature. Similarly, Shepton Mallet had used escorted town visits to take prisoners to visit open prisons or even to approved premises, which we felt was good use of

their resources, and a real opportunity for appropriate structuring of prisoner expectations for their next steps. Historically, Send prison had also built visits to their nearest female open prison, East Sutton Park, into the programme for escorted town visits, but these had not happened recently due, apparently, to the tightening of resources.

- 4.4. Of those prisoners we interviewed, 33 had had a town visit or ROTL, with a further three having been approved for town visits but awaiting the visit date at the time of our interview. Only 12 out of the 33 had received financial assistance with the visit or release beyond basic travel costs and, even where this had been given, it did not necessarily meet the costs involved. The 21 prisoners who had not been given financial help said they had funded the visits through their private cash or through family or friends. It was not unusual for prisoners to decline the opportunity of town visits due to lack of funds. Examples of comments provided included:

*"Town visits.....you are not supported, you're told to do it yourself, and I have to fund it myself."*

*"Private cash - wages are not enough so you constantly have to rely on family and/or friends."*

### **Release on temporary licence (ROTL)**

- 4.5. Following successful escorted town visits, and after their arrival in open conditions, life sentence prisoners become eligible for consideration of ROTL, a privilege for which determinate prisoners are eligible in category C prisons. There are four different types of ROTL, as follows:
- Special purposes licence (usually of a few hours duration for visiting dying relatives, attending funerals, weddings, medical appointments, court, tribunals or other inquiries).
  - Resettlement day release licence (to allow prisoners to keep in touch with their families, to take part in community projects or to attend training and educational courses).
  - Resettlement overnight release licence (similar to resettlement day release, but with a view to the prisoner spending time overnight in the location they intended to live on release).
  - Childcare resettlement licence (for certain prisoners who were the only parent or carer of a child under 16 years to enable them to maintain contact every two months).
- 4.6. ROTL was not normally allowed for life sentence prisoners in closed conditions, unless they had been approved for transfer to open conditions but remained in closed conditions for practical, rather than risk-related, reasons. They generally waited until moving to open conditions before being considered for ROTL, although it could be considered in cases where there were delays in transferring. We found no practical examples of this occurring.
- 4.7. Open prisons tended to have a settling in period before considering such releases and frustrations arose amongst prisoners where they felt this was holding them back from an entitlement. ROTL was not an entitlement, but a privilege to be earned through compliance with the prison regime. It was also clearly a key component of the resettlement process in the open prisons visited and, indeed, in many was the primary means, in the absence of other programmes, of preparing prisoners for release.
- 4.8. There were plenty of opportunities in all of the open prisons we visited for life sentence prisoners to be granted ROTL, including engaging in local work and voluntary placements, developing community links, strengthening family ties, and for other compassionate reasons, such as attending medical appointments. Opportunities for paid employment via ROTL were limited and were particularly sparse in rural communities. In a number of different parts of the country we saw cases of life sentence prisoners achieving employment before release which they were able to maintain after release with a key cutting and shoe repair company. It was clear that in a number of cases this employment, and the associated support this brought, gave prisoners a real chance for a better future on release.

4.9. We considered that time spent on ROTL was meaningful in around three-quarters of relevant cases; similarly, 26 out of 30 relevant interviewees (or 87%) felt that town visits and ROTLs had been useful to them. Prisoner reaction to the opportunity to enter the local community was nonetheless mixed.

One prisoner told us:

*"To be honest, I feel like I am so institutionalised that ROTLs are more stress than they are actually worth. I'm constantly on edge on the out. I'm in a bubble and prison is my safe haven."*

Another commented:

*"I thought the crowds would have unnerved me a bit but that was fine, it was more having money in my hand and spending that I was a bit shaken by...but I feel this will get better with time and if I needed help/support within the prison I'd get it."*

4.10. Others found the experience of ROTL easier. A released life sentence prisoner recalled his ROTL:

*"It was almost as if I had never been away and this was worrying how quickly I got used to things again. Now I must not forget where I have been in order not to offend again."*

4.11. The following example illustrates how purposeful ROTL could be:

### **Good practice example**

Mark was serving a life sentence with a 14 year tariff and had progressed to open conditions at Kirkham Prison at the time of our inspection, where he was making good use of the opportunities presented to him by ROTL. His initial escorted ROTL had been used for a variety of purposes including opening a bank account, arranging photo identification, attending a local college and learning about educational courses. A very thorough report of this escorted ROTL was produced by his personal officer, which helped in the decision-making for future releases. Mark then went on to secure a place in a college in order to study for a qualification as a personal trainer and was also learning to drive. In addition, he had completed a course on citizenship when staying on ROTL at approved premises.

Much of the impetus for his achievements on ROTL had come from Mark himself, but he also had encouragement from staff in the prison and from his offender manager, with whom he had regular contact while on ROTL. Mark drew up a contract for himself, outlining not only the steps he needed to take to achieve his goals, but also how he would deal with setbacks. He had analysed where things had started going wrong in his life, identifying what he would do if similar situations were to recur. Unfortunately the goals outlined did not feature in his sentence plan.

- 4.12. The lack of linkage between the plans for ROTL and the sentence plan, as illustrated in the practice example above, was not unusual. Of 33 relevant cases, ROTL featured in the risk management plan and the sentence plan in only eight and five cases respectively.
- 4.13. The decision to allow ROTL was that of the prison Governor, based on an assessment of the purpose of the release, the associated risk of harm to others and the likelihood of the prisoner's compliance with the licence conditions. The community offender manager had a role in this respect, to ensure that appropriate information regarding the offence together with any victim considerations were taken into account as part of the risk assessment. In practice, we felt that the input by the offender manager into the decision-making process was fairly limited. Most seemed to treat their role as simply performing an administrative task for the prison, that is checking the suitability of the release address. Many of the offender managers we interviewed felt that ROTL was a prison responsibility and even when they were unhappy with decisions regarding the date or timing of ROTL, they were unlikely to challenge them. It appeared to us that many lacked the confidence to intervene in what they regarded as a prison process. Our view was that the offender manager had a more critical role to play and that they should have been able to exercise far more influence over the details of the decision, for example, by insisting that the prisoner must have an appointment with them while on temporary release, or that the visit take place mid-week, rather than at the weekend. Some prisoners interviewed acknowledged that having weekend ROTL prioritised the development of family ties over other pragmatic issues such as seeking employment or housing.
- 4.14. In many of the cases examined where ROTL had occurred, we noted the worrying lack of a sufficiently robust underpinning assessment, together with an absence of a comprehensive and coordinated plan for what the prisoner would be doing during the release and how their risks would be managed. In a number of cases, as a consequence, ROTL was not as purposeful as we would have liked it to have been. Prisoners described to us how even the most straightforward elements of planning were sometimes omitted:

*"basic things [were missing] like being assisted with finding places when you go out on town visits, they should give you maps to ensure you go to the right place (e.g. an interview), and know your way so you make it back in time."*

- 4.15. We saw examples where ROTL decisions had been taken based on out of date OASys assessments, on poorly completed paperwork, with limited attendance at ROTL boards and without the benefit of any input from the offender manager. In one case, the absence of both purpose and funding for the temporary absence from prison led to the prisoner being arrested for begging at the local train station. One prison had recently changed its documentation for the ROTL assessment process, omitting the section dealing with managing risk of harm to others, presumably in an effort to simplify the process. This seemed to us to be an unfortunate omission.
- 4.16. All of the cases we examined, by virtue of the nature of the offence, were MAPPA eligible, that is, suitable for management under MAPPA, in that they had attracted more than 12 months custody for violent or sexual offending. Under MAPPA guidance, eligible prisoners were required to be notified to the local MAPPA coordinator not less than six months prior to release, but with indeterminate prisoners the date of release was often not precisely identified since it depended upon the recommendation of the Parole Board and approval from the Secretary of State. Furthermore, there was no requirement for MAPPA meetings to be held for the purpose of informing decisions about whether ROTL should be granted. Instead, MAPPA guidance indicated that the offender manager should provide the prison with relevant information, if necessary seeking advice from other agencies as part of this process, and should share such information via the Violent and Sexual Offenders Register (VISOR).

- 4.17. We recognised that involving MAPPA prior to ROTL consideration would significantly increased the volume of work for MAPPA and would not be necessary in the vast majority of cases. However, a prisoner could pose as much potential harm to others during a day release from prison as upon their ultimate discharge, albeit there was clearly an incentive for the prisoner to behave well during ROTL in order to prove that they could be trusted in the future. For this reason, our view was that offender managers could and should play a much more active role in the decision-making about whether it was appropriate to grant ROTL, if necessary ensuring that MAPPA agencies were informed of the ROTL.

### Good practice example

Although not required by MAPPA guidance, only one prison visited, North Sea Camp, routinely referred cases into MAPPA prior to granting temporary release. We considered their policy of including the local MAPPA coordinator on their interdepartmental risk management meetings, which formed the precursor to ROTL boards for higher risk cases, was good practice.

- 4.18. We examined two separate cases where the offender, who was at that time not known to the local Trust, had been granted overnight ROTL to that area, without the Trust being notified. This only came to light when the case was transferred to that Trust.
- 4.19. We were surprised to find that several offender supervisors were entirely unsighted about, and even uninterested in, the MAPPA implications of their cases, seeing this as an issue solely for the offender manager, rather than for themselves as well. While it was clearly the offender manager's responsibility to liaise with MAPPA agencies regarding individual life sentence prisoners, it was, nonetheless, surprising that offender supervisors were not more interested in this aspect of these cases, including what decisions MAPPA had taken on their cases.
- 4.20. Just as prisoners' expectations about the regime in open prisons needed appropriate structuring, similarly, expectations around what was allowable and achievable on ROTL needed clarifying. Kirkham prison was doing just that through a recently introduced course to prepare men for the ROTL experience.

### Good practice example

One of the offender supervisors in Kirkham prison, a Probation Services Officer, had devised a short session for prisoners who were on the verge of their first ROTL from prison. This involved the prisoner completing worksheets in which they identified their goals for ROTL, outlining what their expectations were and, crucially, what problems they might encounter while on ROTL. Contingencies to deal with potential problems were formulated through group discussion. This simple initiative seemed to be good practice, which we felt could be further developed by involving family members in the planning and discussion.

## Use of approved premises for ROTL

- 4.21. Even where family support was available, prisoners benefiting from ROTL did not always have the opportunity to go home during their periods of absence from the establishment; this was sometimes for valid reasons, such as to protect victims or potential victims, although at times there was no obvious reason for making alternate arrangements. In many of the cases, life sentence prisoners were deemed to require the additional structure offered by approved premises for temporary releases. However, it was disappointing to note that ROTL to approved premises did not always entail specific support for the prisoner. We found inadequate planning for the ROTL to approved



premises in several cases examined, with the prisoner often being left to their own devices for lengthy periods with limited access to funds and little planning for how they would keep themselves usefully occupied during their stay. It was rare for a keyworker to be allocated from the approved premises for a ROTL stay, although where this did occur, it provided both a greater level of support and tighter control of the prisoner, as the following practice example demonstrates.

### Good practice example

Raymond, serving a life sentence at North Sea Camp prison, had been assessed by his offender manager in London Probation Trust as posing a high risk of harm to others. Convicted in 1978 of the murder of a teenage girl, he had served almost twice the length of his tariff period, primarily due to his denial of the offence making any offence-focused work problematic. As part of the planning for his eventual release, he was being allowed ROTL to approved premises in another area, where a keyworker was nominated to closely monitor him during his stay. Relationships were a principal factor in Raymond's offending and it was important that the nature of his interaction with a new partner who had teenage grandchildren could be assessed. To that end, the offender supervisor in the prison was working closely with the offender manager in the community. Between them, they organised for a Senior Probation Officer from Northamptonshire to meet with both Raymond and his partner at the approved premises, in order that an assessment could be made of the 'dynamics' of the relationship.

- 4.22. The exchange of information between approved premises and open prisons was often problematic. Approved premises managers indicated that they would appreciate much more detailed advance information about the proposed temporary resident and prison staff indicated that feedback to them about how the prisoner had fared during their stay would also have been welcome. In contrast, Avon & Somerset Probation Trust had recently introduced an online referral and booking system for their approved premises, known as The Approved Premises Placement System (TAPPS), which sought to tackle this and other related issues.

### Good practice example

Originally introduced in Bridgewater, TAPPS was the means by which offender managers in Avon & Somerset could identify suitable approved premises places for their offenders, either for periods on temporary release or for their ultimate discharge from prison. In order to apply for a place, offender managers completed an online form in which they were required to supply comprehensive advance information and, critically, to justify why they felt a place in approved premises was appropriate in the prisoner's individual circumstances. Prior to the prisoner's release, a keyworker from the approved premises was allocated; they contacted the prisoner to establish what they wanted to achieve during the placement, reviewed progress during the stay and provided feedback to both the offender manager and the offender supervisor after the ROTL period. Although not yet fully established, and experiencing some initial 'teething' problems in relation to the technology, TAPPS looked like a very promising initiative which was due to be rolled out across the Trust.

- 4.23. Also in Bridgewater, staff at the approved premises were working closely with psychologists from Leyhill open prison to improve understanding amongst keyworkers and offender managers about what to look out for in prisoners temporarily released into their care. This was particularly in relation to 'offence paralleling behaviour', that is, conduct which mirrored the pattern of behaviour leading up to the original offence. Psychologists had delivered training to staff in Avon & Somerset trust and were planning to introduce monthly 'surgeries' to provide support on this issue to keyworkers, offender managers and approved premises residents. Such support and advice was clearly lacking elsewhere.

- 4.24. Managers at Kirkham prison were also attempting to resolve the problems of poor communication between prisons and approved premises through the introduction of a protocol on information exchange.

### Preparation for final release

- 4.25. Although ROTL was the main feature of the regime in the open prisons we visited, and the primary means by which prisoners were prepared for their release, in some prisons this was supplemented by other useful resettlement provision. We were particularly impressed with the Jubilee units at North Sea Camp.

#### Good practice example

The Jubilee units at North Sea Camp allowed for semi-independent living for prisoners, including those on life sentences, in four detached houses which had formerly provided accommodation for prison staff. All but one of these houses were outside of the prison perimeter, thereby reinforcing the independence of the occupants. The accommodation housed up to 42 prisoners who catered and cleaned for themselves and learned improved social skills, through living communally with their peers.

- 4.26. Not all the residents of the Jubilee units described above were long-term prisoners, which seemed to us to be a little short-sighted, such was the quality of the opportunity for those who had been isolated from society for protracted periods.
- 4.27. Elsewhere, links to community agencies were reasonably good, both in the closed estate, where a variety of community and voluntary organisations came into the prison, and in the open prisons where links were made with appropriate organisations that prisoners could access via ROTL. The advantage of this was that such links could be maintained after the point of the prisoner's release. We noted, however, that there was a general lack of training for independent living and some prisoners felt that more should be done to prepare them for a return to a society which had changed during their incarceration, particularly in the field of information technology with the advent of the internet and social media.

One said:

*"In a resettlement prison they expect you to do stuff for yourself which is okay but you need the tools to do so. If you want to source employers then you need access to a fax, phone. There is a lack of access to the internet and emails. Nowadays you have to fill in forms online – if you only have an hour of access to the internet then it is not finished and sometimes you can't save it."*

Another said:

*"We need more skills around using emails. Setting up an email account – you need more training."*

- 4.28. Only one-third of prisoners interviewed, who had spent time in open prisons, had received specific training on how to live independently. A number of prisoners expressed that they would have preferred more assistance with practical skills, such as plumbing or electrics. This was particularly pertinent in the case of those who had been given a life sentence during their teenage years. From our informal discussions with young life sentence prisoners, including some who had been released,



we were struck by how much emotional and personal development they had missed when they were incarcerated during their formative years. One prisoner commented:

*"The little things like using a mobile phone, they don't show you – they kind of ignore the simple things and take them for granted. There are people in the system who have been away that long that these things are alien to, there needs to be more thought and consideration."*

- 4.29. Although most releases of life sentence prisoners took place from open prisons, we came across a small number of cases where prisoners, usually but not exclusively following an earlier recall into prison custody, were released direct from closed prisons.

#### Good practice example

One such case involved Richard, aged 56 at the time of the inspection, who had served nearly 31 years in prison, despite having been given a tariff of just five years on a discretionary life sentence for three offences of arson. Richard had repeatedly failed to adjust to the conditions in open prison, having been tried there around six or seven times. Rather than insist on his return to an open prison, the Parole Board took the rather brave, but entirely appropriate, step of releasing him from closed conditions to approved premises, where he was supported by means of the strict regime in place there.

- 4.30. It was clear from the cases we inspected where this had been done well that the early and active involvement of the offender manager in pre-release preparation was a key to the individual's chances of success on release. We found an encouraging number of cases where offender managers had regularly visited the soon to be released prisoner in order to build a good rapport and, more importantly, had liaised with community agencies to ensure support and interventions were in place at the point of release. Many prisoners who, for example, had needed support from Alcoholics Anonymous within prison, were therefore able to continue their engagement on release.

#### Good practice example

When John had last been reviewed by the Parole Board, the Board had specified that he should continue with counselling when he moved to an open prison; this was duly arranged at Ford prison. The counselling provided him with an opportunity to express his feelings and explore his offence. John's counsellor in prison was so impressed with his progress that she did not feel he had any further need to continue psychotherapeutic intervention after his release. However, John felt that this work had been of real benefit to him, so the offender manager from Kent Probation Trust set up further counselling support via a community agency to begin at the point of release. The offender manager also liaised closely with the community counsellor so as to ensure she was able to reinforce the work undertaken in counselling during supervision. Additionally, she arranged for a relationship mentor to work with John, which was also proving successful. John subsequently made good progress at the approved premises to which he was released. Through the support of the offender manager, the counsellor and the mentor, John thrived, keeping himself clean and tidy and resulting in him gaining a sought after place in a supported housing project.

- 4.31. During our interviews with prisoners, we asked them to describe the quality of their relationships, both with their offender supervisors and their offender managers. Thirty-one of the fifty-eight prisoners interviewed indicated that they had an acceptable amount of contact with their offender supervisor, describing their relationship as good, reasonable, satisfactory or constructive. A further 17 prisoners complained of problems accessing their offender supervisor; even some of those with

positive relationships described difficulty in accessing them, apparently due to the heavy caseloads of some offender supervisors. The impression we gleaned from our discussions with staff was that most offender supervisors were reactive, rather than proactive, in their dealings with their life sentence prisoners. This meant that less vocal prisoners could be overlooked or could avoid being challenged.

### Good practice example

Raj was preparing for his release from Blantyre House prison via a series of releases on ROTL. Although Kent Probation Trust were only temporarily managing the case on behalf of another Trust, the offender manager ensured that she visited Raj for a year prior to his discharge. This was in order to establish an effective rapport with him, in anticipation of him being transferred to Kent at some future point. The offender manager focused their discussions not only on his community reintegration but also on how he would cope with a rejection from the Parole Board to his proposed discharge. After his release, having expected to feel euphoric, Raj experienced very low moods but the offender manager was able to support him through this difficult time due to the quality of their working relationship. The subsequent outcomes on this case were impressive; at the point of inspection, Raj had developed a pro-social lifestyle and had just been offered permanent employment as a manager in the field of youth work, following a protracted period of temporary employment with a football club which began while he was in prison.

- 4.32. In contrast, more prisoners described poor quality relationships with their offender managers, mainly because they felt that they did not see or hear from them often enough. One commented:

*"I'm helping myself. The probation officer and I don't have much contact and he says I'm at fault because I don't call him."*

- 4.33. Many prisoners described financial constraints or heavy workloads interfering with the development of effective working relationships, although some cited lack of effort on the part of the offender manager or frequent changes in offender manager as exacerbating the problem. Again, even some who described positive working relationships felt that contact could be improved. One offender interviewed in the community sample described how he had had seven or eight offender managers during a ten year period; he told us:

*"every time I met a new offender manager I felt I had taken a step back; I felt deflated as I knew I had to go back to the beginning with them."*

### Conclusion

- 4.34. The regime in open prisons, with the overarching emphasis on ROTL, offered eligible prisoners real support towards reintegration into society. However, opportunities for paid work had been adversely affected by the prevailing economic climate and some prisoners found practical support about coping with the modern world to be limited. Accommodation such as the Jubilee units at North Sea Camp provided ideal preparation for living in the wider community to those who had spent long periods in custody.
- 4.35. Overall, we reached the conclusion that ROTL had become something of an end in itself, a hoop to jump through as a means of proving to the next sitting of the Parole Board that the prisoner could be managed in the community. Our view was that it could and should be so much more than just

this. It provided a really useful opportunity for the prisoner to begin the often long and difficult process of reintegration into normal society, but needed careful planning to ensure that maximum benefit was gleaned from the opportunity.

- 4.36. The quality of the input from the offender manager into release preparation was also critically important; timely relationship-building with prisoners prior to their release and effective planning for continued support and interventions after release could make a real difference to offenders' lives and the chances of their successfully reintegrating and desisting from future offending. However, many prisoners considered that such relationships suffered because of limited access to their offender managers, which they attributed to their heavy workloads or other financial constraints.

# The community phase of a life sentence

# 5

## 5. The community phase of the life sentence

### Summary

This chapter outlines how Probation Trusts support life sentence prisoners following their release into the community; how the risks they pose to others are managed and their likelihood of reoffending is reduced.

### Key findings

- The quality of the input by the offender manager was more important than ensuring the same person consistently supervised the offender.
- OASys assessments in community cases were of a higher standard than those in custodial cases, although sentence planning was the weakest element in both.
- Despite weak planning, the delivery of interventions to those on life licence was reasonably effective, although some offender managers struggled to know what to do with offenders who appeared to have completed all the required work in custody.
- The standard of victim contact work was variable; offender managers were alert and attentive to the safety of victims and potential victims but did not communicate often enough with victim liaison officers.
- Approved premises were widely used for released life sentence prisoners, despite many not posing a high risk of harm to others; this felt like a backward step for some offenders.
- Life licence cases needed close scrutiny by management, due to the nature of their offending and the duration of their incarceration; however, management oversight was not always sufficiently effective.

### Engaging with released life sentence prisoners

- 5.1. The quality of the relationship between the offender and their offender manager is important to the successful reintegration of a released prisoner into the community. This had been the subject of much recent academic research on 'desistance' and our examination of cases on this inspection certainly supported this theory. Although this applied equally to all types of offender, we considered it vital in the case of those being supervised on a life licence, given their potential social isolation as a result of their protracted incarceration. One of the principles of the offender management model is the need for consistency of offender manager or, rather, the need for whoever is supervising the offender to provide consistency of message to them about what is required of them, what is acceptable and what is not. Traditionally, supervision of a life sentence prisoner has remained with the same officer for protracted periods of time. We considered that ensuring quality of input by offender managers and maintaining this consistency of approach was far more important than ensuring that the same person maintained the supervisory link with the offender. Some Trusts, such as Nottinghamshire, sought to achieve this consistency for life sentence prisoners through maintaining the same offender manager, wherever possible. In all Trusts visited, regardless of the allocation model adopted, we found some good examples of offender managers impacting positively on those under their supervision – and unfortunately some less good examples of this.
- 5.2. The following practice example from Nottinghamshire illustrates how offender management could be responsive to the individual. Knowing when to respond and in what way was a valuable and instinctive skill.

### Good practice example

The offender manager had decided that she would undertake some victim awareness work with Brian, recently released after serving 23 years in prison for his part in the murder of a young woman. The offender manager had planned to look with Brian at the ripple effects of offending on the victim, their family and the wider community. However, Brian had arrived at his supervision session in an agitated manner, admitting to his offender manager that he had lost his temper at the local supermarket when he felt he had been told by the till supervisor to use the self-service checkout. Having been in custody for so long, this was understandably a huge challenge for Brian. Not being able to cope with the checkout, Brian had become angry with the technology, then with a member of staff and had stormed out without his shopping.

To her credit, the offender manager stopped the planned session, took the offender back to the supermarket and went through the process of choosing his shopping, scanning it through the till and talking to the supervisor so as to demonstrate how he could have got help. She then drew up a programme of work which enabled Brian to consider alternative ways of dealing with difficult situations without becoming angry or behaving inappropriately. This was a good example of the offender manager responding to Brian's particular needs and improving her engagement with him.

### Managing the risk of harm to others posed by those on life licence

- 5.3. As with the custodial sample, we examined a total of 60 current cases across the six Probation Trusts visited, discussing these with the offender manager wherever possible and using a bespoke questionnaire to capture our findings about the quality of the work with released life sentence prisoners. Our initial focus was on the quality of the assessments and plans to manage the risk of harm which the released offender posed to others. The majority of these offenders (80%) had been assessed at the time of release as posing a medium risk of harm to others, as might have been expected, given that the Parole Board and the Secretary of State had agreed that their risk level was such that it could be managed safely in the community. Six in the sample were deemed to represent a high risk of harm to others. We agreed with the classification of risk of harm in all but eight cases within the sample. In a small number of cases we found evidence that the offender manager had raised the risk of harm classification upon release purely because of the altered circumstances, in that the offender needed to be tested in the community before the offender manager could firmly form a view on the level of risk. There was no evidence in such cases that the public or potential victims were necessarily additionally protected by this increase in assessed level. At times we suspected that this may have been to attain a desirable place in approved premises, given that these tended to be reserved for higher risk offenders. Conversely, we also found a number of cases where offender managers seemed reluctant to assess released life sentence prisoners as low risk of harm to others, solely because of the nature of their original offence.
- 5.4. We considered the analysis of the offender's risk of harm to others to be sufficient in 65% of the community cases examined. Although this left room for improvement, it was better than in our custodial sample, where less than half of risk of harm analyses were satisfactory. It also compared more favourably with the findings from our recently completed Offender Management Inspection 2 programme (OMI 2); here, over 4,500 analyses of risk of harm to others were examined, with only 55% being considered of sufficient quality.
- 5.5. In terms of planning to manage the risk of harm to others, we found that, although much better than their custodial equivalents, risk management plans drawn up at the point of release were of sufficient quality in only 54% of community cases examined. Again, this compared favourably with the overall findings from OMI 2 where the equivalent figure was 45%. The risk management plans examined ranged from excellent, through mediocre to complacent. Too many were insufficiently focused on victims' issues or lacked clarity about planned responses, roles or responsibilities. Some Trusts had designed specific 'drop down lists' or templates for offender managers to use when drafting risk management plans. Although we understood the desire to raise standards through

such an approach, this sometimes hindered creativity and individualisation of such plans. Offender managers with whom we discussed this concurred with our view. The best plans seen were those that were clear about who was doing what and when, gave details of all agencies involved and included appropriate contingencies to address deterioration in the individual's circumstances.

## Reducing the likelihood of reoffending by those on a life licence

- 5.6. During our interviews conducted in prisons, we asked prisoners about those factors which were more or most likely to make them reoffend upon their release. It was notable that several of the recognised factors, which might normally make an individual more likely to offend, were not raised with us as issues of any concern to those interviewed. None of the fifty-eight prisoners to whom we spoke regarded drugs, alcohol, family problems, deficits in their attitude or thinking and behaviour as a concern, despite our prompting. In particular, we found it surprising that alcohol featured so infrequently as a problem area. From our examination of individual cases, we felt that offender managers sometimes overlooked the part that alcohol had played in original offences, thus reducing their alertness to its potentially problematic use in the future. It seemed that offenders too might have ignored its significance.
- 5.7. Accommodation was the issue most often cited by interviewees as a cause for anxiety (albeit only by 12 prisoners), with finances, debt, health, education, training and employment also a concern to some.

One prisoner commented:

*"I think I will have a problem with everything really. It has been 30 years this time and things have fallen by the wayside. I have a good support network. I realise that I have never worked and am unemployable. I am able to ask for help. I have concerns but I know I will get help. I say that housing etc is a specific concern because I don't understand it."*

Another said:

*"I had problems with alcohol before prison but I do not feel this will be an issue on release."*

- 5.8. We judged the assessment of likelihood of reoffending within OASys assessments to be sufficient in just over three-quarters of the community cases examined. As with other aspects of the OASys assessment, this compared favourably to both our custodial sample and the much larger OMI 2 programme sample, where 58% and 70% respectively were found to be satisfactory.

## Managing diversity amongst those on life licence

- 5.9. Prior to commencing fieldwork for this inspection, we envisaged that we would encounter many aging prisoners and released offenders, who had become totally institutionalised and socially isolated from their peers and community. While we did indeed encounter some such individuals, we were more struck by the numbers of life sentence prisoners in their 20s and 30s who had missed huge chunks of their lives through their incarceration. For these prisoners there was a need to thoroughly prepare them for release with interventions, clearly planned ROTL and structured resettlement plans. We found little evidence that interventions either in custody or the community



fully addressed these issues. Although we saw some good examples of offender managers paying full attention to resettlement needs, this was far too often in an unplanned or unstructured way. Offender managers only rarely used their professional judgement to put diversity and resettlement factors at the heart of sentence and risk management planning. Some offender managers told us that they did not feel sufficiently confident to prioritise objectives linked to need over and above those relating to risk of harm to others, such as their Trust's overriding emphasis on public protection. In our view, it was vitally important for offender managers to be both encouraged and liberated to recognise that plans which addressed diversity needs and barriers to engagement were also, in effect, plans to manage risk of harm.

- 5.10. In two-thirds of the community cases examined, we considered that the offender manager had taken sufficient account of diversity or potentially disadvantaging factors when planning work to be done with the offender. Although in line with our findings from our larger OMI 2 sample, this proportion left room for improvement. It was disappointing that in one-third of cases, factors which impacted on this group of offenders taking full advantage of their supervision in the community had not been sufficiently taken into account when planning work to be done with them. Such factors included not only those relating to race, culture, gender and disability, for example, but also those linked to offenders having spent a significant portion of their lives in custody. This impacted on their maturity and, in turn, on their ability to form appropriate relationships once released back into the community.
- 5.11. In our interviews with prisoners, we had asked them whether there were any plans in place, leading up to their release, for them to achieve sentence planning targets in the community. One commented:

*"Because of my disability they look at me like it is too much trouble or I am incapable."*

- 5.12. Arrangements for interventions took account of the offender's diversity issues in most cases and, in all but one relevant case, the available interventions met the needs of older or disabled offenders. Where there were obvious health concerns, often linked to the age of the offender, these tended to be taken into account reasonably well, but less overt diversity issues were sometimes overlooked. One offender who suffered from bipolar disorder felt that too much account had been taken of his condition when he was released, with support being offered from a social worker, forensic psychiatrist and a community psychiatric nurse, although this level of support may well have been appropriate given the nature of his condition.

### Good practice example

**A**ndy had served his life sentence in male prisons. During his time in prison, he had started living as a woman and, now known as Alison, was waiting for gender reassignment surgery. Alison's offender manager was alert to the primary importance of supporting her, recognising that the gender issues increased her vulnerability. The offender manager worked hard to quickly establish a very open, positive and supportive relationship with Alison and ensured she was well connected with a range of community groups, including a gender reassignment support network. Given the complexity of the case, the offender manager was proceeding slowly, choosing the right moment to pursue more tricky interventions, such as those around Alison's life history and relationships, which underpinned her offences.

- 5.13. Since the sample of women's community cases was small, totalling only five across the six Trusts visited, it was difficult to draw firm conclusions about how women on life licence were being managed, in comparison with their male counterparts. While women were in the minority in community caseloads, women released from life sentences represented an even smaller proportion.



Of the five women's cases examined, all but one contained a sufficient assessment of potential diversity issues, with most, but not all, offender managers being alert to the need to adapt interventions to suit women. The most challenging diversity issue we encountered was one which a probation officer in Cheshire was dealing with, and concerned the gender reassignment of her offender.

5.14. By contrast, some diversity issues were less well catered for in the following example:

#### Practice example

Prior to being given a life sentence with a 15 year tariff, Tom, a black man, had been living in the multi-cultural society of London. Upon his release, Tom settled near the prison from which he was discharged, and found himself living in a predominantly white and middle class area. Throughout the licence period, Tom felt that he was 'out of step' with his local community. The offender manager failed to recognise this as a diversity issue and so did not assist Tom in working through the problem, such as through helping him to research local support groups or even options for relocating.

5.15. During the inspection, we met with a number of released life sentence prisoners, totalling 11, including a small number who were living in the approved premises which we visited. One such released man had specific diversity needs, which appeared to have been overlooked:

#### Practice example

Harold had recently lost around four stone in weight but had no money to pay for new clothes. He had just two pairs of trousers to fit him, so would wash one pair while wearing the other. His case had recently been transferred and, although he was building a relationship with the new offender manager, he had had no support or advice from the previous offender manager with regard to sorting out these practical problems.

### Sentence planning in the community

- 5.16. Across the areas visited, sentence planning was the weakest part of the community OASys assessments, as it was in the custodial cases. Even the best managed cases tended to have mediocre sentence plans. Few were informed by a self-assessment questionnaire completed by the offender. NOMS was aware of deficiencies in this area of work and were planning to issue some new guidance on sentence planning as part of their *Offender Engagement Programme*. This was subsequently published as a probation instruction<sup>i</sup>. Some Trusts, such as Cheshire, had already identified sentence planning as an area for improvement through the results of an audit of their life sentence prisoner cases. We found several examples across all Trusts visited where objectives within sentence plans were out of date or otherwise irrelevant and, while sentence plans were reviewed, this was not in a thorough way. It was unusual to find objectives which were clearly focused on the desired outcome, and reviews tended not to reflect the work done and the progress achieved to date by the offender. We saw one case where the same objectives had persisted within the sentence plan since 2005 and another with unchanged objectives over a span of six years despite the offender having been recalled twice during this period. This suggested that sentence planning was more a process than a meaningful activity.
- 5.17. Often, it seemed to us that a lack of knowledge about working with an offender who had been in custody for many years, who had completed countless offending behaviour courses and who knew the system better than the offender manager, was at the heart of this particular problem. Offender

<sup>i</sup> Published as PI 21/2012 taking effect on 17 December 2012

managers were frank with us that they often struggled to be focused and creative in this aspect of their work. Most of the released life sentence prisoners to whom we spoke were clear about their objectives and felt they were achievable, although some confused sentence plan objectives with licence conditions. Nonetheless, we formed the view that sentence plans on many life licence cases were relatively meaningless.

### **Delivery of interventions with those on life licence**

- 5.18. Despite weak planning, the actual work delivered with offenders released on life licence was reasonably effective. At times, it proved difficult for offender managers to ensure continuity of interventions from custody into the community, due to lack of availability of specific resources, such as that required to deliver the final module (block six) of the *Cognitive Self Change Programme*, for example. However, we found many examples of offender managers working hard to reinforce the learning which had occurred during the custodial period as the following example demonstrates.

#### **Good practice example**

When Ben was released in 2010, he had found it difficult at first to relate to other people and to perform some routine tasks such as setting up a bank account. Within the supervision sessions, the offender manager from Lancashire Probation Trust kept a clear focus on reinforcing the work which had been done in prison, as well as helping him with practical problems. She helped Ben open a bank account, claim benefits, apply for a care grant and solve problems with his family. This work all served to help him reintegrate into society.

- 5.19. Similarly, we found examples of offender managers recognising the need to liaise closely with other involved agencies, not only for the benefit of the offender but also to guide the work during supervision sessions.

#### **Good practice example**

Michael's case was transferred to Avon & Somerset some time after his release from prison, where he had served a life sentence for the murder of his young stepson. He had been diagnosed earlier in his sentence as schizophrenic and would require lifelong treatment. Although a handover meeting was not possible when the case was initially allocated within the Trust, the new offender manager recognised the need for a coordinated multi-agency approach to inform the review of assessments and progress to date. The offender manager quickly coordinated a professionals meeting to which she invited the housing provider, occupational therapist, community psychiatric nurse and mental health keyworker. This meeting was used to develop strategies to manage Michael's risk of harm to others. Subsequent meetings took place monthly, reducing in frequency as he progressed on licence and with other professionals being invited as the need arose. The meetings were also used to support the offender manager in identifying appropriate methods of delivering her work with Michael, through advice from the mental health professionals involved. A clear multi-agency plan was produced, which was used to support Michael in building upon positive factors, such as his motivation to secure employment. In line with the plan, the offender manager was able to monitor identified risk factors linked to his mental health. Michael subsequently gained employment as a contractor, disclosing his history to his employer.

- 5.20. In other cases work was less focused. Some offender managers seemed content to simply chat generally about how things had been going with those on life licence, rather than specifically structuring their supervision sessions. We were sympathetic to the difficulties in remaining creative and focused with an offender who was going to be subject to supervision for many years to come.

Overall, we judged the work done to have focused on factors relating to reducing reoffending in three-quarters of cases and to have been meaningful in over 80% of cases. Offender managers had demonstrated commitment to their work with the offender, had motivated and supported them, and had reinforced positive behaviour in all but nine cases. Furthermore, we judged that offender managers were focused on assisting their offenders to develop community ties in 92% of cases, which was admirable, given that this was key to successful reintegration.

## Work with victims and their families

- 5.21. In order to achieve a central aim of protecting the public, offender managers must be alert and attentive to the safety of victims, and, equally importantly, potential victims. In the great majority of cases inspected, that is, in 41 of 44 relevant cases, appropriate priority was given to victim safety by both the offender manager and other workers, as the following example demonstrates.

### Good practice example

Trent House approved premises in Nottingham housed a released life sentence prisoner who had murdered a previous partner and had a subsequent history of forming inappropriate relationships. While on ROTL, he began another relationship with a woman who had a ten year old daughter. The offender manager and the approved premises keyworker worked well in conjunction with the offender, his new partner and Children's Services to ensure that these potential victims were safe. Information was shared well between the various agencies involved and the offender manager routinely attended the approved premises for appointments with the offender so as to closely monitor his progress.

- 5.22. The Criminal Justice and Court Services Act 2000 introduced a requirement for all victims or their families to be offered contact in cases where a custodial sentence of 12 months or more was given for a sexual or violent offence.
- 5.23. The regular exchange of accurate information between the offender manager and the victim liaison officer is one of the means by which Probation Trusts support and protect victims; through such exchanges, the victim can be apprised of any significant developments, such as the prisoner's move to open conditions or notification of release. Although the nature of the offences in our sample meant that they would now fall under the statutory victim contact scheme, many cases pre-dated the introduction of the scheme, or the victim was no longer contactable due to the passage of time or other factors. We were, nevertheless, disappointed to find an acceptable information exchange in only just over half of relevant community cases. However, we found some good practice in this area of work, as the following example from Kent Probation Trust illustrates:

### Good practice example

Raj's offender manager was aware, via her links with the victim liaison officer that the mother of Raj's victim was struggling to come to terms with the death of her son and was suffering badly, despite many years having passed since the murder. In an attempt to alleviate her distress, the offender manager was in discussion with the victim liaison officer and her manager about whether and how to arrange face-to-face mediation. The offender manager was acutely aware of the sensitivities of taking this action so was proceeding cautiously so as to ensure that any mediation was timed and effected appropriately.

- 5.24. The problems concerning effective communication in relation to victims' issues were also challenging during the custodial phase, although acceptable levels of communication were found in just over

three-quarters of relevant cases. The following practice example illustrates how poor communication caused potential distress.

### Practice example

The victim's family, in one case, had raised concerns that the offender was planning to resettle in their area, especially since his only links to the area came from his relationship with the deceased. Although the concerns were passed on to the prison, an assessment had not been made of the suitability and impact of release within close proximity to the victim's family. Consequently, there was neither a plan in place to manage the situation, nor an alternative strategy for his release.

- 5.25. Where appropriate, victims tended to be consulted about licence conditions. However, this sometimes led to disproportionate or overly restrictive conditions being included in licences. In a small number of cases, licence conditions included restrictions on contacting named victims, purely on the initiative of the offender manager or victim liaison officer, rather than at the request or with the prior knowledge of the victim. This was justifiable where it was considered that the victim or potential victim was at risk from the offender; in such circumstances, the victim's consent was not necessarily required. However, we did, at times, question the appropriateness of this since it could have led to the offender harbouring grudges which would have been unhelpful to all parties.
- 5.26. Additional conditions designed to protect victims, such as exclusion zones or prohibition on contacting victims, were fully monitored in 49 out of 56 relevant cases, representing 88%; although details of who would monitor such conditions or how they would be monitored were not always evident within risk management plans. At times, we felt assumptions were made that all that was needed was to notify the police of the release and the licence conditions for monitoring to automatically occur; this was both ambitious and unrealistic.

### Working with offender's families

- 5.27. As with the custodial cases, we were a little disappointed to find that, where a supportive family or partner existed, little was in place in some cases to maximise their contribution to the management of the offender. Prisoners clearly valued the family support they received, as the following comment suggests:

*"[I have] constant support. I could not have done this sentence without them, 100%."*

- 5.28. One manager in Cheshire described how he saw the family as a "*barometer of change*", which we felt captured the essence of the family's unique perspective. The following practice examples illustrate work done well with the family.

### Good practice example

Stuart was only 19 years old when he received a life sentence for murder. Since his release, he had been living at approved premises in Somerset, although he also had family connections in the area. The offender manager made good use of the family in this case, both as a source of information about Stuart's ongoing level of drug and alcohol use or abstinence, but also to help steer the work with Stuart. He organised a case conference at the family home as Stuart's time in the approved premises was coming to an end, in order to help inform the planning for subsequent accommodation.

### Good practice example

Terry had been released on a number of different occasions over the previous eight years, following his conviction for the murder of his third wife; he was aged 70 at the time of the inspection and being supervised by Nottinghamshire Probation Trust. During his time in prison, he had remarried and the offender manager was alert to the need to work with both Terry and his wife – both jointly and separately – to support him in his rehabilitation and to monitor for signs of potential violence towards his new partner. The offender manager realised the value of the information gleaned from the family and made good use of this to monitor Terry's progress.

### Transferring cases

- 5.29. One of the issues which the Parole Board had drawn to our attention in advance of our fieldwork for the inspection related to the transfer of life sentence cases between Trusts. They were concerned that the smooth progression towards release was being adversely affected by the frequency with which life sentence prisoners found themselves subject to transfer between Probation Trusts, often at a very late stage in their sentence. Inevitably, because of the scale and geography of the prison estate, life sentence prisoners often found themselves displaced from, and no longer connected to, their home area. Those who had been lucky enough to secure paid employment while in an open prison were understandably keen to maintain this upon release, so planning for their release might also involve negotiating the transfer of the case.
- 5.30. We found a small number of cases where transfers were problematic, either because of different approaches to classifying levels of risk of harm to others posed by life sentence prisoners, varying MAPPA arrangements, or because communication between Trusts appeared to have broken down. On occasion, late notifications about transfers led to late referrals into MAPPA, which had consequences for the effective management of the case, particularly around risk management planning. Late decisions about who would be managing the case after release would undoubtedly have created uncertainty and anxiety for life sentence prisoners as they embarked upon the community phase of the sentence. However, we were satisfied that the continuity of offender management through the custodial to the community phases was sufficient or better in 69% of the custody cases examined and in 80% of the community ones.

### Use of approved premises for those on life licence

- 5.31. Of our community sample of 60 offenders, 25 had been resident in approved premises for at least six weeks during the period since their release from prison. Considering that NOMS's national guidelines<sup>6</sup> for the use of approved premises identified one of the main functions of approved premises as working with those posing the 'most serious risk of harm', this was a surprisingly high proportion. Although most Trusts visited did not specify policy on the use of approved premises in relation to life sentence prisoners, it seemed to us that they were often the default position for the release address, even in cases where viable alternatives existed, such as with families. NOMS was aware of this apparent anomaly and were considering how to tackle the issue at the time of the inspection.
- 5.32. We saw a number of cases where the offender had successfully been temporarily released to family homes, only to find themselves within the much more restrictive confines of approved premises on final discharge from prison. One resident interviewed had had eight such periods on ROTL to his mother's home, prior to his discharge to an approved premises. Another offender's parents had bought him a flat to live in on his discharge but he was not allowed to move into this until he had proven himself during a period of time at the approved premises. In some cases, waiting for a place in the approved premises had delayed the prisoner's release from prison which seemed to be a



misuse of expensive prison resources. However, the main consequence of placing medium risk of harm offenders in approved premises was to displace others whose need for the place was greater. Understandably, such offenders felt that moving into approved premises was a backward step for them as it further delayed their development as a 'normal' citizen. One released offender described his stay in approved premises as follows:

*"they [the staff] were worse than prison officers; they were trying to set me up to fail. I felt they thought I couldn't cope, they were over controlling."*

- 5.33. However, many regarded it as a test which they needed to pass and recognised that, although they might not like the regime at the approved premises, it did provide them with additional structure and support which were valuable during the challenging release period.
- 5.34. Both the content and quality of the regime in place at the various approved premises we visited varied considerably but was, unsurprisingly, better for the more permanent residents than for those on ROTL. Some provided a good range of constructive activity and had well established links with other community resources and agencies, such as education providers, to which they referred their offenders. From the 25 relevant cases examined, we considered that the interventions delivered at the approved premises had been constructive in 15 cases. It was disappointing that such interventions only rarely featured in sentence plans of approved premises residents.
- 5.35. Offender managers sometimes found that having their offenders resident in approved premises, rather than with a family member, put them into a better position for social housing provision. This assisted with the problems of securing more permanent accommodation, which many staff in Trusts raised with us as a difficult aspect of their work. Such problems applied to offenders in general but came into specific focus for Trusts in relation to life sentence prisoners given their frequent lack of particular ties to the area in which they found themselves living. These offenders found it virtually impossible to obtain local authority help without such ties. Kent was unusual for having a good supply of available housing, including properties run by the Langley House Trust, the Hope Scheme and Stonham, which generally offered support to residents via their link workers. Mentoring schemes had also been particularly well established in Kent; one offender, for example, had four different mentors working with him at different times since his release to provide different aspects of support.
- 5.36. We found firm evidence in two of the approved premises visited, namely Glogan House in Bridgewater and Fleming House in Maidstone, that staff from the approved premises were making an effective contribution to the sentence planning of released life sentence prisoners. All four approved premises had systems for sharing information with offender managers and in Nottinghamshire offender managers undertook regular three-way meetings with the offender and their key worker at the approved premises. In Bridgewater all those released on life licence and resident at Glogan House were managed by offender managers from the local office. There were also plans to introduce a similar system in Nottinghamshire.

### **The ongoing management of those on life licence**

- 5.37. During the community part of this inspection we concentrated on those life sentence prisoners who had been released over the last two years. Although a relatively short period within the overall life sentence, this nonetheless gave us opportunity to examine the ongoing management of their cases and, in particular, how closely they had been monitored and how thoroughly their cases had been reviewed.
- 5.38. As part of our assessment of cases, we looked at the frequency with which offender managers had had contact with the released life sentence prisoners under their community supervision. We judged

this to be sufficient for the needs of all but four cases, although we did not always find, as we might have hoped, that reasons for decisions about frequency of contact had been detailed within case management records. Professional judgement, which allowed offender managers greater flexibility over frequency of contact, was clearly being exercised on cases involving life sentence prisoners, as with other offenders, but it was not necessarily being recorded as such. It also seemed as if staff and managers were more nervous about relaxing regular contact in the case of those on life licence, no doubt due to the grave nature of the original offence.

- 5.39. When changes in an individual's circumstances occurred, it was important that offender managers not only responded to this by taking any immediate action required, but that they also reviewed their assessments, plans and delivery in the light of the altered circumstances, in order to decide whether any changes were required to these. The following example illustrated this being done well.

#### Good practice example

John had been released for over a year to Fleming House approved premises in Kent, having served a life sentence for a murder committed when he was 15 years old. John lacked emotional maturity and had moderate learning difficulties, but had been well supported in the approved premises and had progressed to independent accommodation where there were young children living. Around this time, his compliance started to wane, so the offender manager reinstated weekly reporting arrangements, informed social services of his proximity to the children and reviewed both his risk of harm to others and the likelihood of his reoffending within the OASys assessment. John's subsequent compliance improved.

- 5.40. Offender managers anticipated changes in the level of the offender's risk of harm to others, often concerning relationship or accommodation status and linked to the original offence, in over two-thirds of cases. They identified such changes and took remedial action in over three-quarters of these cases. However, as a response to significant change, they formally reviewed OASys assessments, specifically the risk of harm and sentence planning elements, in less than half of all relevant cases. Likelihood of reoffending assessments were reviewed more readily in such circumstances, but nonetheless in only just over half of all relevant cases. These findings, which left considerable room for improvement, were broadly in line with those from our OMI 2 programme. When discussing individual cases with offender managers, we found that they were often much more knowledgeable and insightful about the offender's circumstances and their motivation for offending than they had formally recorded in their assessments and case records.
- 5.41. Home visits were an important part of the regime to manage the risk of harm to others posed by those on life licence and to safeguard any children and young people involved with the offender. These tended to be used effectively in most cases, both in the early days following release and on an ongoing basis.
- 5.42. The following illustrates good anticipation of risk of harm to a potential victim on the part of an offender manager in Lancashire.

#### Good practice example

Susan was aged 51 years when she murdered her 78 year old partner, who had subjected her to years of domestic abuse. Since her release from prison in 2011, she had befriended another resident at the supported accommodation where they both lived. The new potential partner was a vulnerable man of a similar age to her victim. The victim's family had campaigned vociferously to protest against Susan's release, and her safety could have been jeopardised if the family had learned of her current location. The offender manager was alert to the risk of harm to the potential partner and was liaising closely with her line manager and the housing provider to discuss disclosure to him of the offence. This needed careful handling, so as to protect the potential victim while also maintaining Susan's anonymity.



5.43. Although the nature of the cases in our sample meant that all were eligible to be managed under MAPPA, in fact, MAPPA was active in the ongoing management of only nine cases examined at either Level 1 or Level 2. In all of these cases we judged that it had operated effectively. In cases managed at MAPPA Level 1, we found relatively low incidence of other agencies contributing to reviews of assessments, which seemed to be a missed opportunity, given the wealth of information that they could invariably offer. Where professionals from housing agencies were involved, input tended to be better. For example, one offender manager in Surrey & Sussex had included detailed contingency arrangements within the risk management plan at the specific request of the housing provider. Such a coordinated approach provided consistency and clarity both for the offender and for the various agencies involved.

## **Management oversight**

- 5.44. In our view, a total of 35 of the community cases required some specific management oversight, usually relating to issues concerning risk of harm to others or safeguarding children. In 21 (60%) of such cases, input from managers was provided and effective. This was in line with our findings from the OMI 2 programme. However, we were disappointed that management oversight was not effective in a greater proportion of cases. Although a generally compliant group of offenders, the nature of life sentence prisoners' offending histories, the duration of their incarceration and the potential implications if reoffending occurred, warranted closer oversight in our view.
- 5.45. We found a number of management initiatives in place which we considered assisted with effective offender management, such as the monthly MAPPA Level 1 review meetings taking place between offender managers and their line managers in Kent. Elsewhere, for example in Cheshire, assistant chief executives conducted regular reviews on higher risk cases which included a small number of life sentence prisoners.
- 5.46. Most of the Trusts visited had maintained the practice of offender managers providing 'lifer progress reports' which were considered by senior managers at periodic intervals. Historically, such reports had been required by NOMS as a means of tracking the offender's progress in the community, but this was no longer a requirement. Some senior managers took a close and keen interest in these reports, checking them against the files and OASys assessments. However, others were less attentive, and a number of offender managers across several Trusts commented that they were not reminded about the need for these reports, if they failed or delayed to submit them. On occasion, these reports took precedence for the offender manager over the updating of OASys, which seemed to us to be an inappropriate ordering of their priorities. We also questioned the need for this separate report to be produced given that all of the senior managers had ready access to OASys through which they could monitor the progress of life sentence prisoners. Continued insistence on the production of these reports appeared to us to create unnecessary duplication of effort.

## **Conclusion**

- 5.47. Although the overall quality of offender management in the community cases examined was of a better standard compared with the custodial cases inspected, sentence planning was an area in need of improvement across all of the cases in our sample. Many offender managers struggled to be creative in this aspect of their work, particularly where the main objectives were simply to monitor the offender and to ensure their successful reintegration into society. Resettlement was the key diversity need of life sentence prisoners and was one of the main factors influencing the offender's risk of harm to others. Offender managers needed to feel sufficiently unfettered in their style of OASys assessment to ensure that resettlement objectives were at the core of risk management and sentence plans. Where this did not occur, sentence plans were often relatively meaningless. The challenge for the new national probation service will be to provide renewed focus on the importance of creative sentence planning aimed at both rehabilitation and public protection.

- 5.48. Despite rather weak planning, the work delivered with those on life licence was reasonably good, with offender managers working hard to reinforce the learning gained during the custodial period of the life sentence. The best offender managers seemed to know instinctively what to do with those on life licence, how to adapt and respond to individual needs in order to support community reintegration, while others adopted a more passive monitoring role. Victim contact work was variable; victims' safety was prioritised in most cases but communication between offender managers and victim liaison officers left room for improvement.
- 5.49. Approved premises were regularly used to provide life sentence prisoners with supported accommodation on release, including in cases where the offender's level of risk of harm to others did not appear to require such stringent release conditions. This seemed a rather extravagant use of an expensive resource and unnecessarily restrictive for the offender.

# The offender's progress on life licence

# 6

## 6. The offender's progress on life licence

### Summary

This chapter examines how life sentence prisoners fare after their release, including how well they comply with their licences and how successfully they resettle into the community.

### Key findings

- Those on life licence clearly understood both the details of their licence and what would happen if they failed to comply with these.
- Released life sentence prisoners were generally compliant, despite licence conditions sometimes being overly restrictive.
- Recall was used where necessary and creative alternatives to recall were often successful.
- Achievements for those on life licence were reasonable, and included securing employment, finding stable accommodation and establishing useful community links.
- Offenders on life licence felt very well supported by their offender managers.

### Resettling life sentence prisoners and reducing their risk of harm to others

- 6.1. Although much of this inspection focused on the preparation for the release of life sentence prisoners into the community, we were also interested in what happened to these prisoners after their release, especially in their early months and years of living back in the community. In examining our community sample, we made a number of judgements about how well they were being managed by their offender managers and the extent to which they were being assisted with their reintegration.
- 6.2. We judged that the risk of harm to others posed by our selected 60 offenders had reduced in 59% of cases. More importantly, we felt that all reasonable action had been taken by offender managers to keep such risks to a minimum in the majority of cases (representing 85%). These findings were precisely in line with those from the OMI 2 programme, which suggested that life sentence prisoners were being managed to an equal standard as the wider offender group. It was somewhat disappointing that the standard was not higher in relation to this aspect of work with life sentence prisoners, given the serious nature of their original offences. In all but three cases, sentence planning objectives had been either partially or fully met, albeit such objectives were not always sufficient for the case. At the time of the inspection, 25 offenders had found employment, 48 had secured stable accommodation and at least three-quarters had made friends or other useful community links. We considered these achievements entirely reasonable, given the inevitable stigma associated with having served a life sentence. The following example from Lancashire Probation Trust demonstrates what could be achieved:

### Good practice example

James had made the most of the opportunity to gain employment prior to release with a national company and, because of his aptitude, had been offered permanent employment post-release. This had been really valuable in terms of raising his self-esteem and reducing the likelihood of his reoffending. Describing the employment as his 'saviour', James had changed his social circle and had found a new partner, who was pregnant with his child. He had clearly matured significantly while in prison and this appeared to have continued upon his release. He now faced a brighter future with his new family.

## Enforcement, compliance and recall

- 6.3. In some cases, licence conditions were overly generic, rather than specifically tailored to the needs of the case, or were disproportionately robust, particularly when large exclusion zones were described. We assessed one case where the offender's licence included a restriction on him accessing his children; this seemed disproportionate since the 'children' were all in their 30s. Despite such vagaries, compliance with supervision was good with this offender group, given that the consequences for failure were grave. Of the 60 cases examined, 47 (representing 78%) complied with their life licences, without the need for the offender manager to take action to promote compliance. The comparable figure for the much larger OMI 2 sample was only 50%.
- 6.4. The judgement exercised by offender managers about the acceptability for any absences which arose was felt to be appropriate in all but two cases. Warnings were not often required but were generally issued where necessary. From our discussions with released offenders, it was quite clear to us that even the least able fully grasped the implications of not complying with their licence conditions. One of the sanctions available to the offender manager, short of recalling the offender to prison, was to arrange for a 'Secretary of State warning' to be issued. NOMS told us that, on average, one of these was issued each month; we interviewed one offender who recognised he was lucky to have received one, rather than having been recalled to prison.
- 6.5. Recall action was considered to have been appropriately taken in all but one case. The approach to recall varied to a degree across the six Trusts visited; some Trusts employed alternative strategies to recall which proved to be effective. For example, in both Cheshire and Nottinghamshire, we examined cases where, rather than recall the offender, they had been returned to approved premises when their risk of harm to others had become raised. In all such cases examined, the result had been increased compliance and reduced risk of harm to others. This, therefore, seemed a sensible strategy and was certainly more cost-effective than returning the offender to custody.
- 6.6. The following example from Avon & Somerset illustrates the use of a creative alternative to recall:

### Good practice example

Richard had served a life sentence for the murder of his 91 year old landlady. He had been diagnosed as having an abnormal personality, with psychopathic, schizophrenic and sexually deviant tendencies. On four previous occasions, Richard had been recalled to prison, primarily due to his high level of alcohol usage and deteriorating mental health. New information came to the offender manager's attention indicating that he was, again, drinking heavily. The offender manager, together with the social worker in the case, visited Richard at his supported accommodation but was unable to engage with him or complete an assessment as he was under the influence of alcohol. Arrangements were, therefore, made for him to attend an appointment when sober. Richard disclosed that he had been throwing away his medication designed to prevent him drinking. The offender manager made arrangements with the supported housing staff to oversee the administration of his medication, ensuring they checked that he had swallowed it. He also increased his reporting frequency and issued him a verbal warning, as an alternative to recalling him for a fifth time.

- 6.7. Another such example was found in the case of a young woman being managed by Nottinghamshire Probation Trust:

### Good practice example

A decision was made not to recall the offender but to issue a written warning following her disclosure that she was drinking heavily. Although one of her licence conditions was to abstain from alcohol, her self-reporting of her drinking was believed to be exaggerated. Given that she had a personality disorder, it was felt that she was testing the offender manager's response rather than actually engaging in dangerous behaviour. A multi-agency professionals meeting was held to discuss what support and monitoring was needed. The offender was referred to the dual diagnosis team and was given a keyworker to support her with her mental health problems. This enabled her to remain safely in the community and to avoid being recalled to prison.

6.8. Some Trusts commented to us that they had difficulties, on occasion, persuading NOMS that an offender needed to be recalled. NOMS staff were quite clear that they did not have authority over Trusts in this respect. Their role was to advise Trusts on the process of recall, rather than on whether someone should be recalled. When giving advice, they tried to establish with Trusts the causal links between the concerning behaviour and the original offence, since this was the means by which recall could be justified. The rate of recall had increased significantly over recent years, with NOMS now dealing with around 16,000 per year, of whom approximately 500 were indeterminate sentence prisoners (although these were mostly IPP prisoners).

### **Removing the need for supervision**

6.9. Because we concentrated our focus within the community sample on those prisoners who had been released within the previous two years, we inevitably found that all cases examined were subject to ongoing supervision by the offender manager. Cancellation of supervision was only normally considered, in line with the Lifer Manual (PSO 4700), after a minimum of four years trouble-free existence in the community (or ten years in the case of sexual offenders). However, we did discuss with strategic and middle managers their approach to removing supervision from released life sentence prisoners. Some Trusts seemed to take a more proactive stance than others, perhaps for reasons relating to scant resources. Others were more cautious. It seemed that the offenders themselves were also nervous about the removal of this link with the authority which not only gave them support but also effectively legitimised their freedom.

### **Conclusion**

6.10. Considering the degree of stigma which must undoubtedly have been associated with having served a life sentence, we were impressed with the degree of progress which had been made in a number of the cases we examined in the community sample. Although only a relatively small number of released life sentence prisoners were interviewed, numbering 11, all felt that their offender managers had supported them well in reintegrating them into society. They used words including 'fair', 'open', 'honest' and 'exceptional' to describe their offender managers.

6.11. Even those who had been recalled by their offender managers on previous occasions seemed to acknowledge that this had been done for the right reasons and therefore there was little or no resentment detected. Those who had long-established working relationships with their offender managers seemed most positive about them. Unfortunately, we had no way of determining whether this was an indication of high quality relationships or of the offender not being sufficiently challenged. But we were left with the strong impression of probation staff working hard to achieve positive outcomes with a potentially difficult and demanding group of offenders.

# Strategic management of life sentences

# 7



## 7. Strategic management of life sentences

### Summary

This chapter outlines how life sentence prisoners are managed by NOMS and the extent to which national initiatives influence local strategy and practice in both prison and probation.

### Key findings

- There was little national direction for both prison and probation staff on the management of life sentence prisoners since the demise of the Lifer Management Unit in NOMS headquarters; the Lifer Manual (PSO 4700) containing guidance was underused.
- Local strategies, both in prison and probation, were underdeveloped in relation to the management of those serving life sentences and work with this offender group was not routinely evaluated.
- Arrangements for formal practice supervision of staff managing life sentence cases were rather sporadic and there was a lack of specific training on how to work with those serving a life sentence; this did not affect the confidence levels amongst staff dealing with life sentence prisoners.

### The national perspective

- 7.1. Since its introduction in June 2004, NOMS has had sole responsibility, as an executive agency of the Ministry of Justice (MoJ), for commissioning and providing offender services in both custody and the community. Since that time, arrangements for fulfilling these functions have, inevitably, undergone many changes of shape and structure. One such change related to the way in which life sentence prisoners were overseen by those at the centre of the organisation.
- 7.2. Historically, a good deal of central control and direction applied to this particular offender group, with individual moves of prisoners around the prison estate being carefully planned and executed via a Lifer Management Unit. In order to maintain this central control, information regarding the progress of individual life sentence prisoners necessarily flowed into the centre of the organisation; this served to set life sentence prisoners apart from determinate sentence prisoners, as something of a unique group with specific needs requiring different skills to manage them. Specialised training for those working with life sentence prisoners perhaps reinforced this distinction.
- 7.3. In recent years, central prescription over the management of life sentence prisoners has relaxed, particularly in relation to those who have been released from custody. For example, there is no longer a need for probation trusts to report at regular intervals to NOMS on the released life sentence prisoner's progress in the community. Inevitably this, coupled with the huge increase in the numbers of indeterminate prisoners seems to have led to a reduction in the priority status afforded to life sentence prisoners. Indeterminate sentence prisoners now make up a significant portion of the prison population: 16% (as at 31 March 2013) compared with 9% in 1995, although the abolition of the IPP sentence is having an impact, with numbers of IPP prisoners reducing<sup>i</sup>. From our discussions with both prison and probation staff, we had less of a sense of there being a central direction for both prison and probation as to how they should manage life sentence prisoners locally. Many felt that there was more of a focus on prisoners serving an IPP sentence, particularly since so many of those had served way beyond their tariff periods, which was understandably a cause of concern for NOMS. Historically, the Lifer Management Unit had issued newsletters and held forums for probation staff to attend where they could exchange views and good practice on

<sup>i</sup> Table 1.1a Ministry of Justice (2013), Offender Management Statistics Quarterly Bulletin January-March 2013, Ministry of Justice, London

the management of life sentence prisoners. The demise of such forums was regretted by probation staff. Many of the functions of the Lifer Management Unit had passed to the Public Protection and Casework Section in NOMS, a smaller unit whose responsibilities included liaison with the Parole Board over issues relating to release and recall of life sentence prisoners. This unit recognised the need to raise awareness with staff in Trusts over their mode of operation and, despite limited resources, were intent on doing so via a series of regional events.

- 7.4. The Lifer Manual (PSO 4700) contained advice and guidance for staff in prisons and Probation Trusts on the management of all aspects of a life sentence. However, it was generally regarded as a weighty reference manual of many years standing rather than a dynamic source of useful and up to date information and guidance. We concurred with that view.

### **Local strategies for managing life sentence prisoners**

- 7.5. From both the prison and probation perspectives, we found that there had been scant attention paid to life sentence prisoners as a distinct group. Only two of the prisons visited had conducted a needs analysis of their life sentence prisoner population, both within a wider needs analysis of their overall population. In one prison, this had involved both prisoner surveys and small focus groups but, surprisingly, it did not make use of OASys data. Nonetheless, this prison had designed an action plan arising from the needs analysis but, unfortunately, progress on this had stalled over recent months due to changes in key personnel and competing priorities. The other prison had made use of both OASys data and prisoner views to help inform a useful needs analysis but, although published, it had not been well communicated to staff. As a consequence, even many of those working in the field of offender management were unaware of its contents. Local managers recognised that the needs analysis could also have usefully informed their resettlement strategy, but this opportunity had not been seized; the strategy was over two years old at the time of the inspection. Recognising life sentence prisoners as a significant proportion of the local population, this prison had conducted a feasibility study into the creation of a dedicated wing for indeterminate sentence prisoners. Although no decision had been made regarding implementation of this option, we were impressed that such consideration was being given to this group of offenders.
- 7.6. Another prison visited had seen a huge shift in its prisoner population over the preceding two years, with numbers of life sentence and other long-term prisoners increasing from very low numbers to the bulk of the population. In such circumstances, we were surprised that this had not prompted a thorough needs analysis of the new population, which might have supported a case for increased resource allocation.
- 7.7. We recognised that conducting needs analyses of the prison population was a useful starting point and one that was fairly critical to the design and provision of appropriate services. However, the needs analyses we saw during the inspection had not been used to any great extent to inform the prison regime or to underpin a well embedded strategy for managing life sentence prisoners. As such, they were of limited value. In other prisons, regime provision seemed to be directed by the necessity of achieving key performance targets, rather than being guided by the need of individual prisoners. In one prison, housing a high number of violent and sexual offenders, the provision of offending behaviour programmes clearly failed to meet the needs of the population, falling woefully short of the significant need. Over recent months, the focus for offending behaviour work had moved entirely towards working with sexual offenders, leaving a gap in relation to those who needed to work on their thinking skills. Nonetheless, the prison was meeting its modest key performance target for offending behaviour programme completions.
- 7.8. In some Trusts, such as Nottinghamshire, attempts had been made to treat life sentence prisoners as a discrete group of offenders, with a determination within their policies for offender managers to remain linked to individual life sentence prisoners for as long as was practicable; this was so as to maximise continuity of offender management. One of the effects of this policy was that, even if the

offender manager was seconded into another organisation, such as to a prison or a Youth Offending Team, they maintained offender management of the case. The work done in Nottinghamshire by two probation officers who had retained responsibility for their life sentence prisoners, despite being seconded to local Youth Offending Teams, was amongst some of the best seen. Both these staff adopted an approach similar to that typically used to engage children and young people with Youth Offending Team workers, that is, being very flexible with them but within appropriate boundaries and providing community based holistic support. One released life sentence prisoner, an aging and rather institutionalised man, responded positively to this level of support, without which he would undoubtedly have floundered within days or weeks of his release.

- 7.9. Although we saw, at firsthand, the benefits of these attempts at providing continuity, we also recognised that this brought certain practical difficulties for the individual offender manager, such as a lack of ready access to the probation case management system, for the purposes of recording their interaction with and assessment of the offender. Management oversight of cases was also more problematic in such circumstances, although the Trust was making efforts to drive up the quality of management oversight. In order to support this, they had introduced a checklist for middle managers to use when assessing the quality of work done with life sentence prisoners. However, we did not see this checklist used on any of the local cases inspected. In the prisons and Trusts visited there was a noticeable lack of any strategic evaluation of work with those serving life sentences.
- 7.10. Other Trusts, such as Cheshire, had conducted biannual audits of life sentence cases; the focus for these was on checking the overall quality of the work, rather than analysing the needs of the individual offender. Nottinghamshire had enlisted the services of the MoJ's Internal Audit and Assurance team to review their procedures for managing life sentence prisoners. Again, this was a useful initiative, but did little to focus on the extent to which individual offender needs were being met. In Lancashire and Avon & Somerset, guidance had been issued to staff in relation to managing life sentence prisoners, which provided evidence of their being treated as a distinct group. In practice, however, this added little to the underused national guidance contained within PSO 4700. Avon & Somerset Probation Trust had developed an interesting protocol through MAPPA agencies for dealing with housing problems, and had well developed links with adult safeguarding teams across the Trust; these proved useful to them when dealing in particular with older life sentence prisoners with increased needs.
- 7.11. All but one of the Trusts visited managed life sentence prisoners generically, that is, allocating them to probation staff across all local delivery units, rather than to a dedicated team. This had the advantage of sharing the experience across the staff group of managing those on life sentences and of enabling continuity of offender management potentially for a number of years. However, some staff felt more anxious with this approach, given that many had only one or two life sentence prisoners on their caseload, so were less familiar with the peculiarities associated with such cases. One Trust allowed an innovative approach to be taken to raising awareness amongst their staff about working with life sentence prisoners, as the following example demonstrates.

#### Good practice example

Andy had been released in October 2011 from a discretionary life sentence for wounding. His offender manager in Cheshire Probation Trust had developed a strong working relationship with him and he was progressing well in the community after a spell in a drug rehabilitation unit on his release. The offender manager had recognised that both she and her colleagues would benefit from a focus on working with life sentence prisoners and so asked that Andy should be allowed to speak to colleagues at a 'peer development day'. Although initially some staff had balked at Andy accessing the staff training area, she persisted with her idea. Andy was able to give his unique perspective on his offending, his custodial period and his subsequent progress. This was well received by the staff.

We also spoke to Andy during the course of this inspection. The opportunity to participate in this staff training had undoubtedly helped to raise his self-esteem.

7.12. The exception to the generic approach towards the management of life sentence prisoners was found in Surrey & Sussex where all life sentence prisoners were managed by the Public Protection team. As a similar model seems likely to emerge for managing life sentence prisoners under the new government strategy, *Transforming Rehabilitation*, it would be interesting to explore this further once the new strategy has become embedded. The Surrey & Sussex Public Protection team comprised a group of staff in a number of locations who were experienced in dealing with more complex cases, including those posing a high risk of harm to others and MAPPA Level 3 cases. The staff dealing with these cases tended to be attached to the unit for a maximum of five years. We saw advantages and disadvantages with this approach in relation to life sentence prisoners. One unintended consequence of the staff rotation policy was to reduce the length of time for which a life sentence prisoner would be supervised by the same offender manager. Although this appeared to be contrary to the central principle within offender management of continuity of offender manager, we found that offender managers were potentially more alert to the underlying triggers and motivation for the original offence if they had not supervised the offender for too many years. Certainly, in another Trust where we saw the case of an offender who had been known to his offender manager for nearly 20 years, we questioned whether the accuracy of his risk assessment had been compromised through a lack of objectivity.

### **Staff training and support**

- 7.13. During this inspection, we interviewed a total of 20 offender supervisors in custody, the majority of whom were probation staff (probation officers and Probation Service Officers), while a smaller proportion were prison officers. We also interviewed 53 offender managers in the community. Of the offender supervisors, 12 (representing 60% of those interviewed) told us that they felt very confident in dealing with life sentence prisoners; the other eight described feeling reasonably confident. However, only 13 had had any specific training in dealing with those serving a life sentence.
- 7.14. Only one interviewee in prison said that their manager did not support them well in relation to their management of life sentence prisoners. However, in our view, management support was somewhat lacking in many sites visited, particularly in the prisons. In the 26 custodial cases where we felt that structured management oversight was especially needed, such as in cases involving child protection or high risk of harm issues, we found it to be effective in only eight cases. Seconded probation staff in at least two of the prisons visited did not receive any routine formal professional advice and instruction about their practice which was a matter of concern.
- 7.15. All of the offender managers in the community sample were qualified probation officers, which suggested an acknowledgement of a greater expertise being needed for dealing with this type of offender. Of the 53 interviewed, only three described not feeling confident in managing life sentence prisoners; most felt reasonably confident. Only four said they were not well supported by their line manager, although, as with the custodial sample, arrangements for practice supervision were rather sporadic in some Trusts.
- 7.16. Just over half of the offender managers interviewed reported having had specific training to manage the custodial aspect of a life sentence; fewer (representing 40%) recalled having had training for dealing with those on a life licence. Most learned through experience, although where formal training had taken place, such as that delivered in Lancashire, this was said to have been of good quality. Overall, training tended to focus on processes, such as parole, and the custodial phase of the life sentence, rather than on how to supervise released life sentence prisoners effectively over a protracted period of time. Most staff said they would welcome more advice and guidance about how to frame work, particularly sentence planning objectives, with those on life licence.

## Conclusion

- 7.17. The absence of strong direction and centralised control from NOMS, regarding the management of the life sentence, contributed to a general lack of strategic focus on life sentence prisoners as a distinct group by most prisons visited. Without conducting detailed needs analysis, prisons were effectively unsighted as to how best to provide for this particular group whose needs, in many of the cases examined, were immense, particularly when they had been incarcerated for many years or from a young age, thereby missing their formative years. There was a risk that this could leave a gap in services for this needy group of prisoners.
- 7.18. This lack of strategic priority in relation to life sentence prisoners was less keenly felt within the Trusts visited, although a clearer focus, coupled with evaluation of what worked well with those on life licence, could arguably have improved consistency of positive outcomes across this group of offenders. Under the *Transforming Rehabilitation* strategy, work with life sentence prisoners is destined to remain the responsibility of the new National Probation Service, given the serious nature of their offences. We therefore anticipate an increased focus on this discrete group, which we would welcome. The progress made by those within our community sample suggested that relevant interventions were being delivered with some success. In our view, more could have been done to guide staff and to share best practice within Trusts, particularly around how to work with those who appeared to have done all necessary work prior to release.
- 7.19. Professional practice supervision was wanting for many managing life sentence prisoners, particularly for staff in prisons. Specific training for dealing with this offender group tended to focus on processes, such as those relating to parole, rather than on creative and engaging ways to plan and deliver work over a protracted period. Nonetheless, despite training being limited, staff generally felt confident, both in prisons and in the community, in their dealings with life sentence prisoners.

# Appendices

# Appendix 1

## Glossary

Approved Premises	Approved premises provide hostel accommodation and support for offenders, including released prisoners and those on community penalties, particularly those posing a high risk of harm to others. Approved premises can be run either by Probation Trusts or voluntary agencies
HMI Probation	HM Inspectorate of Probation
HMI Prisons	HM Inspectorate of Prisons
Interventions: <i>constructive</i> and <i>restrictive</i> interventions	Work with an offender which is designed to change their offending behaviour and to support public protection. A <i>constructive</i> intervention is where the primary purpose is to reduce the <i>likelihood of reoffending</i> . In the language of offender management, this is work to achieve the <i>help</i> and <i>change</i> purposes, as distinct from the <i>control</i> purpose. A <i>restrictive</i> intervention is where the primary purpose is to keep to a minimum the offender's <i>risk of harm to others</i> . In the language of offender management, this is work to achieve the <i>control</i> purpose, as distinct from the <i>help</i> and <i>change</i> purposes. Both types of intervention are important
IPP	Indeterminate detention for public protection: introduced via the Criminal Justice Act 2003, providing courts with the power to sentence repeat violent or sexual offenders to custody until such time as their risk of harm to others reduces
LASPO	The Legal Aid, Sentencing and Punishment of Offenders Act 2012: the act which effectively abolished the IPP sentence introducing the Extended Determinate sentence in its place
Life licence	The licence is the portion of the sentence which the released prisoner serves in the community, under the supervision of the offender manager. The offender remains at risk of being recalled to prison at any point during the licence period if they breach their licence conditions or if their behaviour gives serious cause for concern. For life sentence prisoners, it is referred to as the life licence since it remains in place for the offender's lifetime (although the supervision element of the licence can be lifted)
MAPPA	Multi-Agency Public Protection Arrangements: where probation, police, prison and other agencies work together in a given geographical area to manage certain types of offender
MoJ	Ministry of Justice
NOMS	National Offender Management Service: the single agency responsible for both prisons and Probation Trusts
OASys	Offender Assessment System: the nationally designed and prescribed framework for both probation and prisons to assess offenders, implemented in stages from April 2003
Offender management	A core principle of offender management is that a single offender manager takes responsibility for managing an offender through the period of time they are serving their sentence, whether in custody or the community



Offender manager	The term for the officer with lead responsibility for managing a specific case for its duration
Offender supervisor	The person who, while the offender is in custody, oversees the offender management of the case on behalf of the offender manager; typically, this person would be a prison officer, a seconded probation officer or a Probation Services Officer
OLASS	Offender Learning and Skills Service: in collaboration with NOMS, the Skills Funding Agency re-procured offender learning and skills services from August 2012, referred to as the OLASS 4 contracts
OMI 2	Offender Management Inspection 2: the second inspection programme led by HM Inspectorate of Probation and completed in 2012 to examine the delivery of offender management by probation trusts and other relevant partner organisations
PAROM1	Report to the Parole Board prepared by the offender manager
Personal officer	Wing based prison officer with specific responsibility for attending to the welfare and practical needs of a number of prisoners on the residential unit
PSO	Prison Service Order: mandatory guidance to prisons on topics of national interest or importance
ROTL	Release on temporary licence: a privilege which provides eligible prisoners with an opportunity to be released from prison for periods ranging from a number of hours to a number of days for the purpose of reintegration into the community, to attend work or other appointments in the community, to strengthen family ties or for other compassionate reasons, such as those relating to health
Risk of harm to others	Risk of harm to others is the term generally used by HMI Probation to describe work to protect the public. In the language of offender management, this is the work done to achieve the control purpose, with the offender manager/supervisor using primarily restrictive interventions that keep to a minimum the offender's opportunity to behave in a way that is a risk of harm to others
TAPPS	The Approved Premises Placement System: an electronic tool recently introduced in Avon & Somerset trust to enable online booking of places in the Trust's approved premises
Tariff	The minimum term which a life sentence prisoner is expected to serve as the punishment element of their sentence, before they can be considered for release on life licence
Town visit	A town visit, which can be either escorted (by a member of prison staff) or unescorted (where the prisoner is temporary released on ROTL), serves to familiarise a prisoner who has been in custody for a lengthy period with their local community, for the purposes of preparing them for reintegration upon their eventual release from prison
ViSOR	Violent and Sexual Offender Register: provides police, probation and prison services with a confidential, shared national database of information and intelligence which can assist in the identification, risk assessment and management of violent and sexual offenders and other dangerous registered terrorist offenders

## Appendix 2

### Role of the inspectorates and code of practice

#### HMI Probation

Information on the Role of HMI Probation and Code of Practice can be found on our website:

<http://www.justice.gov.uk/about/hmi-probation>

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

HM Chief Inspector of Probation  
6th Floor, Trafford House  
Chester Road, Stretford  
Manchester M32 0RS

#### HMI Prisons

Information on the Role of HMI Prisons and Code of Practice can be found on our website:

<http://www.justice.gov.uk/about/hmi-prisons>

The Inspectorate is a public body. Anyone wishing to comment on an inspection, a report or any other matter falling within its remit should write to:

HM Chief Inspector of Prisons  
1st Floor, Ashley House, 2 Monck Street  
London, SW1P 2BQ

## Appendix 3

### References

- <sup>1</sup> (25 July 2013), Table 19a, 'Adult proven re-offending data, by custodial sentence length, 2000, 2002 to September 2011', *Proven re-offending tables- October 2010 to September 2011*, Ministry of Justice, London, <https://www.gov.uk/government/publications/proven-re-offending-statistics-october-2010-to-september-2011>
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