

LIFERS

A Joint Thematic Review by Her Majesty's Inspectorates of Prisons and Probation

1999

To minimise download times, this report has been broken down into 5 files

[lifers1.html](#) - chapters 1-3 (this file)

[lifers2.html](#) - chapters 4-6

[lifers3.html](#) - chapters 7-10

[lifers4.html](#) - chapters 11-13

[lifersap.html](#) - appendices

CONTENTS

[Foreword](#)

[Acknowledgements](#)

[1. Summary of Findings and Recommendations](#)

[2. Aims, Objectives and Methodology](#)

[3. Background and Context](#)

[4. Pre-sentence](#)

[5. Period Immediately Following Conviction](#)

[6. Long-term Prison System - First Stage](#)

[7. Roles of Staff in Custodial Phase](#)

[8. Mid-sentence](#)

[9. Different Needs](#)

[10. Open Conditions and Preparation for Release](#)

[11. Post-release supervision](#)

[12. Management of Work with Life Sentence Cases](#)

[13. A Strategic Blueprint for the Future](#)

[Appendix A. Aims and objectives](#)

[Appendix B. Prison and probation standards and criteria devised for thematic review](#)

[Appendix C. Prison and probation services case samples](#)

[Appendix D. Breakdown of life sentence cases in prison and on supervision in the community](#)

[Appendix E. Life Sentence Plan analysis](#)

[Appendix F. Quality of F75/Parole Board reports by group of staff](#)

[Appendix G. UN recommendations on life imprisonment](#)

[GLOSSARY OF ABBREVIATIONS](#)

FOREWORD

This report, on the first joint thematic review undertaken by HM Inspectorates of Prisons and Probation, had its genesis in shared concerns caused by the rise in the number of lifers and the impact this was having on the prison service. For the Prison Inspectorate there were particular anxieties related to the treatment and conditions of life sentence prisoners. For its part the Probation Inspectorate believed it was time to examine how effectively lifers were being supervised in the community.

Moreover, the Prison Inspectorate was particularly concerned that during 1996/97 60 per cent of lifers had passed their tariff by more than a year before being released on licence which, on the face of it, seemed to represent for some nothing less than a gross breach of natural justice, for which there must be a reason. That is not, of course, to say that every lifer should be released on time, because some may well still represent a danger to the public, or not yet have addressed their offending behaviour sufficiently to convince the Parole Board. Nevertheless, there was clear evidence to suggest that all was not right with the system in existence to manage life sentences. It also represents a considerable

potential waste of public money, in view of the cost of keeping offenders locked up in prison.

The role of HM Chief Inspector of Prisons is to monitor and influence the treatment and conditions of prisoners across the prison estate. Amongst the tasks of HM Chief Inspector of Probation, is that of advising the Home Secretary on matters affecting probation services across the country. Life sentences are served both in prison and on licence to probation services in the community, whose responsibility it is to contribute to public protection by effective supervision of offenders.

Thematic inspections have been a regular feature of the work of HM Inspectorate of Probation for a number of years. Over the past three years, HM Inspectorate of Prisons has conducted three thematic reviews of different aspects of imprisonment, a venture that has been welcomed by both Ministers and the prison service. Our joint project has enabled us to follow the process of a life sentence from its inception in court through imprisonment to release into the community, drawing upon a very wide range of experience, including those of victims/families, and leading to a set of recommendations covering the whole lifer system.

The established methodology of the Probation Inspectorate formed the basis of the approach that was taken, but we drew upon the experience and best practice of both, with compromise and flexibility being the hallmarks of each stage of the process.

As mentioned previously, the number of prisoners serving life sentences has risen dramatically in recent years, and this growth seems set to continue, given changes to the law requiring life sentences for an increased number of crimes. Managing life sentence prisoners is centrally concerned with the management of risk and, from the outset, we discovered how much this impacted on the approach of both services.

Staff in local prisons have not received either appropriate guidance or resources, because the intention has always been that lifers should not remain there for lengthy periods but be moved to main centres as quickly as possible. However, the number of lifers spending in excess of a year in local prisons after sentence without any structured input before being moved to a main centre was a matter for serious concern. There is also an absence of adequate information to inform both risk assessment/management and sentence planning at the beginning of sentence. We believe that a solution to the exchange of information may lie in the proposed increased co-terminosity of police, Crown Prosecution Service, probation and prisons, all players in the early risk assessment and management of lifers. While the prison service is responsible for containment, the probation service has a key role in gathering information related to the offence, so as to inform sentence management including their contact with victims/families. The establishment of regional induction centres within nominated local prisons would seem a sensible solution.

The report emphasises the problems experienced at the next stage of the lifers system. A system which originally was designed to cope with less than 1,000 lifers is now

struggling to meet in excess of 4,000. This situation will not improve given the recent legislation which will result in an increase in the number of life sentences passed.

The current lifer management system is not working well. Although overseen by the Lifer Management Unit who broker decisions between different parts of the prison service, there is no one postholder with overall accountability for the outcomes of lifer management. Marked variations exist in the quality of regimes for those serving life sentences, which stem from the absence of guidance from prison service headquarters as to what should be provided. Within the Lifer Management Unit itself there are no offending behaviour specialists. Management is largely a bureaucratic process and, although some action has been taken, procedures remain bureaucratic and unwieldy, causing delays which have serious natural justice implications. Current arrangements do not ensure the timely transfer of lifers through the prison system so that they are able to achieve release within the timescale of their tariffs, having challenged their offending behaviour and satisfied the Parole Board of their suitability for release. This is a system in urgent need of overhaul.

At a time when prisons are so overcrowded, it is difficult to understand why the prison service has not made urgent and determined efforts to ensure that prisoners do not spend more time than is necessary to satisfy the requirements of retribution and deterrence and ensure adequate public protection. We conclude that this has not happened because no single unit/department is responsible for ensuring that sentence management for lifers is centrally directed, and that the prison system is not structured and resourced to cope with their needs.

Liaison between prison and home probation officers was generally strong in planning for release, although there is scope for more purposeful planning of resettlement leave. The respective roles of local and resettlement prisons, as well as probation hostels, need clarification to ensure that the use of these facilities is maximised and linked to risk assessment. The public can have confidence in the supervision of lifers released into the community, which is undertaken by probation services building on work undertaken by prison staff. The attention paid by probation services to resettlement and public protection matters was impressive, with the majority of lifers achieving stability in their lives after release. It was therefore very positive to find that in recent years reconviction rates of male lifers convicted for serious offences had fallen considerably and that there were no reconvictions of female lifers.

Our chief thanks in carrying out this review go to our two inspectors, Mrs Monica Lloyd and Mrs Frances Flaxington, who have worked tirelessly over a number of months, to lead the fieldwork, initiate and evaluate research, and write up the report. Each has had to learn and take account of the different methods of the other Inspectorate, including how they conduct their thematic reviews, and the result is a tribute to their dedication and determination. If, as we hope, the report results in a better system for handling lifers, both in prison and on life licence, the principal credit must go to them for a very remarkable and sustained piece of work. We are very grateful to other significant contributors whose names appear in the Acknowledgement section of this report.

We publish this report at a time of considerable optimism within the criminal justice system, in view of the Government's clear determination that all parts should work together and not in isolation from each other. Lifers represent both a challenge and opportunity to every single element of the system to demonstrate, individually and collectively, that it is possible to handle them more efficiently. The system for managing lifers must make a distinct contribution to the protection of the public, ensuring that release is delayed until offending behaviour has been challenged, but not wasting public money by keeping lifers in prison for any longer than is deemed necessary.

The report identifies steps which must be taken to improve the overall performance of both the prison and probation service's work with lifers. However, many of our findings have wider applicability to the resettlement of offenders, in particular the recognition that integration of the work of the two services is critical in ensuring effective practice. We are pleased to hear that the prison service intends to convene a multidisciplinary group to consider our recommendations. We hope that this report will help to form the basis of the agenda for work with lifers in the future.

SIR DAVID RAMSBOTHAM GCB CBE
HM Chief Inspector of Prisons

SIR GRAHAM SMITH CBE
HM Chief Inspector of Probation

[Contents](#)

ACKNOWLEDGEMENTS

HM Inspectorates of Prisons and Probation would like to express their thanks to all those who participated in the review. Many organisations and individuals contributed and their views and perspectives highlighted the key issues. Inspectors were grateful to governors and chief probation officers for their considerable assistance and cooperation in progressing this first joint initiative. Specific thanks go to lifer liaison governors, assistant chief probation officers and staff in the prisons and probation areas visited. The programmes were demanding and we were particularly grateful to staff who assisted us with the file reading.

Special thanks must go to Jeremy Page, Head of the Lifer Review Unit for sharing his wide experience and knowledge on many aspects of work with lifers. Helpful advice was provided by Jane Hirst, the then Head of Specialist Services and Partnerships in the Home Office Probation Unit. Also appreciated was the assistance given by Usha Prashar and Anne Barker from the Parole Board and Mike Todd its Chief Executive.

Finally, the Inspectorates wish to acknowledge the advice and encouragement provided by Gary Redfern (assistant chief probation officer), Katherine Jeary (senior probation

officer) and Tom Williams (governor) who, as well as being involved in the consultation group, made time to participate in visits to prisons and probation areas. Their expertise and swift responses to faxes were greatly valued. The responsibility for the report rests with the Inspectorates but the contribution of others was critical in its preparation.

FRANCES FLAXINGTON
HM Inspector of Probation

MONICA LLOYD
HM Inspector of Prisons

February 1999

[Contents](#)

"Every man, whoever he may be, and however low he may have fallen, requires, if only instinctively and unconsciously, respect to be given to his dignity as a human being. The prisoner is aware that he is a prisoner, an outcast and he knows his position in respect to the authorities, but no brands, no fetters, can make him forget that he is a man. And since he is a human being, it follows that he must be treated as a human being. God knows, treatment as a human being may transform into a man again even one in whom the image of God has long been eclipsed."

(Dostoevsky, 1861)

1. Summary of Findings and Recommendations 1.1 This chapter summarises the key findings from this review of life sentence cases and makes recommendations for the future management of this work.

Key findings

1.2 The importance of work with lifers* must be acknowledged due to the gravity of the offences, the lifelong consequences for victims and their families**, the indeterminate nature of the sentence for lifers and the sense of responsibility experienced by staff working with them.

* "Lifer" is used in this report to describe a person subject to a life sentence.

** "Victim" is defined as either the direct victim of the offence or his/her family where the offence had resulted in the victim's death or incapacity.

1.3 In recent years the number of life sentences has continued to rise and the pressures upon the prison system in managing them has become acute resulting in unacceptable levels of delays. However, the work undertaken in prison, coupled with close supervision by the probation service following release, is likely to have contributed to the fall in reconviction rates for male lifers for serious offences, in marked contrast to the higher

reconviction rates for other types of offenders. Probation services have clearly demonstrated their ability to effectively supervise lifers over extended periods following their release from prison.

1.4 Within local prisons there was minimal provision for work with defendants remanded in custody facing a potential life sentence. Although there were some examples of good practice these were the result of local initiatives rather than part of a coordinated central strategy. Staff lacked clarity about their roles, and resources had not been identified to work with these prisoners. Specific consideration had not been given to the particular needs of female and young prisoners.

1.5 For the small number of defendants considered suitable for bail the work with them in probation hostels was of a high standard. Probation services varied both in the way they approached contact with defendants and their families and whether they prepared reports before trial.

1.6 Arrangements in local prisons for newly sentenced lifers were generally unsatisfactory. Routine assistance from a prison listener, "buddy scheme" or trained staff immediately after sentence was rarely found. At this stage of sentence many lifers had not received a formal induction, any form of assessment or attention from a key worker.

1.7 The potential to make a significant contribution to the induction, assessment and commencement of sentence planning for lifers in local prisons was not being realised. Brixton prison had begun to assess short tariff lifers whose offence had a sexual element but currently this was the only provision specifically being made for these lifers.

1.8 Following conviction there was a serious problem with the system for conveying the Crown Prosecution Service (CPS) papers relating to the offence to prisons. The national agreement made by the prison service with the CPS had not proved successful. Prison staff were working with lifers addressing their offending behaviour in some cases for several years without detailed information. Most probation services had made their own local arrangements at the pre-sentence report stage with the CPS. The prison service and CPS were currently seeking a different approach to dealing with the problem. An effective arrangement is long overdue.

1.9 Many examples were found of high quality post-sentence reports prepared by the probation service as well as effective approaches to working with victims in complex situations. However, the absence of a significant proportion of reports and the failure to contact victims in some recent cases raised serious concerns. Following the initial post-sentence period it was difficult to justify the ongoing level of involvement by home probation services during the main part of the custodial sentence.

1.10 Two separate frameworks for sentence planning had been developed by the prison service over time and the lack of integration was evident. The completion of the initial assessment and subsequent reviews in the life sentence plan (LSP) were generally regarded as less important by staff at all levels than the older system of F75/Parole Board

reports which were found to be of a higher standard. There was little evidence that sentence planning at later stages was based consistently on previous assessments and reviews.

1.11 The absence of central policy and guidance was largely responsible for the marked variation in the quality of the regimes in main centres and second stage prisons. There had been no national analysis of the lifer population to determine what provision for offending behaviour work needed to be in place at this stage. However, commendable progress had been made in developing accredited programmes which were based on established effectiveness criteria, though there were gaps in provision for violent offenders and for women which the prison service was seeking to address. There were insufficient spaces, long waiting lists for the programmes, and inappropriate priority given to determinate prisoners in some cases. Although the quality of accredited programmes was high it had undermined the confidence of staff in other forms of group work.

1.12 Insufficient attention had been paid by the prison service to the needs of particular groups of lifers. Planning for those who would spend their natural life in prison was not occurring and the different types of regime required for female and young lifers had not been identified nor had the needs of lifers from ethnic minorities been explored.

1.13 The number of main centres currently available and the procedures for moving lifers through the prison system had been developed at a time when the number of lifers was small. There were unacceptable delays in moving lifers through the prison system which made it difficult for suitable lifers to be released on tariff. Although some action had been taken by the prison service to reduce these delays, procedures remained unwieldy and bureaucratic and further exploration was needed to find ways to ameliorate the situation.

1.14 There were lifers progressing through the system without having accepted full responsibility for their offending behaviour, which should have been addressed prior to their transfer to category C prisons. Further guidance was needed regarding how staff should respond to lifers who continued to deny their offences.

1.15 Many lifers found it difficult to adjust to the loss of privileges experienced on transfer to category C prisons which appeared to them to be a retrograde step. Despite the reintroduction of escorted town visits these were not being undertaken in the prisons visited.

1.16 Pressures on open prisons to address outstanding issues relating to offending behaviour detracted from their capacity to undertake testing and resettlement. The time that it was taking to complete Parole Board reviews was too long in many cases.

1.17 Liaison between prison and home probation officers was generally strong in planning for release, although there was scope for more purposeful planning of resettlement leave. The roles of open and resettlement units/prisons in preparing prisoners for release were being reviewed by the prison service and work with lifers at this stage

needed specific consideration. It was encouraging to find that probation hostels were increasingly being used as part of resettlement plans. However, the respective roles of open and resettlement units/prisons, as well as the use of probation hostels in the resettlement process, required clarification.

1.18 Work with lifers following release was characterised by high levels of compliance and close supervision by the probation service, sustained for some over many years. The attention paid by the service to resettlement and public protection issues was impressive and the majority of lifers had achieved stability in their lives after release. Most work on outstanding matters relating to the offence and/or risk was undertaken on an individual basis, although in certain cases the level of reporting was unnecessarily high for the degree of risk that the lifer represented.

1.19 There was inconsistency and confusion regarding whether potential employers should be informed about the life licence. Ample evidence was provided of appropriate action being taken when a lifer gave cause for concern or failed to comply with the licence. Arrangements between the Lifer Review Unit (LRU) and probation services were seen as effective in a crisis situation in contrast to the systems for routine reporting. The procedures for mandatory lifers recalled to prison required review.

1.20 It was difficult to identify where overall accountability for work with lifers lay within the prison service and the arrangements for managing them within the prison estate were not effective. Although the Lifer Management Unit (LMU) and LRU had responsibility for lifer casework, they had no operational responsibility for the lifer estate, regimes, staffing or transfers. There was an absence of effective liaison between the prison service and Probation Unit.

1.21 Few prison service operating standards for lifers had been devised and the sole instructions for working with lifers in the community were national standards for throughcare. The Lifer Manual was not sufficiently detailed with regard to the roles of different staff working with lifers in prisons and for community supervision purposes many probation services had produced their own guidance. There was little evidence of work with lifers being evaluated by the prison or probation services or whether lifer work represented value for money.

1.22 In the prison service there were evident difficulties regarding the coordination of work with lifers which stemmed from the lack of clarity about the respective roles of staff. The potential for multidisciplinary working in most prisons was not being realised. Core tasks for work with lifers in prisons had not been determined centrally and this work was often not incorporated into either business plans or job descriptions. Probation staff were being held accountable by probation service managers for their work with lifers but the absence of effective systems within the prison service were apparent. There were insufficient staff working with lifers in the prison service who had attended specific training courses and training had not been provided for some managers and probation officers working with lifers in the community.

1.23 The findings from this thematic review reflected the wider resettlement issues facing the prison and probation services in working together. There was clearly scope for increased joint work and a common approach to risk assessment and management, the provision of offence related programmes and the training of staff, as well as monitoring and evaluating work with lifers.

Recommendations

1.24 It is recommended that:

The Prison Service should:

- 1. Devise and implement a strategy to address the individual circumstances of potential life sentence cases, including the coordination of work by uniform and specialist staff and the allocation of the necessary resources. (Para 4.26)*
- 2. Ensure that following conviction:*
 - (a) all newly sentenced lifers are transferred to regional local prisons within 28 days of sentencing;*
 - (b) fast track induction centres are available in nominated local prisons to meet the needs of all newly sentenced short tariff lifers;*
 - (c) all newly sentenced longer tariff lifers (alongside other newly sentenced long-term prisoners) spend a period in regional local prisons and undertake a rolling programme of induction and orientation;*
 - (d) there is a revised framework for sentence planning which includes the opening of the Life Sentence Plan in regional local prisons;*
 - (e) formal guidance for prison staff should be produced and the necessary resources for the above provided to ensure implementation. (Para 5.35)*
- 3. Review its methods of sentence planning for lifers with a view to producing a single framework, based on the best of forensic practice, capable of integrating the contributions of different staff and informing decisions relating to risk assessment, de-categorisation and transfer. (Para 6.64)*
- 4. Undertake an analysis of the criminogenic needs of the lifer population to identify the type and level of demand for programmes or other interventions and ensure suitable provision is made available. (Para 6.64)*
- 5. Undertake a needs analysis of whole life tariff, ageing and disabled lifers, reviews the procedures for managing them and implements appropriate regimes. (Para 9.17)*

6. Identify model regimes and operating standards appropriate for each stage of the lifer system taking into account the differential needs of female and young lifers as well as lifers from ethnic minority groups. (Para 12.35)

7. Review guidance relating to the core work on offending behaviour required to be completed prior to a move to open conditions and, with those lifers continuing to deny significant aspects of their offence, to identify relevant work for prison staff before and after transfer. (Para 10.40)

8. Specify the circumstances in which a psychiatrist's report is necessary and ensure that these are supplied by suitably qualified forensic psychiatrists to a specified format. (Para 7.34)

9. Take action to reduce delays in transferring life sentence prisoners. (Para 8.21)

10. Ensure that it is possible for lifers to address their areas of concern and for suitable lifers to be prepared for release within the timescale of their tariffs. (Para 10.40)

11. Ensure that lifer sentence planning is managed as a continuous process from the local prison stage through to release into the community. (Para 8.21)

12. Improve the arrangements for resettlement by reviewing the procedures for administering release on temporary licence and introducing greater local discretion. (Para 10.40)

13. Ensure that the review of resettlement takes account of the particular position of life sentence cases and clarifies the place and use of open and resettlement units/prisons. (Para 10.40)

14. To review procedures for mandatory lifers recalled to prison to ensure that they meet the requirements of natural justice. (Para 11.51)

15. Identify which part of the organisation is accountable for the management of lifers and ensure that the procedures in place for the administration of mandatory lifer cases operate fairly and accountably. (Para 12.35)

The Probation Unit and the Association of Chief Police Officers should:

16. Reach an agreement which will allow local systems to be developed for the sharing of relevant information between the Police and Probation Services to inform the preparation of the Probation Service's post-sentence report. (Para 5.35)

The Prison Service, Probation Unit and Crown Prosecution Service should:

17. Develop a protocol to ensure that effective systems are in place for the Prison Service to receive the Crown Prosecution Service papers attached to the Probation Service's post-sentence report. (Para 5.35)

The Prison Service and Probation Unit should:

18. Provide guidance regarding the work to be undertaken by probation services with defendants facing an automatic life sentence. (Para 4.26)

19. Review the guidance to probation services regarding the frequency of contact with lifers following release from prison. The requirement should be that lifers are seen as a minimum weekly for the first three months after release, fortnightly up to 12 months and monthly thereafter depending upon the risk assessment. (Para 11.51)

20. Review the current arrangements for routine reporting on individual lifers in the community. (Para 11.51)

21. Review the respective roles of all staff, including home probation officers, involved in work with life sentence cases by:

(a) setting clear expectations regarding their respective responsibilities within a multidisciplinary framework;

(b) developing a means to ensure that both seconded probation officer and psychological input with lifers is uniform across the lifer estate. (Para 7.34)

22. Review current training arrangements and implement a staff training and development strategy including joint provision. (Para 12.35)

23. Devise and implement systems in order to be able to assess value for money, quality and effectiveness of the work with lifers. (Para 12.35)

Chief Probation Officers should ensure that:

24. Post-sentence reports are routinely prepared within three months of sentence, contact with victims is undertaken and systems are in place for monitoring and quality control. (Para 5.35)

25. When a lifer finds work that employers are informed about the offence and the requirements of the life licence. (Para 11.51)

[Contents](#)

2. Aims, Objectives and Methodology

Thematic aims and objectives

2.1 HM Chief Inspector of Prisons wrote to all prison governors and HM Chief Inspector of Probation to all chief probation officers (CPOs) and secretaries to probation committees in November 1997 informing them that a joint thematic review would be carried out. It was emphasised that the review would be the first occasion that the two Inspectorates had undertaken such an exercise, involving shared planning and fieldwork together with the preparation of a joint report.

2.2 The aims and objectives of the review* were:

Aims:

1. To undertake a joint thematic review to examine the arrangements made by the prison service and probation services for the management of people subject to life sentences both before and after their release from custody.
2. To make recommendations to develop the work of the prison service and probation services in jointly managing life sentence cases.

Objectives:

To examine, assess and report on the quality and effectiveness of the policies and practice of the prison service and probation services in relation to:

1. Pre-sentence work.
2. Sentence management.
3. Preparation for release.
4. Post-release supervision.

* See Appendix A for a complete statement of aims and objectives.

Methodology

2.3 Both Inspectorates were experienced in undertaking thematic work. For prison inspectors the emphasis was on gathering information to inform a national review whereas, for probation inspectors, it was the inspection of specific aspects of policy and practice. However, there were many common features which the current exercise sought to utilise. The framework and methodology for this review were developed following extensive discussion between the two Inspectorates.

2.4 A consultation group was formed which comprised staff from each Inspectorate together with: Jeremy Page, Head of the LRU; Tom Williams, governor of Leyhill prison; Gary Redfern, assistant chief probation officer (ACPO) Avon; Katherine Jeary, senior probation officer (SPO) Whitemoor prison; and, Jane Hirst, the then Head of Specialist Services and Partnerships in the Home Office Probation Unit. They provided wide-ranging advice, in particular on the standards and criteria developed as the basis for assessing work with lifers (see Appendix B), programme content, interview schedules and report formats. In addition, they participated in a number of visits and commented on

the emerging findings. Apart from one probation area, each service and prison was visited by both a prison and probation inspector. Research assistants from HM Inspectorate of Prisons (HMI Prisons) also took part in the prison work and both chief inspectors were involved in a number of visits.

2.5 To assist in planning the review, two seminars were held in December 1997 which allowed representatives of a wide variety of organisations to express their views on the lifer system. Inspectors met as part of the review the then Minister for prisons and probation, members of the judiciary, staff from Victim Support schemes, representatives of the Parole Board for England and Wales and HM Inspectorate of Constabulary. There were a number of visits to the LMU and LRU and meetings with prison service managers. Contact was made with a small number of researchers who kindly gave consent for their recent findings on lifers to be included in this report. Literature searches were carried out and work commissioned from the International Centre for Prison Studies.

2.6 As part of the review, written information through postal surveys was obtained from:

- all 37 local prisons which held potential life sentence prisoners on remand, setting out details of their current arrangements for dealing with such defendants
- the 61 prisons which held lifers in respect of their current lifer population, regime and contribution of uniform and specialist staff
- all 54 probation services, addressing details of work with lifers pre and post-release, available practice guidance, arrangements for managerial oversight of cases and staff training.

In addition:

- telephone contact was made with eight open and resettlement units/prisons to gather details regarding procedures for the temporary release of lifers.

2.7 In order to focus on all aspects of lifers in the prison system and the probation service's involvement with them, 12 prison establishments* and 10 probation areas** were included in the review. Six other prisons*** were also visited.

* Aylesbury Young Offender Institution (YOI), Albany, Askham Grange, Bullwood Hall, Durham (H Wing), Gartree, Lindholme, Long Lartin, Sudbury, Wakefield, Wellingborough and Wormwood Scrubs prisons.

** Derbyshire, Essex, Hereford & Worcester, Inner London, Lancashire, Norfolk, Teesside, West Glamorgan, West Yorkshire and Wiltshire.

*** Brixton, Kingston, Eastwood Park, Garth, Styal and Winchester prisons.

2.8 The review of the 12 prison establishments included meetings with governors, personal officers, medical staff, psychologists, seconded probation staff, education staff and workshop instructors, chaplains and members of the Board of Visitors. Probation area visits involved probation committee members, managers and staff including those

responsible for hostels and the provision of group work. Representatives from other organisations such as the police and Victim Support schemes met inspectors. Discussions were held with groups of lifers in the prisons. A number of lifers were seen individually, some of whom were still in custody and others who had been released. Their personal officers (if they were still in custody) or the supervising probation officers (if the lifer was in the community) were also interviewed.

2.9 An extensive examination of prison and probation records was undertaken. Four samples* focused on:

- available documentation in prison establishments including LSPs and F75/Parole Board reports in 233 cases (prison record sample)
- probation records held by home probation officers on 152 lifers currently in prison (probation prison sample)
- probation records on 37 lifers released after 9 February 1996 (two year post-release sample)
- probation records on 61 lifers supervised in the community for over two years (long-term supervision sample).

* See Appendix C for full details.

2.10 Inspectors met with prison governors and CPOs to provide feedback on the visit and to discuss any implications. Separate reports were sent to the CPO and probation committee of each area visited, in keeping with normal HM Inspectorate of Probation (HMI Probation) practice.

[Contents](#)

3. Background and Context

3.1 This chapter outlines the current arrangements for lifers. It describes the different types of life sentence, includes a profile of the lifer population and details the rapid expansion of the lifer population. It also examines key research findings relating to the mental health of lifers, the effects of long-term imprisonment and lifer reconviction. It considers release on tariff and includes an analysis of some Parole Board decisions

Life sentence

3.2 Following the abolition of capital punishment, a life sentence became the mandatory penalty for persons convicted of murder. A discretionary life sentence can also be passed for other grave offences*. The Crime (Sentences) Act, 1997, introduced a third category, whereby judges are obliged to impose a life sentence following a second or subsequent conviction for a serious sexual or violent offence (known as a Section 2 automatic life

sentence), unless the judge considers that exceptional circumstances exist for not doing so.

* Including manslaughter, rape, attempted murder, armed robbery, arson and some drugs offences.

3.3 When capital punishment existed for the most serious cases, it went largely unnoticed that many prisoners sentenced to life imprisonment were serving very short terms. Figures for the first 50 years of this century indicated that the average period served was just eight years. Sixty-eight lifers actually served less than three years, and only one over 20 years*. In the latest published statistics**, the average length of time served by those lifers released in 1997 had increased to 14.4 years for mandatories and 13.3 years for discretionaries, with 296 prisoners still in custody having served more than 20 years***. Table 1 shows the distribution of tariffs for mandatories, discretionaries and Her Majesty's Pleasure (HMP) lifers.

* Justice *Sentenced for Life* Reform of the law and procedure for those sentenced to life imprisonment (1996).

** Prison Statistics England and Wales (1997).

*** 296 of the 1,631 sentenced between 1965 and 1977.

Table 1: Tariffs for life sentence prisoners (Source: Prison service lifer database as of 15 December 1998)

Years	Mandatory	Discretionary	HMP
0-5	10	119	1
6-10	547	341	77
11-15	1,785	100	100
16-20	539	21	21
21-25	91	1	1
26-35	24	2	0
Total	2,996	584	200

3.4 No child under the age of 10 may be convicted of a criminal offence. Children and young persons under the age of 18 who are convicted of murder are sentenced to be detained at Her Majesty's Pleasure, and those convicted of other offences of exceptional gravity are sentenced to detention for life. For young people between the ages of 18 and 21 on conviction for murder or other serious offences, the sentence is one of "custody for life". Although there is no distinction in name, in practice this latter sentence when imposed for murder is administered as a mandatory life sentence and, for other offences, as a discretionary life sentence.

Management of life sentences in England and Wales

3.5 Life sentences are administered from the point of conviction in the prison service by the LMU under the auspices of the Directorate of Regimes which also has policy responsibility for all adult males in prison, including those sentenced to determinate terms, and for parole. The LMU manage lifer casework during the custodial period, with the LRU dealing with tariff setting for mandatory lifers and managing the Parole Board review process and supervision in the community. However, category A* lifers are managed separately by the Dispersals Directorate who have responsibility for all high security prisoners.

* A lifer is classified as Category A if he or she is considered to be a risk to the public and has the potential to escape.

3.6 The minimum period to be served in custody by anyone convicted of murder, i.e. "the tariff" which marks the gravity of the offence, is recommended by the trial judge and the Lord Chief Justice to the Home Secretary who makes the decision. Following the "Doody judgement"* the views of the judge and Lord Chief Justice are now disclosed to the lifer who is allowed to make representations before the tariff is determined. Mandatory lifers are referred to the Parole Board three and a half years before the tariff expires to consider, where good progress has been made, suitability for transfer to open conditions, and to recommend a future date generally between one and two years to assess suitability for release. In formulating its recommendations the Parole Board is directed to decide whether a move to open conditions or release is merited by the extent to which the individual has made progress and that any potential risk to the public is minimal.** Final decisions concerning transfer to open conditions are made by the Secretary of State and release by the Home Secretary, both of whom must decide whether to accept the recommendations of the Parole Board.

* Smart, Pegg, Doody, Pierson. *House of Lords judgement* (24 June 1993).

** Secretary of State's directions for the release, recall and transfer to open conditions of mandatory life sentence prisoners.

3.7 Unlike those who receive mandatory sentences, prisoners serving discretionary sentences are informed in open court of the minimum period of time they must serve, i.e. "the relevant part" of the sentence, and can appeal against the decision. These cases are managed and reviewed by the Parole Board before tariff expiry, in the same way as mandatory prisoners, including recommendations for a move to open conditions which are subject to Ministerial approval. However, once the "relevant part" has expired, for those remaining in custody, the Parole Board then sits as a Discretionary Lifer Panel (DLP) to assess suitability for release. The lifer may attend and be legally represented. Release is binding on the Home Secretary's decision.

3.8 Following a recent judgement in the European Court,* young people sentenced to life detention at Her Majesty's Pleasure are now dealt with as discretionary lifers and release is decided at oral hearings by the Parole Board (HMP panels). However the tariff continues to be set by the Home Secretary. Prison service officials now consider annual progress reports on all lifers subject to detention during Her Majesty's Pleasure whose

tariff has not yet expired and bring to the attention of Ministers exceptional progress which might justify a reduction. In addition, halfway through the tariff Ministers personally examine progress reports on each case to consider whether the original tariff remains appropriate. These lifers are able to submit their own representations as part of this process. A prisoner may ask for a review of their unexpired tariff at any time.

*The Secretary of State *ex parte* Hussain (1997).

3.9 The high level of Ministerial involvement in lifer cases is indicated by the number of cases they personally review which, during 1997/98, averaged 53 cases per month in relation to tariff setting, moves to open conditions and release. They also have to approve the return of a lifer from open to closed conditions.

The role of the probation service

3.10 The probation service works with lifers from the point they are defendants facing capital charges through to supervision of them as life licensees in the community. The life licence can include special conditions such as specifying where the lifer lives or forbidding contact with the victim's family. Such conditions are recommended by the Parole Board, often at the request of the probation service who have knowledge of the lifer and wishes of the victims/families. The licence may be revoked and the lifer returned to prison at any time. In all cases the licensee has the opportunity to make representations against recall (at an oral hearing of the Parole Board in discretionary cases). The supervision element of the licence may be cancelled by the LRU after a minimum of four years, but can be reimposed should the circumstances or conduct of the offender give rise to concern. The licence remains in force for the whole of the offender's life.

Work with victims

3.11 Following the Victim's Charter in 1990,* the expectation was articulated in a letter from the Home Office to probation services** in 1991 that victims should be contacted when the release of a lifer was being considered. In 1995, a national standard*** was introduced requiring probation services to contact the victim or victim's family within two months of sentence in cases of serious sexual or other violence, to provide information about the custodial process and determine any concerns which may be taken into account at a later stage. If the victims/families wish to be kept informed they will be contacted by probation service staff at key stages of the lifer's sentence and their views communicated as appropriate to the prison service. In all lifer cases including those sentenced prior to 1995, consideration must be given to victim issues before release on resettlement or life licence is permitted.

* Home Office *Victim's Charter: a statement of the Rights of Victims of Crime* (1990).

** Home Office CPO 41/1991 *The Victim's Charter: Life sentence prisoners*.

*** Home Office, Department of Health and Welsh Office *National Standards for the Supervision of Offenders in the Community Supervision Before and After Release from Custody* 7.13 (1995).

Growth in the lifer population

3.12 Official figures* indicate that between 1987 and 1997 there was a 58 per cent increase in the male, and an 85 per cent increase in the female life sentence population (see table 2). This was despite a fairly steady homicide rate during the same period.* Comparisons with other countries for 1997, per 100,000 population, revealed variations from 1.42 in England and Wales, 1.60 in France, 7.34 in America to 19.88 in Russia.**

* Prison Statistics England and Wales (1997).

** Criminal Statistics. England and Wales (1997). The figure for Russia includes attempts.

Table 2: Total population and receptions into prison by type of prisoner and gender (1987/97) (Source: Prison Statistics England and Wales 1997)

England and Wales Life sentence prisoners											
	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
Population 30 June											
Total Population	2,339	2,503	2,677	2,795	2,896	3,000	3,095	3,192	3,289	3,489	3,721
Males:	2,265	2,427	2,592	2,704	2,800	2,904	2,990	3,081	3,176	3,365	3,584
Young offenders	106	106	103	121	100	87	77	83	83	75	100
Adults	2,159	2,321	2,489	2,583	2,700	2,817	2,913	2,998	3,093	3,290	3,484
Females:	74	76	85	91	96	96	105	111	113	124	137
Young offenders	8	10	5	4	5	4	4	5	5	5	9
Adults	66	66	80	87	91	92	101	106	108	119	128
Receptions											
Total Population	245	249	243	229	246	236	243	222	280	338	384
Males:	238	235	230	217	233	222	225	213	259	327	363
Young offenders	39	54	40	37	27	32	36	32	29	59	66
Adults	199	181	190	180	206	190	189	181	230	268	297
Females:	7	14	13	12	13	14	18	9	21	11	21
Young offenders	2	2	-	2	4	-	5	1	3	1	5
Adults	5	12	13	10	9	14	13	8	18	10	16

3.13. Annual receptions of new lifers into prison in England and Wales reached a record high of 384 in 1997, continuing the rapid increase from the previous average of 253

between 1987 and 1996. The number of lifers first discharged on licence had also increased from an average of 68 for the years 1987/91 to an average of 100 between 1992 and 1996.* If the present rate of receptions and releases continues and the number of section 2 lifers reaches predicted levels the lifer population will rise to almost 6,000 by the year 2007.

* Prison Statistics England and Wales (1997).

3.14 The general prison population between 1987/97, amongst whom lifers were dispersed, had also increased in number, with the result that throughput of long-term prisoners from high to low security conditions was becoming ever more difficult. Table 3 provides evidence of the shortage of vacancies and consequent waiting lists for transfer of non-category A lifers at all stages of the system.

3.15 The LMU in a recent review of the lifer estate stated that although the capacity was theoretically adequate, in practice spaces were not available when required. They maintained that "because lifer places are not ring-fenced, they are understandably being filled with determinates. It would be unrealistic to expect all lifer spaces to be given over to lifers".* This had obvious implications for the timely movement of lifers through the prison system.

* 1 July 1998 submission from the LMU to the Estate Planning Committee *Review of the Lifer Estate*.

Table 3: Distribution of non-category A lifer population as of 27 July 1998 (1 July 1998 submission from the LMU to the Estate Planning Committee *Review of the Lifer Estate*.)

Facility	Maximum estate capacity	Current spaces occupied	Lifer spaces occupied by other prisoners	Awaiting transfer in	Awaiting transfer out
Main centre	1,086	982	104	229	77
Dispersal	264	160	104	3	17
Category B	919	793	126	94	90
Category C	927	728	199	92	72
Category D	429	354	75	41	7
Young offenders	158	108	50	15	10
Women	184	134	50	8	18
Pre-release employment scheme (PRES) hostel/Resettlement	68	26	42	-	-
Totals	4,035	3,285	750	482	291

Release on tariff

3.16 HMI Prisons and Probation were given access to the results of a study undertaken by the University of Oxford Centre for Criminological Research into decisions made by the Parole Board on 122 mandatory lifer cases coming before them between 1992 and 1994.* The 59 cases of lifers coming before the Parole Board for the first or second time pre-tariff are extracted from these figures. They represent a cross-section of pre-tariff lifers at the time of their first or second review of suitability for either open conditions or release. Lifers being reviewed post-tariff for either of these purposes were excluded from the analysis. This permitted an estimate of the proportion of the total whom the Parole Board considered might be released at or near tariff expiry if they did not give cause for concern in the intervening period.

* R Hood and S Shute Unpublished memorandum to HM Chief Inspector of Prisons and of Probation on *Parole Board decisions relating to reviews of mandatory life sentence prisoners* University of Oxford Centre for Criminological Research (1998).

3.17 Of the 36 lifers undergoing their first Parole Board review to establish suitability for transfer to open conditions, two-thirds (24) were in category C conditions at the time of their review and 21 were recommended for a move to open conditions. Of the one-third (12) still in category B prisons, seven were recommended for a move to category C and two to open conditions. Therefore, for the sample under consideration and according to Parole Board assessments, only 13 out of the 36 (36 per cent) were not considered suitable for immediate transfer to open conditions, and only six cases (17 per cent) were not considered suitable for a progressive move of any sort.

3.18 Of 23 lifers undergoing their second review pre-tariff to establish suitability for release, 11 were in open conditions and all apart from one who had absconded and was reviewed in his absence were recommended for release. Another 10 were in category C conditions, of whom nine were recommended for open conditions. A further two were still in category B conditions; one of these was recommended for a transfer to category C with an early review, and one recommended to remain in these secure estate. Thus only four (17 per cent) out of the 23 prisoners reviewed at this stage were not considered suitable for either open conditions or release.

3.19 When combining the two groups, of all those who were being reviewed prior to their tariff expiring, 49 out of 59 (83 per cent) received a recommendation from the Parole Board which, if there were no delays in the prison system and the Minister did not object, they could hope to achieve release "at or very near tariff".*

* This period could not be defined precisely by the researchers.

3.20 Figures were not available for lifers still in custody who had past their tariff date. Whilst recognising that not all lifers are suitable for release on tariff because of the risk that they still pose to the community or of concerns relating to public confidence, the number remaining in custody beyond tariff raises serious questions about the efficiency of the lifer system. Table 4 describes the number of lifers released on life licence.

Table 4: Life sentence prisoners released on life licence between April 1996 and March 1997 (Source: the LRU)

Release date in relation to tariff expiry	Number
On tariff expiry	2
Within three months of tariff expiry	10
Within six months of tariff expiry	9
Between six and 12 months of tariff expiry	16
Over 12 months	58

3.21 One reason for the delay is the failure to ensure that suitable lifers are located in a category C prison at the time of the first review, or open conditions at the time of the second. Another reason is Ministerial veto. The figures relating to the number of recommendations for transfer to open conditions are currently collected but not analysed by the LMU. The research indicated that for the years 1992, 1993 and 1994, the recommendations for release were vetoed in 14.5, 9 and 19 per cent of cases respectively.

3.22 The prison service attribute the bulk of the delays to the increased length of a Parole Board review as a result of lifers taking time to formulate their own representations often with legal advice, and the failure to effect transfers in time for the work of the open prison stage to be completed before the subsequent Parole Board review begins. The Home Secretary, acknowledging these difficulties, has recently introduced changes to begin the parole process six months earlier in both category C and open conditions for those lifers who have made good progress.* These initiatives are intended to take 12 months off the current review timetable.

* Home Secretary's response to a Parliamentary question (9 July 1998).

Lifer profile

3.23 The postal surveys of local and lifer prisons revealed that at the beginning of February 1998 there were 3,503 convicted lifers in lifer prisons, and a further 315 in local prisons.* The 3,503 in lifer prisons included 107 who had been recalled following earlier release (a corresponding figure for local prisons was not collected). There were, additionally, 497 potential lifers on remand.** The postal survey of probation services indicated that 871 lifers were subject to supervision in the community.

* The figure for local prisons relates to the first week of March except for a few establishments which cover slightly different time periods.

** This figure understates the total number since, in some local establishments, the number was not known/available.

3.24 Appendix D provides a comprehensive breakdown of life sentence cases in prison and on supervision in the community.

Ethnicity

3.25 Statistics describing the ethnic profile of the life sentenced population are not routinely published and therefore there was no information to allow comparisons to be made over time. The following information, set out in table 5, was obtained to inform the thematic review.

Table 5: Ethnicity (Source: Prison and probation postal surveys)

	Lifers in custody	Lifers on supervision in the community (excluding 29% not recorded)
White	85.4%	87.8%
Black	8.8%	8.7%
South Asian	4.0%	2.3%
Other ethnic minorities	1.8%	1.2%

3.26 In the future it is important that information on ethnicity of all life sentence cases, both in and out of custody, is reliably recorded and monitored by the prison service, Parole Board and probation services.

The mental health of life sentence prisoners

3.27 Research into the mental health of those serving life sentences has not produced definitive results but indicates that levels of disturbance are higher for lifers than for other groups of prisoners. Lifers include a range of different personalities with differing motives for their offences and this may have contributed to the lack of clarity in research findings. Studies have also used different frameworks to diagnose mental disorder and selected their subject groups in various ways.* However, an important study in 1994 indicated that lifers were more psychiatrically disturbed than other prisoners** in terms of both personality disorder and, to a lesser extent, psychosis. Over a quarter of lifers in this study also had a history of self-harm compared with 16 per cent of non-lifers. A study by Dooley*** established that murderers made up 16 per cent of prison suicides, although they comprised just 4 per cent of the total prisoner population.

* HM Inspectorate of Prisons *Review of Literature into Mental Health of Lifers* (1998) (Awaiting publication).

** Swinton, Maden and Gunn *Criminal Behaviour and Mental Health*, vol 4, pp 10-20 (1994).

*** Dooley *Prison Suicide in England and Wales, 1972-1987* British Journal of Psychiatry, vol 156, pp 140-145.

3.28 This profile of disturbance is consistent with offences of extreme violence, some of which are the product not of criminal intent or personal gain but of dysfunctional

personalities. It might also reflect the particular strains of living with the burden of guilt associated with the offence and of serving an indeterminate sentence.

Effects of long-term imprisonment

3.29 Studies of the effect of long-term imprisonment have concentrated on adult male prisoners and have not demonstrated the expected psychological deterioration. More recent research,* showed that, in general, although prisoners behave in a more introverted way whilst in prison, their previous social skills are not lost, but stored for future use and remain available for release. However, although long-term imprisonment may not in itself be damaging to robust personalities, its effects on dysfunctional personalities has not been established. For those coming into prison as young people, female prisoners and lifers who are known to be more personality disordered, the effect of long-term containment without remedial help may well be to cause further deterioration.

* Zamble and Porporino. *Coping, Imprisonment and Rehabilitation: Some data and their implications*. in *Criminal Justice and Behaviour*, vol 17, no 1 (1990).

Lifer reconviction

3.30 Reconviction figures for all lifers published in 1997* revealed that of those life prisoners released between 1972 and 1993, 9 per cent were reconvicted for a standard list offence** within two years of release, and 19 per cent of those released between 1972/90 within five years. In contrast, 50 per cent of adult male determinate prisoners discharged in 1994, and 46 per cent of female determinate prisoners were reconvicted within two years. Reconviction rates within two years for lifers had reduced from 13 per cent for those released between 1972 and 1980 to 5 per cent for the period 1989 to 1993. It was encouraging to find that for mandatory and discretionary lifers the reconviction rates for grave*** offences within five years of release had fallen from 5 and 8 per cent respectively for those released in the period 1972/80 to 2 per cent (for both types of lifer) for the period 1981/90.

* Home Office Statistical Bulletin issue 2/97.

** Includes all indictable and some serious summary offences (e.g. indecent exposure, assault on police and cruelty or neglect of children) but excludes most summary motoring offences and other less serious summary offences such as drunkenness and prostitution).

*** For which the maximum penalty is life imprisonment.

3.31 The above figures indicate that the likelihood of a released lifer being reconvicted for a further offence is substantially less than that of a released determinate sentenced prisoner, although the risk increases where there is a previous criminal history.

3.32 Between 1972 and 1980, 19 female prisoners were released on life licence, five of whom had been reconvicted by the end of 1995. Of the 52 female lifers released since 1981, no reconvictions for a standard list offence had been recorded against them, compared with the 46 per cent two year reconviction rate for female determinate prisoners discharged in 1994 referred to above.

3.33 Reconviction rates varied between different groups of lifers reflecting their previous convictions. Lifers with one or more previous convictions for any standard list offence were twice as likely to be reconvicted within two years as those with no previous recorded convictions (10 per cent as opposed to 5 per cent). Of lifers with one or more previous convictions, the two year reconviction rate was a little higher for discretionaries (11 per cent) than for mandatories (8 per cent).

3.34 The reconviction of any lifer following release is obviously a matter for serious concern. However, for lifers released from custody, the probation service, building upon the work undertaken in prison, have provided clear evidence of the efficacy of their procedures and systems which are likely to have contributed to the fall in reconviction rates.

LIFERS

A Joint Thematic Review by Her Majesty's Inspectorates of Prisons and Probation

1999

4. Pre-sentence

4.1 This chapter examines the circumstances of defendants facing a possible life sentence. Provision in local prisons for the 92 per cent remanded in custody and arrangements for the few remanded on bail to probation hostels are described. In addition, it explores the work of the home probation officer.

Guidance for work with potential life sentence prisoners

4.2 The Lifer Manual for use by prison and probation staff was compiled in consultation with the probation service and issued by the prison service in July 1996. It consolidated all previous guidance.* It made few references to the work of the prison service at the pre-trial stage. It stated that:

"for unconvicted prisoners the throughcare process starts as soon as they are received into custody" and is "a shared responsibility for prison service staff, voluntary

organisations, the offender, the seconded probation team and supervising service" (para 1.4).

While the manual had little to say about the role of local prisons, it was prescriptive regarding the work of the home probation officer.** No central guidance had been issued which specifically addressed appropriate provision for potential lifers on remand. However, the LMU does not have a remit to work with lifers before conviction who are managed by local prisons as are all other remand prisoners.

* Parole and Lifer Review Group *Lifer Manual 1996* - A guide for members of the prison and probation services working with life sentence prisoners (replaced Prison Service guidance 37/84 and Home Office Circulars 55/84 and 2/89).

** Lifer Manual paragraphs 13.4 -7.

4.3 The probation service sample revealed that of those convicted in or since 1993 the time between first court appearance and sentence ranged from five to 24 months, with an average of 11.5 months. This was a lengthy period and for many it was their first experience of custody and risk of self-harm was high.*

* Dooley *Prison Suicide in England and Wales, 1972-1987* British Journal of Psychiatry, vol 156, pp 140-145.

The impact of being remanded in custody

4.4 Meetings with both male and female lifers at different stages of the life sentence revealed vivid memories of this period. Lifers themselves considered that in general there was little appreciation of the immediate impact of their situation. They commonly recalled feeling "scared, numb and in shock" and having difficulties in dealing with the events surrounding their arrest and adjusting to their sudden change in circumstances. It was evident that female and young prisoners had particular problems in coping and these groups were particularly critical about their treatment on remand.

Arrangements in local prisons

4.5 The national survey of local prisons requested information regarding any specific arrangements for those defendants facing a possible life sentence. The details provided indicated, aside from locating them in the Healthcare Centre (HCC), few were making little actual distinction between these prisoners and any other remand prisoners. In about half of local prisons arrangements were in place to provide information about the life sentence to potential lifers.

4.6 It was apparent from discussions with prison staff that a primary concern when those facing capital charges were received into prison was their potential for self-harm. The normal practice was in 83 per cent of prisons to allocate them to the HCC on the first night in custody and in 74 per cent on the first night following sentence to enable a close watch to be kept at a time of high risk of suicide. In interviews numerous lifers stated that they were automatically offered sedative medication in the HCC but few remembered anyone taking an interest in them after it had been established that they were unlikely to

injure themselves. Staff interviewed acknowledged that although a close watch was initially kept, there was no formal expectation of continuing work unless a defendant was assessed as being at risk of self-harm. Some prisoners had valued the relative peace afforded by the HCC, whilst others recalled preferring a normal location.

4.7 Although medical staff had a prominent role at this stage, given the known risks of suicide, it was surprising that in only one of 37 local prisons had any aggregated data been collected in the last five years on the physical and mental health needs of this group of remand prisoners. It is important to identify what specific role medical staff should have with these defendants and what would be the resource implications.

4.8 According to prison staff, whilst some defendants remained for a period in the HCCs, most were swiftly moved to normal location. There were prisoner "listeners" in most local prisons but lifers claimed they had not been made aware of the scheme on their first night in custody. A few said that they had subsequently received assistance from various sources, including solicitors, psychiatrists, chaplains or religious representatives, seconded and home probation officers as well as lifer liaison officers (LLOs). However, the majority did not recall receiving any help from anyone aside from family members.

4.9 LLOs had been appointed in 80 per cent of the prisons surveyed. However, a formal job description had not been provided by the prison service, although one was in the process of being devised. Staff cited the pressures on time, the lack of resources and clarity regarding the tasks to be undertaken as reasons for very limited contact with this group. Despite this, there were examples in which defendants were involved in groups with newly convicted lifers which are described in the next chapter.

4.10 It was evident that with no central guidance, prison staff were confused in respect of their role at this point. As a result, the nature, quality and amount of work being undertaken varied considerably. Where good practice was found, it could be attributed to the initiative of individuals rather than as part of a national or local coherent strategy.

The use of probation hostels for defendants facing capital charges

4.11 A recent thematic inspection of hostels* carried out by HMI Probation and discussion with hostel staff during this review, established that public protection was the primary concern of the service when bail was being considered. The work of court duty staff involved gathering information which included consideration of the location of victims/families and the likely response of the community and media. Examples were given where defendants had been placed outside of the area either because of concerns related to victims and/or the notoriety of the case. If bail was granted then specific conditions were usually requested to ensure that the time until the trial passed without incident.

* HM Inspectorate of Probation *Delivering an Enhanced Level of Supervision* Report of a Thematic Inspection on the Work of Approved Probation and Bail Hostels (1998).

4.12 In practice, defendants facing a life sentence were seldom bailed to a hostel. However, staff believed that they could manage defendants considered suitable by the court, subject to a satisfactory risk assessment and if they were fully briefed. Those who had experience of such bailees described them as relatively stable and reliable which was partly attributed to them being older than their average resident. They often required a higher level of staff support but made good use of key workers allocated to them. Most bail hostels had risk assessment and management procedures in place which included safeguards against the possibility of harm to self and others.

4.13 Findings from the hostel inspection showed that of the 37 bailees charged with serious offences including murder, in 85 per cent a risk assessment of harm to others had been done, either prior to or following admission. The possibility of self-harm had been assessed in two-thirds of cases and in 74 per cent there was clear evidence that staff had been diligent in addressing matters where concern had been identified. In 71 per cent a plan for any relevant work had been devised following admission. Most of these cases had been formally reviewed on a quarterly basis. An impressive 94 per cent of the work during residence was assessed as of a good standard and provided a significant contrast with the provision made for capital defendants remanded in custody.

The role of the home probation service

("Home probation service" refers to the probation area dealing with the lifer at any point of the sentence.)

4.14 The Lifer Manual required that a file was opened for defendants facing a life sentence which:

"must contain press cuttings showing local reaction to the offence, a record of preliminary contacts with the prisoner on remand and a record of contact with family and friends" (para 13.4).

The purpose of intervention was to provide:

"assistance and information to the court, prisoner, the prisoner's family and the victim's family" (para 13.5).

Contact would:

"facilitate assistance to the family and the gathering of information for a pre-sentence report, if one was prepared, and/or the post-sentence report" (para 13.5).

It identified that:

"social work support, sensitively provided, may be crucial in terms of preserving links with the community" (para 13.5).

4.15 The Manual noted the importance of not interfering with the judicial process and that where there was a not guilty plea, discussion of the offence may not be appropriate. It stated that a pre-sentence report would "usually" be prepared for potential discretionary lifers but did not comment whether such a report should be provided in capital charge cases. Pre-trial work, other than the preparation of a pre-sentence report, was not among the key workload variables used in allocating grant under the cash allocation formula. The national survey of probation areas revealed that of the 67 per cent which had produced local practice guidance, 89 per cent specified the approach to be taken at this stage.

Pre-trial work

For a number of probation services the time until the trial was seen as an opportunity to gather information about the offence and the defendant from a variety of sources as an investment for informing future risk assessment and management of the case. There were significant differences in how probation services approached contact with defendants and their families and in the preparation of reports. Of the 152 probation prison sample files examined,* 35 per cent were allocated to a probation officer at the initial stage of the court process, a further 23 per cent before the trial and 41 per cent post-sentence. There were some problems for court probation staff in identifying potential discretionary lifer cases.

* Figures exclude bail cases.

4.17 Examination of the probation prison sample showed that of the two-thirds of lifer cases sentenced after 1992, 21 pre-sentence reports were present on the available files. Table 6 describes the point at which they were written. None were requested following a trial in a mandatory case. In all but one there was a clear proposal for custody or an acknowledgement of it being likely. Inspectors were impressed by the careful consideration given to virtually all these complex reports.

Table 6: Pre-sentence reports written after 1992 (Source: Probation case files)

	Before Trial	After trial
Mandatory	4	0
Discretionary	6	9
Young person sentence	1	1
Total	11	10

4.18 Lancashire Probation Service encouraged contact but did not see any purpose in preparing reports in mandatory cases because of the complexities surrounding the alleged offence. The service's guidance stated that "any work done at this stage is intrinsically valuable if handled sensitively". However, a pre-sentence report would not be prepared unless requested by the judge. For discretionary cases, reports were prepared as with other offenders. Derbyshire, Essex, Norfolk and Teesside Probation Services adopted a similar practice, which involved gathering information which could assist in the preparation of a pre-sentence report in a discretionary case or be included in the post-sentence report. Hereford & Worcester Probation Service's practice guidance supported the preparation of pre-sentence reports but when the offence was denied, officers were expected to exclude the offence analysis. Wiltshire Probation Service had no special arrangements and in the Inner London Probation Service recent debates had led to proposals for certain criteria to be met before preparing a report. The advice to West Yorkshire Probation Service staff was that, where the defendant was pleading not guilty to murder, a social history report could provide the court with background information. However, in practice, the sole reports prepared were pre-sentence reports in discretionary

cases. West Glamorgan Probation Service had recently decided not to make contact with potential lifers unless the defendant had previously been known to the service.

4.19 The current arrangements as to whether and when pre-sentence reports were prepared were clearly unsatisfactory. There was consensus in respect of discretionary cases but not for those charged with murder or section 2 automatic cases. The justification for the preparation of reports for defendants facing capital charges was difficult to understand. The approach proposed by the Inner London Probation Service is supported. They suggested that an exception would be if a defendant indicated a likely plea to manslaughter, admitted the act and the defence solicitor agreed a report should be prepared. Similarly, if a pre-sentence report author was considering preparing a report on a guilty plea, where a section 2 automatic life sentence was likely, the probation officer should ascertain whether the defence intended to offer "exceptional circumstances" within the terms of the 1997 Act and, if so, prepare a report. National guidance is needed on this issue.

Pre-sentence contact with defendants and their families

4.20 From the probation prison sample and discussions with probation officers, it was apparent that most saw themselves as having the dual task of information gathering and welfare focused work with a defendant, alongside the preparation of a report if appropriate. Pre-sentence contact with families was recorded in half of the sample and had a heavy emphasis on welfare related issues.

4.21 Lancashire Probation Service's practice guidance noted that "the service can have a vital role to play in helping defendants' families deal with the aftermath of the crisis". Teesside Probation Service stated "given the stressful nature of the trial phase for any potential lifer, the probation officer has an important supportive role for the prisoner, their family and friends". Although many lifers could not recall having contact with a home probation officer at this stage, the probation prison files revealed evidence of their painstaking work with prisoners and their families, many of whom were unfamiliar with the criminal justice system. West Glamorgan Probation Service described work by volunteers, one of whom assisted a partner of a prisoner both before and after conviction.

4.22 In 52 per cent of the probation prison sample, there was evidence of pre-sentence contact between the home probation officer and prison staff including seconded probation officers. There were a few cases where home probation officers described good liaison with seconded probation officers, with respective roles being negotiated on a case by case basis. Typically, it involved the home probation officer in an agreed piece of work with a family whilst the seconded officer worked with the defendant. However, the quality of liaison between all prison staff and home probation officers at this stage left much to be desired on many occasions.

4.23 For the home probation officer, the combination of work with defendants in prison and their families in some cases amounted to a substantial commitment. They have a key role in gathering information relating to defendants facing an automatic life sentence.

Resolving issues with partners and families is a task which they are well placed to undertake. It is difficult to justify work being undertaken by home probation officers directly with potential mandatory lifers remanded to prison as it should be the responsibility of prison staff. However, for defendants facing a discretionary life sentence, the home probation officer will need to have contact in order to prepare a pre-sentence report where appropriate.

Summary and the way ahead

4.24 The absence of a central strategy or guidance in the prison service for work with defendants facing life sentences had resulted in minimal provision in local prisons. There was a lack of clarity about what work needed to be undertaken, how and by whom although there were some examples of good practice which offered a direction for the future.

4.25 The practice in probation hostels with the small number of defendants considered appropriate for bail was of a high standard. The Lifer Manual provided guidance for probation services but it was not comprehensive, resulting in distinct differences in practice between services.

4.26 It is therefore recommended that:

The Prison Service should devise and implement a strategy to address the individual circumstances of potential life sentence cases, including the coordination of work by uniform and specialist staff and the allocation of the necessary resources.

The Prison Service and Probation Unit should provide guidance regarding the work to be undertaken by probation services with defendants facing an automatic life sentence.

4.27 To achieve the necessary improvements, the prison service must also ensure that:

- every potential lifer should be offered appropriate assistance and information on their first night in custody
- sedative medication should only be prescribed where clearly indicated
- the particular needs of female and young male prisoners are addressed to help them cope with their first experience of imprisonment as potential lifers
- the current review by the prison service of arrangements for newly convicted lifers in local prisons should address the needs of potential lifers on remand and describe what systems should be in place in the revised Lifer Manual
- an LLO is appointed in all local prisons to coordinate the work of staff.

[Contents](#)

5. Period Immediately Following Conviction

5.1 This chapter reviews work with lifers following conviction including available provision within local prisons. It examines the work of probation services with lifers and victims and also explores developments in local prisons and recommends a new and formal role for staff during the initial stages of sentence.

The Lifer Manual

5.2 The Lifer Manual stated that *"the lifer must be allocated to a main centre"* (para 3.3) and according to prison service operating standard Y17* *"this should happen within 28 days of sentencing"*. *During this period:*

- *"the lifer must be allotted to a main centre by lifer allocation unit, custody group*
- *an initial life sentence report should be prepared in accordance with instruction to governors 59/1994*
- *the tariff setting process for mandatory lifers will begin"* (para 3.3).

However, there was no further guidance in the Lifer Manual regarding the arrangements to be made for newly sentenced lifers, as the expectation was that such prisoners would spend only a short period of time in a local prison before transfer.

* Prison Service *Operating Standards* (April 1994).

The days following sentence

5.3 Prison staff confirmed that it was normal practice for newly convicted lifers to be placed in the HCC because of concerns regarding potential suicide but there was an absence of guidance regarding the approach to be taken. Some lifers appreciated being placed in a medical setting, particularly those who had been on bail awaiting trial, whilst others with more experience of prison preferred to return to the familiarity of normal location. However, all said that once on normal location it was hard to come to terms with their new situation if locked up with short sentenced prisoners. There were few who could recall being placed with another lifer which, they believed, would have assisted them in adjusting to the sentence. It was also said that being offered the opportunity of talking to someone who might have understood their situation at this early point was missing and would have been valued. Consideration should be given by the prison service to ensure that access is available immediately following sentence to a person to whom newly sentenced lifers can talk. Such a facility could be provided by trained prison staff or through a "buddy system" or "prisoner listener".* Where a lifer has to share a cell in local prisons, it would be better if it was with a suitable long rather than short-term prisoner.

* A "buddy system" provides access to a more experienced prisoner and "prisoner listener" refers to a prisoner who receives training and oversight from the Samaritans.

Induction arrangements in prisons

5.4 It was reasonable to anticipate that although the local prison phase was expected to be short, there would be some form of induction covering essential information about the routines of the prison and how the lifer system worked. A study carried out by the Prison Reform Trust* in 1998 reported that just over a third of a sample of 89 adult male lifers from main centres and open prisons stated that they had received no official information at the start of sentence. Moreover, the findings indicated that the situation had deteriorated in recent years, with those at the beginning of their sentence being twice as likely as those at the end to say that they had not received information. Only 10 per cent of the lifers they interviewed recalled receiving any induction, with the most common source of information being other prisoners.

* Prison Reform Trust *Prisoners' Views of the Life Sentence Prisoner System: Policy Vs Reality* (1998).

5.5 Discussions with lifers during this review confirmed these findings. Few described receiving any official information other than the Prisoners' Information Pack,* which was not specific to lifers. Induction was described as "sketchy" at best and "entirely missing" at worst. Many lifers said how difficult it was at this time to retain information and stressed the importance of receiving it in a written form for future reference. It was positive therefore to learn that the LRU and Prison Reform Trust had just completed a project to produce a booklet explaining all aspects of the life sentence system.

* Prison Reform Trust in association with the Prison Service *Prisoners' Information Pack* (1993).

5.6 All long-term prisoners require induction to the prison system and an initial assessment prior to transfer. However, it became clear from prison staff that lifers have particular issues to address relating to the offence and uncertainty about the length of time they will serve. Both staff and lifers confirmed that being given information about the length of the tariff was a difficult experience, especially when conveyed by staff who were neither familiar with the prisoner nor the lifer system. Those lifers who recalled having the opportunity to discuss the implications and impact of the tariff stated how it had helped them in facing the future. Information regarding tariff should only be conveyed to lifers by trained staff and clear guidance included in the Lifer Manual.

The work of the home probation service post-sentence

Post-sentence reports

5.7 The role of the home probation officer during the early stages of the life sentence was explored, in particular the key task of preparing the post-sentence report. The Lifer Manual stated that the report should be completed within three months and:

"provide information that will be of value in the care and management of the life sentence prisoner and the preparation of the Life Sentence Plan" (para 13.9).

5.8 However, only 77 per cent of the records of the probation prison sample sentenced since 1993 contained such a report, of which 35 per cent had been completed within three months, 40 per cent in more than three but less than 6 months and 25 per cent after six months. The number of missing reports was a surprise to most services, apart from the

West Yorkshire Probation Service where it had been identified as a problem during an internal inspection. The lack of procedures for monitoring whether such reports were being prepared explained why the shortfall had not been previously identified. A number of services considered that three months was not sufficient time to complete a report, although others, particularly where pre-trial contact was normal practice, did not perceive it to be a problem.

5.9 Where a post-sentence report had been prepared, 76 per cent were assessed as having covered the circumstances of the offence well or satisfactorily, with 74 per cent addressing adequately the evidence for patterns of behaviour precipitating the offence. Only 10 per cent included all the elements outlined in the Lifer Manual, although a quarter only omitted one or two items.

5.10 The post-sentence report is clearly an important document, providing full background information on the lifer and the offence and should significantly inform the sentence planning process. In addition to sending the report to the prison probation officer and to the LMU, a copy should be sent to the prison governor. It was apparent, however, from the prison record sample that the report was often not finding its way into a lifer's case record. This was a matter for concern, as it should be one of the first reports provided to prison staff after sentence. If the relevant prison staff did not receive it at this point the earliest it would become available was when it was included as part of the confidential summary dossier* sent by the LMU to the main centre. During discussion it emerged that many seconded probation officers had copies of the post-sentence report but were unaware that prison colleagues did not have access to this information. The prison service should ensure that post-sentence reports are disseminated to relevant prison staff on receipt in all cases.

* This replaced the confidential memorandum and contains a list of previous convictions, judge's comments, CPS papers, probation service and other reports.

5.11 The probation prison sample revealed that 38 per cent of the probation service files contained police records in older cases or CPS papers containing deposition statements and other information relating to the offence. 66 per cent contained press cuttings. A number of services had been proactive in seeking papers related to the offence from a variety of sources. However, a number of services, despite having an agreement with the CPS for obtaining information on all offenders at the pre-sentence report stage, were still experiencing problems in routinely obtaining material relating to the offence. Every lifer file should contain a full set of CPS documentation and services should ensure that probation officers are able to obtain this vital information at the earliest possible stage.

Multi-agency liaison

5.12 Unless pre-sentence reports had been prepared the period following conviction was often the first opportunity for any assessment of the risk of reoffending or of potential harm to others. It was crucial therefore that work was based on full knowledge of the offender and all available evidence of the circumstances surrounding the offence. A number of services, including West Yorkshire which had the most long-standing

protocol, had developed arrangements for sharing relevant information on lifers with the police and other agencies as part of their approach to managing potentially dangerous offenders. Such an arrangement for discussing newly sentenced lifers had great benefits. As the CPO for West Yorkshire pointed out:

"There is a period immediately post-sentence, when a certain quality of information is available that never arises again."

5.13 The postal survey of probation services indicated that 60 per cent had arrangements for formal meetings with the police and other agencies to discuss the management of potentially dangerous offenders, and some services had used this forum to discuss lifers after release. Only one of the services visited saw it as an opportunity to hold a "one off" meeting to discuss an individual lifer immediately after conviction, thus ensuring that the full extent of the offender's criminality and potential for violence was explored. The involvement of the investigating police officer was critical in such meetings to share first-hand knowledge of the offender and their offence with other agencies. Such an exchange of information is vital for work with mandatory lifers where there is obviously no victim account of the offence. The meeting informs the preparation of the post-sentence report and, as a result, all relevant information becomes available to the prison service and their staff. The Association of Chief Police Officers has indicated its support for the extension of such meetings to all police areas. It is clearly in the public interest that there should be no barriers to the full exchange of information between agencies which should occur within formally agreed protocols. Such arrangements, if not already in place, need to be developed.

Work with victims

5.14 Nationally, 89 per cent of services had a policy addressing work with victims and over 50 per cent provided staff with practice guidance on this aspect of their work with lifers. When in contact with victims/families, general information was provided about the lifer system and they were asked whether they wished to be consulted when the prisoner's release was being considered.

5.15 The key findings from the probation prison sample were:

- in 18 per cent the victim was a relative of the lifer, and in a further 46 per cent the perpetrator was known to the victim
- in 11 of the 29 cases sentenced since the National Standard was introduced in August 1995 contact with victims/families was made within two months of sentence and subsequently in a further 10. Of the other eight cases, there was no apparent reason from the file in five as to why no contact had taken place
- taking the total sample as a whole, contact with victims/families had been made at some stage in half of all cases. The proportion had increased in respect of lifers sentenced since August 1995
- in 51 per cent of contacts the victim or family wished to be kept informed about the sentence and/or to be able to express their views when release was being considered.

5.16 However, in only one-third of cases where contact had taken place were victims' views communicated to the LMU. There was currently no formal requirement for this information to be sent to them. For the future it should be either included in or attached to the post-sentence report, taking into account considerations regarding confidentiality.

5.17 Reasons for the number of old and more recent lifer cases where victim contact work had not been progressed were discussed with probation service managers. Where cases pre-dated the new arrangements, some services had initiated contact immediately following the introduction of national standards, whilst others had decided to wait until the lifer had reached category C conditions and escorted absences were being considered. Probation officers reported that there had been confusion for the families of some victims who did not understand why they had not yet been contacted. There had been difficulties in tracing a number of victims/families. For existing lifer cases where victims have not yet been contacted, a policy should be agreed to ensure that contact is established in relevant cases at the latest when the lifer is being considered for a category C prison. In more recent cases, despite the requirement of national standards, there was a significant number where no contact had been made with victims. The reasons for this need to be explored, alongside the failure of managers to introduce an effective monitoring system.

5.18 Arrangements for contacting victims varied between services. 63 per cent involved a probation officer, who was not the supervising officer, either by him/herself, with other probation staff or personnel from another organisation. Probation officers in the Inner London Probation Service and probation services officers (PSOs) in the West Yorkshire Probation Service undertook victim contact enquiries working within a specialist unit. Teesside Probation Service had negotiated a partnership with a Victim Support scheme for this work, whilst West Glamorgan Probation Service made use of a volunteer. Strong views were expressed both for and against involving the supervising probation officer, mainly because they were identified with the offender which it was said could create tension for some probation officers and victims. HMI Probation are embarking upon a full thematic review of work with victims and it would therefore be premature to recommend any one model. The increased focus on victim perspectives in work with lifers is welcomed, in particular the positive message it conveys to victims/families.

Regimes for lifers in local prisons

5.19 Local prisons were clearly struggling with a vastly inflated population and an increasing number of lifers competing for finite places in main centres. In the Prison Reform Trust study, about two-thirds of the lifers were transferred within six months but a third were delayed for longer periods of up to two years. Women and young offenders were mostly transferred within a few weeks of sentence. There was some anger and frustration associated with the delays in the adult male system, but it became clear that for many lifers this period was experienced as a "buffer" during which they were able to continue a relatively high level of contact with families and friends which helped them all to adjust to the reality of the sentence.

5.20 The quality of work with lifers at this early stage is critical in determining their adjustment and may affect how long they serve in prison. One lifer in category C conditions after 16 years, who had "done his time the hard way", said that at the beginning of his sentence he did not understand what a life sentence meant and claimed "I went a bit crazy, thought I had nothing to lose". Most lifers recalled having difficulty adjusting and understanding what was required. Not all lifers will be receptive to prison authority and a small number will fight the system, but it is important that they are helped to understand the lifer system. In particular that they are able to affect their future, as progress may be hindered by not pursuing the plan of work identified for them.

5.21 The local prison survey reflected the limited specific provision for lifers, but also the creative ways in which some local prisons were attempting to provide facilities for them. Although 80 per cent had appointed LLOs and 66 per cent had personal officer schemes for lifers, the amount of time staff were able to dedicate to this work was very limited. Where psychologists were in post in local prisons, their main work was with accredited programmes and they did not work with newly sentenced lifers. Seconded probation staff and chaplains had to spread their services very thinly, with only a minority of probation teams (25 per cent) and chaplains (10 per cent) making any specific arrangements for dealing with lifers. Most education departments (86 per cent) were confident that they could meet the literacy and numeracy needs of the lifers in their establishment.

5.22 About a quarter of local prisons had arrangements for lifers or capital charge prisoners to meet as a group. The probation department at Preston prison ran groups specifically for lifers and potential lifers which provided information about the lifer system and the opportunity to explore the impact of a life sentence and ways of dealing with it. It was attended by most newly sentenced lifers and about a quarter of potential lifers also attended the group. Lifers who had participated spoke positively about the group. Young lifers had appreciated a group run for them at Feltham YOI. Probation staff in Armley prison were allocated lifers, saw them regularly and assisted them during this period.

5.23 It was disturbing to find from the national survey of local prisons that only:

- 45 per cent had offending behaviour or other relevant groups which were open to lifers
- 13 per cent offered courses or other arrangements to prepare for the move to main centres
- 20 per cent made special arrangements for families visiting lifers
- a few gave priority to lifers when allocating work places and access to association.

5.24 Many staff at all levels pointed out, quite correctly, that these prisons were not resourced for such tasks, nor had the prison service in the past supported this work because, of their view, it was a role for the main centres. Initiatives developed in local prisons showed what could be achieved at this stage. This period could be used far more constructively but would need to include an assessment and a structured plan of work to

be addressed for each lifer. Such work would have to be integrated and resourced within a centrally coordinated strategy and, given the specialised nature of the work, undertaken possibly at regional local prisons.

Potential for work with lifers

5.25 A limited number of examples were provided where prison staff, including probation and prison officers, had successfully engaged in individual pieces of work while lifers were still in local prisons. However, many prison staff claimed that lifers were not willing to engage in an in-depth assessment during the early stage of their sentence, particularly if pursuing an appeal. This may well hamper in-depth assessment of the offending but should not prevent other forms of assessment of educational and vocational needs and preparation for serving a long and indeterminate sentence. A United Nations report on life imprisonment* stated that "Ideally, assessments should...begin as soon as a life sentence prisoner is committed to a penal institution". This would require a significant change in what currently occurs in local prisons in this country.

* United Nations *The Life Sentence* Report of the Criminal Justice Branch of UNOV UN Publication Geneva (1996).

5.26 There is an important reorientation to be made by lifers between the remand and post-sentence periods. Progress may be hindered by the legal process that requires defendants on remand not to discuss the offence in detail and, once convicted, many appeal until all legal channels are exhausted. As soon as possible after conviction or the conclusion of an appeal, lifers should be advised of the importance of taking responsibility for their offence and their behaviour in prison, as such factors may affect the length of time they ultimately serve.

5.27 The probation prison sample confirmed that work with families was carried out well by the home probation service. However, it was evident from meetings with prison officers that some were not currently receiving information about a lifer's family and did not see this as part of their role. Such a situation is clearly unsatisfactory. There were indications that some prison officers did not understand that this material would assist them in the management of the lifer. Personal officer training is needed so that they can address these issues.

5.28 Following criticisms of the current sentence planning arrangements, the prison service, was undertaking a review of the LSP which provided the framework for lifer assessment and sentence planning, with a view to it commencing in local prisons although within existing resources. Some prison staff interviewed from local prisons believed that they could make a greater contribution to the assessment of lifers at the start of sentence. The findings from this review support the development of an effective induction period for lifers. Regional local prisons would need to be identified as well as a new role for their staff with lifers at the start of sentence.

A fast track system for short tariff lifers

5.29 The LMU had recently supported Brixton prison in developing a "fast track" programme for short tariff lifers.* The aim was to provide an induction programme and assessment and this had commenced for those lifers where there had been a sexual element to the offence. There was potential for some sex offenders to begin work on their offending behaviour as this local prison was already an accredited centre for the national accredited Sex Offender Treatment Programme (SOTP). The use of Brixton prison for short tariff lifers was a very sensible development capitalising on existing skills. It provided an alternative location to Wakefield prison, the only other main centre offering the programme where there were difficulties obtaining places for existing lifers due to the number of offenders requiring this work. Without such developments lifers with short tariffs would have very little chance of completing all that was required of them before their tariffs expired.

* Short tariff lifers are defined in this report as those lifers expected to remain in prison for up to 7 years.

5.30 No specific resources had yet been developed for other lifers with short tariffs who also required a "fast track" way of working, particularly for the new section 2 automatic lifers convicted of violent offences. The approach being developed at Brixton prison could be used at other nominated local prisons where induction, assessment and appropriate offence related work, including accredited thinking skills programmes, could be progressed. Suitable lifers, subject to a thorough risk assessment, could then be moved directly to a category C prison from the local/main centre prison. Currently, even lifers who had completed their offence related work were unlikely to be able to progress through all the different stages of the prison system in time to achieve release on tariff.

Induction of longer tariff lifers

5.31 For lifers with longer term tariffs, it is considered that the prison service should identify "regional" local prisons, which could undertake the initial induction and orientation of longer tariff lifers prior to their transfer to the long-term prison system. Lifers would need to be transferred from local prisons to these regional establishments within 28 days of sentence to begin their induction programme. Such a programme could also meet the needs of other long-term prisoners and consideration should be given to including them in this group. A rolling programme of induction, not exceeding six months, should be established for newly convicted lifers. Its purpose would include preparing them for their transfer to a long-term prison. The full specialised assessment of their offending would need to wait until after any outstanding appeal is completed and the lifer progresses to the next stage of their sentence. However, generic thinking skills programmes which do not focus on the offence could be undertaken where indicated. This period therefore should be used to impart information, for an assessment of vocational and educational needs and for the orientation of lifers described above. There should also be opportunities for work, gym and education and a key worker allocated to ensure communication with the home probation officer.

5.32 The first stage of a revised LSP would be started in the regional local prisons to gather information about the current offence, previous offending, behaviour in prison, outside contacts and personal and educational history, informed by the post-sentence

report. A record would need to be made of any participation in groups or educational courses, and of the type of employment and leisure activities undertaken. In addition, the work during this period should include preparation for the lifer's move to the long-term prison system. Consideration would need to be given to the implications of this approach for women and young lifers.

Summary and the way ahead

5.33 Although there were some good examples of practice with lifers in local prisons, it was clear that the arrangements for newly sentenced lifers were anything but satisfactory. The majority were not receiving a formal induction or any form of assessment and work with them during this period was very limited. Where work had been undertaken, it was largely due to individual staff initiatives which, while commendable, were not part of a coordinated strategy. It was a matter of concern that, while the LMU was looking at developing lifer work in local prisons, it would be within existing resources and they lacked the authority to bring about the changes that were clearly required.

5.34 The preparation of a post-sentence report and contacting victims were, and should remain, the key tasks of the home probation service following conviction. These time-limited pieces of work were essential if the prison service was to be in a position to undertake effective assessment and sentence planning. Many examples were found of both high quality reports and effective approaches to victims in complex situations. However, the absence of a significant proportion of reports, failure to initiate contact with some victims in recent cases, together with a lack of systems to monitor or evaluate the quality of this work, raised serious questions. Consideration should be given to provide a comprehensive induction programme and to commence sentence planning, both for short and longer term tariff lifers within nominated regional prisons. These prisons would need to be resourced for this task.

5.35 It is therefore recommended that:

The Probation Unit and the Association of Chief Police Officers should reach an agreement which will allow local systems to be developed for the sharing of relevant information between the Police and Probation Services to inform the preparation of the Probation Service's post-sentence report.

CPOs should ensure that post-sentence reports are routinely prepared within three months of sentence, contact with victims is undertaken and systems are in place for monitoring and quality control.

The Prison Service, Probation Unit and Crown Prosecution Service should develop a protocol to ensure that effective systems are in place for the Prison Service to receive the Crown Prosecution Service papers attached to the Probation Service's post-sentence report.

The Prison Service should ensure that following conviction:

- (a) all newly sentenced lifers are transferred to regional local prisons within 28 days of sentencing;*
- (b) fast track induction centres are available in nominated local prisons to meet the needs of all newly sentenced short tariff lifers;*
- (c) all newly sentenced longer tariff lifers (alongside other newly sentenced long-term prisoners) spend a period in regional local prisons and undertake a rolling programme of induction and orientation;*
- (d) there is a revised framework for sentence planning which includes the opening of the Life Sentence Plan in regional local prisons;*
- (e) formal guidance for prison staff should be produced and the necessary resources for the above provided to ensure implementation.*

5.36 To achieve this, the prison service should also ensure that:

- there is a coordinated plan of work which includes allocation of a key worker and liaison with the home probation officer
- arrangements are in place for all newly sentenced lifers returning from court to have immediate access to trained prison staff and/or a "prison buddy"
- if sharing cells in any local prison, lifers are located with other suitable long-term prisoners
- lifers should only be informed of their tariffs by trained staff in accordance with guidance which needs to be included in the Lifer Manual
- post-sentence reports on receipt are disseminated to sentence planning staff in all cases
- lifers are prepared for transfer to regional local prisons, category C prisons or to long-term prisons as appropriate.

[Contents](#)

6. Long-term Prison System - First Stage

6.1 This section reviews the work with lifers in main centres. It comments on the regimes available for both male and female lifers and young offenders at this stage and reports the results of an examination of LSPs, F75 and Parole Board reports. Particular reference is made to sentence planning and work undertaken on offending behaviour.

Lifer main centres

6.2 From local prisons all life sentence prisoners are currently allocated to main centres, which are designated prisons within the secure long-term estate, having responsibility for the induction, assessment and sentence planning of all lifers, whatever their length of tariff. At the time of this review, there were: four main centres in the long-term estate designated to hold adult males, two of which were dispersal prisons taking category A

and B prisoners; two for females, both young and adult, one of which was able to hold category A females; and, four YOIs designated for young adult male lifers. The Lifer Manual stated that the period in a main centre:

- *"is usually three years, but this may be reduced for some prisoners (for example those with tariffs of less than 10 years and who are making exceptionally good progress)"* (para 3.4)
- *"the initial assessment must be completed ... within three months of receipt of the offence-related documentation (the summary dossier)"* (para 8.4)
- *"Life Sentence Plan must be prepared for all lifers"* (para 8.3)
- *"the first F75 reports will be called for by the LMU (after approximately 2.5 years)"* (para 3.4).

Movement in and out of main centres

6.3 Figures have already been included in the report (table 3) setting out that as at 27 July 1998 there were 229 non-category A lifers awaiting transfer into main centres and 77 awaiting transfer out. At the time it was visited the waiting list to enter Wormwood Scrubs prison was 50 and to leave 57, Wakefield prison 83 and 8 and Gartree prison 54 and 18 respectively. Long Lartin prison as a relatively new main centre which began taking lifers in April 1997 was receiving most newly sentenced lifers because it had spare places, although not all new lifers needed the level of security this prison afforded.

6.4 According to lifer governors it had become very difficult to move lifers on to second stage prisons and create vacancies for those awaiting transfer from local prisons. Two lifer governors also identified that when seeking to move a lifer on to a second stage prison they sometimes found themselves under pressure to accept the return of a "difficult" lifer, thereby failing to create a vacancy for a new lifer from the waiting list. The effect of this was not clear but could influence the extent to which second stage prisons persisted with difficult cases when the option of returning them to a main centre was available.

6.5 Governors pointed out that the system for moving lifers in and out of main centres was in danger of grinding to a halt. Although the new role for Long Lartin prison and the proposed change of function at Brixton prison afforded some relief, it would not solve the problem in the long term. It emerged that the LMU are proposing that two additional long-term prisons be designated as adult male main centres. Particular problems existed for female lifers who could only start their sentences in two locations in the country. All lifers from Wales were unable to serve their sentence in their own country at any stage unless they were undertaking SOTP at Usk prison.

Future of main centres

6.6 Main centres were developed at a time when the lifer population was considerably smaller, lifers were the only group of adult prisoners subject to sentence planning and the task of induction and assessment was specialised. However, sentence planning is now in

place for all prisoners sentenced to 12 months or over and has become a core element of prison regimes. Any long-term prison is therefore in a position to induct and assess lifers as long as the elements of the task are clearly defined, quality control systems are in place and elements of a suitable lifer regime specified. Allowing a greater range of prisons to take on this task, possibly on a regional basis, would create more points of entry into the long-term prison system and reduce waiting lists.

Induction

6.7 Arrangements for induction varied between prisons but in only one of the main centres visited was it a strong feature of the regime. Young lifers at Aylesbury YOI said they received information about the life sentence in the first 24 hours, including a leaflet produced by other lifers, and two were very positive about their experience of being met in reception by an ex probation officer acting in a voluntary capacity who asked them how they were coping. Although four of the main centres visited had formal induction programmes, in only two did they take place within three months of arrival and most lifers said that they found out what they needed to know from other prisoners. Several maintained that they did not really understand the system until several years after sentence when they were able to attend a lifer course which was addressed by an official from the LMU. Lifer staff were aware of the deficiencies in their induction procedures, which had suffered in part from tighter staffing levels as a result of budget cuts. Most had recently revised or were in the process of reconsidering their induction arrangements. However, the experience of most lifers was of receiving little official information about the role of the main centre, what was expected of them, or the routines and regime of the prison.

Problems in accessing information about the offence

6.8 Information to enable the risk assessment within the LSP to be completed rarely arrived from headquarters before the second year after sentence and then often had to be pursued. Eight of the 10 main centres responding to the national prison postal survey said that insufficient detail available to complete the initial risk assessment in the LSP. In one main centre staff revealed that 5 per cent of their life sentence prisoners had actually completed three years with still no official documentation about the offence received. The review of prison documentation in the four main centres visited found that 12 per cent did not contain the offence details to date. Of the total prison record sample, it was missing in 25 per cent of the cases. Despite the efforts of the LMU to reach an agreement with the CPS to receive copies of their papers on lifers routinely after conviction, problems still existed. Agreement had been reached for information to be provided to the LMU from the CPS headquarters but the CPS stated that when local branches were contacted directly by prison staff this had caused some confusion. Discussions were currently taking place to see if a new agreement could be negotiated. It is vital that progress is made, as without these papers no appropriate risk assessment or sentence planning can be undertaken.

6.9 There was evidence that on occasions the process of target setting and review was proceeding without any analysis being undertaken of the offending behaviour. Such a practice was entirely unacceptable and undermined the integrity of the risk assessment, the efforts of staff and the future protection of the public. The importance of liaison between the police and probation staff has already been identified earlier in the report (see para 5.13), but it cannot be relied upon as the sole mechanism for ensuring that crucial information about the offence is available to the prison system. However, the CPS has indicated that, subject to a protocol being agreed, they would attach their papers to the post-sentence report as an annexe if the confidentiality of victims and other witnesses is protected in relevant cases. Necessary information to inform the sentence planning would then be available.

Life Sentence Plans and F75/Parole Board reports

6.10 The LSP is the official document for lifer assessment and sentence planning. It was intended, when it was introduced in 1992, that the first section which addressed offence analysis and initial assessment of risk, would be completed by personal officers having read papers on the case and that they would focus on behaviour clearly associated with risk. It was meant to be completed within three months of the official case summary dossier being received. F75 reports derive their name from the number of the form upon which prison staff are required to provide to the LMU reports after 18 months or three years depending on the length of the tariff, and subsequently every three years or earlier in special cases.

6.11 A major review of the operation of the LSP was undertaken by the LMU early in 1998 in response to emerging concerns over sentence planning arrangements for lifers. A range of deficiencies were identified and it was recognised that major changes needed to be made. However, implementation has been delayed awaiting the outcome of this thematic review. In two main centres visited during the review there remained a large backlog of incomplete risk assessments even where CPS information had arrived, and one had only 30 plans completed out of a total of 400 lifers. The examination of 210 completed case files (out of 233 examined in 13 establishments) reinforced the LMU's findings by showing that in only about 39 per cent of the cases examined in this review was the overall quality of the LSP satisfactory or better.* The F75 reports were of far higher quality but even these were not consistently strong in all aspects and for all groups of staff. The performance of different staff in relation to both LSPs and F75 reviews is discussed in Chapter 7 within the section relating to their specialism. Appendix E sets out the results from the detailed examination of all sections of the LSP.

* A number of files were discarded as there was insufficient information to make an assessment.

Initial risk assessment (section 1b) within the Life Sentence Plan

6.12 Within main centres, of the 144 LSPs which were examined, the initial risk assessment had been completed in 88 cases (61 per cent). Of these, the risk factors identified were assessed by file readers as being criminogenic (i.e. led to the offence and could lead to further offending) either clearly or to some extent in 66 per cent of cases.

Some staff had included as criminogenic factors negative characteristics of an individual which might be inconvenient or unpleasant but which were not associated with risk. For example, in one case a lifer's bi-sexuality and eating disorder had been taken as indicators of risk, despite not having any obvious association with his offence. It was important that the risk factors identified at this stage clearly focused on what needed to change for risk to be reduced.

6.13 Of the main centre cases where the initial risk assessment had been completed, in only 64 per cent did the risk factors as a whole clearly or to a reasonable extent identify what needed to change for the risk of reoffending to be reduced. There was significant variation between establishments depending upon who undertook the initial risk assessment. At prisons where officers had completed the section without specialist support, in only about a half were all risk factors identified as being criminogenic clearly or to some extent. At Long Lartin prison where psychologists and probation staff took the lead alongside prison officers, the proportion was over 90 per cent and in Durham prison, where prison officers had received enhanced training, it was about three-quarters.

6.14 Personal officers found the task of completing the initial risk assessment very difficult and commented that the training available within the national lifer course, although sufficient to provide some insight into risk assessment, did not fully equip them for the task. They also complained that they did not have the time to read the background information. In only one of the prisons visited had personal officers retained responsibility for this work. In three, lifer liaison governors with a small group of dedicated staff had taken on the task. In one, it was undertaken by the principal and senior officers of the lifer wing, with input from prison officers with enhanced training. The decision to devolve the work to personal officers must now be questioned.

6.15 A number of psychologists argued that the current framework for risk assessment was overfocused on observable behaviour and did not encourage identification of less obvious features which might signify risk. There was some support for this from the reading of the prison records. More obvious features associated with the offence such as drink or drug abuse were identified in 83 per cent of cases. In contrast, important aspects which should have featured within the risk assessment had been overlooked, including:

- the existence of a criminal lifestyle in 43 per cent of apparently relevant cases
- the presence of sexual deviance in 48 per cent
- thinking skills deficits such as the failure to anticipate consequences in 39 per cent
- emotional immaturity such as difficulty coping with loss, rejection, or stress in 33 per cent
- analysis of the motivation for the violence within the offence in 29 per cent.

6.16 The examination of cases also raised doubts about the appropriateness of some of the questions in the section on offence analysis (section 1b of the LSP). In about a fifth of cases, file readers identified that questions about planning, motivation, behaviour after the offence and "blaming" were not apt for the individual case under examination.

Probation staff interviewed were concerned that the framework did not address the offender's attitude to the victim of the offence. Overall, in only 33 per cent of cases did the file reader consider that the structure of the LSP "fully" allowed for coverage of circumstances related to risk and work required.

6.17 A number of factors contributed to the current deficiencies of the initial risk assessment within the LSP, including:

- delays in receiving information about the offence on which the analysis was based
- delegation to non-specialist staff
- poor design of questions
- lack of time for personal officers to undertake the task
- insufficient training of staff.

6.18 In order to remedy the identified deficiencies, it will be necessary to ensure that an initial risk assessment on lifers includes the results of psychometric testing and is undertaken by staff with the necessary skills, within a multi-disciplinary team. The model of assessment developed within the Dispersals Directorate, which was being piloted at Long Lartin prison, may have the potential to be extended to all lifers at the start of sentence.

Annual sentence plans and reviews

6.19 Section 2 of the LSP addresses the setting of targets derived from the risk assessment and their annual review. The results of the examination of this section of the plan is included in Appendix E. It was a matter of concern that the initial LSP summary was found in only half of the total LSPs examined and, where they were available, in only 38 per cent did the description of the offending behaviour to be addressed reflect the risk factors clearly or to a reasonable extent. In just over half of cases, the LSP appeared to allow (clearly or to a reasonable extent) sufficient opportunities for the lifer to make constructive use of time. Where annual LSP summaries were in place they were reviewed in 87 per cent of cases, although in only about two-thirds did they link back to the review of the previous year.

6.20 It became clear that for many staff the process of completing the LSP was perceived as a bureaucratic necessity which had little relevance to their management of the lifer. Reports for annual lifer boards were still being prepared using the F75 format with the LSP review format being ignored. Overall, as noted in para 6.11, only 39 per cent of LSP assessments and reviews were assessed as satisfactory or better.

F75 /Parole Board reports

6.21 The Lifer Manual stated that F75/Parole Board reports were required:

"to enable the prisoner's progress and Life Sentence Plan to be monitored" and "to provide an opportunity for staff to comment on any progress which might justify a transfer or change in the prisoner's security category" (para 5.4).

6.22 Each member of staff with knowledge of the lifer is expected to submit a report based on a standard format laid down in the Lifer Manual. The sections to be addressed include:

- knowledge of the prisoner
- attitude to the offence
- insight into offence related behavioural factors
- behaviour in prison
- outside contacts
- suitability for release.

6.23 Examination of the most recent set of F75s or Parole Board reports on file in the main centres and later on in the sentence showed them to be reliably completed and of a higher quality than the annual LSP reviews. The vast majority (94 per cent) of files contained an F75/Parole Board report when one should have been completed and 95 per cent were rated as satisfactory or better (see Appendix F). However, much of the information was repeated by different staff. Whilst it is of central importance that lifers should give an account of their offence and that this is monitored over time, it is not necessary or even desirable that this should happen with all staff every year, and lifers themselves found this difficult. In-depth discussion of the offence needs only to occur with key staff, usually psychologists or probation officers, although it could be with nurses, chaplains or personal officers, depending on the individual case.

6.24 Information on the quality of individual sections of F75/Parole Board reports based on detailed examination of a small sample of 26 sets of reports (averaging over the results for different groups of staff). Overall, the quality of the reports was again found to be good (see Appendix F).

6.25 Many education, PE staff, and workshop instructors thought it was inappropriate for them to comment on areas related to the offence, and detailed examination of the most recent set of F75/Parole Board reports revealed that in a small sample of 16 reports prepared by workshop instructors and education staff, just two were considered to be of a satisfactory standard in relation to insight, and only one in relation to attitude to the offence. However, these staff argued strongly that they were in a position to make an important and valuable contribution, if not within the F75 report, then in some other form which could be reflected in annual LSPs. The absence of their comments on the lifer's daily behaviour in these areas of regime activity would inevitably weaken annual reviews. Inspectors considered that these staff had a distinctive contribution to make to the process of sentence planning.

A model for the future

6.26 The model for sentence management operating in Garth prison provided a mechanism for capturing the observations of workshop, education and PE staff about how a lifer behaved in different settings. All departments actively working with prisoners had developed, with the help of psychologists, a sentence management form designed to assess the performance of each lifer within that area of activity. Every month all prisoners were assessed by each department and the results fed into a computer program which provided a profile of the prisoner's overall performance. The outcome was shared with the prisoner every month by his personal officer and made available to the multidisciplinary sentence management team. This arrangement was a rigorous and objective method of ensuring that the observations of all staff were properly captured and made available to both the prisoner and sentence planners. It may have the potential to be extended to all long-term prisons holding lifers but at this stage needed to be formally evaluated.

6.27 Findings from this review confirm the concerns of the LMU that there is indeed a "lack of effectiveness in the sentence planning arrangements for life sentence prisoners". Staff were confused by the requirement to produce both LSPs and F75s and how they should be linked together. In only 68 per cent of cases sampled did the content and conclusions of the latest set of F75/Parole Board reports relate (clearly or to a reasonable extent) to the risk assessment within the LSP. Visits to prisons suggested that the LSP appeared to be regarded by most staff as a procedural requirement, with the F75/Parole Board reports viewed as the dynamic record of change. The focus by the LMU on F75s as the main basis for their key decisions about a lifer with little or no reference to the annual LSPs reinforced this view. It is clearly important that a single framework is introduced to remedy these deficiencies.

Lifers' involvement in their own reviews

6.28 The Lifer Manual stated that:

"it is essential that the lifer is involved in the sentence planning process. He or she must attend at the least part of the review board and . be given the opportunity to comment and make suggestions" (para 8.10).

which was consistent with the view expressed in the United Nations report on life imprisonment (see Appendix G).

6.29 All main centres had introduced the opportunity for lifers to see reports which had been written on them and to be present at their review. One establishment had only introduced these practices recently, following a standards' audit which had been very critical of their failure to implement prison service policy. Many prisoners did not understand what was meant by the term "risk factors" and were unsure whether they had a LSP. However, almost all were aware about their "areas of concern", which was the term used by many staff when discussing "risk factors" with lifers. A recent instruction from the LMU had addressed this matter.*

* Letter to governors of lifer prisons from Lifer Management Unit. *Disclosure of interim F75/sentence planning documentation* (2 November 1998).

6.30 Some lifers, having been given copies of the reports, maintained that they did not have adequate time to prepare before their review board. Staff should aim to have their reports available in advance of the review and ideally discuss the contents with the lifer to ensure full understanding. In Wormwood Scrubs prison lifers were expected to prepare a written submission summarising their own progress for the annual review. Inspectors agreed with lifers and staff in other establishments about the value of this practice and felt it should be extended to other prisons.

6.31 There was a significant difference in the way prison staff related to lifers in the early and later stages of their sentences. There was little engagement at the beginning and greater openness and honesty in the later stages as the management of risk was openly discussed. Although understandable, inspectors did not consider that this was desirable. The lack of consistency in approach between the early and later stages was confusing to prisoners. It is important that prison staff have an open and frank dialogue with lifers from the beginning of sentence, so that lifers are in no doubt about what is required from them in order to be released and to manage themselves on licence. Prison staff working in closed conditions should become more familiar with the later stages of the lifer system, including life licence requirements. This should be addressed through training and other developmental opportunities.

Professional confidentiality

6.32 The examination of the sample of LSPs revealed that lifers' withholding of consent was identified as a reason for not making a contribution to the LSP on three occasions by medical staff, five by psychiatrists, three by psychologists and one by a chaplain. It was often the case, however, that reports from these staff were not returned and inspectors could only speculate on the reason. However, some medical officers expressed concern about disclosing medical information in section 1A.6 (psychiatrist's report) and 1A.8 (health) because they could not be sure who the recipient of the information would be, although they had no such problems supplying F75/Parole Board reports to prison headquarters.

6.33 It is inappropriate for lifers to expect full confidentiality from any member of staff. The Inspectorates' shared view is that professional staff should operate within a model of "responsible confidentiality", within which prisoners may be confident that sensitive information will be treated responsibly and revealed only on "a need to know basis". The public interest requires that any information that bears on the risk of harm must be communicated to those who have to manage risk both in prison and in the community. This is perfectly consistent with the duty of confidentiality which bears upon all professional persons including healthcare staff. Discussion needs to take place with the Healthcare Directorate and guidance issued to medical staff. The LMU should prepare practice guidance for other prison staff and information for lifers which should be made available at induction.

Offending behaviour work

6.34 The Lifer Manual stated that:

"targets within sentence plans must cover career targets and those designed to address offending behaviour"

and that the LSP summary will contain:

"recommendations, agreed with the lifer, to attend specialist groups such as drugs, alcohol or gambling programmes" (para 8.8).

6.35 Members of the Parole Board confirmed that where specialist groups had been identified as targets they expected them to have been completed before recommending open conditions or release, on the assumption that such groups would reduce the risk of further offending.

6.36 It was surprising that the Lifer Manual made no specific reference to the importance of one-to-one offence related work with lifers. In all the main centres visited, except one, this was taking place. It provided the opportunity for a lifer to examine their offending in detail and to take responsibility for it, which was crucial to reducing risk in the future. Such work had a long history and while its effectiveness had not been clearly demonstrated, lifers seen during the review spoke positively of this form of intervention. Probation staff and psychologists also argued the value of such work and maintained that some lifers, who were unable to admit guilt in groups, were able to do so when seen individually. Given the resource intensity of the work, it is important that its effectiveness is evaluated.

6.37 Neither of the two female main centres provided any accredited programmes. At the time of the review all male main centres were offering an accredited thinking skills programme but only Wakefield prison had the accredited SOTP available. Other groups which were being provided in main centres included anger management, lifer information and drug and alcohol misuse. Courses such as relationship skills, gender awareness, coping with grief and loss and violence against women had all become casualties of the diversion of resources into accredited programmes. From the postal survey of lifer prisons it was revealed that 27 per cent ran the SOTP, 31 per cent the enhanced thinking skills programme and 53 per cent either the enhanced thinking skills or reasoning and rehabilitation programme.

6.38 Accredited programmes have in place the features associated with effective practice and are carefully monitored in terms of delivery. As such they provide a robust standard of treatment intervention not reached by other traditional group work approaches. As staff were diverted into delivering accredited programmes, there had developed a general loss of confidence in other group work which was not accredited. Whilst the latter may not be effective in ultimately reducing reoffending, it does have merits of its own in introducing lifers to group work, building trust between prisoners and staff and allowing a focus on specific subjects. Prisoners and staff felt strongly there were not sufficient accredited programmes in place to substitute fully for the types of groups provided previously.

6.39 Prison staff and lifers identified the problem of unachievable targets being set in LSPs because either accredited programmes were unavailable or there were insufficient spaces available to meet the demand. In only 58 per cent of initial LSP summaries did the description of offending behaviour to be addressed relate clearly to what could be provided in the establishment. There were examples of lifers who had been set targets which involved courses which used to run but were no longer available within the establishment. Lifers at Wakefield prison were waiting in some cases up to three years for a place on the SOTP, with determinate prisoners being given priority because their sentences were time-limited. Young lifers were able to undertake the SOTP at Swinfen Hall. Inspectors agree with the view expressed by specialists within the Offending Behaviour Programme Unit (OBPU) that the SOTP programme should be undertaken by lifers when the memory of the offence was still accessible and fresh.

6.40 Prison staff were also concerned that there were significant gaps in provision for addressing offences of arson and violence, particularly domestic violence, which could disadvantage lifers whose targets included the need to address such offending behaviour. The decision by the OBPU to introduce an accredited "cognitive self-change" programme which will go some way to address violent offending is welcomed. No similar provision is planned to focus on arson, which represents the main offence of 7 per cent of all mandatory and half of discretionary female life sentences.*

* Danielle Hudson *Women life sentence prisoners: a separate population* Forensic Update, No 51 (October 1997).

6.41 The absence of a formal criminogenic needs analysis for lifers was apparent and should be undertaken to inform the range and level of demand for offending behaviour intervention, including accredited programmes and one-to-one offence counselling. A similar analysis would need to be undertaken for serious long-term offenders on the basis that any portfolio of offending behaviour programmes could not be dedicated to lifers alone but would need to be available to both groups.

6.42 The current assumption that all lifers must complete formal accredited programmes is questionable given that some have a relatively low risk of reoffending. All staff working with lifers should be aware of the "static" risk factors that lifers present, such as those lifers with any criminal history being twice as likely to reoffend on discharge than other lifers, and the "dynamic" factors associated with the level of need in an individual case. Work in relation to risk assessment should be carried out by suitably qualified staff, who will then determine the work to be undertaken on offending behaviour with any individual lifer. The results of this assessment should be included in the LSP, copied to the LMU and included in the Parole Board dossier so that progress can be measured against it at Parole Board reviews.

Lifer regimes in main centres

6.43 There was considerable variation in regimes in main centres. On the positive side, education was available to lifers in all main centres. The regime at Gartree prison operated on the basis that each day was divided between work and education so that 70

per cent of all prisoners undertook part-time education and no prisoner worked for less than half the week. There was a wide range of activities available in the evenings including a debating society, PE every evening and, in the absence of TV, occasional access to video. Durham prison had facilities for self-catering and laundry, and a prisoner council allowed them the opportunity to take some responsibility for the day-to-day running of the wing. Long Lartin prison also had in place opportunities for self-catering. There were no special facilities for young lifers at Aylesbury YOI.

6.44 Association had been cut back in most of the prisons visited, and opportunities for work and recreational activities were restricted. There was little evidence of any attempts to allow lifers to take responsibility for themselves, for example self-catering, organising their own living areas or participating in prisoner councils. Some lifer governors recognised that such facilities should be available together with lifer forums and creative activities, but pressure on resources had resulted in the decision to reduce regimes. Of the establishments visited only Gartree prison and Aylesbury YOI were continuing to offer open days for lifers and their families.

6.45 Specialist counselling was, however, available to lifers in several main centres, and in about half of the lifer prisons overall and was provided by a range of professional staff including psychiatric nurses and chaplains. In two main centres, one of which was for females, fully confidential "person centred" counselling was being provided by external sources such as Rape Crisis. Unlike Styal prison where agreement had been reached with external counsellors that information related to risk would be made available to prison staff, no protocol had been established. Such a practice was unacceptable and unless agreement can be reached with external counsellors to share information with prison staff, the service should be discontinued. Where counselling was being provided, whether by external or internal personnel, it should be part of a range of interventions, identified in the LSP and with systems in place to ensure timely and appropriate feedback.

6.46 Reference has already been made in this report to the high levels of personality disorder within the lifer population. Current regimes in many of the main centres were insufficient to promote the development of such lifers. This is particularly important in respect of young offenders and females. Regimes need in future to be characterised by a range of constructive activities, opportunities for taking responsibility, where possible, and a balance achieved between education, work and recreation. Such a regime would go some way towards meeting the view frequently expressed during this review by lifers that they often felt "dehumanised" by their experience of long-term imprisonment. The prison service should develop a model regime incorporating these essential characteristics for lifers at this stage of their sentence and monitor its delivery. This model is unlikely to be very different to arrangements which should be in place for any long-term prisoner.

Young lifers

6.47 The Lifer Manual stated:

"Most young offenders will have moved into the adult prison system before they are eligible for open conditions. Those who start their sentence in the child care system are usually transferred to the penal system at about the age of 18 to one of the 4 main young offender institutions" (para 10.2).

6.48 There was an average of 41 young male and two young female lifers received into custody each year between 1987 and 1997. Receptions were 59 for 1996 and 66 for 1997 (see table 2). As of 27 July 1998 15 young lifers were waiting to be transferred to a YOI and 10 into the adult system, which would suggest that delays in moving young lifers existed but were not as acute as with adults (see table 3).

6.49 YOIs experienced the same problem as the adult system, with information concerning the offence frequently arriving well into the lifer's sentence. Staff at Aylesbury YOI pointed out that there had been difficulties in establishing good communication with local authority secure homes. The LMU were aware of this issue and arrangements were being made for appropriate information to be available and a case conference to take place before transfer.

6.50 Staff were concerned that young lifers were being transferred from YOIs without adequate preparation. It was positive to find that the LLO from Styal prison was visiting young female offenders to prepare them for their move to the adult system and that inmates from Sudbury prison had visited young male lifers at Aylesbury and Swinfen Hall YOIs. This was positive and provision should be in place for all young offenders to be visited by adult lifers and/or LLOs to hear about the adult system and of strategies to assist them in serving their sentence. It is important that in the future all young lifers are properly prepared for their transfer to a YOI and for their subsequent move to an adult prison.

6.51 Lifers who first came into prison as young people told inspectors that they felt as though their emotional development stopped at that point and when they were released they felt "like young people in adult bodies". This was echoed by several home probation officers who spoke of the emotional immaturity of those who had spent their adolescence in prison and a governor of a YOI holding young lifers who identified the need for long-term prisoners completing their adolescence in custody to learn about sex and relationships whilst in prison. There was little specific provision for young male lifers at the YOI visited although the therapeutic community was open to them. It is important that staff recognise that part of their task when working in a YOI is to act as a role model for young people whose personalities are still developing. Personal officers should operate as key workers with time guaranteed for regular contact. YOIs must address the developmental needs of young lifers and ensure that their regime provides adequate learning opportunities for them.

6.52 It is essential that in YOIs a vigorous anti-bullying strategy is in place and operates successfully. Young lifers need to retain links with their family members as they develop into adulthood. At one YOI there was a regular programme of lifer days where families and the home probation officer visited staff and the lifer. There was a reasonable take-up of the invitation which was given to all families to be involved in the initial induction

board and sentence planning reviews. Both effective anti-bullying measures and strategies to involve families should be standard practice when dealing with young people in custody.

Female lifers

6.53 The Lifer Manual stated that:

"Apart from category A prisoners, women are classified as being fitted either for open or closed conditions" (para 9.2).

6.54 Table 2 shows that in the years between 1993 and 1997 between nine and 21 female lifers were received annually into custody. Both young and adult women lifers are allocated to either of the two main centres, one situated in the north and the other in the south. This makes it impossible to meet the needs of young women within a separate regime. Most are imprisoned a substantial distance from their homes, causing difficulties and distress for lifers and their families. It was particularly disappointing therefore that neither main centre visited during the review currently ran regular open days for families to visit. This should be rectified.

6.55 The absence of any central strategic direction may well explain the significant variation in the regimes which were operating at Durham and Bullwood Hall prisons. The lack of any accredited programmes for women and the lack of research into female violence meant that without adequate guidance staff in different prisons had to make local decisions as to how offending behaviour should be addressed and the nature of the regime.

6.56 At Durham prison a meticulous approach was taken to sentence planning and LSPs were completed more fully than at any other main centre in the country. However, the absence of any psychological input into the initial assessment had resulted in too great a focus on non-criminogenic needs and a failure on occasions to set targets related to the lifer's offending. There was a particularly impressive self-help group for self-injurers which was run with the support of prison staff. The personal officer scheme was of a high quality, although induction and the availability of groups to promote personal development could have been improved. Despite the physical limitations of the site, which was situated within a core local prison for men, the regime did maximise opportunities for lifers to take responsibility for themselves. However, it was unfortunate that female lifers, including young offenders, who were neither category A nor needed the level of security that this prison afforded, were obliged to experience an unnecessarily high degree of physical restriction.

6.57 In contrast, at Bullwood Hall prison, the core day was organised constructively between employment and education there was limited opportunity for association and evening activities. Staff focused on welfare issues often at the expense of women being challenged about their offending behaviour. Life sentence planning was much more consistent with what was found in the male main centres and staff at Bullwood Hall

prison were less comfortable with innovation or extending the boundaries of traditional practice.

6.58 As already indicated, it would be inappropriate to lay the responsibility for the situation at Bullwood Hall prison on staff given the current lack of national guidance. It is understood that the Women's Policy Section of the Regimes Directorate is presently examining existing offending behaviour interventions for women with a view to identifying those which are effective. Such a move is welcomed. Alongside this, there is an urgent need for policy direction to be provided from the centre for staff working with female lifers and a model regime developed to address their needs and those of other long-term offenders. Staff at both establishments complained about the lack of female specific lifer training and this needs to be rectified.

6.59 The problem remains of the distance that many women lifers are held away from their families, particularly if they have young or adolescent children. The difficulty with having more female main centres is that the numbers within them would be so small that it becomes impractical to maintain a suitable long-term lifer regime. A recent review of the lifer estate stated that "The policy for the future is that prisoners should, as far as possible, serve their sentences in clusters of establishments in their home area in order to maintain familial links." Any advance in this direction is welcomed, particularly for females, but must not be at the expense of regimes which are unsuitable for long-term female lifers.

Summary and the way ahead

6.60 The review of main centres highlighted the current difficulties in moving lifers through the lifer system, with unacceptably high numbers waiting for both admission and transfer. The LMU had rightly identified the need to increase the number of prisons undertaking the work necessary at this stage of sentence.

6.61 The quality of induction was generally poor and in need of urgent attention. Initial risk assessment was seriously compromised by the absence of the necessary information about the offence, which should be supplied by the CPS, and the overall quality of LSPs was less than satisfactory. The overlap of LSPs and F75s was detracting from their quality and the overall effectiveness of lifer sentence planning. The decision to delegate responsibility for risk assessment to non-specialist staff was flawed and may well explain the overemphasis on non-criminogenic risk factors in LSPs. There was also some doubt that the current structure of the LSP did not assist a full assessment of the risks posed by the lifer which required addressing.

6.62 There was an unacceptable level of variation in the quality of regimes between main centres with most falling way below an acceptable standard, and insufficient opportunity for lifers to take responsibility for themselves. Accredited offending behaviour programmes were available in all male main centres but with only one providing the SOTP and no programme yet in place for addressing violence or arson. The quality of accredited programmes was high but had undermined the confidence of staff in other

forms of group work. One-to-one counselling was widespread and was viewed positively by both staff and lifers. However, there had been no national analysis of the lifer population to determine what provision for offending behaviour work and related problems needed to be in place at this stage.

6.63 The absence of any national consensus as to the elements of a model regime for lifers was apparent across all main centres but was particularly evident in visits to the two female main centres. The current number of main centres resulted in unacceptably long distances for families to travel and was particularly serious for women lifers.

6.64 It is therefore recommended that:

The Prison Service should review its methods of sentence planning for lifers with a view to producing a single framework, based on the best of forensic practice, capable of integrating the contributions of different staff and informing decisions relating to risk assessment, de-categorisation and transfer.

The Prison Service should undertake an analysis of the criminogenic needs of the lifer population to identify the type and level of demand for programmes or other interventions and ensure suitable provision is made available.

6.56 In order to achieve the necessary changes, the prison service must ensure that:

- an induction programme for lifers commences within 24 hours of arrival and is completed within 14 days
- a risk assessment is completed within three months of the lifer arriving at the main centre and effective systems are in place to monitor quality
- the assessment of risk is undertaken only by appropriately trained specialist staff, based on the model currently being piloted at Long Lartin prison, with a system also established for recording the observations of other staff
- staff discuss the contents of their reports with lifers, who should have access to all papers at least 24 hours before a review board
- guidance is issued by the Healthcare Directorate and the prison service clarifying the limits of confidentiality
- all external agencies providing counselling to lifers operate within an agreed protocol designed by the LMU to ensure that any information relevant to risk assessment is available to prison staff
- there is a service-wide appraisal of what may be achieved by non-accredited group work with lifers, with a view to retaining opportunities for prisoners and staff to engage in shared work
- at its next review of the Lifer Estate, the LMU considers the appropriateness at Durham prison of locating the female maximum security facility on a restricted site within a male prison
- all relevant information about young lifers is passed from local authority homes to YOIs at the time of transfer
- all young lifers transferring to adult prisons receive appropriate preparation

- every YOI holding long-term prisoners should hold regular family days and involve families in the initial induction board and sentence planning reviews.

LIFERS

A Joint Thematic Review by Her Majesty's Inspectorates of Prisons and Probation

1999

7. Roles of Staff in Custodial Phase 7.1 This chapter describes the role of staff working with life sentence prisoners. It includes the work of uniformed and specialist staff and the home probation officer, with proposals for developing more effective multidisciplinary work. The performances of different staff in relation to LSPs and F75s are detailed in Appendices E(1a) and F.

The role of seconded probation staff

7.2 In relation to the seconded probation officer, the Lifer Manual stated:

"It is important that information about life sentence prisoners is exchanged fully between the various professionals dealing with the prisoner, so that all are aware of the latest developments and decisions affecting the prisoner" (para 13.3.1).

7.3 The number of seconded probation officers in each establishment differed greatly, with some prison governors having decided to significantly reduce their number. Wide variations were reported in the ratio of probation officers to lifers. Lancashire Probation Service, with six prisons, was one of the few which had managed to maintain its complement, whilst Inner London Probation Service with the same number of prisons had suffered severe cuts. Seconded probation officers continued to provide reports to F75/Parole Boards which they did in an average of 93 per cent of cases, in contrast with their contribution to LSPs which were completed in only 13 per cent of those examined (see Appendices E and F). The F75/Parole Board reports from a small more detailed sample were assessed as satisfactory or above in an average of 75 per cent of cases. Seconded probation staff also worked individually with lifers focusing on offending and risk reduction. In most prisons probation officers were involved in running accredited group work programmes, usually as tutors on thinking skills and sex offender programmes.

7.4 Apart from report writing there were differences in the work undertaken by probation staff in prisons. The focus at Wakefield and Gartree prisons was on accredited programmes, whereas in Wormwood Scrubs prison they were mainly engaged in offence related work on a one-to-one basis. In Long Lartin prison the focus was on assessment, and in tutoring on the accredited thinking skills programme, as at Aylesbury YOI. Seconded probation officers were working individually with female lifers in both Bullwood Hall and Durham prisons.

The role of psychologists

7.5 The role of psychologists with lifers was referred to rarely in the Lifer Manual:

"wherever possible a report should also be provided by the psychologist" (paras 6.6.7 and 7.1)

"the report should include any other information, such as specialist advice, that may assist in the review. The psychologist for example, must comment if necessary on matters relevant to the Sex Offender Treatment Programme" (para 7.3.8).

7.6 Psychologists carried out a range of tasks in prisons and were not always deployed to work with lifers. Where accredited programmes were in place they acted as treatment managers and/or tutors. Apart from these programmes, they were involved in one-to-one offence related work and in two of the prisons visited they were responsible for small therapeutic communities. In only one main centre did they have a prominent role in the full initial assessment of all lifers. Among the prisons visited in only was the psychological input into work with lifers considered sufficient. The lack of this specialist resource was recognised by governors, many of whom wanted to recruit but were encountering a shortage of suitably experienced psychologists.

7.7 In two-thirds of the LSPs, reviewed by file readers, there was no contribution by psychologists. The survey of prisons indicated that they routinely provided reports to F75/Parole Boards in 54 per cent of cases and when the prisoner was known to them in a further 26 per cent. This left 20 per cent of prisons where there was no input from a psychologist to a headquarters review. The small detailed sample of F75 reports suggested that 69 per cent of their reports were satisfactory or better. The reports appeared relatively strong in aspects related to risk assessment but were weaker in terms of external support and release plans which was not their primary focus. Given the fundamental importance of risk assessment and public protection, it was unacceptable that psychologists' input with lifers should be so variable.

7.8 Although job descriptions were generally available for psychologists in the prisons visited, they rarely included lifer work and any available service level agreements with the governor had not been negotiated as part of a multidisciplinary plan of work. The LMU should be in a position to negotiate some form of contractual arrangement with establishments, specifying the level of input that psychologists should have with lifers which could then be translated into an agreement between the governor and psychologists

within establishments. The Lifer Manual should be more prescriptive about the role of psychologists and the governor held accountable for their work with lifers.

The role of the lifer liaison officer/governor

7.9 In most prisons there was one person responsible for lifer work, rather than the two separate posts of lifer governor or LLO. However, neither the role of the lifer governor nor the LLO was identified in the Lifer Manual, even in relation to the preparation of reports, which was clearly concerning. As with other key members of staff, the role of the LLO varied in different prisons. To a certain extent this was inevitable given the different sizes and functions of the establishments and that lifer work was often only one of a range of other responsibilities. In several they were closely involved in face-to-face contact with lifers, in personally "inducting" new lifers, sometimes on an individual basis, or in completing LSPs. Inspectors considered that this prevented them from giving sufficient time to planning and the supervision of lifer staff which should be their main priorities in relation to lifer work.

7.10 LLOs had prepared F75/Parole Board reports in 87 per cent of the total prison records reviewed but within the more detailed subset over two-thirds of the reports were of a satisfactory or better standard. The quality appeared to be somewhat higher on the lifer's attitude to the offence rather than other areas. From the small sample there was evidence that LLOs were taking care over their reports and making a valuable contribution.

7.11 LLOs have a lead role to play in coordinating the work of different staff, managing the review arrangements, liaising with staff in other prisons, the LMU and LRU. It is also important that they are given the time to do the job properly, particularly in local prisons. The absence of a nationally developed job description had been acknowledged and the LMU were drafting a framework job description for prison staff to incorporate locally.

The role of the personal officer

7.12 The Lifer Manual again did not specify the role of these staff, leaving them without guidance about the approach to be taken with lifers. In the postal survey of lifer prisons all establishments stated that there was a personal officer scheme in place. However, in the prisons visited, in very few cases were staff satisfied with the amount of training they had received, the time available to work with lifers, to read records or liaise with other staff. They stated that it was sometimes difficult to see the lifer allocated to them. Personal officers were often cross-deployed to other wings, and lifers in one establishment were regularly moved from their normal to a basic wing under the incentive and earned privilege scheme. Both the personal officer scheme and report writing were also classed as non-essential tasks and in times of staff shortages were among the first to be dropped. However, some were very positive in their attitude and committed to the role.

7.13 In 87 per cent of the total prison records reviewed the most recent sets of F75s/Parole Board reports contained a personal officer report but within the smaller sample only about half were rated as satisfactory or better. Examination of individual sections of the reports suggested that these reports were stronger with regard to attitude to offence and behaviour in prison than on some other aspects. The findings, albeit based on a small sample of reports, suggest that personal officers have a contribution to make towards lifer review but less of a role compared to other staff when focusing upon the offence or commenting in relation to the assessment or management of risk.

7.14 Prison officers were ambivalent regarding the personal officer role, with a number wanting to develop their input with lifers either as personal officers or as tutors for group work programmes, whilst others did not regard such work as appropriate for uniformed staff. Lifers' views about the value of the personal officer role differed. Those in female prisons generally spoke highly of them, with their main criticism being that they were not available enough. Male lifers were on the whole less positive although some good working relationships had been established. For a few lifers the "closed prison attitude" of some staff distanced them from the prisoners and made it difficult to work with them. Young lifers from Aylesbury YOI appreciated having personal officers but many said that they would not speak to prison staff about personal matters because they could not trust them to be discreet.

7.15 Some lifer prisons had developed specialist lifer officers or enhanced personal officers who, as well as working with lifers, provided back-up support for those who were not trained or sufficiently experienced. It was clear, however, that the quality of personal officers was very variable. Where the system required that all residential officers acted as personal officers regardless of interest or ability, some lifers were inevitably disadvantaged.

7.16 In future the work of the personal officer as key worker should focus upon commenting in relation to the lifer's attitude and behaviour for sentence management purposes and supporting them in their daily life, but having a reduced role in relation to risk assessment. Those staff wanting to become more involved in work with lifers should have the opportunity to train as enhanced personal officers, specialist sentence planning staff or tutors for accredited programmes. It is unrealistic to expect all prison officers, regardless of interest or skill and in the absence of specialist training, to become effective personal officers. Any prison officer acting as a personal officer must also be trained to understand the responsibilities of the role and how to act discreetly with personal disclosure.

The role of chaplains

7.17 It was understandable that the role of the chaplain was not prescribed in the Lifer Manual. Where they were known to the lifer, a contribution to the LSP and F75/Parole Board reports was expected using the same format as other staff. About half of the LSPs sampled contained a full or partial contribution by a chaplain. Within the more detailed

sample of F75/Parole Board reports, seven were rated as satisfactory or better; the numbers were again too small to draw firm conclusions.

7.18 A particular strength of the chaplains' role is the quality of relationship they can forge with lifers. A number of lifers interviewed had clearly valued their contact with chaplains at critical times; for example, when taking responsibility for the offence brought feelings of guilt and remorse. Several lifers from ethnic minorities were also grateful for the support they had received from visiting members of their faith.

The role of psychiatrists

7.19 The Lifer Manual stated in relation to the completion of the initial assessment in the LSP by different staff that:

"the specialist reports are not intended to be prescriptive and the type of tests carried out will be a matter for the specialist as will the amount of information given in the report. Whilst full reports are retained in the usual files, the abridged versions contained in the LSP relate to how the prisoner is to be managed and located. The medical report will give guidance to non-medical staff about needs that can be met in the everyday prison environment or about matters of concern that may affect career performance or release considerations" (para 8.6).

7.20 In 14 local prisons the postal survey indicated that lifers or potential lifers on remand represented 8 per cent of all psychiatric referrals, although they comprised less than 4 per cent of that population. A similar pattern emerged from the postal survey of lifer prisons, where they constituted 25 per cent of the psychiatric referrals but 15 per cent of the prisoners, although it was not clear for some establishments whether those referred routinely for reports had been excluded from the analysis. Given these elevated levels of referral, the criterion of mental instability in the imposition of a discretionary sentence* and issues discussed later in Chapter 9 in respect of the mental health of lifers, it was important for there to be some initial psychiatric contribution to the LSP in order to indicate whether there was concern about mental state which needed to be monitored over time.

* Regina v Hodgson, 1968 established three principles for the imposition of a discretionary sentence: the offence must be "grave", the offender must be suffering from some sort of mental instability which could not be treated under the Mental Health Act, and must be likely to reoffend in a manner dangerous to life or limb.

7.21 Information from the total prison sample of LSPs showed that the psychiatrist's section was completed fully or partially in only 32 per cent of cases and the page was missing from the plan in 15 per cent, suggesting that it had been sent to the psychiatrist for completion but not returned. In only 2 per cent of cases did it appear that the reason for non-completion was that the lifer had refused to give permission for disclosure.

7.22 No separate psychiatric report was required for F75 or Parole Board purposes. However, the analysis of 26 cases found that a medical officer's report was present in the latest set of F75/Parole Board reports in about 80 per cent and was actually written by a

general psychiatrist in 75 per cent of these cases. Rarely were they written by a specialist forensic psychiatrist and, as a consequence, few made any reference to the offence. In only about half of the reports in the small sample did the medical officer or psychiatrist concentrate either "definitely" or "to a reasonable degree" on the extent to which the lifer had addressed his or her offending behaviour. The comments on insight and attitude to the offence were rated as satisfactory in just under half of F75/Parole Board reports and, most disappointingly, in the three cases where release was under consideration in only one was there any comment on suitability for release and little or no reference was made back to the risk assessment in the LSP. Of the 14 cases where release was not under consideration, in only six was there any description of the work that needed to be done before release. In none was there any risk assessment. This was clearly a matter of great concern.

7.23 Inspectors considered that medical reports written by non-forensic psychiatrists mostly added little to the understanding of the case. Medical officers had largely delegated this task to generic visiting psychiatrists, although only forensic psychiatrists were likely to have received the necessary training to produce the type of reports required. There is an expectation that psychiatrists will make a contribution in the initial risk assessment in the LSP. This should be provided by a forensic psychiatrist of consultant status where there is concern about mental state as a risk factor. Where there are concerns, a "mental state screen" should be carried out by a forensic community psychiatric nurse under the direction of the consultant. However, it was difficult to argue for ongoing involvement, particularly given the limited availability of psychiatrists, if there was no concern about a lifer's mental state.

The role of medical staff

7.24 Medical input to the LSP, focusing on physical health, was largely absent. The health section of the plan was completed in only 41 per cent of the prison record sample. Some doctors respected medical confidentiality and inspectors considered that this was valid in relation to purely health matters. However, in only 1 per cent of cases was refusal to cooperate with the preparation of a report given as a reason for the failure to complete this section of the plan.

Board of Visitors

7.25 There was no reference to the role of the Board of Visitors in the Lifer Manual. Members interviewed had varying levels of knowledge of the lifer system. Most boards had allocated one member specific responsibility for this work and it was essential that appropriate training was provided. The primary concern of Board of Visitors members interviewed was the delays in effecting the transfer of individual lifers.

Multidisciplinary work within the prison

7.26 In the majority of the prisons visited the work with lifers was not being coordinated within a multidisciplinary approach. Lifers were being managed on a case-by-case basis

rather than different staff being deployed to undertake work with them based upon an assessment of the priorities for the overall workload. In one prison there were several examples of female lifers who received little input from any professional, whilst others were seen by a number of staff. Styal prison, in contrast had arrangements in place to effectively coordinate the work of psychologists and probation staff. Elsewhere, inspectors observed professional tensions between different groups of prison staff which could be attributed partly to the lack of clarity in how their respective resources were deployed.

7.27 In the future it is vital that all staff within prisons should operate within a clear agreed multidisciplinary framework for work with lifers. It will involve the negotiation of distinct and complementary roles for psychologists, probation and prison staff, the detail of which should be agreed by the throughcare policy group within each prison. This review supports the position that psychologists should have a lead role in assessing and reviewing criminogenic need, with probation staff progressing offence focused work in individual cases. The latter should have the key task of ensuring that every lifer is assisted in giving an "active account" of the offence which does not minimise the extent of their involvement. Psychologists should be called upon for advice and specialist work in problematic cases. Both should continue to be involved in the delivery of accredited programmes alongside prison officers.

7.28 Inspectors considered that greater coordination was required of the work to be undertaken in lifer cases. Offence related work, where it is considered necessary, should be allocated within multidisciplinary caseload review meetings chaired by the LLO and based on the work required with individual lifers but taking into account the priorities for the overall lifer caseload. Internal service level agreements should be established for work by psychologists which complements the work specified for probation officers within prison probation contracts. Governors should coordinate the work of different disciplines at a strategic level through the throughcare policy group and LLOs at a practice level through regular reviews of workload.

The role of the home probation officer

7.29 The Lifer Manual stated that:

"preparation of the post-sentence report may establish a beneficial relationship between the probation officer and prisoner which may assist the preparation of initial reports and LSPs. For this reason continued contact between the home probation officer, or a member of the home team and the prisoner must be maintained whenever possible, if necessary by correspondence and/or telephone calls" (para 13.10).

There was no other reference to the purpose of contact during sentence.

7.30 Of the two-thirds of probation areas which had produced guidance, 78 per cent covered the purpose and frequency of visits during the custodial sentence, 70 per cent liaison arrangements with prison staff and in 67 per cent the input of the home probation

officer to the LSP. The findings from the probation prison sample of 93 lifers who were sentenced up to five years ago showed that:

- 74 per cent of files contained the home probation officer's assessment/ supervision plan
- half the plans outlined the purpose and intended frequency of contact
- in only 40 per cent of cases was the initial LSP contained in the probation file or there was evidence of access to it
- in just 26 per cent was there a copy of the home probation officer's contribution to the LSP
- in 62 per cent of cases where F75 or Parole Board reviews had been held the home probation officer had prepared a report on each occasion and sometimes in a further 11 per cent
- surprisingly there were no F75 or Parole Board reports in 26 per cent of cases where a review had been held
- however 91 per cent of those reports prepared were assessed as satisfactory or better
- 61 per cent of the available home probation officer's plans addressed how offence related work was to be completed
- 82 per cent of cases included offence related discussions with the lifer and 88 per cent addressed welfare issues, including family matters
- liaison between the home probation officer and prison staff was adequate or good in 85 per cent and between home probation officers and seconded probation officers in 88 per cent of cases
- in 82 per cent of cases where reviews had taken place the home probation officer had been invited to attend
- of the reviews where the home probation officer was invited to attend some or all of the reviews they always did so in 61 per cent, sometimes in 20 per cent and never in 18 per cent of cases
- all the LSP reviews were in the file in 30 per cent and some available in a further 25 per cent of cases.

In addition the finding from the prison record sample was that:

- in only about half of the LSPs was there a fully or partially completed home probation officer's report.

7.31 There were many examples of the commitment of individual probation officers to sustaining work with lifers, particularly when they were the sole visitor. However, whilst there was evidence of some contact linked to sentence management and home probation officers talking to prison staff on visits, in other cases their work appeared to be in isolation from that of staff within the prison. In the probation prison sample, half the lifers were in prisons over 100 miles away from the home probation officer, and variations in practice could partly be attributed to restrictions by probation services on the cost of travel, but also to the ambivalence amongst staff regarding the purpose of contact during the main part of the prison sentence. The findings relating to offence focused work

were particularly concerning given that this task should have been undertaken by the prison service who have the lead role at this stage.

7.23 Although there were home probation officers and managers who considered that ongoing work, however small, was valuable, others found it hard to justify. Lifers were unclear about the purpose of contact with the home probation officer during sentence but many valued the fact that they were visited. They commented on the difficulty in establishing a new relationship each time there was a change of officer but did appreciate the work of the home probation officer in the period following conviction. It is difficult to identify a distinct role for the home probation officer during the middle part of the sentence when the prison is obviously the lead agency. It is, however, accepted that there may be intermittent work with some partners and families which the probation service is best placed to progress in liaison with prison staff. The role of the home probation officer should be changed following the initial period after sentence to become a watching brief only during the middle period with involvement recommencing prior to the first Parole Board review.

Summary and way ahead

7.33 There was a lack of clarity regarding the roles of staff working with lifers and wide variation in the extent to which the contribution of different disciplines was co-ordinated. Although there was inevitably some local variations in how staff were deployed, the core tasks that needed to be delivered were not clearly identified. The level of both psychological and seconded probation officer resourcing differed affecting the contribution they could make to work with lifers. There was some evidence that LLOs were distracted from management by their direct involvement in lifer casework and the level of interest and skills of personal officers was very variable. The input of psychiatrists following their contribution to the initial assessment was difficult to justify apart from when a mental health issue had been identified. The differing levels of cooperation between staff in some prisons visited was concerning and in most there was little sense of staff working as part of a multidisciplinary team. Home probation officers were undertaking offence focused work which was concerning given that it was a task for which the prison service had the main responsibility at this point.

7.34 It is therefore recommended that:

The Prison Service and Probation Unit should review the respective roles of all staff, including home probation officers, involved in work with life sentence cases by:

- (a) setting clear expectations regarding their respective responsibilities within a multidisciplinary framework;*
- (b) developing a means to ensure that both seconded probation officer and psychological input with lifers is uniform across the lifer estate.*

The Prison Service should specify the circumstances in which a psychiatrist's report is necessary and ensure that these are supplied by suitably qualified forensic psychiatrists to a specified format.

7.35 The prison service must also ensure that:

- the content of the Lifer Manual includes fresh guidance on the respective roles of staff and the nature of their work
- core tasks for LLOs are specified which focus on management, supervision of staff and liaison with the LMU and LRU
- a forensic psychiatric report is limited following the initial assessment in the LSP to lifer cases where there are concerns about mental health
- Board of Visitors members with specialist lifer liaison roles receive training for the task.

[Contents](#)

8. Mid-sentence

8.1 This chapter describes the regimes and conditions in category B and C closed prisons for lifers. It considers whether the current arrangements for life sentence planning build upon the work already undertaken in main centres within a coherent approach to sentence management.

8.2 The Lifer Manual stated that:

"The lifer will be held in a category B training or dispersal prison until such time as he is considered suitable by Lifer Allocation Unit ... for transfer to a category C prison. The time spent in a category B will form an important part of the sentence, during which:

- *much of the work necessary to address offending behaviour, as identified by the Life Sentence Plan will be carried out*
- *the lifer will be expected to show significant progress before transfer to a category C prison"* (para 3.5).

8.3 For category C prisons, the Manual stated that:

- *"once considered suitable for conditions of lower security the lifer will be transferred to a category C prison. This transfer ... will not normally be more than three years before the first Parole Board review. During the period spent in a category C establishment:*
- *offence related work continues, but the focus changes towards preparation for release on licence*
- *local town familiarisation visits may be allowed subject to the conditions set out elsewhere in the manual"* (para 3.6).

8.4 For women, progress mid-sentence is marked by a transfer from a main centre to a further closed prison and the Lifer Manual stated that:

"at a second stage establishment the ethos of the sentence changes noticeably ... everything is geared towards the first Parole Board review" (para 9.6).

Movement through the lifer system

8.5 Among lifers seen during the review only 10 per cent claimed to have been appropriately prepared when moved from one stage to another. Most maintained that they knew from the result of their first F75 review that they were to move to a particular prison but often a long period elapsed with no further information and they were only given one day's notice of the transfer. Inspectors were told, by LMU staff, that lifers themselves can delay transfers by refusing allocation, although the number doing so and the reasons given were not available. There were 94 lifers awaiting transfer into category B prisons and 92 awaiting transfer into category C prisons in July 1998 suggesting that delays are occurring at each stage of the process (see table 3).

8.6 Based on information from full prison inspections it was clear that lifers were often being excluded from induction programmes on the basis that they had previous knowledge of the long-term prison system. However at Garth prison lifers were inducted alongside other prisoners and then assigned to personal officers who were trained in lifer management and able to give further information. Elsewhere where induction was taking place it often failed to address the particular needs of lifers. It is important that lifers are inducted into the regime and routines of the prison and that they are prepared at the appropriate time for the next progressive move.

8.7 Among category B prisons, only Kingston and Gartree prisons were designated as an all lifer prison. Elsewhere, some concentrated lifers on dedicated wings, but mostly they were dispersed among determinate prisoners. Albany prison provided an example of a prison where lifers were dispersed but had created a lifer unit for their exclusive use. It provided a location for case reviews, meetings with trained lifer staff, groups for lifers, recreational activities and special events.

8.8 Regimes varied enormously. The type of lifer with a low level of criminal history accommodated at Kingston prison contributed to a distinctive supportive culture. Several lifers spoke highly of the cultural "de-toxification" which was possible there and claimed that their rehabilitation started from their arrival at that prison. At Garth prison there were lifer groups and a communication skills group which prepared lifers for their boards. Nottingham prison which was inspected recently had a dedicated lifer wing. Half of lifer prisons who responded to the postal survey provided opportunities for lifers to meet in groups. In the prisons visited there had been some loss of association as a result of budget cuts, which was keenly felt by lifers who saw it as important source of social stimulation.

8.9 Earlier in the report problems were identified resulting from the absence of central direction in main centres. The position in category B prisons was no better and suffered from the added difficulty that there was no obvious focus for work to be undertaken at this stage for some lifers, particularly where they had already completed the necessary offending behaviour work. Many spent significant periods of time in category B prisons and both staff and prisoners found it difficult to maintain a sense of direction. Lifers recalled this stage of their sentence as a period in which they "served their time". It is important that targets identified in main centres which have not been completed before transfer are undertaken in category B prisons. The national analysis of criminogenic need when undertaken will help identify what provision is required.

8.10 It was inevitable for some long tariff lifers that there would be a period when offending behaviour work was completed and before release was possible that they would have to mark time. Because lifers, in contrast to other long-term prisoners, are able to affect the length of time they serve by their approach to their sentence, there should always be arrangements for them to meet with other lifers to maintain a positive focus during the interim period when no obvious end is in sight. A lifer unit such as the one at Albany prison provided these kind of opportunities.

Category C prisons

8.11 In category C prisons, as was apparent in category B establishments, lifers were often excluded from induction programmes because it was assumed that they had been in the prison system so long it was not required. However, unrealistic expectations of what the regime would provide in a less secure environment meant that appropriate induction was particularly important for category C lifers on arrival.

8.12 The same variation in arrangements for accommodating lifers was evident as in category B prisons, with the exception that there was no dedicated lifer prison at this stage. On transfer lifers frequently were expected to give up privileges to which they had become accustomed in long-term prisons. Many were required to share dormitories with short-term prisoners who were often much younger and less mature, had to wear prison clothing and were not allowed to retain some of their personal possessions. Not surprisingly lifers who had already spent years working to achieve progress to a category C prison found the regimes there very disappointing. The current arrangements appeared to act against the objectives of the lifer system which were to promote and reward progress.

8.13 Security restrictions in the years following the Woodcock and Learmont* enquiries into prison security had impacted significantly on regimes within lower security prisons and it was difficult to distinguish them from category B establishments. Prison officers reported that there was little they could offer lifers to mark their progress through the system and that the regime was more suitable to the needs of short-term prisoners. The introduction of the SOTP had created considerable frustration for those sex offender lifers who were required to return from open to closed conditions to undertake the programme. It was, however, critical that this work was undertaken. When the new accredited programme for violence is introduced it is important that lifers in category C establishments should have the opportunity to participate in it at this point of their sentence in order that their progress is not delayed.

* The Woodcock Enquiry: *The escape from Whitemoor prison on Friday 9 September 1994* (12 December 1994). The Learmont Inquiry: *Review of Prison Service Security in England and Wales and the escape from Parkhurst prison on Tuesday 3 January 1995* (27 September 1995).

8.14 In 1995 escorted "town visits" had been stopped by the then Head of LMU. Although subsequently reintroduced,* they had not restarted in the category C prisons visited. Such opportunities were important to allow lifers to begin the process of acclimatising to life outside the prison walls and undertake their first test of suitability for

open conditions. It was this feature of the regime which had distinguished category C prisons from category B prisons in the past. The reintroduction of this facility would restore a clear purpose to this stage of the lifer system which in recent years had begun to suffer from the same anomie as existed for staff and lifers in category B establishments.

* Prison Service Instruction 73/97.

Arrangements for women lifers

8.15 Styal prison was visited as one of the four second stage lifer prisons for women. The majority of the 20 lifers were contained on one wing, able to organise themselves for the purposes of cleaning and catering and allowed, as far as possible, to exercise responsibility for themselves. There were many examples of good practice:

- an active "listeners scheme" with a contribution from lifers
- multi-disciplinary work involving probation, psychology, two visiting forensic psychiatrists and healthcare staff
- a very successful lifer day had been held in 1997 when families and home probation officers attended
- a regular lifer forum to keep in touch with the outside world
- escorted "town visits" were soon to be introduced.

8.16 Elsewhere, inspection visits found that lifers were integrated with other women prisoners. Women were able to partake in initiatives such as addressing race relations, anti-bullying or befriending that operated within establishments, but there were no "lifer only" activities available which would be valuable for them.

Life Sentence Plans and F75/ Parole Board reviews

8.17 Within the lifer system, casework decisions are taken by the LMU and LRU administrative staff in accordance with practice detailed in their own internal lifer casework manual.* The first F75 is completed before the move to a second stage prison and is followed by interim reviews at a maximum of three yearly intervals. The LRU call for a set of reports six months before the due date, although on many occasions reports were late and had to be pursued by caseworkers. The outcome of the review is then passed to the LMU where decisions on the lifer's next location are made and transfer instructions issued. In contrast, decategorisation decisions for determinate sentenced prisoners are made and actioned locally by prisons after a transfer instruction has been issued by the Population Management Section in prison service headquarters. Inspectors considered that the sentence planning system for lifers was bureaucratic and contributed significantly to the delay in lifers progressing through the prison system.

* Lifer Casework Manual (1998).

8.18 Within the prison sample, for those cases who had been transferred since the introduction of the LSP, a pre-transfer summary document was present in less than half and, in nearly a third of those, the content of the summary bore little or no resemblance to

the reviews held up to the point of transfer. It was alarming that an examination of LSPs showed the initial LSP summary, which is the blueprint for what the lifer should be addressing throughout sentence, was only completed in 54 per cent of cases. Of those, related clearly to what could be achieved in custody in only 57 per cent. It was not surprising therefore that those responsible for sentence planning in second stage prisons had low expectations of what the LSP would hold. Moreover, it emerged that there was little sense of lifer sentence planning as a continuous process and staff appeared to approach target setting and review within their establishment with little reference to what was contained in the LSP. They relied instead on the last set of F75 or Parole Board reports. The absence of any real sense of continuity in sentence planning for lifers is a matter of great concern.

Summary and the way ahead

8.19 Lifers were experiencing unacceptably long delays in achieving a transfer to second stage prisons. Inspectors considered that the sentence planning system for lifers was bureaucratic and contributed significantly to the delay in lifers progressing through the prison system. Induction on arrival was either non-existent, excluded lifers or was of poor quality. Many staff and lifers had difficulty in identifying the purpose of the second stage beyond containment and there was a danger that lifers might lose their focus and regress. Little central direction from the prison service was provided and it was therefore not surprising that there was considerable variation in accommodation and regimes for lifers mid-sentence. There was evidence of good practice in those establishments visited, particularly at Styal, Kingston and the Lifer Unit at Albany prisons.

8.20 Many lifers found it difficult to adjust to the loss of privileges experienced on transfer to category C prisons which appeared to act against the prison service objectives for the lifer system. It was unfortunate that despite the reintroduction of escorted "town visits" they were not in evidence at the establishments visited. Life sentence planning was not building upon the work undertaken in main centres and there was little sense of any continuity in sentence planning arrangements between prisons at different stages.

8.21 It is recommended:

The Prison Service should take action to reduce delays in transferring life sentence prisoners.

The Prison Service should ensure that lifer sentence planning is managed as a continuous process from the local prison stage through to release into the community.

8.22 In order to achieve the necessary changes, the prison service must also ensure that:

- lifers are fully prepared for progressive transfers
- appropriate induction packages are introduced specifically for lifers in all category B and C prisons holding life sentence prisoners

- the purpose of each stage is specified, model regimes identified and systems established to monitor their implementation including the need to "serve time"
- all lifers have the opportunity to meet with other lifers in organised groups to discuss matters of mutual interest
- the level of privileges available in category C prisons for lifers are not less than and whenever possible exceed those available in category B prisons
- life sentence prisoners in category C establishments have the option of single cell accommodation
- all category C establishments operate escorted "town visits".

[Contents](#)

9. Different Needs

9.1 This chapter considers the provision in prison for lifers with particular needs. It explores the position of category A, whole life tariff cases, the provision for disabled, ageing, elderly and infirm and those with mental health problems. Also discussed are issues relating to female, young lifers and those from ethnic minorities.

Category A lifers

9.2 Lifers with top security classification were held in one of five dispersal prisons and their casework managed by Category A Prisoner Management Section (PMS) within the Dispersals Directorate. Their security classification was reviewed each year and the Lifer Manual (para 5.3) required that this review must be combined with the annual lifer review and the documentation forwarded to the LMU who then copy it to PMS. Their security classification was thereby the overriding feature in determining their management and no progression out of dispersal conditions was possible until decategorisation. From this point, cases were handled by the LMU as with other lifers.

9.3 At the time of this review, there were 638 male category A prisoners within the dispersal system, of which 332 were lifers and four female category A prisoners in Durham prison, of whom two were lifers. No further breakdown of these figures was available.

9.4 Prior to the introduction of sentence planning for category A prisoners in 1992, these lifers had no formal assessment of their offending behaviour nor planning for the use of their time. All dispersal prisons now undertake sentencing planning for their whole population which for lifers means opening the LSP, the first section of which is an initial risk assessment. As a result, category A lifers were no longer experiencing a relative disadvantage. The Dispersals Directorate were currently piloting an assessment package at Long Lartin prison whose population included category A lifers which is discussed in Chapter 6.

Whole life tariffs

9.5 The Lifer Manual stated that:

"under the review arrangements announced by the Secretary of State on 7th December 1994, these prisoners will not be eligible for a Parole Board review. All those with whole life tariffs will be reviewed by Ministers after 25 years, and every five years thereafter" (para 4.4).

9.6 The postal survey of lifer prisons indicated that there were 23 prisoners in the system with whole life tariffs. The LMU's figures indicated that 19 were currently classified as category A. Table 7 describes the time that whole life prisoners have served to date. These prisoners were managed no differently from other lifers who were sustained by the possibility of eventual release. They are a small but significant group for whom the prison service appeared to have undertaken little specific planning.

Table 7: Time served by whole life tariff prisoners to date (Source: the LMU)

Years	
0-5	2
6-10	8
11-20	7
21-30	4
31 plus	2
Total	23

9.7 During this review none of these cases were individually examined. From previous contact HMI Prisons had found that prisoners who face the certainty of spending the whole of their lives in prison require long-term projects in which they can take some responsibility. Where possible, they should be able to aspire to meaningful jobs. It is important that their whole life status is acknowledged and a regime developed which accepts that they are living their whole lives in prison. The prison service has a responsibility to ensure that within these constraints they are able to achieve some quality of life. This is an aspect of the treatment of prisoners to which HMI Prisons will return in future inspections.

Lifers considered unsuitable for release

9.8 Inspectors were concerned about the growing number of lifers who were unlikely to achieve release because of their high risk of reoffending and who might be retained in custody for the rest of their lives. There may be little point in continuing to review on an annual basis the suitability for release of those who have either refused or proved unresponsive to treatment and who have been repeatedly assessed as retaining the capacity to reoffend. In such circumstances, the duty of the prison service becomes one of humane containment. Lifers who fall into this group should be periodically reassessed. For those who in time might lose the capacity to reoffend through physical frailty or ill health, compassionate release might become a possibility if an alternative form of residential care could be found in the community.

9.9 At the elderly prisoners unit at Kingston prison the medical officer and governor had taken the initiative to provide limited medical support for elderly lifers who still required secure conditions. However, this seemed to be largely down to the initiative of staff rather than part of a central strategy. It is important that the prison service carries out a needs analysis of the number of ageing lifers and those likely to need long-term containment. The procedures needed to be reviewed for managing them and meeting their healthcare needs, whilst bearing in mind the overwhelming importance of public protection.

Disabled and infirm lifers

9.10 The prison service was unable to provide detailed figures on the number of disabled and infirm lifers in the prison system. During the review, several doctors expressed concern about physically disabled and infirm lifers who required high levels of medical care not available in less secure prisons. It is a feature of prisons that the most comprehensive healthcare services are available in secure establishments. For such lifers to progress and achieve release, special arrangements had to be made to deliver the healthcare they needed in less secure prisons and in the community after release. The postal survey of lifer prisons identified that only one category C prison out of 19 holding lifers had 24 hour medical cover and full-time nursing provision. Such lifers should not be disadvantaged in terms of the progress they could achieve by their physical condition and it is important that the prison service plans for the needs of these prisoners.

Mentally disordered lifers

9.11 There was considerable concern expressed by healthcare staff in main centres regarding the arrangements for the care of mentally disordered lifers about whom no precise figures were available. Those who met the criteria under the Mental Health Act 1983 for transfer to hospital were able to go into secure hospital care but, despite overall improvements in speed of response, transfers often took far too long. Delays were caused by a shortage of beds and by disagreements about the appropriate level of security required in the National Health Service (NHS) and, if transfer to a special hospital was needed, by the necessity of seeking the approval of the "admissions panel". Inspectors were pleased to hear that the Royal College of Psychiatrists was preparing guidance to its members on how to avoid delays. Problems in securing transfer once the need for NHS care had been agreed should be dealt with by the mental health lead officer at the NHS executive regional office local to the prison.

9.12 According to medical officers Special Hospitals were reluctant to take on cases who were thought unlikely to respond to treatment and some lifers were waiting long periods in healthcare centres in main centres whilst this was decided. Inspectors were advised about a number of such cases, either waiting for transfer to special hospitals, not considered sectionable, or returned but deemed unsuitable for normal prison location. Prison staff were exercising considerable nursing skill in managing them, but were frustrated because they did not have the resources to provide the standard of long-term care that was needed.

9.13 A particular problem is posed by prisoners with severe antisocial personality disorder (psychopathic disorder) who do not meet the criteria for transfer to hospital or who have been remitted to prison after a period in hospital but who still present management difficulties. Recent research by the Office for National Statistics* indicates that antisocial personality disorder is extremely common among prisoners, although the study did not look at the characteristics of lifers as a separate group. It is clear, however, that the problem of prisoners with psychopathic disorder who do not meet the criteria for detention under the Mental Health Act is a subset of a much wider problem. The prison service should review its strategy for managing prisoners whose disturbed behaviour is based on personality abnormalities and, in this context, the recommendation made in para 8.01 of the report of a full inspection of Wakefield prison published early in 1998 is relevant:

"The need for specialist assessment and subsequent management and care of severely mentally disordered prisoners, particularly those with personality disorders who do not meet the criteria for transfer to the NHS should be examined and a service wide policy developed ..."

* Office for National Statistics *Psychiatric morbidity among prisoners in England and Wales*. London: The Stationery Office (1998).

Female and young lifers

9.14 The current arrangements for female and young lifers and recommendations for improvement are referred to where they arise in the report. Already noted is the general lack of understanding of the criminogenic needs of women, but it is important to stress that research has indicated that they also have greater clinical needs associated with higher levels of psychiatric disturbance and personality disorder which in many cases require in-depth treatment.* Apart from the therapeutic community in Aylesbury YOI which was open to young male lifers there was no such treatment available anywhere for either young or adult female lifers. However, the prison service is now beginning to dedicate resources to meet the different needs of young offenders and women, based on research and best practice. This review supports the need for such work and for staff working with these groups to receive special training to understand and manage adolescent and disturbed behaviour. Currently only 32 per cent of probation services provided specific guidance to their staff about the different needs of young lifers and 15 per cent about women lifers.

* Swinton, Maden and Gunn (1994), see footnote 31 and Bolger and Schofield (1992), unpublished MSc thesis. Bolger, L (1998). *The prevalence of personality disorder in a woman's prison*. Prison Research and Development Bulletin 6, 6-8. Jones, M (1998) *Young female offenders: A comparison to adult female offenders*. Prison Research and Development, 6, 2-3. Dolan, B & Mitchell, E (1994) *Personality disorder and psychological disturbance of female prisoners*. Criminal Behaviour and Mental Health, 4, 130-143.

Lifers from ethnic minority groups

9.15 There was similarly little understanding of the different needs of ethnic minority lifers, despite anecdotal evidence about the difficulty that lifers from "traditional collective cultures" had in understanding the western concept of individual responsibility,

which is central to lifer progress. Several examples were provided of Asian lifers who had progressed to open conditions despite continuing to deny significant aspects of their offences and who, with a greater emphasis on the challenging of denial, may have found it hard to progress and achieve release. However, there were too few cases from which to draw firm conclusions. Cultural differences which may constitute barriers to progress require exploration and practice guidance made available within the Lifer Manual. Only 12 per cent of probation services provided specific guidance about the needs of lifers from ethnic minority groups.

Summary and way forward

9.16 A sentence planning framework was now in place for category A lifers. However, there was no national strategy for providing a suitable regime for lifers who were unlikely to ever be released, either by virtue of the risk they continued to present or of their status as whole life tariff cases. Healthcare centres in lifer main centres were holding a number of severely mentally disordered lifers whose long-term needs they were unable to meet. Lifers needing full-time medical care were unable to progress to category C prisons without special arrangements being made to meet their healthcare needs. There was insufficient in-depth treatment available to meet the clinical treatment needs of disturbed young and female lifers and scope for increased understanding of the needs of these groups and of lifers from ethnic minority groups by both prison and probation services.

9.17 It is therefore recommended that:

The Prison Service should undertake a needs analysis of whole life tariff, ageing and disabled lifers, reviews the procedures for managing them and implements appropriate regimes.

9.18 The prison service must also ensure that:

- provision is developed within the prison system for mentally disordered lifers who do not meet the criteria under the Mental Health Act 1983 for detention in hospital
 - provision is made for lifers with disabilities or infirmities to receive the medical care they require in less secure prisons
 - suitable treatment regimes are available for disturbed young and female lifers
- guidance is made available about the needs of lifers from ethnic minority groups.

[Contents](#)

10. Open Conditions and Preparation for Release

10.1 This chapter reviews issues relating to Parole Board reviews and the practice of open and resettlement units/prisons, PRES hostels and probation services in preparing

lifers for their release into the community. It addresses the issues relating to facility and resettlement licences and the preparation of release plans including the coordination of work between prison and probation services.

Open prisons

10.2 The Lifer Manual stated that a period in an open environment (category D):

"usually following satisfactory progression through category B and C closed conditions, is a prerequisite to release on life licence".

The purpose of category D is to:

"test lifers in more challenging conditions before being considered for transfer to a pre-release employment scheme (PRES) or resettlement prison prior to release; and provide facilities for supervised outside activities and temporary release in preparation for release on licence" (para 3.7).

The Lifer Manual noted that transfer to category D enables exploration of:

"areas of concern in conditions which are nearer to those in the community than can be found in closed prisons ... and require(s) them to take more responsibility for their actions" (para 6.1).

Adapting to open conditions

10.3 The transition to open conditions marked a significant change for all lifers. In the words of one prison officer "most men have a real culture shock when they find themselves on their own, with nobody around to tell them what to do". Another commented that "people don't realise it's going to be the hardest part of their sentence. They are faced with choices and decisions". Lifers described an initial disorientation when exposed to open countryside without being handcuffed to an officer and of being allowed freedom of movement. Many lifers complained about the loss of privacy resulting from having to share a room, although LMU advised inspectors that out of the 12 adult male open prisons, seven were all single cell and a further three had some single cell accommodation. The argument by staff that lifers needed to adapt to the company of other people was not persuasive as there were ample other opportunities within the regime for it to happen without lifers losing the privacy which many had come to rely upon.

10.4 At all stages in the lifer system preparation for progressive moves and induction are important, nowhere more so than in the move to open conditions. As elsewhere in the system, there were examples of lifers who were ill prepared. It was important that lifers had the opportunity before transfer to meet lifers and staff from open prisons. A number of examples of good practice were found. Styal prison had developed close links with Askham Grange prison and lifers from Sudbury and Springhill prisons had visited category C prisons. Latchmere House prison had produced a video for prisoners to view in advance of their arrival.

Risk assessment

10.5 On visits to open prisons a number of examples were found of lifers who had arrived without undertaking basic work on their offending behaviour. It should not be possible to reach this stage on the basis of cooperative prison behaviour alone. At the very least all lifers should have provided an account of the offence for which they took responsibility and which did not minimise their involvement. Psychologists and seconded probation staff in open prisons were put in difficult positions when this work had not been undertaken satisfactorily and had to "whistle-blow" at this late stage of the sentence. Staff in open prisons were struggling to compensate for a legacy of poor challenging of offending behaviour and a lack of suitable accredited programmes in secure prisons. If seconded probation staff had this as their core work in closed prisons lifers would be unlikely to arrive in open prisons still denying significant aspects of their offence.

10.6 The Lifer Manual stated that there was:

"no rule or policy which automatically prevents a life sentence prisoner who denies guilt from progressing through the lifer system, or from being released ... the prison service must take as its starting point the assumption that the prisoner was rightly convicted" and previous advice had noted that *"we can only expect the seemingly relevant issues to be probed as well as possible in the circumstances"* (para 7.4).

10.7 This guidance is not sufficient. The issue of denial of guilt is a complex one which deserves more attention. It needs to be recognised that full acceptance of responsibility normally takes place by degrees over time. On the one hand the process may be hastened by focused work with the offender or, on the other hand, delayed by staff colluding, if unintentionally, in outward denials of guilt. As previously stated, the main task of seconded probation staff over the course of time should be to work to elicit an "active account" of the offence which does not minimise the extent of the lifer's involvement, thus helping them overcome denial and accept responsibility for their actions (see para 7.27). Psychologists and seconded probation officers should work together in cases of complete denial to assist in discriminating between those for whom denial is a defensive mechanism and the small number who may be wrongfully convicted. The progress that a lifer has made in accepting responsibility for their offence should form a major component of the reports of specialist staff to the Parole Board and, in particular, be taken into account when a transfer from closed to open conditions is being considered. There must be greater clarity in official practice guidance of what work should be completed before transfer to open prisons and how prison staff generally should respond to continued denial.

10.8 Pressure on open prisons to address outstanding issues relating to lifers' offences, which should have been dealt with earlier, detracted from their capacity to undertake testing and resettlement. Staff were also faced with the dilemma of whether to return lifers to closed conditions when the latter had waited lengthy periods for the result of their Parole Board review and the decision to allow the move had been approved by a Home Office Minister. Several open prisons complained that the LRU were reluctant to take such a step and therefore they were obliged to persist with lifers who they believed should not be in open conditions. However, the number of lifers to whom this applied

was impossible to quantify as the prison service did not collate this information. Psychologists and seconded probation officers who attempted to engage in outstanding work reported resistance from lifers who felt, quite understandably, that staff were moving the goalposts by requiring them to talk about the offence at this late stage. Clearly this situation should not have arisen and the better systems being piloted for risk assessment and offence related work with serious offenders (see para 6.18) should help prevent such situations in the future.

10.9 Appropriate provision to address outstanding matters related to risk and/or offending behaviour included the SOTP "booster" which was available in two open prisons. The probation department at Sudbury prison organised a "next stage" group for lifers which covered matters relevant to their increasing levels of personal responsibility and was seen as a preparation for temporary release. These were examples of what the key work of the specialist staff should be towards the resettlement of lifers in the community.

Resettlement

10.10 In preparing lifers for release, the Lifer Manual stated that facility licences should:

"enable prisoners to participate in activities such as community service, employment, training, educational and parenting courses and reparation, and for official purposes" (para 11.4.2).

These gave the lifer access to the local community or to specific approved locations.

Resettlement licences were to:

"assist prisoners maintain family ties and links with the community and to make suitable arrangements for accommodation, work and training on release" (para 11.4.3).

This allowed the life sentence prisoner to visit the area to which he or she was to be released.

10.11 The basis for decisions as to the appropriate levels of resourcing to undertake resettlement for lifers in open conditions was unclear. Large variations were found between different open prisons in the provision of clerical staff, prison and seconded probation officers and psychologists. There was no psychological cover in a number of open prisons including Ford or North Sea Camp prisons.

10.12 Because of delays in processing lifers at each stage many had arrived in open conditions with a recommendation for "fast tracking", often from a DLP review. However, the timetable for achieving each stage of the resettlement process for all lifers was said by prison staff to be inflexible, although the LMU maintained that the "fast tracking process" enabled discretionary lifers to progress more quickly. An example given by some staff and lifers was that after waiting months for the move to open conditions lifers should wait another two months before being allowed any period of escorted absence, although it was acknowledged that it provided staff with the opportunity to undertake a fresh assessment of risk. Open prisons would be considerably helped if town familiarisation visits were completed in category C prisons, as this review

has recommended, so that staff could concentrate on preparing the lifer for unescorted absences and resettlement leaves.

10.13 The view of open prison staff was that arrangements for the release of lifers on temporary licence were being implemented in an unduly restrictive manner that did not support effective resettlement. The critical issue was whether decision making should continue to be controlled from the centre or partially devolved to establishments. Currently replies to applications were taking up to six weeks to process. According to prison staff separate applications had to be submitted for each occasion a lifer was allowed out of prison, even when their circumstances had not changed. An example of the problems caused was a woman lifer who applied for a licence to be able to accompany her son, who had attempted suicide and was suffering from depression, to therapy sessions with a psychiatrist. Permission had been granted for the first session but she was told that she would have to reapply every week for permission for each subsequent session. Inspectors were persuaded that the system was overly bureaucratic and working against its own objectives.

10.14 Prison staff argued that the first decision to grant facility leave at the six month stage and resettlement leave at the nine month stage should be the responsibility of the LMU, but that decisions to allow subsequent temporary or resettlement leaves should be made locally by the governor in consultation with the home probation service. Such a change would significantly improve the effectiveness of procedures for administering release on temporary licence (ROTL).

10.15 Staff in open prisons also considered that the current opportunities for allowing ROTL were too narrow and did not support them in bringing about the "de-prisonisation" of lifers or in assisting "stopping being a prisoner and becoming a citizen again". The primary focus was on finding employment and accommodation and re-establishing family links, which discriminated against those lifers who were beyond retirement age and unlikely ever to work, were going to live in a hostel or who had lost all links with family. Inspectors agreed with one member of staff who said "ROTL should be more than just a mechanism to assist lifers to get a job and a roof over their head".

10.16 Applications for any form of release on temporary licence should be predicated on a proper assessment of risk and be linked with clear objectives negotiated with the home probation officer. The view of home probation officers was that, currently, objectives for resettlement licences were often vague and they would welcome the opportunity to work on more specific objectives over the course of a number of resettlement leaves. They would then be in a position to provide more specific feedback reports to the prison. Because of repetition the completion of the ROTL application form by prison staff had become routinised and staff were not giving sufficient attention to the risk assessment section.

Coordination of work

10.17 The prospect of the imminent return of serious offenders to the community provided a clear focus for the planning and review of lifers in open conditions and facilitated disciplines working together. There were examples provided of impressive levels of communication between lifer staff and home probation officers and other statutory agencies in the community. Prison staff at Askham Grange prison were very positive about their relationship with the probation service in North Yorkshire. However, staff shortages in some prisons were making it very difficult for home probation officers to get a response from the prison at important moments.

Paid employment

10.18 The difference in practice between open and resettlement units/prisons over payment for employment had led to much controversy. Traditionally, it had not been considered acceptable for lifers to receive pay for work undertaken in the community until they were located in a PRES hostel or resettlement unit/prison, which followed a period in open conditions. In both they were able to undertake paid work and, after a deduction for the cost of their keep, to save for their release after six or nine months. PRES hostels, however, had largely been replaced by resettlement units/prisons or probation hostels as the preferred method of resettling lifers, as these were able to provide more structured support. Lifers released directly from open conditions to hostels therefore were unable either to fund their resettlement leaves or save for their release. Staff in open prisons felt that they were unfairly disadvantaged in what they could offer lifers in comparison with resettlement units/prisons and one or two were aiming to achieve status as resettlement facilities in order to provide the opportunity for paid work. Inspectors were advised that a Prison Service Instruction was issued in September 1998* which should correct these anomalies.

* Prison Service Instruction 46/98 *Release on Temporary Licence*.

Parole Board reviews

10.19 Each lifer had a minimum of two Parole Board reviews; in the first instance to assess suitability for transfer to open conditions and later to assess suitability for release. Target periods for completing Parole Board reviews set by the LRU varied in length depending on the degree to which Ministers were involved and, in the case of mandatory lifers, the requirement to consult with the judiciary when release was being considered. Inspectors were advised that the average target period for a review resulting in release was nine months, transfer to open conditions eight months and for a review recommending no change which required no consultation with Ministers or the judiciary, was six and a half months.

10.20 The Secretary of State's directions to the Parole Board for a review of the possible transfer of a lifer to open conditions requires them to balance the risks of such a move against the benefits, but does not direct the Board to consider suitability for release at this stage. Guidance to case working staff in the LRU also states clearly that:

*"Recommendations for release on tariff expiry at the first review should be very rare."**

* Lifer Casework Manual, para 2.3.4.

10.21 However, inspectors believe that the Parole Board should be encouraged to take a long view at the first Parole Board review, given that the conduct of the individual lifer continues to be subject to close scrutiny thus reducing the complexity of the whole review process for lifers. The option of a second review might be reserved for those giving cause for concern thereby ensuring the safety of the public is not jeopardised.

10.22 Within the overall target periods for completing a review, the Parole Board had its own target period of 12 weeks for examining the case and making a recommendation. However, this did not allow for the additional time that lifers took to prepare their representations and to exercise their right to recruit legal advice to assist them. The Parole Board informed inspectors that they were reliant on a paper system which hampered them in their work and by the absence of a reliable database on lifers which they could access directly and which had the capacity to prompt and track the review process. Inspectors were very surprised at the length of time it took to complete a Parole Board review. Many examples were available of lifers waiting unacceptably long periods for the results of their reviews with no indication of how their cases were progressing. The prison service should review its procedures to ensure that the length of time to complete a Parole Board review is substantially reduced. The procedures should be published and include a timescale for each stage of the process for mandatory as well as discretionary lifers.

10.23 Inspectors were also concerned that, having received a positive result from the first review, lifers then waited for a place to become vacant in an open prison. At the time of this thematic review there were 92 lifers waiting to transfer in and 72 to move out of category C prisons. For mandatory lifers subsequent reviews were timed to start from the point of arrival at the new prison which could be months after the review was completed if the lifer had to join a waiting list for a place to become available.

10.24 LMU staff stated that moves were hampered by lifers wanting to wait until a place was available in the open prison of their preference, the fact that lifers with sexual offences could only be placed at two open prisons and the fact that probation service enquiries regarding victims/families sometimes delayed the process. However, in an attempt to ensure that suitable lifers did move at the appropriate time through the prison system, the prison service had introduced a recent modification whereby lifers making good progress within category C conditions were to be referred to the Parole Board six months earlier, and to be reviewed six months earlier in open conditions.*

* Parliamentary question (9 July 1998).

10.25 Inspectors were not optimistic that these particular changes would solve the many problems associated with the current system. The procedures to review cases and effect transfers still appeared too lengthy and bureaucratic, nominal lifer places were not actually available when needed and no single department within the prison service was

accountable for the overall objective of ensuring that suitable cases actually achieved release on tariff. Whereas there were safeguards in place to test the legality of continued detention of discretionary lifers beyond tariff within DLPs, there were no procedures to ensure that mandatory lifers who were considered not to be potentially dangerous could be released on tariff. This placed an even greater responsibility on the prison service to ensure that its systems for the administration of mandatory life sentences operated fairly and accountably.

PRES hostels, resettlement units/prisons and probation hostels

10.26 At the time of the thematic review there were two male and one female PRES hostels and four resettlement units/prisons available to lifers of which two were for females. The LRU's internal casework manual stated that:

"the purpose of PRES is to help ease the prisoner back into society by providing an environment which reflects, as closely as possible, the general pattern of life outside prison ... a further test of the prisoners ability to cope with release and his/her suitability for it; only in exceptional circumstances should the PRES phase be waived for a prisoner of working age and of good health".

10.27 According to the LRU the current expectation of the Secretary of State is that a period of time at a PRES hostel or in a resettlement unit/prison should be the norm for a lifer immediately before release, unless the Parole Board recommends it is unnecessary and the Secretary of State agrees. Despite this, Parole Board members advised inspectors that they felt obliged to recommend a period of six to nine months at a PRES hostel or resettlement unit/prison in mandatory cases even where they believed the prisoner had been adequately prepared for release. Examination of those lifers released between July and December 1998 established that not all mandatory lifers were going to PRES/resettlement facilities. Of the 25 mandatory cases released, seven were from a PRES/resettlement facility, five from open conditions to reside at a probation hostel and 13 from open conditions directly into the community (three following an additional period of preparation for release). There were seven discretionary lifers released, one from a PRES/resettlement facility and six from open conditions, of whom three went to a probation hostel. There was a failure to regularly collate and publish information relating to the discharge of lifers. This may in part explain the current confusion regarding the establishment from which lifers were being released. The expectations of the Secretary of State were not being met and require revision to take account of the development of new resettlement options, in particular probation hostels.

10.28 A visit to a PRES hostel and discussions with staff and residents confirmed that, despite the obvious commitment of staff, the clarity of their role had been lost in recent years. A preference for higher levels of supervision of lifers prior to their release and the growth in resettlement units/prisons were cited, by prison and probation staff, as reasons for their decline. Those lifers residing at PRES hostels, who had undertaken resettlement leaves in approved probation hostels, commented on the contrast between the high level of structure in those hostels as compared to a PRES hostel. Inspectors met several lifers for whom the requirement to spend a period in a PRES hostel in a different part of the

country, to where home visits and supervision had been undertaken, had proved disruptive.

10.29 Prison service headquarters staff stated that the aim of placing lifers in resettlement units/prisons was to locate them closer to the area to which they would be released and to allow increasing degrees of freedom. The current possibility of a lifer being located in a resettlement unit/prison close to their home area was minimal. Staff in resettlement facilities taking lifers commented that they could not allow the degree of freedom that PRES hostels had afforded, nor could they provide the same facilities. It was difficult to see, from the details provided of the regimes in resettlement units/prisons, how they differed from those of open prisons in terms of what resources were provided for lifers. It was argued by the LRU that a differential approach was required and that resettlement facilities could fulfil a useful function for some lifers enabling the prison service to test further whether a lifer could be safely released into the community. The LRU stated that their preference was for resettlement units/prisons to be used rather than probation hostels. To place a lifer in a probation hostel required them to be released on life licence. If there were problems they had to be formally recalled to prison on revocation of the life licence which could result in a longer period in a closed prison than they might spend if removed from a resettlement unit/prison from where they would normally be returned to open conditions.

10.30 Prison officers, hostel and probation staff confirmed that probation hostels were now routinely being used for periods of resettlement leave as well as for lifers released on life licence. Indeed Leyhill prison had recently proposed that sex offenders spend all their resettlement leaves in hostels because of the arrangements in place for monitoring and supervision. Home probation staff were positive about the level of cooperation with prison officers and seconded probation officers in arranging hostel placements, and probation case samples provided evidence of very good communication. The procedures for risk management, described by staff during this review and evidenced during the HMI Probation hostel inspection, the operation of key worker schemes and the level of oversight were commendable. However, practice had been developed on a case-by-case basis rather than as part of any national prison and probation service strategy and their potential use within resettlement plans had yet to be fully exploited. Placing lifers in hostels following their release assisted home probation staff to continue work begun in prison and provided a high level of supervision and support. The lifer's time in custody was reduced and this arrangement afforded better protection for the public, a smoother transition back into the community.

10.31 The whole approach to resettlement, including the position of lifers, was currently the subject of a review by prison headquarters. One of the dilemmas to be resolved was how a balance could be achieved between developing relevant provision for these lifers who had served long sentences and ensuring that this was available closer to the area where they planned to settle on release.

10.32 Inspectors considered that the system should be flexible enough to accommodate a range of release arrangements depending upon the assessment on the individual lifer, the

work required and the strength of the support networks available to them in the community. The balance of what resettlement work was required before release, and that which could be undertaken subsequently, should be identified in each case. Open prisons should be permitted to undertake the full resettlement and discharge of lifers in suitable cases. The use of PRES hostels should be discontinued and the few resettlement facilities should be limited to those lifers who require additional work prior to release and proposals for a move to these facilities should include clearly stated objectives.

Licence conditions

10.33 There were several examples from probation post-release files that conditions imposed as part of the resettlement licence were not always included in the life licence, although they had been requested by the home probation officer. The home probation officer had to request the inclusion of conditions on the life licence within their Parole Board report and it became apparent that they did not realise that the Parole Board were not necessarily aware of what conditions had been included in resettlement licences as this information was not always available to the Board. It was suggested that this could partly be attributed to the fact that different prison service units dealt with resettlement and life licences. Victims/families need to be confident that their views have been taken into account and that conditions, where appropriate, are inserted into both resettlement and life licences. The LRU should ensure that the Parole Board are aware of the conditions included in resettlement licences to assist them in their recommendations and home probation officers should comment upon whether proposed conditions will present any difficulties in terms of enforcement.

The work of the home probation officer

10.34 The national probation postal survey revealed that, of the two-thirds of services which had produced local practice guidance for life sentence cases, 82 per cent included preparation for release. The key findings on pre-release work from the probation sample of 37 lifers released from custody since February 1996 were:

- in only 21 of the 33 cases, for which the information was available, had the governor sent the appropriate pre-release report and risk assessment
- the degree of contact which the home probation officer had had with the prisoner, at the pre-release stage, was considered to be at least satisfactory in 26 of the 34 cases
- in 29 of the 34 cases, the quality of work undertaken was assessed as clearly adequate
- in 31 of the 35 cases, the probation officer had reasonable or clearly appropriate liaison with the seconded probation officer
- in every one of the 33 cases examined there was reasonable or clearly appropriate liaison between the home probation officer, with prison staff responsible for resettlement arrangements

- in all six cases where there was a significant change in domestic circumstances, which might have affected the provisional date of release, the home probation officer had informed prison staff
- there were seven cases transferred between probation services during this time but in only three was the communication considered satisfactory in all aspects
- a substantial contribution to the risk assessment process by the home probation officer, at the pre-release stage, was evident in 23 of the 34 cases and to a limited extent in a further five
- clear and realistic release plans had been drawn up in 30 of the 35 cases reviewed
- the overall assessment of the pre-release supervision was very good in 20 and satisfactory in a further 13 of the 34 cases.

10.35 Those findings indicating that the prison service was not sending the necessary information to probation areas were of great concern. Both prison and probation staff stressed the importance of the home probation officer assuming an increasing role at this point. Therefore it was surprising that in a fifth of the probation sample the extent of their contribution to risk assessment was unclear. Helpful guidance had been provided for staff by a number of probation services regarding release plans. Teesside emphasised that the home probation officer "needs to discuss the release plans with the lifer and their family to ensure they are realistic, achievable, risk factors addressed and minimised". Where lifers cases are transferred between probation areas, effective systems for their handover must be in place to ensure that full information is provided to the new service assuming responsibility.

10.36 There was the potential for increased multi-disciplinary work both within institutions and with the home probation officer who has a critical role to play in ensuring that realistic plans are in place. Outstanding issues relating to risk should be identified with the probation service within a specific plan for resettlement leaves and after release.

Victim issues

10.37 Of the 32 cases where the information was collected from probation service files there were nine where the victims/families had previously expressed a wish to comment about the release of the lifer and the probation service had made appropriate efforts to contact them. A further 11 did not want any involvement and the position was not clear in the remaining 12. Prison staff commented upon the fact that there were some cases, where victim contact issues had not yet been addressed by the probation service, thus delaying the resettlement of a lifer. In some of the probation sample cases, a decision needed to be taken whether contact should be made with victims/families, many years after the occurrence of the offence. In future this work should be completed, at the latest, when the lifer is being considered for a move to a category C prison, as previously discussed in Chapter 5.

10.38 A particular concern expressed by victims seen during a visit to West Yorkshire Probation Service and probation staff in other areas visited was whether the papers containing victims' views could be kept confidential by the prison service when they received them. The Parole Board rules,* which only apply to discretionary cases, stated that "information or reports ... should be withheld from the prisoner on the ground that its disclosure would adversely affect the health or welfare of the prisoner or others, and shall be recorded in a separate document and served only on the board". There was one example provided during a visit which dated back to 1994 which was concerning but, otherwise, prisons had dealt appropriately with information relating to victims'/families' views. Probation services should continue to give a clear indication when information relating to victims' views should not be passed to the lifer and the prison service must ensure that confidentiality is respected in relevant lifer cases. It would be helpful for governors to have instructions to this effect.

* Parole Board Rules (1997).

Summary and way ahead

10.39 Necessary work on offending behaviour was not always completed before transfer to open conditions. Pressure on open prisons to address outstanding issues relating to offending behaviour detracted from their capacity to undertake testing and resettlement. The procedures for processing release on temporary licence were perceived as overly bureaucratic. The time that it was taking to complete Parole Board reviews was too lengthy in many cases and the procedures needed to be reviewed. It was positive to learn that the prison service was reviewing the arrangements for resettling prisoners, including lifers, and good to find the increasing use of probation hostels for lifers as part of resettlement plans. It was difficult to understand the respective roles of open and resettlement units/prisons and probation hostels. Clarification was required together with written guidance for the prison and probation services and the Parole Board. Although there were examples of good liaison between prison staff and the home probation officer, there is scope for greater collaboration in preparing for the release of lifers into the community.

10.40 It is recommended that:

The Prison Service should ensure that it is possible for lifers to address their areas of concern and for suitable lifers to be prepared for release within the timescale of their tariffs.

The Prison Service should review guidance relating to the core work on offending behaviour required to be completed prior to a move to open conditions and, with those lifers continuing to deny significant aspects of their offence, to identify relevant work for prison staff before and after transfer.

The Prison Service should ensure that the review of resettlement takes account of the particular position of life sentence cases and clarifies the place and use of open and resettlement units/prisons.

The Prison Service should improve the arrangements for resettlement by reviewing the procedures for administering release on temporary licence and introducing greater local discretion.

10.41 The prison service must also ensure that:

- lifers are prepared for their transfer to open prisons
- procedures are reviewed so that the length of time to complete a Parole Board review is substantially reduced. The procedures should be published for mandatory as well as for discretionary lifers and include a timescale for each stage of the process
- the use of PRES hostels in their current form is abandoned
- procedures for the administration of Parole Board reviews for mandatory lifers are equivalent to those for discretionary lifers, even though not governed by statute
- instructions are provided for governors and systems are in place to keep confidential information containing the views of victims/families in identified cases
- the Parole Board are provided with full information regarding conditions made as part of facility and resettlement licences
- psychologists are available for lifer work in open prisons to contribute to multidisciplinary assessment of residual risk prior to release
- a reliable database on lifers is established which supports the review process and can be accessed by the Parole Board.

LIFERS

A Joint Thematic Review by Her Majesty's Inspectorates of Prisons and Probation

1999

11. Post-release supervision

11.1 This chapter examines the work of the probation service in supervising lifers recently released from custody, as well as those who have been subject to licence for a

number of years. All aspects of the work are considered including the involvement of the LRU.

Length and overall quality of post-release supervision

11.2 Case files were sampled of 37 lifers released on licence since February 1996 and 61 who had been supervised in the community for over two years. Table 8* contains details of the time these cases (taken together) had been subject to life licence to date. The longest period of supervision was 27 years.

* Excludes cases for which relevant information was not available. Table 8: Length of time on licence in the community (Source: Probation case files)

Years	Number	%
under 2	37	45
2-4	20	24
5-9	12	15
10-14	8	10
15-19	4	5
over 20	1	1
Total	82	100

11.3 The quality of supervision, often sustained over many years, was very impressive. The standard of work with 50 per cent of both samples was assessed as very good. The remaining 50 per cent of those released under two years and 38 per cent of the long-term sample was viewed as satisfactory. In only seven cases was the work considered to be of an unsatisfactory standard.

Provision of information

11.4 The Lifer Manual stated that the:

"governor must send the chief probation officer a pre-release report containing full information about the prisoner and his progress in prison in relation to the Life Sentence Plan, and a copy of the risk assessment to assist in appointing and supporting a supervising probation officer" (para 13.13).

11.5 In respect of those 37 lifers recently released, the files of the home probation officer contained a copy of the licence in 89 per cent of cases and the most recent Parole Board dossier in 83 per cent. It is difficult to understand why these figures were not 100 per cent and this requires investigation by the prison and probation services. Similarly, the home probation officer had received information on aspects of behaviour or areas of concern requiring attention in 81 per cent of cases but a final pre-release risk assessment in just 53 per cent. The absence of so many up-to-date risk assessments and the poor quality of a number that were provided in relation to their analysis of potential reoffending and/or harm was a matter for concern. In a number of cases relevant information had had to be

gleaned from a variety of sources because prison staff had not collated the significant details. It is essential that all relevant details on a lifer are clearly communicated if the work of the probation service, in particular in dealing with risk to the public, is to be effective.

National standards

11.6 The Lifer Manual stated that while the:

"National Standard for Supervision Before and After Release from Custody does not relate to life sentence prisoners, nonetheless the level of supervision should be consistent with those standards. Contact must therefore incorporate both home visits and office interviews" (para 14.9).*

* See footnote 18 re national standards.

11.7 Of the recently released lifers 83 per cent were seen by the home officer within one working day of release and in 78 per cent a home visit was made within the first 10 working days. The sampling demonstrated generally a very high level of compliance with instructions to report during the early stage of the licence. However, in a third of cases there were absences or other apparent failures to comply with the life licence and in several one unacceptable failure. Weekly sessions for the first year were normal practice for several areas, although for some lifers appointments were offered in excess of the national standards. In some cases the number of meetings had been tailored to the individual's situation and increased when circumstances suggested this was necessary. For others, the level of contact remained unnecessarily high in order to meet the requirements of the local service's guidance.

11.8 Inspectors were impressed with the quality of work undertaken following release in addressing resettlement and public protection issues. All services gave a high priority to this early stage of supervision. Home probation officers worked hard undertaking constructive work with lifers, whilst retaining a focus on any potential risks in this critical period. Interviews with lifers provided vivid testimony of the adjustments that had had to be made after a lengthy custodial sentence. The positive impact for them of newly acquired freedom was often followed, at some point, by periods of depression. They required time to adjust and opportunities to discuss their situation. It was at this point that involvement of their probation officer was most valued.

11.9 The sample of long-term supervision cases showed that in two-thirds of cases contact was occurring on average at least monthly in the last year. In half of the remaining cases, reduced contact had been agreed by managers but not always with the formal consent of the LRU. In most of the other cases, reasons for reduced contact were apparent. Some probation staff had difficulty in identifying a continued focus in a number of cases. Several of these had had an application to cancel the supervision element refused by the LRU. Nevertheless, contact should remain in accordance with national standards and not less than monthly. Several services raised concerns about their supervision of lifers subject to Scottish jurisdiction. Cancellation there the supervision element of the life licence is not considered until they have spent 10 years in the community.* In practice this had meant that Scottish lifers supervised in England and Wales were generally expected to report less frequently. This had raised questions for services about their responsibility which requires consideration by the Probation Unit.

* The Scottish Office Home and Health Department *Life licencees: Social Work Supervision* Circular No. 10/1992.

11.10 Table 9 sets out the number of home visits undertaken during the last 12 months for those on supervision over two years.* Overall, in both samples, the level of home visiting was considered to be definitely appropriate in over 50 per cent. However, in about 20 per cent of the total cases (taking both samples together) the frequency of home visits was considered to be possibly or definitely too low. Essex Probation Service was one of the few services that specified that they should take place at least quarterly. From discussions with probation officers, lifers and the file reading exercises, it was evident that home visits were used constructively and for a variety of appropriate reasons including "checking out concerns". Several lifers interviewed with their partners had clearly appreciated visits by probation officers to discuss particular problems. The use of home visits at least quarterly is strongly supported even when the situation of the lifer is apparently stable.

* For the 59 cases where the information was available. Table 9: Lifers on supervision for more than two years - home visits in last 12 months
(Source: Probation case files)

0	12	20%
1	11	19%
2-3	11	19%
4-5	11	19%
6-7	7	12%
8-9	7	12%
Total	59	

Supervision plans

11.11 Supervision plans* were examined. The key findings were:

- the purpose and desired outcomes of supervision were outlined in 82 per cent of the sample of more recently released lifers and in 64 per cent of those supervised for longer periods, possibly reflecting an ambivalence regarding the purpose of continued contact in some longer term cases
- resettlement issues were identified in 100 per cent of the short-term group and more surprisingly after two years in 80 per cent of the long-term group, emphasising the ongoing importance of resettlement in the supervision of lifers
- work to provide sufficient monitoring and "control" of the licensee's activities was apparent in a high percentage of plans; 86 and 76 per cent of the respective samples. It was good to find evidence that a perspective on risk management was retained over time

- the particular needs of women, young offenders and lifers from ethnic minorities had been addressed satisfactorily in the cases examined but there were too few to draw firm conclusions
- the nature and frequency of contact was spelt out in 82 per cent of the plans for those recently released and in 79 per cent for those subject to long-term supervision
- reviews of the plans had taken place at least every three months in 78 per cent of the first sample and 57 per cent of the second. However, a further 29 per cent of the latter had been reviewed on a six monthly basis which was appropriate given the lengthier period of supervision
- overall, the assessment of the file readers of the quality of planning and reviews of supervision was very good or satisfactory in 89 per cent of the first sample and 78 per cent in the second.

* Initial supervision plan for recently released sample; first supervision plan after two years in the community for longer term group.

Accommodation, employment, training and education

11.12 It was evident that the majority of lifers had achieved some stability in their lives. Two-thirds of the group released in the last two years were in permanent accommodation, either privately owned or provided by the local authority. A further 11 were in a hostel including nine in an approved probation hostel. Of the group supervised in the longer term, 95 per cent were in reasonably permanent accommodation and overall all but one had satisfactory arrangements. One person was in an approved hostel and two others in homes for the elderly.

11.13 Of lifers who were available to work, 55 per cent of those released more recently and half of the long-term sample were in full-time employment and a further 10 per cent of the first and 9 per cent of the second worked part-time. Almost a third and 38 per cent respectively were unemployed. Of those unemployed, six were undertaking full or part-time training courses. Several lifers were of retirement age and attention had been given to how they could constructively use their time. The file sampling demonstrated that in almost every case practical problems including employment were handled satisfactorily or better.

11.14 Interviews with lifers confirmed that a focus for many during supervision sessions had been on seeking work. One lifer described how he had made 106 applications, out of which he had received only two interviews but had not been given a job. Others appreciated the efforts of probation officers who had assisted them in applying for courses and grants. Lifers and home probation officers persisted in the quest for employment despite the evident difficulties. Even where the economic climate was poor, for example in Teesside, strenuous efforts were made to find work where it was appropriate. Many services had partnership projects in place and made use of these resources.

11.15 Many lifers raised the dilemma of whether to inform prospective employers of their offence. For those who had done so, a significant number had been unsuccessful in obtaining an interview and/or employment. Several had explored the implications of either informing or withholding the information from employers with their probation officer.

11.16 A key issue highlighted by all services was whether employers should routinely be given details of the lifer's offence. Many employers had been informed and the lifer had continued to work for them. The usual practice adopted by services was to give the lifer the opportunity to tell the employer themselves and then to check with the employer what information had been given to them. Several examples were provided where the employer had not been advised of the situation by either the lifer or probation service staff. Probation service managers maintained that in these cases no action had been taken as the risk of reoffending had been assessed as very low and the possibility of the lifer finding alternative work was very limited. Such a position appeared to ignore the potential implications both for the employer and the probation service if an incident occurred or if the media were made aware of the situation. Representatives from the police and social services were confident in their view that employers should always be given details of the nature and circumstances of the lifer's offence. In future this position should be adopted by all probation services.

Offending behaviour and victim perspectives

11.17 Where there were outstanding issues relating to offending behaviour they had been satisfactorily dealt with in 84 per cent of cases (taking the two samples together), in 10 per cent insufficiently addressed and in 6 per cent not covered at all. The majority of this work with lifers was undertaken on an individual basis. Whilst a number of lifers disliked having to continue to address matters related to their offence, others recognised the importance of such a focus.

11.18 A few services had successfully integrated lifers into their group work programmes. Lancashire Probation Service had included a lifer on an alcohol education group and a three day residential programme. An inspector noted this was "an excellent example of appropriate action based on shared working". A lifer in West Yorkshire who had completed the prison SOTP participated in a relapse prevention group. He said that the follow up course was helpful but would have benefited from being long-term. A number of services were in the process of reviewing their provision to ensure that in future there were suitable groups for those who had completed prison programmes. All services should consider their present arrangements. Demand on group work provision from offenders on licence, including lifers, needs to be assessed and appropriate steps taken to incorporate lifers into programmes where appropriate.

11.19 Partnership projects* had been successfully used by several services for work with lifers primarily to deal with alcohol and drug misuse, although one example was seen of a lifer undertaking work on an individual basis in a project for sex offenders. In meetings with a range of partnership staff their positive approach was apparent. They valued the

support of the probation service and said that arrangements usually worked well. The consensus was that lifers could be integrated into their projects and were perceived as posing fewer problems than many other offenders.

* Partnership projects - funded by probation services to provide specific resources.

11.20 Access to psychiatrists or psychologists varied both within and between probation areas. West Glamorgan Probation Service had good links, through a secondment from a neighbouring probation service, to the Caswell Clinic which was a regional secure unit. Hereford & Worcester Probation Service had purchased consultancy from a private forensic psychology consortium. However, a number of services referred to the difficulty of obtaining the services of forensic psychiatrists. When the requirement to see a psychiatrist or psychologist was included as a licence condition, it was not specified that this should be a forensic practitioner. All services did not have access to forensic specialists particularly if there was no secure unit in their area. An example was seen where a psychologist's report had been requested by the supervising probation officer from a Criminal Justice Mental Health Unit. Unfortunately the unit was forensic only in so far as it provided a general psychiatric court diversion scheme and was unable to prepare specialised forensic assessments. The report in this case was misleading and did not help in the management of the case.

11.21 Where there were examples of cases with licence conditions requiring contact with a psychiatrist, liaison was sometimes good. In others it was disappointing to find an absence of communication even regarding basic details such as the purpose and frequency of contact. Probation officers described how on occasions they had requested information but met with no response. Such situations were not always being pursued by managers.

11.22 Victim perspectives were pursued to ensure that lifers remained aware of the impact of their offence upon others. Taking the two samples together, the work was done well in 38 per cent and reasonably in 40 per cent of the cases reviewed. However, in 14 per cent the approach was limited and in 9 per cent had not been addressed at all. It is important that, despite the passage of time, supervision retains a focus upon victims and in particular evaluates any change in the attitude and awareness of lifers regarding the impact of their offences.

Assessment and management of risk

11.23 There was an array of approaches for addressing risk management following release. Derbyshire, Teesside, Hereford & Worcester and Essex Probation Services treated lifers as high risk until the termination of supervision. Derbyshire Probation Service's dangerous offenders policy specified that all lifers in the community were classified as "risk alert" requiring weekly contact until the suspension of supervision. In practice, staff were exercising their discretion in the longer term although weekly reporting was the norm for the first year. Inner London, Norfolk and Wiltshire Probation Services stated that cases should be automatically considered for registration but it would not occur in every case. West Glamorgan Probation Service had recently restricted its

register to the "critical few" but a public protection meeting would inform key agencies of their plans for each lifer being released.

11.24 The sampling exercise examined whether probation services had sustained a focus on public protection in its work with life sentence cases both in the short and long-term. The key findings from the two samples taken together were:

- supervision plans contained a sufficient assessment of the likelihood of reoffending in 89 per cent of the first sample and 74 per cent of the second. An adequate analysis of the risk of the offender causing harm to the public or probation staff was included in 83 and 74 per cent respectively
- in 57 of the cases a potential risk of harm was identified. In 45 per cent of these a fully sufficient plan was provided as to how the probation officer would deal with the situation and in a further 33 per cent some but not a fully adequate description was provided
- the final prison assessment had identified particular issues in relation to risk for 40 of the 98 lifers. It was good to find that in 75 per cent of these cases probation officers in their supervision plan and reviews had been clearly alert to these specific concerns and reasonably aware in another 20 per cent
- special licence conditions had been inserted in a total of 42 cases. They had been fully complied with in 81 per cent and partially in a further 10 per cent
- evidence of the probation service's continued monitoring of the lifer's behaviour and alertness to any possible indication of the risk of potential harm to the public was apparent in a commendable 91 per cent of the two samples
- there were two cases in the first group and 18 in the long-term sample where a situation arose that might have led to the lifer actually causing harm. In 13 of those the probation officer took all appropriate action, although more could have been done in the remaining seven.

11.25 In every supervision plan and review there should be an explicit statement regarding risk of reoffending and harm. Probation service staff stated that the purpose and frequency of contact should be directly related to the level of risk that the person presented. However, there were a number of cases where risk was considered low and contact levels remained high with welfare issues predominating. Whilst perhaps acceptable in the period following release, it could not be justified in the long-term when frequency should be clearly linked to the risk assessment. It was positive to see from other files that contact was increased when probation officers had concerns about an individual. Although lifers should be automatically considered for inclusion on potentially dangerous offenders registers upon release, it should be recognised that only a few will pose a significant level of risk at any particular point in time which would then require registration.

11.26 The importance of including relevant conditions in the life licence has already been emphasised. In a number of cases conditions had been included addressing concerns related to the circumstances which led to the offence and protection of victims, e.g. "shall not approach or communicate with any member of the family named x". Several probation officers commented upon the difficulties they had experienced in having requirements removed once the risk had clearly reduced. It was not possible to determine how frequently this was happening. Probation officers must provide solid evidence to support an application to cancel specific licence conditions and similarly good reasons should be given by the LRU when an application is refused.

11.27 Many interesting comments were made by file readers when considering issues relating to risk. Some of these have been included in figure 1.

Figure 1: File readers' comments in relation to risk assessment and management

"Case well known ... supervised through difficult periods and one recall ... risk elements well known and well monitored and the supervision continues."

"Excellent supervision focused on managing risk ... good contact with lifer's new partner ... employer told of previous convictions."

"Overall a really well-supervised case with careful attention given to potential difficulties."

"Impressive work by initial and subsequent probation officer - focused, relevant and supportive."

"A consistent piece of work with action taken appropriately when there were allegations of domestic violence."

"Risk elements are well known, well monitored and supervision continues."

"Good work, a healthy air of doubt with someone making all the right noises."

"Too much attention was given to assisting the lifer with practical matters such as accommodation ... there was a failure to respond to risk factors ... being found by the police in possession of a number of knives when the previous offence involved killing using a knife."

"A startling lack of information, no risk assessment, implications of drinking not recognised".

"Very limited risk assessment, arising out of failure to complete supervision plans."

"Some naivety and complacency ... risk of reoffending and harm needed to be kept on the agenda."

"No risk assessment or victim work undertaken."

Enforcement and recall

11.28 Most lifers were complying with their licences. Where there was failure to comply, the samples showed:

- there were 13 cases from the recently released group who missed appointments and in 11 these apparent failures were always dealt with

within two working days. Less vigilance was demonstrated with the long-term sample, with 20 of the 30 cases where there were absences being dealt with in two working days with another eight clearly being pursued but not always within two days. It was important, as the length of time between appointments grew, for absences to be quickly pursued to ensure staff remained aware of the lifer's situation

- the lifer's explanation for the apparent failure was always appropriately recorded in about two-thirds of cases but only sometimes in the other third
- of a total of four cases where there was a third unacceptable failure in a 12 month period, three received a formal written warning and one was recalled
- 27 cases were considered for recall, of which 17 involved a charge or conviction for a further offence, a specific instance involving actual or likely harm to another person in three, failure to comply with the licence in a further three, two for "worrying behaviour" and two where the reasons were not stated. In one case a man was recalled having developed psychotic episodes after many years of living in the community. The file reader described the case as "an excellent piece of work by the managers and staff involved, taking appropriate action in a difficult situation"
- serious incident reports,* as required by the Home Office, had been prepared in relation to seven cases. It was pertinent to note that in a survey** of all serious incident reports prepared by services between January and June 1997, out of a total of 107 there was only one lifer case. The person had been charged with attempted murder, his guilty plea to lesser offences was accepted and he received a further life sentence
- there were 12 cases where proposals to recall were made to the LRU; in 10 recall was agreed and it was refused in the remaining two. In nine where reports were reviewed by file readers the quality of the proposals and reasons for the request were assessed in four as "very good" and "satisfactory" in the other five
- of the 10 cases where the lifer had actually been recalled there was evidence from the records of the person being re-released that the issues which had led to recall had been appropriately addressed whilst in custody fully in six cases, partly in two but not dealt with in a further two. For those cases where the decision was recorded it was evident that the supervising service agreed that the lifer should once again be subject to supervision in the community.

* Probation Circular 79/1996 *Serious Incident Reporting* Stated the procedures to be followed when an offender or defendant under probation supervision was charged with murder or very serious offences.

** Hedderman, C and Vennard, J. *Analysis of Serious Incidents reported to have occurred between January and July 1997* Home Office Research, Development and Statistics Directorate (1998).

11.29 A number of examples were given to inspectors of mandatory lifers who had been recalled to prison and who had spent lengthy periods in local prisons with little apparent progress made in reviewing their cases. The casework manual for the LRU staff stated that the review process began once representations had been received from the lifer

which they were asked to submit within 28 days. There was no indication of a timescale for a Parole Board hearing for mandatory lifers, although the timetable for discretionary cases was set out in the Parole Board Rules 1997 and no instructions for staff to pursue cases beyond inviting representations. Local prisons had no clearly specified responsibilities for recalled lifers and both prison and probation staff expressed concern about the waiting periods and the lack of clarity regarding who was accountable within the prison service for ensuring that a recalled lifer's case was progressed. Action as drastic as recalling a lifer should be followed promptly by a formal review by the Parole Board.* The prison service should review its procedures for recalled mandatory lifers and consider the merits of introducing oral hearings for them ensuring that their rights are adequately safeguarded in such circumstances.

* The Human Rights Act. November 1998. Implementation date April 2000. Article 5.4: Right to Liberty and Security "everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful".

Liaison with Lifer Review Unit

11.30 In their response to the postal survey 66 per cent of probation services described the arrangements for liaison and communication with the LRU as working very well and reasonably in the other 34 per cent. Probation service managers were extremely positive about the response they received when they contacted the unit to seek advice or action with cases causing concern. Comments included "speedy and supportive", "can't praise them enough" and "nothing but good things to say". Access to staff outside of normal office hours was said to work well.

11.31 Probation services were required to provide reports to the LRU both to report progress and if difficulties occurred. Progress reports submitted to the LRU were generally of an acceptable standard or better and usually completed on time. However, only half always contained the comments of a senior manager and 11 per cent never included their views. For some senior managers it was the only time they routinely examined the work of middle managers and probation officers with lifers. There was a number of occasions where they had identified significant issues requiring attention not identified by other staff.

11.32 Some concern was expressed by probation staff as to the quality of the response sent by the LRU on receipt of progress reports. Although there was generally a timely response (85 per cent within four weeks during 1997/98) staff commented on a tendency to "parrot" the content of material sent rather than providing feedback or guidance on the future management of the case. Probation officers were not generally aware that administrative staff rather than specialists prepared these letters and they had high expectations of the unit's role. They expected to receive specific feedback and were often disappointed with the content of the responses. This was very much in contrast to the quality of the response of senior staff in the LRU when called upon to deal with a crisis situation.

11.33 The arrangements for routine reporting were not working effectively and, during the course of this thematic review, the LRU made changes to the system sending only an acknowledgement that the report had been received from the unit. These new arrangements will need to be reviewed by the LRU. Probation services would benefit from periodic feedback regarding the overall quality of these reports, identified common themes and issues arising relating to the management of lifers.

11.34 The Lifer Manual stated that additional reports should be submitted in circumstances where there were concerns. There were 11 cases from the first sample and 46 from the second which required the submission of such reports. Issues included:

- 16 which involved a possible risk to the public
- 30 significant changes in licencees' personal relationships
- 23 were charged with a further offence
- 10 breach of licence conditions
- 12 where the person's mental health gave cause for anxiety.

Almost every report was assessed as satisfactory or better. However, reports were not always provided in the circumstances required by the LRU. Of the 57 cases, seven reports were on some but not all appropriate occasions submitted and there were six where a report was never prepared.

Cancellation of supervision

11.35 The Lifer Manual stated that:

"consideration may be given to cancelling the supervision element of the life licence after a minimum of four years" (para 14.5).

However, the LRU casework manual noted that:

"longer than normal supervision may be required in certain types of cases, e.g. notorious cases, child killers, sex offenders, or where a special licence condition needs to be maintained. In sex offence cases, conditions are unlikely to be cancelled before 10 years after release".

The nature of the evidence that would be sought prior to agreeing to cancellation was also identified.

11.36 In 25 cases in the long-term sample consideration had been given to the cancellation of supervision. File sampling revealed that:

- in 21 cases action to cancel supervision had been taken, all of which were after the minimum period had elapsed
- in 57 per cent this action was assessed as clearly justified in the light of risk assessment considerations and in 33 per cent probably so
- in 18 cases a report proposing cancellation was sent to the LRU. All but one was assessed as satisfactory or better

- in 90 per cent of the cases considered for cancellation probation officers had discussed this with the lifer, in 90 per cent with middle managers and in 79 per cent senior managers. Discussion with probation staff and reading these reports confirmed that careful consideration had been given before application was made for cancellation of supervision
- of 18 reports available to file readers which had been sent to the LRU, cancellation of supervision was refused in four cases (murder and manslaughter offences), agreed in four (all murder cases) and the probation officer was advised to reapply at a later date in eight; (one was a sexual offender). Replies were still awaited in the remaining two cases
- in two of the cases where supervision had been cancelled there was evidence, which came to the notice of the service subsequently, suggesting that supervision needed to be reimposed. In both, the services immediately referred the matter to the LRU.

11.37 Probation service managers were concerned that once an application was made the LRU were slow and overcautious in their response. Clear reasons were not always provided when they would not agree to cancellation. The LRU had recognised the need to improve the speed of their response. A target had been set to respond to 75 per cent of applications within six weeks. They had progressed from 66 per cent during 1997/98 to 81 per cent between April and August 1998. It was important that the LRU should recognise the findings from this review that applications were only made following appropriate and detailed consideration of each case by the probation service. It would be helpful for the LRU to provide all services with the guidance they had recently produced in their casework manual and to ensure that, when an application is refused, a detailed explanation is provided of the reasons.

Management oversight following release

11.38 The national survey revealed that the systems adopted by services to provide the necessary managerial oversight for lifers post-release varied considerably. Some integrated lifer management reviews into their potentially dangerous offenders procedures. Others had separate arrangements for those individual lifers not currently assessed as being of a high risk of reoffending. Contact between senior, middle managers and probation officers to discuss a lifer ranged from quarterly to no routine meeting. When the latter occurred it was left to the middle manager to review the case with the probation officer. Lancashire Probation Service had a six monthly system of reviews for lifers supervised in the community involving the ACPO, SPO and probation officer. Case files were read by the ACPO prior to the meeting. Their internal inspection of lifer cases demonstrated that 70 per cent of probation officers found these reviews provided a clear sense of direction and 59 per cent considered they offered support.

11.39 The amount of involvement in the post-release cases by middle and senior managers in the cases sampled varied considerably. 70 per cent reviewed demonstrated an appropriate degree of oversight by both the ACPO and SPO. In a further 10 per cent there was evidence of attention from the middle but not senior manager and 5 per cent

from the senior but not middle manager. Of concern was the fact that in 15 per cent of the files there was no record of involvement by any manager. There were several services visited where senior managers obviously had very detailed knowledge of individual lifers but the extent of their work with staff was not apparent from the record. The sample in each area identified a small number of cases where there were matters requiring some kind of attention by managers.

The supervising probation officer

11.40 The Lifer Manual stated that:

"it is essential, given the nature of work with lifers and the special difficulties it presents, that the supervising probation officer be an experienced practitioner who must be able to cope with the pressures and anxieties of this kind of work" (para 13.15).

11.41 It was clear that work with lifers should be regarded as different from other types of supervision, because of its intensity, the nature of the offence, the indeterminate nature of supervision, the high level of sensitivity in these cases and the responsibility for reporting to prison headquarters.

11.42 The postal survey revealed that in 17 per cent of services lifers were supervised by throughcare teams, in 52 per cent by a mixture of throughcare and generic probation officers, in 20 per cent by only generic officers and in 12 per cent other arrangements were in place. Debates had taken place in most of the services visited regarding the best way of organising the work. Most had allocated the majority of lifers to their throughcare staff with a few probation officers from other teams supervising a small number each of the remaining cases. West Glamorgan, following the service's reorganisation, had transferred almost all 25 lifers to their throughcare team. Teesside Probation Service had primarily allocated the work to two officers who were each supervising 30 lifers as part of a general resettlement caseload. The service commented upon the benefits in terms of the expertise that had been developed but were looking to involve several other probation officers.

11.43 Whether a probation officer should retain a case following a move within their service was an issue on which areas differed. 56 per cent of probation services surveyed made the presumption that if a probation officer moved within the service they would no longer continue to supervise the case. Concerns were expressed about the danger of complacency if a probation officer supervised a person over many years. Although a few examples of collusion were found, it appeared to be less of an issue than in the past with the increased emphasis upon risk assessment and management oversight. Derbyshire Probation Service considered that changes were "disruptive" and their practice was for the supervising probation officer to retain the case for long periods of up to nine and 12 years in two cases. Norfolk Probation Service also cited examples of lifers who had benefited from the retention of an officer during, for example, a difficult period. Lifers repeatedly emphasised the importance of the probation officer, having both detailed knowledge of their case and the lifer system. A number complained about being

supervised by what they perceived to be inexperienced officers. Whatever approach is taken best practice requires that a new supervising officer is experienced, fully briefed as well as time allocated for a handover.

11.44 The Lifer Manual stated that a "back-up" probation officer should be appointed who the supervising officer could consult:

"whenever difficulties arise and, particularly, to take over supervision during the absence of the supervising probation officer" (para 13.15).

14 per cent of services did not always appoint a "back up". Of the others, 16 per cent were appointed pre-sentence, 32 per cent during sentence, 34 per cent prior to release and 4 per cent post-release. Whilst a number of services obviously viewed the role as only nominal, others such as Wiltshire provided good examples of paired officers' involvement at critical points. Lancashire Probation Service produced useful guidance for staff which followed a recommendation from their internal inspection. In some services middle managers had knowledge of lifers and were clearly regarded as providing the support. It was, however, important that a second probation officer, formally appointed, was familiar with the case, could work with the supervising probation officer and, as a minimum, see the lifer in their absence.

11.45 During this review probation officers described their experiences of working with lifers in the community, often over lengthy periods. One probation officer said that he had an acute sense of "representing the Home Secretary, the CPO and the whole community". Numerous staff commented upon their fear of the consequences of "something going wrong". This was despite probation officers' own assessments of the majority of lifers being a low risk at any point in time and the recognition that others on their caseload were assessed as being of a higher risk. Most officers felt a sense of personal responsibility despite the efforts of managers to ensure that the lifer was the responsibility of the total service not solely that of the supervising officer. In fact, an SPO reflected the similar anxieties of managers commenting that he was always aware that "the service could be pilloried". One probation officer in the Inner London Probation Service summarised why she thought probation officers welcomed the allocation of lifers despite the stressful nature of the work:

"this is a unique opportunity to do a long-term piece of work ... engage with someone not in a crisis situation ... murder takes two lives, the victim and the life that might have been for the offender ... risk changes and people move on, but links can be made with the offence, but the material is painful ... discussing the ultimate boundaries of life and death."

Liaison with the police

11.46 Local police routinely received brief written details on all lifers released from prison. Of the 37 lifers released in the last two years, there had been seven who had been the subject of a multi-agency meeting and two others where further information had been provided. Of the long-term sample, there had been 51 changes of address but it was of concern that for only 11 had the police been notified. This was at a time when protocols

for the sharing of information and management of high-risk offenders were being developed by each area visited. It was not suggested that a meeting was held in every case but systems should be agreed for conveying relevant material and deciding whether any action was necessary.

Community reaction

11.47 None of the areas visited had experienced difficulties arising from community reactions to particular lifers, although most had been addressing concerns regarding the location of known sexual offenders. Only six services responding to the national survey provided guidance for staff on handling lifers likely to attract the attention of the media or community. At the time of undertaking this review a particular lifer case attracted considerable publicity. It highlighted the importance of the probation service taking into account not only the consideration of the potential risk that a lifer presents but also the possibility of controversy resulting from a change in circumstances and the likely reaction of the media and the community. Probation service case reviews prior to and following the release of lifers should include attention to the possible reaction of victims, the public and media to any change in circumstances and how presentational issues will be managed.

Summary and way ahead

11.48 Work with life sentence cases following release was mostly characterised by high levels of compliance and close supervision by the probation service sustained, for some over many years. The quality of work undertaken following release in addressing resettlement and public protection issues was impressive. However, there was a significant number of cases where the infrequency of home visits was a matter of concern.

11.49 It was positive to find that the vast majority of lifers had achieved stability in their lives after release and they valued the contribution of their supervising probation officer who assisted with accommodation and employment. There was a lack of consistency regarding whether employers should be informed of the offence if the lifer gained employment. The majority of work on offending behaviour and related issues was undertaken on an individual basis. Services had little experience of integrating lifers into their group work provision, although some had made use of partnership projects. The level of reporting was unnecessarily high in certain cases and did not reflect the assessed level of risk. There was in general ample evidence of appropriate action being taken if there was cause for concern or failure to comply with the licence. The prison service procedures for mandatory lifers recalled to prison require review.

11.50 The arrangements between the LRU and probation services were seen as very positive in a crisis situation. The revised arrangements for responding to routine reports will require review. Services believed that applications to cancel supervision produced an overcautious response from the LRU. Arrangements for management oversight varied

considerably in probation services and, on the whole, were of a high standard although in a few cases this was not evident.

11.51 It is therefore recommended that:

The Prison Service and Probation Unit should review the guidance to probation services regarding the frequency of contact with lifers following release from prison. The requirement should be that lifers are seen as a minimum weekly for the first three months after release, fortnightly up to 12 months and monthly thereafter depending upon the risk assessment.

CPOs should ensure that when a lifer finds work that employers are informed about the offence and the requirements of the life licence.

The Prison Service and Probation Unit should review the current arrangements for routine reporting on individual lifers in the community.

The Prison Service to review procedures for mandatory lifers recalled to prison to ensure that they meet the requirements of natural justice.

[Contents](#)

12 Management of Work with Life Sentence Cases

12.1 In this chapter the arrangements made by prisons and probation services for managing lifers at all stages of the criminal justice process are explored. It addresses policies, plans, practice guidance and staff training as well as monitoring and evaluation.

The Prison Service - strategic issues

12.2 Although the LMU have responsibility for lifer casework, they have no authority over the rest of the lifer system. The system for transferring lifers is dealt with by LMU, individual establishments and the Population Management Section. Responsibility for category A lifers resides with the Dispersals Directorate and for identifying national lifer places with the Estate Planning Committee. In addition, resources for lifers are allocated by area managers. The result of these arrangements is that it was hard to identify where overall accountability lay for the effectiveness of work with lifers. In the absence of shared aims, at a time of acute pressure and reduced staffing, the lack of strategic management was evident.

12.3 Measures had been taken in recent months to build understanding between different parts of the prison service involved in the lifer system by arranging meetings between the LMU, LRU and prison staff working with lifers and by closer sharing of information between the LMU and Population Management Section. Although this is a step in the right direction, a strategic approach needs to be developed which identifies the overall aims for the lifer system including key performance indicators and clarifies which part of the service is responsible and accountable for the management of lifers. Prison service

managers need to review procedures to ensure that they meet the requirements of natural justice.

12.4 This review revealed the dearth of a cohesive policy throughout the lifer system which had resulted in a lack of strategic management for life sentence prisoners. There was a sense in which each part of the system operated independently of the others, and this was reflected in the absence of a single coherent sentence planning framework and insufficient attention to lifers within prisons' business plans. It was also evidenced in a range of initiatives for lifers developed locally which, whilst commendable, had not stemmed from a national strategy. The absence of a needs analysis made it impossible to be clear what should be in place at each stage of the sentence for addressing offending behaviour and for meeting other non-criminogenic needs which took into account age, gender and ethnic issues. Once identified, appropriate resources should be allocated to meet identified priorities.

12.5 Model regimes for different types of lifers should be specified, setting out the roles of staff, resources required and operating standards, with policy and practice guidance detailed in the Lifer Manual. This should form the basis for lifer work within prisons' business plans and be monitored through internal audit from first entry on remand through to final discharge and subsequently for those cases who are recalled to prison.

The Probation Unit - strategic issues

The Lifer Manual stated that:

"the probation unit is responsible for developing and promoting government policy" including "probation service involvement with offenders both before and after release from prison" (para 2.3.3).

12.7 However, there were no arrangements in place for liaison to facilitate joint consultation and policy development. In meetings with the LMU, LRU and probation unit staff the lack of a formal channel of communication was acknowledged. It was agreed there would be value in meetings to discuss policy and practice for lifers. A protocol between the LMU, LRU and the probation unit is needed to progress strategic issues and ensure a coordinated approach.

Policies and practice guidance on life sentence cases in probation services

12.8 Policy documents specifically relating to lifers had been produced by 27 probation services and, of the others, there were 10 throughcare statements containing references to lifers. In all but six services (of those responding) there was a senior manager who was responsible for lifer work. They had an important functional role in ensuring that work with lifers was effective.

12.9 Probation committee members generally had little knowledge of the lifer system. Aside from discussing policy statements the issue of lifers tended to have been debated as

part of wider discussions regarding resettlement, potentially dangerous offenders or as a result of an incident involving an individual lifer.

12.10 From the postal survey of probation areas it was established that of the local practice guidance for staff produced by two-thirds of services:

- 89 per cent covered pre-sentence work
- 78 per cent addressed the purpose and frequency of contact during sentence, 70 per cent the liaison with prison staff and 79 per cent the involvement of the home probation officer in prison reviews
- only 79 per cent dealt with post-release supervision including enforcement and recall, although 83 per cent covered the assessment and management of the risk of harm
- 75 per cent considered cancellation of the supervision element of the licence
- 74 per cent gave attention to the work needed with victims or their families
- 62 per cent discussed the importance of liaison with other agencies but just six services the issues relating to handling cases likely to attract the attention of the media or community.

12.11 Probation service managers in the areas visited said they had provided additional guidance for staff because, in their view, the Lifer Manual was not sufficiently detailed and needed to be integrated with local policies and procedures. Teesside Probation Service had produced specific guidance several years ago, and subsequently implemented the recommendations arising from an internal inspection on lifers. Essex Probation Service published an inspection report in April 1997 which resulted in policy changes but they still required implementation. West Yorkshire Probation Service had devised a set of quality standards, although their effectiveness had not yet been reviewed.

12.12 Other probation services, such as Inner London and West Glamorgan, had produced limited advice for staff relying heavily on the Lifer Manual. Many staff interviewed, particularly those who handled few cases, stressed the importance of written guidance. A revision of the Lifer Manual has taken place at the same time as this review and, surprisingly, significant amendments had been issued in advance of the publication of this report. Although the main chapter relating to the work of the supervising probation officer has still to be revised, there were references to the home probation service among the sections which have already been reissued.

Role of middle and senior managers

12.13 The role and contribution of middle and senior managers in the probation service has already been discussed in this report (chapter 11). Some deficiencies were identified but, overall, systems were in place to hold staff accountable and support them in their work. The same cannot be said for the prison service. Whilst the Lifer Manual contained details of what work should be undertaken with lifers, it did not address management

issues. This was not surprising given that accountability for the implementation of lifer work did not lie with the LMU.

12.14 In contrast with the probation service it was more difficult to distinguish the contribution made by senior management in the prison service. Evidence of accountability being exercised was difficult to find at any level. Although the tasks of prison staff working with lifers varied in detail between establishments core tasks had not been identified centrally and incorporated into model job descriptions. Although there were fundamental structural differences between the two services, which meant that the model of probation supervision was not viable in the prison service, there were few arrangements other than the system of annual staff appraisal for providing any managerial oversight of or accountability for work with lifers. The staffing system in some prisons was such that the lifer governor might not even have one member of staff working with lifers for whom they were accountable. At best they shared staff who had duties with determinate sentence prisoners but still enjoyed little continuity of staff because of non-flexible attendance systems. These matters reflected wider concerns about management systems in the prison service.

Case records

Probation services

12.15 Supervision of lifers over lengthy periods resulted in voluminous case files in many probation areas, although several had established a system to make them more manageable. West Glamorgan and Teesside Probation Services had devised a checklist to ensure key documents were contained in a current file, with a back-up file holding other information. In the majority of the files examined during this review accessing material was relatively straightforward. With the advent of the Case Record Administration and Management System (CRAMS) all services will have to consider the position for existing and new lifer cases and determine how key papers can be easily accessed.

12.16 It would also be useful for those involved with developing CRAMS to consider whether arrangements for recording information on and work with lifers could be included to support services more effectively in carrying out the tasks described and recommended in this report.

Prison service

12.17 Within prisons there was a proliferation of reports produced annually by up to 10 members of staff, with varying systems for their classification and storage. It was not always clear what reports had been prepared, when and by whom, and whether the review was an LSP annual review or F75/Parole Board report. Key information was held in different departments within the prisons because of security considerations or administrative reasons. Whilst understandable this resulted in a fragmentation of the information available to prison staff. Although it is recognised that Parole Board dossiers and core prison records may need to be held in separate places, a revised sentence

planning framework must ensure that all key sentence planning information can be accessed from one source including accredited programme reports.

Monitoring, evaluation and research

Probation services

12.18 Probation service arrangements for monitoring and evaluation of work with lifers either before or after release were sparse. In the services visited no specific monitoring information was collected beyond what was required by the Home Office. Routine monitoring of national standards was happening in most services for throughcare cases but there was little evidence of services abstracting information about lifers.

12.19 Five services had undertaken internal inspections between 1995/97. West Yorkshire Probation Service, following discussions with the prison area manager, had undertaken an internal inspection on the quality of post-sentence reports. This work identified that a number of reports had not been prepared and those completed were of variable quality. No recommendation for introducing the monitoring of reports was made. Lancashire was the sole service to consider monitoring systems in its internal inspection and to introduce them subsequently. The absence of accurate information on race/ethnic minorities and in respect of contacting victims has already been discussed and needs to be addressed.

Prison service

12.20 The LMU and LRU carried out very little routine monitoring of the lifer population and no in-house research which might be used to inform and improve practice. They could provide details on the handling of individual cases and projections of increased caseload. The database on lifers was insufficiently sophisticated to allow for data to be aggregated to profile the population and their needs or to assist with the evaluation of the long-term effectiveness of work with lifers. Cases were scrutinised within the LMU and LRU by line managers on an individual basis with little attention to the wider picture. They acknowledged that they had no formal systems for quality control.

12.21 There was also no routine monitoring or evaluation of the quality of work with lifers in prisons by LLOs, although Gartree prison had in place a system for checking the quality of the LSP by annotating a sheet placed in the front of the file. Both central and local systems for gatekeeping were necessary. A profile of the lifer population was required and the post-release outcomes of different types of lifers researched to assist the prison and probation services in their strategic planning, and practitioners with the assessment and management of risk.

Assessing value for money

12.22 Costs of work with lifers has received scant attention from either the prison or probation services. According to the Resource Management Information System (RMIS)

data the annual unit cost figures nationally for probation services work with lifers during 1996/97 were £1,529 for all the work undertaken and £1,405 for post-release supervision. The probation services visited varied in their costs for post-release work, from £1,111 in Lancashire to £1,936 in Inner London. The absence of hard data about the time, the methods of interventions used and the outcomes achieved made it difficult to make any judgements about whether the work constituted value for money.

12.23 However, some information was available from activity sampling in 1997. It showed that, nationally, the time spent for pre-release work with lifers was 2-11 hours per supervision month and for post-release 4.29 hours per supervision month. Both these figures are weighted by staff type. Such findings would support the view in this report that resources need to be more carefully targeted when working with lifers both before and after release from custody.

12.24 Being mindful of budgetary restrictions, it is important that a more focused approach to lifer work is developed. Resources should be targeted by probation areas on the early stages, immediately prior to release and supervision in the community rather than trying to sustain contact throughout the sentence. In the future services will need to be in a position to determine whether this work, alongside other long-term supervision of offenders, represents value for money.

12.25 In the LMU's review of the lifer estate there was evidence that they were beginning to consider the comparative costs of developing lifer places in different prisons. It is recognised that work with lifers inevitably involves a greater investment of time by prison staff, including specialists, than was the case for most other prisoners. Any attempt to undertake an accurate costing of the lifer system, with a view to establishing value for money, would need to include the central management costs of the LMU and those responsible for category A prisoners.

12.26 The lack of data relating to the costs of prison and probation services work had been identified previously in reports from both Inspectorates. The issues relating to value for money warrant further attention by both services.

Training issues

Prison service

12.27 A generic national four day course was available to any staff working with lifers in prisons. From the postal surveys of prisons it emerged that in about three-quarters of establishments some staff had completed the national lifer training package, although in some cases only a few staff had been trained. In about 45 per cent of prisons at least some personal officers had undertaken training. In one establishment, Brixton prison, 50 personal officers had undergone training.

12.28 The LMU expectation was that only prison officers who had attended the national course would be considered as personal officer. A small sample of personal officers were

questioned on training issues. Only 18 per cent had attended the national four day lifer course, 23 per cent risk assessment training and almost half personal officer courses. The reasons given for such a small number of personal officers not attending the national lifer course was the difficulty for management in releasing staff for such an event. Given the change in role recommended for personal officers in Chapter 7, future training for personal officers will need to be of a different nature and duration and undertaken by all staff acting as personal officers to lifers.

12.29 There was no specific training for LLOs or senior officers, beyond the national five day course, to assist them in their work with lifers or supervision of staff. No routine systems were in place to provide staff supervision. At the time of this review the prison service were revising the programme for the national course and consideration should also be given to the particular training needs of LLOs and senior officers.

Probation services

12.30 The national postal survey indicated that 61 per cent of probation areas had provided specific training for staff working with lifers. Two-thirds of these services ran in-house courses. There were examples of services jointly running courses and of training events involving the prison service and other agencies. In West Yorkshire Probation Service a course was run for officers experienced in lifer work. Lancashire Probation Service had involved the LRU in their training events. In some services seminars had taken place on particular aspects of lifer work, e.g. in Derbyshire on young lifers.

12.31 The probation unit had delayed for a lengthy period issuing a training pack for staff working with lifers. Some of the services visited maintained that this was the reason for them not recently providing appropriate training events. The issuing of the pack during the course of this review proved confusing to staff. There was an absence of opportunity for middle and senior managers to gain the necessary knowledge of the lifer system. Such a deficiency could well be addressed by a joint initiative from the probation unit and prison service aimed at providing appropriate training for managers in both services.

Summary and the way ahead

12.32 It was difficult to identify where overall accountability lies within the prison service for the effectiveness of work with lifers. Although the LMU and LRU had responsibility for lifer casework they had no management authority for lifer provision in prisons. The absence of a cohesive policy for lifers within the prison system had resulted in a lack of strategic planning. No arrangements existed for liaison between the probation unit and the prison service to facilitate joint consultation and policy development.

12.33 The Lifer Manual was not sufficiently detailed to guide the work of either prison staff or home probation officers and many probation services had produced their own local practice guidance. It is important that the roles of staff working with lifers are clearly defined, thereby maximising the potential for multidisciplinary work. There was little evaluation of work with lifers being undertaken either by the prison or probation

services. Information on the cost of the work was not available and any attempt to assess value for money in custody or the community was difficult. What information was available raised serious questions as to whether the current targeting of resources for lifer work was appropriate.

12.34 Systems were in place for managers in the probation service to hold staff accountable and provide support. In contrast it was much more difficult to distinguish the role and tasks of managers in the prison service. Training was available for both prison and probation staff but it was not sufficiently specific for different groups of staff and managers found it difficult to release prison officers to attend the national course. Both services needed to develop facilities for training managers.

12.35 It is therefore recommended that:

The Prison Service should identify which part of the organisation is accountable for the management of lifers and ensure that the procedures in place for the administration of mandatory lifer cases operate fairly and accountably.

The Prison Service should identify model regimes and operating standards appropriate for each stage of the lifer system taking into account the differential needs of female and young lifers as well as lifers from ethnic minority groups.

The Prison Service and Probation Unit should devise and implement systems in order to be able to assess value for money, quality and effectiveness of the work with lifers.

The Prison Service and Probation Unit should review current training arrangements and implement a staff training and development strategy including joint provision.

12.36 In order to achieve the necessary changes, the prison service must also ensure that:

- there is coordination between different departments working with lifers including the development of key performance indicators
- core tasks with lifers are incorporated into job descriptions for all staff working with lifers
- procedures for supervision and support of uniformed staff working with lifers are established
- the revised prison service case record for lifers includes all key documents
- systems are established for the quality control of key sentence planning documents within the LMU, LRU and prisons
- training reflects the revised role of personal and LLOs.

[Contents](#)

13. A Strategic Blueprint for the Future

13.1 In his foreword to the consultative document, issued following the prisons probation review, the Home Secretary commented that:

*"A system of punishment which is effective, credible and commands public confidence requires both community and custodial sentences to work, and to work well together. This means better integration between newly organised probation services and a more effective prison service placing a clear emphasis on constructive regimes and the day on which the prisoner will return to society for resettlement."**

* Home Office Joining Forces to Protect the Public. *Prisons-Probation*. A consultation document (August 1998).

13.2 This report has identified steps which must be taken to improve the overall performance of both the prison and probation services' work with lifers. It has also begun to explore ways in which the work could be enhanced by being undertaken within an integrated framework as reflected in the Home Secretary's vision.

13.3 This would involve, in the context of work with lifers:

- joint strategic planning, agreeing shared aims and objectives and a common key performance indicator measuring the effectiveness of resettlement
- development of the roles of the LMU and LRU to include additional in-house professional advice from specialists to support the work of both prison and probation services
- a common set of national standards for lifer work focusing upon the period before sentence, sentence planning, regimes, resettlement and post-release supervision
- an integrated model for risk assessment and management to inform sentence planning in custody and the work of the probation service once the lifer is released into the community
- accreditation of offender programmes in custody and follow up through pre-release "booster" programmes and relapse prevention in the community
- more focused plans for resettlement leave following lengthy custodial sentences and prior to release
- a shared strategy for monitoring, research and evaluation focused on improving value for money and joint effectiveness to prevent lifer reconviction
- provision of joint training and development opportunities for managers and practitioners
- shared information and compatible information technology systems ensuring the timely transfer of necessary information immediately following conviction, prior to and after release.

13.4 The vision of the two lead inspectors for lifer work in the future is of the two services being able to operate as a relay team; the probation service handing over to the prison service for the period in custody and the prison service handing back the baton for the period in the community. As in any relay race, the first runner needs to make a strong

start and the second to get up to speed before the baton is passed ensuring that the momentum is not lost. The athlete who goes over the finishing line could not do so without the efforts of those who have gone before and all contribute to the final outcome.

13.5 This review demonstrated the extent of the challenge associated with two Inspectorates, with different remits and disparate cultures coming together to produce a joint piece of work. Solutions were found through compromise, flexibility, and a determination to produce a quality report. Similarly, it will require time, effort and commitment among those working in the two services if they are to overcome the barriers of history and culture to realise the vision of joint working.

LIFERS

A Joint Thematic Review by Her Majesty's Inspectorates of Prisons and Probation

1999

Appendix A - Aims and objectives

AIMS:

1. To undertake a joint thematic review to examine the arrangements made by the prison service and probation services for the management of people subject to life sentences both before and after their release from custody.
2. To make recommendations to develop the work of the prison service and probation services in jointly managing life sentence cases.

OBJECTIVES:

To examine, assess and report on the quality and effectiveness of the policies and practice of the prison service and probation services in relation to:

1. Pre-sentence work

Prison service and probation services' arrangements for people facing the likelihood of a life sentence.

2. Sentence management

- use of the life sentence manual
- planning and providing for increased numbers of cases
- induction arrangements
- nature of regimes focusing on the particular needs of indeterminate sentenced prisoners
- LSPs including risk assessment and management
- addressing of victim issues
- work with prisoners' families
- multidisciplinary work
- role of home probation officers
- deployment, training, supervision and support of staff.

3. Preparation for release

- prison and probation service arrangements prior to release.

4. Post-release supervision

- work with life sentence cases
- enforcement of life licence conditions
- probation services' work on public protection, both within the service and on a multidisciplinary basis
- deployment, training, supervision and support of staff.

[Contents](#)

Appendix B - Prison and probation standards and criteria devised for the thematic review

A. PRE-SENTENCE (PRISON)

STANDARD (Local prisons)

Effective arrangements are in place for appropriate accommodation and facilities for people on remand facing a possible life sentence.

CRITERIA

1. An assessment is made and regularly reviewed by the prison regarding the appropriate location for each remand prisoner facing a potential life sentence, including the especially vulnerable and mentally disordered.
2. Suitable facilities are available for legal visits, probation visits, telephone calls and court escorts.
3. Access to domestic visits is consistent with the remand status of such prisoners.
4. Listening and support is available from suitable staff and/or prisoners.

A. PRE-SENTENCE (PROBATION)

STANDARD

(a) Effective arrangements are in place for contact with the person and his/her family, whether they are on remand in custody or subject to bail.

(b) Pre-sentence reports are prepared in accordance with national standards in appropriate cases.

CRITERIA

1. A probation officer is appointed for every defendant who could face an automatic life sentence (mandatory and section 2 discretionary).
2. For those cases, contact is made with the defendant and their family also where appropriate and a file is opened and relevant work undertaken.
3. Pre-sentence reports are usually prepared for discretionary life sentence cases and sent to the seconded probation officer, prison governor and the LMU.
4. If a pre-sentence report is not prepared for a discretionary life sentence case, the reasons are recorded.
5. Effective and safe arrangements are in place for appropriate accommodation and access to facilities for bail cases.

B. SENTENCE MANAGEMENT (PRISON)

STANDARD (First stage - main centre)

(a) Effective procedures are in place for the release on licence of determinate and life sentence prisoners, as part of the overall prison regime which helps prisoners address their offending behaviour and prepare for their return to the community (prison service operating standard).

(b) The lifer is assisted through the appeals process, to come to terms with the sentence and, once the tariff has been decided, and the length of time the lifer is likely to serve apparent, then the initial risk assessment is prepared and the first headquarters review completed (as per the Lifer Manual).

CRITERIA

1. Life sentence prisoners are categorised and allocated to an establishment within 28 days of sentencing (prison standard Y17).
2. Prisons have all available documents from the CPS regarding the offence within six weeks of the end of the trial.
3. Prisons are sent from the LMU a case summary document and copies of the trial judge's comments, psychiatric report and pre-sentence report where they exist.
4. Information and advice is given to the life sentence prisoner:
 - (i) Informed of judicial recommendation within four weeks of receipt.
 - (ii) Informed of tariff within two weeks of the Minister's decision (LMU objectives).
 - (iii) Information about the life sentence process is provided by the main centre prison.
5. All life sentence cases are allocated a Personal Case Officer and their work is effective.
6. Prisoners are provided with assistance in coming to terms with a life sentence.
7. Section 1 of the LSP is completed within three months of arrival at the main centre, contains contributions from each discipline and is reviewed and updated annually.
8. Appropriate medical provision is made, especially of psychiatric services.
9. Appropriate work is undertaken to ensure that the prisoner takes responsibility for his/her offending and prisoners denying their offences are actively challenged.
10. Reviews:
 - (i) The first F75 is completed within three years and contributions from all relevant departments are included.
 - (ii) The contribution of home probation staff's work is evident, particularly in relation to seeking the views of victims/families regarding eventual release.
 - (iii) Life sentence prisoners are encouraged to be present at their reviews.

(iv) Life sentence prisoners are copied the appropriate pages of their LSP and given feedback as to what their first F75 report contains.

(v) Evidence is contained in F75 reports that a review of risk behaviours has taken place.

(vi) Where lifers are category A, an annual review is completed on time.

11. Lifers are prepared for a progressive move by the sending establishment.

STANDARD (Second stage - Category B/Category C closed)

(a) Effective procedures are in place for the release on licence of determinate and life sentence prisoners, as part of the overall prison regime which helps prisoners address their offending behaviour and return to the community (prison service operating standard)

(b) Work is undertaken towards the preparation of the first Parole Board review as per the Lifer Manual.

CRITERIA

1. Appropriate work continues to ensure that the prisoner takes responsibility for his or her offending and that prisoners continuing to deny their offences are effectively challenged.

2. Life sentence prisoners have access to accredited programmes to address their offending behaviour and an assessment is made regarding the suitability, timing and sequencing of these programmes in relation to other targets.

3. Information is available on the aims, objectives and outcomes of any other programmes offered which should be based on best practice and "What Works"; includes the use of recognised models or theoretical approaches and be subject to evaluation.

4. Procedures are in place for the prompt processing of complaints and appeals against decisions given the extent to which this affects the length of time a life sentence prisoner serves in custody.

5. Liaison between the LMU and each establishment is prompt and effective with regard to both progressive moves and non-progressive tactical moves.

6. Life sentence prisoners are not transferred from closed to semi-open conditions before work on offending behaviour has been completed.

7. Reviews:

(i) Interim F75 reviews are held three yearly, on time and with appropriate contributions from all relevant departments.

(ii) The home probation officer is invited to contribute to the review and is, at a minimum, copied the relevant parts of the LSP annual review.

(iii) Life sentence prisoners are encouraged to be present at their reviews.

(iv) The first and any subsequent Parole Board reviews of mandatory lifers takes place within a week of the anniversary of sentence.

(v) Life sentence prisoners are given a copy of their Parole Board dossier and are able to make representations to the Parole Board or DLP of the Parole Board (Prison Standard Y21).

8. Life sentence prisoners are prepared by the sending establishment for a progressive move.

B. SENTENCE MANAGEMENT (PROBATION)

STANDARD

Effective arrangements are in place for ongoing work with the prisoner, where appropriate his/her family and the victims/families, including liaison with appropriate staff within the establishment.

CRITERIA

1. Post-sentence reports are prepared in every case within three months of sentence and contain full information on the original offence.

2. Contribution is made to sentence planning, including written reports, LSPs and review boards.

3. Access is obtained to all relevant documents, e.g. confidential memorandum.

4. Contact is made with the victims/families within two months of sentence and, if appropriate, ongoing contact is arranged.

5. Assessments are made and plans reviewed regarding the purpose and frequency of contact with the prisoner and his/her family during the prison sentence and these are discussed with the prisoner.

6. There is evidence of ongoing liaison between the probation service and prisons during sentence (both seconded probation staff and prison officers).

C. PREPARATION FOR RELEASE (PRISON AND PROBATION)

STANDARD

(a) Effective procedures are in place for the release on licence of determinate and life sentence prisoners.

(b) Life sentence prisoners are effectively prepared for release.

CRITERIA

1. Sufficient resettlement opportunities are available in category C prisons to allow the life sentence prisoner to begin a supervised experience of life outside of a prison.
2. Sufficient opportunities exist for the life sentence prisoner to undertake supervised outside activities and to experience temporary release.
3. Opportunities are available for training.
4. Ongoing support is available for the lifer.
5. There is effective liaison between the seconded and home probation officers over family and victims/families issues which are shared with prison staff.
6. Effective systems are in place for the transfer of cases between probation services, including the exchange of relevant information.
7. Assessments are made regarding suitable accommodation, including the use of PRES hostels and approved probation hostels.
8. Liaison arrangements are in place between hostel wardens and the home probation officer.
9. Prisoners continued to be assessed for Parole Board reviews and the standard associated with these continues to apply.
10. Release plans are realistic and it is clear who is taking action on managing identified risks.
11. The prison notifies probation and social services in the area where the lifer is to be released at least six weeks before discharge or within one working day of learning of the release date of any lifer convicted of offences against children or young persons.

D. POST-RELEASE SUPERVISION (PROBATION)

STANDARD

Effective systems are in place for the management of life sentence cases following release, including plans for relevant supervisory contact and enforcement of licence conditions.

CRITERIA

1. The Lifer Review Unit sends copies of the licence, Parole Board dossier and details of the work, including risk assessment, undertaken prior to release to the CPO.
2. The National Identification Bureau and the chief constable of the local area are informed of the address of the life sentence case by the LRU and by the CPO of any change of address.
3. Sex offenders are instructed to register with the police.
4. The frequency and content of supervision is commensurate with the risk the offender presents and is carried out as set out in the Lifer Manual as a minimum:
 - (i) Contact at least weekly during the first four weeks.
 - (ii) Visit to the home address within the first 10 working days.
 - (iii) Fortnightly over the next two months.
 - (iv) Not less than monthly thereafter.
5. Contact is ongoing as appropriate with the victims/families if necessary involving liaison with other probation services.
6. Reviews of supervision plans, risk assessment and management plans are held on a regular basis involving managers, probation officer, back-up officer, hostel staff and key agencies where appropriate.
7. Consideration is given and plans agreed in relation to the management of notorious cases including, where appropriate, contact with the media.
8. Any significant changes are agreed with an officer of at least ACPO grade prior to implementation.
9. Relevant work on resettlement issues, offending behaviour and victim perspectives is undertaken including the use of appropriate resources. Work is based on best practice and "What Works" and includes the use of recognised models for theoretical approaches.
10. Child protection procedures are implemented where appropriate (Circular 54/94).

11. Effective and timely arrangements are in place for when a case is transferred to another probation service area.
12. Records are organised and key information is accessible.
13. Management reviews in cases supervised for over two years post-release are undertaken regarding the ongoing role of the probation officer, the purpose and frequency of contact and criteria for suspension of the supervision element of the licence in the future.
14. Reports are submitted when requested to the Lifer Review Unit or when a change in circumstances requires this.
15. Enforcement - licences including any additional conditions are appropriately enforced.
16. Incident reports are prepared in all appropriate cases.

E. RISK ASSESSMENT AND MANAGEMENT (PRISON AND PROBATION)

STANDARD

Effective arrangements are in place for the ongoing review of the assessment and management of risk as an integral part of management of life sentence cases both pre and post-release.

CRITERIA

1. All reports contain a risk assessment covering both the risk of harm and reoffending.
2. Services have access to specialised assessments, both in-house and external, e.g. by psychiatrists/psychologists.
3. Arrangements are agreed which reflect the different roles of staff and agencies.
4. All reviews include an updated risk assessment and plan for managing identified risks both before and after release from custody.
5. Systems are in place for the exchange of information of issues relevant to risk, both within the prison and in liaison with the probation service.
6. Information relevant to the assessment and management of risk is easily accessible on case files.
7. Consideration for release, including temporary release, includes a risk assessment and plan for managing identified risks.

8. Systems are in place, both within the probation service and on a multi-agency basis, to continue to assess and manage identified risks during the licence period, including the enforcement of conditions.

9. Health and Safety:

Guidance has been given to staff on practice/procedures relevant to risk assessment, risk minimisation and handling violent incidents.

10. Attention has been given to the buildings where staff are working with life sentence cases to minimise risk of harm to staff and appropriate guidance provided (including home visits).

F. DIFFERENT NEEDS (PRISON AND PROBATION)

STANDARD

Services are provided which are sensitive to the needs of individual life sentence cases, and accommodate the particular needs of women, black offenders and offenders from ethnic minority communities.

CRITERIA

1. Assessments are carried out and facilities are in place to cater for the specific needs of individual life sentence cases.

2. Women:

(i) Relevant programmes are available related to the specific nature of their offences.

(ii) Specific needs are addressed regarding relationships and children.

3. Black offenders:

Specific needs are identified and addressed and there is recognition and understanding of cultural differences.

4. Foreign Nationals:

Arrangements are in place including liaison with home countries and, where necessary, the use of interpreters.

5. Young offenders:

(i) Appropriate preparations are made for transfers from secure units to adult prisons.

(ii) Programmes are available to address, in particular, relationships and sexuality.

6. Category A Prisoners:

An appropriate balance has been made in relation to security and the status of the person as a life sentence prisoner.

7. Natural life sentence cases:

There is clarity about the management of individual cases.

8. Managers promote equal opportunities and anti-discriminatory practice.

G. MANAGEMENT (PRISON AND PROBATION)

STANDARD

The prisons, probation services LMU and LRU policy and practice guidance regarding the management of life sentence cases.

CRITERIA

1. Appropriate policies, plans and service level agreements are in place and are being implemented and reviewed, including the resourcing of work with life sentence cases.
2. Strategies are agreed between LMU,LRU and area managers of prisons regarding regime provision and the management of life sentence cases through the prison system.
3. Probation service policies make clear the service's relationship with prisons, LMU,LRU and other organisations.
4. Lead manager responsibilities are identified, their authority is clear as are lines of management accountability and responsibility.
5. Staff at all levels and in different roles are aware of the policy, business plan(s), strategies and their implications.
6. Staff have been issued instructions which make clear national framework/operating procedures, practice guidance and local service requirements.

H STAFF SKILLS, SUPERVISION AND SUPPORT (PRISON AND PROBATION)

STANDARD

Managers are clear about the skills and competences required by staff, performance of staff is appraised and appropriate training provided.

CRITERIA

1. The roles and responsibilities of staff working life sentence cases have been identified and there is a staff development strategy.
2. Staff working with life sentence cases possess the requisite skills and have appropriate supervision, appraisal and support.

3. All staff involved in work with life sentence cases are well inducted and clear about the purpose of their work and receive appropriate ongoing training.
4. Staff who supervise prisoners facing a potential life sentence have completed suicide awareness training, are sensitive to the vulnerabilities of such prisoners and aware of the procedures to be followed to manage suicide risk.
5. Managers can demonstrate that staff are competent to deliver services and work effectively with other organisations.
6. Managers can demonstrate that systems are in place to support staff involved in work with life sentence cases.

I. MONITORING AND EVALUATION (PRISON AND PROBATION)

STANDARD

Prisons, LMU, LRU and probation services are committed to monitoring and evaluating work with life sentence cases and have established systems.

CRITERIA

1. Aggregate statistical data about the number and types of life sentence cases (e.g. by gender, ethnic groupings, tariff length, etc) and projected rises is collected, readily available and used by managers.

2. Work with life sentence cases is subject to review in relation to policies, plans and practice guidance.

3. Evaluation of effectiveness:

Work is being undertaken towards establishing outcome measures and includes seeking feedback from offenders.

4. Work with life sentence cases is included in prison service, probation services, LMU and LRU monitoring systems and reviews.

6 February 1998

[Contents](#)

Appendix C - Prison and probation services case samples

Prison service record sample

Case samples

Prisons were asked to provide prison documentation on the four lifers who were to be interviewed during the visit and taking the Local Inmate Database System (LIDS) list the first 21 cases in alphabetical order.

The following information was requested:

- (a) main prison record 20/50
- (b) police details - deposition statements
- (c) pre and/or post-sentence reports from the probation service
- (d) psychiatric reports available at court
- (e) trial judge's comments
- (f) confidential memorandum and/or case summary
- (g) correspondence with headquarters
- (h) LSPs
- (i) reports on accredited programmes
- (j) F75 reports
- (k) Parole Board dossier (where one existed).

In addition:

- (a) race and ethnic identity code
- (b) national number
- (c) date of remand
- (d) date of sentence
- (e) main offence.

The following table details the number of prison service records reviewed by prison.

Table A: Prison documentation reviewed by prison

Prison	Documentation
Albany	21
Askham Grange	8
Aylesbury	24
Bullwood Hall	18
Durham	11
Gartree	25
Long Lartin	22
Lindholme	12
Styal	6
Sudbury	21
Wellingborough	21
Wormwood Scrubs	22
Wakefield	22

Total	233
Average per establishment	17.9

233 cases were examined:

- 190 were male and 43 female
- Current age ranged from 17 to 72

- under 20	3%
- 20-29	30%
- 30-39	35%
- 40-49	16%
- 50-59	13%
- over 60	2%

- Type of life sentence

- Adult mandatory	70%
- Adult discretionary	16%
- HMP or other young person sentence	14%

- Prisoner category

- Category A	13
- Other category	212
- Not recorded by file reader	8

- Main offence

-	Murder	84%
-	Attempted murder	1%
-	Manslaughter	4%
-	Wounding or other violence	2%
-	Rape/sexual offence	4%
-	Arson	4%
-	Robbery	1%
-	Other	1%

Probation service record samples

Inspection team

As a minimum, each probation service was requested to convene a group of one ACPO, two SPOs (one from the throughcare specialism if one existed) and three probation officers. In one area, a lifer governor also participated in the file reading exercise.

Case samples

The following were requested from each service:

- (a) the first 12 prisoners sentenced after 9 February 1993 (probation prison sample)
- (b) the first 12 cases of lifers released from prison after 3 February 1996(two year post-release sample)
- (c) the first 12 in alphabetical order of those supervised in the community for longer than two years (long-term supervision in the community sample).

In addition, included in the sample were the files of the lifers subject to supervision in the community who were interviewed during the visit.

Many services did not have sufficient cases from the last two categories and the number of prison cases was therefore raised, concentrating where possible on those more recently convicted. However, in several areas the prison cases included a number sentenced prior to February 1993.

Case records reviewed by probation service area

Table B: The number of files reviewed by probation area

Service	Probation/prison sample	Two year post-release sample	Long-term supervision in community sample	Total
Derbyshire	9	5	8	22
Essex	9	2	9	20
Hereford & Worcester	12	4	3	19
Inner London	11	8	10	29
Lancashire	20	3	9	32
Norfolk	25	5	5	35
Teesside	17	2	4	23
Wiltshire	30	2	2	34
West Yorkshire	4	6	9	19
West Glamorgan	15	0	2	17
	152	37	61	250

Probation prison sample

Of 152 cases examined:

- 95 per cent were male
- Current age ranged between 19 and 7

- under 30 34%
- 30-39 29%
- 40-49 24%
- over 50 13%

- Race/ethnicity based on the 123 cases for which information was available:

- White 88% (70% White English)
- Black 7% (Caribbean, African or other)
- South Asian 1%

- Other ethnic minority 4%

- o Type of life sentence:

- Adult mandatory 70%
- Adult discretionary 21%
- Young person HMP 5%
- Young person - detention for life 3%
- Young person - other life sentence 1%

- o Category of prison:

- Local 5%
- Main centre 38%
- Category B 32%
- Category C 13%
- Category D 8%
- Special Hospital 4%

- o Offence:

- Murder 75%
- Attempted murder 3%
- Manslaughter 3%
- Rape/other sexual 8%
- Wounding or violence 4%
- Robbery 1%

- Arson 5%
- Other offence 1%

- Distance from supervising probation service:

- Less than 50 miles 21%
- 50-100 miles 26%
- 100-150 miles 24%
- More than 150 miles 29%

- Contact with the probation service:

- 75 cases were still handled by the same service as had the initial pre-sentence contact
- There were indications that 55 per cent of the prisoners were known to the service prior to this offence in respect of a criminal conviction and/or charge.

Two Year Post-release Sample

Of the 37 case files examined:

- All but one were male
- Current age ranged between 28 and 74:

- under 30 5%
- 30-39 43%
- 40-49 11%
- over 50 41%

- In all 20 cases for which information was available this was recorded as white (of which 12 were White English)
- Type of life sentence:

- Adult mandatory 69%
- Adult discretionary 14%
- Young person HMP 14%
- Young person detention for life 3%

- o Offence:

- Murder 84%
- Attempted murder 3%
- Manslaughter 5%
- Rape/other sexual 5%
- Wounding/other violence 3%

Long-term supervision in the community sample

Of the 61 case files examined:

- o 58 were male and three female
- o Current age ranged from 29 to 75

- under 30 2%
- 30-39 10%
- 40-49 49%
- 50 and over 39%

- o In only 29 cases was information on race/ethnicity available:

- White English 18
- White Scottish 3
- White other European 1

- White other Caribbean 1
- White no further information 5
- Black no further information 1

- Type of life sentence:

- Adult mandatory 67%
- Adult discretionary 20%
- Young person HMP 11%
- Young person other life 2%

- Offence (60 cases):

- Murder 73%
- Attempted murder 7%
- Manslaughter 8%
- Rape/sexual 4 7%
- Grievous bodily harm (GBH) plus indecent assault 1 2%
- Arson 2 3%

Contents [lifers1.html#CONTENTS](#)

Appendix D - Breakdown of life sentence cases in prison and on supervision in the community

Table A: Life sentence cases in lifer prisons (number and percentages of total) February 1998

Male

Female

Total

Mandatory:

Category A	216	(6.2%)	2	(0.1%)	218	(6.3%)
Other categories	2,216	(63.3%)	97	(2.8%)	2,313	(66.1%)
Total mandatory	2,432	(69.4%)	99	(2.8%)	2,531	(72.2%)

Discretionary:

Category A	107	(3.1%)	1	(0.0%)	108	(3.1%)
Other categories	472	(13.5%)	15	(0.4%)	487	(13.9%)
Total discretionary	579	(16.5%)	16	(0.5%)	595	(17.0%)

**Detention during
HMP and other
sentenced as young
person (under 21):**

Category A	13	(0.4%)	-	(0%)	13	(0.4%)
Other categories	352	(10.0%)	12	(0.3%)	364	(10.3%)
Total	365	(10.4%)	12	(0.3%)	377	(10.7%)

**Total life sentence
prisoners in lifer
prisons:**

Category A	336	(9.6%)	3	(0.1%)	339	(9.7%)
Other categories	3,040	(86.8%)	124	(3.5%)	3,164	(90.3%)
Total	3,376	(96.4%)	127	(3.6%)	3,503	(100.0%)

Table B: Life sentence prisoners in local prisons (percentages of total) March 1998

	Male	Female	Total
Provisional category A	4.1%	0.0%	4.1%
Other categories	85.7%	10.2%	95.9%
Total	89.8%	10.2%	100.0%

Table C: Life sentence cases subject to supervision in the community (percentages of total) February 1998

	Male	Female	Total
Adult mandatory	60.6%	3.6%	64.2%
Adult discretionary	15.3%	0.5%	15.8%
Detention during HMP and other sentenced as young person (under 21)	19.8%	0.2%	20.0%

Total life sentence cases currently subject to supervision	95.7%	4.3%	100.0%
--	-------	------	--------

[Contents](#)

Appendix E - Life Sentence Plan Analysis

This appendix sets out the results of the examination of LSPs in the sample of 233 prison files scrutinised during the inspection (see Appendix C for further details).

Of the total of 233 cases:

- proportion of cases with confidential memorandum on file - 76 per cent
- proportion of cases with at least part of LSP on file - 95 per cent.

Table A: Extent to which specialists' contributions were in LSP
(as percentages of cases with at least part of LSP on file)

Section 1A	% of total completed fully or partially	% of total completed with due care and consideration
Home Probation	52	42
Prison Probation	13	-
Schooling	59	50
Psychiatry	32	21
Psychology	37	21
Health	41	30
Chaplaincy	49	44

Table B: Analysis of risk in LSP(as percentage of cases with at least part of LSP on file)

Section 1B	% of total cases where all or most relevant questions answered	% of total cases which were completed with due care and consideration	% of total cases which had supporting evidence
Arson	76	-	-
Victim	77	72	69
Weapon	75	66	65
Co-accused	77	69	-

Planning	72	63	60
Violence	58	-	50
Motivation	72	64	63
Antecedents	61*	-	-
Trigger	53	-	43
Alcohol and drugs	73	-	-
Bizarre aspects	16**	-	-
Behaviour after offence	74	70	29 (shock)/ 39 (remorse)
Blaming	60	57	48
<p>* In a further 19 per cent of cases the question was not answered and there was no evidence from the file of recent changes that would have required an answer.</p> <p>** In a further 62 per cent of cases the question was not answered and there was no evidence from the file that there were bizarre aspects.</p>			

Section 1C: Of the total cases where there was (at least) part of the LSP on file, in 74 per cent of these at least one risk factor was listed

Section 1C: Mean number of risk factors (including cases where none) = 3.9

Section 1C: Of LSPs where at least 1 risk factor listed, in 49 per cent all the risk factors listed clearly:

- led to the offence
- and/or were part of a pattern of behaviour
- and could lead to further offending

In a further 46 per cent of cases some (but not all) of the listed factors met these criteria

Table C: Of LSPs with at least 1 risk factor listed, percentage where risk factors were based on criminogenic aspects

	Clearly	To some extent	Only to limited extent	Not at all	Total no of LSPs
risk factor	71	13	8	8	166
1					

risk factor 2	60	25	10	6	163
risk factor 3	54	27	10	9	146
risk factor 4	69	11	11	8	109
risk factor 5	58	19	11	11	64
risk factor 6	58	23	3	16	31

Section 1C: Of cases with at least 1 risk factor:

- in 57 per cent each factor, either "clearly" or "to some extent", was based on criminogenic factors
- in a further 41 per cent some factor(s) were based on criminogenic factors only to a limited extent or not at all (but not all were "not at all")
- in the other 2 per cent the factors were "not at all" based on criminogenic factors

Table D: Of LSPs with at least 1 risk factor listed, percentage where risk factors were clearly derived from available evidence

	Clearly	To some extent	Only to limited extent	Not at all	Total no of LSPs
risk factor 1	66	20	7	7	167
risk factor 2	58	25	9	8	163
risk factor 3	49	26	17	8	146
risk factor 4	60	23	11	6	109
risk factor 5	51	26	12	11	65
risk factor 6	62	19	6	12	32

Section 1C: Of cases with at least 1 risk factor:

- in 58 per cent each factor, either "clearly" or "to some extent", was derived from available evidence

- in a further 38 per cent some factor(s) were derived from available evidence only to a limited extent or not at all (but not all were "not at all")

- in the other 4 per cent the factors were "not at all" derived from available evidence.

Section 1C: Of cases with at least 1 risk factor, the extent to which risk factors taken as a whole focus attention on what needs to change for the risk of reoffending to be reduced was:

Clearly - 16 per cent of the cases

To a reasonable extent - 40 per cent of the cases

Only to limited extent - 37 per cent of the cases

Not at all - 7 per cent

Section 1D: Of LSPs with at least 1 risk factor, in 87 per cent at least 1 predicted behaviour was identified for each risk factor.

Table E: Of LSPs with at least 1 predicted behaviour identified, percentage in which predicted behaviour flows logically from risk factor

	Clearly	Reasonable	Limited	Not at all	Total no of
		extent	extent		LSPs
risk factor 1	51	28	13	8	154
risk factor 2	46	32	15	7	151
risk factor 3	51	25	13	10	134
risk factor 4	53	25	11	11	101
risk factor 5	45	27	22	6	64
risk factor 6	39	30	22	9	33

Section 1D: Of cases with at least 1 predicted behaviour identified:

- in 58 per cent each predicted behaviour, either "clearly" or "to some extent", flowed logically from the risk factor

- in a further 36 per cent some predicted behaviour(s) flowed logically from the risk factor only to a limited extent or not at all (but not all were "not at all")

- in the other 5 per cent the predicted behaviour(s) did "not at all" flow logically from the risk factor.

Section 1E: The initial LSP summary was completed in 52 per cent of cases where there was at least something of the LSP on file.

Table F: Analysis of initial LSP summary

	Yes	Reasonably	Only limited extent	Not at all	Total no of LSPs
description of offending behaviour to be addressed reflects risk factors	19	19	30	32	115
description of offending behaviour to be addressed relates to what can be achieved in establishment	26	33	26	16	113
description of offending behaviour to be addressed relates to what can be achieved in custody	32	25	23	20	114
opportunities for constructive use of time	18	37	32	14	123

The extent to which the description of the specialist groups to be attended followed logically from the description of offending behaviour to be addressed was:

clearly - in 29 per cent of the cases

to some extent - in 31 per cent of the cases

did not follow logically - in 40 per cent of the cases

Section 2A. Of cases where at least 1 predicted behaviour given in section 1D, some review(s) of evidence for predicted behaviour was apparently carried out in 49 per cent of cases.

Section 2A. Of those cases some review(s) of evidence for predicted behaviour had apparently been carried out, in 49 per cent of cases they were clearly done with apparently due consideration; in a further 37 per cent "to an extent" with apparently due consideration; and in 13 per cent "not particularly" with such consideration.

Section 2D. In 32 per cent of cases, annual sentence plan summaries followed logically from the reviews, for all the reviews. In a further 34 per cent, they did so generally for most reviews; in a further 20 per cent "not particularly"; and in the remaining 14 per cent "not at all".

Section 3A. A pre-transfer summary document was on record in 45 per cent of cases where a transfer has occurred. Of those cases where it was on record, in 71 per cent it reflected the reviews clearly or to a reasonable extent.

Overall quality of LSP

Very good - 8 per cent

Satisfactory - 31 per cent

Not satisfactory - 38 per cent

Poor - 23 per cent

i.e. (only) 39 per cent were satisfactory or better.

Adequacy of structure and format of LSP document in general:

(based on file reader's understanding of case) the structure and format of the LSP allowed for coverage of the risk circumstances and the work required with lifer:

Fully - in 33 per cent of the cases

Partially - in 52 per cent of the cases

Limited extent/not at all - in 15 per cent of the cases

[Contents](#)

Appendix F - Quality of F75/Parole Board reports by group of staff

Quality of F75s/Parole Board reports

1. The scrutiny of the sample of prison files referred to in Appendices C and E also covered F75 and Parole Board reports - the regular reports submitted by establishments to prison service headquarters and the Parole Board. Sets of reports are submitted periodically. The Lifer Manual specified that these should contain reports by a number of types of staff, and detailed the topics that should be covered.

2. In 68 per cent of the total file sample, there was at least one set of F75s/Parole Board reports on file. Of the cases where there was not, in 17 per cent at least one set should have been done - i.e. in about 6 per cent of cases overall there should have been a set but there was not.

Quality and timeliness of latest set of F75s/Parole Board reports on file

3. More detailed examination was carried out of the latest set of F75s/Parole Board reports on the file. Results are as follows:

- latest set of reports - in 59 per cent of cases were F75s, in 41 per cent Parole Board reports.
- timeliness - of this latest set of reports, in 92 per cent of cases where there was a current and a previous set of reports, the time lapse between the set (as measured by the time lapse between the LLO's report in each set) was three years or less: in 3 per cent it was between three years and three years and three months, and in 5 per cent more than three years three months
- content and conclusions - of this latest set of reports related to the risk assessment in the LSP and reviews to the following extent:

clearly	in 26% of the cases
to reasonable extent	in 43% of the cases
to limited extent only	in 24% of the cases
not at all	in 8% of the cases

- overall quality - of the latest set of reports (based on 127 sets of reports) was assessed by the file readers to be:

Very good	in 40% of the cases
Satisfactory	in 55% of the cases
Not satisfactory	in 2% of the cases

Poor in 2% of the cases

More detailed analyses of quality of F75s/Parole Board reports

4. A further more detailed scrutiny was undertaken of a sub-sample of 26 sets of reports (from the 127 latest sets of reports referred to above). This sub-sample was intended to be broadly representative of the total. Indications are that this was generally the case. However, an analysis of the overall quality rating for these 26 cases (on similar lines to that in the above bullet point) was:

Very good in 17% of the cases

Satisfactory in 74% of the cases

Not satisfactory in 9% of the cases

Poor in 0% of the cases

5. The quality of the sub-sample of sets of reports was analysed by the type of staff completing each report, and by the topics specified in the Lifer Manual. These results are summarised and drawn on in the relevant chapters of this inspection report. The detailed results are as follows.

Quality of F75/Parole Board reports, by group of staff and by topic

Table A: Knowledge of prisoner

	Total reports	Very Good	Satisfactory	Not satisfactory	Poor	% satisfaction
Personal officer	26	5	9	8	4	54
LLO	25	4	13	6	2	68
Wing manager/ principal officer	12	-	4	6	2	33
Prison probation	26	10	11	4	1	81
Home probation	20	4	13	2	1	85
Medical officer	21	4	5	8	4	43
Psychologist	21	4	12	4	1	76
Working party officer/PE instructor	7	-	3	3	1	43
Education officer	12	-	3	2	7	25
Chaplain	16	1	9	5	1	63

Table B: Attitude to offence

	Total reports	Very Good	Satisfactory	Not satisfactory	Poor	% satisfaction
Personal officer	26	8	10	3	5	69
LLO	25	10	9	3	3	76
Wing manager/ principal officer	12	2	6	2	2	67
Prison probation	26	12	11	1	2	88
Home probation	20	6	10	3	1	80
Medical officer	21	6	4	6	5	48
Psychologist	21	11	7	2	1	86
Working party officer/PE instructor	5	-	1	2	2	20
Education officer	11	-	-	3	8	0
Chaplain	16	2	7	4	3	56

Table C: Insight into offence related problem behaviour

	Total reports	Very Good	Satisfactory	Not satisfactory	Poor	% satisfaction
Personal officer	26	1	10	9	6	42
LLO	25	10	6	6	3	64
Wing manager/ principal officer	12	2	5	3	2	58
Prison probation	25	8	9	6	2	68
Home probation	18	4	7	4	3	61
Medical officer	20	3	6	3	8	45
Psychologist	21	9	7	4	1	76
Working party officer/PE instructor	5	-	-	4	1	0
Education officer	11	-	2	1	8	18
Chaplain	16	4	3	4	5	44

Table D: Behaviour in prison

	Total reports	Very Good	Satisfactory	Not satisfactory	Poor	% satisfaction
Personal officer	26	6	10	10	-	62
LLO	25	7	10	6	2	68
Wing manager/ principal officer	12	3	4	4	1	58
Prison probation	26	5	15	5	1	77
Home probation	20	2	9	5	4	55
Medical officer	21	1	7	5	8	38
Psychologist	21	4	11	3	3	71
Working party officer/PE instructor	5	-	3	1	1	60
Education officer	12	-	2	3	7	17
Chaplain	16	1	5	8	2	38

Table E: External support

	Total reports	Very Good	Satisfactory	Not satisfactory	Poor	% satisfaction
Personal officer	26	3	10	10	3	50
LLO	25	3	10	7	5	52
Wing manager/ principal officer	12	1	6	2	3	58
Prison probation	25	4	11	6	4	60
Home probation	20	5	10	4	1	75
Medical officer	21	3	5	5	8	38
Psychologist	21	3	7	7	4	48
Working party officer/PE instructor	4	-	-	1	3	0
Education officer	11	-	1	3	7	9
Chaplain	16	1	6	7	2	44

Table F: Release plans

	Total reports	Very Good	Satisfactory	Not satisfactory	Poor	% satisfaction
--	----------------------	------------------	---------------------	-------------------------	-------------	-----------------------

Personal officer	7	-	1	3	3	14
LLO	9	-	6	2	1	67
Wing manager/ principal officer	4	-	-	1	3	0
Prison probation	8	-	6	-	2	75
Home probation	5	1	3	-	1	80
Medical officer	3	-	-	1	2	0
Psychologist	4	-	2	1	1	50
Working party officer/PE instructor	-	N/A				
Education officer	3	-	-	1	2	0
Chaplain	3	-	-	2	1	0

Table G: Assessment of suitability for release

	Total reports	Very Good	Satisfactory	Not satisfactory	Poor	% satisfaction
Personal officer	21	-	9	7	5	43
LLO	20	1	11	6	2	60
Wing manager/ principal officer	9	1	5	3	-	67
Prison probation	19	6	9	3	1	79
Home probation	18	3	8	5	2	61
Medical officer	16	1	5	6	4	38
Psychologist	16	4	8	4	-	75
Working party officer/PE instructor	4	-	1	2	1	25
Education officer	7	-	2	1	4	29
Chaplain	11	1	4	3	3	45

[Contents](#)

Appendix G - UN recommendations on life imprisonment

United Nations (1996) The Life Sentence, Report of the Criminal Justice Branch of UNOV, UN Publication Geneva.

General objectives

1/ To establish a penal policy which:

- Ensures that life sentences are only imposed on offenders who have committed the most serious crimes and only when strictly necessary for the protection of society
- Undertakes not to impose life sentences on juveniles under the age of 18
- Guarantees that any individual sentenced to life shall have the right to an appeal to a court of a higher jurisdiction, and to seek commutation of sentence
- Provides each prisoner with the possibility of release, upon the fulfilment of certain conditions framed by law
- Guarantees that stringent security measures are only applied in those places where genuinely dangerous prisoners are held.

2/ To take all necessary steps to ensure a better understanding by the general public of the special circumstances and problems of life sentence prisoners, thereby creating a social climate favourable to their treatment.

3/ To adopt and implement rules and regulations establishing procedures and programmes for the training and treatment of life sentence prisoners, focusing on the assessment and decision making procedures to be used in determining their suitability for release.

4/ To take the necessary legislative and administrative measures in order to promote appropriate treatment and training during the enforcement of life sentences.

5/ To ensure that national budgeting policies address the problem of inadequate resources being available to implement adequate correctional assessments and decision making procedures.

Special Objectives

Conditions, Training and Treatment

6/ To ensure that the actual conditions for life sentence prisoners are compatible with human dignity and accepted minimal prison standards.

7/ To provide an assessment of the personality and needs of each life sentence prisoner as soon as possible after admission, with a view to establishing appropriate optional training and treatment programmes.

8/ To adopt procedures for establishing implementing and reviewing individualised programmes for life sentence prisoners, with special emphasis on:

- Training and treatment programmes which take into account changes in the prisoners behaviour, inter personal relations and motivation regarding work and educational goals
- Educational and training programmes aimed at helping life sentence prisoners to preserve or revive their personal abilities.

9/ To provide opportunities for work with remuneration, study, religious, cultural and sports and other leisure activities in accordance with the individual treatment needs of each life sentence prisoner.

10/ To encourage a sense of responsibility in life sentence prisoners by fostering their participation in all appropriate aspects of prison life.

11/ To provide life sentence prisoners with opportunities for communication and social interaction with the outside community and in particular, to allow fixed regular visits with their relatives and other persons that would promote the best interests of the prisoners and their families, utilising community agencies, social workers and volunteers to assist the prison staff in maintaining and improving these social relations.

12/ To reinforce contacts with the outside community by creating conditions in which life sentence prisoners may participate in educational programmes and work outside the institution, are granted periods of leave for medical educational family or social reasons, and take part in outside activities as an integral part of their training and treatment programmes.

Staff

13/ To develop and utilise a communication system and management style that encourages positive relationships between staff and life sentence prisoners, thereby improving the prospects for effective and supportive training and treatment programmes.

14/ To improve the training of prison staff in the problems of life sentence prisoners.

15/ To ensure that legal staff and expert witnesses as well as medical or psychiatric staff involved and other persons concerned have a part in the counselling and training of life sentence prisoners.

Review procedures

16/ To establish and maintain consistent reporting and review procedures to fairly assess the progress of training and treatment programmes and the behaviour of life sentence prisoners, with special emphasis on:

- Regular assessment of the suitability and progress of all the training and treatment programmes bearing in mind the common responsibility of the prison administration and the life sentence prisoners themselves for these programmes
- Regular assessments of the behaviour and progress of those life sentence prisoners made by those staff who have regular contact with them
- Periodic reports on each life sentence prisoner focusing on the behavioural and attitudinal changes of the prisoners during the preceding year and on their potential for release
- The decision to commute a life sentence into a determined sentence after a fixed minimum time.

17/ To establish an independent body to review each life sentence prisoner's progress at regular intervals and if appropriate to recommend or grant release sentence reduction or remission.

18/ To ensure that the cases of all life sentence prisoners are reviewed and a target date for release or conditional release is set as soon as possible, subject to the prisoners behaviour: considerations of general prevention alone should not justify the refusal of release.

19/ To encourage life sentence prisoners to participate as far as possible in the assessment procedures by:

- Informing them of all programme contents and assessment aims with a view to providing them with the opportunity to contribute towards them.
- Notifying them of the reasons for decisions and recommendations concerning their behaviours assessments and potential for release.
- Establishing appropriate procedures which would ensure their right to appeal these decisions and recommendation to the competent judicial or other authorities and in all cases in which the interests of justice so require, providing them with effective legal assistance upon request, without payment by them if they lack sufficient means to pay for such services.

Release

20/ To prepare and execute a pre-release programme for every life sentence prisoner nearing release with emphasis on the prisoner's reintegration into society, with special reference to their families social environment and employment.

21/ To provide post-release assistance, emphasising effective social support for all former life sentence prisoners in need of it, in order to facilitate their return to normal life. This would be achieved with a diminishing level of police and court control over the conditionally released prisoner.

Research

22/ To promote research and studies on:

- The effects of the release of a life sentence prisoner on the public, the victim, and in the event of death or permanent disability of the victim, on his or her dependants
- The special stresses faced by life sentence prisoners and the effects of such sentences on their personality and psychological development
- The effects of treatment and training programmes pre and post-release programmes open conditions and early or conditional release on the future life for life sentence prisoners
- The empirical foundations of penal purposes which serve as legitimations for life sentences
- Life sentences and their impact on human rights as they are guaranteed by respective constitutions and the jurisdictions of constitutional courts".

[Contents](#)

Glossary of Abbreviations

ACPO - Assistant chief probation officer

CPO - Chief probation officer

CPS - Crown Prosecution Service

CRAMS - Case Record Administration and Management System

DLP - Discretionary Lifer Panel

HCC - Healthcare Centre

HMI Prisons - HM Inspectorate of Prisons

HMI Probation - HM Inspectorate of Probation

HMP - Her Majesty's Pleasure

LLO - Lifer liaison officer

LMU - Lifer Management Unit

LRU - Lifer Review Unit

LSP - Life sentence plan

NHS - National Health Service

OBPU - Offending Behaviour Programme Unit

PMS - Prisoner Management Section

PRES - Pre-release employment scheme

ROTL - Release on temporary licence

SOTP - Sex Offender Treatment Programme

SPO - Senior probation officer

YOI - Young Offender Institution