



A review by HM Inspectorate of Prisons (redacted)

Release on Temporary Licence (ROTL) failures

January 2014

In September 2013 I was asked by the Secretary of State for Justice to review a number of release on temporary licence (ROTL) failures which occurred during the summer of 2013. I concluded my review in December 2013 and submitted my report to the Secretary of State on 31 January 2014.

I decided not to publish the report at that date due to uncertainty surrounding outstanding criminal charges in one of the cases. This case is now pending trial but rather delay publication any longer I have decided to publish a redacted version of the report.

I have redacted (in black) anything that might identify the prisoner awaiting trial, his offence or the prisons concerned. Anything in italics and square brackets is new text which has been added to clarify meaning with the redactions in place. Names of people or places that might identify this prisoner are substituted with letters. Otherwise the report is as submitted to the Secretary of State in January 2014.

Nick Hardwick
HM Chief Inspector of Prisons

March 2015



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Glossary of terms

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Letter to the Lord Chancellor and Secretary of State for Justice

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The Rt Hon Chris Grayling MP
The Lord Chancellor and Secretary of State for Justice
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Dear Secretary of State

Review of recent release on temporary licence (ROTL) failures

On 27 September 2013 you asked me to undertake an independent review of recent ROTL failures at HMP Springhill (Ian McLoughlin), HMP Ford (Al-Foday Fofanah) and HMP Y [REDACTED] (Prisoner X [REDACTED]):

- to determine whether temporary release was appropriate;
- to identify any lessons to be learned; and
- to make recommendations to strengthen the ROTL system.

My report setting out my findings accompanies this letter.

I found that the temporary release of all three men was inappropriate.

On 21 October 2013, Ian McLoughlin pleaded guilty to the murder of Mr Graham Buck on 13 July 2013 while on temporary release from Springhill Prison. On 15 January 2014 Al-Foday Fofanah pleaded guilty to two counts of attempted armed robbery and possession of an imitation firearm. One of these robberies took place while he was on day release from HMP Ford on 25 July 2013. At the time I concluded my report Prisoner X [REDACTED] was on police bail *[and is now awaiting trial]* for *[an alleged serious offence]* [REDACTED] which is alleged to have taken place while he was on day release from HMP Y [REDACTED] on 15 September 2013.

The decision to release Ian McLoughlin had catastrophic consequences, Al-Foday Fofanah committed very serious offences while on licence, and whatever the result of any proceedings against Prisoner X [REDACTED], there is no doubt in my mind that the decisions to grant them temporary release and the way those releases were managed represented a fundamental failure of the system.

ROTL is an important and cost effective part of preparing prisoners for release. For low risk prisoners, it enables them to put something back into society while completing their sentences, through community placements or paid work, and helps them to maintain important family and other community links. For prisoners who are coming to the end of longer sentences for serious offences, ROTL, properly managed, contributes to their acclimatisation to life beyond prison walls and tests their readiness to live in the community without reoffending. As such, ROTL has an important part to play in protecting us all from the harm offenders might do if they reoffend because they have been released from prison at the end of their sentences without adequate preparation.

The data from the Ministry of Justice I refer to in the report, suggests that in 2012 fewer than 1% of releases on temporary licence were recorded as failures, and the proportion of recorded failures resulting from an arrest whilst on licence was 6.1%, or around five arrests per one hundred thousand releases on temporary licence.

However, it is clear to me from the cases I have reviewed that the system for agreeing and managing ROTL has not kept pace with the increase in number and increase in risk of prisoners eligible for ROTL. The yearly total of releases on temporary licence grew by 10% to approximately 485,000 between 2008 and 2012. Over the same period, the number of releases of prisoners serving indeterminate sentences more than doubled from 38,000 to over 90,000. This increase was driven largely by prisoners assessed as dangerous and serving indeterminate sentences of imprisonment for public protection (IPPs). The IPP was introduced in 2005, and many of these prisoners have now progressed through the system and become eligible for ROTL. The increase has been particularly sharp since autumn 2011, when a central system for managing transfers to open conditions was introduced. The number of releases of prisoners serving on IPPs has risen from 1,100 in 2008 to over 49,000 in 2012.

My report sets out the following flaws in the current ROTL process:

- The systems for managing indeterminate sentence prisoners (ISPs) in open conditions lack clarity and are insufficiently robust.
- There is a general presumption in favour of granting ROTL. The purpose of individual releases is not clear, and there are insufficient safeguards to manage the risks presented by some higher risk of harm prisoners.
- MAPPA levels are not routinely reviewed when prisoners transfer to open prisons, and MAPPA processes are not used sufficiently well.
- OASys assessments are not routinely reviewed and updated when prisoners are transferred to open prisons and risk assessment processes are inadequate.
- Opportunities to share information which might influence risk-based decisions are missed.
- Failures to comply with mandated decision-making procedures and lack of competence contribute to indefensible releases.

I have made a number of recommendations to address these shortcomings. These involve major changes to ROTL processes, staff training and the allocation of resources to open prisons. There were individual failures in all three cases but I believe consideration should be given to carrying out a disciplinary investigation into whether staff at HMP Y [REDACTED] failed to carry out specific instructions. I have not reviewed the Parole Board's recommendation to place these men in open conditions (although I do believe it was inadvisable for the Board to comment on their suitability for ROTL). However, I believe there should be a thorough review of the Parole Board's recommendations to transfer to open conditions. These three men should not have been given temporary release this summer. The risks they posed were not accurately assessed or managed. The system failed the public it was supposed to protect with awful individual consequences. For most prisoners who benefit from it, ROTL is an important part of the process of preparing them for release and reducing the risk that they will reoffend – and so where it works, we all benefit. However, the public have a right to expect that, while it can never be completely risk free, it is administered as safely as possible and that the robustness of the process, competence of staff and resources involved are commensurate with that. In these cases they were not and I believe there are likely to be others like them. I hope this review will assist with the rapid improvement I therefore believe is necessary.

Yours sincerely

Nick Hardwick
HM Chief Inspector of Prisons

January 2014

Glossary of terms

IRMT	Interdepartmental risk management team (see also paragraph 2.17)
ISP	Indeterminate sentence prisoner (generic term referring to both life sentence prisoners and those serving indeterminate sentences for public protection)
IPP	Indeterminate sentence of imprisonment for public protection
MAPPA	Multi-agency public protection arrangement (see also paragraph 2.17)
NOMS	National Offender Management Service
OASys	Offender assessment system – the nationally designed and prescribed assessment system for both probation and prisons, providing a framework for assessing the likelihood of reoffending and the risk of harm to others, alongside templates for designing plans to address these issues
OM	Offender manager – a community-based probation officer or probation services officer, responsible for the overall management of an offender from first point of contact to end of licence
OMU	Offender management unit – in prisons these generally comprise prison and probation staff as offender supervisors working alongside case administrators and other staff to provide a coordinated approach to the management of prisoners. Often these units have responsibility for Public Protection and categorisation
OS	Offender supervisor – a prison-based worker, responsible for delivering a prisoner’s sentence plan in prison
PPCS	Public protection casework section – NOMS section responsible for administering parole and recall processes
PSO	Prison service order
RDR	Resettlement day release (see also paragraph 2.9)
ROR	Resettlement overnight release (see also paragraph 2.9)
ROTL	Release on temporary licence
ROTL 1	Application pro forma mandated for ROTL processes
ROTL 3	Pro forma for offender manager to comment on ROTL process
ROTL 4	Risk assessment pro forma mandated for ROTL processes
ROTL 5	Pro forma to notify a prisoner about a ROTL application decision

SIR	Security information report
SPL	Special purpose licence
TSP	Thinking skills programme
ViSOR	Violent and sex offenders register (see also paragraph 2.17)

Section 1. Background to this review

Events leading up to this review

- 1.1** In the space of two months during the summer of 2013, three prisoners serving indeterminate sentences were arrested for violent offences allegedly committed while they were on temporary release from prison. The cases in question are:
- Ian McLoughlin on day release from HMP Springhill, 13 July 2013. He has since been convicted of murdering Mr Graham Buck on that day.
 - Al-Foday Fofanah on day release from HMP Ford, 25 July 2013. He has now been charged with two counts of attempted robbery, one of which was on that day, and possession of a firearm with intent to commit robbery.
 - Prisoner X [REDACTED] on day release from HMP Y [REDACTED], 15 September 2013. He is currently [awaiting trial] for [an alleged serious offence] [REDACTED] which occurred on that day.
- 1.2** The National Offender Management Service has conducted its own investigations into each of these incidents and the Ministry of Justice has initiated a general review of temporary release procedures.
- 1.3** In addition, the Secretary of State has requested that HM Inspectorate of Prisons conduct an independent review to establish whether the decisions made to release each of these men were sound ones, and to make recommendations about how to improve release on temporary licence (ROTL) arrangements.

Terms of reference

- 1.4** The terms of reference for this review are:
- to undertake an independent review of recent ROTL failures at HMP Springhill (Ian McLoughlin); HMP Ford (Al-Foday Fofanah) and HMP Y [REDACTED] (Prisoner X [REDACTED]);
 - to determine whether temporary release was appropriate;
 - to identify any lessons to be learned;
 - to make recommendations to strengthen the ROTL system.
- 1.5** The terms of reference stated that: 'In undertaking the review, you will have all your inspection powers of unrestricted access to information, prisoners and staff; to publish any report at your discretion; and other entitlements and obligations as set out in his Memorandum of Understanding with the National Offender Management Service and other agreements with the Ministry of Justice.'

Section 2. A brief guide to open prisons, offender management and release on temporary licence (ROTL)

Open prisons and categorisation

- 2.1 Male adult prisoners are assigned to one of four categories in order to determine in what type of prison they are held. Categories are assigned according to the seriousness of the crime and the risk posed should the prisoner escape and may change as a prisoner progresses through their sentence. The highest level is category A and the lowest level is category D.
- 2.2 Category D is granted to those who can be reasonably trusted not to abscond. These prisoners are allocated to an open prison also known as a category D prison.
- 2.3 Open prisons do not generally have a surrounding fence and once they have been risk assessed as suitable, prisoners may leave the prison on temporary release. The type of prisoner allocated to an open prison varies enormously, from prisoners convicted for the first time who present a very low risk of harm to others, to indeterminate sentence prisoners (ISPs) some of whom have served many years in prison for serious and harmful offences and have to be judged suitable for open conditions by the Parole Board. Open prisons provide an opportunity to develop resettlement plans and put in place support for release. They also help long-serving prisoners such as ISPs, to become more familiar with life in the community and so improve the likelihood of them resettling successfully and not reoffending. For some prisoners, open prisons provide an opportunity to test their readiness for final release.

Indeterminate sentence prisoners (ISPs)

- 2.4 There are two main types of ISPs:
- *Indeterminate public protection sentence*
The indeterminate sentence of imprisonment for public protection (known as the IPP) was introduced via the Criminal Justice Act 2003. IPP prisoners are assessed as dangerous and must serve a minimum term, set by the Court, before the Parole Board may consider them for release. After release, those subject to IPP remain on licence for at least 10 years. The IPP sentence was abolished in 2012 by the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Mr Fofanah was an IPP prisoner.
 - *Life sentence*
When capital punishment was abolished in 1965, the punishment for those convicted of murder became a mandatory sentence of life imprisonment. Those convicted of other serious offences, such as manslaughter, rape, attempted murder, armed robbery or arson could be given a discretionary life sentence with no specific predetermined release date. Release can only be awarded by the Parole Board after the minimum tariff and when it is deemed safe to do so. Mr McLoughlin and Prisoner X [REDACTED] were both serving life sentences.

The NOMS offender management model

- 2.5** The offender management model provides a structure within which those sentenced to over 12 months are managed through custody and community.
- 2.6** A key feature of the model is the allocation of resources proportionate to the risk of harm and likelihood of reoffending. In other words, more work and resources are given to the higher risk of harm prisoners.
- 2.7** Under the existing model, prisoners serving an IPP are managed by an offender manager in the community supported by an offender supervisor in prison. The offender supervisor role in custody provides a direct link to the offender manager in the community and a more resource intensive approach to those posing a higher risk of harm.
- 2.8** The model is less clear for life sentence prisoners where responsibility for their risk management changes from the offender supervisor to the offender manager during the parole preparation period.

Release on temporary licence (ROTL) and risk management processes

- 2.9** Prison service order (PSO) 6300 describes ROTL as ‘the mechanism that enables prisoners to participate in necessary activities, outside of the prison establishment, that directly contribute to their resettlement into the community and their development of a purposeful, law-abiding life’.

The three most common types of ROTL are:

- Special purpose licence (SPL): usually lasting a few hours for visiting dying relatives, attending funerals, weddings, medical appointments, court, tribunals or other inquiries. SPL is not subject to an eligibility date.
 - Resettlement day release (RDR): allows prisoners to keep in touch with their families, to take part in community projects, to attend training and educational courses, to undertake paid work, and to make arrangements for release. Many prisons offer a form of RDR often known as earned community visits, town visits or familiarisation visits. ISPs become eligible for this when they have served half the period between the date they were approved for open conditions and the provisional date of their next Parole Board.
 - Resettlement overnight release (ROR): is similar to RDR, but the prisoner spends time overnight in the location they intend to live on release. ISPs become eligible for this when they have served two-thirds of the period between the date they were approved for open conditions and the provisional date of their next Parole Board.
- 2.10** The PSO instructs that prisoners should complete temporary release applications on a ROTL 1 form. The application should then be considered by a board, which is responsible for conducting a rigorous risk assessment designed to protect the public, and promote public confidence in the system. A ROTL 4 form should be used to conduct this assessment. It has sections to record previous temporary releases/breaches of trust, criminal history, child protection issues, home circumstances, victim concerns, custodial behaviour and any specific risks relating to offending behaviour. Information should be drawn from a wide variety of sources, including OASys (the offender assessment system) and documents such as pre-sentence reports, parole reports, prison case notes and immigration paperwork. The views

of key prison staff (offender supervisors, personal officers, workplace supervisors and security staff) are also necessary. In addition, the offender manager should be asked to make statutory victim inquiries via the victim liaison officer as appropriate. For all ROR applications and any application involving release to the prisoners' home area or the area planned for their release, the offender manager should be asked to complete a ROTL 3. This form invites the offender manager to give a view on the risks associated with the release, addressing the position of the victims, the home circumstances of the prisoner, and to propose licence conditions to help manage the risks in the event ROTL is authorised. However, for RDR applications where the prisoner will not be visiting their home area, there is no routine requirement for the offender manager to give their views on the risk of harm posed by the prisoner being released temporarily into the community.

- 2.11** The PSO states that a 'competent' manager should chair the ROTL board, who is able to make a recommendation to the Governor (or other nominated senior manager) either to approve or refuse the temporary release application. The board's views should be recorded in writing, and the reasons for its recommendation described in detail. Additional licence conditions considered necessary to protect the public should be recommended. The Governor (or other nominated senior manager) must then consider this recommendation, and record their decision, also with reasons.
- 2.12** Most temporary release is from open prisons. Typically, a prisoner can be assessed by a ROTL board fairly soon after arrival in open conditions (usually within the first six to eight weeks). This provides the prison with an opportunity to consolidate all information about the prisoner, including their conduct since arrival, and to seek answers to any remaining questions they may have. Additional boards may be held until the quality of the risk assessment is satisfactory. Once the board has all the information it requires, it is not uncommon for SPL to be agreed, especially for medical purposes, pending prisoners reaching their eligibility date for RDR and ROR.
- 2.13** RDR or ROR applications should be handled in the same way as described above, but the risk assessment should be updated to reflect recent events, and the purpose of this particular application.
- 2.14** Initial periods of temporary release are often accompanied /supervised. This means that a prison officer supervises prisoners, but no restraints are used and the officer is not accountable for ensuring that the prisoner returns to custody. Accompanied ROTL is a useful way of supporting prisoners new to ROTL, or of testing compliance. Other common risk management practices include: supportive family/friends collecting prisoners and returning them to prison, checking attendance at pre-arranged appointments, requirements to register at a police station or telephone the prison, and setting exclusion zones.
- 2.15** Early releases should be short and structured (as described above), enabling the prison to gradually test compliance. There should be a review after each ROTL event to establish whether it was successful, and to prompt review of the ROTL 4 risk assessment as necessary. Sometimes it will be necessary to respond to emerging risks by making new risk management arrangements. This is usually achieved by convening a board to review the case.
- 2.16** Once a prisoner has established a high degree of trust, Governors may agree a period of repeated temporary releases, for example, three town visits (see paragraph 2.9) a month, or daily release to attend work. The most trustworthy prisoners may be out of the prison for six days a week, perhaps attending college or work, and the prison can easily check their attendance. At this stage, formal review processes may be less frequent, perhaps only once in six months, because risks are lower. However, they must still take place at regular intervals, and it remains imperative that there is a system in place to enable swift responses to newly identified concerns.

- 2.17** There are a number of additional systems used to enhance the management of prisoners presenting significant risks of harm. These include MAPPA, ViSOR and IRMTs. These are explained briefly below, and are included, together with other acronyms in the glossary, at the beginning of this report.
- MAPPA – multi-agency public protection arrangements exist in each of the 42 criminal justice areas in England and Wales. They are designed to protect the public, including previous victims of crime, from serious harm by known sexual and violent offenders. They require the local criminal justice agencies and other bodies dealing with offenders to work together in partnership. MAPPA offenders are managed at one of three levels according to the extent of multi-agency involvement needed and the number of different agencies involved. The great majority are managed at level 1 (ordinary agency management). This involves the sharing of information but does not require multi-agency meetings. The others are managed at level 2 if an active multi-agency approach is required (MAPP meetings), and at level 3 if senior representatives of the relevant agencies with the authority to commit resources are also needed.
 - ViSOR – the violent and sex offenders register is a central, up-to-date record that can be accessed and updated by the police, the Prison Service (both public and the contracted-out estate) and Probation Trusts. It is a secure database holding risk assessment, risk management and intelligence information on individual offenders who are deemed to pose a risk of serious harm to the public.
 - IRMT – the interdepartmental risk management team within a prison has responsibility to monitor those offenders who present the highest level of risk of serious harm. The team supports MAPPA processes and makes a valuable contribution to risk assessment, risk management plans and sentence planning. Offender managers should be invited to IRMT meetings which discuss prisoners on their caseload and should receive minutes. In particular, the offender manager should be informed of any behaviours of concern, changes to the level of risk of serious harm, or significant changes in the prisoners' personal lives.
- 2.18** Sometimes, prisoners will fail a period of ROTL. This means that they breach one or more of their licence conditions. At worst, they may commit a further offence, or fail to return to the prison. Less serious, but more common failures include returning late, failing to keep an appointment or consuming alcohol. Such failures will often result in an adjudication, but all should be included in the on-going assessment of risk, and trigger a reconsideration of the appropriateness of ROTL for the prisoner in question.

Data on use of release on temporary licence

- 2.19** In total, there were 485,000 releases on temporary licence in 2012 (some individual prisoners were released multiple times). ISPs accounted for 19% of total ROTL instances, an increase from 38,000 in 2008 to 90,000 in 2012.
- 2.20** This increase was driven largely by prisoners on IPPs. The IPP was introduced in 2005, and many of these prisoners have now progressed through the system and become eligible for ROTL. The increase has been particularly sharp since autumn 2011, when a central system for managing transfers to open conditions was introduced.
- 2.21** The number of prisoners released on ROTL rose from about 10,100 in 2008 to just under 11,400 at the end of 2012. Over three quarters of this increase is accounted for by increased volumes of IPP prisoners.

- 2.22** Open prisons are therefore managing an increasing volume of temporary releases, and an increasingly complex population from a risk management perspective.
- 2.23** Nevertheless, in 2012 fewer than 1% of releases on temporary licence were recorded as failures, and the proportion of recorded failures resulting from an arrest whilst on licence was 6.1%, or around five arrests per one hundred thousand releases on temporary licence. No trend data is available.
- 2.24** However, prisoners on indeterminate sentences of imprisonment for public protection (IPPs) were disproportionately likely to fail temporary release (but not necessarily by committing a further offence, see paragraph 2.18). In 2012, they accounted for 19% of failures despite representing only 10% of releases. The reasons for this are not clear.

Section 3. Case 1: Ian McLoughlin, HMP Springhill

Date of birth: 31 May 1958

Age at first finding of guilt: 12

Age at index offence¹: 33

Age now: 55

Prisoner background

- 3.1** Ian McLoughlin was convicted of manslaughter in 1984 and sentenced to eight years imprisonment. He knew his victim and believed him to be a paedophile. In 1991 Mr McLoughlin claimed to police that he had killed another man in 1990. He believed this man was a paedophile too, but no body was ever found and no police action was taken.
- 3.2** In 1992, Mr McLoughlin was convicted of murdering another man believed to be a paedophile - Peter Halls. Mr McLoughlin went to Peter Halls' flat with him, where there was evidence of sexual activity having taken place, and Mr Halls was stabbed to death.
- 3.3** Mr McLoughlin has spent over 21 years in prison, during which time he has undertaken a significant amount of offending behaviour work, including alcohol programmes and three years in the therapeutic community at HMP Grendon. His behaviour was reported to have been generally good and he has shown a particularly good work ethic.
- 3.4** During his time in prison, Mr McLoughlin has failed open conditions on two occasions prior to his transfer to HMP Springhill in 2013. In 2004, he absconded from HMP Kirkham following allegations of a sexual assault on another prisoner. In 2011, he failed to return to HMP Springhill from a release on temporary licence (ROTL), having become involved in a drunken altercation with an adult male previously unknown to him.
- 3.5** On 13 July 2013, Mr McLoughlin was released on temporary licence from HMP Springhill and went to the home of a former prisoner and convicted sex offender, Mr Cory-Wright. An altercation between Mr McLoughlin and Mr Cory-Wright ensued, and a neighbour, Mr Buck, who had come to the assistance of Mr Cory-Wright, was fatally stabbed by Mr McLoughlin. On 21 October 2013 Mr McLoughlin was found guilty of the murder of Mr Buck.

HMP Springhill

- 3.6** HMP Springhill is an open prison holding 335 adult male prisoners. The number of indeterminate sentence prisoners (ISPs) at HMP Springhill has steadily increased since 2011. In April 2011, HMP Springhill held 20 ISPs and by August 2012 the number had increased to 111. At the time of the review the number was 120 ISPs. The local ROTL policy at HMP Springhill is broadly the same as the national guidelines in PSO 6300. ROTL boards are held weekly, last three to four hours and routinely consider between 45 and 70 cases per week.

¹ Index offence refers to the main offence for which the prisoner is serving a sentence.

Summary of significant events

3.7

Date	Event	Decision/remarks
19 September 1984	Convicted of the manslaughter of an adult male associate whom Mr McLoughlin believed to be a paedophile.	8-year sentence. Released April 1989.
1990	Allegedly killed another man whom he claimed was a paedophile.	No body found. No action taken.
2 July 1992	Index offence: convicted of the murder of a man whom he believed to be homosexual and a paedophile.	Life sentence. Tariff: 14 years. Tariff expiry: 25 September 2004.
26 August 2004	Transferred to open conditions at HMP Kirkham.	On the recommendation of the Parole Board. (May 2004)
30 September 2004	Absconded from HMP Kirkham.	Allegedly due to pressure from other prisoners following his alleged sexual assault on another prisoner.
2 October 2004	Recaptured and returned to closed conditions.	
17 December 2010	Transferred to open conditions at HMP Springhill.	On the recommendation of the Parole Board. (29 April 2010)
16 April 2011	Failed to return to HMP Springhill from ROTL. Returned to closed conditions.	On his third ROTL for a town visit he met a man in a pub, got drunk and returned to the man's home; an argument ensued and police were called; later arrested for being drunk and disorderly; not charged.
21 December 2012	Parole Board recommends transfer to open conditions. (6 November 2012)	Parole Board did not consider the ROTL failure in 2011 to be offence paralleling behaviour. Parole Board made very specific comments on Mr McLoughlin's suitability for ROTL and likelihood of compliance. Parole Board acknowledged the need for increased monitoring, support and management of Mr McLoughlin by his offender manager while in open conditions.
25 February 2013	Escorted absence from HMP Littlehey.	
13 March 2013	Transferred to open conditions at HMP Springhill.	OASys not reviewed on transfer to open conditions. MAPPA level not reviewed on transfer to open conditions. Mr McLoughlin not considered by the IRMT.
28 March 2013	New offender manager appointed.	No increased monitoring and support considered or offered. No assessment of Mr McLoughlin undertaken.

31 March and 19 April 2013	Escorted absence for hospital appointments.	No concerns.
24 May 2013	Induction interview with offender supervisor.	Discussed previous ROTL failure and strategies to deal with problems. ROTL eligibility dates given to Mr McLoughlin. Eligible for RDR on 13 July 2013.
9 July 2013	Email correspondence between offender supervisor and offender manager seeking clarification of MAPPA level.	Offender manager confirmed MAPPA level 1. OM asked to comment specifically on licence conditions but not invited to comment on, nor offered to comment on, suitability of proposed ROTL.
10 July 2013	ROTL board approved a town visit (RDR).	ROTL processes and board did not comply with national guidelines in PSO 6300.
13 July 2013	Mr McLoughlin submitted a town visit request to go to Milton Keynes.	This was done on the morning of his ROTL.
13 July 2013	Released on temporary licence: 0815–1900.	Instead of going to Milton Keynes, Mr McLoughlin went to the home of Mr Cory-Wright, a former prisoner (known to Mr McLoughlin) and convicted sex offender. An altercation occurred and Mr Buck, a neighbour, came to assist. He was fatally stabbed by Mr McLoughlin, who has since been found guilty of his murder.
16 July 2013	Security information report (SIR) submitted.	SIR submitted by member of staff who had been monitoring phone calls before Mr McLoughlin's ROTL. He remembered listening to Mr McLoughlin arranging to meet up with Mr Cory-Wright.

Findings

- 3.8** In a decision letter dated 21 December 2012 officials on behalf of the Secretary of State agreed with the recommendation of the Parole Board to transfer Mr McLoughlin to open conditions. The Parole Board had considered Mr McLoughlin's offending behaviour and the ROTL failure in April 2011 and concurred with the opinions of the offender manager and forensic psychologist that the ROTL failure was not offence paralleling behaviour. However, Mr McLoughlin clearly demonstrated (both in his offences and while on ROTL) a pattern of drinking, identifying single male targets (who he believed to be paedophiles and/or homosexuals), returning to their houses, getting involved in an altercation and attacking them. There was evidence of homosexual activity with at least one victim. In our view, even without the hindsight of his current ROTL failure, a pattern of offence paralleling behaviour was evident in April 2011 (see recommendation, paragraph 6.31).
- 3.9** Following their consideration of Mr McLoughlin's suitability for transfer to open conditions, the Parole Board stated in their decision letter: 'The Panel is satisfied that the risk you present has been sufficiently reduced to protect members of the public from harm when you are temporarily licensed to be out in the community unsupervised. The panel is satisfied that you are likely to comply with the conditions of such temporary release'. The ROTL board chair was subsequently heavily influenced by these Parole Board comments, and was of the

view that unless any specific concerns had arisen since the date of the parole review, Mr McLoughlin was safe to release (see recommendation, paragraph 6.13).

- 3.10** Mr McLoughlin was transferred back to HMP Springhill on 13 March 2013. According to official guidance, such a change in circumstances should prompt a review of the OASys assessment, but this did not happen. As there was no OASys review there was no formal risk assessment completed for Mr McLoughlin until the day of his ROTL board, some four months after his arrival.
- 3.11** Mr McLoughlin was identified as a MAPPA level 3 in his parole review in October 2012. This appropriately reflected the risks he would pose in the community if released and the potential media attention. However, once the board was over, he was reduced to MAPPA level 1 presumably because he was in closed conditions and therefore his risk was managed. His MAPPA level was not reviewed by his offender manager or offender supervisor when he was transferred to open conditions and neither was it adequately reviewed when he was considered for ROTL.
- 3.12** Staff at HMP Springhill explained that it was common practice for prisoners (even those who present a significant risk of harm) to be allocated MAPPA level 1 while in prison, until six months before final release or the next parole date, when release planning begins, and indeed, this is how we understand the MAPPA guidance. This is not unreasonable for prisoners in closed conditions who are very unlikely to be considered for ROTL. However, in the open estate, where prisoners are effectively in the community by virtue of being in an open prison, MAPPA levels should be set at a level which reflects their capacity to engage with the public.
- 3.13** We do not think that this practice is limited to HMP Springhill. We found the MAPPA guidance confusing, especially for ISPs. There are no separate arrangements to address the specific risks of prisoners in the open estate. This means that some prisoners who present a significant risk of harm (including Mr McLoughlin) are not subject to appropriate MAPPA case management arrangements and monitoring while in open conditions or on temporary release (see recommendation, paragraph 6.17).
- 3.14** The local IRMT at HMP Springhill had the responsibility within the prison to monitor, while in custody, those offenders convicted of serious violent or sexual offences who present a significant risk of serious harm, including those identified as MAPPA level 2 and 3 cases. The IRMT met fortnightly to assess whether these prisoners were manageable and compatible with open conditions and to decide whether any additional monitoring was required. Mr McLoughlin, despite presenting a significant risk of harm, a likely MAPPA level 2 or 3 (and whose parole decision had identified the need for additional support and monitoring) was not considered by the IRMT (see recommendation, paragraph 6.18).
- 3.15** Because Mr McLoughlin's MAPPA level was not reviewed and he was assessed only as MAPPA level 1, there was no requirement for ViSOR to be used in his case (see recommendation, paragraph 6.17). In general ViSOR was not well used at HMP Springhill. ROTLs were not routinely entered which limited information exchange between prison, probation and the police. Very few staff had access to the system and its purpose was not well understood by staff (see recommendation, paragraph 6.25).
- 3.16** Mr McLoughlin had regular contact with his offender supervisor in the prison. However, his long-standing offender manager was replaced on 28 March 2013, and the new incumbent felt that she had received a poor handover. She had not met Mr McLoughlin or made her own assessment of him or his risks to the community before the ROTL decision. On 9 July, just before the ROTL decision, she was asked for her views on a travel exclusion zone for the proposed ROTL and she was asked to confirm his MAPPA level. She confirmed MAPPA level 1 but she did not provide her view on the overall suitability of ROTL (nor was it sought) and

believed the decision was for the Governor and not one that she could influence. Indeed PSO 6300 does not require the offender manager to give their views on the risk of harm posed by the prisoner being released temporarily into the community. The offender manager did not provide the increased monitoring of his management in open conditions as envisaged by the Parole Board (see recommendation, paragraph 6.6).

- 3.17** We were concerned by the lack of involvement of Mr McLoughlin's offender manager, particularly her perception that it was not within her remit to influence the ROTL decision. This reflected a general lack of clarity as to whether the offender manager or offender supervisor should manage and be in charge of life sentence prisoners such as Mr McLoughlin. As a result, in Mr McLoughlin's case, key issues around MAPPA, preparation of OASys and contributions to risk assessments were blurred (see recommendation, paragraph 6.5).
- 3.18** Mr McLoughlin was eligible for his first ROTL in the form of resettlement day release (RDR) on 13 July 2013. It was common practice at HMP Springhill for RDR to take the form of weekly weekend town visits. For many prisoners, including Mr McLoughlin, these town visits were completely unstructured despite the requirement in PSO 6300 for ROTLs to be structured and directly linked to a resettlement plan. Mr McLoughlin was released for over 10 hours to go (allegedly) to Milton Keynes. PSO 6300 also requires prisoners to apply for ROTL on a ROTL 1 form and give details of the purpose and duration of the temporary release. Mr McLoughlin was not required to apply for his ROTL. He was automatically put forward for a ROTL board even when there was no clear resettlement need identified. Staff told us that it was Mr McLoughlin's parole timetable and ROTL eligibility dates that drove the pace for ROTL, due to the perceived need to get a range of ROTLs completed before his next parole review. This supported a view that there was a presumption in favour of granting ROTL (see recommendation, paragraph 6.14).
- 3.19** Mr McLoughlin's first board to consider his suitability for ROTL was on 10 July 2013. Mr McLoughlin was one of about 45 prisoners being considered by the board. Around 15 of these were being assessed for their first ROTL. The board lasted between three and four hours. This was insufficient time in which to fully consider all the applications properly; particularly those complex cases where there was a significant risk of harm (see recommendation, paragraph 6.8).
- 3.20** Mr McLoughlin's ROTL board did not meet the procedural requirements for PSO 6300. In an attempt to manage its increasing ROTL demands, HMP Springhill had, over several years, introduced its own 'streamlined' processes. The requirement for prisoners to apply for ROTL had been removed so Mr McLoughlin did not complete an application for RDR but was automatically referred by the offender management unit. In the absence of an application, the board didn't know where Mr McLoughlin planned to go on his visit, what he was planning to do or who he was planning to meet. The ROTL board was not properly constituted and comprised a custodial manager and a case manager only, so there was no representation from the offender supervisor or anyone who knew the prisoner well and no opportunity for discussion or competitive challenge (see recommendation, paragraph 6.22). The chair of the board both recommended and approved the decision to grant ROTL and there was no scrutiny from the governing governor (or other nominated senior manager) of the approval. These localised systems were not sufficiently robust (see recommendation, paragraph 6.32).
- 3.21** Mr McLoughlin's ROTL board on 10 July 2013 was his first ROTL assessment since his failure in 2011. His behaviour at HMP Springhill was unremarkable with neither negative nor positive entries. He had had two successful escorted absences to hospital. A ROTL 4 form (the formal active risk assessment for the board) was not completed. Instead a local offender assessment form was completed by the offender supervisor on the day of the board. This risk assessment was a generic assessment, not sufficiently focused on ROTL. Much of it was based on an out-of-date OASys, risk management plan and sentence plan completed in

October 2012, before transfer to open conditions. Mr McLoughlin's offender supervisor queried the MAPPA level 1 allocation with the offender manager, but it was not changed and this was not pursued any further by the offender supervisor or the board chair. The assessment failed to sufficiently analyse the risks associated with Mr McLoughlin's previous ROTL failure and its potential link with previous offending behaviour. The risk management plan was unsuitable as it was intended for final release, not temporary release. The board did not consider putting any restrictions or safeguards in place (see recommendations, paragraphs 6.17 and 6.21).

- 3.22** The ROTL board chair did not demonstrate sufficient competence in his role. He had not received any formal training in risk of harm or the purpose of ROTL and had insufficient understanding of risk management and the role of temporary release. His knowledge of some key offender management processes, such as MAPPA, was very weak. His failings were compounded by the quality of the information presented to the board, which failed to present an analysis of the risks presented by Mr McLoughlin. Even had the chair been competent, the information provided would not have been sufficient to produce a fully informed decision.
- 3.23** The judgement of the board was considerably influenced by the Parole Board comments that Mr McLoughlin was suitable for open conditions and temporary release. The fact that Mr McLoughlin had behaved well at HMP Springhill up to that point meant that the board saw no reason to alter the Parole Board's indication that he was suitable for temporary release. It is a requirement of PSO 6300 for the board chair to record their reasons for their decision. In this case the board chair failed to record the outcome of the board correctly. He did not record any analysis of the information considered, did not explain the weight given to factors for and against release, and did not give his reasons for recommending the ROTL (see recommendations, paragraphs 6.32 and 6.33). Moreover, the board chair did not know what Mr McLoughlin was planning to do on his RDR, where he was planning to go, or with whom. The board therefore had insufficient information on which to base their assessment of risk (see recommendation, paragraph 6.14).
- 3.24** A pre-prepared licence was signed on 10 July immediately after the board, which raises two areas of concern. Firstly, the board chair both recommended and approved the release on licence, which avoided the administrative separation of duties intended to ensure authorisation for release is granted at an appropriately senior level, and to provide a second opportunity for risk assessment. Secondly, the licence was signed without reference to the ROTL paperwork and without any knowledge of where Mr McLoughlin would be going or with whom. This licence permitted Mr McLoughlin to be released on a town visit from 8.15am to 7.00pm to anywhere within a 50-mile radius (excluding London). This step should have provided a third check that all the arrangements were appropriate, but this too was missed.
- 3.25** We found a number of instances where the procedural requirements in PSO 6300 were not met. We also found that the national guidance in PSO 6300 was lacking, as it does not differentiate between prisoners who pose a significant risk of harm, and those who require less scrutiny. Moreover, it is out of date and describes management structures which no longer exist (see recommendation, paragraph 6.9).

Was the decision to release appropriate?

- 3.26** It was not appropriate to release Mr McLoughlin for the first time since his previous failure in 2011 for such a lengthy, unaccompanied, unstructured and unmonitored ROTL.
- 3.27** Mr McLoughlin's custodial behaviour was good and the prison had no security intelligence or concerns about his conduct. However, he presented a concerning risk profile. He had previously been convicted of manslaughter and had committed at least one murder. He had failed open conditions twice before. This was his first opportunity to be released on temporary licence since his ROTL failure in 2011. The risks he presented on ROTL were not sufficiently assessed or managed.

Section 4. Case 2: Al-Foday Fofanah, HMP Ford

Date of birth: 3 June 1983

Age at first finding of guilt: 22

Age at index offence: 22

Age now: 30

Prisoner background

- 4.1** Al-Foday Fofanah became involved as a teenager in a South London gang and some street robbery. He received a caution for carrying a pellet gun, but no convictions. On 17 November 2005, he was convicted of armed robbery, wounding with intent and possession of a firearm. He received an indeterminate sentence of imprisonment for public protection (IPP) with a tariff of four years, 154 days.
- 4.2** Overall, Mr Fofanah has made good use of his time in custody, completing an enhanced thinking skills (cognitive behavioural therapy) course and a victim awareness course. He has also gained a number of vocational qualifications. He has consistently been on the enhanced regime and has only one finding of guilt on adjudication.
- 4.3** He was transferred to open conditions in 2011, and successfully completed a good number of ROTLs, including a period of ROR at Christmas. In January 2012, he was returned to closed conditions because of concerns about potential deportation to his country of birth, Sierra Leone, which were not resolved until January 2013. He returned to open conditions at HMP Ford in March 2013.
- 4.4** Mr Fofanah has now been charged with an attempted robbery and possession of an imitation firearm with intent to commit robbery, at Santander Bank, Walworth Road, London, on 18 July 2013. This offence appears to have taken place when Mr Fofanah was believed to be in the prison, but these circumstances are beyond the remit of this review. He has also been charged with a similar offence at Barclays Bank, Borough High Street, London, on 25 July 2013, when he was temporarily released from prison.

HMP Ford

- 4.5** HMP Ford is an open prison in Sussex holding about 500 adult male prisoners. At our last inspection of HMP Ford in August 2012, 13.8% of the population were serving indeterminate sentences. This figure has now risen to 17.5% (see recommendation, paragraph 6.8).
- 4.6** At HMP Ford, ROTL boards are held three times a week, and consider approximately 60 men, of which around 25% are new cases. At the time of this incident, offender managers were only routinely involved in applications for ROR.
- 4.7** In contrast to the other prisons in this review, the local ROTL policy at HMP Ford was slightly different for ISPs because it included a requirement for a more senior manager to chair the board. In addition, prisoners posing a high risk of harm were required to be discussed at the IRMT (known as the interdepartmental risk management committee – IDRMC – at HMP Ford), before the ROTL could be recommended. However, at the time of this incident, these different processes were not routinely followed.

Summary of significant events

4.8

Date	Event	Remarks
17 November 2005	Convicted of armed robbery, wounding with intent and possession of a firearm. IPP with tariff of four years, 154 days.	Shot shopkeeper of late night shop.
11 May 2011	Transferred to open conditions at Hollesley Bay Colony.	On the recommendation of the Parole Board.
1 August 2011	Successful escorted absence from prison.	
August 2011–December 2011	Several successful town visits each month.	
23–28 December 2011	ROR to the address of a family friend.	
10 January 2012	Returned to closed conditions because of UKBA (now known as Home Office Immigration Enforcement) intention to deport, which was perceived to increase flight risk.	
13 April 2012	Cleared to stay in the UK, but subsequently, UKBA launched an appeal against this decision, which was not resolved until January 2013.	
10 December 2012	Parole Board hearing. Release not supported by OM or OS, but recommended for open conditions.	On the recommendation of the Parole Board.
2 January 2013	Confirmation that UKBA (now known as Home Office Immigration Enforcement) appeal had been dismissed and therefore Mr Fofanah would not be deported.	
31 January 2013	Secretary of State approved open conditions.	
22 March 2013	Transferred to open conditions at HMP Ford.	Neither the OASys assessment nor the MAPPA level was reviewed to reflect the change in security conditions.
2 April 2013	Initial ROTL board held. It was routine at HMP Ford to hold early ROTL boards for high-risk prisoners in order to quickly establish their risks. Because Mr Fofanah had previously been successful in open conditions, this also accelerated his assessment.	ROTL not approved as further inquiries about victims were required.

10 May 2013	Sentence plan review by telephone conference.	No sentence planning targets set for ROTL. No review of the risk management plan or MAPPA level.
25 June 2013	Second risk assessment board. RDR eligibility date confirmed as 15 September 2013.	ROTL granted for special purposes only (e.g. medical appointments).
26 June 2013	Query from Governor about Mr Fofanah's eligibility for ROTL. Advice provided by OMU, and Governor agreed special purpose licence only.	The OM was not informed of this decision.
4 July 2013	Temporary release on SPL to attend hospital appointment at St Thomas', London.	Returned 4.5 hours late at 22.00hrs. Abscond procedures had been initiated. The OM was unaware of this release or of Mr Fofanah's late return.
5 July 2013	Adjudication for late return from ROTL on 4 July 2013. Found guilty. Suspended punishment given.	
9 July 2013	Risk board convened to consider how/if late return from ROTL on 5 July 2013 should affect risk assessment. The board recommended that Mr Fofanah remain eligible for SPL only. This decision was never approved by the Governor.	There was no formal senior management oversight of this decision.
16 July 2013	Further risk board, seemingly prompted by the query over eligibility dates raised by the Governor on 26 June 2013. The board recommended that Mr Fofanah be allowed RDR before his formal eligibility date.	The reasons for this recommendation are not recorded by the board.
19 July 2013	Decision to bring forward eligibility date approved by Governor. Mr Fofanah is informed of this in writing.	Governor does not query why the advice has changed, and approves the change of eligibility dates without any supporting reasons.
25 July 2013	Released on RDR for a familiarisation visit to Brighton. Arrested and taken into custody. Later charged with attempted robbery, and possession of a firearm, after incident in Borough High Street, London. Also charged with another attempted robbery committed on 18 July 2013 at Walworth Road, London.	We understand this licence was from 0830–1700hrs although we have not been able to find a copy of the licence.
15 January 2014	Pleaded guilty to two counts of attempted armed robbery and possession of an imitation firearm. One of the robberies happened whilst on day release from HMP Ford on 25 July 2013.	

Findings

- 4.9** On 10 December 2012 the Parole Board recommended that Mr Fofanah should return to open conditions for a second time. They considered that the first period had been successful, accepting that his return to closed conditions was not based on an increased risk of reoffending, although they were not satisfied that his release plan was sufficiently well consolidated. Since his return to closed conditions, Mr Fofanah had maintained his good custodial behaviour, with only one relatively minor proven adjudication. The board heard that the offender supervisor considered Mr Fofanah presented a medium risk of harm. The offender manager disagreed, and felt that he still presented a high risk of harm. On balance, the Parole Board concluded that he presented a medium risk of harm. He was assessed at MAPPA level 1.
- 4.10** Mr Fofanah arrived at HMP Ford on 22 March 2013. According to official guidance, such a change in circumstances should prompt a review of the OASys assessment, but this did not happen. Instead, the version of OASys in use was that prepared for the Parole Board in November 2011. The risk management plan it contained focused exclusively on final release and not on temporary release (see recommendation, paragraph 6.21). As a prisoner presenting a significant risk of harm, he should have been referred to the IRMT on arrival, but this did not happen (see recommendation, paragraph 6.18).
- 4.11** The IRMT meeting at HMP Ford (known locally as the IDRMC) was not readily understood to be part of MAPPA procedures. It focused heavily on release planning and managing prisoners currently presenting active risks both inside and outside of the prison, rather than routinely monitoring prisoners presenting significant risks of harm. This, combined with the weaknesses in MAPPA guidance (see also paragraph 3.13), meant that Mr Fofanah's MAPPA level was not reviewed to take account of his allocation to an open prison.
- 4.12** The ViSOR process should be used to inform the risk management of prisoners posing significant risks of harm, but is only mandatory for violent and sexual offenders assessed as needing to be managed on release at MAPPA level 2 and 3. The senior probation officer at HMP Ford was new to the post and had only just been on her ViSOR training. Other staff had a poor understanding of its full potential and considered that it did not provide them with any useful information. Because Mr Fofanah was assessed as requiring to be managed on release at only MAPPA level 1, there was no requirement for ViSOR to be used in his case (see recommendations, paragraphs 6.17 and 6.25).
- 4.13** Mr Fofanah was first considered by the ROTL board on 2 April 2013, 10 days after his arrival back in open conditions. The official ROTL 4 risk assessment pro forma had been completed, but lacked detail and analysis. A number of areas were left blank or marked only 'yes' or 'no', and there was no evidence of contributions by staff across the prison who had been in contact with Mr Fofanah. The offender supervisor reported that she regularly had difficulty accessing security intelligence. This meant that the board had very little information on which to base its risk assessment. The board appropriately recommended that further victim inquiries and clarification of his immigration status were needed. The Governor approved this recommendation.

- 4.14** This, and subsequent boards were chaired by insufficiently competent managers, some of whom had very little experience of working in open prisons or of chairing risk assessment boards. Some had very little understanding of key aspects of offender management, such as risk of harm, risk management planning, MAPPA and ViSOR. These are complex processes that are difficult to understand, but board chairs had received no formal training for their role (see recommendations, paragraphs 6.7 and 6.33).
- 4.15** On 10 May 2013, a sentence plan review was held by teleconference, attended by Mr Fofanah, his offender supervisor and his offender manager. Sentence planning targets were set, but did not include any for ROTL, although there was a discussion about possible community service projects. There was no review of the risk management plan, or of MAPPA levels.
- 4.16** At a second ROTL board on 25 June 2013, the same ROTL 4 risk assessment pro forma which was used on 2 April was used again. The only changes were the names of the board members and the note of the board's recommendation and decision from that meeting. The board was satisfied with the victim inquiries and immigration status, and agreed SPL. Mr Fofanah could not be considered for RDR because his guidance eligibility date was not until 15 September 2013.
- 4.17** Records show that at this time, Mr Fofanah repeatedly asked staff why he could not have his RDR eligibility brought forward given his previous successful temporary releases. His solicitor also wrote to request that this decision be reviewed. In common with other ISPs, Mr Fofanah had been given an ISP programme with dates for when he might expect to begin the three different stages of the resettlement programme. Although these dates were for guidance, and might not be met or might (exceptionally) be brought forward, we consider that including them in an ISP plan contributes to an unhelpful sense of expectation or entitlement among prisoners.
- 4.18** On 26 June, the Governor sought advice about ROTL eligibility dates for ISPs from the offender management unit, following a conversation with Mr Fofanah in which he had expressed his frustration at not being allowed RDRs at this stage. The system in PSO 6300 for setting guidance dates for ISPs was explained, and a view expressed that because Mr Fofanah had spent many months in closed conditions since his last ROTL, he needed a period of testing before RDR could be considered. Although there was certainly some sympathy for Mr Fofanah's situation, the Governor subsequently approved the recommendation of the board to limit temporary release to SPL, but without explaining her reasons. The offender manager was not consulted about this decision (see recommendation, paragraph 6.6).
- 4.19** On 4 July 2013, Mr Fofanah was temporarily released on SPL to attend a hospital appointment at St Thomas', London. He was due to return to the prison by 5.30pm, but arrived back at 10pm, after abscond procedures had been activated. The offender manager was not informed of this release, or of Mr Fofanah's late return. This is inconsistent with the requirement for community offender managers to take the lead role in the management of ISPs throughout their sentence (see paragraph 6.1 and recommendation, paragraph 6.5).
- 4.20** The following day, Mr Fofanah was found guilty at an adjudication of failing to comply with the conditions of his temporary release licence. However, the record of adjudication suggests minimal investigation into Mr Fofanah's account, despite the fact that the adjudicator told us that he thought Mr Fofanah was lying to him. A number of privileges were removed from Mr Fofanah as a punishment, but this was suspended for six months. The adjudicator felt that this was proportionate considering Mr Fofanah's otherwise good behaviour. In our view the investigation conducted was insufficient, because it failed to establish why Mr Fofanah was late, and the suspended punishment was inappropriately lenient. The lightness of the punishment risked creating an impression, among both prisoners and staff, that managers were not concerned about prisoners returning late from temporary release.

4.21 On 9 July 2013, a ROTL risk board was appropriately convened to review Mr Fofanah's risk assessment following his late return from SPL on 4 July 2013. The same ROTL 4 paperwork used previously was presented, but it was still not updated to record either the ROTL failure or the adjudication. The board had too little information about the circumstances of the incident, and failed to investigate further, taking inference from the fact that a suspended punishment had resulted from the adjudication (see recommendation, paragraph 6.22).

4.22 The board notes read:

'The board are not in possession of the information as to the reasons for lateness and as such have no evidence to demonstrate that there has been an increase in risk'.

This conclusion was badly mistaken. Risk board processes are entirely separate from adjudication processes, and the board should not have felt the need to take their lead from a decision made on adjudication. The board would have been entirely justified in concluding that the late return was sufficiently concerning to alter the risk management plan. We believe that the risk board should have recommended the suspension of all unaccompanied releases on temporary licence, pending further investigation. There is no record of the Governor considering this recommendation, which meant that a second opportunity to assess risk and identify concern was missed.

4.23 Mr Fofanah was considered again by the ROTL risk board on 16 July 2013, apparently to consider the query raised by the Governor by email, after the board on 25 June 2013. It seems the board was unaware that the Governor's concerns had already been answered. The same ROTL 4 paperwork was in place, still not updated to reflect the recent ROTL failure. The board recommended that Mr Fofanah should be allowed to progress to RDR earlier than his guidance eligibility date (15 September 2013), but there was no supporting rationale for this recommendation. PSO 6300 does give Governors the authority to bring forward guidance ROTL dates for ISPs when they feel this is necessary to promote successful resettlement outcomes, provided this is justified by a risk assessment. However, there was no explanation of why this was thought appropriate in Mr Fofanah's case. This is particularly surprising given the recent ROTL failure. The board chair was not sufficiently competent in his role – he had received no formal training and had only two months' experience of working in open conditions (see recommendation, paragraph 6.33). He also wrongly believed that Mr Fofanah had only been 30 minutes late back from his failed ROTL on 4 July (see recommendation paragraph 6.22). The offender manager was not offered an opportunity to express a view (see recommendation, paragraph 6.6) and there was no referral to the IRMT. However, the Governor authorised the recommendation without question or justification on 19 July.

4.24 As a result, Mr Fofanah was released on RDR on 25 July 2013, to go to Brighton on a 'familiarisation visit'. However, he was arrested in London and on 15 January 2014 pleaded guilty to two counts of attempted armed robbery and possession of an imitation firearm. The prison has no record of an application for day release, so it is not possible to say how structured the day was intended to be, or what resettlement aims were to be achieved. We were unable to track down a copy of Mr Fofanah's licence but it seems that the licence was from 8.30am – 5.00pm, and that there were no conditions other than the standard list, no appointments, no arrangements to meet family or friends, and no personalised risk management plan. Such an unstructured day, with no clear risk management plan, is hard to justify as part of a resettlement activity for a prisoner who presented a significant risk of harm to the public (see recommendation, paragraph 6.14).

Was the decision to release appropriate?

- 4.25** It was not appropriate to release Mr Fofanah on RDR on 25 July 2013.
- 4.26** A number of factors suggest that Mr Fofanah was a good candidate for temporary release. These include the fact that this was Mr Fofanah's first conviction, his custodial behaviour was generally good and he had completed some offence-related work. He had previously spent a period in open conditions and had successfully completed a number of temporary releases, including ROR. However, he had returned unacceptably late from his first period of temporary release at HMP Ford, and this should have triggered a more cautious risk management approach. It should also have excluded any possibility that his eligibility dates for RDR might be brought forward.

Section 5. Case 3: Prisoner X [REDACTED], HMP Y [REDACTED]

Date of birth: [REDACTED]
 Age at first conviction: 15
 Age at index offence: 21
 Age now: [REDACTED]

Prisoner background

- 5.1 Prisoner X [REDACTED] was convicted in 1987 [REDACTED].
 [REDACTED]
- 5.2 Prisoner X [REDACTED] has spent almost 26 years in prison and has been to numerous establishments, including HMP A [REDACTED] and more recently HMP B [REDACTED]. He has completed a vast range of accredited programmes [REDACTED].
- 5.3 He failed one previous period at an open prison in 2005 [REDACTED].
 [REDACTED]
- 5.4 Reports from treatment programmes and his last Parole Board hearing in May 2012 showed that he needed to continue working on *[several issues]* [REDACTED].
- 5.5 Prisoner X [REDACTED] arrived at HMP Y [REDACTED] in September 2012 and was eligible for RDR in March 2013.
- 5.6 On 15 September 2013 Prisoner X [REDACTED] went on RDR from HMP Y [REDACTED] and is alleged to have *[committed a serious offence]* [REDACTED]. He is *[awaiting trial]* for this offence [REDACTED].

HMP Y [REDACTED]

- 5.7 HMP Y [REDACTED] is an open prison [REDACTED]. The prison now holds 224 ISPs, compared with only 43 in 2009.
 [REDACTED]
- 5.8 ROTL boards are held weekly, and consider between 40 and 60 prisoners.

Summary of significant events

Date	Event	Decision/remarks
2 October 1987	Sentenced to discretionary life sentence for four offences [REDACTED] [REDACTED]	
June 2005	Transferred to open prison [REDACTED].	
August 2005	Returned to closed conditions [REDACTED].	[REDACTED]
May 2012	Parole Board recommended transfer to open conditions.	
13 September 2012	Transferred to HMP Y [REDACTED].	
13 March 2013	RDR approved and commenced. Prisoner X [REDACTED] subsequently undertook a total of 28 RDRs.	The offender manager insisted that he completed the TSP prior to considering overnight release.
26 June 2013	Concerns [REDACTED] reported.	[REDACTED]
10 July 2013	Plans for overnight release suspended.	Overnight release suspended on OM and MAPPA advice but OM felt unable to influence the decision about RDR.
15 July 2013	IRMT approved continuation of day release.	IRMT concluded that RDR should continue. However, a final warning letter from the PPCS was requested [REDACTED].
29 July 2013	All ROTLs were reviewed following NOMS concerns about events at HMPs Springhill and Ford. The acting Governor approved suspension of Prisoner X's [REDACTED] ROTL pending a full review.	
30 July 2013	Full ROTL review board held, further to decision of 29 July. It recommended that RDR should continue.	This decision to reinstate RDR was largely based on the incorrect expectation that Prisoner X [REDACTED] would be monitored by the police during RDR.
22 August 2013	Warning letter from PPCS received by prisoner.	The warning letter took over five weeks to arrive.
2 September 2013.	Verbal instructions given by	Prisoner X [REDACTED] was not removed

	acting Governor to return Prisoner X [REDACTED] to closed prison.	from open prison.
8–11 September 2013	A number of security reports were received over this period when Prisoner X [REDACTED] was outside prison in hospital.	[REDACTED]
11 September 2013	Further SIRs about his behaviour while in hospital [REDACTED].	ROTL [was] [REDACTED] suspended and an officer allocated to watch him while he was in hospital.
11 September 2013	Prisoner X [REDACTED] returns to HMP Y [REDACTED] on discharge from hospital.	Prisoner X [REDACTED] was not returned to closed conditions.
12 September 2013	A planned review of his suitability to stay in open conditions did not go ahead.	A check by the OS on the date of his next ROTL showed he would not be released until 21 September 2013.
12 September 2013	Prisoner X [REDACTED] attends the OMU and asks a case administrator to bring forward his ROTL date.	ROTL date changed to 15 September 2013 without authority.
15 September 2013	Released on temporary licence for the full day.	The alleged [offence] [REDACTED] was committed [REDACTED]. Checks on who collected him from the prison not done.

Findings

- 5.9** Following the decision to accept a Parole Board recommendation in May 2012, Prisoner X [REDACTED] was transferred to open conditions at HMP Y [REDACTED] on 13 September 2012.
- 5.10** During his induction process, Prisoner X's [REDACTED] ROTL eligibility dates were confirmed and he signed a generic licence book setting out conditions for ROTL. Given that he would not be eligible for RDR until early March 2013, this process happened unnecessarily early in his stay, before he had even been through the ROTL risk assessment process. It contributed to a sense, which we have also identified at the other prisons in this review, that ROTL was an entitlement rather than a conditional decision, based on an assessment of risks, behaviours and previous offending. At HMP Y [REDACTED], staff also had a sense that it was vitally important for prisoners to undertake a substantial number of ROTLs before their next parole hearing (see recommendation, paragraph 6.14). Prisoner X [REDACTED] took his first unescorted leave shortly after his eligibility date, on 13 March 2013.
- 5.11** PSO 6300 and local ROTL processes at HMP Y [REDACTED] had not kept pace with the dramatic change in the population it was managing and in particular the increased number of ISPs. The weekly ROTL boards considered between 40 and 60 prisoners, not allowing sufficient time for boards to conduct a detailed and careful risk assessment of those presenting a high risk of harm to others (see recommendation, paragraph 6.8). Few staff had been trained in the management of risk of harm to others [REDACTED] (see recommendation, paragraph 6.7). Neither the ROTL review board nor the IRMT were sufficiently robust to plan for the management of the large number of high risk of harm prisoners taking ROTL at the prison (see recommendations, paragraphs 6.17 and 6.22). Few staff had access to ViSOR and its full potential was not well understood by staff in

general. Opportunities to share information with police and probation were missed. For example, security intelligence information was not added, which limited information exchange between prison, probation and the police (see recommendations, paragraphs 6.25 and 6.26).

- 5.12** Prisoner X [REDACTED] was subject to a ROTL assessment during his first few weeks at HMP Y [REDACTED]. The quality of the assessment was poor and not informed by his OASys. It failed to analyse his previous offending adequately enough, or provide enough information about his previous failure in open conditions. It failed to identify what risk factors might be relevant now that he was back in open conditions, and the clear evidence [REDACTED] gathered at his last prison (see recommendation, paragraph 6.22).
- 5.13** In contrast to the other two cases, Prisoner X's [REDACTED] OASys was reviewed after his arrival at HMP Y [REDACTED] to reflect the change of security conditions. However, the risk management plan was unsophisticated and limited. Although it recognised the need to carefully monitor his ROTL and return him to closed conditions if [certain] [REDACTED] behaviour was noted, it did not focus on the steps needed to manage his risk on day release.
- 5.14** Prisoner X's [REDACTED] offender manager knew him well, but was not sufficiently involved in the assessment for ROTL. Under PSO 6300 there is no routine requirement for the offender manager to give their views on the risk of harm posed by the prisoner being released temporarily into the community. She believed that RDR decisions were entirely the responsibility of the Governor (see recommendation, paragraph 6.6), and the prison did not give her an opportunity to contribute. This meant that her good understanding of Prisoner X's [REDACTED] offending, risk factors and triggers, [REDACTED] was not used effectively to create a sound risk management plan for him.
- 5.15** Once Prisoner X [REDACTED] had been approved for ROTL, subsequent review boards were undertaken. These did not always follow the procedural requirements laid down in PSO 6300 (see recommendation, paragraph 6.32). We were told that ROTL boards were not well attended and key people were missing, but it was not possible for us to confirm this because attendance was not always recorded. The offender supervisor did not always prepare a written report for each review board to analyse new information or reassess risk of harm. The quality of board chairs was variable: not all recorded the rationale for their decision and not all had been trained in the management of harm [REDACTED] (see recommendations, paragraph 6.7 and 6.33). Staff at HMP Y [REDACTED] said the absence of a consistent board chair caused problems because it was hard for chairs to know every case in detail and on occasion they gave individual prisoners the benefit of the doubt. This appeared to be the case with Prisoner X [REDACTED], for whom ROTL was allowed to continue [REDACTED].
- 5.16** Prisoner X [REDACTED] undertook a total of 28 RDRs while at HMP Y [REDACTED]. Prisoner X's [REDACTED] applications for day release stated that their purpose was 'maintaining family ties'. There was no evidence of detailed planning for each day, and no monitoring of whether he actually spent the time with his family. The application process had become relatively meaningless. The only risk management mechanisms in place were the standard licence conditions, the time to return to the prison and the location of the RDR. Day release hours were routinely set for 10 hours, 9am to 7pm (see recommendation, paragraph 6.14).
- 5.17** By the end of June 2013, Prisoner X [REDACTED] had been the subject of [a number of] [REDACTED] security information reports (SIRs) [REDACTED], and by 11 September this had increased [REDACTED]. This security intelligence was not routinely shared with the offender supervisor or the offender manager to inform their risk assessment

(see recommendation, paragraph 6.26). In addition, HMP Y [REDACTED] did not have a security analyst, which limited the usefulness of SIR information.

- 5.18** When the offender manager was told about the [REDACTED] SIRs at the end of June 2013 she referred the case to the [REDACTED] MAPPAs panel for discussion at their meeting on 9 July 2013. Prisoner X [REDACTED] was quite rightly a MAPPAs level 2 case, due to the need to manage his complex risks in the community. Neither MAPPAs nor the offender manager felt able to comment on his suitability for day release due to their perception that this was solely the Governor's decision (see recommendation, paragraph 6.6), but a letter from MAPPAs, dated 10 July 2013, said:

'...There are currently significant concerns [REDACTED] to the point where consideration is being given (by the prison) to returning him again to 'closed conditions.

As a result plans for overnight release were suspended.

- 5.19** An IRMT meeting was held on 15 July 2013. The function and purpose of the meeting was confused and it was not clear how it linked to the ROTL review board or which had the final say in making recommendations (see recommendation, paragraph 6.17). The IRMT had sight of the concerns raised in writing by the [REDACTED] MAPPAs panel co-chair on 10 July 2013, but allowed his RDR to continue. This was the first missed opportunity to return Prisoner X [REDACTED] to closed conditions or at least suspend ROTL. They clearly had some concerns because they requested the public protection casework section (PPCS) to send Prisoner X [REDACTED] a warning letter [REDACTED]. We consider that this was a highly unusual step, and are not clear why it was taken; the risks could have been more effectively managed by suspending ROTL or returning Prisoner X [REDACTED] to closed conditions (see recommendations, paragraphs 6.17 and 6.33). The IRMT meeting noted that the police were monitoring a known drug dealer in the community and Prisoner X [REDACTED] had been seen in his company recently. This will become important later on in the sequence of events.
- 5.20** On 27 July 2013, a case file review of ROTLs was undertaken on all high risk of harm cases, prompted by NOMS concerns over the HMP Ford and Springhill cases. This concluded that Prisoner X's [REDACTED] risk of harm was too high and the acting Governor suspended his ROTL on 29 July and asked for a full review to take place.
- 5.21** A ROTL review board was convened the next day, which gave board members little time to prepare or to consult with others involved in the case. The ROTL board chair believed that Prisoner X [REDACTED] was being monitored by the police when he was on day release. This was a serious misunderstanding as the police were not monitoring Prisoner X [REDACTED], but another man who was a known drug dealer. The board chair sensibly suggested that Prisoner X [REDACTED] should be collected from the prison by his family, but this was never implemented or monitored. The board concluded that RDR would continue.
- 5.22** The warning letter from the PPCS took five weeks to arrive and was issued to Prisoner X [REDACTED] on 22 August 2013.
- 5.23** More security intelligence was submitted about Prisoner X's [REDACTED] behaviour. [REDACTED]. On 2 September [REDACTED] the acting Governor [REDACTED] gave verbal

instructions to remove Prisoner X [REDACTED] from open conditions. This instruction was not formally recorded and was not followed. This was the second and clearest missed opportunity to return Prisoner X [REDACTED] to closed conditions (see recommendation, paragraph 6.34).

- 5.24** Prisoner X [REDACTED] was admitted to hospital on 8 September 2013 reporting a head injury. [REDACTED]. On 8 September, security intelligence [gave rise to further concerns] [REDACTED]. This intelligence was never fully investigated, and none of it was shared with the offender management unit or with the offender manager. This was the third missed opportunity to return Prisoner X [REDACTED] to closed conditions (see recommendation, paragraph 6.26).
- 5.25** On 11 September, [REDACTED] Prisoner X [REDACTED] was placed on 'accompanied absence'. A prison officer detailed to supervise his absence was stationed at his bedside. However, despite the fact that his increase in risk had apparently been recognised, he was returned to open conditions when he was discharged from hospital later that day. The decision to place him on escorted absence was not formally recorded on P-NOMIS (the Prison Service internal IT and communications system), or effectively communicated to the offender management unit (see recommendation, paragraph 6.34). A case review between the offender supervisor and an offender manager planned for the next day (12 September 2013) did not take place due to other work commitments, and yet another opportunity to manage the risks posed by Prisoner X [REDACTED] was missed.
- 5.26** On 12 September, a case administrator in the Offender Management Unit received a request from Prisoner X [REDACTED] to bring forward his next RDR by six days (from 21 September to 15 September) and the next day he asked the case administrator to change the destination. This practice had become routine and was done without any formal authority, review or defensible decision making. The change of date was written on the ROTL 5 form setting out RDR dates and location. It also specified the need for his family to collect him from the prison.
- 5.27** Prisoner X [REDACTED] left the prison on 15 September but nobody monitored who collected him. The alleged offence [REDACTED] was committed that day [REDACTED].

Was the decision to release appropriate?

5.28 The decision to release Prisoner X [REDACTED] was not appropriate.

5.29

[REDACTED]

There were clearly a number of opportunities, not only to stop his ROTL, but to remove him from open conditions prior to 15 September 2013. [REDACTED].

Section 6. Overall findings and recommendations

The systems for managing indeterminate sentence prisoners (ISPs) in open conditions lack clarity and are insufficiently robust.

- 6.1** Formal offender management arrangements are different for different groups of ISPs. Life sentence prisoners are managed mostly by a prison-based offender supervisor, with the community offender manager taking over only during preparation for a parole hearing. By contrast, community offender managers have clear risk management responsibility for prisoners serving indeterminate sentences of imprisonment for public protection throughout their sentence (IPPs). The reasons for this seem to be historical, but we can find no good justification for this arrangement. The current system causes confusion, and creates the possibility of offender managers being excluded from prison processes. This is exacerbated by the lack of clarity in PSO 6300 about whether offender managers should be involved in RDR decisions. In the cases we examined, risks could have been much better managed if the knowledge and expertise of skilled and suitably trained offender managers had been fully utilised.
- 6.2** The huge rise in the number of indeterminate prisoners in open conditions in recent years means that open prisons now manage more prisoners who pose a significant risk of harm. The current national guidance on ROTL (PSO 6300) does not differentiate between those prisoners who pose a significant risk of harm to the public, and those who present less risk. For higher risk prisoners, existing procedures need to be strengthened so that more information is gathered and analysed, in order to inform a sound decision and an appropriate risk management plan in each case (see also recommendations at paragraphs 6.17, 6.18, 6.21 and 6.25).
- 6.3** Many staff we met had not received sufficient training to be competent in their roles, and needed a much better understanding of the nature of risk and how to manage it. This is generally concerning, but particularly so in cases involving prisoners who present a significant risk of harm. We saw some very poor risk assessments and a lack of focus on the risk factors presented by individual prisoners (see also recommendations at paragraphs 6.32 and 6.33).
- 6.4** There has also been a significant rise in the number of ROTL instances and we are not persuaded that the volume of resources available to open prisons for this work is sufficient. We saw that boards sometimes had less than five minutes on average to discuss each case. Five minutes of consideration may be appropriate for some cases, where risks are low, and where trust has been established over time. However, we do not think that prisoners who pose a significant risk of harm, particularly those new to ROTL, can be managed safely in this way.

Recommendations

- 6.5** **The management of life sentence prisoners should be brought into line with IPPs and the primary responsibility for the management of all ISPs in open prisons should rest with suitably skilled offender managers.**
- 6.6** **The views of the offender manager should be incorporated into all risk assessments for ROTL.**

- 6.7 Staff working in open prisons should be adequately skilled in identifying and managing the risks posed by prisoners presenting a significant risk of harm.**
- 6.8 The staffing of open prisons should be reviewed to ensure sufficient resources to fully risk assess and manage the increased number of prisoners presenting a significant risk of harm, especially ISPs.**
- 6.9 Updated ROTL guidance should be provided urgently, which strengthens risk management procedures for prisoners who present a significant risk of harm to the public.**

There is a general presumption in favour of granting ROTL. The purpose of individual releases is not clear, and there are insufficient safeguards to manage the risks presented by some higher risk of harm prisoners.

- 6.10** We saw a number of practices which created an unhelpful sense that prisons and prisoners were working to ROTL eligibility dates, rather than carefully considering risk and allowing release on temporary licence only when the risk assessment suggested this was appropriate. At HMP Springhill, risk assessment processes were influenced by the Parole Board comments that Mr McLoughlin's risk of harm had been reduced enough to protect the public when he was temporarily released and that they were satisfied that he was likely to comply with the conditions of temporary release. The board chair took inference from these comments that unless Mr McLoughlin's behaviour had deteriorated since his parole review he was safe to release on temporary licence. At HMP Y [REDACTED], prisoners signed a generic licence during their induction process, even before their initial risk assessment for ROTL had been completed, and some staff said that they felt under pressure to agree ROTL in order to satisfy the expectations of the Parole Board. At HMP Ford, ISPs were given their ROTL eligibility dates after their first board.
- 6.11** Temporary release should aim to fulfil a specific resettlement aim, but we saw that the purpose of release was unclear. In some cases, prisoners did not even have to apply for ROTL, or state before the risk assessment board what they intended to do during the release, who with, where and when. This fundamentally compromised the risk assessment before it had begun. At all three prisons in this review, prisoners were released on very long initial temporary licences, with no agreed plan for the day, and no system for checking compliance, such as booking in at a police station. In none of the cases in this review was there a risk management plan specifically designed for temporary release.
- 6.12** We have considered whether the electronic monitoring of prisoners on temporary release would help to manage risk. In our view it would have made no difference in these cases. There may be a small number of cases where monitoring may be of value but in most cases, should the risks a prisoners presents be so great that their location needs to be continually monitored, temporary release would not be suitable. We also have concerns that tagging may create a sense of complacency about risk assessment processes, based on a false assumption that tagging will ensure compliance.

Recommendations

- 6.13 The Parole Board should not comment on a prisoner's suitability for ROTL.**
- 6.14 RDR should not be seen as an automatic entitlement. It should always be structured, planned and supported by a comprehensive risk management plan.**

Compliance with licence conditions should be routinely checked and the level of trust should be tested and developed over time.

MAPPA levels are not routinely reviewed when prisoners transfer to open prisons, and MAPPA processes are not used sufficiently well.

- 6.15** We found the MAPPA guidance confusing with respect to ISPs. However, as we understand it, there is no requirement for MAPPA levels to be routinely reviewed or set when prisoners transfer to open prisons. MAPPA levels for ISPs are set for their parole hearing at the appropriate level were they to be released from custody. Thereafter, they may be reviewed again to reflect the fact that the prisoner remains in closed conditions. This means that when prisoners transfer to open conditions their MAPPA level does not necessarily reflect the potential for them to be in contact with the public. This is an example of where the published guidance fails to respond adequately to the dangers of prisoners in open conditions who pose a significant risk of harm.
- 6.16** MAPPA processes were not well enough understood or used. At HMP Y [REDACTED], the concerns raised in writing by the Islington MAPPA panel co-chair on 10 July 2013 were not given sufficient weight and were effectively ignored. At HMP Ford, the local IRMT meeting (known locally as IDRMC) was not understood to be part of MAPPA processes. The terms of reference for IRMTs varied between the prisons, and we saw that some prisoners who posed a significant risk of harm were not referred to the IRMT on arrival in open conditions. We also saw that where there were efforts at HMP Y [REDACTED] to use the IRMT to support risk assessment processes (which is sensible), this resulted in confusion about which meeting had ultimate decision-making authority.

Recommendations

- 6.17** **The decision to release a prisoner on ROTL should remain with the governor. However the offender manager should seek a review of the MAPPA level on transfer to open conditions and prior to temporary release. Where a prisoner's level is set at level 2 or 3, advice from the MAPPA panel should be sought and considered.**
- 6.18** **The role and purpose of IRMTs as part of MAPPA arrangements should be clarified.**

Risk assessment processes are inadequate

- 6.19** OASys assessments are not routinely reviewed when prisoners transfer to open conditions, which means that the risk management plan, and the sentence planning objectives they contain, are not necessarily updated to reflect the new environment. As a result, risk management plans generally focus on final release rather than temporary release, and sentence planning objectives do not always make reference to ROTL as a means to achieve resettlement objectives. This particularly affects prisoners new to open conditions. These failings mean that the main risk management tool available is often not up to date when ROTL risk assessments take place.
- 6.20** The ROTL risk assessment paperwork we saw was weak. At HMP Springhill an alternative and less useful document to the official ROTL 4 form was in use. However, even where the ROTL 4 was in use, we saw that very limited information was available to the board, and

what was provided was insufficiently analytical. We felt that too much weight was sometimes placed on compliant prison behaviour, which had the potential to obscure worrying offence paralleling behaviour. [REDACTED] inadequate attention was paid to the significance of previous ROTL failures. There was little evidence of risk-based information being collated either from across the prison or from community placements, for example, from security staff or workplace supervisors.

Recommendations

- 6.21 OASys should always be reviewed and updated to reflect the move to open conditions and the potential for ROTL.**
- 6.22 The quality of risk assessments and board processes should be improved, with specific attention to evaluating risk-based information from a wide range of sources, offence paralleling behaviour and previous ROTL failures.**

Opportunities to share information which might influence risk-based decisions are missed

- 6.23** The potential of ViSOR to promote the exchange of information and enhance risk assessment processes by all the agencies involved is not fully understood or exploited. We saw that few staff had access to ViSOR, and that useful information (such as security intelligence, or the fact that a prisoner was on temporary release) was not always entered promptly, if at all. Some staff felt that ViSOR was an extra layer of administration that did not yield any benefit to the prison.
- 6.24** We also saw that some information was not shared between different parts of the prison. For example, security intelligence was not always shared with the relevant offender supervisor, who was therefore unable to pass it on to the offender manager as necessary.

Recommendations

- 6.25 The usefulness and effectiveness of ViSOR should be reviewed and improved.**
- 6.26 Security intelligence should be shared with the relevant offender supervisor and offender manager routinely.**

Failures to comply with mandated decision-making procedures and lack of competence contribute to indefensible releases.

- 6.27** We have not considered whether these prisoners were suitable to be in open conditions or whether the Parole Board recommendations for such were reasonable.
- 6.28** We saw a number of clear failures to follow national instructions, which impeded sound decision making. At HMP Y [REDACTED], the composition of the board was too limited to enable effective information sharing and risk assessment, a junior member of staff was able to change the dates of a prisoner's temporary release without any management oversight, and an urgent planned review was cancelled. At HMP Springhill, the composition of the board was similarly limited, there was no administrative separation of duties between the

ROTL board's recommendation for temporary release and the final decision, the final decision was not made by the governor (or other nominated senior manager) and the locally generated ROTL 4 substitute pro forma was inadequate. At HMP Ford, the person responsible did not see the whole file when making the final decision.

- 6.29** We met several board chairs who had received no formal training, and felt ill equipped for their role. They had insufficient understanding of some key offender management processes such as MAPPA and ViSOR and felt intimidated by the jargon. At HMP Springhill, an untrained board chair had a narrow view of his role and was unduly influenced by the Parole Board's decision and comments, such that he only considered the prisoner's behaviour since his arrival in open conditions to be relevant. Board chairs regularly failed to record the weight given to the various pieces of evidence when recording their recommendations.
- 6.30** At HMP Y [REDACTED], managers failed to communicate key information properly or to carry out instructions from the acting Governor. For example, when the acting Governor gave instructions for Prisoner X [REDACTED] to be removed this was not acted on, and the decision to suspend ROTL following Prisoner X's [REDACTED] poor behaviour in hospital was not communicated effectively to the offender management unit.

Recommendations

- 6.31** The Parole Board should ensure there is a thorough review of their recommendations that Mr McLoughlin, Prisoner X [REDACTED] and Mr Fofanah were suitable to be transferred to open conditions.
- 6.32** NOMS must put assurance/audit process in place to ensure that correct national procedures are followed in all instances.
- 6.33** Board chairs should be trained and assessed as competent in the management of risk of harm and dangerous offenders.
- 6.34** Consideration should be given to conducting a disciplinary investigation at HMP Y [REDACTED] where individual staff failed to take appropriate action or to follow instructions.

Section 7. Appendices

Appendix I: Review team

Alison Perry	Team leader
Sandra Fieldhouse	Inspector
Jeanette Hall	Inspector

HM Inspectorate of Prisons is a member of the UK's National Preventive Mechanism, a group of organisations which independently monitor all places of detention to meet the requirements of international human rights law.

