

Prison Governors Association

Representing: The Prison Governors of the United Kingdom since 1987



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PRISON GOVERNORS' ASSOCIATION (PGA) PRESS RELEASE

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TPRS36

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The PGA is concerned about changes announced today which will allow certain prisoners in the adult male estate to be presumptively re-categorised to category D up to 36 months ahead of their conditional release date (CRD). This will be known as TPRS36. This is yet another temporary scheme designed to facilitate the presumptive re-categorisation of prisoners from category C to category D to make the best use of the prison estate.

TPRS36 applies to category C prisoners serving standard determinate sentences who meet certain risk and offence criteria. There will be a presumption in such cases that re-categorisation to category D is appropriate.

Whilst Governors will be the decision maker, they will have only limited discretion, in exceptional circumstances, to reject TPRS re-categorisation.

Whilst the eligibility for, and exclusions to, TPRS36 are shown below this would still mean that after just two weeks in prison a man serving a 7 ½ year prison sentence could be moved to an Open Prison, where there are no physical barriers like high walls, fences, secure gates and minimal staff supervision that could prevent prisoners from simply walking out. Open prisons are an essential part of our prison system to prepare prisoners for their release. They are designed for prisoners who are very low risk or are coming to the end of very long sentences. They have very few prison officers in relation to the number of prisoners and the physical infrastructure is more akin to student accommodation than what the public imagine prison to be.

Tom Wheatley, President of the PGA said "Open prisons are not a suitable place to house men that have been very recently sentenced for serious offences without any risk assessment. To ask the Governor to decide that such risk is "wholly unacceptable", given eligibility after just 14 days, is too short a time to make any such assessment and therefore to protect the public. It is also not what victims of crime expect, nor what the Courts intend. This is simply a scheme to manage the lack of

suitable prison capacity and having already released many low-risk offenders, it is becoming difficult to use the capacity in Open Prisons. If TPRS36 were not used, many of these men would remain in the closed prison estate safely behind walls and fences”.

Prisoners meeting all the following criteria will be eligible for re-categorisation under TPRS36

- Serving a standard determinate sentence, with an automatic 40% conditional release date (CRD). This includes those serving terms for contempt of court and in default of payment of monies (including confiscation orders, council tax, maintenance arrears etc)
- No history of abscond, escape or failure to return from Release on temporary licence on the current sentence
- Category C prisoner
- Enhanced or standard regime prisoner
- Between one and thirty-six months to serve until CRD (at point of re-categorisation)
- Has served a minimum of 14 days post sentence (time on remand is not counted for this purpose)
- Has an OASys risk of serious harm rating (custody or community score) which is low or medium and which relates to their current sentence In determining whether prisoners meet the eligibility criteria a ‘current OASys assessment’ is one that has been completed within the two weeks prior to sentencing (pre-sentence report) or during the course of the sentence. The OASys assessment should cover all active sentences that the individual is serving.

Although certain prisoners are excluded from TPRS36

Exclusions – Prisoners meeting ANY of the following criteria are NOT eligible for TPRS36

- Serving four years* or more for any violent offence as defined in schedule 15 of [Criminal Justice Act 2003](#)
- Serving a sentence for any terrorist or terrorist-connected offence** as defined in Part 1 and 2 Schedule 19ZA of [Criminal Justice Act 2003](#)
- Currently serving a sentence for any sexual offence or subject to the notification requirements of the Sexual Offences Act 2003 (sex offenders’ register) on release. A sexual offence is an offence under Part 1 and Schedule 3 of the [Sexual Offences Act 2003](#) or Part 2 of Schedule 15 of the [Criminal Justice Act 2003](#)
- Currently serving a recall
- Currently remanded in custody on other matters
- Foreign national offenders (FNO) who are liable to removal. Only those FNO prisoners who are not subject to any restrictions as per PSI 37/2014 can be considered for TPRS36. Those who would be subject to more rigorous risk assessment under the normal re-categorisation process are excluded.

- Referred to police following a violent offence in custody (unless police have confirmed no further action)
- Convicted of an offence of ‘stalking.’ Prisoners serving a sentence of any length for the following offences are excluded from TPRS36:
 - Stalking – section 2A of the Protection from Harassment Act 1997 (*max penalty 51 weeks*)
 - Stalking (with fear of violence) – section 4A of the Protection from Harassment Act 1997 (*max penalty 10 years*)
- Proven adjudications in the previous 3 months (prior to re-categorisation)
- Subject to basic regime in the previous 3 months (prior to re-categorisation)
- Those who, in the assessment of the Governor, Deputy Governor, or Head of Security, have substantive and credible adverse intelligence on their record in relation to order and control, conveyance, serious organised crime (SOC) or staff corruption. This test must be met, the presence of a “OCG flag” or similar on digital systems may merit further enquiry, but does not in itself meet this threshold.
- Those who, in the assessment of the Governor, present a wholly unacceptable risk

Non-Schedule 15 offences that could still result in a 7.5-year sentence include:

1. Serious Fraud or Financial Crime Large-scale fraud, such as Ponzi schemes or embezzlement involving significant sums. These are not typically listed in Schedule 15 unless they involve violence or threats.

2. Drug Offences (Non-Schedule 15)

Possession with intent to supply Class A drugs can attract sentences in this range, depending on quantity and role. While some drug trafficking offences are in Schedule 15, not all are.

3. Firearms Offences (Certain Types) Possession of a prohibited firearm without intent to endanger life may not fall under Schedule 15 but can still carry long sentences.

4. Serious Driving Offences Causing death by dangerous driving is in Schedule 15, but causing serious injury by dangerous driving is not, and can still result in lengthy sentences.

5. Public Order Offences Rioting or violent disorder involving significant damage or injury, especially if premeditated.

6. Immigration or Border Offences Human trafficking for non-sexual exploitation (e.g., forced labour) may not always fall under Schedule 15 but can still attract long sentences.

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Note for editors:

The Prison Governors Association was founded in October 1987 to represent the higher operational managers in the Prison Service in England and Wales. The PGA was placed on the register of Trade

Unions on 6 November 1987 (No. 639T). On 28 July 1988 the Certification Officer under the Trade Union and Labour Relations Act 1974 issued the Prison Governors Association with a Certificate of Independence. The status of the Prison Governors Association is that of an independent registered Trade Union.

For more information contact the PGA at pga@justice.gov.uk or telephone James Bryant, PGA Office Manager, on 07846 021597 who can take requests for interviews.

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