

insideinformation – fact sheet

IEP

Information courtesy of Nicola Lines of Chivers Solicitors Bradford

All Prisons operate a local IEP scheme for prisoners. The scheme encourages responsible behaviour by prisoners and participation in constructive activity, engagement with sentence planning and OASys and in activities to reduce re-offending. The scheme is in place also to help to create a more disciplined, controlled and safer environment for both prisoners and staff. Prisoners are able to earn, retain and lose access to privilege levels.

PSO 4000 sets out instructions and guidelines on the IEP scheme. The IEP scheme operates on at least three levels, these are referred to as basic, standard and enhanced. Prisoners move between levels according to their behaviour and the entitlements for each level consist of key earnable privileges which apply to all prisons. There are also additional privileges which vary according to local circumstances in different prisons. Once a person enters custody they must be placed initially on the standard privilege level and a review of their IEP level is undertaken within the first month. Once a prisoner has consistently maintained the type of behaviour and performance expected at this level, they may advance to the next level above. If for any reason a prisoner's behaviour or lack of progress demonstrates that they cannot sustain their current privilege level, they may be downgraded to the level below. It is worth noting that this can not happen as a punishment imposed at adjudication.

As we are aware, prisoners can make progressive transfers throughout their sentence. Whenever possible the local scheme must allow prisoners on transfer to retain their privilege level. As a minimum the prisoner must be allowed to retain the national key privileges wherever these are available. Prisoners should be advised what is available at their new location on arrival, or before transfer if requested. Un-convicted (remand) prisoners and Immigration Detainees must be included in IEP schemes and may move between privilege levels, but with variations relating to their status. If a prisoner is downgraded on the IEP scheme or refused Enhanced status and they do not agree with the IEP Review Boards reasoning, which will be given to them in writing, then it is advisable to complete the Internal Complaints Procedure (as set out in PSO 2510). In some cases there may also be a legal challenge (Judicial Review) against the downgrading decision. One example of this would be a prison refusing a prisoner enhanced status because they have not met the target of completing the SOTP, the only reason for this, because they maintain their innocence. Many prisoners who maintain their innocence have found that they cannot gain enhanced status.

In such cases it is arguable that the maintenance of innocence does need to be long term and a person would need to be able to argue that it will not change over time. Put simply, the maintaining of innocence needs to be entrenched. It is also worth noting in respect of these challenges that the longer time left to serve on a determinate sentence, or if the prisoner is serving an indeterminate sentence, can make the argument stronger and more likely to succeed. In any case, a prisoner is well within their rights to pursue legal advice about any decision made regarding their IEP status.

IMPORTANT NOTICE

Information is given on a strictly 'without-liability' basis, and should be considered for use as guidance only. If you propose taking further action based upon this information you are strongly advised to take further and more specific legal advice before doing so.

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