



Miss Laurinda Bower
HM Assistant Coroner
Nottingham City and Nottinghamshire
The Council House
Old Market Square
Nottingham
NG1 2DT

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TERANCE RADFORD – REGULATION 28 REPORT

Thank you for your Regulation 28 report of 18 January 2022 following the inquest into the death of Terence Alfred Radford on 19 April 2019.

I know that you will share a copy of this response with the family of Mr Radford and I would like to express my sincere condolences for their terrible loss. I can only imagine their pain given the terrible circumstances of Mr Radford's death. I should also like to express my sympathy to the other victims of [REDACTED] crimes that day.

Following evidence heard at the inquest you have raised three concerns about the Home Detention Curfew Policy Framework, and I can confirm that we are taking action in relation to all three as set out below:

1. *The national Home Detention Curfew Policy Framework permits the release of eligible prisoners directly from the Prison's segregation unit, in circumstances where the prisoner has been placed in the segregation unit because the elevated risk of harm they pose to staff and other prisoners cannot be safely managed within the general prison population.*

The public may rightly be concerned that prisoners deemed 'too risky' to reside within the general prison population; with its strict curfews and regime, use of locked cells, and trained prison personnel with protective gear, can still be released early from their sentence under the terms of the Policy.

Response

I understand and share those concerns. Offenders should not be released on HDC when their current behaviour means that they cannot be safely managed in the community. HM Prisons and Probation Service (HMPPS) is issuing an instruction this week to prison Governors that no prisoner held in a segregation unit may be released on HDC except where the governing Governor themselves has determined that it would be safe to do so. In making the decision, the Governor must involve the Community Offender Manager plus key agencies involved in delivering the offender's risk management plan on release.

2. *The national Home Detention Curfew Policy does not expressly require consideration or assessment of the prisoner's risk of harm to others, beyond the suitability of the proposed release*

address. If a broader assessment of risk of harm to others is anticipated by the Policy, there is no guidance on who should complete the assessment (singular or multi-agency input), when it should be completed, and what factors ought to be considered as part of that assessment.

Response:

The HDC Policy Framework will be amended to ensure that consideration for HDC takes into account the risks presented overall, and not just to those at the address.

It is important to understand that whilst the HDC Policy Framework focuses on HDC, all HDC eligible offenders are subject to routine risk management planning applicable to offenders serving standard determinate sentences with automatic release dates (which are, on average, around three months after the HDC date). Release planning and risk management in such cases begins with a start of sentence assessment under the Offender Assessment System (OASys). It is in OASys that risk of serious harm, risk of re-offending and linked risk factors are identified, interventions are put into a sentence plan to reduce risk of harm and reoffending, and a risk management plan is created.

Annual reviews and pre-release work by prison and probation staff should ensure that sentence plan work is progressed, and risk is re-assessed accordingly. Six to nine months prior to automatic release the risk management plan is reviewed with the perspective of the approaching release date. As part of release planning, key issues are identified, which will include accommodation needs, requirements for mental health treatment or substance misuse services and whether referral to the multi-agency public protection arrangements (MAPPA) is necessary.

What this means for HDC is that Offender Managers must assess, when completing the Address Checks form, whether there is already in place an adequate plan to manage the offender safely on release. If not, they must identify what steps are needed to put such a plan in place. No release should occur until the plan is in place. In some cases, the plan will exclude the proposed address as the offender cannot be managed safely there, and HDC will be refused. Changes to the HDC Policy Framework will make clear that this approach is required in every case and will be accompanied by communications and training to embed the message going forwards.

3. *The national Home Detention Curfew Policy contains no framework for multi-agency information sharing with regards to the assessment and management of risk for those deemed eligible for early release under the terms of the Policy.*

Response:

The HDC Policy Framework will be amended to ensure that the necessary information-sharing takes place before there is a decision to release on HDC.

Offenders eligible for HDC are subject to ongoing sentence and risk management planning as described above. This involves interdepartmental and inter-agency co-operation and information sharing, feeding into the HDC decision-making process. This did not work effectively in relation to the release of ██████████ and changes to the Framework will focus on ensuring that information from key external agencies, such as police, children's services and health, plus internal departments, such as prison security, is taken into account by those making recommendations and decisions about HDC.

The Home Detention Curfew scheme has been running since 1999 and enables selected prisoners serving sentences of less than four years' imprisonment to be released early to work towards rehabilitation in the community, while remaining subject to strict conditions, including electronic monitoring. Those breaching its conditions on release can expect to be returned promptly to custody. It is essential, however, that the scheme is limited to suitable offenders and I have therefore asked HMPPS to

prioritise the necessary amendments to the Framework so that changes not being made immediately will be in place by the summer.

Finally, I should like to address the very serious matter you raised about the decision to withdraw a referral of a prison disciplinary charge against ██████████ to the independent adjudicator and the possibility that this was done in order to circumvent the HDC policy and allow for ██████████ release. As you rightly indicate, under the terms of the HDC Policy Framework, prisoners must not be released on HDC until disciplinary proceedings have been dealt with by the independent adjudicator. Moreover, once referred to the independent adjudicator, the matter may not be withdrawn.

On receipt of the Regulation 28 Report, HMPPS instigated an investigation under Prison Disciplinary powers into the circumstances of ██████████ release including the decision made at HMP Ranby to withdraw the referral made to the independent adjudicator. At the time of writing, the investigation process is ongoing but once it is concluded I shall write further. I thank you for bringing this to my attention, it is very important that we establish exactly what happened so that we can offer a clear explanation, not least for the family of Terance Radford and ██████████ other victims that day.

A handwritten signature in blue ink that reads "Victoria Atkins". The signature is written in a cursive, flowing style.

VICTORIA ATKINS MP