



# Prisoners: Incentives and Earned Privileges Scheme

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Author: Alison Pratt and Gabrielle Garton Grimwood

Section Home Affairs Section

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In November 2013, the National Offender Management Service revised the Incentives and Earned Privileges scheme for prisoners – this was the first review of the policy for 10 years. When coming to his role as Justice Secretary, Chris Grayling announced that the current policy was in need of an overhaul. He said that he wanted to ensure that the new policy properly addressed the issue of reoffending and was something that the public would have confidence in.

The changes have been controversial, particularly in relation to prisoners' ability to have steel-stringed guitars in their possession or to receive books sent from outside prison.

It was reported on 29 July 2014 that, in response to feedback from prison governors, the ban on steel-stringed guitars had been reversed, although the ban on receiving books would remain.

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# 1 Background to the IEP prison scheme

## 1.1 What is the “Incentives and Earned Privileges scheme” for and why was it introduced?

The Incentives and Earned Privileges (IEP) system was introduced in 1995. It is a tool of prison management. As stated by the Prison Reform Trust, the scheme:

promotes conforming behaviour through rational choice. Enabling people to earn benefits in exchange for responsible behaviour encourages prisoners to engage with sentence planning and ensures a more disciplined and controlled environment which is safer for staff and prisoners. Other outcomes include a reduced risk of self-harm and improved staff-prisoner relationships.<sup>1</sup>

The IEP scheme for prisoners was revised in November last year. Details of the scheme can be found under paragraph four of the [Prison Service Instruction \(PSI\) 30/2013, \*Incentives and Earned Privileges\*](#). The IEP scheme now comprises four levels – an increase from three: Basic, Entry (the new level), Standard and Enhanced. Basic level is for prisoners who have not demonstrated a sufficient commitment to rehabilitation or who have behaved badly; Entry level is the level applied to all newly convicted prisoners received into custody on or after 1 November 2013; Standard level is for those prisoners who have successfully completed the ‘Entry’ level requirements and who are considered to be meeting rehabilitation expectations and behaving well; and the Enhanced level is for prisoners who have demonstrated for a minimum of three months a commitment to their rehabilitation and adherence to the regime.

A press release from the Ministry of Justice described the changes to the scheme as “significant reforms” and summarised some of those changes:

When taking up the role of Justice Secretary, Chris Grayling made it clear that the current policy needed a thorough and detailed review to ensure that it properly addresses reoffending as well as being something the public can have confidence in.

A full review of the policy – the first for 10 years – was ordered by Ministers last year and was completed in April. From today the absence of bad behaviour will no longer be enough to earn privileges – prisoners must also actively work towards their own rehabilitation.

Other key changes include:

- The introduction of a new IEP level – “Entry” – where privileges are restricted.
- Certificate 18 DVDs and subscription channels banned from all prisons.
- A national standardised list of items available for each level.
- An automatic IEP review for bad behaviour, with a presumption of downgrading.
- TVs turned off when prisoners should be engaged in work or other productive activity.
- Prisoners who misbehave will lose their TV.<sup>2</sup>

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<sup>1</sup> Prison Reform Trust [Incentives and Earned Privileges](#), [accessed 3 June 2014]

<sup>2</sup> Ministry of Justice press release [Major shake-up to prisoner incentives](#), 1 November 2013

The Prisoners' Advice Service has published an [information sheet on the IEP Scheme](#). A [National Offender Management Service guide to changes to the scheme](#) was also published in the prisoners' newspaper, *Inside Time*.<sup>3</sup>

## 2 Changes in November 2013: Areas of controversy

The revised IEP scheme has attracted a certain amount of debate and generated a lot of criticism. The Prison Reform Trust, for example, has suggested that the new policy

puts at risk the purpose of prison as a place of effective rehabilitation and resettlement.<sup>4</sup>

The president of the Prison Governors' Association, Eoin McLennan-Murray, has warned that the new IEP is leading to a "tipping point" of instability:

'In order to run a safe, decent prison it is vital to have the cooperation of the majority of prisoners. Some of the recent changes to the IEP system have undermined trust and threaten the legitimacy of decisions made by staff', Mr McLennan-Murray said.

'If this is allowed to continue unchanged then a tipping point may be reached whereby prisons are more likely to become unstable than stable', he added.<sup>5</sup>

Two elements of the revised IEP scheme have attracted particular debate and controversy. They concern the stipulation firstly that only nylon guitar strings be allowed in prison and, secondly, that prisoners may not receive parcels.

### 2.1 Steel-stringed guitars

Under "generic facilities", PSI 30/2013 states that prisoners on the enhanced and standard levels of the scheme may, by application, have acoustic guitars and may, by application and subject to a local risk assessment, have nylon guitar strings (or bass strings that are nylon with metal coiled around the outside). They may not have all-metal strings. The reason for the restriction is given in the PSI as "incentive level".

In March this year, Kevin Brennan asked two PQs in which he questioned why prisoners were no longer allowed steel-stringed instruments. In his response, Jeremy Wright, the then Minister, stated that, so long as they were on the standard or enhanced levels of the IEP scheme, prisoners were permitted to have some musical instruments in their possession:

**17. Kevin Brennan (Cardiff West) (Lab):** What his policy is on the use by prisoners of musical instruments.

**The Parliamentary Under-Secretary of State for Justice (Jeremy Wright):** In accordance with the revised policy on incentives and earned privileges, prisoners on the standard or enhanced level of the IEP scheme are allowed, if permitted by their governor, to have in their possession, and at their own expense, some musical instruments. As the hon. Gentleman knows, following changes to the scheme, prisoners must earn those and other privileges.

**Kevin Brennan:** I do not know about you, Mr Speaker, but I am quite a big fan of the late Johnny Cash, who performed in prisons, and Billy Bragg, who started the Jail Guitar Doors initiative to provide guitars to those in prison using musical instruments as

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<sup>3</sup> [NOMS guide to changes to the IEP scheme](#), *Inside Time*, November 2013

<sup>4</sup> Prison Reform Trust *Punishment without Purpose: The Incentives and Earned Privileges (IEP) scheme and its impact on fairness, decency and rehabilitation behind bars*, April 2014

<sup>5</sup> [Tipping Point of instability](#), *Inside Time*, June 2014

a means of rehabilitation. Why have the Government banned the use of most of those instruments by ordering prisoners to return steel-string and electric guitars?

**Jeremy Wright:** The hon. Gentleman, perhaps predictably, given his level of expertise, has reached a level of detail on musical instruments of which I am not currently cognisant, but I will look into the matter he raises. He is right that music can be a method of rehabilitation. We want prisoners to play instruments, either on their own or in groups, in appropriate circumstances, but he will understand that there have to be some restrictions. I will have a look and ensure that the restrictions are appropriate.<sup>6</sup>

Music in prison was the subject of a Westminster Hall debate in April 2014, also tabled by Kevin Brennan. In the debate, Kevin Brennan queried why steel strings should not be allowed, given that neither Jeremy Wright nor the PSI had identified any security concerns about them:

I have not been able to discover any rhyme or reason for a blanket ban on steel-strung guitars. In fact, the NOMS incentives and earned privileges instruction, which I commend to the hon. Gentleman and which brought the policy into effect from last November, helpfully lists all the restrictions on items approved for prisoners on the standard and enhanced scheme and places a convenient “S” next to any item that is restricted for security reasons. Of course, there is no “S” placed next to the guitar string restriction, so the change is not to do with security.<sup>7</sup>

Responding to the debate, the junior Minister, Shailesh Vara, agreed that music could play an important role in rehabilitation.<sup>8</sup> He went on to restate the position on prisoner access to guitars and guitar strings and said that the decision not to allow full metal strings had been made “in the light of security concerns”:

Prisoners on the standard and enhanced levels of the IEP framework can be allowed an acoustic guitar with nylon strings. For the bass notes, that can include nylon strings with metal coiled around the outside. Guitar strings can be issued on a one-for-one basis, subject to risk assessments. Full metal guitar strings are not permitted. As I have mentioned, the revised policy was subject to a significant amount of consultation with the operational line and other interested parties. The consultation extended to the contents of the standardised list itself. In the light of security concerns, a decision was made not to allow full metal strings.<sup>9</sup>

Billy Bragg and other musicians have protested against the changes. Their main concern was that the playing of musical instruments makes, they argue, a significant and positive impact on the socialisation of prisoners and helps incentivise them to engage with the rehabilitation process.<sup>10</sup>

It was reported on 29 July 2014 that, in response to feedback from prison governors, the ban on steel-stringed guitars had been reversed, although the ban on receiving books would remain. A Ministry of Justice spokesperson was quoted, explaining the changes:

Following feedback from prison governors, we have made a few minor adjustments to the property prisoners are allowed to have.

These are still subject to individual risk assessments and can be refused by governors.

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<sup>6</sup> [HC Deb 18 March 2014 cc636-7](#)

<sup>7</sup> [HC Deb 29 April 2014 cc230-1WH](#)

<sup>8</sup> [HC Deb 29 April 2014 c233WH](#)

<sup>9</sup> [HC Deb 29 April 2014 c235WH](#)

<sup>10</sup> Hannah Ellis-Peterson “[Musicians hit out at ban on guitars in British prisons](#)” *Guardian*, 28 April 2014

As a result of this government's reforms, prisoners are now expected to engage with their rehabilitation and comply with the regime. Those who don't will have privileges withdrawn.<sup>11</sup>

The PSI will be updated in due course.

## 2.2 Books

The other element of the revised IEP scheme that has attracted a large amount of controversy is the “banning” of the sending of packages containing books and other personal items to prisoners. Although the ban applies to all parcels, the main concern expressed has been over books and underwear because, it has been argued, library facilities vary between prisons and underwear can often be difficult to come by and prisoners may not be able to afford to buy these items from their own funds.

Frances Crook, the Chief Executive of the Howard League for Penal Reform, has criticised the measure, describing book banning as the “most despicable and nastiest element of the new rules”. In her blog, *Prisoners and books*, Ms Crook addresses the effects of the ban on guitar strings, books and other items on prisoners:

A poignant criticism comes from a prisoner who used to have clothes and underwear sent to him. Now that he has to buy his underwear from a monopoly shop that charges inflated prices, his family has to send in extra money to pay for these expensive clothes.<sup>12</sup>

The Prison Reform Trust recently published a briefing examining the effects that the revised IEP has had on prisoners. The Trust said that it had received calls from prisoners who were confused by the introduction of the new measures and also concerned about the impact the changes would have on them and their families. The briefing argues that the new policy:

puts at risk the purpose of prison as a place of effective rehabilitation and resettlement.<sup>13</sup>

One aspect of the new scheme which is undermining the rehabilitative purpose of prisons is the ban on prisoners receiving parcels. Evidence shows that increased family contact and visits can reduce reoffending significantly and improve resettlement outcomes. Yet, under the changes to the IEP scheme, families are prevented from sending in books and other basic items such as stamps, paper or pens. They are also prevented from sending additional warm clothes and underwear to the prison. Instead prisoners have to pay for these items out of their own, often meagre, prison wages. According to prisoners this is having a serious negative impact on the level and quality of family contact.<sup>14</sup>

The Howard League for Penal Reform is working with English PEN, the worldwide writers' association, on a campaign to urge the Government to rethink its policy on banning the sending of books to prisoners:

The response from the public has been overwhelming, and we need to keep the momentum.<sup>15</sup>

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<sup>11</sup> Ian Youngs “[Government ends ban on steel-string guitars in prison cells](#)” *BBC News online*, 29 July 2014

<sup>12</sup> “[Prisoners and books](#)” *Frances Crook's Blog* [accessed 5 June 2014]

<sup>13</sup> Prison Reform Trust *Punishment without purpose*, April 2014

<sup>14</sup> *Ibid*

<sup>15</sup> Howard League for Penal Reform *Books for Prisoners Campaign*, [accessed 9 June 2014]

Author Philip Pullman, the President of the Society of Authors, has called on Chris Grayling to rescind the “mean and despicable piece of legislation” at once. He continues:

People are sent to prison as punishment, not for punishment. The deprivation of freedom is punishment enough. And of all the things most likely to help prisoners towards rehabilitation and reintegration into society, books and reading must be among the most important.<sup>16</sup>

The Howard League for Penal Reform and English PEN took the Books for Prisoners campaign to Downing Street on 27 June, when they presented a letter to the Prime Minister, David Cameron.<sup>17</sup> The letter stated:

We believe this is a misguided policy. Reading goes hand in hand with education and rehabilitation, whilst research shows that informal learning reduces re-offending. It can also be a calming influence in a chaotic environment.<sup>18</sup>

In the Commons, in April 2014, Jeremy Wright responded to questions from Diane Abbott about books and prisoner rehabilitation. He argued that there had always been controls on parcels:

There have always been controls on the sending of parcels into prisons, and allowing parcels to be sent in unrestricted would be operationally unmanageable and would lead to a significant risk of drugs and other illicit items being smuggled into prisons.

We have always recognised the importance of reading and literature in the rehabilitative process, and the positive effects this has on prisoners’ welfare. [...]

There have been no changes in the availability of books in prisons. Every prison has a library, to which every prisoner has access. Up to 12 books may be held by prisoners in their cell at any one time and additional volumes may be stored locally at the prison.<sup>19</sup>

Chris Grayling responded to a piece by the Howard League for Penal Reform by setting out the Government’s aims behind the revised IEP scheme:

Let’s be clear about one thing: prisoners’ access to reading material is not being curtailed. All prisoners may at any one time have up to 12 books in their cells. All prisoners have access to the library, irrespective of which institution they are being held in. [...] We believe offenders need to behave well and engage in their own rehabilitation if they are to earn privileges and incentives. We want them to be doing more work, getting skills and training, not lying around watching television. If we can get prisoners to start to change their behaviour while they are inside, we stand more of a chance of getting off the depressing merry-go-round of crime, incarceration and reoffending. Manifestly, none of that is about stopping prisoners having access to reading material.<sup>20</sup>

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<sup>16</sup> Alison Flood, “[Philip Pullman leads authors condemning inadequate prison libraries](#)”, *The Guardian*, 2 May 2014

<sup>17</sup> Howard League for Penal Reform, Books for Prisoners: [Leading writers take campaign to Downing Street](#), 27 June

<sup>18</sup> English PEN and the Howard League for Penal Reform, [Letter to the Prime Minister](#), 27 June 2014

<sup>19</sup> [HC Deb 29 April 2014 c670W](#)

<sup>20</sup> Chris Grayling [The ban on sending prisoners books is part of my rehabilitation revolution](#) politics.co.uk, 24 March 2014

An EDM (no. 1263) was tabled by Ian Swales in April, which attracted 38 signatures.<sup>21</sup>

### **3 Further reading**

Guidance for prisoners from the [Prisoners' Advice Service](#) (see in particular the section on receiving items from friends and family)

Alan Travis "[Ministers defend ban on sending books to prisoners in England and Wales](#)", *Guardian* 24 March 2014

Chris Grayling [The ban on sending prisoners books is part of my rehabilitation revolution](#) politics.co.uk, 24 March 2014

Ian Dunt [Prison book ban: The questions Chris Grayling must answer](#), politics.co.uk, 25 March 2014

Prison Reform Trust [Prisons sliding towards punishment without purpose](#), 29 April 2014

Ian Dunt [Prison Governors: Grayling's regime is driving us to 'tipping point'](#), politics.co.uk, 7 May 2014

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<sup>21</sup> Early Day Motion, "[Books For Prisoners](#)", 3 April 2014