



# HM Prison & Probation Service

**Director General Prisons**  
**HM Prison and Probation Service**  
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Mr Thomas Osborne  
HM Senior Coroner for Milton Keynes  
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29 July 2021

Dear Mr Osborne,

Thank you for your Regulation 28 report of 2 June 2021 following the inquest into the death of Mark Culverhouse at HMP Woodhill on 24 April 2019.

I know that you will share a copy of this response with the family of Mr Culverhouse and I would like to express my condolences for their loss. Every death in custody is a tragedy and the safety of those in our care is my absolute priority.

Following evidence heard at the inquest you have raised a concern in relation to how offenders' sentences are calculated and recommended that an urgent review take place to change the system to ensure that calculation of release dates is made prior to a decision to recall.

After careful consideration, we must advise that we do not consider it possible to comply with the recommendation for the following reasons:

1. The calculation of release dates is complex and must only be undertaken by staff who are trained in the subject. Those staff are located in the Prison Service and only operate during normal office hours between Monday and Friday. Calculations carried out by untrained staff would present the risk of incorrect information being communicated to the prisoner and possibility of a release in error, hence potentially putting the public at risk.
2. Until the point the licence revocation document is issued, it is not possible to calculate the balance of the sentence that remains to be served. Therefore, until the point of recall, it is not possible to establish whether the application of any balance of uncredited remand time would result in the immediate release of the prisoner or not.
3. The application of unspent remand time works differently depending on the type of recall (a fixed term recall or a standard recall) that is issued. In a fixed term recall one day of unspent remand time is applied to the sentence for every day that is

physically served in custody. In a standard recall the whole balance of unspent remand time can be applied to the sentence.

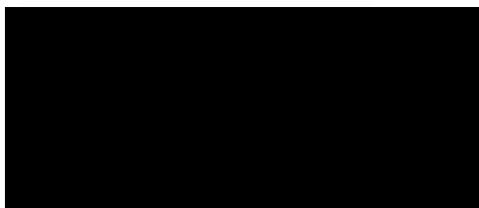
4. Confirmation of the type of recall cannot be confirmed at the point the revocation order is issued because it may be subject to change. For example, an offender recalled on a fixed term basis, who remains unlawfully at large for a period of time, may have their recall changed to a standard recall when the details of their behaviour during the period they are unlawfully at large and any further offending behaviour during that period have been taken into account. As the application of remand time differs between the two types of recall, it is not possible to provide an accurate calculation of the re-release date until the recall type has been confirmed.
5. We would be concerned about the possible detrimental effect to a prisoner's wellbeing if an inaccurate release date was communicated on return to prison custody and similarly concerned about an increased risk of a prisoner being released in error, which could lead to a heightened risk to public protection.

In this particular case, following the recommendation made by the Prisons and Probation Ombudsman (PPO), work was carried out to add an alert flag to the National Offender Management Information System (NOMIS) to warn staff when there is unspent remand time on a prisoner's record which may cause a reduction in the time a prisoner should spend in custody or which may give rise to an immediate release. Sentence calculation is carried out as a priority in these circumstances.

In response to your concerns, the sentence calculation policy team will be issuing further communication to all staff about the importance of using the alerts on NOMIS to flag prisoners with unspent remand time in order to reduce the risk of prisoners being detained longer than required and to confirm release dates to recalled prisoners as soon as possible.

Thank you again for bringing your concerns to my attention. I hope that this response provides assurance that action is being taken to mitigate the risk of prisoners spending more time in custody than is legally required whilst also balancing the complexities of sentence calculation, types of recalls, and public safety.

Yours sincerely



Director General for Prisons