

Mr Andrew Hinchliffe
31 Coward Drive
Oughtibridge
Sheffield
S35 0JP

30th September 2009

Dear Mr Hinchliffe

Re: Your mail (non Rule 39) to Mr Frank Wilkinson

Thank you for your recent correspondence dated 15th and 27th September 2009 in which you address the issues that I had raised with yourself in relation to the correspondence that Mr Wilkinson was wishing to send to yourself. I must also thank you for your honesty in your response to the issues and I would like to apologise for my delay in replying to your letters which has been unfortunately caused by my annual leave and other external commitments.

As you have declared that you are not acting in a journalistic capacity in any way, there is no requirement under Prison Service Order (PSO) 4411 (Prisoner Communications – Correspondence) nor PSO 4470 (Access to the media) to invoke either Section 8.2 of PSO 441 or section 2.2 of PSO 4470.

I am also grateful that the “blog” entries that you maintain on the website do not routinely include staff names and on a recent occasion you have stated that you have made arrangements to have a name that did appear to be removed. I also appreciated that you have given the undertaking to do this in good faith without any request from myself.

However, you have also stated in your correspondence dated 15th September that the “material written from Frank’s diaries is another matter” and that you are attempting to find a literary agent or publisher to take on Mr Wilkinson’s work. I appreciate your commitment to abide by any legal or libel issues that may arise from such publication.

Unfortunately however, any such material is in breach of PSO 4411 and as such I can not authorise it to leave the establishment in its present format. In terms of the breach, section 10(a) (where no publication in return for payment is permitted without express authority of the Governor) and section 10(d) where no correspondence that is intended for publication refers to individual prisoners or members of staff in such a way that they may be identified. Section 10(c) of the same PSO states that material intended for publication which refers to a prisoners crime is not permitted unless it consists of serious misrepresentations about conviction or sentence; I accept that both Mr Wilkinson and yourself will argue that this is the case.

I appreciate that both Mr Wilkinson and yourself will be frustrated at this decision, but I have a duty to ensure that PSO 4411 is adhered to and that both prisoners and staff are protected.

If you require further clarity please do not hesitate to contact me. PSO 4411 can be found at www.hmprisonservice.gov.uk.

Yours faithfully



Ian Dickens
Head of Security & Operations