

Ministry
of JusticePia Sinha
CEO
Prison Reform Trust24th April 2024**VICTIMS AND PRISONERS BILL
IMPRISONMENT FOR PUBLIC PROTECTION AND PAROLE REFORMS**

I am pleased to provide you with an update on the reforms to both the Imprisonment for Public Protection (IPP) sentences and the parole system the Government is currently taking forward in the Victims and Prisoners Bill.

Imprisonment for Public Protection (IPP)

We have listened carefully to the range of views expressed at Committee and have brought forward three government amendments at Report.

IPP Annual Report

This amendment requires the Secretary of State for Justice to lay an annual report before Parliament about the steps taken to support IPP and Detention for Public Protection (DPP) offenders.

The amendment includes a non-exhaustive list of the issues it should address, including support for female IPP offenders, those sentenced to a DPP sentence and external engagement undertaken.

Risk Assessed Recall Review (RARR)

We have tabled an amendment to enable the Secretary of State to re-release an IPP or DPP offender recalled to prison. This mirrors the power the Secretary of State already has to re-release offenders serving determinate sentences. The Secretary of State must not release the prisoner under this section unless satisfied that it is no longer necessary for the protection of the public that the prisoner should remain in prison. This would be an executive power and it would be for the Secretary of State to decide if or when to use it.

Discretion on Two-Year Automatic Period

This amendment gives a discretionary power to the Secretary of State to disregard the recall of an IPP or DPP offender for the purposes of the automatic termination of their licence. This power extends to recalled prisoners released by the Secretary of State following RARR, or where the Parole Board has directed the re-release of a recalled offender.

This will allow the new discretion to apply potentially to all relevant re-release decisions of IPP or DPP offenders – both those made by the Lord Chancellor and those made by the Parole Board – thereby ensuring consistency in decision making.

Parole

The role of the Chair

Amendments were tabled to oppose this clause during Lords Committee stage and, following careful consideration of the arguments put forward, the Government is proposing the removal of the provisions which relate to the role of the Chair.

This includes the power that would allow the Secretary of State to dismiss the Chair on public confidence grounds. As you know, the existing Agreed Protocol for Termination is available if there are concerns about the postholder's performance or their ability to do the job effectively. On balance, we have decided that this mechanism provides sufficient recourse, should the Secretary of State believe a change in leadership is necessary.

We have listened to feedback that the quasi-judicial functions the Chair exercises – such as deciding whether to hold hearings in public – would most appropriately continue to be held by the Chair. Our intention was that these would be carried out by the Vice-Chair, however, it has become clear that, to lead the Board effectively, the Chair should retain those functions and delegate as necessary.

Removing the dismissal power will make it unnecessary to set out the Chair's tenure in primary legislation and to make the Vice-Chair a statutory post, so we intend to remove these provisions too.

Rule-making power: delegation of functions

We have tabled an amendment that will create a delegated power that would enable the Secretary of State to make procedural rules that permit the delegation of specified judicial functions to the Board's secretariat staff, in line with powers available to other courts and tribunals.

The Parole Board put forward the proposal for delegated powers as a way to improve efficiency and throughput of parole cases. I hope that this amendment will assist the Board in making the best use of members' time, so they can spend more time on the substantive, decision-making aspect of their work that is so valuable.

The referral power: appellate court

Throughout the Bill's passage, there have been questions regarding which court is best placed to hear parole cases that are referred under the new power in this Bill, not least from two former Lord Chief Justices.

In light of this debate, and because of the way the power has evolved during the Bill's passage, the judiciary's view is that the High Court (King's Bench Division) is the most appropriate venue to rehear these cases. The government agrees with this view and has tabled amendments to change the appellate court to the High Court.

I look forward to further engagement on the subject as we continue to take these reforms forward.



RT HON EDWARD ARGAR MP