

Prison Reform Trust briefing

House of Lords short debate: Reducing the size of the Imprisonment for Public Protection prison population following the publication on 15 November of the HMPPS Annual Report on the IPP Sentence – Baroness Burt of Solihull

12 December 2024

Key points to highlight with the minister:

1. Broadly speaking, we welcome the direction of travel spelt out in the IPP annual report and action plan. In particular, the development of enhanced awareness of and accountability for IPPs at a senior HMPPS level; and a commitment to transparency in how the action plan is delivered. The reorganisation of the plan to focus on clearer workstreams and actions is also sensible.
2. Following the enactment of welcome provisions for people serving IPPs in the Victims and Prisoners Act 2024, there appears to be limited appetite from the government for further legislation. Therefore, the action plan is likely to be the primary vehicle through which further reforms to the IPP is to be delivered. **It is vital, therefore, that the plan is backed by sufficient political will and resourcing, and that it has confidence and buy in of IPP prisoners and their families.**
3. Our key concern is that the action plan does not include an agreed set of metrics against which its success can be judged. **Will the minister commit to introduce metrics which underpin explicit commitments in the plan to:**
 - a. reduce the IPP prison population that has never been released;
 - b. reduce the recall population;
 - c. reduce the numbers on licence in the community; and
 - d. reduce the rate of self-inflicted death and self-harm?
4. To improve transparency and buy in from IPP prisoners, it would help if the local operational IPP delivery plans were published alongside the overarching action plan. This would clarify what action is being taken by agencies at the local level to support the overall delivery of the plan. Will the minister commit to doing so?
5. The annual report shows that the length of time that people are spending on recall in custody appears to be increasing. Why is this?
6. The IPP action plan includes the following commitment (principle 3):
Community provision for and management of those on an IPP licence gives people the best prospect of a future safe and sustainable life outside of the

justice system. How will use of breach and recalls be monitored to ensure they are not being used disproportionately against people on IPPs?

7. The gap between the report being written (22 April 2024) and now, and the relevant changes in the interim, limits the usefulness of the annual report:
 - a. What progress has been made in the interim? Will the government publish an interim report to account for the time lag?
 - b. Has there been regression in any areas?
 - c. Has the direction of travel been altered by a new government and ministers?
 - d. What about the impact of the prison capacity crisis in general? For instance, we know that the roll out of the early release scheme (SDS40) has been dominating the time of offender management units (OMUs). How has this impacted on the delivery of the plan?
 - e. How realistic are the expectations on probation considering the current pressures on the service?
 - f. Will future versions of the annual report be published closer to the end of the reporting period?
8. The former government minister Lord Bellamy made a series of commitments relating to policy on IPPs during the House of Lords report stage debate on the Victims and Prisoners Bill on 21 May 2024.¹ A number of these commitments are referenced in the annual report including:
 - a. Now every DPP prisoner, whether never released or recalled, has had a case review and, importantly, will be subject to quarterly reviews of their progress from now on. **Given this commitment, will the government publish review data on DPP cases?**
 - b. HMPPS operational policy will be updated so that there is a presumed annual referral of DPP cases to the Parole Board unless there is a clear reason why this would not be beneficial to the individual concerned. Moreover, the published policy of the Parole Board is to prioritise DPP cases.
9. It would be helpful to have an update on the implementation of the outstanding commitments which are not mentioned in the annual report, including:
 - a. The Parole Board is setting up a specific IPP taskforce which it is hoped will be operational to coincide with Royal Assent of [the Victims and Prisoners Act, to ensure a coherent and specific approach to IPP prisoners to reduce delay and bring to bear particular experience in the treatment of these prisoners. This will be supported by a liaison group working hard between HMPPS, the Ministry of Justice and the Parole Board to reduce delays and to ensure that these cases flow smoothly through the system.

¹ *Hansard* HL Deb vol 838 col 961 (21 May 2024). <https://hansard.parliament.uk/lords/2024-05-21/debates/21D1F04A-652C-41B8-8544-55D902903B6A/VictimsAndPrisonersBill>

- b. A new policy to deliver multi-disciplinary progression panels to oversee cases at critical points, such as that early period following release or the period following a recall to custody.
- c. Senior operational leaders across HMPPS have been commissioned to produce operational delivery plans, within which there must be a specific focus on supporting and progressing DPP prisoners. This means expediting any required prison transfers, or access to required services or interventions. There is now a clear expectation that senior leaders know how all the DPP prisoners in their areas are progressing and that prisons and probation are being held to account for their work with them.

10. Other questions to ask:

- a. The IPP action plan includes a commitment to a pilot to improve the level and type of support offered to IPP offenders whilst they reside in an Approved Premises and in the lead up to their required move-on to new accommodation. Will plans does the government have to evaluate the pilot? Does it plan to expand the model?
- b. Under provisions introduced by the Victims and Prisoner Act, from 1 November 2024, the qualifying period was reduced to two years for DPPs and three years for IPPs for the purpose of the automatic licence termination but remained 10 years for other purposes. On 1 February 2025 the qualifying period will be reduced for all other purposes, including when the Secretary of State must refer a DPP or IPP licence to the Parole Board for consideration of licence termination. What additional resource is being given to the Parole Board in preparation for the change on 1 February?
- c. What consideration is being given to making legal aid easier to obtain so that those going through licence termination can be represented to ensure a more effective process?²

² See letter from APL and UNGRIPP https://www.associationofprisonlawyers.co.uk/wp-content/uploads/2023/08/APL_UNGRIPP_letter_SSJ_2023_08_25_public.pdf

Background

Key statistics on the current cohort of IPPs:³

- 8,711 people received the IPP sentence.⁴ Of those, almost a third (31%) remain in prison (13% unreleased and 18% recalled). Another third (34%) were on licence, but this does not account for the terminations on 1 November.⁵ 3% are detained in secure hospital.⁶

Prison:⁷

- On 30 September 2024, there were 2,694 people still serving an IPP in prison.
- Of those currently in prison, 41% have never been released (1,095 people) and 59% have been recalled to prison (1,599 people).
- Of the 1,095 people serving IPP who have never been released, 99% are post-tariff. Only 11 people remain whose tariff has not yet expired.
- Two thirds of those never released are 10 or more years post tariff (66%, 711 people).
- 147 unreleased people are 15 or more years post tariff (14% of those never released).

Probation:⁸

- On 30 June 2024, there were 2,958 people serving IPP on supervision in the community.
- Of these, almost one in five (19%) were last released less than a year ago.
- Over half (53%) were released 5 or fewer years ago.
- Nearly half (47%) were eligible to be considered to have their supervision suspended, including 392 people who have been eligible for more than five years.
- Over a third (39%) were eligible to be considered for licence termination (1,144 people) under the old rules (10 years post-release).
- There is not yet data available on how many people had their licence terminated on 1 November 2024, but the government stated it would apply to circa 1,800 people, with a further 600 newly eligible for licence review on 1 February 22 (three years post-release).⁹

Secure Hospital:

- On 31 December 2023, 241 people serving IPP were detained in secure hospital as restricted patients.¹⁰

³ Ministry of Justice (2024). Tables 1.Q.14, 1.Q.15 and 1.Q.18: Prison population: 30 September 2024. *Offender management statistics quarterly: April to June 2024*. Ministry of Justice.

⁴ Ministry of Justice (2016) *Outcomes by offence tool*. Criminal justice system statistics quarterly: December 2015. Ministry of Justice.

⁵ Ministry of Justice (2024). *Offender management statistics quarterly: April to June 2024*. Ministry of Justice.

⁶ House of Commons written question 24924, 13 May 2024.

⁷ Ministry of Justice (2024). *Offender management statistics quarterly: April to June 2024*. Ministry of Justice.

⁸ Ministry of Justice (2024). *Offender management statistics quarterly: April to June 2024*. Ministry of Justice.

⁹ [Ministry of Justice \(2024, 1 November\). End of lifetime licences for rehabilitated IPP offenders.](#)

¹⁰ House of Commons written question 24924, 13 May 2024.

IPP annual report

The government's IPP annual report was published on 15 November 2024. Its publication is the result of a statutory commitment made in the Victims and Prisoners Act 2024. This requires the government to produce an annual report — to be laid before Parliament — on the steps it has taken to progress the release and licence termination of people on IPPs. The report was written on 22 April 2024 and its reporting period is the financial year 2023/24. We understand that its publication was delayed as a result of the general election in July 2024.

IPP action plan

The annual report monitors progress against the government's IPP action plan. The action plan was published in April 2023 in response to the publication of the justice committee's report on IPPs in September 2022. Following the appointment of Alex Chalk as justice secretary, the plan was further enhanced through the establishment of an IPP progression board with the objective of setting clear ownership of key areas of the plan within HM Prison and Probation Service (HMPPS). Governance of the plan was also enhanced through the creation of an external stakeholder challenge group to hold the government to account for its delivery against the plan. Membership of the group includes statutory bodies, charities (including the Prison Reform Trust) and representatives of IPP prisoners and their families.

Through the governance structure of the IPP progression board and external stakeholder challenge group, a review of the plan was conducted and a revised version published in April 2024 with clearer workstreams and actions. The plan has four key principles:

- Principle 1. HMPPS monitors and publishes data on how those serving the IPP sentence are progressing through their sentences, whether in custody or the community.
- Principle 2. HMPPS ensures that those serving an IPP sentence have a sentence plan specifying the required interventions to reduce risk and has access to them.
- Principle 3. Community provision for and management of those on an IPP licence gives people the best prospect of a future safe and sustainable life outside of the justice system.
- Principle 4. HMPPS communicates effectively with all stakeholders, including engaging on current plans, activity, and outcomes.

The plan has nine workstreams. Each workstream has a number of actions linked to it:

1. **Operations:** mandating of IPP Delivery Plans for all Areas to drive front-line delivery, ensuring all those serving IPP sentences have an up to date and deliverable sentence plan.
2. **Data & Performance:** producing internal management information to track delivery of the IPP delivery plans and, separately, to publish information externally to support increased transparency.

3. **Staff Development & Awareness:** equipping front-line staff with the knowledge and tools to effectively manage cases and support those serving IPP sentences to achieve their sentence plan objectives.
4. **Interventions & Services:** ensuring the interventions and services that those serving IPP sentences need in order to achieve their sentence planning objectives are available.
5. **Psychology Services:** understanding and responding to the complex needs of those serving IPP sentences by improving practice to support effective progression and increasing the Psychology Services provision in the community.
6. **Health:** delivering the Offender Personality Disorder Pathway jointly with NHS England, working with those IPPs screened into the pathway. Working with NHS England and the Welsh Government to enable and support access to mental health provision where appropriate.
7. **Safety:** delivering robust oversight of safety practice to effectively support those serving IPP sentences and reduce the likelihood of self-harm, self-inflicted death and violence.
8. **Policy:** ensuring that the appropriate policies and processes are in place to enable staff to deliver effective front-line management of cases, so those serving IPP sentences can experience a smooth transition through the system.
9. **Parole Improvement:** working with the Parole Board to ensure an effective parole process for all those serving an IPP sentence. Ensuring practitioners are equipped to prepare effectively for reviews and engage with prisoners at appropriate stages of the parole process.