



Ministry
of Justice

Sir Robert Neill MP
Justice Committee
House of Commons
London
SW1A 0AA

The Right Honourable
Dominic Raab MP
Deputy Prime Minister
Lord Chancellor & Secretary
of State for Justice

MoJ ref: 104228

28 March 2023

Dear Sir Bob,

Thank you for your letter of 7 March in response to my letter of 30 January 2023 about IPP prisoners and open conditions.

Firstly you seek clarification on my letter of of 30 January where I set out:

In 2022-23 the Parole Board has made 261 recommendations for moves to open conditions, 13 of which have been accepted, with 218 awaiting a final decision, by Ministers (or an official with delegated responsibility).

You note, in a response to an FOI request made by the Prison Reform Trust, dated ten days earlier, 20 January 2023, my Department stated:

140 recommendations for transfer to open conditions were considered by the Secretary of State (or his officials) between 6 June 2022 and 30 November 2022, with 109 rejected under the policy in place to 6 June 2022, and 17 rejected under the new policy introduced by the Deputy Prime Minister on 6 June 2022.

14 recommendations for transfer were accepted under the policy in place to 6 June 2022 with none accepted under the new policy between 6 June 2022 and 30 November 2022, though recommendations made under the new test have been considered since that date.

The data provided in the FOI, was in response to a request covering a different time period to the data provided to the committee. You will note that the FOI question refers to a specific, shorter timeframe and straddles the different policies in place up to 5 June 2022 and from 6 June 2022. Officials on my behalf have undertaken a review of the data previously provided and are satisfied that the data provided within the FOI response to the Prison Reform Trust are accurate.

The difference in acceptances you have correctly highlighted is the product of the point at which officials ran reports to extract the data for each response from a “live” real-time database. This means that data is only accurate at the point that it is retrieved from the system and is subject to any amendments to records which may take place in the intervening period, a “data lag”.

Given the passage of time since my original response to the committee, I asked officials to run a further extract of the current data, which confirms that between 1 April 2022 and 21 March 2023 the Parole Board

has made 377 recommendations for moves to open conditions. As at 21 March 2023 the Secretary of State had accepted 24, rejected 143, with 210 awaiting a final decision.

Secondly, you ask how many spaces there were in the open estate, and how many of these were vacant (a) in the most recent period for which information is available, and (b) as at the start of 2022.

I can confirm that as of the end of December 2021, the operational capacity of the open estate was 4925, and 308 places were available. As at end February 2023, the operational capacity within the open estate was 5432, and 690 places were available. Since those figures were published, the number of places available has declined further, and I can share with you an unpublished figure as management information which shows that, as of 28 March, the number of places available is 429.

Thirdly, you asked how many people serving a life or IPP sentence have committed a serious offence while absconding from an open setting in each of the last three years.

Currently, HMPPS has in place a process which records where an offender in an open prison commits a Serious Further Offence (SFO) whilst released on temporary licence (RoTL). In the last three years, there have been no instances of an offender committing an SFO whilst on RoTL. Additionally, where a prisoner absconds, they are reported as unlawfully at large, and there is a review of the circumstances that led to the abscond. This review would capture any offences committed by an offender unlawfully at large if they were known within the timeframe of the review. However, data is not routinely held in a format that allows us to provide a comprehensive answer at this time as to the number of offenders who commit an SFO whilst unlawfully at large. I have asked HMPPS to establish a process to capture this information for the future.

Fourthly, you ask how many of the decisions taken in 2022-23 to date on whether to accept Parole Board recommendations for moves to open conditions have been made (a) directly by Ministers and (b) by officials, and which posts those officials hold.

This is not data that is routinely held by the Department. However, I can confirm that where the index offence sits within the higher cohort offences, decisions to accept a Parole Board recommendation to transfer a prisoner to Open Conditions are reserved to me as the Secretary of State. Where the index offence sits within the lower cohort of offences, under my delegated authority, decisions can be taken to accept the recommendation by the Director of the Public Protection Group, a Senior Civil Servant. Therefore, all decisions to accept a Parole Board recommendation will have been made directly by me or by a Senior Civil Servant under my delegated authority.

Thank you for writing to me on this important matter. I hope the above response provides the necessary clarification and assists your additional questions.

Yours sincerely,



RT HON DOMINIC RAAB MP