



Ministry
of Justice

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

The Right Honourable
Alex Chalk KC MP
Lord Chancellor & Secretary
of State for Justice

MoJ ref: 107297

14 July 2023

Dear Sir Bob,

IMPRISONMENT FOR PUBLIC PROTECTION (IPP) ACTION PLAN

Following my letter of 26 April in which I shared the IPP Action Plan with you, I am now pleased to provide a copy of the Terms of Reference for the Chief Inspector of Probation's thematic inspection of the Probation Service's practice in recalling IPP offenders to custody.

I am pleased to also take this opportunity to update you and the rest of the Committee on HMPPS' progress in setting up the governance to deliver the IPP Action Plan.

The first Senior IPP Progression Board meeting was held on 26 June, as planned, which brought together senior leaders across HMPPS to discuss the progress against the six Action Plan workstreams. Whilst we are still at an early stage in the Plan's implementation, the key actions are on track and there are early promising signs that the new, more robust senior leadership oversight of delivery from those on the Senior IPP Progression Board will lead to improved outputs and, therefore, outcomes for those serving IPP sentences.

One early action which has already been completed is the review of where (category and location of prison) IPP prisoners are held and whether the interventions which they need are delivered in those prisons. Another is the Psychology Parole pilot report. This pilot aims to improve Psychologists' ability to provide timely reports to the Parole Board, and a decision will be taken on roll-out shortly. Additionally, the Terms of Reference for the HMIP inspection into the proportionality of recall decisions are finalised and the collation of data and early preparatory work is now well under way. I look forward to receiving the inspection's headline findings later this year and the full report in 2024. We anticipate that the findings will assist us in supporting offenders progress towards a prospective future termination of their sentence.

The first Senior IPP Progression Board took a decision to change the planned frequency of the External Stakeholder Reference Group so that it meets more often – it will meet quarterly instead of twice annually as was originally planned. This will ensure that timely views and challenge from external stakeholders and experts can be fed into every future Board meeting. The first meeting of the External Stakeholder Reference Group will take place in September. A note on the outcomes of the first meeting will be provided to you and other stakeholders following the meeting.

As you are aware, as part of our commitment to increasing transparency, we will also be publishing an annual report of progress against the IPP Action Plan, the first of which will be available by the end of March 2024.

I remain confident that the refreshed IPP Action Plan will deliver the best possible opportunities for those serving an IPP sentence to progress towards a safe and sustainable release. I will ensure that the plan continues to deliver real change by reducing the IPP population both in custody and in the community whilst prioritising public protection.

I am grateful to you and to the Committee for your ongoing interest in this issue. As you know, I believe the IPP sentence is a stain on our criminal justice system and I am committed to doing everything possible to help offenders progress towards safe release while prioritising public protection. I am looking closely into whether any further action can be taken to achieve this goal.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Chalk'.

RT HON ALEX CHALK KC MP

LORD CHANCELLOR AND SECRETARY OF STATE FOR JUSTICE

HM Inspectorate of Probation – an inspection of the proportionality of decisions to recall offenders on an IPP licence to custody.

Background

The Sentence of Imprisonment for Public Protection (IPP) was introduced under the Criminal Justice Act 2003 and following criticism of the sentence it was abolished in 2012.

On 28 September 2022 the Justice Select Committee published a report outlining ongoing concerns about the sentence, including the fact that the number who have been recalled would soon exceed the number who had never been released. The Committee argued that some individuals serving an IPP sentence on licence in the community are being recalled unnecessarily.

In response, on 3 March 2023, the Secretary of State for Justice asked HM Inspectorate of Probation to conduct a thematic inspection to consider the necessity and proportionality of decisions to recall to custody offenders who have been released on an IPP licence.

Proposed scope

The inspection will include:

- a sample of IPP prisoners who were released and subsequently recalled to custody
- current policy and practice regarding recall of IPP prisoners
- the views of recalled IPP prisoners
- ongoing work in custody with those who have been recalled.

The inspection will not include:

- released IPP prisoners who have not been recalled
- IPP prisoners who have never been released
- prisoners serving a determinate sentence, a life sentence or an extended sentence.

Workstreams:

1) Data analysis

We will review MoJ/ HMPPS data on IPP recall events for the period 1 January 2019 to 31 March 2023 including:

- Length of time since sentence for those recalled during this time period
- How long those recalled during this time period had spent in the community prior to the recall event (i.e. from most recent release to most recent recall)
- How many individuals recalled during this time period had been re-released (up to 31/3/2023)?
- For those who had been both recalled and re-released during this time period how long had they spent in custody between recall and re-release?
- How many were recalled more than once during this time period?

The stated reasons for the recall events that took place during this time period, including reoffending, poor behaviour and non-compliance.

2) Policy and practice

- We will interview national policy and practice leads about relevant issues and actions being taken to address these
- We will conduct meetings with groups of staff and managers in the Probation Service to elicit evidence about practice at a local level
- We will review current policy and practice documents.

3) Case reviews

We will review a sample of 25 – 30 cases to assess the necessity and proportionality of decision-making and to provide case studies for the published report. The sample will be selected from those recalled between 1 January 2022 and 31 March 2023.

The lines of enquiry will include:

- How long had the individual been in the community before the (most recent) recall?
- Was there adequate preparation for their release?
- During their period in the community, did they have access to sufficient support, including, but not limited to: appropriate accommodation, substance misuse services, mental health and wellbeing services?
- If not, did the gap in support contribute to the decision to recall?
- Had the individual been given a warning about their behaviour prior to recall?
- What was the primary reason for the recall – e.g., facing a further change, non-compliance, or poor behaviour including substance misuse.
- Was there a clear link between the behaviour that triggered the recall and behaviour exhibited at the time of the index offence?
- Were alternatives to recall sufficiently considered?
- Was the decision to recall necessary – i.e., proportionate to the risk they presented to the public at that point?
- Was the recall initiated out of hours?
- Was it an emergency recall?

4) The views of recalled prisoners

- We will commission User Voice to interview up to 30 IPP prisoners who have been recalled
- These will be the prisoners in our case sample as far as possible.

Methodology:

Ahead of the fieldwork:

- We will conduct an analysis of relevant data relating to IPP recalls during the period 1 January 2019 – 31 March 2023, in order to identify any trends and to inform the selection of the case sample.

Fieldwork:

- We will conduct a deep dive review of a sample of IPP prisoners who have been recalled to custody during the period from 1 January 2022 to 31 March 2023.
- The case sample will be designed in order to pursue identified lines of enquiry, including: length of time in custody; preparation for release, period in the community; reasons for recall.
- Issues of organisational policy and culture will be addressed through a review of policy, focus groups and semi-structured interviews.

Publication:

We intend to publish this independent review by the end of March 2024. We will make recommendations as appropriate, e.g., to the Probation Service, HMPPS and MoJ.