

Lord Foster of Bath

5 September 2024

Dear Lord Foster of Bath,

Imprisonment for Public Protection: Changes to Licence

I am writing to inform you of the Government's plans to commence the Imprisonment for Public Protection (IPP) measures in the Victims and Prisoners Act 2024.

I recognise the challenges faced by those serving IPP sentences and reaffirm my commitment to making progress. It is right that IPP sentences were abolished, and this government is committed to supporting those still serving them to move towards a safe and sustainable release.

This is why, in opposition, we supported changes to the IPP licence period and the creation of a statutory requirement for the Government to publish an IPP annual report, as set out in sections 66 and 67 of the Act.

The measures in the Act will:

- a. reduce the qualifying period that triggers the Secretary of State's duty to refer an IPP offender to the Parole Board to consider whether to terminate the IPP licence from ten years after their initial release from prison to three years (or two years for those convicted when they were under 18, who are serving the equivalent sentence of Detention for Public Protection (DPP));
- b. include a statutory presumption that the IPP licence will be terminated by the Parole Board at the end of the qualifying period. In practice, this will mean strong justification on public protection grounds would be needed not to terminate the licence;
- c. terminate automatically the IPP licence two years after the end of the qualifying period in cases where the Parole Board has not terminated the licence and where the offender has not been recalled to prison in that subsequent two-year period;
- d. create a new power for the Secretary of State to release a recalled IPP offender – without the need for a release decision by the Parole Board – following a process known as Risk Assessed Recall Review (RARR);
- e. allow the Secretary of State to disregard the impact of recall where the offender is recalled during the two-year automatic period where in the interests of justice to do so. This means that for an IPP or DPP offender released by the Parole Board or the Secretary of State, the Secretary of State can determine that the offender's licence will be treated as having remained in force and the two-year period will not reset upon the prisoner's re-release from prison;

- f. require the Secretary of State to lay an annual report before Parliament about the steps taken to support the rehabilitation of IPP and DPP prisoners and their progress towards release from prison or licence termination.

Sections 66 and 67 of the Act will come into force on **1 November 2024**. From 1 November 2024, the qualifying period will be three years for IPP offenders and two years for DPP offenders for the purpose of the automatic licence termination but will remain ten years for other purposes. On **1 February 2025**, the qualifying period 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 will be two and three years respectively.

The phased approach ensures that most of the measures will be implemented this year to support those serving IPP sentences in the community to achieve automatic termination of their licence. The reduction in the qualifying period is being implemented separately to ensure the additional referrals to the Parole Board can be delivered.

Commencement of these measures means the IPP sentence will end for around 1,800 people on 1 November and c.600 referrals would be made to the Parole Board for consideration of licence termination following commencement of phase two on 1 February 2025.

We will work with organisations seeking to ensure the right course of action is taken to ensure progress for those still serving IPP sentences. Commencing these measures is the first step in doing so.

Thank for your continued interest in this important issue.

Lord Timpson
Minister for Prisons, Probation and Reducing Reoffending