



Ministry
of Justice

Sir Nic Dakin MP

Parliamentary Under
Secretary of State at the
Ministry of Justice

Lord Timpson

Minister of State for Prisons,
Probation and Reducing
Reoffending

Andy Slaughter MP

Chair, Justice Select Committee
House of Commons
London
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Dear Andy,

IMPRISONMENT FOR PUBLIC PROTECTION

We are writing ahead of the commencement of the first phase of reforms to the Imprisonment for Public Protection (IPP) licence period to provide an update on the IPP Action Plan and confirm the Government's position on IPP resentencing.

As the Lord Chancellor announced on 5 September, changes that this Government supported whilst in opposition to the licence period will commence from 1 November and be fully implemented by 1 February 2025. Around 1,800 IPP licences will be automatically terminated on 1 November, which represents around two-thirds of those on licence as of March 2024.

We recognise the challenges faced by those serving IPP sentences and reaffirm our commitment to supporting them to make progress and so have evidence of reduced risk for the Parole Board when the Board conducts their next parole review(s). 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. We believe the HMPPS IPP Action Plan is the best way to achieve this. Where sentence plans are up to date and prisoners have access to the interventions they need, IPP prisoners can have hope – but they also need to engage fully with HMPPS staff working with them.

The IPP Action Plan has contributed to the overall reduction in the IPP population over the last 12 months. The unreleased prison population fell from 1,313 in June 2023 to 1,132 in June 2024. Additionally, after three years of quarterly increases, the recalled IPP prison population fell over each of the last three quarters from 1,652 to 1,602.

We plan to publish the updated IPP Action Plan and lay an IPP Annual Report in Parliament in the coming weeks. The Lord Chancellor will lay the first statutory IPP annual report in 2025, demonstrating the progress made until the end of March 2025.

We recognise, that while these developments have been widely welcomed, there remains some support for further legislative changes to be made to the sentence.

This includes a resentencing exercise – such as the one proposed by Lord Woodley in his Private Member’s Bill – and an amendment to the statutory release test to make it easier for those serving the sentence in prison to be released.

Resentencing through legislation to provide a definite release date and licence on release would result in offenders still in custody being released automatically, despite the independent Parole Board having determined, in many cases repeatedly determined, that they are too dangerous to be released, having not met the statutory release test. Resentencing by the court would likely result in most offenders still in custody being released without any licensed supervision, despite the Parole Board having assessed in at least the last two years that those individuals should remain in custody for the protection of the public having not met the statutory release test. Either option would present an unacceptable risk to victims and the public. Therefore, the Government will not resentence those serving IPP sentences, but we will redouble our efforts in supporting those in custody to reduce their risk to meet the statutory release test and move towards a safe and sustainable release.

Amendments were debated on changing the release test used by the Parole Board for IPP prisoners during the passage of the Victims and Prisoners Bill. The release test is set out in section 28(6) of the Crime (Sentences) Act 1997 as follows: *“The Parole Board must not give a direction for release unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined”*.

Lowering the bar for releasing IPP prisoners would reduce public protection. We consider the likely impact on the rate of release would be minimal unless the test is changed significantly – such as removing the public protection element, which would be tantamount to automatic release. Therefore, the Government will not support any changes to the release test.

Detail on the factors considered as part of the release test is set out in the Victims and Prisoners Act 2024 to provide clarity and improve transparency. The test itself has not changed – the Parole Board will only release someone where it is no longer necessary for the protection of the public for the prisoner to be detained.

We will continue to work with organisations and members of both Houses seeking to ensure the right course of action is taken to ensure progress for those still serving IPP sentences.

Thank for your continued interest in this important issue.



SIR NIC DAKIN



LORD TIMPSON