

## Written evidence from Women in Prison

### About Women in Prison (WIP)

Women in Prison (WIP) is a national charity which provides independent, holistic, gender-specialist support to women facing multiple disadvantage, including women involved in (or at risk of being involved in) the criminal justice system. We work in prisons, the community, and ‘through the gate’, supporting women leaving prison, and run two Women’s Centres. Our combined services in London, Manchester, and Surrey provide women with support and advocacy, relating to domestic and sexual abuse, mental health, harmful substance misuse, debt, education, training, employment, and parenting.

Our campaigning is informed by our frontline support services for women, delivered at every stage of a woman’s journey through the criminal justice system. The experience and knowledge of staff working directly with women affected by the criminal justice system enable us to see first-hand the effects of policy in practice and strengthen our recommendations for change.

### Summary

As of June 2021, there were 41 women in prison on Imprisonment for Public Protection (IPP) sentences. Every woman is over tariff, some by as long as nine or 12 years.<sup>1</sup> Over half of these women (21) have been released only to be recalled on licence.<sup>2</sup>

The recent operational and policy focus on the women’s prison estate has sought to address the “revolving door” cohort of women in prison on short sentences (under six months) which comprises 62% of women sentenced to prison each year.<sup>3</sup> Whilst this has been welcome, far less attention has been paid to the experience of women who remain “stuck” in prison on IPP sentences despite such sentences being abolished nine years ago, in 2012.<sup>4</sup>

Women in this position either remain in prison indefinitely, unable to satisfy the Parole Board that they are no longer a “risk”, or are in the community on a life licence facing the stressful and constant threat of being returned to custody for another prolonged period. The pains of the IPP sentence also extends to their families who face chronic uncertainty about their loved ones ever leaving prison or enduring fear that they can be recalled at any time.<sup>5</sup> We wholly support the campaigning led by UNGRIPP on securing widespread change for people serving IPP sentences.<sup>6</sup>

Decisive action is long overdue. We believe the IPP sentence must be retrospectively abolished, and every woman provided with a release date and intensive advocacy and support to rebuild their lives, starting in prison and extending into the community on release.

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<sup>1</sup> IMB reported that at Foston Hall women’s prison, there were three women who were nine years past their tariff date, and at Send seven women were at least five years over tariff, and one more than 12 years over. IMB (2021) [Annual Report](#)

<sup>2</sup> Ministry of Justice and HM Prison Service (2021) [Offender Management statistics quarterly, Prison population: 30 June 2021](#)

<sup>3</sup> Table 2.5a, Ministry of Justice (2020) [Offender management statistics quarterly, Prison receptions April 2019 - March 2020](#)

<sup>4</sup> Sarah Smart, Griffins Society (2019) [Too many bends in the tunnel? Women serving Indeterminate Sentences of IPP – what are the barriers to risk reduction, release and resettlement?](#)

<sup>5</sup> Annison, H. and Condry, R. (2018) [The pains of indeterminate imprisonment for families of IPP prisoners](#)

<sup>6</sup> For more about UNGRIPP see <https://www.ungripp.com/>

## **1. What options are available to reduce the size of the IPP prison population? What would be the options of backdating the change to IPP legislation?**

The former Chief Executive of the Parole Board in 2017/2018 made clear in his annual report that “without further legislative change the legacy of IPP prisoners will remain for many years to come, not least because the number of IPP prisoners recalled to custody continues to rise. I also expect the rate of progression to slow down as the number of IPP prisoners in the system falls.”<sup>7</sup> Three years on and the same issues remain. We share his view, and the view of the current Chief Executive of the Parole Board,<sup>8</sup> that legislative change is required in order to effectively reduce the size of the IPP prison population and end the injustice of this sentence.

Any legislative change must be introduced in association with intensive practical and emotional support in prison and the community to prepare for release and transition, as is discussed in questions 4 and 5.

### **a. Convert all IPPs to determinate sentences**

Indeterminacy affects the mental health and wellbeing of people serving IPP sentences, excludes sources of support which are only available for those with a release date, and removes any sense of administrative and practical urgency in terms of ensuring progression through a sentence. Converting IPP sentences to determinate sentences would provide women with a release date and a timeline to work towards and prepare for transition into the community. It will also enable the planning of services so that the appropriate support is available at the earliest possible stage.

### **b. Sunset clauses**

Introducing a “sunset clause”, setting out that people on IPP sentences cannot be imprisoned for longer than the maximum available sentence length for the offence committed at the time of sentencing, should also be considered. IPP sentences have been widely recognised as unfair. The Ministry of Justice (MoJ) has conceded that the sentences were used “far more widely than intended” with some issued in response to low level offences.<sup>9</sup> The then Justice Secretary Michael Gove said in 2016 that it is a matter of “pure justice and fairness... [that] those who have served far longer than the gravity of their offence requires... should be released.”<sup>10</sup> In this context, it would be appropriate and proportionate to apply the sentence that would otherwise have been applied had the now abolished IPP sentence not been introduced.

### **c. Remove the life licence**

There is a strong case for removing the current life licence. Currently, a person may apply for their licence to be terminated by the Parole Board after they have spent ten years in the community following release from custody. Last year in October 2020, the Parole Board reported that just three IPP prisoners had had their licence terminated.<sup>11</sup>

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<sup>7</sup> Parole Board (2018) [Annual Report](#)

<sup>8</sup> Inside Time (2021) [“IPPs should be resentenced” - Parole Chief](#)

<sup>9</sup> Ministry of Justice (2012) [IPP Fact Sheet](#)

<sup>10</sup> Michael Gove (2016) [Longford Lecture](#)

<sup>11</sup> Inside Time (2020) [IPP Licences Lifted](#)

Over 50% of women currently in prison on IPP sentences have been released and recalled.<sup>12</sup> Many people have been recalled to prison for prolonged periods for minor breaches of licence conditions and in the absence of any further serious offending. A technical breach of a licence can include using a mobile phone or computer without prior agreement of a probation officer, or not being of “good behaviour.” The IPP sentence should automatically expire once the Parole Board has ordered release. Licence lengths should be limited to up to two years and further offences should be responded to under normal sentencing provisions. All of this would be a natural conclusion from the original ruling relating to the legality of the IPP sentence.

## **2. What are the current barriers preventing release? What measures would need to be taken to overcome these barriers?**

Research by Sarah Smart and published by the Griffins Society in 2019<sup>13</sup> explored the barriers to risk reduction and release through interviews with nine women serving IPP sentences and is referenced throughout this response. It is the only research study focusing on women on IPP sentences since the sentence was abolished in 2012, and it identified the following themes.

### **a. Lack of access to relevant programmes and tailored support**

People in prison on IPP sentences are required to demonstrate that they are no longer a public protection “risk” in order to be considered for release by the Parole Board, rather than the Parole Board needing to prove that the individual poses a public risk.

The study identified common complaints from women about poor access to, or availability of, appropriate courses which may be required for the Parole Board to consider release. For example, one woman spoke about being told in her last Parole Board decision that she needed to undergo more one-to-one psychology, but the psychology service told her there is nothing more they can offer, which left her “stuck.”<sup>14</sup> The majority of the women also reported that they found engaging in interventions, especially group work, extremely difficult or impossible due to anxiety and past trauma.

COVID-19 and the restricted regimes operating across the prison estate has meant that many interventions and group sessions have not been taking place. The IMB at HMP Downview noted for example that “some prisoners with specific risk profiles have not been able to progress as far as they might.”<sup>15</sup>

### **b. Parole Board delays**

The research by Sarah Smart identified the destabilising effect on women serving IPP sentences of common delays and last-minute deferrals and adjournments in Parole Board dates. This often led to feelings of frustration and despair and also affected their motivation

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<sup>12</sup> Ministry of Justice and HM Prison Service (2021) [Offender Management statistics quarterly, Prison population: 30 June 2021](#)

<sup>13</sup> Sarah Smart, Griffins Society (2019) [Too many bends in the tunnel? Women serving Indeterminate Sentences of IPP – what are the barriers to risk reduction, release and resettlement?](#)

<sup>14</sup> *ibid*

<sup>15</sup> IMB (2021) [Downview Annual Report](#)

and perceptions of fairness. The case of *Bate v Parole Board* demonstrated how serial delays can undermine a prisoner's progress towards release, and that the right to a speedy hearing is crucial.<sup>16</sup>

**c. Impact of IPP sentences on health and wellbeing**

*"Just give us a date... I can't see my future, what's there to look forward to?"* Lucy<sup>17</sup>

The impact of serving an indeterminate sentence has been shown to have a profoundly negative impact on mental health. Many people serving IPP sentences face stigma and experience deep trauma and anxiety in response to the sentence, which in turn affects their ability to engage in services and programmes and therefore progress towards risk reduction and release. Mental ill health is further compounded by repeated "knock backs" over the course of the sentence. For example, having applications rejected by the Parole Board, returning from open conditions to closed conditions, or the "false starts" of release and recall can leave women overwhelmed with a sense of failure and hopelessness.

*"I can't see an end."* Having a specific date would *"most definitely"* make a difference, *"Because I'd have an end in sight that I could plan towards."* Jane<sup>18</sup>

The research found that all women interviewed on IPP sentences felt strongly that their main internal barrier to progression was the indeterminacy of their sentence and that having a specific date for release would remove pressure.

**3. What is the experience of people on IPP sentences in prison? What additional mental health challenges do people serving IPP sentences face because of the nature of their indeterminate sentence?**

Experiencing mental ill health in prison has a series of knock-on impacts for women on IPP sentences. It makes engaging with prison life more distressing and painful and can mean that women may find it more difficult to participate in the prison regime and relevant courses. Mental ill health can also be perceived as an offence-related risk by prison staff and the Parole Board.

*"My mental health has definitely declined...I'm afraid of being stuck here and I'm afraid of hoping and dreaming and I'm afraid of getting out. I've been out of the world so long that I fear it."* Jane<sup>19</sup>

Six of the nine women who participated in the Griffins Society study had made suicide attempts multiple times during their sentences, and one had experienced suicidal thoughts. These were predominantly triggered by feelings of hopelessness around the sentence and Parole Board deferrals. Many of the women also spoke about withdrawing from family support in times of distress, because it was too complex and upsetting to explain their setbacks.

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<sup>16</sup> [Bate v Parole Board \[2018\] EWHC 2820](#)

<sup>17</sup> Sarah Smart, Griffins Society (2019) [Too many bends in the tunnel? Women serving Indeterminate Sentences of IPP – what are the barriers to risk reduction, release and resettlement?](#)

<sup>18</sup> *ibid*

<sup>19</sup> *ibid*

*“You give up, because you think you’re never going to get out.” Collette<sup>20</sup>*

In prison, people serving IPP sentences regularly see others finish much shorter sentences and “come and go”, sometimes for offences that are more serious than the offence that led to their own IPP sentence. This is profoundly distressing and entrenches a deep and enduring sense of injustice that is so damaging to mental health.

#### **4. How is release and resettlement planned and managed for IPP prisoners given their unpredictable release date?**

In supporting women in prison on IPP sentences, WIP frontline workers have reported that the absence of a fixed release date results in a lack of urgency or time pressure on the Parole Board and Probation to arrange a resettlement plan. This can lead to a significant period of time in custody for women even where community referrals have been made. Frontline staff have also reported great difficulty in establishing a robust support plan sufficient to satisfy the Parole Board to grant release given the high test that must be passed.

There must be a greater use of Release on Temporary Licence (ROTL) for women on IPP sentences as this is key for overcoming institutionalisation, building hope, and increasing confidence. Currently, some women are only granted ROTL once a week for employment purposes for one to two months prior to release, which is insufficient.

WIP frontline workers have reported that there is little support around practical reintegration into the community. Where women know the area they intend to return to, resources should be made available to enable women to rebuild community connections in advance of release. ROTLs to Women’s Centres and specialist women’s services, which can support women practically and emotionally through the transition, should be used more widely.

#### **5. How are people on IPP sentences managed within the community once released?**

Probation contacts women in the community on licence over the phone, and will arrange meetings and home visits in some cases. Frontline staff have reported that there can often be a number of different professionals involved and in contact with women once released. Women have reported that this can be overwhelming, especially where the role and remits of each person are unclear. Despite the wide network of professionals involved, there is often an expectation for women to manage a number of daily tasks independently, overlooking the challenges in adapting to the significant changes in society that have taken place over the duration of their prison sentence.

This highlights the importance of independent advocates for women on release from prison, such as those based in Women’s Centres, who can provide consistent practical and emotional support for women to overcome barriers, facilitate more effective communication between women and professionals, and support them in navigating services and being centred in decisions around addressing their needs.

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<sup>20</sup> *ibid*

Unfortunately, the focus is often on “management” of women rather than support to meet their needs. Too often we see women “set up to fail” when they are required to meet conditions without the services and support to enable them to do this.

**6. What are the main reasons why people serving IPP sentences are recalled? Once recalled what support is given to prepare them for re-release?**

Frontline workers have reported that some women on licence in the community have been threatened with recall on occasions for reasons such as noncompliance with rules in Approved Premises, substance use, and concerns around expenditure of finances. Prison Reform Trust has identified that licence conditions can often be impractical or unnecessarily restrictive for people on IPP sentences, with the most common reason for recall being non-compliance (36%), followed by further offence/charge (25%).<sup>21</sup>

Being recalled to prison can be despairing and a significant knock back for women and their families, especially where they perceive the recall to have been unfair. As outlined in the Lord Chief Justice’s remarks in *R v Roberts*,<sup>22</sup> recall to prison for those under licence requirements may be having detrimental impacts by “either impeding their rehabilitation or increasing the risk they pose.” Women recalled must again convince the Parole Board that they are not a risk and can be re-released and face many of the same barriers highlighted above. Following recall, women should be offered increased support, including establishing independent advocacy in prisons with links to the community, so that any necessary changes can be put in place and the next release planned for.

*October 2021*

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<sup>21</sup> Prison Reform Trust (2020) [No life, no freedom, no future](#)

<sup>22</sup> [R v Roberts & others \[2016\] EWCA Crim 71](#)