Submission from Professor Graham Towl for consideration by the Justice Committee inquiry into 'Imprisonment for Public Protection (IPP) sentences'

This submission follows from my oral evidence provided to the Committee on 7th December 2021. I have focussed primarily on setting out practical solutions, rather than further comment and analysis of the difficulties associated with IPP sentences. These broadly cover three overlapping areas:

1) More effective delivery of risk-based 'programmes'.
2) More effective community supervision
3) More efficient use of resources for public protection

I would invite the committee to consider the root causes of some of the challenges for justice and public protection associated with the IPP sentence. In my written evidence I have suggested a number of practical solutions to begin to address these.

1) The Correctional Services Accreditation and Advice Panel (CSAAP) appears to consist of a group of, largely academics. It performs the bureaucratic function of considering several manual based psycho-social interventions for prisoners and those under probation supervision, which have a common aim of 'treating' or reducing risk to the public. This panel now has an over 20-year history of doing this and its operation has placed considerable resource demands on front line prison and probation staff. The latest publicly available evidence shows that the programmes it has 'accredited' on violence and sex offending have failed. The 'accredited' sex offenders' 'core' and 'extended' courses have been found to increase the risk of reconviction [1]. This suggests that the panel has not acted as an effective check against the implementation of inappropriate and ineffective risk treatment work.

2) Risk treatment work in prisons and probation has led to the development of a range of associated commercial and professional interests, something that has been characterised as the development of an 'industry' in psycho-social group work[2]. Such potential conflicts of interests do not appear to have been adequately addressed. This is exemplified by the role of the panel when the sex offender treatment data was sat on for 5 years with real world impacts both for those who were not released and quite possibility for some of those who were.

3) Despite assertions that things have changed, these CSAAP 'accredited' courses seem to continue to have something of a stranglehold over the Parole Board. There appears to

[1] Mews, A., Di Bella, L. and Purver, M. (2017). Impact evaluation of the prison-based Core Sex Offender Treatment Programme. London: Ministry of Justice.

[2] Towl, G. and Podmore, J. (2019). Still in denial? The sex offender treatment industry. The Justice Gap, 2nd August. https://www.thejusticegap.com/still-in-denial-the-sex-offender-treatment-industry/

be a palpable frustration in the wider psychological community at what seems to be an undue and unwarranted focus by the Parole Board on the products of a growing 'programmes industry', at the expense of other forms of potentially much more effective risk treatment work. Arguably here, the tail has been allowed to wag the dog.

4) The programme industry standard, supported by the bureaucracy of CSAAP, of defaulting to groupwork based interventions, is problematic. Not only in terms of the disappointing results on sex offending and violence group-work courses but also operationally, and in terms of professional ethics, in often dramatically and needlessly slowing the progress of IPP prisoners for consideration for safe release. Specifically, these interventions often involve:

    a. Multiple practitioners involved in delivery
    b. Repeated and often duplicated assessments
    c. Repeated and often duplicated aspects of risk treatment
    d. Extensive and unnecessary duplication at headquarters of delivery and audit
    e. Creation of unclear lines of professional responsibility and accountability
    f. Underutilisation of highly trained front line psychologists

5) The CSAAP is discredited in terms of its capacity to advise successfully on programmes to reduce the risk of violence or sex offending – this is now very well evidenced. Substantively the formation and operation of the CSAAP is structurally unfit for purpose. It should surely be dispensed with.

6) HM Prison and Probation Service (HMPPS) has a very large number of talented psychological staff and it contracts in many more through health and social care services. This large group of professional staff are well positioned to develop and deliver more individualised independent assessments and risk focussed interventions, liaising with a broader range of academics, policy makes and practitioners, as needed. The imposition of a monolithic and failing bureaucratic structure like CSAAP is not needed and has not served the needs of practitioners, prison Governors, Chief Probation Officers or policy makers well. It appears, more plausibly, to serve 'industry' needs rather than justice, public protection or prisoner needs.

7) Moving the focus to professionals would also have the benefit of clarifying accountabilities. HMPPS would own the responsibility for results, rather than for all intents and purposes being able to outsource such a core function to a largely unaccountable bureaucratic and failed process.

8) There may well be considerable benefits in changing the balance of psychological staff across prisons and probation. The committee may wish to request the latest figures for the numbers of staff working in prisons and probation services respectively. Although

not apparently in the public domain this is likely to reflect a marked imbalance in resourcing. To serve the needs of public protection on *prima facie* evidence, there seems a compelling case for a significant shift in the deployment of psychological staff from prisons to community-based settings, to help manage risk better and give further confidence to the Parole Board that there will be effective support and further monitoring and management of risk in the community.

9) Traditionally there has been a disproportionate number of psychologists employed in high security prisons where they are working primarily with prisoners unlikely to return to the community in the medium to long term. As such these psychologists are making little direct contribution to public protection. These resources could be better used in the community in support of public protection.

10) In line with this accredited offender programmes aimed at reducing the risk of reoffending in the high security estate should be discontinued. There should be a consideration of transferring the staff involved to community settings (see above). Interventions in the high security estate may be better aimed at developing positive engagement with prisoners, addressing substance abuse, developing employment skills and constructive activity, and improving institutional conduct, rather than trying to focus on reoffending at that stage of their sentences. A transfer of psychological resources could markedly and quickly aid public protection.

11) A named psychologist system for IPP prisoners should surely be introduced. A named psychologist would lead on, and coordinate interventions to assess and reduce the risk of reoffending. Such professional leadership based on individualised assessments and delivery will likely be much more efficient and effective than the current monolithic, centralised and top-down structures as detailed above.

12) The points above, if implemented, would free up substantial psychological capacity, reduce costs and have the potential to transform justice for IPP prisoners whilst also augmenting public protection through more individualized interventions in combination, with a rebalancing of the work of practitioner psychologists from prisons to probation.

13) There should surely be an automatic review of IPP life licences at the 5-year rather than 10-year point. As I understand the position there is no evidence of released IPP prisoners who have got past the five-year point and gone on to receive a further conviction. My understanding is that the PRT were able to evidence this point. Thus, a change from the current 10-year period to 5 years on licence seems like a safe decision to make in terms of public protection and justice.

In summary, the points above are suggested as a means of contributing to addressing current areas that are impeding the safe progress of IPP prisoners.

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