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**Note Verbale No. 362**

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its' response to communication AL GBR 15/2023, further to the letter dated 17 August 2023 from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers and the Independent Expert on the enjoyment of all human rights by older persons.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 19 December 2023

Special Procedures Branch  
Office of the High Commissioner for Human Rights



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## United Kingdom of Great Britain and Northern Ireland

### **Response to Special Procedure communication AL GBR 15/2023 of 17 August 2023 from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment of punishment; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers and the Independent Expert on the enjoyment of all human rights by older persons.**

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Thank you for your letter of 17 August 2023 on the important matter of imprisonment for public protection (IPP) sentencing systems.

We will respond to the matters listed at page 8 of your letter in turn.

- 1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

We have set out any additional information and comments in our responses to your other requests below.

- 2. Please provide your assessment as to whether the IPP sentencing system, as currently left in force, is compatible with the United Kingdom's international human rights obligations, particularly as they arise from articles 6, 7 and 9 of the International Covenant on Civil and Political Rights; articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and article 12 of the International Covenant on Economic, Social and Cultural Rights.**

The enforcement of the IPP sentence as currently in place is compatible with our international human rights obligations.

We do not agree that the IPP sentence is legally flawed, as put forward in your letter. It is important to note that there has never been a finding in the European Court of Human Rights (ECtHR) or in UK domestic courts that the IPP sentence was or is unlawful. We note your reference to the judgment of the ECtHR in the case of *James, Wells and Lee v The United Kingdom*, applications nos. 25119/09, 57715/09 and 57877/09, (*James*) (a case regarding

the provision of coursework) that case did not find that the IPP sentence was unlawful, but that detention could become arbitrary and a breach of a violation of Article 5(1) (right to liberty and security) of the ECHR in respect of detention in the period between expiry of a tariff and until steps were taken to progress a prisoner through the prison system with a view to providing access to appropriate rehabilitative courses.

In 2017 the UK Supreme Court in the case of *Brown v The Parole Board, for Scotland, the Scottish Ministers and Another*, [2017] UKSC 69, confirmed the *James* judgment, and held that the Secretary of State was under a duty to provide post tariff prisoners with opportunities for progression. That case also held that a violation of Article 5(1) of the Convention would require exceptional circumstances warranting the conclusion that the prisoner's continued detention has become arbitrary. The specific issues which were the focus of these legal challenges no longer exist. Those serving an IPP have appropriate access to opportunities, including rehabilitative courses, where required, to progress through the requirements of their sentence plans towards a prospective future release.

For all the reasons set out in this response regarding interventions and rehabilitation the Government consider that there is no breach of the duty in *Brown* and that there is no breach of Article 5. Continued detention of any IPP prisoner is in accordance with the sentence set by an independent court and the causal link, between the sentence imposed by the court and the continued detention pursuant to that sentence, has not been broken. In respect of the regime and systems that are relevant to prisoners under the care of the State, for all the reasons set out in this response, we do not consider that there would be cause for considering that there is any breach of any of the following agreements or conventions: Articles 6, 7 or 9 of the International Covenant on Civil and Political Rights (No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.); Articles 1, 2 and 16 of the United Nations Convention Against Torture and other Cruel, Degrading, Inhuman Treatment or Punishment; The United Nations Standard Minimum Rules for the Treatment of Prisoners; Article 12 International Covenant on Economic, Social and Cultural Rights.

Prisons are governed by a series of published policy documents from which they can only deviate in exceptional circumstances. The courts expect HM Prison and Probation Service (HMPPS) to run prisons in accordance with these published policies and so the Government is held to account against those standards. These policies apply to all prisoners, including IPP prisoners, and are contained in documents called Instructions, Orders or Policy Frameworks. Where relevant these are referenced below.

Our approach to keeping people in prison safe, including those serving IPP sentences, is set out in Prison Service Instruction (PSI) 64/2011 Safer Custody.<sup>1</sup> Further, PSI 16/2015 Adult Safeguarding in Prison sets out the policy for protecting prisoners from abuse and neglect, including the various processes that are in place to prevent such outcomes and the ways in which suspected incidents can be reported and investigated.<sup>2</sup> Use of unnecessary force against a prisoner is also cited as an example of misconduct within the Prison Service

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<sup>1</sup> [Managing prisoner safety in custody: PSI 64/2011 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/PSI_64_2011_Safer_Custody.pdf)

<sup>2</sup> [Keeping adult prisoners safe: PSI 16/2015 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/PSI_16_2015_Adult_Safeguarding_in_Prison.pdf)

Conduct and Discipline policy. If a complaint is made about the use of excessive force, HMPPS would investigate and where appropriate, take disciplinary action.

**3. Please explain whether the Government's IPP Action Plan, updated in 2023, addresses the human rights questions raised in this letter.**

As detailed in its response, published on 9 February 2023, the Government considered the UK Parliament's Justice Select Committee report into the IPP (published on 28 September 2022) sentence an opportunity to take stock and identify areas for improvement which will make a genuine difference to the way that IPP offenders are rehabilitated and supported through to safe release or termination of the licence.<sup>3</sup> We are grateful to the Justice Select Committee for their work in this space.

The safeguards provided by the published policies referenced above prevent any human rights breaches and IPP prisoners are already prioritised for interventions. The IPP Action Plan will specifically focus on those serving IPP sentences and will provide oversight for these particular prisoners to ensure no such breaches occur.

It is vital for public protection that those serving the IPP sentence in prison, whether not yet released or recalled following release, are released only where the Parole Board determines that they may be safely managed in the community. Our aim is to support all those continuing to serve the IPP sentence in prison by providing them with the opportunity to show they can be safely released by the Parole Board. We will also help those serving the IPP sentence on licence in the community to navigate the challenges they face and to work towards applying successfully, once eligible, to have their licence terminated.

The Action Plan, now fully reviewed and updated on 26 April 2023, will provide the best opportunities for those serving an IPP sentence to progress towards a safe and sustainable future release.<sup>4</sup> The Plan provides a renewed focus on supporting those serving IPP in both custody and the community, which will be overseen by senior officials and Ministers through a robust new governance structure.

The Action Plan, through the delivery of its workstreams, will ensure that those in prison, whether unreleased or recalled, have a sentence plan tailored to their individual needs and will be held in a prison which provides any rehabilitation activity specified in their sentence plan. It also includes specific measures designed to continue to improve the support offered to IPP prisoners at risk of self-harm, suicide and violence.

The Government is committed to ensuring that the IPP Action Plan delivers tangible change by safely reducing, over time, the IPP population both in custody and in the community, while still prioritising public protection.

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<sup>3</sup> <https://publications.parliament.uk/pa/cm5803/cmselect/cmjust/933/report.html>

<sup>4</sup>

<https://committees.parliament.uk/publications/39321/documents/192968/default/#:~:text=The%20IPP%20Action%20Plan%20is%20the%20means%20to,prospects%20of%20achieving%20a%20safe%20and%20sustainable%20release.>

In recognition of the fact that delivering the wide-ranging IPP Action Plan will require robust governance oversight, we have put in place a Senior IPP Progression Board to supervise and drive work to support IPP offenders. It met for the first time on 26 June 2023, bringing together senior leaders across HMPPS to discuss the progress against the six Action Plan workstreams. The Board agreed that a new External Stakeholder Challenge Group will meet quarterly instead of twice annually as was originally planned. This will ensure that timely views from external stakeholders and experts from that meeting will inform every subsequent Board meeting. The first meeting of the External Stakeholder Challenge Group took place on 11 September 2023. The meeting ensures HMPPS is held to account for delivering that to which it has committed, and to continuously review the Plan where more is identified that can be done.

Key actions in the Action Plan are on track, and there are early promising signs that the new, more robust senior leadership oversight of delivery will lead to improved outputs and, therefore, outcomes for those serving IPP sentences. Actions already completed by HMPPS include a review of IPP prisoner locations against current need, and the completion of the Psychology Parole pilot evaluation. This pilot aims to improve psychologists' ability to provide timely reports to the Parole Board, and a decision will be taken on full roll-out shortly. An IPP Safety Learning Bulletin has also been produced to inform frontline staff of the specific safety risks for those serving an IPP sentence.

As you have noted, in the spirit of transparency, we have committed to sharing an annual report of progress against the IPP Action Plan with the Justice Select Committee, the first of which is due to be issued by the end of March 2024. We will share this with the UN Special Rapporteur when it is published by the Committee.

Our approach to enabling the progression of those serving the IPP sentence is working; the number of those who have never been released from prison now stands at 1,269 as at September 2023, down from over 6,000 in 2012.

**4. Please provide information regarding the rehabilitation opportunities presently available for those remaining IPP prisoners, including older prisoners, and whether they are considered adequate to allow individuals to “graduate” from the sentence. Please provide information as to the steps taken to address the reported shortages of such opportunities.**

HMPPS is committed to helping people lead law-abiding and positive lives through appropriate risk management and rehabilitation.

Research and evidence to date suggests that by helping offenders access education, work, stable accommodation and substance misuse treatment, we can significantly reduce their likelihood of reoffending and increase the likelihood of successful reintegration into society upon release. We recognise that access to risk reduction and rehabilitative interventions is important to enable IPP offenders to demonstrate a reduction in their risk of reoffending to the Parole Board. We are investing in a wide range of rehabilitative interventions and support in these areas for all prisoners, including those on IPP sentences.

The IPP Action Plan contains a range of initiatives which prioritise progression and quality sentence management to enable offenders to safely move on. As mentioned above, the IPP Action Plan has a governance structure designed to deliver robust oversight of the progression against the workstreams and the status of the IPP population in prisons and probation, allowing the senior Progression Board to take steps to address arising issues as appropriate.

Interventions and services available include assistance with accommodation. HMPPS Community Accommodation Service (CAS) offers a three-tier structure of support for people on probation who require public protection measures or are at risk of being homeless. In addition, Commissioned Rehabilitative Services (CRS) accommodation service providers in each Probation Region work with people who are sentenced, and have specialist knowledge to provide help and support such as:

- o obtaining accommodation,
- o securing social or supported housing,
- o securing a tenancy in the private rented sector (PRS),
- o sustaining existing accommodation,
- o closure of a tenancy at the start of a long sentence,
- o activity to prevent homelessness on release.

#### Offending Behaviour Programmes (OBPs)

Accredited Offending Behaviour Programmes (OBPs) aim both to protect the public and to reduce re-offending: they form part of a range of rehabilitation and risk reduction opportunities available in prisons. An Accredited Programme is one which has been awarded Accredited status by the Rehabilitation Strategy Board (RSB) based on recommendations from the Correctional Services Accreditation and Advice Panel (CSAAP). CSAAP are an independent body of academics and expert practitioners that award accreditation to programmes by assessing them against a set of principles to assure Ministers and the public that a programme is aligned to the best evidence.

In recent years, as part of a deliberate strategy to refine our provision, emphasis has moved away from shorter, moderate-intensity programmes, in favour of longer, higher-intensity programmes. The overall number of accredited OBP spaces has therefore reduced but the level of investment has not.

It is important to recognise that it is not mandatory that prisoners serving IPP sentences complete specific courses or programmes before they can be considered suitable for release by the independent Parole Board. The Parole Board's assessment of a prisoner's suitability for release is based upon areas of risk, rather than whether or not time has been spent in open conditions or specific OBPs have been completed. Some IPP prisoners are released without OBP attendance, others are considered to present too high a risk to the public after OBP attendance.

Small numbers of those serving IPP sentences are waiting for access to a programme and, when identified, they are prioritised for access. However, for some individuals, additional risk reduction or motivational work is necessary ahead of being ready to start a programme.

When an IPP prisoner has completed a programme, practitioners focus their efforts on embedding the learning to ensure it can be put into practice.

### Open prisons and Progression Regimes (PRs)

Open prisons provide an effective testing environment for those indeterminate prisoners who are nearing the end of their sentence, have reduced their risk of harm to the public and are preparing for release. Time spent in open prisons affords prisoners the opportunity to find work, re-establish family ties, reintegrate into the community and ensure housing needs are met. For prisoners who may have spent a lengthy period in custody, these are often essential components for successful resettlement and an important factor in protecting the public. However, in some cases, where risk is too great, a prisoner's needs may best be met by them remaining in closed conditions. In this instance, appropriate alternatives to a move to open conditions will be considered, such as Progression Regimes (PRs) and offending behaviour work that can be completed within the closed estate.

HMPPS operates four PRs in closed, adult male category C prisons which provide opportunities for prisoners meeting both the eligibility and suitability criteria (with a focus on those serving indeterminate sentences) to gain a fuller understanding of their risks and problematic behaviours, and support to address them.<sup>5</sup> The PR operates a three-stage process of progression with reviews at each stage linked to the Enhanced Behaviour Monitoring (EBM) process. It should also be noted that the PR at HMP Warren Hill was awarded Enabling Environment (EE) accreditation in 2019. The EE award recognises healthy psychosocial environments while supporting the development of good practice in constructing and sustaining them. This gives prisoners the opportunity to build evidence, in an environment that requires them to take personal responsibility for their lives and their progress, to show the Parole Board that their risks can be safely managed in the community upon release.

We acknowledge that IPP prisoners may face unique challenges when engaging with rehabilitative measures given the uncertainty surrounding their release dates. We are therefore trialling a Community Living Unit (CLU) at HMP High Down to offer tailored support to IPP prisoners. The unit provides a community living environment which focuses on helping prisoners to become ready for release and is overseen by dedicated staff who have been specifically trained on IPP prisoners. Support includes an eight-week programme which focuses on goal setting, coping with change, stress management, independent living skills, technology, money management, housing support and parole preparation.

### Moral and spiritual support

We recognise the importance that faith and belief can have in rehabilitation. We are clear that where this may be a protective factor in reducing reoffending, we should include this in planning, and work across prisons and probation and with communities to strengthen continuity of support.

Section 7 of the Prison Act 1952 outlines that every prison shall have a chaplain, the exercise of the office of a chaplain and how prison ministers are appointed. A chaplain refers

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<sup>5</sup> [Progression regimes - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

to a clergyman of the Church of England and a prison minister refers to a minister of a religious denomination other than Church of England.

Further duties of a chaplain or prison minister, some of which must be undertaken daily, are set out in the Prison Rules 1999,<sup>6</sup> Young Offender Institution (YOI) Rules 2000<sup>7</sup> and PSI 05/2016 Faith and Pastoral Care for Prisoners.<sup>8</sup>

Religion or belief is a protected characteristic under the Equality Act 2010. The MoJ/HMPPS must not, in the exercise of its public function, do anything that constitutes discrimination, harassment or victimisation on the basis of religion or belief.

MoJ/HMPPS must also consider religion or belief as a protected characteristic when exercising its Public Sector Equality Duty under section 149 of the Equality Act 2010. Under Article 9 of the European Convention on Human Rights, prisoners like all citizens, have the right to freedom of religion, which includes the freedom to manifest their religion in worship, practice and observance. Collectively, the detailed framework in the Prison Act 1952, Prison Rules 1999/YOI Rules 2000 and PSI 05/2016 ensure Article 9 rights of prisoners are fully respected.

As well as providing worship, meditation and faith-based teaching, a prison's chaplaincy team has various statutory duties under the Prison Rules 1999 and YOI Rules 2000, including visiting all new receptions of the chaplain or prison minister's denomination individually soon after the prisoner's reception into that prison, visiting those in segregation or residential health care daily and visiting all prisoners before their release.

Supporting a prisoner's meaningful and constructive relationship with his or her family or significant others should be a primary focus for anyone caring for those in custody who hope to achieve positive change and transform lives. HMPPS therefore has both a moral and ethical responsibility to assist any meaningful and constructive relationship in preparation for any individual's release.

Maintaining family ties for offenders is not just an act of compassion but a strategic investment in their rehabilitation and successful reintegration. By recognising the importance of these connections, we can build a society that is truly focused on healing, second chances, and the belief in human potential.

### Mental Health

We are committed to improving outcomes for people with mental health needs, including IPP prisoners, and recognise the importance of providing the right interventions at the right time. Health and justice partners have committed to providing an equivalent standard, range and quality of healthcare in prisons to that available in the community. Together with NHS England, and the Welsh Government (which has devolved responsibility for health) we will continue to improve services in prisons to ensure that all prisoners, including those serving IPP sentences, have access to timely and effective mental health care that is tailored to their

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<sup>6</sup> [The Prison Rules 1999 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>7</sup> [The Young Offender Institution Rules 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>8</sup> [Faith and pastoral care for prisoners: PSI 05/2016 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)



needs. This is reflected in the new National Partnership Agreement on Health and Social Care in England, which was published on 23 February 2023.<sup>9</sup> The new agreement sets out a shared priority workplan to deliver safe, decent and effective care that improves health outcomes for people in prison and on probation.

In 2024, NHS England will undertake a comprehensive review and consultation of all service specifications for prison healthcare which will ensure that mental health services continue to meet the needs of those in our care. It is important to note that, if a prisoner has a severe mental health need to an extent that detention under the Mental Health Act may be appropriate, they will be referred and assessed clinically to determine whether transfer to a mental health hospital is warranted.

### Offender Personality Disorder Pathway

The majority of people serving an IPP sentence in prisons satisfy the screening criteria for consideration for services falling under the Offender Personality Disorder (OPD) Pathway. The OPD Pathway is a set of psychologically informed services operating across criminal justice and health, underpinned by a set of principles and quality standards. Using evidence-based relational and environmental approaches, it aims to reduce risk associated with serious reoffending and improve mental health within a high-risk, high-harm cohort likely to meet the clinical threshold for a diagnosis of 'personality disorder'.

The OPD Pathway is a jointly funded partnership between HMPPS and NHS England. It is a long-term change programme that commissions treatment and support services nationally for people with 'personality disorder', whose complex mental health problems are linked to their serious offending. Services for people in scope are provided in prisons, adult secure mental health services and the community, on the basis of the interplay between need and risk of reoffending. The OPD Pathway provides the framework that underpins the commissioning of these services and enables health and criminal justice agencies to provide a single service offer. It also provides specialist training and support for staff.

The OPD Pathway is not a single entity, but a series of connected interventions and activities. All services follow the same principles and work toward the overarching OPD Pathway aims but provide different functions to support people through their sentence and according to their intervention and management needs. Once an individual has been identified as meeting the criteria for the Pathway, the probation practitioner is able to work in partnership with HMPPS psychology staff in the prison setting to develop a pathway/sentence plan for the person based on a process of case consultation and formulation of needs related to their complex mental health and / or risk. Case consultation and formulation describes a joint process of targeted specialist advice and discussion between professionals, including the prisoner where possible, to consider their psychosocial and criminogenic needs relating to their complex psycho-social difficulties.

### Offenders with disabilities and older prisoners

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1138271/6.7996\\_HMPPS\\_NPA\\_2022\\_25\\_V7\\_37\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1138271/6.7996_HMPPS_NPA_2022_25_V7_37_.pdf)

Prisoners with disabilities serving IPP sentences receive the same support for their health care, adult social care, and reasonable adjustments as other prisoners. Steps are taken to ensure that prisoners with disabilities are able to progress with their sentence plans and rehabilitate. We take the welfare of prisoners with disabilities very seriously and make all effort to ensure they have access to the necessary services and equipment to aid their social interactions and rehabilitation.

Prison and Probation Services in England and Wales must adhere to the Equality Act 2010 including the duty to make reasonable adjustments for disabled persons.<sup>10</sup> HMPPS works to respond to the individual needs of all prisoners and those on probation and have developed a national and consistent approach to all prisoners and people on probation with care and support needs.

Prisoner mobility and accessibility is a challenge, each prison needs to address individual need based on its circumstances and population. Prison Governors are required to identify improvements that may be needed in their sites to enable improved access to facilities for disabled prisoners. Where building work is required as part of this work, it is carried out through facilities maintenance contracts.

Of the available Accredited OBPs, a number are designed specifically for those with learning difficulties and challenges. Assessment for courses also considers wider responsivity issues relating to neurodiversity. All prisons are expected to have a Neurodiversity Support Manager by March 2024. This role is responsible for implementing a whole prison approach with improved processes to identify and support prisoners with neurodivergent needs. They are also responsible for ensuring neurodivergent prisoners can access education, skills, and work opportunities within the prison. Where offending behaviour work is identified but a course, even an adapted one, is not suitable, IPP prisoners can be referred to Psychology Services for bespoke work. We also commission specific work, for example, trauma interventions, through health partners and other providers.

We also recognise that 30% of prisoners serving IPP sentences are over 50, and that IPP prisoners tend to be older than other prisoners. The number of older prisoners in the general prison population has risen significantly over the past 20 years, and a number of prisons have developed excellent practice on the management of older prisoners, such as social care units with specialist staff, purposeful activity centres for prisoners of retirement age, and the use of telecare to ensure prisoners' safety overnight. Building on this existing good practice, we are developing an ageing population strategy to set out how services will change to better meet the needs of this cohort. This strategy will cover how the prison estate will be accessible to older prisoners and those with disabilities, and how we will ensure that appropriate rehabilitative activities are available to all prisoners regardless of age, as well as how to ensure that older prisoners can access health and social care services equivalent to those available in the community, and that they are prepared for release and resettled effectively. In recognition of the accelerated ageing referenced in your Communication, we define older prisoners as anyone aged 50 or older.

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<sup>10</sup> <https://www.legislation.gov.uk/ukpga/2010/15/contents>

**5. Please provide information regarding how the cases will be automatically reviewed at periodic intervals and guard against arbitrary deprivations of liberty and potential violations of the prohibition on torture and other cruel, inhuman or degrading treatment or punishment.**

We can confirm that parole reviews for IPP prisoners commence six months in advance of tariff expiry and thereafter at least every two years. While the legislation (section 28(7) Crime (Sentences) Act 1997) allows for the referral to be at the request of the prisoner, in practice this provision never needs to be relied on as the Secretary of State automatically refers cases to the Parole Board for review. Referrals therefore ensure there is compliance with Article 5.4 in that the detention is reviewed at regular intervals by an independent body.

The Secretary of State is aware that regardless of whether a prisoner chooses to have a review, one is required under Article 5.4 to consider release or confirm continued detention. The Secretary of State will inform a prisoner in writing at the outcome of a review when the next review is due, and in that letter justifies the timeline – under domestic case law the nearer the next review is to the two-year limit the greater the justification required. The date of the next review set is based on the individual circumstances of each case and will consider what needs to happen during this period and the appropriate timeframes for this activity. This means that in practice the next review in many cases is scheduled sooner than the two-year limit.

The ability to recall individuals to custody, where the threshold to do so is met, is an important power to protect the public from harm. To guard against arbitrary deprivation of liberty, the threshold to recall is higher than that of determinate sentence prisoners as there needs to be a causal link to the original offending (*Stafford v UK* - Application No. 46295/99, judgment of 28 May 2002). Once recalled, it is important that those returned to custody are supported to ensure they are back onto a pathway, through a clear sentence plan, to work towards a future re-release. The IPP Action Plan seeks to ensure this happens through several actions, including the development of a policy framework on the delivery of multi-disciplinary IPP progression Panel meetings which are forums to ensure the most appropriate next steps in individual cases are agreed and taken forwards.

There is no evidence that offenders are being recalled for perceived minor reasons. Following the Justice Select Committee report, the Government requested that the Chief Inspector of Probation carry out an independent thematic inspection on the proportionality of recall of IPP offenders to ensure that HMPPS is using recalls appropriately and to protect the public.

The report was published by HM Inspectorate of Probation on 14 December 2023. It found that HMPPS are taking proportionate and necessary decisions to recall IPP offenders on licence for public protection. We acknowledge that the review also found that more could have been done to support IPP offenders in the community and prior to recall. HMPPS is currently finalising a specific Action Plan in response to each recommendation in the Inspectorate's review, which will be published in due course.

**6. Please explain the steps taken by the Government to reduce the reported high levels of self-harm and suicide attempts. Please provide information as to investigations undertaken in respect of death by suicide of deceased IPP offenders.**

Every instance of self-harm and suicide in custody is a tragedy. We take our obligations very seriously to do all that we can to prevent suicide and reduce self-harm. As the Justice Select Committee report states, while the number of IPP prisoners who have taken their own lives appears high, the figures involved are too small to allow us to draw any statistically significant conclusions and to understand whether IPP prisoners take their own lives disproportionately to prisoners serving other sentences. However, we acknowledge that rates of self-harm among the IPP population have consistently been higher than among other groups in the population, and we are aware of the particular pressures faced by those serving IPP sentences.

Our prison safety programme includes a range of actions designed to continue to improve the way that we identify, manage and support those at risk of self-harm and suicide, and the IPP Action Plan contains measures that are specific to the IPP population.

We have implemented a revised version of the Assessment, Care in Custody and Teamwork (ACCT) case management approach across the prison estate which is used to support people at risk of suicide or self-harm in prison.<sup>11</sup> Revisions in version six include: a stronger emphasis on taking a person-centered approach; better multi-disciplinary team working; a consistent quality assurance process and an improved focus on identifying and addressing an individual's risks, triggers and protective factors. To support the implementation of ACCT v6 we are developing and phasing in a new safety training package for staff (Safety Support Skills training). It brings together related safety topics, including suicide and self-harm prevention, understanding risks, triggers and protective factors, and encourages a joined-up approach to prison safety.

HMPPS has a long history of working closely with Samaritans on suicide prevention in prisons, most notably on the Listener scheme, established over thirty years ago, through which selected prisoners are trained by Samaritans volunteers to provide emotional support to fellow prisoners in distress or suicidal crisis. The Listener scheme is a major part of our approach to suicide prevention and is available in well over 100 prisons. Last year Samaritans trained over 1,200 prisoners as Listeners, and they provided emotional support on over 37,000 occasions.

We have also worked with Samaritans to develop a postvention response (the provision of support in the period following a self-inflicted death) to reduce the risk of further deaths. This has been successfully piloted and the renewed grant includes funding for this service to be maintained until March 2025.

Turning specifically to the IPP population, we have issued a learning bulletin for staff on the risks of suicide and self-harm among those serving IPP sentences and are undertaking more

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<sup>11</sup> [The Assessment, Care in Custody and Teamwork process in prison: findings from qualitative research - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/research-data-and-analysis/publications/the-assessment-care-in-custody-and-teamwork-process-in-prison-findings-from-qualitative-research)

detailed analysis of safety issues for this population, which will be collated with learning from a review of the recent self-inflicted deaths among this group to inform more comprehensive staff guidance. We will also be coordinating with others responsible for developing IPP related staff guidance to fully integrate safety considerations into these resources.

A review of existing peer support models for IPP prisoners is underway. As part of our broader safety programme, we will be working with voluntary sector partners to introduce new peer support models in a number of prisons, and we are identifying opportunities to use this as a way of meeting the specific needs of IPP prisoners.

All deaths in custody are fully investigated by the independent Prisons and Probation Ombudsman (PPO) and are subject to an inquest by His Majesty's Coroner. HMPPS takes the findings of the investigation and inquest very seriously, and action is taken to address any recommendations or matters of concern that are raised. The information that we have about all recent self-inflicted deaths among the IPP population has also been reviewed by HMPPS Psychology Services and the results will be used to inform the work that we are taking forward to prevent further deaths.

**7. Please explain whether the Government of the United Kingdom would consider embarking on a resentencing exercise of all (or some) IPP-sentenced individuals, as also recommended by the Justice Committee of the House of Commons in September 2022. If not, please explain why this is not considered a viable and fair part of the process.**

The Government's view is that any re-sentencing of IPP offenders would inevitably result in the immediate release of many offenders who have committed serious sexual or violent offences. In many cases, those released would not be subject to a period of licensed supervision as the majority of IPP offenders in prison have already passed their tariff set by the sentencing judge, which would expose the public to an unacceptable risk. We do not consider this a viable approach.

At the time of abolition of the IPP sentence in 2012, the Government decided against retrospectively abolishing the sentences of those still serving IPPs. The Government recognised that to re-sentence those individuals would result in unacceptable risk of serious harm to the public as many IPPs would be released without an assessment by the independent Parole Board that they could be managed safely in the community because they have already passed their original tariff.

Therefore, those who had already been sentenced to and were serving an IPP sentence in prison continued to serve the sentence either because they had not yet served the minimum term of imprisonment or, where they have served the minimum term, because the independent Parole Board had determined that their risk remained too high for them to be safely managed in the community.

Our belief is that the IPP Action Plan remains the best way in which these offenders can progress towards safe release. As mentioned above, the Action Plan is regularly updated to ensure it offers the best possible support to IPP offenders, whether in custody or in the community.

### Reform of the IPP licence termination period

The Government has introduced an amendment to the Victims and Prisoners Bill to reform the IPP licence termination period.

The measure will:

- Reduce the qualifying period which triggers the duty of the Secretary of State to refer an IPP licence to the Parole Board for termination from ten years to three years; include a clear statutory presumption that the IPP licence will be terminated by the Parole Board at the end of the three-year qualifying period; introduce a provision that will automatically terminate the IPP licence two years after the three-year qualifying period, in cases where the Parole Board has not terminated the licence; and introduce a power to amend the qualifying period by Statutory Instrument. This amendment goes further than the Justice Select Committee's recommendation to reduce the qualifying licence period from 10 years to five years. We believe this will restore greater proportionality to IPP sentences and provide a clear pathway to a definitive end to the licence and, therefore, the sentence.

The Bill has completed its passage through the House of Commons and will now be scrutinised in the House of Lords. If it receives Royal Assent, the IPP measures will be commenced by regulations. As our Lord Chancellor and Justice Secretary, Alex Chalk KC, stated "We are taking decisive action to curtail IPP licence periods to give rehabilitated people the opportunity to move on their lives, while continuing to make sure the public are protected from the most serious offenders".

I hope this response addresses your concerns and I want to thank you again for writing.