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Geneva

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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 9/2024, further to the letter dated 6 August 2024 from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the Independence of judges and lawyers.

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, 4 October 2024

Special Procedures Branch
Office of the High Commissioner for Human Rights



UK Mission
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United Kingdom of Great Britain and Northern Ireland

Response to Special Procedure communications AL GBR 9/2024 of 6 August 2024 sent by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the Independence of judges and lawyers

Thank you for your letter of 6 August 2024 on the important matter of those serving a sentence of Imprisonment or Detention for Public Protection (IPP/DPP).

The Government is determined to make further progress to support all those serving the IPP and DPP sentences. It is right that these sentences were abolished, and in opposition we supported the changes made in the Victims and Prisoners Act 2024, including: reducing the qualifying period which triggers the referral to the Parole Board for consideration of licence termination; introducing a provision automatically terminating IPP and DPP licences after two continuous years on licence in the community after the end of the qualifying period; introducing a power for the Secretary of State to release a recalled IPP/DPP offender; and requiring the Secretary of State to prepare and publish a report on the steps taken to support the rehabilitation of these offenders and their progress towards release or licence termination. These reforms will commence from 1 November 2024 and be fully implemented by 1 February 2025.

We will publish the first annual report, covering the business year 2023/24, which will set out the actions taken, and progress made to support offenders serving IPP and DPP sentences in prison and on licence in the community.

In your letter, you refer to the temporary measures introduced to address capacity in UK prisons. As you note, these measures do not apply to those serving indeterminate sentences, including IPP and DPP sentences. The decision to release certain offenders serving standard determinate sentences was necessary, but it is also vital that the public is not placed at risk. Prisoners who have committed offences under the Sexual Offences Act 1956 and 2003 or a sexual offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 are excluded, as are those who received a sentence of over four years for a violent offence in Part 1 of Schedule 15 to the 2003 Act. Similarly, offenders convicted of terrorism, national security and certain domestic abuse connected offences are excluded.

The Government recognises the challenges faced by those serving IPP and DPP sentences. We are also aware of the arguments for a resentencing exercise from the previous Justice Select Committee and others. However, protecting the public is of the utmost importance. A resentencing exercise would likely result in most of those still serving the sentence in custody being released without any licence supervision, despite the independent Parole Board having previously considered that these individuals should remain in custody for the protection of the public. We are determined to make more progress for all those serving the IPP or DPP sentence but we cannot take any steps that would put the public at risk.

You refer in your letter to the importance of prison authorities reporting accurately and regularly on detention conditions and overcrowding levels to decision makers. The Government recognises the importance of transparency in reporting on prison capacity and is grateful for the support of the Special Rapporteur. We aim to publish both a ten-year capacity strategy and annual statement on prison capacity by the end of the year. The annual statement will then undergo iterations each year as we look to improve transparency.

His Majesty's Prison and Probation Service (HMPPS) is delivering an IPP/DPP Action Plan which ensures there is organisational focus on supporting those serving IPP sentences in both custody and the community. As part of the Action Plan, every operational HMPPS Area has developed an operational Delivery Plan and commenced delivery of those plans in June. They will directly target front-line delivery to support those serving IPP sentences to achieve the objectives in their sentence plans and move towards a future prospective safe and sustainable release and, when in the community, towards a future termination of their licence.

Ministers will examine the Action Plan and its progress to ensure it is properly supported and delivered in practice. More broadly, we continue to focus on delivering good education, training and work opportunities in prison to build skills alongside support for prisoners to access employment and accommodation on release. In addition, to reduce an individual's risk of reoffending and to support prisoner reformation and social rehabilitation, we offer psychological interventions through Accredited Offender Behaviour Programmes that target the underlying factors that can lead to offending behaviour. These focus on teaching them skills and methods that can help improve decision-making, problem solving, and self-management and regulation of their emotions.

The HMPPS prison safety programme and the safety focused actions in the IPP/DPP Action Plan are designed to continue to improve the way that we identify, manage and support those at risk of self-harm and suicide. We have provided guidance to all prison staff and partner agencies on the importance of recognising the heightened level of risk of self-harm and suicide amongst IPP prisoners and have developed an IPP Safety Toolkit, with a range of resources to help staff support those serving the IPP sentence effectively. In addition, we have delivered a series of live events to increase staff awareness on the risks of IPP prisoners and we continue to consider further ways to raise awareness on the risks with staff.

Where individual IPP prisoners are identified as being at increased risk, they are managed using the Assessment, Care in Custody and Teamwork (ACCT) process.

This is a multi-disciplinary case management system that is designed to encourage an individualised approach to an offender's risk. Risks specifically associated with the IPP sentence are identified during the ACCT assessment, which draws on all sources of information available about the individual, and addressed through relevant actions on the care plan, which is formulated and managed by a team that includes all those involved in the prisoner's care, including those engaged in managing the IPP process, such as offender management and psychology. The Government also recognises the challenges around conditions in prisons. We are investing in our prisons to make them safer for both prisoners and staff by taking a preventative approach to safety, making key changes to the physical environment and testing new technology. We will continue to invest in critical prison maintenance to ensure that we keep as many prison places as possible in use and fit for purpose. In addition, the ten-year prison capacity strategy will set out our long-term approach for prison supply including acquiring new land for prison expansion and the ambition of establishing a new pipeline for a future prison build programme. As for improving prisoners' access to purposeful activity in prison i.e. spending more time out of cells, the Government committed to this in its manifesto.

We are committed to maintaining a sufficiently resourced and skilled workforce to deliver quality outcomes in prisons that accord with the UK's international human rights obligations. Nationally, we are now above our Target Staffing Figure for Band 3-5 officers and are focusing our attention on retaining our dedicated staff, as we know it takes time to build capability and the jailcraft skills that are essential to improve the system.

We are grateful for your ongoing interest in this issue and your offer to meet. Lord Timpson, Minister of State for Prisons, Probation and Reducing Reoffending, and Sir Nic Dakin, Minister for Sentencing and Youth Justice, would be delighted to accept this offer.