



Independent Advisory Panel on Deaths in Custody
Chair: Juliet Lyon CBE

MoJ ref: TN070608

22nd July 2019

Dear Juliet,

IAP BRIEFING PAPER: IMPRISONMENT FOR PUBLIC PROTECTION (IPP)

Thank you for your letter of 20 June, in which you enclosed a draft report, prepared by the Independent advisory Panel, which looked specifically at preventing deaths in custody and self-harm of those serving indeterminate IPP sentences.

I would like to begin by thanking you for this report. This is an important issue and one that I take very seriously. Sadly, we know all too well the devastating impact a death in custody has on the loved ones of the person who has tragically died, and indeed on the staff and prisoners who knew them too. It is vital that we do whatever we can to support all those in our care, and certainly individuals serving IPP sentences, in order to reduce incidences of self-harm and self-inflicted deaths.

Your report touches on a number of areas which you feel would benefit from improvement, and I am pleased that these align closely to some of our priorities. I will touch briefly on some existing initiatives being taken forward, which I think are important in the context of your recommendations.

The decision not to abolish retrospectively the IPP sentence has often been called into question, and I understand why. However, as you are aware, the Government of the day made the decision, effectively endorsed by Parliament, on the grounds that these sentences were lawfully imposed, albeit used more extensively than expected, and with regard to the protection of the public. Therefore, to release IPP prisoners without the Parole Board determining that their risk had reduced to the level where it could be effectively managed in the community would have been a dereliction of Government's duty to protect the public. Moreover, it has never been common practice to abolish sentences with retrospective effect, not least because this could set an unhelpful precedent and have unforeseen consequences. At this stage, I do not intend to pursue any legislative changes in relation to the IPP sentence. I am, however, determined that we do all we can to encourage and support prisoners serving IPP sentences to make progress towards safe and sustainable release via the Parole Board.

I turn now to the work that Her Majesty's Prison and Probation Service (HMPPS) is taking forward to help prisoners serving IPP sentences to progress towards release. You will already be familiar with the action plan, jointly owned by HMPPS and the Parole Board, which contains a number of initiatives designed to aid prisoners serving IPP sentences in their progression. A lot has already been achieved, and more good work is underway to further improve these offenders' prospects for progression, and to support their wellbeing.

New Progression Regimes have opened in three further prisons, providing additional places for those who are struggling to progress via the more traditional routes, including open conditions. The Progression Regime at HMP Warren Hill has been a real success story and the new Progression Regimes, whilst still in the process of developing their regimes and environment, are a positive addition to the rehabilitative opportunities available to prisoners serving IPP sentences. These sites report lower rates of violence and self-harm amongst their populations, when compared to their time in custody prior to arriving on the Progression Regime, which is very encouraging. In addition, we have recently reviewed and updated our release on temporary licence (ROTL) policy. This means a greater number of prisoners serving IPP sentences will now be able to benefit from the rehabilitative opportunities offered in the open estate, following a relaxation of the ban on prisoners with an abscond history being located in open prisons. Additionally, a small pilot will shortly see ROTL provided in some cases from the Progression Regime at HMP Warren Hill, a closed prison, which I am hopeful will lead to more opportunities for progression.

No one should have that feeling of hopelessness, and the benefits a supportive family can have on the progression prospects of prisoners are clear. We continue our work to implement the recommendations of the Lord Farmer review – ‘The importance of strengthening prisoners’ family ties to prevent reoffending and reduce intergenerational crime’ (August 2017). We are also linked closely to the important work led by Dr Harry Annison of Southampton University, and family members of prisoners, to develop our work in this area.

We are also committed to ensuring that appropriate mental health support is in place for those prisoners serving IPP sentences. Though statutory and financial responsibility for commissioning healthcare in prisons in England lies with NHS England, we have committed to working closely with our health and justice partners to deliver safe, decent, effective healthcare for offenders.

MoJ and DHSC welcome the independent review of the Mental Health Act which considered a wide range of issues, including the transfer process between prison and secure hospitals. The Government has committed to publishing a White Paper by the end of the year, setting out our response. We are determined to improve the process and ensure delays are reduced. As such, HMPPS and NHS England have collected new evidence of where secure transfers to mental health facilities work well and how delays arise. NHS England is also currently consulting on refreshed guidance to ensure that new timescales are set which deliver timely and appropriate access to these facilities.

To support the work of our healthcare partners, we have recruited more than 4,700 new prison officers over the last two years, which is allowing us to rollout the Offender Management in Custody (OMiC) model, which will see key workers allocated to all prisoners in the male closed estate. All residential prison officers will become key workers to a small caseload of around six prisoners and will have an average of 45 minutes per week of individual contact with prisoners to undertake this duty. The focus of the role is to build positive relationships with prisoners by coaching, guiding and encouraging to help them settle, feel safe and be calm; engage in their rehabilitation; and progress through their sentence. A bespoke offender management approach for women in prison has also been developed which incorporates both complexity of need and risk of harm. It recognises the different challenges and opportunities in the women’s estate, where self-harm and the complex needs of some women are of significant concern.

Staff also receive training in key areas such as mental health and substance misuse – over 25,000 new and existing prison staff have completed at least one module of revised suicide and self-harm prevention training. Over 14,000 staff have received training in all six modules. Additionally, we have also awarded the Samaritans a grant of £500,000 each year for the next three years, enabling them to continue to support vulnerable prisoners.

An important step in ensuring all prisoners serving IPP sentences are on an appropriate and realistic pathway to progression is the delivery of individual case reviews by HMPPS Psychology Services. These target prisoners serving IPP sentences where there has been no progression to open conditions or release despite two or more parole reviews following tariff expiry. To date, over 1,300 case reviews have been completed, and we are expanding eligibility to include all those who were given tariffs of less than 2 years. These reviews are an excellent way to reinvigorate cases via consultation and discussion between Psychology Services and the National Probation Service (NPS), and other stakeholders, where prisoners and/or staff are having trouble establishing what the most appropriate next steps are, and where hope may have been lost.

HMPPS has also established IPP Progression Panels, led by the NPS, whose focus is on a multi-disciplinary approach to progressing individuals, driven by those managing the case in the community.

As you can see, there is already a lot of good work underway to assist prisoners serving IPP sentences. In addition, we still see the population of unreleased IPP prisoners reducing each quarter as high numbers of prisoners continue to be released from the sentence.

I see the report you have shared with me as a really valuable opportunity to consider our current actions in the context of your findings and ideas. I think it would be a valuable next step for you to meet with my officials to discuss this. Gordon Davison, Head of Public Protection Group, HMPPS, will be in touch to discuss this further with you.

*Yours ever,
Robert*

ROBERT BUCKLAND QC MP