

The impact of IPP sentences on prisoners' wellbeing

May 2023



Introduction

Independent Monitoring Boards (IMBs) monitor and report on the conditions and treatment of those detained in every prison in England and Wales.

The government recently rejected the Justice Select Committee's recommendation for a resentencing exercise to take place for anyone serving an IPP sentence.¹ IMBs submitted current findings on the impact of this decision, and the sentence itself, on IPP prisoners' wellbeing.

This briefing summarises findings from 24 IMBs submitted between 17 February and 9 March 2023 and references two 2021-22 annual reports from IMBs at HMPs Hewell and Moorland, which conducted surveys with IPP prisoners.

Key findings

The findings indicated:

- **Serious safety implications were heightened by the recent announcement**, with assessment, care in custody and teamwork (ACCT) documents being opened for several IPP prisoners. Three apparently self-inflicted deaths of IPP prisoners occurred in three prisons in the four weeks following the announcement.²
- IPP prisoners had **increased feelings of hopelessness and frustration** following the announcement, which IMBs noted could act as a catalyst for poor mental health, violence and disruptive behaviour.
- **Variable and often inadequate staff engagement** both pre- and post-announcement, with some prisoners only learning of the decision through a letter.
- **Progression pathways were poor and unclear to prisoners**, which meant many prisoners questioned whether they would ever be released following the announcement. Some prisoners were being held in inappropriate establishments, often without access to required courses. The increasing difficulty of transferring to open conditions has left some prisoners 'institutionalised'.
- **Insufficient preparation for parole hearings and for release**, with reports of inadequate care plans and 'through the gate' provision. This lack of provision contributed to recall: for example, some prisoners were recalled only because of issues arising from the loss of accommodation.

Self-inflicted deaths and self-harm

Boards at Buckley Hall, Wymott and Grendon reported IPP prisoners had been placed on ACCTs following the announcement. At Oakwood, where the IMB carried out an in-person survey in response to the announcement, two IPP prisoners told Board members they felt suicidal upon learning of the government's decision. Three apparently self-inflicted deaths of IPP prisoners have been reported at Bristol, Coldingley, and Swaleside within four weeks of the announcement.

An increased risk of self-harm and self-inflicted death among IPP prisoners was already evident prior to the announcement of the government's decision. While Boards were unable to obtain specific data regarding the level of self-harm among IPP prisoners, or the proportion of IPP prisoners on ACCTs, Boards expressed concern about the high rate of self-harm among IPP prisoners. The latest publicly available data on self-harm rates among unreleased IPP prisoners indicates that self-harm is disproportionately high when compared to the general population.³

Mental health

Poor mental health among IPP prisoners has been reported by IMBs across the prison estate, both historically and in response to our call for evidence. IPP prisoners who spoke to IMBs told members that their mental health had been negatively affected following the announcement. For example, an IPP prisoner at Parc who was almost 13 years over his two-year tariff told the IMB 'I wake up each day not wanting to be alive, even when I am released I am waiting to come back to prison. My mental health is in bits and now it is starting to affect my family who are on the phone crying.'

Staff are often unable to adequately care for these prisoners. The IMB at Woodhill gave the example of a prisoner who had spent three years in a secure mental health unit before being discharged back into the prison system on a residential wing, and who felt that after receiving considerable help and support while he was in hospital he had been abandoned. Similarly, the Hewell IMB's 2021-22 report described an IPP prisoner whose 'behaviour has long been destructive and has featured frequent significant and distressing self-harm and regular periods of segregation'; despite the considerable care offered by the prison, his IPP status was thought to exacerbate his condition.

Feelings of hopelessness

The IMBs who reported on the emotional state of IPP prisoners consistently described a pervading sense of hopelessness, despair and fatalism among the group. Many Boards specified that these feelings predated the announcement, and that the majority of prisoners already had little or no hope that a resentencing exercise would be carried out. The Chair of the IMB at Buckley Hall commented 'They have been left in limbo for so long that they really couldn't believe that anything would be done.'

There were, however, clear indications that the decision had worsened the situation for some prisoners. After the announcement, two prisoners told IMB members they believed they would die in prison. At Oakwood, one prisoner said to the IMB 'Nothing has changed. Hope kills you. No hope now'.

Safety implications

The hopelessness that IPP prisoners face can also be a catalyst for violent or disruptive behaviour. The IMB at Woodhill cited two examples of IPP prisoners who were recently placed in segregation or on 'do not unlock' due to violent behaviour, both of whom said that their behaviour was triggered by boredom and a lack of hope and purpose. Another example provided by the IMB at Buckley Hall describes an adjudication which took place after the announcement: 'There was a 40 year old IPP prisoner sentenced to a 1 year tariff and still in prison 17 years later. During the adjudication he told the Governor "I don't care" and that "I have lost all hope". He also went on to say that the contact he has with his family is near to breaking point.'

Cohorting

A key cause of distress among IPP prisoners is inappropriate cell allocation, an issue exacerbated by the difficulties of transferring to appropriate establishments. Three IMBs noted the toll that cell-sharing arrangements can take on IPP prisoners who are not given a single cell or placed with another IPP prisoner.

The IMB at Lindholme observed that IPP prisoners were worried that sharing a cell could lead to them being implicated in incidents and subjected to adjudications, which would negatively impact their parole hearings.

In its 2021-22 report, the IMB at Moorland gave the example of a prisoner who self-harmed after his short-term cellmate was discharged as he was upset because his cellmates regularly left after a few weeks. The IMB at Elmley highlighted the unsuitability of a local prison for IPP prisoners for the same reason: 'Sharing with someone who is preparing for release must increase their own sense of hopelessness.'

Communicating the government's decision and prisoner engagement

The handling of the recent announcement varied from prison to prison. Several IMBs reported good engagement, including individual interactions with a member of the offender management unit, and staff consulting with prisoners by issuing a questionnaire or preparing for a forum. At other prisons, such as Lindholme, prisoners were initially only handed a letter informing them of the decision. At Oakwood, 20% of IPP prisoners surveyed by the IMB had not been aware of the inquiry, and the IMB at Moorland also commented that some prisoners had not been aware of the possibility of resentencing.

This variance in local engagement extends beyond the recent announcement. Some IMBs, such as those at Wymott, North Sea Camp and Usk/Prescoed, reported

generally good practice, while others were less positive. For example, the Coldingley IMB recently noted that no IPP prisoners could point to any special adjustments being made for their situation. A response to a prisoner survey published in the 2021-22 IMB Moorland annual report said, 'I don't think that staff have any real knowledge of [IPP prisoners]'

Progression, release and recall

Following the announcement many prisoners questioned whether they would ever be released. At Oakwood, 56% of prisoners surveyed by the IMB said they did not know how they might progress towards release now the resentencing option had been removed, with one prisoner commenting that he had 'No idea. Spoke with OMU who also had no information about it.' When asked what confidence he now had regarding his progression towards release, a prisoner at Oakwood responded, 'Six years over tariff. Hoping for the death penalty. No point.' Another prisoner at Coldingley commented that 'a mandatory life sentence would have been kinder'.

Transfer to other prisons and to open conditions

The Elmley IMB noted the difficulty of obtaining transfers to a more suitable establishment (an observation echoed by the IMB at Wandsworth, another reception prison) and commented that, especially under the present protocol, which enables the Secretary of State to reject transfers to open conditions, 'this group of prisoners are rapidly becoming institutionalised'. One prisoner at Oakwood was awaiting transfer to open conditions eight months after achieving category D status.

Difficulties transferring between prisons can impede the completion of required courses, another obstacle to progression. The IMB at Swaleside noted severe delays in course delivery due to understaffing and the Covid-induced backlog (though arrangements had recently been made to prioritise IPP prisoners for education and work). IMBs at Moorland and Oakwood both reported prisoners requiring courses which were not delivered at their prison but being unable to obtain a transfer. Other IMBs, such as at Elmley, spoke to prisoners who had completed all the courses on their sentence plan but were unable to progress further or move to open conditions.

Those prisoners who did obtain transfers to open conditions seemed to fare considerably better; the IMBs at open prisons reported far fewer concerns than those at closed prisons, with the IMB at Thorn Cross attributing this to the fact that at a category D prison 'their release is in sight'.

Parole

The IMBs at Elmley and Swaleside commented that many prisoners had little or no opportunity to demonstrate that their risk had reduced. The Moorland and Downview Boards drew attention to shortfalls in the preparation for parole hearings: at Downview, a prisoner's hearing was postponed by several months because the judge was concerned that her care plan for release was inadequate and would leave her vulnerable. IMBs at Coldingley and Bronzefield noted the considerable distress caused by delayed parole hearings.

Recall

There was little confidence across IMBs that constructive work was being done to prepare IPP prisoners for life in the community and to prevent recall, particularly as many of these prisoners' mental health had deteriorated while in prison.

Several IMBs expressed concern at the reasons behind many prisoners' recall. For example, prisoners at Coldingley often reported that the absence of 'through the gate' support services and difficulties experienced at approved premises had led to their recall. IMB Bronzefield highlighted that some women had been recalled only because of issues arising from the loss of accommodation.

References

¹ IPP sentences: Government and Parole Board Responses to the Committee's Third Report, House of Commons Justice Select Committee Special Report, 9 February 2023.

² This is a further breakdown of self-inflicted deaths from the Ministry of Justice, Safety in Custody: quarterly update to December 2022 statistics.

³ Unreleased IPP prisoners comprised between 2–2.4% of the wider prison population between 31 December 2020 and 31 December 2021 but were involved in 3.5% of self-harm incidents. See Ministry of Justice and HM Prison and Probation Service, Self-harm in prison custody 2004 to 2021, Safety in custody quarterly: update to September 2022 and Ministry of Justice and HM Prison and Probation Service, Prison population: 31 December 2021, Offender Management Statistics quarterly: July to September 2021.