

Sentences of Imprisonment for Public Protection (IPPs)

Sentences of Imprisonment for Public Protection (IPPs) were created by the Criminal Justice Act 2003 and started to be used in April 2005. The Association of Magisterial Officers (AMO) trade union which became part of PCS in 2005 made representations to MPs as the Bill passed through Parliament regarding the serious shortcomings of the proposed legislation. Many of the grave concerns that we raised have come to fruition.

IPPs were allegedly designed to protect the public from serious offenders whose crimes did not merit a life sentence. Offenders sentenced to an IPP would be set a minimum term (tariff) which they must spend in prison. After they have completed their tariff they can apply to the Parole Board for release. The Parole Board will release an offender only if it is satisfied that it is no longer necessary for the protection of the public for the offender to be confined. If offenders are given parole they will be on supervised licence for at least 10 years. If offenders are refused parole they can only apply again after one year.

The principle of IPPs together with the poor drafting of the legislation has resulted in offenders for whom such sentences were never intended receiving such sentences. IPPs became available for in excess of 150 offences, including for example criminal damage. Many of these offences had never previously carried life imprisonment. It was predicted that around 900 people would receive it. It was actually given to more than 8,000 people altogether, including over 1,500 in the first two years.

Whilst the sentences were abolished in 2012, with the government accepting that retaining them was “not defensible” the change was not made retrospective. Lord Brown, a former Justice of the Supreme Court described them as being the “single greatest stain” on the criminal justice system.

As a consequence of the change not being retrospective, it means that today there are thousands of people who remain incarcerated, not for what they have done but for something that they might do. This relies on professionals being able to predict accurately whether someone will re-offend. No study has examined how accurately reoffending by those given an IPP can be predicted.

Many remain incarcerated because the Tory ideology of austerity which has seen 13 years of savage cuts to justice has meant they have not been able to access the interventions they need to demonstrate they are no longer a risk and can be released.

The mental health crisis among IPP prisoners is rife, with 81 suicides recorded amongst those serving IPP since 2005, according to the United Group for Reform of IPP (UNGRIPP).

In addition, there are people in the community who remain subject to a potentially indefinite period of supervision with the risk of recall to custody if the conditions of the licence are breached.

Those who were sentenced to IPP are getting recalled to prison at a higher rate than other released prisoners. This is not because they are reoffending at a greater rate, but because they are struggling to comply with their license conditions. This is often because of problems that pre-dated prison or began in prison, such as drugs and homelessness. The Probation Service has had its budget cut dramatically in the last 10 years, making it difficult for them to help those serving an IPP cope with the damaging legacy of their sentence.

IPP continues to have a devastating impact on those still serving them and their families. Studies have shown that the family members of those given an IPP suffer financial and emotional strain, hopelessness, and a loss of faith in the justice system. Their children show separation anxiety, emotional distress and behavioural problems.

PCS maintains this is neither fair, reasonable or proportionate. We believe that the sentence should be abolished retrospectively for all currently serving or subject to it. Removing it would address many of the problems associated with it. To do so safely and supportively we recognise would require significant planning and resourcing.

It is time for this government to acknowledge that you cannot fund justice on a shoestring, and that criminal justice must be properly resourced. We need an end to soundbites about being tough on crime and a tackling of the issues that for many lead to crime in the first place.

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