



Bob Neill
Chairman
Justice Select Committee

20th November 2017

Dear Bob

INDETERMINATE SENTENCES OF IMPRISONMENT FOR PUBLIC PROTECTION (IPP)

Following the evidence session held on 18 October – ‘The Work of the Parole Board’ - I write to follow up on some areas of discussion about which the Committee was keen to receive further information. Specifically, I will address the points which you raised in your letter of 1 November. I am grateful for the opportunity to speak to the Committee about these important matters and hope that the information I provide below is a useful addition to the evidence I shared during the session.

Recalled IPPs and re-release

Beginning with the discussion on recalled IPP offenders, I should correct the impression gained during the evidence session that 760 IPP offenders were recalled to prison from the community last year. In fact, 760 is the total population of recalled IPP prisoners held in prisons as at the end of June 2017. The following table shows the number of IPP, life, and determinate (serving 12 months and over) prisoners recalled for the years 2015 and 2016:

Prisoners recalled from the community:

| Sentence | 2015 | 2016 |
|----------------------------------|--------|--------|
| IPP | 363 | 482 |
| Life | 212 | 212 |
| Determinate (12 months and over) | 15,904 | 13,047 |

Nonetheless, the number of recalls of IPP offenders is increasing, and I fully understand the Committee’s concerns. However, I do not think that we may conclude that the system is not working, even where a significant proportion of recalled offenders are re-released following their first post-recall review by the Parole Board. You suggested that the high recall rates may be due to either the imposition of inappropriate licence conditions or to NPS offender managers dealing inappropriately with breaches of those conditions. Of course, it is the Parole Board which set the licence conditions for any IPP prisoner it decides to release, but in any case I am not convinced that the explanation for the relatively high number of recalls is to be found primarily in either of those two suggested explanations. One must consider these figures in the context of the significantly increased number of IPP prisoners released year on year. Therefore, it is in one sense inevitable that there will be higher numbers of recalls of IPP offenders, as there are many more in the community. Importantly, the net population of IPP prisoners (both unreleased and recalled) continues to fall each year, which is positive.

Further, the Parole Board Panel will make its decision on whether to release based on the assessment it makes of a prisoner's risks and on the controls available to the offender manager to manage those risks - principally through the licence. Following release, an offender's behaviour may deteriorate and his or her risks escalate. That does not invalidate the release decision, but it may require that the offender be recalled to custody, because the controls available in the community are no longer sufficient to protect the public.

The IPP Recall Threshold

The Committee expressed concern, following evidence provided by Nick Hardwick, that the threshold for recall of indeterminate (IPP and life) offenders might be too low. In fact, the test for recalling indeterminate offenders from the community has a higher threshold than that for recalling determinate offenders. The threshold is set so that the behaviour being exhibited must represent a clear causal link to the behaviour exhibited at the time of the index offence. Unlike for determinate offenders, it is not sufficient for there simply to have been a breach of licence conditions.

It must also be borne in mind that recall is a preventative (and, in many cases, relatively short-term) expedient designed to protect the public and often to remove an offender from what may be a deteriorating situation. In many cases, the individuals recalled who go on to be re-released shortly after returning to custody are those who stopped attending appointments with their supervising officer and cannot be located. Clearly, in these situations, recall is necessary in order to protect the public and, following return to custody, their risks can be reviewed and the necessary action taken.

Greater numbers of recalled prisoners: system-wide co-ordination

As you acknowledge in your letter of 1 November, the rise in the number of recalls is due in part due to the impact of the Offender Rehabilitation Act 2014, with offenders serving short prison sentences on licence and so subject to recall for the first time. Mindful of that, and of the rise of IPP offenders on licence in the community, also subject to recall, you enquire about the co-ordination of activity between HMPPS, the Parole Board and other agencies.

I can confirm that there is a cross-agency working group overseeing the implementation of a Recall Action Plan – a co-ordinated strategy to ensure that recall is used only where necessary to protect the public and reinforce the integrity of the system of licensed supervision and that alternatives to recall are pursued wherever possible. Through this Action Plan, the National Probation Service (NPS) and HMPPS Contracted Services, overseeing the Community Rehabilitation Companies, have implemented a number of actions designed to support the successful completion of licence periods in the community.

To this end, the NPS has recently issued a refreshed operational guidance document - 'Alternatives to Recall', and HMPPS Contracted Services have followed suit with a similar guidance document tailored to the CRCs. The guidance documents provide offender managers and senior managers with a toolkit to assist them in supporting offenders to remain in the community on licence. The toolkit includes "recall decisions trees" to help guide staff through clear steps to maintain safe management of the individual in the community, keeping recall as a last resort. The 'in hours' and 'out of hours' recall trees were designed to promote alternative to recall practices and each one outlines what practitioners and managers should take into account when undertaking assessments to inform recall action. The toolkit also includes a resource pack called "What works to achieve successful licence completion", providing a number of reference materials and practice examples to support effective decision making.

It also guides them in determining whether the breach of licence is so significant, or the increase in risk of serious harm is such, that the only defensible option is for the offender's licence to be revoked.

For IPP prisoners, the NPS is also overseeing a number of initiatives to improve the management of individuals on licence, as part of the joint HMPPS and Parole Board IPP Action Plan. Initiatives include:

- establishing IPP multi-agency panels to review and monitor cases in the community, to be implemented in all NPS Divisions by 2018, so that offender managers have additional support in managing what are undeniably challenging offenders;
- developing a national strategy for IPP accommodation and employment with HMPPS Co-Financing Organisation, so as to improve the prospects of securing the right type of accommodation at the right time for IPP prisoners on release; and
- improving release plans so that they are better able to adequately address health and mental health needs, to the satisfaction of the Parole Board

I am satisfied that the work outlined above will deliver the results we need, and that it is operating in a way that promotes full co-operation across all parts of HMPPS, and in consultation with stakeholders including the Parole Board.

Release on Temporary Licence (ROTL)

In your letter of 1 November, you also ask about a decline in the use of ROTL and its impact on the prospects of IPP prisoners securing release, in light of concerns expressed by Nick Hardwick. Professor Hardwick said that the current system should not arbitrarily restrict access to ROTL in a way that means the Parole Board sometimes have to release people without having tested them in the way they would like.

It is correct that the number of offenders taking ROTL has fallen significantly following policy changes in 2014 and 2015. The policy changes sought to make the process for considering ROTL more robust, following a review by HM Inspectorate of Prisons criticising the current systems and processes and three high profile ROTL failures. Despite this fall in numbers of ROTL events, prisoners have still been able to provide evidence that their risks are safely manageable in the community, to the satisfaction of the Parole Board. This is due to the excellent work and service provided by HMPPS, including through the delivery of progression-focused initiatives within the joint Parole Board and HMPPS IPP Action Plan, such as the specialist Progression Regime at HMP Warren Hill, a closed prison. The high number of release decisions by the Parole Board, not only for IPP prisoners, but also for life sentence prisoners, since the changes to ROTL policy were made, do not point towards a detrimental impact for release.

Notwithstanding my comments above, I do want to ensure we make full use of the ROTL policy to improve the prospects of release for those eligible. I am pleased to be able to tell you that the most recent published data (up to end June 2017) shows that, for the fourth quarter in a row, the number of offenders (of all sentence types) taking ROTL has in fact risen compared with the previous year. We want to build further on the upturn in the number of offenders accessing ROTL by exploring with practitioners how they might maximise the rehabilitative opportunities from their ROTL regime, tailored to the circumstances of each offender, whilst still protecting the public by maintaining a robust risk assessment framework.

Psychologists

HMPPS is the largest single employer of psychologists in the UK. HMPPS employs the full time equivalent of 548 psychologists in the public sector prisons directorate (241 qualified; 307 in-training). All psychologist staff within HMPPS contribute to the progression of IPP prisoners through the parole process, both by means of writing reports and by delivering interventions to reduce risk. Nationally, there is significant competition for forensic psychologists from a broad range of public and private organisations, and HMPPS currently holds a net 123 psychology vacancies. HMPPS deploys trainees to fill those vacancies and then starts new recruits in training. HMPPS commissions a number of private providers to complete reports for the Parole Board wherever its own psychologists do not have capacity to write those reports themselves.

Aside from a shortage of psychologists, there are other reasons why an oral hearing is deferred, and the Head of HMPPS Psychology is working closely with both colleagues in the HMPPS Safer Custody and Public Protection Group and the Parole Board Executive to reduce the number of hearings deferred.

I hope our robust and comprehensive strategy for delivering improvements, jointly with the Parole Board, to both the parole process and our operational practice to manage effectively, individuals through their sentences is reassuring to you. I also hope you agree that the outlook for IPP prisoners is significantly improved.

Yours ever



SAM GYIMAH MP