



Ministry
of Justice

The Right Honourable
Michael Gove MP
Lord Chancellor & Secretary
of State for Justice

Bob Neill MP
Chairman, Justice Committee
House of Commons
London
SW1A 0AA

 May 2016



PRISON REFORM

Thank you for your letter of 9 May, which follows my letter of 20 April.

You asked for further information on IPP prisoners and refer to the Court of Appeal judgment in Roberts and others. As you know, the judgment upheld the IPP sentences imposed. The Court ruled that, unless new points are raised or claims of an error in law, it will refuse an extension of time to make an appeal in future. The judgment does not require the Government to take action but referred to criticisms of IPP sentences and suggested possible avenues for consideration should we be minded to take corrective action.

I have stated previously that we have no current plans to change the release test or otherwise legislate. The Court of Appeal confirmed that IPPs are lawful sentences. These prisoners continue to be detained because the risk they are assessed to pose is too great to be safely managed in the community. We continue, however, to take measures to progress prisoners towards rehabilitation and release as detailed in my letter of 20 April. In addition, I have asked Nick Hardwick, Chairman of the Parole Board, to identify further measures to support IPP prisoners' progression. I have also attached the data you requested, on a confidential basis.

In response to your questions about the Progression Regime at HM Prison Warren Hill, I can confirm that, as at 13 May, a total of 159 indeterminate sentence prisoners had been enrolled on the Regime since it opened in December 2014; there are currently 160 prisoners participating in the Regime, 28 of whom are legacy cases, that is, who were at HMP Warren Hill when the Progression Regime opened. You may also be interested to know that the Regime has to date produced 24 releases, which is extremely positive. Officials are giving consideration to a second Progression Regime which is likely to be located in the North of England, and analysis is underway to identify which cohorts of indeterminate sentence prisoners would benefit most from this opportunity.

Turning to your question about the Committee's request to undertake pre-legislative scrutiny of the draft Prison Reform Bill, we will bear in mind the option of publishing a draft Bill as the legislative timetable develops. We will be publishing a white paper on our plans for Prison Reform prior to introducing the Bill, and this paper will cover the legislative and non-legislative matters.

You were also concerned that we were not willing to share on a confidential basis our report on the review of Employment Tribunal Fees. As Dominic Raab explained in his letter to you of 25 April, we are not in a position at this stage to share the conclusions of the review with you, but we have made good progress and we hope to finalise it shortly. We will, of course, write to you when we are able to do so.

Finally, you ask if it is possible for me to share with you the results of any modelling of the likely effects of change in magistrates' sentencing powers. The Ministry is assessing the possible impacts of an increase in magistrates' custodial sentencing powers across the criminal justice system, as part of our wider court reform. Extending magistrates' sentencing powers would affect a wide range of stakeholders across the system, and a model that predicts the policy impact on all of them is not currently available.

I do hope that this further information proves both useful and informative.

And I will try to ensure that we
share information as soon as possible
if we know its best and
reliable.

MICHAEL GOVE

With every good wish,

Michael

