

IPP External Stakeholder Challenge Group

Meeting Notes

Date of meeting: 3 September 2024

Present: HMPPS, UNGRIPP, Howard League, Prison and Probation Ombudsmen, Royal College of Psychiatrists, Independent Advisory Panel of deaths in Custody, Prison Reform Trust, Independent Monitoring Board, The Parole Board, NHS England, HM Inspectorate of Prisons and HM Inspectorate of Probation

Next meeting: 3 December 2024, in person/MS Teams

1. Apologies and Introductions

- Actions from the last meeting were completed and updates were provided to Stakeholders ahead of the meeting.

2. HMPPS Update

- HMPPS provided an operational update on the wider pressures in prisons and the Probation Service, in light of the prison capacity crisis and SDS40 emergency measures. Preparation for SDS40 has impacted the work on the IPP Action Plan, as prison resources have had to be redirected to focus on identifying prisoners eligible for release, recalculating sentences and preparing prisoners for release.
- There is also an agency wide pause on non-essential communication, policy consultation and policy publications until November. This is to allow the front-line to focus on delivering the current priority work.
- Despite these pressures, the new Government views the work around IPP progression as a priority and is looking at what more can be done to support this cohort.
- Lord Timpson is keen to meet the External Stakeholder Challenge Group and would like to attend the December meeting if his calendar permits.

3. Psychology Risk Assessment (PRA) & Psychology Case Advice Note (PCA-N)

- Stakeholders asked if release decisions are impacted by the absence or inclusion of a PRA and PCA-N.
- HMPPS Psychology Services advised that the Parole Board may direct for a PRA when there isn't enough information on risk.
- Psychology Services advised that they would listen to requests for PRAs from IPP prisoners, but these are not usually made. The majority of IPP prisoners have had a PRA at some point during their time in custody and therefore additional PRAs are not always necessary. In addition, requests (directions) for PRAs are made by the Parole Board and if an IPP prisoner would like a psychological assessment, these can be commissioned via their legal reps.
- Psychology Services would listen to requests for PRAs from IPP prisoners and discuss such requests with the Prison Offender Manager and the Community Offender Manager to

consider their appropriateness. A rationale would be given relating to the PRA request and in terms of the decision.

- Stakeholders requested communications for IPP prisoners to provide clarity on the process for PRAs and PCA-Ns.
- Stakeholders discussed the tools that Psychology Services use to assess risk and asked if there is any data on how the tools are performing. Psychology Services advised that the tools they use to assess risk are different to the static risk tools that Probation uses. The tools used by Psychology Services are “structured professional judgment” approaches rather than actuarial tools that produce numerical data. Stakeholders asked whether the impact of the IPP sentence is considered as part of the evaluation of risk and as part of risk assessment tools.
- HMPPS Psychology Services advised that they have completed a variety of research/ consultancy projects relating to the barriers to progression which links to the impact of the sentence and the findings are fed into staff events and training opportunities etc.
- HMPPS psychology colleagues are encouraged to consider the impact of the IPP sentence when considering risk.
- Stakeholders asked if all IPP prisoners should have a PRA. The Parole Board advised that requesting a PRA could add two to three months onto a prisoner’s hearing and this is not necessary in all cases, especially recall cases and that progression decisions do happen without a PRA.

ACTION: HMPPS to consider comms for IPP prisoners to provide clarity on the process for PRAs and PCA-Ns.

ACTION: HMPPS to consider how best to share research findings relating to the IPP sentence.

ACTION: Parole Board to look at data to see how many never-released cases have had a PRA and what impact this had on release decisions.

4. Data

- HMPPS engaged with Analytical Services about the data that stakeholders requested previously. Analytical Services is currently unable to provide any further data due to operational pressures and the need for available data to be of sufficient quality to meet the standards for publication. The team will continue to keep this under review, however.
- Stakeholders advised they would write to Ministers to see if they might want to do more on data and support it.

5. Victims and Prisoners Act 2024

- HMPPS discussed the implementation of the Victims and Prisoners Act 2024. The Government, since the meeting, has announced that the Act provisions for IPP will commence as follows:
 - From 1 November 2024, anyone who was released on IPP licence for the first time five or more years ago and has spent at least the last two years of that period continuously in the community without being recalled will have their IPP licence terminated without the need for a review by the Parole Board.

- From 1 February 2025 the minimum period of time, following first release from custody, before people serving an IPP sentence will have their case referred to the Parole Board for consideration to have their licence terminated will be reduced from 10 years to three years (for people convicted when they were over 18) or two years (for people who were convicted when they were under 18).
- The following additional provisions will also commence from 1 November:
 - A statutory presumption that the IPP licence will be terminated by the Parole Board at the end of the qualifying period. In practice, this will mean strong justification on public protection grounds would be needed not to terminate the licence.
 - New powers for the Secretary of State to re-release a recalled IPP offender – without the need for a release decision by the Parole Board – using the power of Risk Assessed Recall Review (RARR).
 - New powers for the Secretary of State to disapply the impact of recall where the offender is recalled during the two-year automatic period where in the interests of justice to do so.
- It has not yet been decided how the powers of RARR and disapplying recall will be used.
- HMPPS prepared and distributed notices for those serving IPP sentences, which provide an explanation of the changes. At the meeting, stakeholders asked for these notices to be shared so they could provide feedback ahead of the announcement, which they did do.
- Stakeholders discussed the importance of communicating these changes to staff, particularly, the presumption to terminate, so that they understand the expectations.
- Stakeholders asked HMPPS about tracking the timeliness of referrals to the Parole Board as well as time taken for a decision. Stakeholders advised that referrals should be sent to the Parole Board in order of eligibility date (longest first).
- Stakeholders asked whether the Parole Board can provide feedback on the quality and content of licence termination reports they receive. Parole Board confirmed this was possible.

ACTION: HMPPS to send copies of notices to Stakeholders to review.

ACTION: HMPPS to consider the process for referrals to the Parole Board, based on eligibility.

ACTION: HMPPS to monitor timeliness of referrals and outcomes following commencement.

6. Parole Board Hearing paper

- The Parole Board shared a deep dive analysis paper into remitted IPP cases, adjournments and decision outcomes.
- The paper identified that from a sample of cases there were a range of reasons why a deferral or adjournment may be necessary. For cases that were adjourned on the day, there were some notable reasons:
 - new information was required (mainly PRAs).
 - new information was provided on the day.
 - Risk Management Plans were lacking information.
- Stakeholders asked who is going to be accountable for delays. The damage that deferrals and adjournments have on the offender can be serious. Stakeholders felt that offenders are held accountable for their actions but they feel that staff are not.
- HMPPS advised that data helps to shine a spotlight on some of the issues.

- Parole Board advised that they would be able to drill down further in the next report should stakeholders like further detail.
- HMPPS advised that it would consider bringing the Parole Board findings to the next IPP Progression Board.

ACTION: HMPPS to consider impact of automatically completing PRAs for all IPP prisoners under review and for all unreleased IPP prisoners.

7. Operational IPP Delivery Plans

- The meeting had insufficient remaining time to fully cover this item, so it will be covered instead at the next meeting.
- HMPPS plan to identify critical success measures to the work on the Operational IPP Delivery Plans but there are no current plans to add specific targets to the IPP Action Plan. HMPPS will consider this, however, as part of the next review of the IPP Action Plan next year.
- Stakeholders are disappointed that targets have not been included in the latest Action Plan which they have previously requested.

ACTION: HMPPS to reflect on targets for the next iteration of the IPP Action Plan and bring back to the Stakeholder Group in due course.

8. AOB

- HMPPS suggested inviting a person with 'lived experience' of serving the IPP sentence to future External Stakeholder Group meetings.
- Stakeholders advised that there may be some people who could attend, but some urged caution that attendance would add value and not just be for representation.
- Stakeholders raised concerns about two specific IPP cases. Chris Jennings advised that he would write to the relevant Prison Group Directors about these cases.

ACTION: Stakeholders to consider whether there is anyone with 'lived experience' of serving the IPP sentence, who may be interested in joining future meetings

ACTION: Chris Jennings to write to Prison Group Directors for the two IPP cases.