

IPP External Stakeholder Challenger Group

Meeting Notes

Date of meeting:	3 December 2024
Present:	Lord Timpson, HMPPS, UNGRIPP, Howard League, Prison and Probation Ombudsmen, Royal College of Psychiatrists, Independent Advisory Panel on Deaths in Custody, Prison Reform Trust, Independent Monitoring Board, The Parole Board, NHS England, HM Inspectorate of Probation, Division of Forensic Psychology, Independent Monitoring Board,
Next meeting:	4 March 2024, in person / MS Teams

1. Apologies and Introductions

- Lord Timpson joined the meeting in person.
- Actions from the last meeting were completed and updates were provided to Stakeholders ahead of the meeting.
- There have been some organisational changes at HMPPS including the recruitment of an experienced Prisoner Governor to oversee the operational IPP delivery work.
- HMPPS are also recruiting to a dedicated full-time position to oversee the IPP agenda centrally.

2. Update from Lord Timpson

- Lord Timpson recognised the challenges faced by those still serving the IPP sentence and the impact this has had on their families. This is an issue he is passionate about and he is committed to do all he can to make progress on.
- He remains positive about the ability to make significant change through the Action Plan.
- He feels that the IPP licence changes brought through the Victims and Prisoners Act 2024 and the breathing space afforded by the increased capacity in prisons, following commencement of SDS40, will enable further progress on the Plan.
- He is keen to ensure that he is sighted on any areas of the Plan which are not progressing as intended.
- Stakeholders asked how HMPPS is actively engaging those serving the sentence on the Plan and how they will build trust with people in prison. HMPPS noted that this has been a challenging area for the agency, but will ensure that both prisoners and staff understand what they need to do to progress, or support that progress, towards release.

3. Terms of Reference

- HMPPS shared a revised Terms of Reference following feedback from stakeholders to better reflect their purpose, which is to hold HMPPS to account, and represent the views of those serving the sentence and their families.

Action 1: HMPPS to circulate the revised Terms of Reference with the drafted changes for final comments from stakeholders. (See Annex A)

4. Victims and Prisoners Act 2024

- HMPPS published an ad hoc statistical bulletin confirming that 1,742 people had their IPP licence terminated on 1 November. HMPPS anticipates c.20-30 automatic licence terminations each month, over the next few months.
- HMPPS will be referring c.600 cases to the Parole Board on 1 February for consideration of licence termination. HMPPS HQ issued a bulletin on these changes to senior leaders, which included letters for staff, prisoners and those in the community.
- The Parole Board have set up an IPP taskforce made up of 25 members to specifically process licence termination referrals.
- Stakeholders raised concerns around staff awareness of the licence termination changes. HMPPS HQ recently ran a session on the changes for the North West region and have made the recorded session available to all regions so their staff can also view.
- The Howard League provided an update on the use of their dedicated hotline for legal advice on the changes which has been very well used and proved helpful to those serving the sentence and family members.
- Stakeholders requested clarity around the eligibility criteria for Risk Assessed Recall Review (RARR) and asked whether individuals could access legal aid to appeal decisions. HMPPS will provide further advice on this to stakeholders.
- Stakeholders raised concerns around the length of time people were spending recalled, the impact this was having on their mental health and the reasons people were being recalled for. They asked whether the Parole Board could have an earlier view on the decision to recall.
- HMPPS emphasised that there is a high threshold to recall IPP offenders and that the Chief Inspector of Probation found that the Probation Service is taking proportionate and necessary decisions to recall IPP offenders for public protection.
- The Parole Board explained that they already provide a view on the appropriateness of recall as part of the recall review and find that the decision to recall was appropriate in most cases.
- HMPPS is exploring whether there could be benefits to extending the timeframe for referring a newly recalled IPP case to the Parole Board. It is currently within 28 days following return to custody.
- This could enable HMPPS to identify more cases early on where RARR could be used before any required referral to the Parole Board. It could also lead to improved information provided to the Parole Board to use when considering recall if not via RARR. HMPPS will consult with stakeholders further on this proposal.

Action 2: HMPPS to provide further information on the use of RARR. (See Annex B)

Action 3: HMPPS to check eligibility to access legal aid to appeal RARR decisions. (See Annex B)

Action 4: HMPPS and the Parole Board to work together and find a recall oral hearing for Lord Timpson to observe.

Action 5: HMPPS to share figures on the proportion of IPP prisoners released following the 28-day review.

5. Operational IPP Delivery Plans

- The HMPPS IPP Operational Lead provided an update and shared some of his own reflections since taking up his post. He is reassured that there is, for the first time, an agency wide focus on the IPP cohort across the frontline. Staff across all areas are optimistic and committed to supporting this cohort as much as possible. His role will largely involve oversight on the progression of the operational delivery plans and their governance.
- The National Approved Premises (AP) Team is running a pilot across three designated APs in the North-West. As part of the pilot, IPP offenders are offered extra support and the option of an increased stay of up to 16 weeks. There are also additional structured sessions being offered to IPP offenders, as well as the option for them to return to an AP for additional support once they have moved on from it.
- AP staff are also carrying out in-reach work at HMP Buckley Hall to undertake pre-release preparation and develop positive relationships with the prisoners. The pilot will be evaluated in February 2025.
- The South West and South Central Area has set up multi-disciplinary IPP focus group, which has received high engagement from HMPPS Psychology Services, the Parole Board, PPCS and other key partners. They have developed IPP resources for staff, including an IPP intranet page which contains key messages and guidance documents.
- The North East has increased focus on utilising the specialist unit (Progression Regime and HMP Humber) for IPP prisoners. They have also implemented an area wide progression board as a vehicle for delivering their IPP Plan, and have commissioned IPP forums to maintain effective communication with those serving the sentence.

Action 6: HMPPS to consider whether copies of slides that were presented by the Operational Leads can be shared with stakeholders.

Action 7: HMPPS to consider whether copies of the delivery plans can be shared with stakeholders.

Action 8: HMPPS will start the March 2025 meeting by providing an update on the delivery plan for the Women's Estate.

6. IPP Annual Report and Action Plan

- HMPPS confirmed that consultation for the next Annual Report and Action Plan will begin from January. The aim is for a refreshed Plan to be in place by 1 April 2025, which will cover activity for 2025/26. The Annual report will be published before summer recess.
Stakeholders raised the importance of communicating with prisoners and ensuring they are consulted on the refreshed Plan. HMPPS confirmed that those serving the sentence will be consulted as part of the Action Plan review.

7. Data

- The meeting had insufficient remaining time to cover this item.

8. Psychology Risk Assessment (PRA) and Psychology Case Advice Note (PCA-N)

- The meeting had insufficient remaining time to cover this item, however, HMPPS Psychology Services will be attending the next meeting in March 2025 and will present a paper on this item.

9. AOB

- Stakeholders asked if any individuals with lived experience of serving the IPP sentence would be joining the Group. HMPPS will write to two individuals inviting them to join the group

Action 9: HMPPS to write to two individuals with lived experience of serving the sentence and invite them to join the Group and future meetings.

Annex A – Revised ToR for External Stakeholder Challenge Group

IMPRISONMENT FOR PUBLIC PROTECTION (IPP) EXTERNAL STAKEHOLDER CHALLENGE GROUP

TERMS OF REFERENCE

Membership

- Division of Forensic Psychology
- HM Inspectorate of Prisons
- HM Inspectorate of Probation
- Howard League
- Independent Advisory Panel on Deaths in Custody
- Independent Monitoring Board
- NHS England
- NHS Wales
- Prison and Probation Ombudsman
- Prison Reform Trust (PRT)
- Royal College of Psychiatrists
- The Parole Board
- United Group for Reform of IPP (UNGRIPP)

Additional people, relevant to specific agenda items, will be invited to speak to those items only, as necessary. Workstream leads may be invited to the meeting to speak to specific agenda items relevant to their Workstream, as necessary.

Purpose

The External Stakeholder Challenge Group, meeting quarterly, will provide a forum for external stakeholders to discuss and challenge the HMPPS approach, plan, and progress in delivering the IPP Action Plan. Key outputs from each group meeting will be fed into the Senior IPP Progression Board. Ensuring that stakeholders can engage and challenge HMPPS, and represent the views of those serving the sentence and their families.

The Group will welcome challenges on all aspects of the Action Plan, but each agenda should have a specific focus for discussion as necessary.

The Group will consider, throughout its business, specific cohorts of the people serving the IPP sentence, including women, those who were sentenced as young people to Detention for Public Protection (DPP) and those prisoners who have been recalled.

Functions and Scope

- Receive updates on the progress of the IPP Action Plan and the outcomes of the Senior IPP Progression Board meetings;
- Discuss specific aspects of IPP progression and challenge how the current plan may or may not meet identified needs; and
- Any concerns raised and actions that are identified be presented to the Senior IPP Progression Board by the IPP Progression Team.

Constraints

The Challenge Group can not discuss IPP related issues outside of the scope of what HMPPS can deliver. This means there will be no scope to discuss any possibilities for legislative change or other related aspects which would require Ministerial decision making.

Individual cases will not be considered for discussion.

Governance

The Challenge Group will be chaired by the Executive Director with responsibility for Public Protection, Chris Jennings, who also chairs the Senior IPP Progression Board. The Group will comprise a membership of charities, campaign groups and independent bodies. Each organisation invited to the Group will have one standing member chosen in advance by the organisation. The standing member should, ideally, be the point of contact for the Group and attend meetings, but a delegate may attend in their place as necessary. If an organisation wishes to propose a delegated lead, this must be confirmed with the Secretariat prior to the meeting.

The Group will report to the Senior IPP Progression Board and will sit prior to each Board to ensure that the outcomes of the meeting can be considered by the next Board meeting.

A note of every meeting will be provided after each meeting. The note is to be agreed by each member of the Challenge Group to ensure that it is an accurate reflection of the outcomes before it is issued. HMPPS will aim to get the note out within four weeks of the meeting.

Secretariat

HMPPS will share a draft agenda with members of the Challenge Group four weeks prior to a meeting, so that members can consider and suggest agenda items. members must submit any requested agenda items two weeks prior to the meeting. HMPPS will not be able to accept any agenda items requested within two weeks of the meeting. To ensure the meeting can properly discuss each agenda item, the number of items per meeting will be limited accordingly and a 'forward look' planner will ensure that any agreed items not covered are added to an appropriate future agenda.

All papers/resources for meetings must be sent directly to the secretariat at least 3 working days prior to the meeting. The secretariat will then be responsible for distributing resources to members.

Public Protection, Operational Policy & Support (ISP.Queries.PPOPS@justice.gov.uk)

Annex B – Risk Assessed Recall Review (RARR)

RARR process

Risk Assessed Recall Reviews

The Public Protection Casework Section (PPCS), on behalf of the Secretary of State, has the power to release, following a Risk Assessed Recall Review (RARR), determinate sentence prisoners into the community subject to licensed supervision at any time during the recall period, including those prisoners subject to extended sentences. The Secretary of State must be satisfied that the statutory release test has been met so that the recalled prisoner's risk of serious harm can be safely managed in the community.

From 1 November 2024, the Secretary of State has the power to release recalled offenders serving sentences of Imprisonment for Public Protection and Detention for Public Protection. For the Secretary of State to release, they must be satisfied that the offender meets the statutory release test. This means that recalled IPP and DPP offenders can now be considered for release following RARR.

Process:

- PPCS will consider all Part B reports submitted by the Probation Service for the initial review for suitability for a release via RARR.
- Where it is assessed that the case may be suitable for release via RARR, PPCS will work with the Probation Service and, where appropriate, the prison offender manager, to develop a robust risk management plan that addresses the risks identified. The full RARR process can be found in the [Recall Review and Release of Recalled Prisoners Policy Framework](#).
- Where the case is assessed to be unsuitable, the prisoner's dossier will be referred to the Parole Board for consideration of suitability for release.

PPCS will also consider the use of RARR for any Part C reports and PAROM reports (where the case is being managed under the Generic Parole Process) where a recommendation for release is made.

Access to Legal Aid to appeal RARR decisions

The Secretary of State now has a power under 32ZAA of the Crime (Sentences) Act 1997 to make a determination about an IPP prisoner's release at any time through RARR, which is not related to a decision made by the Parole Board.

The Criminal Legal Aid (General) Regulations 2013 makes legal aid available where a prisoner is:

- i) entitled to be released by the Secretary of State; or
- ii) eligible for consideration by the Parole Board for a direction to be released.

There is no entitlement to release by the Secretary of State via RARR, rather she *may* allow release, and it is not something which is being considered by the Parole Board. As such, legal aid would **not** be available under the Criminal Legal Aid (General) Regulations 2013.

If release is refused under 32ZAA (2), it is possible that Civil Legal Aid may be available to Judicially Review that decision, under the Legal Aid Sentencing and Punishment of Offenders Act, Schedule 1, Part 1, paragraph 19. However, that is subject to both means and merits tests. The Civil Legal Aid (Merits Criteria) Regulations 2013 set out the merits test for judicial review applications. Where there remains a right of review to the Parole Board, it is likely to be difficult to satisfy the relevant test.

In summary, offenders will not be eligible to access legal aid to appeal RARR decisions, however, they could be eligible for legal aid if they bring Judicial Review proceedings in relation to these decisions.