

Update on IPP amendments tabled for the Victims and Prisoners Bill

What has happened?

Peers in the House of Lords proposed several amendments to the Victims and Prisoners Bill, which were debated on 12th March 2024. These amendments are in addition to Clause 48—the amendment on IPP licence reform which was proposed by the Government. The additional amendments are intended to strengthen Clause 48; and make changes for unreleased people serving IPP.

What is Clause 48?

Clause 48 would drop the period people must wait for a review of their licence from 10 years after first release to 3 years. The 3 year point is known as the “qualifying period”. It would also introduce automatic ending of an IPP sentence for people who avoid recall for 2 years after the start of the qualifying period. This is known as the “sunset clause”.

What was said during the House of Lords debate?

Amendments relating to licence termination and the sunset clause

Amendment	Tabled by	Government's response during the debate
149, 150, 151: Provision for a prisoner to apply to the Parole Board for a licence termination review following expiry of the qualifying period on an annual basis (rather than just once).	Lord Thomas	The Government is not currently convinced on these amendments but they are open to hearing further evidence on them over the coming weeks.
152, 153: Provision to ensure the sunset clause will still apply where the recall has been rescinded by the Secretary of State and where there has been an inappropriate recall and the person has been released.	Lord Thomas	The Government feels these amendments might be addressed through Amendments 154 and 168 using executive re-release on recall.
156, 157: Amendments to limit or stop the Government being able to change the length of the qualifying period without the consent of parliament.	Earl Attlee Lord Thomas	The Government will come back with a position on this at Report stage, once they have heard further evidence.

Amendments relating to recall and executive release

Amendment	Tabled by	Government's response during the debate
168: Additional power of executive release of recalled IPP prisoners. Executive release (now known as Risk Assessed Recall Review) is when the Secretary of State gives permission for a recalled prisoner to be released without a parole hearing. It currently only applies to people serving a determinate sentence.	Lord Carter	The Government can see the need for this amendment.

154: Provision to ensure the sunset clause will still apply where there has been an inappropriate recall and the person has been re-released via executive release.	Lord Carter	The Government feels these amendments might be addressed through Amendment 168 using executive re-release on recall.
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Amendments relating to progression

Amendment	Tabled by	Government's response during the debate
159: Place the IPP action plan on statutory basis with stated purposes. This means HMPPS would be legally obliged to carry out the plan.	Lord Blunkett	The Government can see the benefit of this amendment and will be discussing it with other Lords before the Report Stage.
160: Establish an independent scrutiny panel on IPP, with oversight of the IPP action plan.	Lord Blunkett	
166: An additional aftercare duty to IPP prisoners who have become stuck in the system for three or more years after their tariff has expired. The aftercare package would be modelled on the care offered to people leaving secure hospital, which includes practical and health-related support.	Baroness Burt	The Government is not currently convinced on these amendments but they are open to hearing further evidence on them over the coming weeks.
165: A probing amendment to strengthen aftercare to people already owed it in prison and serving IPPs. A probing amendment seeks information. In this instance, people serving IPP who have spent time in a secure hospital are eligible for additional support, but it is not clear if HMPPS tracks this or who is receiving it.	Baroness Burt	
Amendment 164: IPP mentors and advocates.	Baroness Blower	The Government is not currently convinced on this amendment.

Amendments relating to the release test and resentencing

Amendment	Tabled by	Government's response during the debate
161: Amendment to reverse the release test for IPP prisoners 10 or more years beyond tariff, or who have served the maximum equivalent determinate sentence for their offence. This means placing the burden of proof on the State rather than the person in prison.	Lord Moylan	The Government is not currently convinced on this amendment.
167: Amendment on the resentencing of people on IPPs.	Baroness Fox	The Government does not support this amendment.
167c: Amendment requiring g assurances about the capacity of the Probation Service to manage resentenced people.	Earl Attlee	The Government does not support this amendment.

Amendments relating to Detention for Public Protection

Amendment	Tabled by	Government's response during the debate
155: Reduction of the qualifying period from 3 years to 18 months for people serving DPP (the IPP given to people sentenced as children).	Lord Blunkett	The Government felt that their own amendment on licence reform was sufficient to make changes for those serving DPP, and that a reduction to 18 months may set people up to fail.
163: Amendment on annual referrals to the Parole Board for people on DPPs.	Lord Blunkett	The Government stated that the new Parole Board policy giving priority to those serving DPP was sufficient, and annual Parole reviews were not needed.
162: Amendment on quarterly sentence planning reviews for those serving DPP, who have not been released.	Lord Blunkett	The Government agreed with the general spirit of the amendment (enhanced support of DPP prisoners), but did not agree that quarterly sentence planning reviews were the answer. They indicated that they were open to a revised amendment mandating priority of DPP prisoners.

What were the main outcomes of the debate?

The Government has stated it is open to the amendments that would:

- Extend powers of executive release to recalled IPP prisoners.
- Place the IPP action plan on statutory (legally compelling) footing with oversight from an independent panel.

The Government has stated it is not currently persuaded but will listen further about amendments that would:

- Allow annual IPP licence reviews after the review at the 3 year post-release point.
- Stop the possibility that the qualifying period could be increased again without reference to parliament.
- Offer a package of aftercare to people who are post-tariff.
- Enhance support for people serving DPP.

The Government is not open to amendments that would:

- Appoint an independent advocate for every person serving IPP.
- Reverse the release test for people 10+ years post-tariff.
- Initiate a resentencing exercise.
- Reduce the qualifying period and increase parole reviews for people serving DPP.

What happens now?

The next debate on these amendments is likely to happen at the end of April. Between now and then, the peers who proposed the amendments will meet with the Government, and other relevant people to discuss which amendments to push forward in either an identical or altered form. They will then decide as to whether to include them in the Bill.

What does this mean for resentencing?

The debate highlighted that resentencing will not happen as the Government has stated it is not open to it. But many parliamentarians recognise the need to keep the resentencing debate alive, as support for it has grown in recent years and by doing this it may contribute to future opportunities.

What are UNGRIPP doing next?

We will always push for resentencing as the only way to truly fix IPP, but we will also support other amendments that may make some difference to people's lives. This is the first Bill since IPP's abolition, we will push this opportunity as far as we can, and we will not stop once the Bill has passed.