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HM Prison & Probation Service

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Tom Osborne
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15 May 2024

Dear Mr Osborne

Thank you for your Regulation 28 report of 12 April 2024 addressed to His Majesty's Prison and Probation Service (HMPPS). I am responding as Director General of Operations.

I know that you will share a copy of this response with Mr Rider's family, and I would first like to express my condolences for their loss. Every death in custody is a tragedy and the safety of those in our care is my absolute priority.

Following evidence heard at the inquest, you have raised some concerns regarding the Imprisonment for Public Protection (IPP) sentence. Thank you for bringing your concerns to my attention.

I recognise the challenges raised within your report in relation to those serving IPP sentences. HMPPS remains fully committed to supporting the progression of those prisoners serving IPP sentences to the point where the independent Parole Board determines that they may be safely released. In 2023, 189 IPP prisoners were released for the first time and 448 IPP prisoners were re-released following recall. HMPPS is also fully committed to supporting those serving IPP sentences in the community, including by referring them to the Parole Board at the point they become eligible for consideration to have their IPP licence terminated.

You may be aware that the Justice Select Committee (JSC) published their report into the IPP sentence in September 2022, following a year-long inquiry. The Government believes the report provided a valuable opportunity to take stock and identify areas for improvement which will make a genuine difference to the way that those serving IPP sentences are rehabilitated and supported through safe release, or termination of the licence, where appropriate.

The Government accepted the Committee's recommendation to review the IPP Action Plan and shared the outcome of the review, which HMPPS delivered, with the Committee on 26 April 2023 which can be accessed here:

<https://committees.parliament.uk/publications/39321/documents/192968/default/>

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Over recent years HMPPS has made considerable progress when it comes to supporting those serving IPP sentences towards release, although the release decision itself is for the independent Parole Board to take, and the Board will release a prisoner only where it is safe to do so. Our IPP Action Plan is led at Director level to ensure there is senior level, robust accountability for its delivery. [REDACTED], Area Executive Director for the South West, South Central & Public Protection, has taken this lead role. He has established the IPP Progression Board, which has met four times across this first year of the Action Plan. The Progression Board is used to hold all workstream owners to account for their delivery of actions within the Action Plan. [REDACTED] is also chair of the important External Stakeholder Challenge Group, ensuring that our work and focus is subject to regular scrutiny and accountability from the key campaign groups and independent bodies for the work we are delivering.

A full list of achievements in the delivery of the IPP Action Plan will be published in June 2024, in our IPP annual report. However, I can report on some of our achievements over the last year and am pleased to announce that HMPPS has expanded psychology services through the prison gate and into the community, to support some of the most complex people we work with. HMPPS has also published the refreshed Offender Personality Disorder (OPD) Programme strategy which includes, for the first time, a specific focus on the IPP cohort, a large proportion of whom screen into the OPD Pathway. The OPD pathway is a jointly funded partnership between HMPPS and NHS England. The refreshed strategy can be accessed here: <https://www.england.nhs.uk/long-read/the-offender-personality-disorder-pathway/>

I recognise that it is vital for HMPPS to ensure its work focuses on real change and support which can be felt in prisons and in the community for those on licence. In February 2024, I commissioned each of the seven Area Executive Directors commands for England and Wales, as well as the Executive Directors of the Long-Term High Security Estate, the Women's Estate and Contracted Prisons to develop operational IPP delivery plans and to begin delivering those plans in the Summer of 2024. These Delivery Plans will directly target front-line delivery in support of helping those serving IPP sentences to work on and achieve the objectives within their sentence plans, and move towards a future prospective safe and sustainable release and, when in the community, towards a future termination of their licence. Specifically, the IPP delivery plans will:

- ensure each IPP prisoner has an up-to-date sentence plan;
- ensure those serving an IPP sentence are in the correct prisons to access relevant support and rehabilitative services contained within their up-to-date sentence plans;
- ensure timely and high-quality preparation for parole and release;
- assist with community reintegration and the effective management of the IPP cases on licence;
- ensure staff complete specific IPP sentence-related staff development and training; and
- ensure those serving an IPP sentence who are at risk of self-harm and suicide are actively identified and supported.

The plans include critical success factors (not part of formal HMPPS performance management) which will be used to track progress of the IPP population across each area and directorate. Progress will be tracked by each area and centrally through the IPP Progression Board.

Reducing the number of self-inflicted deaths in custody is a key priority for me and HMPPS. Staff work hard to identify and support prisoners at risk of suicide and self-harm.

HMPPS Safety Team has a dedicated team member who focuses on the safety of IPP prisoners. In May 2023, the Safety Team produced a learning bulletin sharing early learning from the self-inflicted death of IPP prisoners. The bulletin provided guidance for suggested actions staff can take, including the importance of considering IPP prisoners heightened level of risk. In November 2023, the Safety Team delivered a safety briefing to front-line staff to further raise awareness on the risks of IPP prisoners. A further session was also held during a dedicated 'IPP in Focus' week, during the week of 22 April 2024, which was attended by high numbers of staff. The sessions during this week were all recorded for wider dissemination across prisons and probation delivery units across England and Wales. The Safety Team have also developed a Safety Toolkit, with a range of learning and practice materials to help front-line staff support those serving the IPP sentence effectively, recognising the heightened level of risk of self-harm and suicide among IPP prisoners.

Our refreshed IPP Action Plan, which will be published in June along with our IPP annual report, now has a workstream dedicated to Safety with the main objective of supporting Prisons to deliver improvements to the safety of those serving an IPP sentence by actively identifying and supporting IPP prisoners at risk of self-harm and violence in custody, whilst supporting their engagement and progression. Our primary focus is on raising awareness of the heightened risk of self-harm and suicide of IPP prisoners so all staff understand the risk factors and can provide effective support.

We will continue to monitor, analyse and share any changing or emerging trends in published IPP prisoner data with staff and to inform and update our guidance where appropriate. This will include using an upcoming data "snapshot" of segregated and isolated individuals across the Prison Estate to determine the proportion of IPP prisoners in these conditions, sharing our findings and highlighting the risk of long-term segregation on the mental health of IPP prisoners.

Further to our work outlined above, we are also mindful that the provision of health services to people in prison is the responsibility of the Department for Health and Social Care (DHSC). In that respect, we are also engaging with DHSC to identify any possible opportunities for a collaborative approach to identifying and then addressing the health needs of those serving IPP sentences.

Reforming the IPP sentence is a priority for the Lord Chancellor and the Government, and this is why they are taking decisive action to legislate and bring about a more definitive end to the sentence for many who are serving it. The JSC report into the IPP sentence (September 2022) also recommended reducing the qualifying period for licence termination from 10 years to five years. The Government was particularly persuaded by this and is taking forward changes in the Victims and Prisoners Bill to reform legislation relating to the termination of the licence for IPP offenders by making amendments to section 31A of the Crime (Sentences) Act 1997, which provides for the termination of IPP licences.

The new measure, subject to the views of Parliament, will:

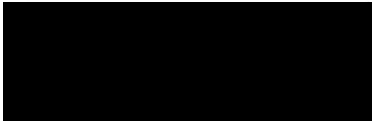
- a. reduce the qualifying period which triggers the duty of the Secretary of State to refer an IPP licence to the Parole Board for termination from ten years to three years;

- b. include a clear statutory presumption that the IPP licence will be terminated by the Parole Board at the end of the three-year qualifying period;
- c. introduce a provision that will automatically terminate the IPP licence two years after the three-year qualifying period, in cases where the Parole Board has not terminated the licence, so long as the offender is not recalled in that period.

The Government is, therefore, going further than the JSC recommended by reducing the qualifying period to three years. These amendments will restore greater proportionality to IPP sentences and provide a clear pathway to a definitive end to the licence and, therefore, the sentence. The Bill has not received Royal Assent and is currently being scrutinised by the House of Lords.

Thank you again for bringing your concerns to my attention. I trust that this response provides assurance that action is being taken to address this matter.

Yours sincerely

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Director General Operations