



Victims and Prisoners Bill, House of Lords Committee Stage — Clause 48 and amendments relating to the Sentence of Imprisonment for Public Protection

Key Facts¹

- 2,852 people are still in prison serving an IPP sentence.
- 1,625 of those (57%) are back in prison having been released and subsequently recalled. The number of people in prison on recall is up 19% since 2021, and the average time spent on recall in prison is over two years (28 months).²
- The remaining 1,227 people (43%) have never been released from prison.
- The number of people released from prison for the first time is declining. 185 people were released in the 12 months to September 2023, down from 214 the year before, a fall of 14%.³ Re-release from recall is also down 12% over the same period.⁴
- Nearly all those 1,227 people have already served their minimum term—just 15 people have not.
- 1,210 people are in prison held beyond their tariff—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence. More than half of those (58%) have been held for 10 years or more over their original tariff.⁵
- Detention for Public Protection (DPP) was the indefinite sentence given to people aged under 18. 326 children received DPP sentences.⁶ 85 are still in prison. All unreleased DPPs are five or more years post-tariff.⁷
- 86 people serving an IPP sentence have taken their own lives while in prison. There were nine self-inflicted deaths of people serving IPP in 2023. This is the highest number of self-inflicted deaths in a single year since the IPP was introduced.⁸

The IPP sentence has been described by the former Supreme Court Justice Lord Brown as “the greatest single stain on our criminal justice system”.⁹ Enacted in 2005 under the provisions of the Criminal Justice Act 2003, the IPP was effectively a life sentence in all but name. Soon after its introduction, problems with the sentence began to emerge. In practice, the IPP was often given to people convicted of low-level offences. The criminal justice system was ill-equipped to deal with the large number of people receiving IPPs. The criteria for the IPP were tightened in 2008, and

¹ Unless stated otherwise these figures are taken from Table 1.9a. Ministry of Justice. (2023). *Offender Management Statistics quarterly: July to September 2023*. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-july-to-september-2023>

² Table 5.11. Ibid.

³ Table 3.1. Ibid.

⁴ Table 5.11. Ibid.

⁵ Table 1.9b. Ibid.

⁶ [Outcomes by offence tool](#). Ministry of Justice (2016). *Criminal justice statistics quarterly: December 2015*.

⁷ [House of Lords written question HL297](#). 28 November 2023.

⁸ Table 1.6. Ministry of Justice. (2023). *Deaths in prison custody 1978 to 2022*. In *Safety in custody: quarterly update to June 2023*. <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-june-2023>

⁹ Grierson, J. (2020, December 3). Indefinite sentences ‘the greatest single stain on justice system’. *The Guardian*. <https://www.theguardian.com/law/2020/dec/03/indefinite-sentences-the-greatest-single-stain-on-justice-system>

the sentence was abolished in 2012 by the Legal Aid, Sentencing and Punishment of Offenders Act.¹⁰ However, people sentenced to an IPP continue to face the same release requirements, remain on licence indefinitely, and are subject to indefinite recall. One recalled IPP prisoner said: **“So long as I’m under IPP I have no life, no freedom, no future. I fear IPP will force me to commit suicide. I have lost all trust and hope in this justice system...Each day I feel more and more fear and dismay and I am starting to dislike life...I have to suffer in prison in silence. Accept it or suicide. That’s my only options left.”**¹¹ The brother of an IPP prisoner who committed suicide said: **“We knew he was frustrated at his lack of progress, but he always put on a brave face for us. If we had known, we could have at least tried to talk him through his hard times. Instead, he died without help from us, or the system.”**¹²

1. Clause 48 of the Victims and Prisoners Bill was introduced in the House of Commons report stage. It introduces a more proportionate and effective means for the review and termination of an IPP licence. Currently, an individual serving an IPP in the community is not entitled to have their licence reviewed by the Parole Board until 10 years post initial release. This length of time is disproportionate and excessive, particularly for those people on IPPs given a short minimum custodial term. This clause introduces a three-year qualifying period which is more proportionate and creates the realistic prospect of an end to the sentence. In addition, under existing arrangements there is no provision for an individual on an IPP to have their licence automatically terminated after a set point. The new clause creates provision so that if the licence is not terminated at the direction of the Parole Board at the three-year point, it will be automatically terminated after a further two years, provided that the individual is continuously on licence during that time.
2. This important change, while welcome, will do little for the 1,200 people in prison who have never been released. The government has rejected the Justice Committee’s principal recommendation for the resentencing of people sentenced to an IPP. As Alice Jill Edwards, the UN’s special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, has said: **“These are welcome [changes] and should help to end rapidly the sentences of approximately 1,800 IPP prisoners who have already been released into the community. But the reforms do not tackle the cases of nearly 1,250 prisoners who remain detained indefinitely, languishing in jail under a sentencing scheme that the justice secretary himself describes as a ‘stain’ on the entire legal system.”**¹³
3. Peers have tabled a number of amendments¹⁴ on IPPs for debate in the House of Lords committee stage of the Victims and Prisoners Bill to:
 - Improve the new arrangements for licence review and termination introduced by clause 48 (149, 150, 151, 152, 153, 156, 157)
 - Introduce a new power of executive release (154, 168)
 - Improve sentence progression (159, 160, 164, 165, 166)
 - Reverse the Parole Board release test (161)
 - Introduce resentencing in line with the Justice Committee’s recommendation (167)
 - Improve the treatment of people sentenced to Detention for Public Protection (155, 162, 163)
4. **We encourage peers to support these amendments.**

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¹⁰ One of the factors which influenced the government to abolish the sentence was a case taken by IPP prisoners to the European Court of Human Rights (James, Wells and Lee v UK, ECHR 340 [2012])

¹¹ Edgar, K., Harris, M., & Webster, R. (2020). *No life, no freedom, no future*. Prison Reform Trust.

http://www.prisonreformtrust.org.uk/Portals/0/Documents/no%20freedom_final_web.pdf

¹² [‘No one told us Kelvin had self-harmed. If we’d known we’d have tried to help’ | Prisons and probation | The Guardian](#)

¹³ [‘MoJ changes to indefinite jail sentences do not go far enough, says UN expert | UK criminal justice | The Guardian](#)

¹⁴ Victims and Prisoners Bill, Marshallled List of Amendments to be Moved in the Committee of the Whole House [HL Bill 31—| \(parliament.uk\)](#)