

Research Briefing

22 October 2024

By Jacqueline Beard

Sentences of Imprisonment for Public Protection



Summary

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- 2 The introduction of IPP sentences
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- 5 Numbers still in custody
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Summary

What are IPP sentences?

Sentences of Imprisonment for Public Protection (IPP sentences) were available for courts to impose from 2005 to 2012. They were designed to detain offenders who posed a significant risk of causing serious harm to the public through further serious offences in prison until they no longer posed such a risk.

IPP sentences have a minimum term, sometimes called a ‘tariff’, that must be served in custody before a prisoner can be considered for release by the Parole Board. Once the tariff has expired, the prisoner can only be released once the Parole Board is satisfied they no longer need to be confined for the safety of the public. Release is never automatic, and prisoners can be detained indefinitely if the Parole Board decides it is not safe to release them.

When released, a person serving an IPP sentence will be on licence, subject to conditions. The licence will be in force until it is terminated. People serving an IPP sentence are currently eligible to have termination of their licence considered by the Parole Board ten years after their first release.

Breaching the conditions of the licence may result in the person being recalled to prison. If recalled, a person must remain in prison until the Parole Board is satisfied that custody is no longer necessary for public protection.

Licence termination

Section 66 of the Victims and Prisoners Act 2024, which is not yet in force, will make significant changes to the licence termination process. It is being commenced in two phases:

- **1 November 2024: a new automatic termination process**

On 1 November 2024, a new process for automatic termination of an IPP licence will be introduced for cases where the Parole Board decides (or has previously decided) not to terminate a person’s licence after a three-year qualifying period has expired. In such cases, the licence will subsequently terminate automatically if the person avoids being recalled for a further two-year period.

- **1 February 2025: licence termination reviews by the Parole Board**

From 1 February 2025, anyone whose IPP licence has not already been reviewed by the Parole Board, and who is not yet eligible for automatic termination, will have their IPP licence referred to the Parole Board for a termination review three years after their first release.

The Parole Board has recommended that anyone serving an IPP sentence (or their family and friends) who would like advice on the new arrangements should call a [temporary IPP Licence Termination Hotline](#), which is being run by the Howard League for Penal Reform from 7 October to 18 December 2024.

Abolition and numbers still in custody

IPP sentences were much criticised from their introduction. Particular concerns were that the sentences were too broad and caught up less serious offenders, and that it was difficult for IPP prisoners (particularly those with short minimum terms) to access the interventions they needed to demonstrate they were no longer a risk and so could be released.

IPP sentences were abolished for offenders convicted on or after 3 December 2012, with the government stating the system was “[not defensible](#)”. However, the change was not made retrospective. It didn’t apply to existing prisoners who were already serving those sentences at the time.

As of 31 March 2024, there were 1,180 unreleased IPP prisoners in custody in England and Wales. In addition to these unreleased IPP prisoners, there were 1,616 recalled IPP prisoners in custody on 31 March 2024, bringing the total number of IPP prisoners to 2,796. As of March 2024, all but 13 unreleased IPP prisoners had passed their tariff date.

The Justice Committee’s report

Following abolition of the IPP sentence, pressure for further change has continued. Most significantly, in 2022 the Justice Committee published a [report](#) which identified and discussed the ongoing problems with IPP sentences.

The committee’s primary recommendation was that the government should legislate to enable a resentencing exercise in relation to IPP sentenced individuals. The committee also called on the government to publish a new IPP action plan and to reduce the qualifying period for terminating a licence from ten years to five.

The Conservative government’s response

The [Conservative government](#) accepted the Justice Committee’s recommendation for a new IPP action plan, and published an [updated version](#) (PDF) in April 2023.

It initially rejected the committee’s recommendation for a reduction of the qualifying period to terminate an IPP licence. However, in December 2023, the government announced that it would [legislate to reduce the qualifying period from ten years to three](#). This change is set out in section 66 of the Victims and Prisoners Act 2024, which received Royal Assent on 24 May 2024. As set out above, section 66 is being [phased in from 1 November 2024](#).

The government rejected the committee's primary recommendation on resentencing, with the then Justice Secretary Dominic Raab arguing resentencing would give rise to an unacceptable risk to public protection.

The Justice Committee expressed regret that the government had rejected its recommendation on resentencing. The then chair of the committee, Sir Bob Neill, said the response was "[a missed opportunity to right a wrong](#)".

The Labour government's position

In May 2024, the then Shadow Minister for Victims and Sentencing, Kevin Brennan, said in government Labour would "[work at pace to make progress](#)" for those remaining on IPP sentences. Lord Ponsonby of Shulbrede, then Labour's Justice and Home Affairs spokesperson in the House of Lords, had previously indicated that Labour [did not support the resentencing of IPP prisoners](#) as had been recommended by the Justice Committee.

Following the election, in September 2024 the Secretary of State for Justice Shabana Mahmood [announced a phased commencement](#) of the IPP measures of the Victims and Prisoners Act 2024. She said she wanted to make "progress towards a safe and sustainable release" for IPP prisoners but "not in a way that impacts public protection".

On 21 October 2024, the government announced an [independent review of sentencing](#), to be led by former Lord Chancellor David Gauke. However, the review's [terms of reference](#) state that it will not cover IPP sentences as the government considers this issue (along with others, such as remand and the youth sentencing framework) is "best-placed to be progressed outside of the review".

Renewed calls for government action

Since the election, there have been renewed calls for the government to undertake a resentencing exercise.

In July 2024, a group of campaigners and academics sent the government a [joint letter calling for urgent IPP reform](#) (PDF), including a call for the government to set up an expert committee to advise on the practicalities of a resentencing exercise.

In September 2024, Lord Woodley (Labour) introduced a private member's bill to the House of Lords. The [Imprisonment for Public Protection \(Re-sentencing\) Bill \[HL\]](#) would require the Lord Chancellor to make arrangements for a resentencing exercise. Lord Woodley [told the Independent](#) that ministers were not yet "on the same page" regarding his proposals for a resentencing exercise, but that he believed there was still "everything to play for".

The Independent also reported that Andy Slaughter, the newly elected chair of the Justice Committee, has indicated "[the new committee may look at readopting \[the resentencing\] recommendation in the coming months](#)".

1 What are IPP sentences?

Sentences of Imprisonment for Public Protection (IPP sentences) are indeterminate as opposed to fixed-term sentences.

IPP sentences have a minimum term, sometimes called a ‘tariff’, that must be served before a prisoner can be considered for release by the [Parole Board](#). Once the tariff has expired, the prisoner can only be released if the Parole Board is satisfied they no longer need to be confined for the safety of the public. Release is never automatic, and prisoners can be detained indefinitely if the Parole Board decides it is not safe to release them.

When released, a person serving an IPP sentence will be on licence, subject to conditions. The licence will be in force until it is terminated. Breaching the conditions of the licence may result in the person being recalled to prison. If recalled a person must remain in prison until the Parole Board is satisfied that custody is no longer necessary for public protection.

The Parole Board has responsibility for deciding whether to terminate an IPP licence. People serving an IPP sentence are currently eligible to have termination of their licence considered by the Parole Board after a ‘qualifying period’ of 10 years from their first release. The Secretary of State will automatically refer eligible IPP sentence prisoners to the Parole Board for consideration. If the Parole Board decides not to terminate the licence, the Secretary of State will automatically re-refer the offender every 12 months.¹

Changes to the licence termination process

Section 66 of the Victims and Prisoners Act 2024, which is not yet in force, will make significant changes to the licence termination process.² In particular, it will reduce the qualifying period from 10 years to three and introduce a new automatic licence termination process. The main changes will come into force in two phases:

- **1 November 2024: a new automatic termination process and a presumption to terminate**

On 1 November 2024, a new process for automatic termination of an IPP licence will be introduced for cases where the Parole Board decides (or has previously decided) not to terminate a person’s licence after the qualifying period has expired. In such cases, the licence will subsequently terminate automatically if the person avoids being recalled

¹ See section 4.3 for background

² See section 4.4 for background

for a further two-year period.³ The qualifying period will be lowered from 10 years to three with effect from 1 November 2024, but only for cases that are eligible for automatic termination (where a further ‘clear’ two-year period on licence has also been served).

A joint briefing by the Howard League for Penal Reform and the Prison Reform Trust estimates that “approximately 1800 people will immediately meet the threshold for auto-termination” on 1 November 2024.⁴

With effect from 1 November 2024, there will also be a new statutory presumption that the Parole Board must terminate an IPP licence unless it is satisfied that the licence should remain in force for the protection of the public.

- **1 February 2025: licence termination reviews by the Parole Board**

From 1 February 2025, anyone whose IPP licence has not already been reviewed by the Parole Board, and who is not yet eligible for automatic termination, will have their IPP licence referred to the Parole Board for a termination review three years after their first release. The joint briefing by the Howard League for Penal Reform and the Prison Reform Trust estimates that “approximately 600 people will be immediately eligible for a Parole Board licence termination review on the 1 February 2025”.⁵

1 Resources for constituents

The Howard League for Penal Reform has published a [practical guide to IPP licence termination](#) (PDF) which explains when and how those serving IPP sentences can get their licence terminated. The guide also sets out the current rules and the changes that are being introduced by the Victims and Prisoners Act 2024.

The Howard League is also running an [IPP Licence Termination Hotline](#) (PDF) from 7 October to 18 December 2024, which can provide advice to people serving an IPP sentence in custody or the community, to their families and friends, and to professionals working with people serving IPP sentences.

The [United Group for Reform of IPP \(UNGRIPP\)](#) has also published a [guide](#) (PDF) and [diagram](#) (PDF) explaining how the 2024 act is being phased in.

³ If the person is recalled to prison within that two-year period then the ‘clock’ will reset and a new two-year period will start on their next release. The Secretary of State will have the power to disregard the recall and treat the two-year period as unbroken if it is in the interests of justice to do so.

⁴ Howard League for Penal Reform/Prison Reform Trust, [Terminating your IPP licence: a legal guide](#) (PDF), v2, September 2024, p5

⁵ As above

2

The introduction of IPP sentences

IPP sentences were available for courts to impose from 2005 to 2012. They were introduced by the Labour government in the Criminal Justice Act 2003.⁶ They were designed to detain offenders who posed a significant risk of causing serious harm to the public through further serious offences in prison until they no longer posed such a risk. The Criminal Justice Act 2003 followed a review of sentencing commissioned by the government in 2000. The resulting Halliday Report proposed that dangerous offenders who did not receive a life sentence should be eligible for a new determinate prison sentence.⁷

The government's 2002 White Paper, *Justice for All*, went further than this, proposing to "introduce a new sentence to ensure that dangerous violent and sexual offenders stay in custody for as long as they present a risk to society":

The offender would be required to serve a minimum term and would then remain in prison beyond this time, until the Parole Board was completely satisfied that the risk had sufficiently diminished for that person to be released and supervised in the community. The offender could remain on licence for the rest of their life.⁸

On their introduction, an IPP sentence was required for an offender:

- who had committed one or more of 96 specified 'serious' violent or sexual offences (offences which carried a maximum sentence of 10 years or more) where the seriousness of the offence did not merit a life sentence, and
- where the court considered that the offender posed a "significant risk of serious harm" in the future (and so was deemed "dangerous").

When IPP sentences were introduced, any offender convicted of one of these 96 offences was presumed to pose a significant risk of serious harm if they had ever previously been convicted either of one of the 96 offences or a further 57 specified offences (for which the maximum sentence was between two and seven years). In such cases, unless the court found it unreasonable to do so it was required to consider the offender to be dangerous and impose an IPP sentence.⁹

⁶ [Chapter 5 of Part 12](#) of the Criminal Justice Act 2003

⁷ The National Archives, [Making Punishments Work: Report of a Review of the Sentencing Framework for England and Wales](#), July 2001

⁸ Criminal Justice Service, [Justice for All](#) (PDF), Cm 5563, July 2002, p95

⁹ The Sentencing Academy, [Sentencing explained: Imprisonment for public protection \(IPP\) sentences](#) (PDF)

3 Early criticisms

From their introduction, IPP sentences were much criticised. Key early issues identified included:

- The provision was too broad and caught up less serious offenders.
- The many prisoners serving IPP sentences, particularly those with short minimum terms, put additional strain on the prison and parole systems because prisoners could not access interventions they needed to demonstrate they were no longer a risk and so could be released.

3.1 Targeting of IPP sentences

When the IPP sentence was introduced, there was no minimum length for the minimum term (or ‘tariff’). As a result, many prisoners were given a relatively short minimum term but ended up in prison for lengthy periods following the expiry of their minimum term. In one case, the courts imposed an IPP sentence where the minimum term was only 28 days.¹⁰ This led to criticisms that IPP sentences were being imposed in respect of offences at the less serious end of the spectrum.

There was also criticism that judges’ discretion was being undesirably restricted. The Justice Committee in 2008 described the evidence it had received on this point, concluding:

The substantial number of Imprisonment for Public Protection sentences with short tariffs demonstrate that this type of sentence has not been targeted at those offenders who positively pose a grave risk to the public for fear of committing serious violent or sexual offences, but has been imposed on a much larger group of offenders whose offending behaviour does not merit a disposal as draconian as an Imprisonment for Public Protection sentence. It is difficult to understand why an offender who might only receive a short determinate sentence should be given an Imprisonment for Public Protection sentence for having a previous conviction for a comparatively minor offence and be considered as ‘dangerous’ and thus merit an indefinite custodial sentence.¹¹

¹⁰ HM Chief Inspector of Prisons and HMP Chief Inspector of Probation, [The Indeterminate sentence for public protection: A thematic review](#) (PDF), September 2008, p2

¹¹ Justice Committee, [Towards Effective Sentencing](#), 22 July 2008, HC 184 2007-08, para 62

3.2

Pressures on the prison and parole systems

Before they can be released, prisoners serving indeterminate sentences must demonstrate that they have addressed their offending behaviour and are no longer a risk to society. One of the problems identified by critics of IPP sentences was that it was difficult for prisons (particularly overcrowded ones) to help prisoners to take the necessary steps to demonstrate that they were no longer a risk.

Several court cases arose from difficulties over the availability of offender behaviour courses for prisoners serving IPP sentences and consequent delays in obtaining parole. For example, in [Secretary of State for Justice v Walker \[2008\]](#) the Court of Appeal found that the Secretary of State had acted unlawfully by failing to provide for measures to allow IPP prisoners to demonstrate to the Parole Board by the expiry of their tariff periods or reasonably soon thereafter that it was no longer necessary for them to continue to be detained.¹²

HM Chief Inspector of Prisons and Probation, in a thematic review of IPP sentences in 2008, noted the issue and referred to the ruling:

This large number of new, and resource-intensive, prisoners was fed into a system that was already under strain. (...) It led to IPP prisoners languishing in local prisons for months and years, unable to access the interventions they would need before the expiry of their often short tariffs. (...)

As a consequence, the Court of Appeal found that the Secretary of State had acted unlawfully, and that there had been ‘a systemic failure to put in place the resources necessary to implement the scheme of rehabilitation necessary to enable the relevant provisions of the 2003 Act to function as intended’. Rather more pithily, a prison lifer governor told us: ‘It is as though the government went out and did its shopping without first buying a fridge’.¹³

The parole system, which assesses the risks posed by offenders, historically had been used for those with longer sentences. The Justice Committee in a 2008 report said that IPP sentences put “an enormous strain on the prison system and the Parole Board” and that “the systems surrounding their implementation and operation were not given enough thought or resources.”¹⁴

A joint report by the prison and probation inspectorates published in March 2010 drew attention to the low number of IPP prisoners released. The report described the position as “unsustainable” and called for a ministerial review.¹⁵

¹² [Secretary of State for Justice v Walker \[2008\] EWCA Civ 30](#)

¹³ HM Chief Inspector of Prisons and HM Chief Inspector of Probation, [The Indeterminate Sentence for Public Protection](#) (PDF), September 2008, p2

¹⁴ Justice Committee, [Towards Effective Sentencing](#), 22 July 2008, HC 184 2007-08, paras 49-50

¹⁵ Criminal Justice Joint Inspection, [Indeterminate Sentences for Public Protection: A Joint Inspection by HMI Probation and HMI Prisons](#), March 2010: Foreword

4 Changes to the IPP sentence

4.1 2008: A new seriousness threshold

In 2008, in response to criticisms that the IPP sentence was poorly targeted, the Labour government introduced a new “seriousness threshold” that had to be satisfied before the court could impose an IPP sentence. As a result, an IPP could only be imposed where either:

- the offender had previously been convicted of a serious violent or sexual offence listed in Schedule 15A of the Criminal Justice Act 2003 before committing the latest offence; or
- the notional minimum term (i.e. the term the prisoner would have served had they received a determinate sentence) would have been two years or more.¹⁶

The presumption of dangerousness where an offender had a conviction for a specified offence was removed and IPP sentences became discretionary, no longer being required where the necessary conditions were met.

Some, including the Prison Reform Trust, criticised the non-retrospective nature of the changes arguing that they created unfairness.¹⁷

4.2 2012: Abolition

The Coalition Government was critical of the IPP sentence. Crispin Blunt, then prisons minister, in June 2010 said the position was “not defensible”.¹⁸ In 2011 then Prime Minister, David Cameron, described the system of IPP sentences as “unclear, inconsistent and uncertain” and said it would be reviewed.¹⁹

Legal challenges increased pressure for reform of the sentence. In 2012, the European Court of Human Rights held that the failure to make appropriate provision for rehabilitative services for three prisoners serving IPP sentences breached their rights under Article 5 of the European Convention on Human Rights.²⁰ Article 5 is the right to protection from unlawful deprivation of

¹⁶ Part 2 of the [Criminal Justice and Immigration Act 2008](#) amended the Criminal Justice Act 2003

¹⁷ Prison Reform Trust, [Unjust Deserts: imprisonment for public protection](#), July 2010, pp49-50

¹⁸ [HC Deb 15 June 2010 c730](#)

¹⁹ Gov.uk, [PM’s press conference on sentencing reforms](#), 21 June 2011

²⁰ James, Wells and Lee v United Kingdom [2012] ECHR 1706

liberty. The court found that the prisoners' detention was arbitrary because the lack of provision of rehabilitative services meant that the prisoners could not show that they were rehabilitated and suitable for release as was required.²¹

The IPP sentence was abolished by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, meaning that IPP sentences have not been available for those convicted on or after 3 December 2012.²²

However, the change to the law was not retrospective so prisoners who had already received an IPP sentence remained on this sentence. The then government said it did not think it was "right or appropriate retrospectively to alter sentences that were lawfully imposed by the court" saying it would be particularly difficult because the court would have imposed the sentence with "risk management issues in mind".²³

The 2012 Act also provided a power for the Secretary of State to change the release test the Parole Board uses for prisoners serving IPP sentences.²⁴ The test is currently that "the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined". The Secretary of State can change this test by statutory instrument. This power has not yet been used.²⁵

4.3

2022: Changes to licence termination process

People serving an IPP sentence are eligible to have termination of their licence considered by the Parole Board 10 years after their first release. The Police Crime Sentencing and Courts Act 2022 changed the law to require the Secretary of State to **automatically** refer eligible IPP sentence prisoners to the Parole Board.²⁶ If the Parole Board decides not to terminate the licence, the Secretary of State will automatically re-refer the offender every 12 months.

This provision was added during the passage of the Bill that became the 2022 Act as a government amendment at third reading in the House of Lords, in response to concerns raised about IPP sentences. For more on this debate see section 6.1 below.

²¹ Justice Committee, [IPP sentences](#), HC 266, 28 September 2022, para 13

²² [Section 123](#) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
New clauses and schedules relating to the abolition of IPP sentences were introduced by the Government at the report stage of the Legal Aid, Sentencing and Punishment of Offenders Bill

²³ [HL Deb 9 Feb 2012 c443](#)

²⁴ [Section 128](#) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012

²⁵ Justice Committee, [IPP sentences](#), HC 266, 28 September 2022, para 17

²⁶ [Section 138](#) Police Crime Sentencing and Courts Act 2022

4.4

2024: Further changes to licence termination

[Section 66](#) of the [Victims and Prisoners Act 2024](#) sets out further changes to licence termination (although these changes are not yet in force). In particular, it will reduce the qualifying period from ten years to three, introduce a new automatic licence termination process, and introduce a statutory presumption that the Parole Board will terminate an IPP licence at the end of the three-year qualifying period.²⁷

Under [section 67](#) of the 2024 Act, the Secretary of State will be required to lay an annual report before Parliament about the steps taken to support those serving IPP sentences with their rehabilitation and progress towards release.

The Victims and Prisoners Act 2024 received Royal Assent on 24 May 2024. In a [written statement](#) published on 5 September 2024, the Secretary of State announced that she would be commencing the IPP measures of the Victims and Prisoners Act 2024 in a “phased approach” to “ensure HM Prison and Probation Service can effectively manage these changes” as “public protection must come first”.²⁸

²⁷ See section 1 of this briefing for further details of the changes

²⁸ HCWS72, [Imprisonment for Public Protection: Changes to Licence](#), 5 September 2024

5

Numbers still in custody

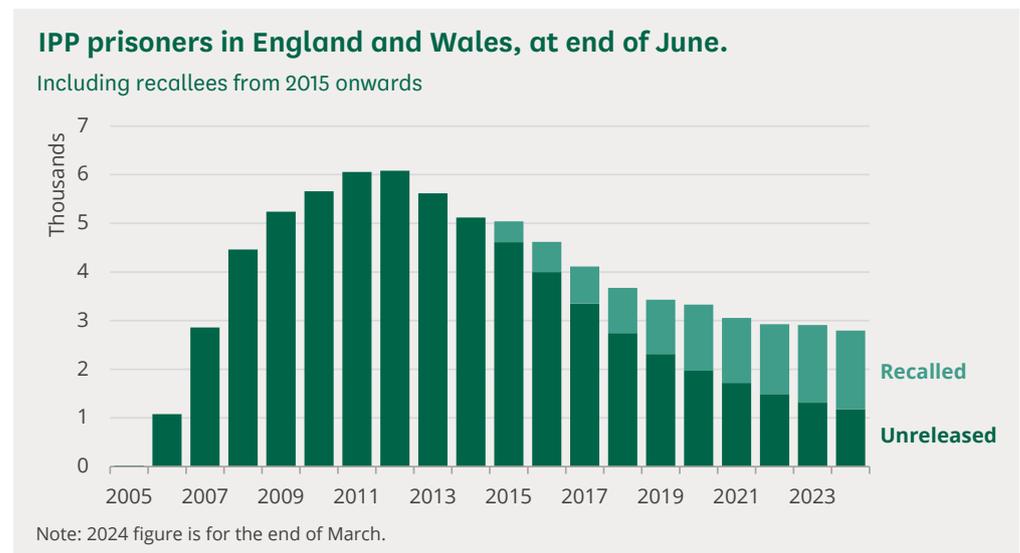
Statistics on IPP prisoners are published quarterly in the Ministry of Justice's [Offender Management Statistics](#), with additional detail provided annually in the January to March edition of the series.

Number of IPP prisoners

As of 31 March 2024, there were **1,180 unreleased** IPP prisoners in custody in England and Wales, which was the lowest number since 2006.²⁹ The number of unreleased prisoners has been steadily declining since 2012, when the size of the overall IPP prison population peaked at just over 6,000.

In addition to these unreleased IPP prisoners, there were **1,616 recalled** IPP prisoners in custody on 31 March 2024, bringing the total number of IPP prisoners to 2,796. The number of recalled IPP prisoners has risen in almost every year (the sole exception being during the Covid-19 pandemic in the year ending June 2021). September 2022 was the first time on record that the number of recalled IPP prisoners exceeded the number of unreleased.

The chart below shows a snapshot of the number of IPP prisoners in June of each year, broken down by whether they were unreleased or recalled. The Appendix to this briefing contains the annual figures.



Source: [Offender management statistics quarterly: October to December 2023](#), table 1.Q.14, and table 1.9a in earlier years' editions.

²⁹ The figures in this section are from the MOJ's [Offender management statistics quarterly: October to December 2023](#), table 1.Q.14, and October-December 2022, table 1.9a

Prisoner demographics

Demographic information on IPP prisoners is only published once per year in the prison population snapshot for June. Of the 2,909 IPP prisoners in total who were in custody on 30 June 2023, 99% were male.³⁰ This was typical of the profile of IPP prisoners over the years but slightly higher than in the rest of the prison population on the same date, where 96% were male.³¹

As of 30 June 2023, IPP prisoners had an older age profile to the rest of the custodial population. Ninety-nine per cent of IPP prisoners were aged 30 or over, compared with 72% of the rest of the sentenced prison population. Over one third (37%) of IPP prisoners were aged 50 or over, compared with one fifth (19%) of the rest of the prison population.³²

Ethnicity statistics are only available for unreleased IPP prisoners. They show a higher proportion of White individuals in the IPP prison population than the rest of the prison population (78% compared with 72%) and a lower proportion of Asian individuals (5% compared with 8% in the rest of the prison population).³³

Tariff length

There is no published data showing the original tariff length of all IPP sentences, however the available evidence suggests that the average tariff may have been around 4 to 5 years.³⁴

As of 31 March 2024, 13 unreleased IPP prisoners had not yet reached their tariff date. Of those unreleased prisoners who had passed their tariff date, almost all (98%) were more than two years past their tariff date and nine-tenths (91%) were over four years past their tariff date.

Eighty per cent of unreleased IPP prisoners had been in prison for over twice their original tariff length, as of March 2024. Around 190 IPP prisoners (around one in six of those who were unreleased) had originally been sentenced to a tariff of less than 2 years and had been in custody for more than 10 years in addition to that.

³⁰ MoJ, [Offender Management Statistics Quarterly September 2023](#), table 1.9a

³¹ Ibid., table 1.1. This figure refers to the rest of the entire prison population including prisoners on remand and non-criminal prisoners.

³² MoJ, [Offender Management Statistics Quarterly June 2023](#), tables A1.7 and A1.16. The comparator here is the rest of the sentenced prison population (i.e. excluding people on remand).

³³ Ibid., tables A1.9ii and A1.17. The comparator here is the rest of the entire prison population.

³⁴ See, for example, [HC 123019](#), 19 October 2012.

6

Continued pressure for change

Following abolition of the IPP sentence in 2012 pressure for change continued.

In 2016 Nick Hardwick, then Chair of the Parole Board, was tasked with finding an improved approach to IPP prisoners. He set out the ways in which further progress could be made on the issue, including revising the risk test and taking executive action to release IPP prisoners who has served longer than the maximum current sentence for their offence.³⁵

In November 2016, Her Majesty’s Inspector of Prisons published a thematic report on IPPs. In the report’s introduction the then Chief Inspector Peter Clarke said it was “widely accepted that implementation of the sentence was flawed” and that “decisive action” was needed for three main reasons: fairness and justice; the cost to the public purse and the significant pressures that high numbers of IPP prisoners place on the system.³⁶

The Justice Committee has noted that “a series of Justice Secretaries have acknowledged flaws with the original IPP sentence and problems with the management of offenders serving the sentence”.³⁷ In 2016 the then former Justice Secretary Michael Gove proposed that the government should use the power of executive clemency to release those IPP prisoners who had been in prison for much longer than their tariff.³⁸

The Justice Committee in 2018 considered the IPP sentence as part of an inquiry on prison population. It recognised that efforts had been made to ensure IPP prisoners were managed more effectively towards release but raised concerns about the disproportionate rates of self-harm and the high rates of recall. The Committee called on the government to consult on legislative solutions to both release and recall of indeterminate sentenced prisoners to bring about sentencing certainty.³⁹

Campaigning organisations such as the [Prison Reform Trust](#) and the [Howard League for Penal Reform](#) continue to highlight the damaging effects of the IPP sentence on those still serving them and their families and call for reforms.⁴⁰

³⁵ Gov.uk, press release, [Statement on IPP prisoners from Parole Board Chairman](#), 26 July 2016

³⁶ HM Inspectorate of Prisons, [Unintended consequences: Finding a way forward for prisoners serving sentences of imprisonment for public protection](#) (PDF), November 2016, p7

³⁷ Justice Committee, [IPP sentences](#), HC 266, 28 September 2022, para 19

³⁸ The Longford Trust, [Michael Gove: ‘What is Really Criminal about our Justice System?’](#), 16 November 2016

³⁹ Justice Committee, [Prison population 2022: planning for the future](#) (PDF), HC 483, 3 April 2019, para 182

⁴⁰ See for example their written evidence to the Justice Committee’s inquiry: Howard League for Penal Reform ([IPP0059](#)) and Prison Reform Trust ([IPP0048](#))

They also point out the effects on wider confidence in the prison system caused by the IPP sentence.⁴¹

UNGRIPP [campaigns](#) for those affected by the IPP sentence. It calls for a resentencing exercise for everyone still serving an IPP sentence. While the IPP sentence still exists, UNGRIPP calls for the licence element of the sentence to be reformed and everyone serving one to receive a package of support that reflects the damage caused by the sentence.⁴²

In its 2022 report, the [Independent Commission into the Experience of Victims and Long-Term Prisoners](#) said it shared growing concerns across the political spectrum regarding the unfairness of the situation regarding IPP sentences and called for an end to the injustice for IPP prisoners.⁴³

6.1

Recent legislative debate in Parliament

The Police, Crime, Sentencing and Courts Act 2022

The issue of IPP sentences was raised in 2021 during debate of the bill that became the Police, Crime, Sentencing and Courts Act 2022.⁴⁴ Lord Blunkett, who was the Home Secretary when IPP sentences were introduced, outlined the history of the sentence and the intentions behind it.⁴⁵ He described what he believes went “badly wrong” with the IPP sentence: that resources were not available for rehabilitation and preparation for release and that mechanisms to supervise and support prisoners on release were not in place. He set out the impact this has had on prisoners:

...the failure to put the other mechanisms in place led to prisoners not being able to demonstrate their safety for the community. By not being able to do so, they spent so much more time in prison that the impact of that lengthy sentence and the hopelessness of not having an end date made their emotional, mental and psychological situation worse.⁴⁶

Lord Blunkett also noted that the impact of the recall provisions was not envisaged at the time the sentence was introduced. He described the current situation concerning recalled IPP prisoners as unequal, unjust and immoral.

Other Members noted the failings of the IPP sentence, called it a mistake and spoke of the injustice it has caused. Former Supreme Court Justice Lord Brown repeated his description of the IPP sentence as “the greatest single

⁴¹ Justice Committee, [IPP sentences](#), HC 266, 28 September 2022, para 18

⁴² UNGRIPP, [Campaign](#) [accessed 22 October 2024]

⁴³ Independent Commission into the Experience of Victims and Long-Term Prisoners, [Making sense of sentencing: Doing justice to both victim and prisoner](#), June 2022

⁴⁴ For details see the Library briefing, [Police, Crime, Sentencing and Courts Bill: Progress of the Bill](#), 22 April 2022, section 4.19

⁴⁵ [HL Deb 15 November 2021 c28-29](#)

⁴⁶ [HL Deb 15 November 2021 c30](#)

stain on the justice system”⁴⁷ and said that it is a deeper, growing stain because of the situation with recalls. Lord Brown noted that several ex-Lord Chancellors, including Lord Clarke and Michael Gove, have “expressly recognised the deep injustices that these particular prisoners suffer”.⁴⁸ Lord Woolf, a former Lord Chief Justice, who had attempted to dissuade Lord Blunkett from introducing IPP sentences, said the sentence was the biggest mistake made in the criminal justice system during his period as a judge.⁴⁹

The Victims and Prisoners Act 2024

IPP sentences were also raised during the passage of the bill that became the Victims and Prisoners Act 2024.⁵⁰

During the Commons second reading debate, the then chair of the Justice Committee Sir Bob Neill criticised the bill for making “no mention of the continuing injustice”⁵¹ faced by IPP prisoners.

He urged the Secretary of State to consider using the bill as an opportunity to introduce a resentencing exercise, as had been recommended by the committee in its 2022 report on IPP sentences:

I beg the Secretary of State to think again about using this opportunity ... it cannot be fair that soon some people will have served longer than the maximum sentence for the offence of which they were convicted. That cannot be just. This is not being soft. It is just being fair and just and that is part of the balance of the system.⁵²

Sir Bob Neill also called on the Secretary of State to reduce the qualifying period for terminating a licence period from ten years to five, as had been recommended by the committee in its 2022 report on IPP sentences.⁵³

He also set out some “practical measures” that could be implemented to improve the experience of IPP prisoners, including improving access to the courses IPP prisoners are required to attend to be eligible for parole.

Janet Daby said that many IPP prisoners were in a state of “no hope”,⁵⁴ which caused mental health issues, self-harm and suicide.

Concerns about IPP sentences were also raised as the bill passed through the House of Lords.

⁴⁷ [HL Deb 15 November 2021 c33](#)

⁴⁸ [HL Deb 15 November 2021 c36](#)

⁴⁹ [HL Deb 15 November 2021 c46](#)

⁵⁰ For details see the Library briefing, [The Victims and Prisoners Bill](#), 10 May 2023

⁵¹ [HC Deb 15 May 2023 c604](#)

⁵² [HC Deb 15 May 2023 c606](#)

⁵³ See section 6.2 of this briefing for further details

⁵⁴ [HC Deb 15 May 2023 c652](#)

During the Lords second reading debate, Lord Blunkett, who was Home Secretary when IPP sentences were introduced, said that he “welcomed very strongly” the government’s decision to reduce the licence period for IPPs.⁵⁵

However, the former Lord Chief Justice, Lord Thomas, argued that “re-sentencing is the only just cause” for IPP prisoners whom “the state has failed”.⁵⁶

Lord Moylan described IPP sentences as “a form of mental torture” and said that the state had a “moral responsibility ... to administer justice to people who have been neglected too long”.⁵⁷ He said the government should be commended for the introduction of the updated IPP Action Plan and the reduction in licence periods.

During the Lords third reading, Lord Thomas said that “we have made huge reforms to the IPP system, and for that we all ought to be truly grateful”.⁵⁸

6.2 The 2022 Justice Committee report

The Justice Committee published a report, [IPP sentences](#), in September 2022. It concluded that while some efforts had been made in the last ten years to reduce the IPP prison population, not enough had been done. It also argued that the problem is becoming more significant and pressing due to the increase in individuals being recalled back to prison.⁵⁹

The committee stated that many IPP prisoners, both those who have never been released and those who have been recalled, will struggle to progress through their sentence and onto release. It criticised the government’s IPP Action Plan, the government’s main approach to addressing the IPP issue, which is focused on the rehabilitation of IPP prisoners by reducing their risk. It said the plan lacked operational detail, strategic priority and ownership, and performance measures.

The report identified and discussed ongoing problems with IPP sentences:

- The committee described the psychological harm of the IPP sentence on individuals as profound and noted evidence of high levels of self-harm and suicide rates among this group. It said that the harm caused is a considerable barrier to progression for some IPP prisoners.⁶⁰

⁵⁵ [HL Deb 18 December 2023 c2074](#)

⁵⁶ [HL Deb 18 December 2023 c2063](#)

⁵⁷ [HL Deb 18 December 2023 c2065](#)

⁵⁸ [HL Deb 23 May 2024 c1214](#)

⁵⁹ Justice Committee, [IPP sentences](#), HC 266, 28 September 2022, para 4

⁶⁰ As above, paras 40-59

- The committee expressed concern over the limited availability of appropriate courses for IPP prisoners and the lack of transparency surrounding evaluations of programmes used to determine risk.⁶¹
- The committee noted resources issues within the probation service and Parole Board that were resulting in an “ineffective” parole process that poses “a significant barrier” to progression for IPP prisoners.⁶²
- The committee highlighted a “growing concern” about the population of recalled IPP prisoners and called for IPP prisoners to receive more support on release to help them reintegrate into the community.⁶³

Resentencing

The committee’s primary recommendation to the government was that it should bring forward legislation to enable a resentencing exercise for all IPP sentenced individuals (except for those who have successfully had their licence terminated). The committee concluded that this was the only way to “adequately and comprehensively” address the IPP problem.⁶⁴

The committee suggested the legislation should be guided by three key principles:

- balancing the protection of the public with justice for the individual offender
- recognising and protecting the independence of the judiciary
- ensuring that no harsher sentence is imposed retrospectively.

Many witnesses in evidence to the committee made the case for a resentencing exercise, including the former Lord Chief Justice Lord Thomas, the Sentencing Academy, APPEAL, the Centre for Crime and Justice Studies and UNGRIPP.⁶⁵ The committee acknowledged that while many expressed their support for a resentencing exercise, others, including victims of crime, noted concerns.⁶⁶

Other recommendations

The committee recommended the government publish a new IPP Action Plan to be updated annually.

The committee supported reducing the qualifying period for terminating a licence from ten years to five. It said this would “go some way to restoring

⁶¹ As above, paras 71 and 80

⁶² As above, para 93

⁶³ As above, paras 120 and 128

⁶⁴ As above, para 130

⁶⁵ As above, para 134

⁶⁶ As above, para 147

proportionality to the IPP sentence” and called on the government to legislate as soon as possible.⁶⁷

The committee said the government should “devote far greater energy to tackling the ‘recall merry go round’” so that IPP prisoners are able to live a successful life once released, avoiding unnecessary recall to prison. It said the government should examine this issue in depth, including considering the threshold for recalls, the use of executive release and the role of the Parole Board. The committee said the Parole Board should have a greater role in decision-making around recalls.⁶⁸

⁶⁷ As above, para 104

⁶⁸ As above, paras 120-121

7 Government position

7.1 The Conservative government's position

Response to the Justice Committee report

Rejection of resentencing

The government published its [response to the Justice Committee's report](#) in February 2023. The government rejected the committee's primary recommendation on resentencing. The then Justice Secretary, Dominic Raab, stated that resentencing would give rise to an unacceptable risk to public protection:

Retrospective resentencing of IPP offenders could lead to the immediate release of many offenders who have been assessed as unsafe for release by the Parole Board, many with no period of supervision in the community.

The government's long-held view is that this would give rise to an unacceptable risk to public protection and that the IPP Action Plan, suitably updated, remains the best option by which these offenders can progress towards safe release. As such, the government has no plans to conduct a resentencing exercise.⁶⁹

A new action plan and annual report

In response to the committee's recommendation for a new IPP action plan (to be updated annually), Dominic Raab said that His Majesty's Prison and Probation Service (HMPPS) had already begun reviewing the existing action plan with a focus on "improved, clear performance measures, achievable deadlines and a robust overarching governance structure".⁷⁰

The government subsequently published an updated [IPP Action Plan](#) on 26 April 2023, in the form of an attachment to a letter from the then Justice Secretary Alex Chalk to the then chair of the Justice Committee Sir Bob Neill.⁷¹ In the letter, Alex Chalk stated that the updated action plan "focuses on ensuring that HMPPS systems and processes effectively support those serving an IPP sentence towards a safe and sustainable release".⁷²

⁶⁹ Justice Committee, [IPP sentences: Government and Parole Board Responses to the Committee's Third Report](#), HC 933, 9 February 2023, p1

⁷⁰ As above

⁷¹ [Letter from the Lord Chancellor and Secretary of State for Justice on the Imprisonment for Public Protection Action Plan](#), MoJ Ref: 105108, 26 April 2023

⁷² As above

The action plan states it is underpinned by four ‘high level’ principles:

Principle 1: HMPPS monitors and publishes data on how those serving the IPP sentence are progressing through their sentences, whether in custody or the community.

Principle 2: HMPPS ensures that those serving an IPP sentence have a sentence plan specifying the required interventions to reduce risk and has access to them

Principle 3: Community provision for and management of those on an IPP licence gives people the best prospect of a future safe and sustainable life outside of the justice system.

Principle 4: HMPPS communicates effectively with all stakeholders, including engaging on current plans, activity, and outcomes.⁷³

The action plan says these principles will underpin six workstreams:

1. delivering a “core minimum service of IPP support” by prison and probation services
2. ensuring that HMPPS systems, policies and processes work well to allow progression through the HMPPS system
3. effectively supporting the parole process
4. delivering progression initiatives and interventions and addressing the specific resettlement needs of those serving an IPP sentence
5. improving tracking of the IPP population, performance monitoring, and transparency
6. improving accountability for delivery, including putting in place a new governance approach (in particular a new IPP Progression Board)

Alex Chalk said that he would “ensure that the plan delivers a real change by reducing the IPP population both in custody and in the community whilst prioritising public protection”.⁷⁴ He also said that HMPPS would “provide an annual report on progress against the IPP Action Plan actions, including the provision of relevant population data”.⁷⁵ In the letter, Alex Chalk indicated that the first such report would be published in March 2024. In April 2024 the anticipated publication date was revised to “mid-May”,⁷⁶ but the general election was then called. No report has yet been published.

[Section 67 of the Victims and Prisoners Act 2024](#) introduced a requirement for the Secretary of State to lay an annual report before Parliament about the

⁷³ [Updated IPP Action Plan](#), p2

⁷⁴ [Letter from the Lord Chancellor and Secretary of State for Justice on the Imprisonment for Public Protection Action Plan](#), MoJ Ref: 105108, 26 April 2023

⁷⁵ As above

⁷⁶ [HL3838 \[on Prison Sentences\]](#), 25 April 2024

steps taken to support those serving IPP sentences with their rehabilitation and progress towards release. In September 2024, the current Secretary of State for Justice [announced](#) that this provision will come into force on 1 November 2024.⁷⁷

Licence termination

The government initially rejected the Committee’s recommendation for a reduction of the qualifying period for terminating a licence from ten to five years.

The government’s response stated that IPP offenders could already have the supervisory element of their licence suspended after five years of continuous good behaviour in the community and said it would “review the policy and practice for suspending supervision in appropriate cases with a view to ensuring the policy considers all eligible cases at the appropriate time”.⁷⁸

However, on 16 October 2023, the then Justice Secretary Alex Chalk announced that the government was “looking at options to curtail the licence period to restore greater proportionality to IPP sentences” in line with the committee’s recommendation.⁷⁹

The government subsequently tabled a new clause at report stage of the Victims and Prisoners Act 2024 to reduce the qualifying period from ten years to three.⁸⁰ In a letter to the Chair of the Justice Select Committee, the then Prisons Minister Edward Argar said this change would “restore greater proportionality to IPP sentences” and would provide “a clear pathway to a definitive end to the licence, and therefore, the sentence”.⁸¹

Reaction to the Conservative government’s response

Rejection of resentencing

The Justice Committee expressed regret that the government had rejected its recommendation on resentencing. The then Chair of the Committee, Bob Neill said the response was “a missed opportunity to right a wrong”. He said:

We are not only disappointed with this government response but genuinely surprised. There is now a growing consensus that a resentencing exercise is the only way to comprehensively address the injustice of IPP sentences and that this can be done without prejudicing public protection.

⁷⁷ HCWS72, [Imprisonment for Public Protection: Changes to Licence](#), 5 September 2024

⁷⁸ Justice Committee, [IPP sentences: Government and Parole Board Responses to the Committee’s Third Report](#) (PDF), HC 933, 9 February 2023, p8

⁷⁹ [HC Deb 16 October 2023 c61](#)

⁸⁰ [HC Deb 4 December 2023 c99](#)

⁸¹ [Letter sent by the Prisons Minister to the Justice Select Committee](#), 28 November 2023. See sections 1 and 4.4 for more detail on the changes made by the 2024 act.

Our report said this nettle needed to be grasped by all three branches of the State – Government, Parliament and the Judiciary.

But the government has not listened. The nettle has not been grasped and, as a result, these people will remain held in an unsustainable limbo.⁸²

Campaigning organisations the Prison Reform Trust and the Howard League for Penal Reform called the government’s response “wholly inadequate” and “pitiful”.⁸³ UNGRIPP described the response as having “abjectly failed to deliver justice”.⁸⁴

The [Independent Advisory Panel on Deaths in Custody](#) said that it shared the Justice Committee's disappointment with the government’s response.⁸⁵ The British Psychological Society's Division of Forensic Psychology also said it was disappointed by the government rejection of a resentencing exercise.⁸⁶

A new action plan

The Centre for Crime and Justice Studies described the updated IPP Action Plan as “misnamed and underpowered” and said it “fails to take proper account of the mental health and psychological challenges” experienced by IPP prisoners.⁸⁷ It published an alternative [five-point IPP plan](#) that called on the government to:

1. Release the most distressed prisoners on compassionate grounds.
2. Launch a recovery and reparations programme for IPP prisoners.
3. Ease restrictions for over-tariff IPP prisoners still in custody.
4. Commit to a legislative review of all forms of preventive detention.
5. Legislate for the “systematic commutation of IPP cases in broad categories”.⁸⁸

Licence termination

The Justice Committee welcomed the government’s decision to reduce the qualifying period for terminating a licence from ten years to three. However, it

⁸² Justice Committee, press release, [MPs regret government rejecting review of IPP sentences](#), 9 February 2023

⁸³ Prison Reform Trust, [PRT comment: Government’s response to IPP sentence report ‘wholly inadequate’](#), 9 February 2023 and Howard League for Penal Reform, [Howard League responds to government’s rejection of Justice Committee’s IPP recommendations](#), 9 February 2023

⁸⁴ UNGRIPP, [Raab fails to deliver justice on IPP – a cowardly, and ineffectual act](#), 9 February 2023

⁸⁵ [Independent Advisory Panel on Deaths in Custody tweet](#), 13 February 2023

⁸⁶ [British Psychological Society’s Division of Forensic Psychology tweet](#), 13 February 2023

⁸⁷ Centre for Crime and Justice Studies, [How to resolve the IPP crisis for good](#) (PDF), 22 February 2024, p4

⁸⁸ As above

warned that the changes “do not go far enough” and that a full re-sentencing exercise for all IPP prisoners was still needed.⁸⁹

The Howard League for Penal Reform said that whilst the announcement was a “step in the right direction” and would “come as a relief to some”, the issue of IPPs “is a long way from being resolved”.⁹⁰

Andrew Neilson, Director of Campaigns at the Howard League for Penal Reform, said the changes would have limited impact on serving IPP prisoners:

The changes will do little to help 1,200 people in prison who have never been released, and they will deal a further blow to 1,600 people who have been released on licence but since recalled. For them, an end to this shameful saga remains out of sight.⁹¹

The Centre for Crime and Justice Studies observed that the government’s decision to reduce the qualifying period “will not solve the crisis due to the high number of recalls occurring within the first five years” and would “do nothing to expedite the release of the nearly 3,000 IPP prisoners currently behind bars”.⁹²

7.2

The Labour government’s position

In May 2024, the then Shadow Minister for Victims and Sentencing, Kevin Brennan, set out Labour’s position on IPP sentences during a debate on the Victims and Prisoners Bill:

IPPs are and were a stain on our nation’s criminal justice system, and we have acknowledged our role in the past.

Progress for those remaining on IPP sentences and on licence in the community is pivotal.

We want to ensure that any solutions proposed are robust and assessed with public safety properly in mind.

In government, Labour will work at pace to make progress and will consult widely to ensure that our actions for those on IPP sentences are effective, in their interest and based on the evidence in front of us.⁹³

Lord Ponsonby of Shulbrede, then Labour’s Justice and Home Affairs spokesperson in the House of Lords, had previously indicated that Labour did

⁸⁹ Justice Committee, press release, [MoJ reforms on IPPs welcome but do not go far enough. Justice Committee warns](#), 1 December 2023

⁹⁰ Howard League for Penal Reform, press release, [We will keep fighting for the release of people serving IPP sentences](#), 28 November 2023

⁹¹ Howard League for Penal Reform, press release, [Howard League responds to government announcement on IPP sentences](#), 28 November 2023

⁹² Centre for Crime and Justice Studies, [How to resolve the IPP crisis for good](#), 22 February 2024

⁹³ [HC Deb 24 May 2024 c1151](#)

not support the resentencing of IPP prisoners as had been recommended by the Justice Committee.⁹⁴

Post-election developments

In July 2024, a Ministry of Justice spokesperson set out the new Lord Chancellor’s position on IPP sentences:

It is right that IPP sentences were abolished. The Lord Chancellor is committed to working with organisations and campaign groups to ensure the appropriate course of action is taken to support those still serving IPP sentences.⁹⁵

In September 2024, the Secretary of State for Justice Shabana Mahmood announced a phased commencement of the IPP measures of the Victims and Prisoners Act 2024, which include reducing the qualifying period from ten years to three and the introduction of a presumption that the IPP licence will be terminated by the Parole Board at the end of the three-year period.⁹⁶

In her statement, the Secretary of State for Justice said she wanted to make “progress towards a safe and sustainable release” for IPP prisoners but “not in a way that impacts public protection”.⁹⁷

On 21 October 2024, the government announced an [independent review of sentencing](#), to be led by former Lord Chancellor David Gauke.⁹⁸ However, the review’s [terms of reference](#) state that it will not cover IPP sentences as the government considers this issue is “best-placed to be progressed outside of the review”.⁹⁹

7.3

Renewed calls for government action

Shortly after the 2024 general election, a group of 69 campaigners, organisations and academics sent the government a joint letter calling for urgent IPP reform.¹⁰⁰ The letter called on the Labour government to do the following, within the first 100 days of the new Parliament:

1. Bring all the IPP-related provisions in the Victims and Prisoners Act 2024 into force.

⁹⁴ [HL Deb 29 April 2024 c1706](#)

⁹⁵ BBC News, [Prison crisis will force indeterminate sentence change](#) 12 July 2024

⁹⁶ HCWS72, [Imprisonment for Public Protection: Changes to Licence](#), 5 September 2024. See sections 1 and 4.4 of this briefing for further details.

⁹⁷ As above

⁹⁸ Gov.uk, [Landmark Sentencing Review launched to end prison crisis](#), 21 October 2024

⁹⁹ Gov.uk, [Independent Sentencing Review 2024 to 2025](#), 21 October 2024

¹⁰⁰ UNGRIPP and others, [Joint letter to the Secretary of State for Justice on reform of the Imprisonment for Public Protection Sentence](#) (PDF), 11 July 2024

2. Publish the first annual report on IPP, which was due to be published by the end of March 2024.
3. Make a ministerial statement to Parliament, setting out the new Government's plans and timetable to address all the outstanding challenges affecting those under an IPP sentence.
4. Commit to set up an expert committee, in line with the recommendation of the former Justice Select Committee, to advise on the practicalities of a resentencing exercise, with the aim of beginning the exercise within 18 months.¹⁰¹

In September 2024, Lord Woodley (Labour) introduced a private member's bill to the House of Lords. The [Imprisonment for Public Protection \(Re-sentencing\) Bill \[HL\]](#) would require the Lord Chancellor to "make arrangements to ensure every individual serving an IPP sentence, whether in prison or the community, has been re-sentenced within 24 months of the day on which this Act is passed".¹⁰²

Speaking to the Independent, Lord Woodley said that although ministers were not yet "on the same page" regarding his proposals for a resentencing exercise, he believed there was still "everything to play for" as they shared his "determination to end the scandal of the IPP sentence once and for all".¹⁰³

The Independent also reported that Andy Slaughter, the newly elected chair of the Justice Committee, has indicated "the new committee may look at readopting [the resentencing] recommendation in the coming months".¹⁰⁴

There have also been calls for the government to look at IPP prisoners as part of wider measures to tackle the current prison capacity crisis.¹⁰⁵ For example, five senior former judges have identified "urgent and decisive action to safely release all IPPs ... who are over-tariff, with suitable support in the community upon release" as one measure to accelerate routes out of custody.¹⁰⁶

Richard Garside, director of the Centre for Crime and Justice Studies, has argued that resentencing all IPP prisoners would "go some way to heading off the medium-term prison capacity crisis that is headed the government's way".¹⁰⁷

¹⁰¹ [Joint letter to the Secretary of State for Justice on reform of the Imprisonment for Public Protection Sentence](#), 11 July 2024

¹⁰² Private Members' Bills introduced in the Lords are unlikely to become law without government support. See [Private Members' Bills in the Lords](#) on the Parliament website for details.

¹⁰³ "[Labour will have 'blood on its hands' if it rejects review of indefinite jail terms](#)", Independent, 30 September 2024

¹⁰⁴ As above

¹⁰⁵ See the Commons Library article [Will prisons run out of space?](#), 16 July 2024, for further background on prison capacity.

¹⁰⁶ Howard League (Lord Woolf, Lord Phillips of Worth Matravers, Lord Thomas of Cwmgiedd, Lord Burnett of Maldon, Sir Brian Leveson), [Sentence inflation: a judicial critique](#) (PDF), 6 September 2024, p12

¹⁰⁷ Centre for Crime and Justice Studies, [Latest attempt to reform IPP reaches House of Lords](#), 4 September 2024

8

Appendix: data table

Population of unreleased and recalled IPP prisoners

Snapshot on a single day per year; England and Wales

	IPP prisoners		Total	Total prison population
	Unreleased	Recalled		
30-Jun-04	0	.	0	74,488
30-Jun-05	24	.	24	76,190
30-Jun-06	1,079	.	1,079	77,982
30-Jun-07	2,859	.	2,859	79,734
30-Jun-08	4,461	.	4,461	83,194
30-Jun-09	5,240	.	5,240	83,391
30-Jun-10	5,659	.	5,659	85,002
30-Jun-11	6,056	.	6,056	85,374
30-Jun-12	6,080	.	6,080	86,048
30-Jun-13	5,617	.	5,617	83,842
30-Jun-14	5,118	.	5,118	85,509
30-Jun-15	4,614	426	5,040	86,193
30-Jun-16	3,998	621	4,619	85,134
30-Jun-17	3,353	760	4,113	85,863
30-Jun-18	2,745	928	3,673	82,773
30-Jun-19	2,315	1,114	3,429	82,710
30-Jun-20	1,969	1,359	3,328	79,514
30-Jun-21	1,722	1,332	3,054	78,324
30-Jun-22	1,492	1,434	2,926	80,659
30-Jun-23	1,312	1,597	2,909	85,851
31-Mar-24	1,180	1,616	2,796	87,869

Source: MoJ, [Offender management statistics quarterly: October to December 2023](#), tables 1.Q.1 and 1.Q.14; [Offender management statistics quarterly](#), April-June 2022 (table A15) and October - December 2022 (tables 1.1 and 1.9a)

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