



HL Bill 19 of 2024–25

## Imprisonment for Public Protection (Re-sentencing) Bill [HL]

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The House of Lords is due to debate the [Imprisonment for Public Protection \(Re-sentencing\) Bill \[HL\]](#) at second reading on 15 November 2024. This is a private member's bill sponsored by Lord Woodley (Labour). The bill would require the government to make arrangements to ensure those serving sentences of imprisonment for public protection (IPP sentences) have been resentenced within 24 months of the act being passed. This would apply to all individuals serving IPP sentences, whether in prison or on licence in the community. The government would also be required to establish a committee to provide advice regarding the discharge of this duty.

IPP sentences were indeterminate sentences designed to protect the public from serious offenders whose crimes did not merit a life sentence. They were abolished in 2012 following several years of criticism, including about the impact on IPP prisoners' release prospects. However, the abolition did not apply retrospectively to people who had already received such a sentence. The government's latest prison population data showed that on 30 September 2024 there were 1,095 offenders still serving an IPP sentence who had never been released from prison on licence.

In 2022, the House of Commons Justice Committee raised various concerns about those who were still serving IPP sentences. This included psychological harm to prisoners caused by the indefinite nature of the sentence, as well as a limited availability of appropriate courses for prisoners to demonstrate to the Parole Board that they were safe to be released on licence. The committee recommended that the government introduce legislation to enable the resentencing of all IPP prisoners. However, the Conservative government rejected this idea on public protection grounds. Since then, various parliamentarians, representative bodies and campaign groups have continued to call for IPP resentencing. The new Labour government has said that it would also not support a resentencing exercise.

If enacted, this bill would implement the Justice Committee's recommendation from 2022 for the resentencing of all those still serving an IPP sentence.





## I. Background to the bill

### I.1 Sentences of imprisonment for public protection (IPP sentences)

IPP sentences are a type of indeterminate sentence that courts could impose between 2005 and 2012.<sup>1</sup> They were introduced by the [Criminal Justice Act 2003](#). They could be given to an offender convicted of one or more specified serious violent or sexual offences (offences carrying a maximum sentence of 10 years or more) where the court considered the offence did not merit a life sentence, but the offender posed a significant risk of serious harm to the public in the future. An IPP sentence works as follows:

- The offender must serve a minimum period in custody set by the court, known as a ‘tariff’, before they can become eligible for parole.
- Once the offender has served their tariff, they remain in custody until the Parole Board decides they are no longer a risk to the public.
- The offender is then released on licence, subject to licence conditions. While they are on licence, they could be recalled to prison if they breach their licence conditions, commit further offences or the Probation Service deems it appropriate for public protection.

### I.2 Early criticism of IPP sentences

IPP sentences have been subject to criticism since they were first introduced. Some of the earliest issues identified were that:<sup>2</sup>

- the provision was too broad and caught up less serious offenders
- the number of IPP prisoners with short tariffs put a strain on the prison and parole systems because prisoners could not access interventions that they needed in order to demonstrate that they were no longer a risk to society

To address some of these concerns, the previous Labour government used the Criminal

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<sup>1</sup> Home Office, [‘Imprisonment for public protection: Police, Crime, Sentencing and Courts Act 2022 factsheet’](#), 20 August 2022.

<sup>2</sup> House of Commons Library, [‘Sentences of imprisonment for public protection’](#), 22 October 2024, p 11.



Justice and Immigration Act 2008 to minimise the number of IPP sentences handed down by courts.<sup>3</sup> It introduced a new seriousness threshold that had to be satisfied before a court could impose an IPP sentence.

However, concerns about IPP sentences persisted, including from the subsequent coalition government. In 2011, then Prime Minister David Cameron described IPP sentences as “unclear, inconsistent and uncertain”.<sup>4</sup> He said they were “unclear” because a large proportion of the public did not understand what IPP sentences were or how they worked. They were “inconsistent” because they could mean that two people who committed the same crime could receive different punishments. Finally, he said they were “uncertain” because victims and their families had no certainty about when the offender could be released. Mr Cameron committed the government to reviewing the system with a view to replacing it with an alternative sentencing regime.

IPP sentences have also been the subject of legal challenge. In 2012, the European Court of Human Rights ruled that there had been a failure to make appropriate provision for rehabilitation services for three prisoners serving IPP sentences.<sup>5</sup> It said this had meant their detention was “arbitrary” and had breached their right to protection from unlawful deprivation of liberty.

IPP sentences were subsequently abolished by the coalition government in 2012.<sup>6</sup> However, the abolition did not apply retrospectively to people who had already received such a sentence. Since 2012, successive governments have reformed IPP sentences in various ways, including changes to the termination of IPP licences.<sup>7</sup>

### **1.3 Latest data on IPP offenders who are still in prison**

The courts imposed a total of 8,711 IPP sentences (some offenders received more than one).<sup>8</sup> Although it is over a decade since they were abolished, thousands of people are still in prison serving an IPP sentence. The government’s latest data showed that on 30 September

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<sup>3</sup> House of Lords Library, [‘Sentences of imprisonment for public protection: Updated action plan’](#), 19 May 2023.

<sup>4</sup> Cabinet Office et al, [‘PM’s press conference on sentencing reforms’](#), 21 June 2011.

<sup>5</sup> [James, Wells and Lee v UK \(App nos 25119/09, 57715/09 and 57877/09\) \(2012\) ECHR 1706.](#)

<sup>6</sup> House of Lords Library, [‘Sentences of imprisonment for public protection: Updated action plan’](#), 19 May 2023.

<sup>7</sup> More information on these reforms can be found in the House of Lords Library briefing [‘Sentences of imprisonment for public protection: Updated action plan’](#) (19 May 2023).

<sup>8</sup> House of Commons Justice Committee, [‘Written evidence submitted by the Ministry of Justice \(IPP0179\)’](#), 8 September 2022.



2024, there were 1,095 offenders still serving an IPP sentence who had never been released from prison on licence.<sup>9</sup> This was 14% lower than the previous year. Of these unreleased prisoners who have served their minimum tariff period, around two-thirds have been held for at least 10 years beyond the end of their tariff. There were a further 1,599 offenders subject to IPP sentences who were in prison having been recalled to custody. This was 3% lower than the previous year.

## **1.4 Ongoing issues with IPP sentences**

### **1.4.1 House of Commons Justice Committee report on IPP sentences (2022)**

A report by the House of Commons Justice Committee published in 2022 described IPP sentences as “irredeemably flawed”.<sup>10</sup> It argued that “whilst there have been some efforts made in the last 10 years to reduce the IPP prison population [...] not enough has been done”.<sup>11</sup> It said “the problem is becoming more significant and pressing due to the increasing number of released IPP sentenced individuals being recalled back to prison”. It identified several problems, including:<sup>12</sup>

- psychological harm to prisoners caused by the indefinite nature of the sentence, leading to high levels of self-harm and some suicides within the IPP population and barriers to progressing to release
- limited availability of appropriate courses for IPP prisoners
- lack of transparency around the evaluation of programmes that the prison and probation service and the Parole Board rely on to help determine risk
- resource issues within the probation service and Parole Board, resulting in an “ineffective” parole process that poses “a significant barrier” to progression for IPP offenders
- a “growing concern” about the population of recalled IPP prisoners, such as questions about what the threshold for recall should be and whether IPP prisoners receive enough support on release to help them reintegrate into the community

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<sup>9</sup> Ministry of Justice, ‘[Offender management statistics quarterly: April to June 2024](#)’, 31 October 2024.

<sup>10</sup> House of Commons Justice Committee, ‘[IPP sentences](#)’, 28 September 2022, HC 266 of session 2022–23, p 51.

<sup>11</sup> As above, p 4.

<sup>12</sup> House of Lords Library, ‘[Sentences of imprisonment for public protection: Updated action plan](#)’, 19 May 2023.



To address these concerns, the committee's primary recommendation was for the government to introduce legislation to allow a resentencing exercise for all those serving IPP sentences.<sup>13</sup> It said primary legislation that dealt retrospectively with the continued operation of IPP sentences and allowed a resentencing exercise to be undertaken was the only way to achieve a "comprehensive and adequate solution". However, the committee acknowledged that a resentencing exercise would be administratively complex. As such, it also recommended the government establish an expert committee to advise on the practical implementation of the exercise.

Some membership associations, campaign groups and think tanks have also called for a resentencing exercise. The British Psychological Society and the Probation Institute said they supported the Justice Committee's recommendation and called for every person still serving an IPP sentence "to receive a new sentence that balances justice with public protection".<sup>14</sup> Research charity the Sentencing Academy said a resentencing exercise would "finally remedy the issue with IPP sentence prisoners".<sup>15</sup> In addition, Donna Mooney, campaigner at IPP awareness organisation UNGRIPP, said it would "restore a sense of justice and proportionate punishment".<sup>16</sup> Criminal justice charity the Centre for Crime and Justice Studies (CCJS) said that whilst there were other options for addressing the IPP problem, resentencing was the "least that can be reasonably expected" given the "unjust and oppressive failings" of the IPP process.<sup>17</sup>

Whilst many have expressed support for a resentencing exercise of some kind, others have raised concerns. For example, the committee received submissions from victims of crime who had voiced concerns for their safety and the safety of others should their offender be resentenced and subsequently released.<sup>18</sup> Additionally, probation and family courts trade union Napo raised concerns about the number of prisoners that would be immediately eligible for release if resentenced and argued there was a lack of community resources to support this.<sup>19</sup> The Prison Reform Trust also highlighted that, whilst a resentencing exercise

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<sup>13</sup> House of Commons Justice Committee, '[IPP sentences](#)', 28 September 2022, HC 266 of session 2022–23, p 52.

<sup>14</sup> British Psychological Society, '[Government urged to resentence people on IPP sentences which cause psychological harms](#)', 26 April 2023.

<sup>15</sup> House of Commons Justice Committee, '[Written evidence submitted by the Sentencing Academy \(IPP0067\)](#)', 8 December 2021.

<sup>16</sup> House of Commons Justice Committee, '[Written evidence submitted by Donna Mooney \(IPP0037\)](#)', 23 November 2021.

<sup>17</sup> House of Commons Justice Committee, '[Written evidence submitted by the Centre for Crime and Justice Studies \(IPP0049\)](#)', 15 December 2021.

<sup>18</sup> House of Commons Justice Committee, '[IPP sentences](#)', 28 September 2022, HC 266 of session 2022–23, p 50.

<sup>19</sup> As above, p 51.



was the preferred solution, it could place a strain on the judiciary and criminal justice agencies.

The committee's report included various other recommendations in addition to a resentencing exercise, including that the government develop a new IPP action plan and reduce the qualifying period for an IPP licence termination review by the Parole Board from 10 years to five.<sup>20</sup>

#### **1.4.2 Conservative government's response to the Justice Committee's report (February 2023)**

Responding to the committee's report in February 2023, the Conservative government confirmed it had no plans to conduct a resentencing exercise.<sup>21</sup> It said it was the government's long-held view that resentencing would create unacceptable risk to public protection. It warned that retrospective resentencing could lead to the immediate release of offenders who had been assessed as unsafe for release by the Parole Board.

However, the government accepted some of the committee's other recommendations. For example, it said an updated IPP action plan would be the best option to support IPP offenders being released. The government shared its updated IPP action plan with the committee in April 2023.<sup>22</sup> The plan included key principles and workstreams that the then justice secretary, Alex Chalk, said would "deliver the best possible opportunities for those serving an IPP sentence to progress towards a safe and sustainable release".

In response, the then Justice Committee chair, Sir Robert Neill (then Conservative MP for Bromley and Chislehurst), said the "complete inadequacy" of the government's response to the committee's report was a "grave" matter.<sup>23</sup> Sir Robert suggested that the government had not engaged with the evidence that informed the committee's recommendations and had not provided evidence to support its own positions, particularly in rejecting undertaking a resentencing exercise. However, he welcomed the publication of the new action plan.<sup>24</sup>

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<sup>20</sup> As above, pp 58–9.

<sup>21</sup> House of Commons Justice Committee, '[IPP sentences: Government and Parole Board responses to the committee's third report](#)', 9 February 2023, HC 933 of session 2022–23, p 1.

<sup>22</sup> Ministry of Justice, '[Letter to Sir Robert Neill MP ref the imprisonment for public protection \(IPP\) action plan](#)', 26 April 2023.

<sup>23</sup> [HC Hansard, 27 April 2023, col 437WH](#).

<sup>24</sup> More information about the updated action plan can be found in the House of Lords Library briefing '[Sentences of imprisonment for public protection: Updated action plan](#)' (19 May 2023).



## 1.5 Recent calls for IPP resentencing

Various calls for resentencing of IPP prisoners were raised in Parliament during the passage of the Conservative government's Victims and Prisoners Act 2024. This included amendments not moved in the Commons and withdrawn in the Lords that would have added the Justice Committee's 2022 recommendation for IPP resentencing to the bill.<sup>25</sup> During the House of Commons second reading of the bill in May 2023, Sir Robert Neill urged the government to use the bill as a way of introducing a resentencing exercise.<sup>26</sup> During the same debate, Alex Chalk said he was "considering carefully" what the Justice Committee had said about the issue and would say more about this "in due course".<sup>27</sup>

Resentencing was also raised during the bill's proceedings in the House of Lords. The former lord chief justice of England and Wales, Lord Thomas of Cwmgiedd (Crossbench), argued that resentencing was the "only just cause".<sup>28</sup> He said there was a strongly held view that the reason some IPP prisoners were dangerous was because "the state has failed them: first, by the imposition of this [IPP] sentence, which is accepted to be wrong in principle, and secondly, by for years doing nothing about it". Other members also expressed support for a resentencing exercise.<sup>29</sup> Despite these calls, the government rejected the idea based on the risk it said it would pose to the public.<sup>30</sup>

More recently, in July 2024, 69 representatives from across criminal justice organisations, campaign groups, trade unions, think tanks and law firms including UNGRIPP, IPP Committee in Action and the Prison Reform Trust called on the new Labour government to urgently introduce IPP reform.<sup>31</sup> The group also called for the government to set up an expert committee to advise on the practicalities of a resentencing exercise.

Prison charity the Howard League for Penal Reform has also stated that addressing the situation of post-tariff IPP prisoners could help to reduce prison capacity issues.<sup>32</sup> It said the

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<sup>25</sup> UK Parliament, '[Sir Robert Neill's amendment at report stage \(amendment no NCI\)](#)'; and '[Baroness Fox of Buckley's amendment, after clause 48 \(amendment no 167\)](#)', accessed 6 November 2024.

<sup>26</sup> [HC Hansard, 15 May 2023, cols 605–6.](#)

<sup>27</sup> [HC Hansard, 15 May 2023, col 592.](#)

<sup>28</sup> [HL Hansard, 18 December 2023, col 2063.](#)

<sup>29</sup> [HL Hansard, 18 December 2023, col 2104.](#)

<sup>30</sup> [HL Hansard, 18 December 2023, col 2134.](#)

<sup>31</sup> UNGRIPP et al, '[Joint letter to the secretary of state for justice on reform of the imprisonment for public protection sentence](#)', 11 July 2024.

<sup>32</sup> Howard League for Penal Reform, '[Grasping the nettle: Options for a lasting solution to the prison capacity crisis](#)', 10 July 2024.



incoming government should find ways to expedite the safe release of post-tariff IPP prisoners because it could “free up almost 3,000 prison places”.

## 1.6 The Labour government’s position on IPP resentencing

The government recently set out its position on IPP resentencing in a letter to CCJS Director Richard Garside.<sup>33</sup> In the letter, Sir Nic Dakin, parliamentary under secretary of state for justice, and Lord Timpson, minister of state for prisons, probation and reducing reoffending, said that the government would not undertake a resentencing exercise. In comments similar to those made by the previous government, the ministers stated that resentencing would lead to the automatic release of some prisoners who the Parole Board had already assessed to be too dangerous for release. However, the letter said that the government had committed to “redouble” its efforts in supporting those in custody to reduce their risk and move towards a safe and sustainable release.

In response, the CCJS challenged the government’s assertions that resentencing would mean dangerous prisoners would be automatically released.<sup>34</sup> It argued that legislation to introduce a resentencing exercise could include requirements for post-release support and supervision. The CCJS also described the pace of IPP prisoner releases as “painfully slow” and called into question the government’s claim that it was working at pace to resolve the IPP issues.

## 2. Imprisonment for Public Protection (Re-sentencing bill) [HL]

On 4 September 2024, Lord Woodley (Labour) introduced the [Imprisonment for Public Protection \(Re-sentencing\) Bill \[HL\]](#) to the House of Lords. If enacted, this private member’s bill would require the government to make arrangements to ensure all offenders serving IPP sentences have been resentenced within 24 months of the act being passed. Lord Woodley said the bill sought to mirror the amendments tabled to the Victims and Prisoners Act 2024 in the Commons and the Lords and give a statutory footing to the IPP resentencing recommendations made by the House of Commons Justice Committee in 2022.<sup>35</sup> During an interview with the Independent, Lord Woodley acknowledged that the government did not

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<sup>33</sup> Ministry of Justice, ‘[Letter to Richard Garside, director of the Centre for Crime and Justice Studies, ref imprisonment for public protection](#)’, 31 October 2024.

<sup>34</sup> Centre for Crime and Justice Studies, ‘[Concern over slow release of IPP prisoners](#)’, 31 October 2024.

<sup>35</sup> Text provided by Lord Woodley to the House of Lords Library.





support the bill's proposals for a resentencing exercise.<sup>36</sup> However, he said there was still “everything to play for” because ministers shared his “determination to end the scandal of the IPP sentence once and for all”. The newly elected chair of the Justice Committee, Andy Slaughter (Labour MP for Hammersmith and Chiswick), is also reported to support a resentencing exercise.<sup>37</sup> Mr Slaughter said the new Justice Committee could look at readopting the previous Justice Committee's recommendation for a resentencing exercise in the coming months.

## 2.1 Measures in the bill

**Clause 1** would require the lord chancellor to make arrangements to ensure those serving IPP sentences have been resentenced within 24 months of the act being passed. This duty would apply to all individuals serving IPP sentences, whether in prison or in the community.

The lord chancellor would need to establish a committee that could provide advice regarding the discharge of this duty. The committee would include a judge nominated by the lord chief justice. Within 12 months of being appointed, the committee would be required to lay a report before Parliament setting out the resentencing process. The committee would be disbanded once all individuals serving IPP sentences have been resentenced. If the lord chancellor considered appropriate, they could choose to disband the committee after the report has been laid before Parliament.

Once the lord chancellor had initiated arrangements for the resentencing, a court that imposed an IPP sentence would be required to resentence the person for the original offence. The court could not impose a more severe sentence than the tariff that was imposed for the original offence.<sup>38</sup>

**Clause 2** would define the act's key terms, specifically “IPP sentence” and “original offence”.

**Clause 3** would extend the act to England and Wales only. It would come into force after two months beginning on the day the bill is passed.

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<sup>36</sup> Amy-Claire Martin and Millie Cooke, [‘Labour will have ‘blood on its hands’ if it rejects review of indefinite jail terms’](#), Independent, 30 September 2024.

<sup>37</sup> As above.

<sup>38</sup> The bill would define the ‘original offence’ to mean the offence in relation to which the IPP sentence was imposed.



## 2.2 Reaction to the bill

The bill has received a positive reaction from criminal justice organisations and parliamentarians since its introduction. Richard Garside, director of the CCJS, argued that the bill's provisions would “go some way to heading off the medium-term prison capacity crisis”.<sup>39</sup> If enacted, he said the bill would result in the “swift and more than justified release” of the majority of IPP prisoners. The Prison Officers' Association and other campaigners are also reported to support the bill, according to the Independent.<sup>40</sup>

Lord Blunkett (Labour)—who was home secretary when IPP sentences were first introduced—is said to have backed the bill.<sup>41</sup> According to the New Law Journal, Lord Blunkett said the bill made sense not only “in terms of dealing with the human tragedy of individuals and their families” but also “where possible, relieving pressure on the beleaguered criminal justice system”. Several backbench MPs have also recently put on record their support for the bill during a Westminster Hall debate on IPP sentences.<sup>42</sup>

## 3. Recent Labour government announcements on IPP sentence reform

The Labour government has recently announced other IPP sentence reforms. On 5 September 2024, a statement by Justice Secretary Shabana Mahmood set out her intention to bring the IPP measures in the Victims and Prisoners Act 2024 into force.<sup>43</sup> She said these measures would be introduced in two phases—on 1 November 2024 and 1 February 2025 respectively—and include a reduction to the qualifying period for an IPP licence termination review by the Parole Board from 10 to three years. The government said the impact of this change would mean around 1,800 IPP licences would be automatically terminated on 1 November, representing around two-thirds of those on licence as of March 2024.<sup>44</sup> Other measures introduced on 1 November 2024 included a requirement for the secretary of state

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<sup>39</sup> Centre for Crime and Justice Studies, [‘Why IPP reform is key to averting the next prisons crisis’](#), 2 September 2024.

<sup>40</sup> Amy-Claire Martin, [‘IPP scandal: Call for free vote on bill to end ‘living nightmare’ of indefinite jail terms’](#), Independent, 9 September 2024.

<sup>41</sup> New Law Journal, [‘Resentencing for IPP prisoners?’](#), 4 September 2024.

<sup>42</sup> [HC Hansard, 20 October 2024, cols 222–44WH](#).

<sup>43</sup> House of Commons, [‘Written statement: Imprisonment for public protection: Changes to licence \(HCWS72\)’](#), 5 September 2024.

<sup>44</sup> Ministry of Justice, [‘Letter to Richard Garside, director of the Centre for Crime and Justice Studies, ref imprisonment for public protection’](#), 31 October 2024.



to lay an annual report before Parliament about the steps taken to progress those serving IPP sentences towards a safe release.<sup>45</sup>

In the government's letter to CCJS Director Richard Garside on 31 October 2024, it said the Ministry of Justice planned to publish an updated IPP action plan and lay an IPP annual report in Parliament "in the coming weeks".<sup>46</sup> The justice secretary is also expected to lay the first statutory IPP annual report in 2025 setting out the government's progress made up until the end of March 2025.

The justice secretary has said she wanted to make progress towards a "safe and sustainable release" for those serving IPP sentences, "but not in a way that impacts public protection".<sup>47</sup> Ms Mahmood committed to continuing to monitor progress in this area. Additionally, she said the government would consult expert organisations to "ensure the right course of action is taken to support those serving IPP sentences".

## 4. Read more

- House of Commons Library, '[Sentences of imprisonment for public protection](#)', 22 October 2024
- House of Lords Library, '[Sentences of imprisonment for public protection: Updated action plan](#)', 19 May 2023
- House of Lords Library, '[Sentences of imprisonment for public protection](#)', 7 October 2022
- House of Lords Library, '[Current affairs digest: Law \(February 2024\)](#)', 6 February 2024
- House of Lords Library, '[Addressing prison capacity pressure](#)', 4 September 2024

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<sup>45</sup> House of Commons, '[Written statement: Imprisonment for public protection: Changes to licence \(HCWS72\)](#)', 5 September 2024.

<sup>46</sup> Ministry of Justice, '[Letter to Richard Garside, director of the Centre for Crime and Justice Studies, re: imprisonment for public protection](#)', 31 October 2024.

<sup>47</sup> House of Commons, '[Written statement: Imprisonment for public protection: Changes to licence \(HCWS72\)](#)', 5 September 2024.

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