



Justice Committee

Sir Nic Dakin MP

Parliamentary Under Secretary of State at the Ministry of Justice

Lord Timpson

Minister of State for Prisons,
Probation and Reducing Reoffending

By email only

22 November 2024

Dear Nic and James,

IMPRISONMENT FOR PUBLIC PROTECTION

Thank you for your letter dated 31 October regarding the commencement of the changes to the Imprisonment for Public Protection (IPP) licence period, and the Government's position on resentencing.

Licence period

The Committee welcomes the Government's decision to commence the changes to the licence period for those serving IPP sentences which were enacted in the last Parliament. As you are no doubt aware, the Justice Committee's 2022 report on IPP sentences originally recommended reducing the qualifying licence period for IPP prisoners from 10 years to 5 years.¹ Having initially rejected that recommendation, the previous government then decided to go beyond the Committee's original recommendation and propose a reduction to 3 years, which Parliament enacted in the Victims and Prisoners Act 2024.

The Government's position on resentencing of IPP prisoners

In 2022, the Justice Committee recommended that "the Government bring forward legislation to enable a resentencing exercise in relation to all IPP sentenced individuals".² Your letter sets out the Government's position on resentencing of IPP prisoners and states "that the Government will not resentence those serving IPP sentences". The Committee welcomes the fact that the Government has looked again at the Committee's recommendation, however the explanation given in the

¹ Para 105

² Justice Committee, IPP sentences, (Third Report 2022-23; HC 266) September 2022 para 152



Justice Committee

letter indicates that the Government may have misunderstood the Committee's original recommendation on resentencing.

The letter states: "Resentencing through legislation to provide a definite release date and licence on release would result in offenders still in custody being released automatically". The letter also states: "Resentencing by the court would likely result in most offenders still in custody being released without any licensed supervision". In our view, it is clear that neither of those approaches are in line with the Committee's recommendation on resentencing.

The Justice Committee's recommendation on resentencing was carefully calibrated. The Committee's 2022 report contained the following recommendation:

Our primary recommendation is that the Government brings forward legislation to enable a resentencing exercise in relation to all IPP sentenced individuals (except for those who have successfully had their licence terminated). This is the only way to address the unique injustice caused by the IPP sentence and its subsequent administration, and to restore proportionality to the original sentences that were given.³

[...]

We have not sought to set out the terms of the proposed legislation to enable the resentencing exercise, which will ultimately be for Parliament to consider. We do, however, recommend that it should comply with the key principles that we set out below. We also appreciate that establishing a resentencing exercise will be administratively complex. Accordingly, we recommend that the Government set up a time-limited small expert committee to advise on the practical implementation of the resentencing exercise in conjunction with the senior judiciary.⁴

The Committee outlined the following principles that the exercise should comply with:

- balancing the protection of the public with justice for the individual offender;
- recognising and protecting the independence of the judiciary; and
- ensuring that no harsher sentence is imposed retrospectively.⁵

Crucially, the Committee also emphasised that resentencing would not mean the automatic release all IPP prisoners:

Nevertheless, in seeking to balance the protection of the public against justice for the individual offender, it is important to note that it should not be assumed

³ Justice Committee, IPP sentences, (Third Report 2022-23; HC 266) September 2022 para 152

⁴ Justice Committee, IPP sentences, (Third Report 2022-23; HC 266) September 2022 para 154

⁵ Justice Committee, IPP sentences, (Third Report 2022-23; HC 266) September 2022 para 155



Justice Committee

a resentencing exercise would automatically result in the swift release of all IPP prisoners. There are likely to be a number of prisoners who would remain in custody serving extended determinate sentences, whether because of the seriousness of their original offence, or because of their ongoing risk to public protection.⁶

To summarise, the Justice Committee's recommendation deliberately refrained from prescribing the precise terms of any resentencing exercise or the legislation that would enable it to take place. Instead, the Committee suggested that an expert committee be appointed to devise a scheme for resentencing that respects certain core principles, including the protection of the public. The proposed expert committee would need to produce a scheme that is carefully crafted to deal with the particular circumstances of the IPP sentence. Further the Committee expressly acknowledged that any resentencing scheme would not necessarily result in the release of all serving IPP prisoners. Given the paramount importance of protecting the public, we would expect that any scheme to emerge from such an expert committee would want to avoid the problems that the letter suggested would be a necessary or likely consequence of any resentencing scheme.

It is also important to stress that the Committee's recommendation would, if accepted, require several stages, each of which would require the Government's support before any resentencing of IPP prisoners could occur. The enabling legislation for resentencing could only be drafted, proposed and introduced after the expert committee had recommended a resentencing scheme that the Government was willing to support. Only after the enabling legislation was scrutinised and approved by Parliament could the independent judiciary undertake the exercise of resentencing IPP prisoners.

In our view, the potential for a resentencing exercise that avoids the problems identified in the letter is yet to be adequately explored. We would therefore encourage the Government to consider again the establishment of an expert committee to explore the options for resentencing those serving IPP sentences, as recommended by our predecessor committee.

Yours sincerely,

Andy Slaughter MP
Chair, Justice Committee

⁶ Justice Committee, IPP sentences, (Third Report 2022-23; HC 266) September 2022 para 166