

Prison Reform Trust

Booklet for IPP Prisoners

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What is an IPP sentence?

IPP stands for Indeterminate Sentence for Public Protection. This sentence became law on 4 April 2005.

How did I get an IPP sentence?

The Criminal Justice Act 2003 states that IPP sentences can be given to people if they have been convicted of certain violent or sexual offences.

How does my IPP sentence work?

Your sentence is made up of two parts. The first part is called 'the tariff'. This is the time that the judge says you have to stay in prison. Your tariff is the minimum amount of time that you must stay in prison before you can be considered for release by the parole board. When your tariff finishes the parole board will review your case. They will decide whether you can be released or not. If you stay in prison this is the second part of your sentence.

Your sentence is indeterminate. This means you don't have a date that your sentence will end. You can be detained even after the tariff has ended.

For example: if you are given an IPP sentence with a five year tariff, you must stay in prison for at least five years before you can be considered for release by the parole board.

If your tariff is over three years, you will meet the parole board before your tariff finishes. This is so that they can look at your progress and decide whether to recommend you should move to an open prison.

The law changed in July 2008. If you were sentenced **after 14 July 2008** the offence must deserve at least two years of actual time in prison. This means a tariff set after this date will be for **two years or more**.

This change is not retrospective. This means it does not make a difference for people who were sentenced before 14 July 2008.

Who is the offender manager?

Your offender manager is a probation officer who will write your sentence plan and update it after review. They will also write reports for the parole board.

Who is the custody based offender supervisor?

Your custody based offender supervisor works in the prison. They will work with your offender manager to ensure you follow your sentence plan and supervise you in prison.

IPP sentenced prisoners are not managed by the lifer manager or lifer governor in the prison any more. You will have an offender manager assigned to you.

All IPP sentenced prisoners should have had a full OASys assessment by November 2008. This replaces the life sentence plan.

If you were sentenced after 7 January 2008 you may already have an OASys and a pre-sentence report completed.

If you did not have a pre-sentence report or an OASys completed before you were sentenced you will have a post-sentence report and OASys completed before your first sentence planning meeting.

When will my first sentence planning meeting be?

Your first sentence planning meeting will take place within 8-16 weeks of you being sentenced. This depends on the length of your tariff.

If your tariff is under two years, your sentence planning meeting should happen within eight weeks.

If your tariff is two years or more your sentence planning meeting should happen within 16 weeks.

Your sentence plan should be reviewed at least once a year but can be reviewed more often.

What is OASys?

OASys stands for Offender Assessment System. It is an assessment the prison service and probation service use to identify your risk factors and work out your risk of reoffending.

OASys will assess what assistance you may need, for example with drug or alcohol problems, your mental health, your education or resettlement needs. It will also identify the offending behaviour courses that you will be asked to do.

What happens once my OASys is completed?

Your OASys report will be used both during your time in prison and after you are released.

Any changes (for example if you complete offending behaviour courses or educational courses) will be recorded in your OASys report.

You should be given a copy of your OASys report.

How will I be categorised?

Your security category is about what type of prisoner you are.

You will be categorised and allocated to a prison depending on the risk identified both to security and in your OASys report.

IPP prisoners used to go to a category B prison automatically after sentencing. There is no longer a requirement for all IPP sentenced prisoners to be held in a category B prison.

Usually, people with a tariff of three years or under will be suitable for category C prisons. However, it is not automatic that you will be a category C prisoner. This will depend on your risk assessment.

Your category will be reviewed at least once a year.

If you do not agree with your category, you can ask the prison to look at it again. If you need help, you can speak to a solicitor.

There is more information in Prison Service Instruction (PSI) 07/2008.

What are offending behaviour courses?

Offending behaviour courses work on the problems that led to your offending.

Offending behaviour courses may form part of the plan for your sentence. Examples of courses you may be asked to do are:

Think First or Enhanced Thinking Skills. These are to help with thinking and solving problems

Sex Offender Treatment Programmes (SOTP). These work on sexual offending behaviour and understanding how victims feel

Controlling Anger and Learning to Manage it (CALM). This course teaches skills for managing anger and emotions.

You may not be asked to do any offending behaviour courses as you may be able to be helped in other ways, such as one- to -one work or education.

Will I have to attend offending behaviour courses even if I do not want to or if I am maintaining my innocence?

You do not have to attend offending behaviour courses if you do not want to.

The prison service cannot make you attend courses. However, offending behaviour courses form an important part of your risk assessment which impacts on:

Parole

Re-categorisation

Release on temporary licence (ROTL)

You should talk to a solicitor if you do not want to do offending behaviour courses.

When can I apply for parole?

You will not have to apply for parole. Six months before the end of your tariff the prison will start to write reports on you.

The prison will then put the reports into a dossier which will cover:

- your time in prison
- your OASys report
- your plans for release

When this is complete you will get a chance to read it and add anything you want to it. You can get a solicitor to represent you at your hearing.

When your dossier is ready a member of the parole board will read it and decide whether you should be released or whether you should be asked to attend an oral hearing with your solicitor. Once a decision has been made you will be told within 14 days. The parole board will write to you giving reasons for their decision.

The parole board look at whether you should be released. The parole board will look at many factors. Generally, they are considering whether you are a risk to the public.

What happens if I am not happy with the decision?

If you are unhappy with the decision or the reasons for the decision you should talk to your solicitor to see if you can challenge any of this.

If I do not get parole when will I have another review?

The parole board will review your case again at any time up to a maximum of two years.

What happens if the parole board decides to release me?

If the parole board decides to release you, you will be released on a licence. This means that you will be supervised by your offender manager in the community.

You will be given a copy of your licence to read. This will include conditions about what you can and cannot do. It is very important that you understand the conditions of your licence. If you do not understand you must ask somebody to explain it to you.

Unlike life sentence prisoners, who remain on licence for life, as an IPP prisoner you can apply to the parole board to have your licence removed after ten years.

Recall

You can be recalled (taken back to prison) for many reasons, for example if you:

- break any of the conditions on your licence
- are charged with another offence or commit another offence while on licence
- fail to attend appointments with your offender manager.

What happens if I am recalled?

If you are recalled to prison your offender manager will write a recall report for the parole board within 24 hours of your recall. They will write to you within five days explaining why you have been recalled. They will tell you when your recall should be reviewed. You can get a solicitor to help you.

IPP sentences and the courts

Some prisoners have gone to court about their IPP sentences. They have argued that they cannot get onto offending behaviour courses and so they cannot prove to the parole board that they are no longer a risk. Prison overcrowding and the numbers of people waiting for offending behaviour courses can mean it is very difficult for people to get on to courses.

The courts have decided that the prison service should provide people with the opportunity to reduce their risk and attend parole hearings. The courts looked at some cases called Walker, Wells and James.

These cases are generally good news as it has meant that the prison service has to provide more courses. However, it does not mean that people who have gone over their tariff and are still waiting for place on courses will be immediately released.

If you haven't been able to do an offending behaviour course or you feel there are other reasons why you have been treated unfairly, then you should contact your solicitor as soon as possible. A solicitor can advise you on your case.

Useful words

Judicial Review: this is an application to take a public body (e.g. the police, the prison service) to court to review a decision they have made.

Legal Help: this means that you may not have to pay for a legal representative or solicitor to do work for you. Legal Help requires an assessment to see if you qualify. A solicitor can do this assessment for you.

Licence/licence conditions: when a prisoner is released into supervision (see below) they have a licence which sets out conditions they must live by during their supervision. Conditions can vary depending on the offence.

MAPPA: Multi Agency Public Protection Arrangements. Prisoners are given MAPPA ratings to decide how much supervision they will need when they are released from prison. Many different departments can be involved in this including, the police, the social services, the probation service etc.

Ministry of Justice: the government department responsible for crime, sentencing, prisons etc.

National Probation Service: the department that supervises people when they are released from prison. The probation service is part of NOMS. See *also supervision*.

NOMS: National Offender Management Service. This service links up the prison service and probation service.

OASys: Offender Assessment System. OASys reports are used to assess the risk of reoffending and courses to be completed.

Offender manager: probation officers who manages prisoners throughout their sentence. This includes drafting sentence plans, reviewing sentence plans, preparing reports for the parole board and supervising people after release from prison.

Offender supervisor: an offender supervisor is a prison officers who reports to the offender managers and helps prisoners to progress through their sentence.

Offending behaviour courses: these courses are aimed at helping people with problems such as anger management, alcohol or drug abuse, domestic violence etc.

OM3: Offender Management Phase 3. This refers to the rolling out of the offender management system to IPP prisoners.

Open conditions: A prison which has low levels of security and sometimes allows prisoners to leave the prison during the day. Prisoners have to be category D status to get to an open prison and this normally occurs near the end of their sentence.

Parole board: An independent body which acts like a court and makes various decisions relating to prisoners and release.

Pre-tariff review: a parole board review that takes place before a tariff expires and makes a recommendation as to whether you should go to an open prison.

Recall: if a prisoner on licence breaches the conditions of his/her licence they can be recalled to prison.

Sentence plan: when someone first enters prison (as a convicted person) the prison assesses their needs and decides what offending behaviour courses they should complete. This is their sentence plan.

Supervision: when someone is released from prison they are normally supervised by the probation service and can have many different licence conditions imposed.

Tariff: the minimum time that an IPP or life sentence prisoner must stay in prison before they can be considered for release by the parole board. See *also parole board*.

How do I get a solicitor?

If you do not have a solicitor, the Prison Reform Trust can provide you with a list of solicitors that deal with prison law. You may be able to get a solicitor provided on legal help, which means that you will not have to pay. However, the solicitor will have to assess you to see if you qualify.

Information

You can get information on anything to do with prison from the Prison Reform Trust advice and information service.

Our address is:

Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN

You can call us on 020 7251 5070, Monday to Friday, 9.30-5.00.

You should not need to put us on your list of pin numbers.

We cannot give legal advice but we can send you a list of solicitors that might be able to help you.

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