

Police, Crime, Sentencing and Courts Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

Amendment
No.

After Clause 115

LORD BLUNKETT
LORD FALCONER OF THOROTON

208A★

Insert the following new Clause—

“Review of the arrangements for the resettlement and supervision of prisoners serving sentences of IPP: effectiveness

- (1) Within six months of the passing of this Act, the Secretary of State must lay a report before both Houses of Parliament on the effectiveness of the arrangements for the resettlement and supervision of prisoners serving sentences of imprisonment for public protection (“IPP”) released on licence.
- (2) The report must include, but not be limited to—
 - (a) an assessment of the factors underlying the rates of breach and recall of prisoners serving sentences of IPP released on licence, and what could be done to address them, including—
 - (i) the effectiveness of the arrangements for the preparation of prisoners serving sentences of IPP to be released on licence, including the adequacy of information and guidance for prisoners on licence provisions, breach of licence and the risk of recall;
 - (ii) the adequacy of existing probation service guidance on breach and recall;
 - (iii) whether more use could be made of alternatives to immediate recall to custody including electronic tagging;
 - (iv) the extent to which a failure to properly support and supervise prisoners serving sentences of IPP on release is contributing to the high proportion of this group breaching the terms of their licence and being recalled to prison.”

Member’s explanatory statement

This, along with another amendment after Clause 115 in the name of Lord Hunt of Kings Heath, is a probing amendment intended to require a review of the arrangements for the resettlement and supervision of prisoners serving sentences of IPP.

BARONESS BURT OF SOLIHULL

208B★ Insert the following new Clause—

“Review of the arrangements for the sentence progression and support of prisoners serving sentences of imprisonment for public protection: effectiveness and support

- (1) Within six months of the passing of this Act, the Secretary of State must lay a report before both Houses of Parliament on the effectiveness of the arrangements for the sentence progression and support of prisoners serving sentences of imprisonment for public protection (“IPP”), with particular reference to the effectiveness of support.
- (2) The report must include, but not be limited to—
 - (a) an assessment of the effectiveness of the provision and support available to prisoners serving sentences of IPP to enable them to progress in their sentences, including—
 - (i) offending behaviour programmes;
 - (ii) progression regimes; and
 - (iii) other aspects of the prison regime which enable prisoners serving sentences of IPP to progress and demonstrate reduced risk;
 - (b) an assessment of the welfare and mental health support available to prisoners serving sentences of IPP, including measures to reduce the risk of self-harm and self-inflicted death;
 - (c) an assessment of the provision and support available to prisoners serving sentences of IPP who have been recalled to prison to enable them to progress;
 - (d) an assessment of measures which could be taken to improve the sentence progression and rate of release of prisoners serving sentences of IPP, including—
 - (i) improvements in the efficiency and effectiveness of the parole system;
 - (ii) improvements in coordination and cooperation between the Parole Board and HMPPS;
 - (iii) altering the Parole Board release test under section 128 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and
 - (iv) improvements in the availability and effectiveness of support in the community to enable IPP prisoners to be safely released.”

Member’s explanatory statement

This is a probing amendment to require a review of the arrangements for the sentence progression and support of IPP prisoners.

LORD HUNT OF KINGS HEATH

208C★ Insert the following new Clause—

“Review of the arrangements for the resettlement and supervision of prisoners serving sentences of IPP: support and resources

After Clause 115 - continued

- (1) Within six months of the passing of this Act, the Secretary of State must lay a report before both Houses of Parliament on the effectiveness of the arrangements for the resettlement and supervision of prisoners serving sentences of imprisonment for public protection (“IPP”) released on licence, with particular reference to available support and resources.
- (2) The report must include, but not be limited to –
 - (a) an assessment of the adequacy of the resettlement support available to prisoners serving sentences of IPP released on licence for –
 - (i) housing;
 - (ii) welfare;
 - (iii) employment;
 - (iv) physical and mental health;
 - (b) an assessment of the adequacy of the training and resources available to the National Probation Service for the resettlement and supervision of prisoners serving sentences of IPP released on licence.”

Member’s explanatory statement

This, along with another amendment after Clause 115 in the name of Lord Blunkett, is a probing amendment intended to require a review of the arrangements for the resettlement and supervision of prisoners serving sentences of IPP.

LORD MOYLAN
LORD BLUNKETT

208D★ Insert the following new Clause –

“Amendments to the Crime (Sentences) Act 1997: parole

- (1) Section 31A of the Crime (Sentences) Act 1997 is amended as follows.
- (2) For subsections (3) and (4) substitute –
 - “(3) Upon –
 - (a) the prisoner’s release on licence under this Chapter, and
 - (b) the expiry of the qualifying period,
 the Secretary of State must refer the prisoner’s case to the Parole Board for consideration under subsection (4).
 - (4) Where a referral is made under subsection (3), the Parole Board must –
 - (a) if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
 - (b) otherwise dismiss the application.”
- (3) After subsection (4) insert –
 - “(4A) Where a referral made under subsection (3) has been dismissed by the Parole Board, the Secretary of State must refer the prisoner’s case to the Board no later than 12 months from the dismissal of –
 - (a) a referral under subsection (3);
 - (b) a referral under this subsection.

After Clause 115 - continued

- (4B) Where a referral is made under subsection (4A), the Parole Board –
 - (a) must, if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force, direct the Secretary of State to make an order that the licence is to cease to have effect;
 - (b) must otherwise dismiss the referral.
- (4C) When considering a referral under subsection (4A), the Board must consider the original application and any information that –
 - (a) the Secretary of State, or
 - (b) the prisoner,
 wishes to place before the Board.”
- (4) In subsection (5), for “ten” substitute “five”.

Member’s explanatory statement

This amendment would see an automatic referral to the Parole Board at the end of the qualifying period and automatic re-referral every 12 months when unsuccessful and would reduce the period before someone can apply to the Parole Board for licence termination from 10 years to 5 years.

LORD GARNIER
LORD BLUNKETT

208E★ Insert the following new Clause –

“Review of the arrangements for the sentence progression and support of prisoners serving sentences of imprisonment for public protection: opportunities

- (1) Within six months of the passing of this Act, the Secretary of State must lay a report before both Houses of Parliament on the effectiveness of the arrangements for the sentence progression and support of prisoners serving sentences of imprisonment for public protection (“IPP”), with particular reference to opportunities for prisoners.
- (2) The report must include, but not be limited to –
 - (a) an assessment of the availability of the provision and support available to prisoners serving sentences of IPP to enable them to progress in their sentences, including –
 - (i) whether there are sufficient places available for prisoners serving sentences of IPP on offending behaviour programmes;
 - (ii) whether prisoners serving sentences of IPP are able to complete offending behaviour programmes in appropriate time to aid progression milestones such as parole or recategorisation;
 - (iii) whether there are sufficient places available for prisoners serving sentences of IPP in prisons providing progression regimes; and
 - (iv) the availability of other opportunities for prisoners serving sentences of IPP to enable them to progress and demonstrate reduced risk, particular for those who have completed opportunities afforded to them by offending behaviour programmes and progression regimes.”

Member's explanatory statement

A probing amendment to require a review of the arrangements for the sentence progression and support of IPP prisoners.

Clause 140

BARONESS ARMSTRONG OF HILL TOP

226A★ Page 129, line 37, leave out “or ought to have known”

226B★ Page 129, line 40, leave out “or ought to have known”

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22 October 2021
