

The development of an induction group at HMP Belmarsh for prisoners made subject to Indeterminate Public Protection (IPP) sentences

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Abstract This practice note gives a brief overview of the history of the IPP sentence and the responses of the prison service to manage those who are subject to this sentence. It outlines the difficulties of those who are expected to demonstrate a reduction of their risk within their tariff period. It goes on to describe the setting up of an IPP Induction Group at HMP Belmarsh, the aim of which is to provide information to prisoners and to encourage and motivate them to use this information to assist them to more effectively manage their sentence. The functioning of the group is reviewed through the analysis of surveys completed by prisoners who have taken part. In the opinion of the author, the group is a worthwhile initiative which both informs and empowers the participants.

Keywords imprisonment, lifers, MAPPA/public protection, offender management, prison

Indeterminate Public Protection sentences: A history

The Criminal Justice Act 2003 introduced the Imprisonment for Public Protection (IPP) sentence. The rationale for the sentence lay in the perceived need to manage dangerous offenders who posed a high risk to the public, but whose offending did not merit a life sentence. The sentence, however, was comparable to a life sentence in that prisoners were given a 'tariff'; a minimum period of detention reflecting the seriousness of the crime. In line with the structure of the life sentence, the Parole Board was given the role of assessing whether risk has been sufficiently reduced to allow for release. In order to be released on tariff expiry offenders would be expected to

demonstrate a reduction in their risk of causing serious harm during the tariff period. The IPP licence was then to be supervised for a minimum period of ten years.

The IPP sentence proved to be immediately popular with courts; they imposed it on a scale which the legislators were unlikely to have envisaged. Arguably sentencers may have seen it as a means of imposing control on offenders who were 'difficult' rather than reserving it for the most dangerous. Judges gave a number of IPPs with very short tariffs, most notoriously one of just 28 days.

In December 2009 there were 5788 sentenced IPP and DPP (Detention for Public Protection for those under 18 years of age) prisoners of whom 99 had been released and 24 subsequently recalled. The joint inspection by HMI Prisons and HMI Probation (2010: 7) concluded that 'the current situation is not sustainable'. Whilst only 75 IPP prisoners were being managed in the community, around 70 newly sentenced IPP offenders entered the prison system nationally per week. Of those already sentenced, 2393 had passed their tariff date.

Outside observers have suggested that these numbers exceed the capacity of the prison service, the probation service and the Parole Board to deliver a quality service. The Sainsbury Centre for Mental Health (2008) concluded that 'Forecasts predicting 12,000 IPP prisoners by 2014... could be disastrous' (Rutherford et al., 2008: 58).

In response to what some saw as a corruption of the original intention of the IPP sentence the Criminal Justice and Immigration Act 2008 sought to restrict the power of courts to impose it. A new definition of 'dangerousness' was introduced along with a minimum two year tariff. Nonetheless, the sentence retained its popularity with judges and numbers in the prison system continued to rise at a rate of 20 per cent per annum (C.J. It Inspection, March 2010). At a time when the general prison population was at an all time high, the pressure to find places in identified accredited programmes grew. Legal challenges to the prison service's response to the new sentence, e.g. Secretary of State for Justice (Respondent) v James (FC) (Appellant) (formerly Walker and another) and R (on the application of Lee) (FC) (Appellant) v Secretary of State for Justice (Respondent) heightened the need to develop new ways of addressing the needs of IPP prisoners.

The role of HMP Belmarsh

HMP Belmarsh functions as both a Category A prison within the High Security Estate, and as a local prison serving local Magistrate and Crown Courts. At the time of writing, HMP Belmarsh is holding 62 Category A prisoners within a total population of 860. Although they represent a relatively small proportion of prisoners within HMP Belmarsh, the Prison's overriding concern is to ensure that escape is impossible for them.

For the past three years, HMP Belmarsh has run only one accredited group, the Short Duration Drug Programme. In November 2009, with the arrival of a new Forensic Psychology team, HMP Belmarsh ran its first Thinking Skills Programme. This is now delivered regularly for prisoners whose OASys identifies that they would benefit from undertaking work to address their risk and offending behaviour. The COVAID (Controlling of Violence in Angry Impulsive Drinkers) course for those

prisoners identified as having difficulties in controlling violent behaviour whilst under the influence of alcohol is now also being delivered.

However, from 2005 to 2009 prisoners found difficulties in gaining access to programmes which had been identified in their initial sentence plan. The majority of IPP prisoners appeared to be highly motivated to progress through their sentence but had very limited opportunities to do so. Their difficulties were exacerbated by the record numbers in custody in England and Wales (in February 2008 there were 81,681 in prisons or police cells) and by the Prison Service Orders which determined their security categorization. Initially, IPP prisoners were categorized as either Category A and Category B, in accordance the rules which also applied to lifers. This inevitably placed restrictions on the prisons to which they could be allocated. Receiving prisons, in agreement with their area managers, could also set their own criteria for accepting IPP prisoners and most had set a limit on the numbers they would hold at any one time.

In keeping with the national picture, the numbers of IPP prisoners at HMP Belmarsh grew rapidly. In March 2008 HMP Belmarsh held 70 IPP prisoners. offender supervisors at that time reported that prisoners were frustrated at their lack of opportunity to address their risk issues either at HMP Belmarsh or at another suitable prison. Whilst the number of IPP prisoners has decreased to 32 (August 2010), the same issues remain a cause for concern.

As a proactive response to these frustrations the Offender Management Unit and PTS (Psychological Therapy Services) at HMP Belmarsh developed the IPP Induction Group. This was designed to educate prisoners at the beginning of their sentences and to provide them with strategies to manage their sentence within the constraints of the existing system.

Offender Management and IPPs

In January 2007 Phase III of Offender Management came into effect. This meant that all IPP prisoners were allocated an offender manager (a community based probation officer) and an offender supervisor (based within prisons). The principles of Offender Management are to provide consistent, continuous supervision to those who pose the highest risk. Its overall aim is to reduce and manage the risk posed by dangerous offenders.

Although it was anticipated that those sentenced to IPPs were likely to be difficult and resistant prisoners, the experience of offender supervisors in HMP Belmarsh has not borne this out. IPP prisoners, in the main, appear to have welcomed the assistance and guidance provided by offender supervisors and found that the sentence planning process allowed them some sense of being able to manage their sentences.

The Offender Management Unit at HMP Belmarsh observed two major areas of concern from their initial contact with IPP prisoners:

1. That they had only a limited understanding of the IPP sentence. Most commonly, prisoners would talk of 'getting a result' at court, in the mistaken belief that their tariff actually represented a determinate sentence. This confusion was often reflected in judges' sentencing remarks, court warrants and in solicitors' letters which queried their clients' release dates.

2. Prisoners expressed a sense of hopelessness at how they would manage the sentence. Offender supervisors at HMP Belmarsh reported that IPP prisoners frequently complained of being overlooked in terms of gaining access to offending behaviour courses. They believed that they had few opportunities to demonstrate a sufficient reduction of risk to enable the Parole Board to release them on tariff.

The anecdotal concerns of offender supervisors were borne out by the IPP Survey (Damgaard-Sorensen and Trenchard, 2010). A majority of IPP prisoners rated their understanding of their sentences of being 'moderate' or less. They had 'limited understanding' of what was required in order to secure release and most men expressed only 'limited confidence' in getting through their sentence. Moreover, there was little evidence to suggest that they understood what was meant by 'risk' and 'dangerousness' – the fundamental basis of the IPP sentence.

It was in response to these deficits that the IPP Induction Group was developed.

The IPP Induction Group

The group was developed jointly by staff within the Offender Management Unit and by psychology staff seconded from Oxleas NHS Foundation Trust. Oxleas had already identified that services for IPP prisoners were under-resourced. This concurred with the opinions of offender supervisors who felt 'stuck' in their dealings with IPP prisoners. An inter-agency approach seemed to be the most appropriate and effective way of developing a groupwork programme and the first group was piloted in January 2009.

Potential participants were identified by their offender supervisors mainly in terms of their stated motivation and their willingness to attend. Attendance at the group was voluntary and there were no special criteria for selection, e.g. offence type, cognitive ability, nationality, etc. The groups have taken place in different areas of the prison, though it is now held in suitable facilities which minimize noise and disruption. Four sessions are delivered over two days. The programme has a basic structure, although timings have tended to change according to the needs of different groups.

Prior to the group starting, the facilitators have negotiated some basic ground rules such as discouraging the use of discriminatory language, allowing members to talk without interruption and a reminder of confidentiality and its limits. Group leaders have also been explicit in spelling out what the group is not: it is not an accredited programme; it is not a therapy group for individuals to explore their personal needs; and, finally, that it is not a forum for the exploration of particular offending behaviour needs such as personality disorder, addiction or interpersonal deficits.

The sessions are as follows:

Session 1

- Setting of ground rules: confidentiality, respect, disclosure, etc.
- What is an IPP sentence? What is a tariff?

- What is the history of the sentence, its context in the criminal justice system, etc?
- What is meant by public protection?
- The national picture: numbers of IPP prisoners, analysis of offences, tariff lengths, etc.
- Anonymized case study.

Session 2 – Risk assessment

- What is risk and how is it measured?
- What is the difference between static and dynamic risk factors?
- What is OASys? How does it work?
- How can risk be reduced?
- What are offending behaviour programmes and how do they relate to risk?
- Discussion – How does it feel to be assessed as high risk? How can risk be reduced?

Session 3 – Parole Board

- What is the role and function of the Parole Board?
- How do they arrive at decisions and what factors do they take into account?
- What is MAPPA?
- How does the MAPPA process work and how will it affect the life of released IPP prisoners?
- Hanson and White – a worst case scenario.

Session 4 – Case discussion

- The psychological management of IPP sentence.
- Identification of maladaptive coping.
- Development of coping skills.

The final session ends with a presentation of certificates.

Evaluation

A total of 32 prisoners have completed the programme over four workshops. All of the participants were sentenced between June 2006 and May 2009. Their tariffs ranged from two to 17 years, with the mean being approximately six years.

A pre- and post-questionnaire was developed by the PTS staff in order to evaluate the usefulness of the workshop. The survey was made up of nine questions which asked participants to rate their understanding and attitudes to the IPP sentence before and after the completion of the course.

All but one participant completed the course and filled out the questionnaire. The only man selected for the programme who did not complete the course was transferred after the first day.

The results of the questionnaires demonstrated significant and positive changes. For example, their understanding and knowledge of the IPP sentence changed from the most commonly reported 'some understanding' to a 'complete understanding' post workshop. They also reported a greater awareness of 'offending risk' as a consequence of their attendance at the workshop. Perhaps most importantly, following completion of the group approximately 80 per cent of participants felt that they were more 'confident' of coping with their sentence and of reducing their risk of re-offending in line with the principle of the IPP sentence.

Less formal feedback, in the form of conversations at the end of group sessions, would suggest that both prisoners and staff have enjoyed the workshops and found them relevant and stimulating. It is seen as one of the core roles within the Offender Management Unit and the group complements the individual work carried out by offender supervisors.

It should be noted that efforts to run specific groups for those convicted of sexual offences have so far proved unsuccessful. Potential participants have been less willing to volunteer for the course and offender supervisors have suggested that, in spite of reassurances to the contrary, they will be expected to disclose details of their offending. The possibility of an integrated group has not been pursued in the face of some resistance from both sexual and non-sexual offenders.

Conclusion

Through informal feedback from prisoners and offender supervisors, and through the more formal analysis of questionnaires, the IPP Induction Workshop appears to be an effective way of helping prisoners gain an understanding of the IPP sentence and its management. Significant changes were observed in relation to prisoners' understanding of the sentence, of offending risk and in terms of their views as to whether the IPP sentence was an appropriate and fair disposal for men who have been assessed as dangerous. Because of this it was concluded to continue to offer the IPP workshop on a regular basis.

Although the numbers of IPP prisoners within the system continues to rise, it is to be hoped that IPP prisoners who leave HMP Belmarsh having completed the course are in a better position to manage the demands of what is undoubtedly a challenging sentence.

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References

- Damgaard-Sorensen, U. and Trenchard, S.** (2010) *Development and Evaluation of an IPP Awareness Workshop for IPP Sentenced Prisoners.*

HMI Probation and HMI Prisons (2010) *Indeterminate Sentences for Public Protection: A Joint Inspection by HMI Probation and HMI Prisons*. London: HMI Probation and HMI Prisons.

Sainsbury Centre for Mental Health (2008) *In the Dark: The Mental Health Implications of Imprisonment for Public Protection*. London: Sainsbury Centre for Mental Health.

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